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

Objections of: Frances Sapone	)	
	)	
	)	
To the Nomination	)	No.: 26-EB-SBD-016
Papers of: Kernetha Jones	)	
	)	
	)	
Candidate for the office of Member of the	)	
Chicago Board of Education, Subdivision	)	
Unspecified		

FINDINGS AND DECISION

The duly constituted Electoral Board, consisting of the Board of Election Commissioners for the City of Chicago, Commissioners Marisel A. Hernandez, June A. Brown, and Laura Kotelman, 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 Frances Sapone ("Objector") to the nomination papers ("Nomination Papers") of Kernetha Jones, candidate for the office of Member of the Chicago Board of Education, Subdivision Unspecified ("Candidate") at the General Election to be held on Tuesday, November 3, 2026, having convened on Tuesday, June 9, 2026, at 10:00 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.

1. 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 Objector 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.

3. A public hearing held on these Objections commenced on Tuesday, June 9, 2026 and was continued from time to time. The Electoral Board assigned this matter to Hearing Officer Joseph Morris for further hearings and proceedings.

4. The Objector 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 Objector, Frances Sapone, and/or her Attorney, MICHAEL J KASPER. The Candidate, Kernetha Jones, appeared *pro se*.

5. 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 petition sheets specified the district as District 5, but failed to identify the Subdistrict in which the Candidate is seeking election. The Hearing Officer found that there are no school board offices for election to District 5, but there are distinct school board subdistricts in which those offices are elected. Specifically, Candidates can either seek election from Subdistrict 5A or Subdistrict 5B, and the subdistricts must be specified in the Candidate's petition, like they are in the School Code statutes that established these elected offices. The Hearing Officer found that because the Subdistrict was not specified, petition signers were not adequately apprised as to the office the Candidate is seeking. The Hearing Officer found, therefore, that the Candidate's Nomination Papers are invalid.

6. The Electoral Board finds that the Hearing Officer's findings are consistent with the holdings in *Lewis v. Dunne*, 63 Ill. 2d 48, 344 N.E.2d 443 (1976), and *Zapolsky v. Cook County Officers Electoral Board*, 296 Ill. App. 3d 731, 695 N.E.2d 243 (1st Dist. 1998).

7. Based upon the evidence at the hearing, the Hearing Officer further found that, regardless of the office being sought in District 5, the nominating papers failed to contain a sufficient number of signatures for placement on the ballot.

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

9. 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.

[Continued on next page.]

IT IS THEREFORE ORDERED that the Objections of Frances Sapone to the Nomination Papers of Kernetha Jones, candidate for the office of Member of the Chicago Board of Education, Subdivision Unspecified, are hereby SUSTAINED, 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 3, 2026.

Dated: Tuesday, August 11, 2026.

Marisel A. Hernandez, Chair

June A. Brown, Commissioner

Laura Kotelman, 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 BOARD OF ELECTION COMMISSIONERS OF THE CITY OF CHICAGO
AS THE DULY CONSTITUTED ELECTORAL BOARD
FOR THE HEARING AND PASSING UPON OBJECTIONS
TO NOMINATION PAPERS OF CANDIDATES
FOR THE NOVEMBER 3, 2026, GENERAL ELECTION
IN THE CITY OF CHICAGO

FRANCES SAPONE, *Objector*,	)	
vs.	)	No. 26-EB-SBD-016.
KERNETHA JONES, *Candidate.*	)	Hearing Officer Morris

REPORT OF THE HEARING OFFICER

To the Board of Election Commissioners of the City of Chicago:

Hearing Officer JOSEPH A. MORRIS reports as follows:

1. This matter came before the Hearing Officer, pursuant to the Board's Call and notice, for initial hearing on June 10, 2026. The Objector was present by counsel, Michael Kasper. The Candidate was not present and it appeared that no appearance had been filed on behalf of the Candidate. Without objection by the Objector, the initial hearing was continued to June 17, 2026, at the hour of 2:30 p.m. The Hearing Officer directed the Board to issue to, and to serve upon, the Candidate due notice of the continued initial hearing.

2. This matter came before the Hearing Officer pursuant to notice for a continued initial hearing on June 17, 2026, at the hour of 2:30 p.m. The Objector was present by Kevin Morphew, who filed his appearance as additional counsel for the Objector. The Candidate was not present and

