NBCOFF

BOARD OF ELECTION COMMISSIONERS FOR THE CITY OF CHICAGO AS A DULY CONSTITUTED ELECTORAL BOARD

Objections of: CAROL HARRIS and JOSEPH JOHNSON	)	
To the Nomination Papers of: KERNETHA JONES	)	No.: 24-EB-SBD-031
	)	Rel.: 24-EB-SBD-006
Candidate for the office of Member of the Chicago Board of Education, 5th District	)	

FINDINGS AND DECISION

The duly constituted Electoral Board, consisting of the Board of Election Commissioners for the City of Chicago, Commissioners Marisel A. Hernandez, William J. Kresse, and June A. Brown, organized by law in response to a Call issued by Marisel A. Hernandez, Chair of said Electoral Board, for the purpose of hearing and passing upon objections ("Objections") of CAROL HARRIS and JOSEPH JOHNSON ("Objectors") to the nomination papers ("Nomination Papers") of KERNETHA JONES, candidate for the office of Member of the Chicago Board of Education, 5th District ("Candidate") at the General Election to be held on Tuesday, November 5, 2024, having convened on Tuesday, July 9, 2024, at 10:30 a.m., and having heard and determined the Objections to the Nomination Papers in the above-entitled matter, finds that:

1. Objections to the Nomination Papers of the Candidate were duly and timely filed.

2. The Electoral Board was constituted under the laws of the State of Illinois.

3. A Call to the hearing on said Objections was duly issued by the Chair of the Electoral Board and served upon the members of the Electoral Board, the Objectors and the

Candidate, by registered or certified mail and by Sheriff's service, as provided by statute, or service was waived and service by email was authorized.

4. A public hearing held on these Objections commenced on Tuesday, July 9, 2024 and was continued from time to time. The Electoral Board assigned this matter to Hearing Officer Linda R. Crane for further hearings and proceedings.

5. The Objectors and the Candidate were directed by the Electoral Board's Call served upon them to appear before the Hearing Officer on the date and at the time designated in the Hearing Schedule. The following persons, among others, were present at such hearing: The Objectors, CAROL HARRIS and JOSEPH JOHNSON, and/or their Attorney, ED MULLEN; and the Candidate, KERNETHA JONES, pro se.

6. The Hearing Officer has tendered to the Electoral Board a report and recommended decision. Based upon the evidence presented, the Hearing Officer found that the Candidate failed to timely file a Statement of Economic Interests with the Cook County Clerk's Office and failed to file a receipt along with her Nomination Papers evidencing said filing with the Chicago Board of Election Commissioners in violation of ILCS 420/4A-101.5. The Hearing Officer found, therefore, that the Candidate's Nomination Papers are invalid.

7. The Electoral Board, having considered the evidence and arguments tendered by the parties and the Hearing Officer's report of recommended findings and conclusions, hereby adopts and incorporates the Hearing Officer's recommended findings and conclusions of law.

8. For the reasons stated above, the Electoral Board finds that the Objections filed in this matter should be sustained and that the Candidate's Nomination Papers are invalid.

IT IS THEREFORE ORDERED that the Objections of CAROL HARRIS and JOSEPH JOHNSON to the Nomination Papers of KERNETHA JONES, candidate for the office of Member of the Chicago Board of Education, 5th District, are hereby SUSTAINED and said Nomination Papers are hereby declared INVALID and the name of KERNETHA JONES, SHALL NOT be printed on the official ballot for the General Election to be held on Tuesday, November 5, 2024.

Dated: Chicago, Illinois, on Tuesday, August 13, 2024.

Marisel A. Hernandez, Chair

William J. Kresse, Commissioner

June A. Brown, Commissioner

NOTICE: Pursuant to Section 10-10.1 of the Election Code (10 ILCS 5/10-10.1) a party aggrieved of this decision and seeking judicial review of this decision must file a petition for judicial review with the Clerk of the Circuit Court of Cook County within 5 days after service of the decision of the Electoral Board.

