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

Objections of: Norman Shropshear	)	
	)	
	)	
To the Nomination	)	No.: 11-EB-ALD-212
Papers of: Valencia "Mother Diva" Dantzler	)	
	)	Related Case: 11-EB-ALD-275
Candidate for the office of	)	
Alderman of the 4th Ward, City of Chicago	)	

FINDINGS AND DECISION

The duly constituted Electoral Board, consisting of Board of Election Commissioners of the City of Chicago Commissioners Langdon D. Neal, Richard A. Cowen, and Marisel A. Hernandez, organized by law in response to a Call issued by Langdon D. Neal, Chairman of said Electoral Board, for the purpose of hearing and passing upon objections ("Objections") of Norman Shropshear ("Objector") to the nomination papers ("Nomination Papers") of Valencia "Mother Diva" Dantzler, candidate for the office of Alderman of the 4th Ward of the City of Chicago ("Candidate") to be elected at the Municipal General Election to be held on February 22, 2011, having convened on December 6, 2010, at 9:00 a.m., in Room 800, 69 West Washington Street, Chicago, Illinois, 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 herein were duly and timely filed.

2. The said Electoral Board has been legally constituted according to the laws of the State of Illinois.

3. A Call to the hearing on said Objections was duly issued by the Chairman 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.

4. A public hearing held on these Objections commenced on December 6, 2010 and was continued from time to time.

5. The Electoral Board assigned this matter to Hearing Officer John R. Ashenden for further hearings and proceedings.

6. 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, Norman Shropshear, by attorney, Michael J. Kasper; and the Candidate, Valencia "Mother Diva" Dantzler, pro se.

7. Hearing Officer Ashenden issued a report and recommending that:

A. The Candidate's motion to dismiss arguing that the Objector's Petition was untimely filed because the last date to file an objection was November 29, 2010 be denied. The last day for filing objections was November 30, 2010 and said motion is denied.

B. The Candidate is ineligible for the office of Alderman of the 4th Ward because she is not a registered and qualified voter of the 4th Ward.

8. The Candidate filed a request to be heard before the Board pursuant to Rule 20 of the Rules of Procedure. After hearing from the parties, the Electoral Board entered an order providing:

A. The Electoral Board agrees with the Hearing Officer's recommendation that Candidate's motion to dismiss arguing that the Objector's Petition was untimely filed because the last date to file an objection was November 29, 2010 be denied. The last day for filing objections was November 30, 2010 and said motion is denied.

B. The Electoral Board disagrees with and reverses the Hearing Officer's recommended finding sustaining paragraph 14 of the Objector's Petition claiming that the Candidate is ineligible for the office of Alderman of the 4th Ward because she is not a registered and qualified voter of the 4th Ward. Based upon the evidence and arguments presented in the record, said Objection is overruled.

C. The Electoral Board remanded this matter back to a Hearing Officer solely for consideration and ruling on the objections contained in paragraphs 11, 12 and 13 of the Objector's Petition regarding the use of the words "Mother Diva" in her Nomination Papers.

D. The Candidate requested a change of Hearing Officer, claiming that the Hearing Officer originally assigned to the matter was biased against her. The Objector did not object to the Candidate's request. Despite the fact that the Electoral Board found no evidence of bias or prejudice on the part of the assigned Hearing Officer, the Electoral Board nonetheless re-assigned this matter to Hearing Officer Frank Tedesso for further proceedings consistent with this order. The Hearing Officer shall conduct such proceedings as expeditiously as possible and will notify the parties regarding scheduling.

9. Hearing Officer Tedesso has tendered to the Electoral Board his report and recommended decision. The Hearing Officer recommends that the Objections to the Candidate's Nomination Papers regarding the use of the words "Mother Diva" in her name be sustained and that the Nomination Papers be found invalid.

10. The Candidate filed a motion pursuant to Rule 20 of the Rules of Procedure to address the Electoral Board regarding the report and recommendation of the Hearing Officer.

11. A hearing pursuant to Rule was scheduled and the parties were duly noticed. However, the Candidate notified that she could not appear and asked that the Rule 20 hearing be rescheduled. Upon the Candidate's request, the Rule 20 hearing was rescheduled.

12. Candidate notified the Electoral Board that she could not attend the second scheduled Rule 20 hearing and said hearing was re-scheduled again pursuant to the Candidate's request.

13. At the third re-scheduled Rule 20 hearing, the Candidate notified the Board that once again she could not attend. The Electoral Board therefore denies the Candidate's Rule 20 motion.

14. The Electoral Board finds, for reasons stated on the record, that the Candidate has been given ample opportunity to appear and present her argument as to why the Hearing Officer's recommendation is incorrect but has failed to do so. The Electoral Board defaults the Candidate for failing to appear at several duly scheduled and noticed hearings.