it appeared that no appearance had been filed on behalf of the Candidate. The case was called repeatedly by the Hearing Officer and the clerk. The clerk was dispatched to call the case in the corridor outside the hearing room and to telephone the offices of the Board of Elections to see if the Candidate had gone by mistake to those offices in search of the designated hearing room. The clerk reported that no one responded to the call of the case and that the receptionist of the Board reported that no one was waiting for the case in the Board's reception area. The Hearing Officer proceeded with the continued initial hearing and, without objection by the Objector, the Candidate's Nominating Papers were received into the record as Board Group Exhibit 1; the Objector's Petition was received into the record as Board Group Exhibit 2; the Board's Call, the Sheriff's Returns of Service, and the Board's notice of the continued initial hearing were received into the record as Board Group Exhibit 3; and the appearances of counsel for the Objector, their respective non-disclosure agreements and instruments waiving service other than by e-mail, and the Candidate's written instrument, dated and filed on May 26, 2026, waiving service other than by e-mail, were received into the record as Board Group Exhibit 4. The case was called again and the name of the Candidate was called again, both within and without the hearing room, and, again, neither the Candidate nor any counsel or other representative of the Candidate appeared. The Hearing Officer stated that it appeared that the Rules of the Electoral Board would require that the Candidate be defaulted for having failed to appear and to participate in the Board's proceedings; that the record was now closed; that the Hearing Officer would take the case under advisement for the preparation of a report and recommended decision to the Electoral Board; and that the case would be adjourned without the setting of a date for a further hearing. The hearing was adjourned at 2:39 p.m.

3. Subsequent to June 17, 2026, but before the Hearing Officer had prepared and filed

his report and recommended decision, the Hearing Officer was informed by staff of the Board that, while the continued initial hearing was under way in the designated hearing room, the Candidate had physically gone to offices of the Board of Elections and had there, in her proper person, filed her written appearance in the matter. It appears that, for whatever reason, the Candidate did not then proceed directly to the designated hearing room but, instead, departed from the premises of the Board.

4. The Hearing Officer inspected the Board's file in the case and there found the Candidate's written appearance in the matter, dated June 17, 2026, but not bearing the Board's time stamp.

5. On July 7, 2026, the Hearing Officer, acting *sua sponte*, entered a Case Management Order acknowledging the filing by the Candidate of her written appearance on June 17, 2026; re-opening the record; and setting the case down for a further continued initial hearing on July 14, 2026, at the hour of 12:30 p.m. in the Board's publicly-designated hearing room.

6. The Hearing Officer was subsequently informed that conflicting dates for the continued initial hearing were inadvertently communicated to the parties, although the Candidate did not attend the continued initial hearing on July 14, 2026, at the hour of 12:30 p.m.; and the Hearing Officer therefore on July 14, 2026, entered an Amended Case Management Order setting the case down for a further continued initial hearing on July 16, 2026, at 2:30 p.m. to be held in the Board's publicly designated hearing room. The clerk of the Board served a copy of the Amended Case Management Order upon the Candidate at the e-mail address set forth in the written appearance that she had filed on June 17, 2026.

7. A continued initial hearing was convened yet again in this case on July 16, 2026, at

2:30 p.m. in the Board's publicly-designated hearing room. The Objector appeared in the person of one of her counsel, John Fogarty. Again the Candidate failed to attend the continued initial hearing, either in her proper person or by counsel or any other representative.

8. The case was called repeatedly, at intervals from 2:30 p.m. until 3:12 p.m. and at no time did the Candidate or her counsel, if any, attend upon the Board. Noting that the record had been re-opened, and without objection by Objector, the Hearing Officer received into the record the Case Management Order entered on July 7, 2026, the Amended Case Management Order entered on July 14, 2026, and the certificates of service of same filed by the clerk of the Board. The record was then again closed and the matter was adjourned at 3:15 p.m. pending the preparation by the Hearing Officer of his report and recommended decision.

9. The Rules of the Board generally require attendance and participation by the parties, including at initial hearings, *see, e.g.*, Electoral Board Rules 4(b) and 4(d); and do not favor continuances, *see e.g.*, Electoral Board Rule 4(c).

10. The Board and the Hearing Officer may nonetheless waive strict compliance with the Rules when required in the interests of fairness, equity and substantial justice or when deemed necessary or helpful to the proceedings, *see, e.g.*, Electoral Board Rules 1(b)(xiv), 2(a), 3(c), and 3(e)(vii)(1). In this instance the Hearing Officer repeatedly waived such strict compliance and continued the initial hearing. The initial hearing was effectively scheduled four times; that is, initially on June 10, 2026; then continued to June 17, 2026; then continued to July 14, 2026; and then continued yet again to July 16, 2026. The Candidate attended none of those hearings.

11. On July 30, 2026, fully two weeks after the last of the four scheduled initial hearings in the case, at the hour of 8:04 p.m., the Candidate appears to have sent a unsigned e-mail message,

unaccompanied by any motion or other cognizable instrument, and devoid of any text other than its subject-line, to the Hearing Officer, the clerk of the Board, and counsel for the Objector. The e-mail message was sent from the e-mail address identified by Candidate in her written appearance and in her written Waiver of Service instrument as the e-mail address to be used in communicating with her in this case. The subject-line of her e-mail message read in full, "I, kernetha [*sic*] jones [*sic*], would like to reschedule to get on the newly elected school board. I wasn't able to make the meeting due to hazardous...." A copy of the said e-mail message is attached hereto as Exhibit A.

