MOOT

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

Objections of: MARY RUSSELL GARDNER	)	
To the Nomination Papers of: KERNETHA JONES	)	No.: 24-EB-SBD-006
	)	Rel.: 24-EB-SBD-031
Candidate for the office of Member of the Chicago Board of Education, 5th District, City of Chicago	)	

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 MARY RUSSELL GARDNER ("Objector") 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 legally 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 Objector and the

Candidate, by registered or certified mail and by Sheriff's service, as provided by statute, or statutory 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 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, MARY RUSSELL GARDNER, and/or her Attorneys, KEVIN MORPHEW, STEVEN H. FINE, MICHAEL KRELOFF, AND MICHAEL J. KASPER; and the Candidate, KERNETHA JONES, pro se.

6. The Board finds that this case is mooted by virtue of the decision rendered by the Electoral Board in related case 24-EB-SBD-031, wherein the Candidate's Nomination Papers were found to be invalid. Thus, the case at bar will be dismissed as moot.

[Continued on next page.]

IT IS THEREFORE ORDERED that the case at bar is dismissed as moot and, due to the outcome of related case 24-EB-SBD-031, name of KERNETHA JONES, candidate for the office of Member of the Chicago Board of Education, 5th District, City of Chicago, 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 CHICAGO BOARD OF EDUCATION

IN THE MATTER OF **MARY RUSSELL GARDNER**	)	
Petitioner-Objector	)	
	)	**Case No. 24-ED-SBD-006**
vs.	)	
KERNETHA JONES	)	
Respondent-Candidate	)	

HEARING OFFICER'S REPORT AND RECOMMENDATIONS

The Respondent Candidate, **Kernetha Jones,** has filed Nomination Papers in support of her nomination for 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 Petitioner-Objector, **MARY RUSSELL GARDNER**, filed a Verified Objector's Petition Objecting to the sufficiency of the Candidate's nomination papers for various reasons stated in Paragraphs 5 through 10 of her Petition. The initial hearing on the matter was held on July 9, 2024. The Objector's Attorney Kevin Morphew 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 sole issue in the Objector's Petition, namely, that the Petitions that Ms. Jones had filed did not contain the required minimum number of valid signatures; and requested a Records Examination. Ms. Jones stated that she intended to file a Motion to Strike and Dismiss the objections that had been alleged against her Candidacy, so a briefing schedule was set, beginning Wednesday, July 10th and ending Friday, July 12th. A Record Examination Directive was issued. I urged Ms. Jones to retain legal counsel to assist her during the RE. The next hearing was

scheduled for Wednesday, July 17th at 1:30 p.m. Subsequently, the Board delayed the scheduling of the RE pending the outcome of SBD-031 in which the Objector's attorney had file a Motion for Summary Judgement, which, if granted, would invalidate Ms. Jones' viability as a Candidate in both cases.

On Wednesday, July 17th, at 1:30 p.m., Ms. Jones did not appear at the second hearing for this matter nor did she appear at 2:30 p.m. for the second hearing for SBD-031. Ms. Jones did not file a Motion to Strike the Objector's Petition in either case. The Objector's Motion for Summary Judgement in SBD-031 was not challenged.

Subsequently, I have recommended to the Commissioners that Ms. Jones' Candidacy be invalidated due to her failure to file a Statement of Economic Interests with the Cook County Clerk nor a Receipt proving same as required by Illinois statutory and case law. It is my information and belief that an invalidation of her Candidacy, as such, in SBD-031 would render it equally invalid in this case as well.

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 sufficient number of valid signatures be Sustained due to her failure to file a substantive Motion raising defenses against said Objection; and
2. That the invalidation of Mr. Jones' Candidacy in 24-EB-SBD 031 also renders her Candidacy moot for purposes of 24-EB-SBD-006.
3. 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