BEFORE THE DULY CONSTITUTED ELECTORAL BOARD FOR THE HEARING AND PASSING UPON OF NOMINATION OBJECTIONS TO NOMINATION PAPERS OF CANDIDATES FOR ELECTION TO THE OFFICE OF MEMBER OF THE BOARD OF EDUCATION, CITY OF CHICAGO, STATE OF ILLINOIS

Carol Harris, Joseph Johnson,	)	
Petitioners-Objectors,	)	
v.	)	**24-EB-SBD-031**
Kernetha Jones,	)	
Respondent-Candidate	)	

HEARING OFFICER'S REPORT AND RECOMMENDATIONS

The Respondent Candidate, **Kernetha Jones,** has filed Nomination Papers in support of her nomination to the position of Member of the Chicago Board of Education, District 5, City of Chicago, State of Illinois to be voted upon during the upcoming General Election on November 5, 2024 (Election). The Petitioners-Objectors, **Carol Harris, Joseph Johnson,** filed a Verified Objector's Petition Objecting to the sufficiency of the Candidate's nomination papers for various reasons stated in Paragraphs 3 through 13 of their Petition. The initial hearing on the matter was held on July 9, 2024. The Objector's Attorney Ed Mullen was present and filed his Appearance. The Candidate was present and filed her Appearance, Pro Se.

At the outset of the Hearing, the contents of the file were assembled and marked as Board Exhibits A-D. Next, the Objector gave a brief description of the two issues in the Objections. First: that Ms. Jones had not filed a Statement of Economic Interest with the Cook County Clerk nor a Receipt confirming said filing with her Nomination Papers filed with the CBOE. Instead, her Nomination Papers filed with the CBOE included her original Statement of Economic Interests, not a Receipt from the Cook County Clerk, as required. Second: that the Petitions that Ms. Jones had filed did not contain the required minimum number of valid signatures; and, therefore, the Objector requested a Records Examination. No RE Directive was issued, however, because Mr. Mullen stated that he was going to file a Motion For

Summary on Judgment on the first issue before 5 p.m. on July 10th which, if successful, would render the RE unnecessary. I agreed. Ms. Jones was informed that she, too, could still file a Motion to Strike and Dismiss the objections before 5 p.m. on July 10th or, alternatively, to make her arguments for remaining on the ballot in her Response to Mr. Mullen's MSJ. A briefing schedule was set for the MSJ, commencing on Wednesday, July 10th and ending on Friday, July 12th at 5 p.m. The date of the second hearing was set for Wednesday, July 17th at 2:30 because Ms. Jones had travel plans, beginning July 18th. For that and other practical reasons, I urged Ms. Jones to retain an attorney to assist her and to represent her in her absence because an RE would be scheduled immediately if Mr. Mullen's MSJ were not granted.

The second hearing on this matter commences, as planned, on July 17, 2024, at 2:30 p.m. The attorney for the Objectors, Ed Mullens, was present; but Ms. Jones was not. We went off the record until 2:40 when the case was called for the second time; but Ms. Jones did not attend nor send anyone to represent her or to explain her absence. A review of the file disclosed that Ms. Jones had not filed a Response to the Objectors' MSJ nor had she filed a Motion to Strike and Dismiss the objections raised by the Objector's original Petition. The hearing proceeded with Mr. Mullen's recitation of support for his MSJ: namely the Illinois Governmental Ethics Act, ILCS 420/4A-101.5, which required that Candidates for the office being sought file their Statement of Economic Interests with the Cook County Clerk, which confirmed, in response to a FOIA request that it had not receive a Statement of Economic Interest from the Candidate; and *Kellogg v. Cook County Officers of the Electoral Board,* 347 Ill. App 3rd 666 (2004). Mr. Mullens argued his MSJ should be granted based on *Kellogg*, in which the First District Appellate Court held that the Board was correct to invalidate Nomination Papers in an almost identical case where the original Statement of Economic Interests was filed with the Nomination Papers instead of with the office where they were supposed to be filed. In the absence of any Response from the Candidate, I agree. No RE Directive was issued.

Based on the foregoing, I hereby submit the following recommendations to the Commissioners for their consideration.

1. That the Objector's objection based on Ms. Jones' failure to file a Statement of Economic Interests with the Cook County Clerk and a Receipt confirming same with the CBOE, be Sustained; and
2. That the name of the Candidate not be added to the ballot for the upcoming Election as a Candidate for the position of Member of the Board of Education, District 5, City of Chicago, State of Illinois.

Respectfully,

Date: August 6, 2024

By: Linda R. Crane
Linda R. Crane, Hearing Officer