15. The Electoral Board, having reviewed the record of proceedings in this matter and having considered the report and recommendations of the Hearing Officer, as well as all argument and evidence submitted by the parties, hereby adopts the Hearing Officer's recommended findings and conclusions of law. A copy of the Hearing Officer report and

recommendations is attached hereto and is incorporated herein as part of the decision of the Electoral Board.

16. For the reasons stated above, the Electoral Board sustains the Objections to the Candidate's Nomination Papers and finds that the Candidate's Nomination Papers are invalid.

IT IS THEREFORE ORDERED that the Objections of Norman Shropshear to the Nomination Papers of Valencia "Mother Diva" Dantzler, candidate for election to the office of Alderman of the 4th Ward of the City of Chicago, are hereby SUSTAINED and said Nomination Papers are hereby declared INVALID and the name of Valencia "Mother Diva" Dantzler, candidate for election to the office of Alderman of the 4th Ward of the City of Chicago, SHALL NOT be printed on the official ballot for the Municipal General Election to be held on February 22, 2010.

Dated: Chicago, Illinois, on January 13, 2010.

Langdon D. Neal, Chairman

Richard A. Cowen, Commissioner

Marisel A. Hernandez, 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 OBJECTIONS TO NOMINATION PAPERS OF CANDIDATES FOR ELECTION TO THE OFFICE OF ALDERMAN OF THE FOURTH (4TH) WARD OF THE CITY OF CHICAGO, STATE OF ILLINOIS TO BE VOTED UPON AT THE FEBRUARY 22, 2011 MUNICIPAL GENERAL ELECTION

NORMAN SHROPSHEAR,	)	
Petitioner – Objector,	)	
	)	
v.	)	**11-EB-ALD-212**
	)	
VALENCIA "MOTHER DIVA", DANTZLER,	)	
Respondent – Candidate.	)	

BOARD OF ELECTIONS
2011 JAN -4 P 12:51

HEARING OFFICER'S RECOMMENDED DECISION

1. The Respondent – Candidate, VALENCIA "MOTHER DIVA" DANTZLER, filed Nomination Papers for election to the Office of Alderman of the 4th Ward of the City of Chicago, to be voted upon at the Municipal General Election to be held on February 22, 2011.

2. Petitioner – Objector, NORMAN SHROPSHEAR, filed a timely petition objecting to the Nomination Papers of the Candidate.

3. On December 30, 2010, the Electoral Board entered an order that provides as follows:

a. The Electoral Board adopted Hearing Officer Ashenden's finding that the Objector's Petition was timely filed and Hearing Officer Ashenden's denial of the Candidate's Motion to Strike and Dismiss the Objector's Petition;

b. The Electoral Board reversed Hearing Officer Ashenden's finding sustaining paragraph 14 of the Objector's Petition claiming that the Candidate is ineligible for the Office of Alderman of the 4th Ward because she is not a registered and qualified voter of the 4th Ward. The Electoral Board overruled the objection based on paragraph 14;

c. The Electoral Board remanded the case to the Hearing Officer solely for consideration and ruling on objections contained in paragraphs 11, 12, and 13 of the Objector's Petition regarding the use of the words "Mother Diva" in her Nomination Papers; and

d. The Electoral Board granted the Candidate's request for a change of Hearing Officer even though the Board found no prejudice or bias on the part of Hearing Officer Ashenden. The Electoral Board re-assigned the case to Hearing Officer Tedesso for further proceedings consistent with the Electoral Board's order.

4. That on December 30, 2010, Electoral Board staff contacted the Candidate regarding the scheduling of a hearing on the objections contained in paragraphs 11, 12, and 13. Hearing Officer Tedesso desired to set the matter for December 31, 2010; however, the matter was set for January 3, 2011 at 4:00 p.m. due to the Candidate being out of town and her request for additional time to hire counsel.

5. That on January 2, 2011, the Hearing officer received an e-mail from the Candidate that is attached hereto and made part of the record.

6. That on January 3, 2011, the case was called at 4:15 p.m. The Candidate did not appear nor did the Candidate have an attorney present to represent her.

7. That on January 3, 2011, the Hearing Officer found the Candidate in default and proceeded to address the objections contained in paragraphs 11, 12, and 13 of the Objector's Petition.

8. Paragraphs 11, 12 and 13 of the Objector's Petition claim the Candidate's use of the terms "Mother Diva" in her Nomination Papers constitutes the use of an impermissible designation, violates Section 10-5.1 of the Election Code, and renders the Candidate's Nomination Papers invalid.