12. The record shows that the Candidate had notice of each hearing; that is, the original call and each subsequent notice and Case Management Order setting a day, time, and place for the continued initial hearing was duly served upon her. Yet the Candidate repeatedly, and on every occasion, failed to attend the hearing. Each hearing was scheduled to be held in the Board's publicly-announced hearing room, where every other hearing on the Board's call was held. The absence of the candidate transgressed the provisions of the Election Code and of the Board's rules, and frustrated the goals the adversarial process, by removing from the proceedings the voice of the Candidate and an advocate for her points of view. Yet the absence of the Candidate was not caused by the Board or by her adversary; rather, it was at her own election and appears to have been wholly willful. Her e-mail message of July 30, 2026, attached as Exhibit A, demonstrates that she had notice of the hearing but that for unspecified reasons (other than that some unidentified thing was "hazardous") elected not to attend it — even though the Hearing Officer, the clerks, the court reporter, counsel for other parties, and, indeed other parties with hearings on the same day and in the same place all did manage to attend.

13. The Objector's Petition challenges the Candidate's Nominating Papers on the ground

that it contains fewer that the requisite minimum number of signatures of petitioning qualified voters in the district from which the Candidate seeks election, and the Objector's Petition identifies by sheet and line the several signatures that the Objector challenged on various grounds. On the face of the Objector's Petition the objections appear to be regular and to allege proper and sufficient challenges, but in the absence of participation by the Candidate, and by reason of her absence alone, it was impossible to subject the Objector's challenges to the scrutiny of the adversarial process.

14. The Objector's Petition also alleges that the Candidate's Nominating Papers violate the statutory requirements that the Candidate properly identify the office she seeks and the district from which she seeks election, in that the Candidate's Nominating Papers, including her Statement of Candidacy and each page of petitions signed by putative electors identifies the district she seeks to represent merely as "District 5" of the "Elected School Board" or the "Chicago Board of Education", without specifying whether the district in question is District 5A or the separate and distinct District 5B (there being in fact no "District 5" for purposes of the election here at issue). Recourse to a facial examination of the Nominating Papers shows the accuracy of this objection and, in the absence of evidence to the contrary — unfurnished if, for no other cause, by reason of the failure of the Candidate to attend and to participate in these proceedings — compels the finding of fact that the Candidate did, indeed, fail properly to specify in her Nominating Papers the office she seeks and the district from which she seeks to be elected.

15. In the instant case it appears that the Candidate's nomination papers have not been filed as required by the Illinois Election Code, and the nomination papers are not in apparent conformity with the provisions the Election Code.

16. On the bases of an examination of the nomination papers and of the Objector's

Petition, the Hearing Officer recommends that the Board enter the following findings of fact:

(a) The Candidate's nomination papers fail to specify properly the office she seeks and the district she seeks to represent.

(b) The Candidate's nomination papers fail to set forth a number of valid signatures of qualified voters equal to or exceeding the minimum number of valid signatures, which in this case, whether the district in question be District 5A or District 5B, is 500.

(c) The Candidate received due notice of the hearings held in this matter and nonetheless willfully failed to attend and to participate in the Board's proceedings held for the purpose of hearing and deciding whether or not the Objector's Petition should be sustained.

17. The Hearing Officer recommends that the Board enter the following conclusions of law:

(a) By reason of her failure to attend and to participate in the Board's proceedings held herein, the Candidate claims and defenses should be, and are, defaulted.

(b) It is administratively noticed that the minimum number of petition signatures required by law for nomination in 2026 for the office of Member of the Chicago Board of Education from any district is 500.

(c) The uncontroverted evidence shows that the Candidate's nomination papers failed properly to identify the office she seeks and the district from which she seeks election.

(d) The uncontroverted evidence shows that the Candidate's nomination papers failed to set for 500 or more valid petition signatures, that is, a number that is equal to or

greater than the minimum number of petition signatures required by law for nomination in 2026 for the office of Member of the Chicago Board of Education from any district. District.

(e) The Objectors' Petition should be sustained.

(f) It appears that the Candidate's nomination papers have not been filed as required by the Illinois Election Code, and the nomination papers are not in apparent conformity with the provisions the Election Code.

(g) The Candidate's nomination papers are insufficient in law and fact.

18. The Hearing Officer recommends that the Board enter the following decision as the final administrative decision of the Board in this matter:

The name of Kernetha Jones shall not appear and shall not be printed on the ballot for election to the office of Member of the Chicago Board of Education for District 5, District 5A, or District 5B to be voted for at the General Election to be held on November 3, 2026.

Enter:

/s/ **JOSEPH A. MORRIS**

JOSEPH A. MORRIS
Hearing Officer

Dated: August 3, 2026, at 8:00 a.m.

Exhibit A

26-EB-SBD-016 REPORT AND RECOMMENDED DECISION OF THE HEARING OFFICER - 08/03/2026 8:05 am

I, kernetha Jones, would like to reschedule to get on the newly elected school board. I wasn't able to make the meeting due to hazardous...

From: Kernetha Jones (kernethajones@yahoo.com)

To: mjkasper60@mac.com; mdlrusuk@aol.com; electoralboard@chicagoelections.gov

Date: Thursday, July 30, 2026 at 08:04 PM CDT