9. Section 10/5.1 of the Election Code provides in pertinent part as follows:

"In the designation of the name of a candidate on a certificate of nomination or nomination papers the candidate's given name or names, initial or initials, a nickname by which the candidate is commonly known, or a combination thereof, may be used in addition to the candidate's surname. . . . No other designation such as a political slogan, title, or degree, or nickname suggesting or implying possession of a title, degree or professional status, or similar information may be used in connection with the candidate's surname. *10 ILCS 5/10-5.1*

10. Section 10-5.1 permits the use of nicknames on the ballot. *Johnson v. Harold "Noonie" Ward, 03-EB-ALD-019, CBEC, February 5, 2003.*

11. Section 10-5.1 prohibits the use of other designations such as a political slogan, title, degree, or nickname implying the possession of a title, degree or professional status or similar information. *10 ILCS 5/10-5.1.*

12. The Appellate Court held in *Jones v. Municipal Officers Electoral Board, 112 Ill.App.3d 926, 446 N.E.2d 256 (First District, 1983)* that the Use of the title "Reverend" tainted the nomination process and required that the candidate's name be stricken from the ballot. *Jones v. Municipal Officers Electoral Board, 112 Ill.App.3d 926, 446 N.E.2d 256 (First District, 1983).* The Electoral Board has consistently followed *Jones v. Municipal Officers Electoral Board* and declared invalid the Nomination Papers of Candidate's for inclusion of a title. *Jackson v. Thompson, 91-EB-ALD-065, CBEC, January 16, 1991; Jenkins v. Thompson, 91-EB-ALD-087, CBEC, January 16, 1991.* In *Smith v. Johnson, 99-EB-ALD-026, CBEC, January 28, 1999,* Candidate's nominating petitions were declared invalid because the candidate violated Section 10-5.1 of the Election Code by listing name as "Victoria L. (Dr. J.) Johnson. *Smith v. Johnson, 99-EB-ALD-026, CBEC, January 28, 1999.*

13. The inclusion of a political slogan in the Candidate's name will result in the invalidation of the Candidate's Nomination Papers. *Slywczuk v. Joseph "the libertarian"*

Schreiner, 03-EB-ALD-026, CBEC, February 10, 2003. Candidate's nomination papers containing the name "Joseph 'the libertarian' Schreiner were invalid for being in violation of the statutory prohibition contained in 10-ILCS 5/10-5.1 forbidding the use of titles, suggestive nicknames and other variations of a candidate's name which are intended to convey political messages or slogans in order to advance the candidate's campaign. *Slywczuk v. Joseph "the libertarian" Schreiner, 03-EB-ALD-026, CBEC, February 10, 2003.* Similarly, Candidate's nominating petitions were declared invalid because the candidate violated Section 10-5.1 of the Election Code by using the phrase "C.C. For the People" on her nominating petitions. *Catherine and Streeter v. Chalmers, 99-EB-ALD-106, CBEC, January 15, 1999.*

14. Section 10-5.1 also prohibits "nicknames" that are in fact designations that communicate information about either the candidate's profession or some other type of special status in the community to those individuals who sign the candidate's nominating petitions. *Rita v. Mayden 364 Ill.App.3d 913, 847 N.E.2d 578, (Ill.App. 1 Dist., 2006).* In *Rita v. Mayden* the court addressed the question of whether the Candidate's use of the designation "THE COACH" on his nominating papers violated section 8-8.1 of the Election Code. 10 ILCS 5/8-8.1. *Rita v. Mayden 364 Ill.App.3d 913, 847 N.E.2d 578, (Ill.App. 1 Dist., 2006).* Mayden argued that the designation "THE COACH" after his name is appropriate because "THE COACH" is merely a "nickname" by which he is "commonly known" in his community. Mayden asserted that he volunteered for 20 years as a baseball coach and that as a result, he is known to "parents, players, friends, family members, and the community at large" as "the Coach." *Rita v. Mayden 364 Ill.App.3d 913, 847 N.E.2d 578, (Ill.App. 1 Dist., 2006).* The court interpreted the statutes first sentence as empowering the candidate to use his surname and certain other designations on his nominating papers; these designations include the candidate's given name, initials, or a nickname

by which the candidate is commonly known. *Rita v. Mayden 364 Ill.App.3d 913, 847 N.E.2d 578, (Ill.App. 1 Dist., 2006).* The court noted that all of the designations permitted by the first, empowering sentence of the statute are intimately related to the name or nickname used merely to identify the candidate. *Rita v. Mayden 364 Ill.App.3d 913, 847 N.E.2d 578, (Ill.App. 1 Dist., 2006).* The court found the sentence "No other designation such as a political slogan, title, or degree, or nickname suggesting or implying possession of a title, degree or professional status, or similar information may be used in connection with the candidate's surname . . ." is a clear instruction that the General Assembly sought to limit the use of designations to those explicitly provided for in the prior sentence. *Rita v. Mayden 364 Ill.App.3d 913, 847 N.E.2d 578, (Ill.App. 1 Dist., 2006)..* The Court found that the use of "the Coach" in Mayden's Nomination Papers, though not quite the same as the titular use of "Reverend" in *Jones v. Municipal Officers Electoral Board, 112 Ill.App.3d 926, 446 N.E.2d 256 (First District, 1983),* was meant to communicate information about the candidate's profession or some other type of special status in the community to those individuals who signed the candidate's nominating petitions and the inclusion of "the Coach" invalidated the Candidate's Nomination Papers. *Rita v. Mayden 364 Ill.App.3d 913, 847 N.E.2d 578, (Ill.App. 1 Dist., 2006).*

15. A "diva" is defined as a highly distinguished female singer; a prima donna. *diva. (n.d.). Collins English Dictionary - Complete & Unabridged 10th Edition. Retrieved January 01, 2011, from Dictionary.com website: http://dictionary.reference.com/browse/diva.*

16. The Hearing Officer finds that the Candidate is commonly known by the "nickname" or professional stage name of "Mother Diva". The Hearing Officer also finds that the use of the term "Mother Diva" is more than just a "nickname" used to identify the Candidate, but also is an improper designation of her status as a professional singer and entertainer denoting

her professional status and some special status in the community to those individuals who signed the Candidate's Nomination Papers.

17. The use of the designation of "Mother Diva" in her nominating papers is akin to the Candidate's use of the designation "the coach" in *Rita v. Mayden 364 Ill.App.3d 913, 847 N.E.2d 578, (Ill.App. 1 Dist., 2006),* and as such violates section 10-5.1 of the Illinois Election Code.

18. The violation of Section 10-5.1 of the Election Code for the inclusion of the improper designation of "Mother Diva" requires that the Candidate's Nomination papers be declared invalid and that the Candidate's name not appear on the ballot for Election to the Office of Alderman of the 4th Ward of the City of Chicago in that removal of the improper designation does not remove the taint from the nomination process. *Jones v. Municipal Officers Electoral Board, 112 Ill.App.3d 926, 446 N.E.2d 256 (First District, 1983); Rita v. Mayden 364 Ill.App.3d 913, 847 N.E.2d 578, (Ill.App. 1 Dist., 2006).*

19. It is the Hearing Officers recommendation that the Electoral Board find that the designation of "Mother Diva" in the Candidate's Nomination Papers be found to violate section 10-5.1, that the Candidate's Nomination Papers be declared invalid, and that the Candidate's name not appear on the February 22, 2011 Municipal General Election ballot as a Candidate for Alderman of the 4th Ward.

Hearing Officer, Frank A. Tedesso

From: Valencia "Mother Diva " Dantzler (4thwardalderperson@gmail.com)
To: ftedesso@ameritech.net;
Date: Sun, January 2, 2011 9:01:14 PM
Cc: mjkasper60@mac.com;
Subject: Valencia "Mother Diva" Dantzler (212) for hearing officer Tedesso please read re: Monday 4pm hearing

Dear Hearing Officer Tedesso,

My name is Valencia "Mother Diva" Dantzler case number 212. I am a candidate running for Alderman of the 4th ward. I am emailing you from Carnival Cruise Ship, I am a minister and a missionary I am headed to Ocho Rios Jamaica to preach and drop bibles off to our sister schools in the island for the are extremely poor. This is the reason I am unable to attend the hearing, and both of my attorneys are out of town as well.

I am e mailing you my argument. The Objector Norman Shropshear is objecting to the use of my nick name "Mother Diva" to appear on the ballot. If you check the court transcripts from December 6, December 13 and December 17, hearing officer Ashenden verbally ruled in my favor and overruled their objection to the use of my stage nick name however he never put it in writing in the recommended order, because he didn't feel it was necessary due to other rulings he recommended that were overturned by the Electoral Board. The board decided to send this case to you.

This is the only issue before you today sir. I have come so close to making the ballot and would hate to loose for something so small. According to the election code law, A candidate is allowed to use their nick name as long it is not a "political slogan" or title like Coach or Reverend. I am a talk show host and entertainer and I am known all over the world by my stage name Mother Diva. The board has already certified Che 'Rhyme Fest" Smith who is a hip hop artist running in the 20th ward and their is also another candidate who was certified on the ballot who is using the nick name "June Bug" Also William D "Will" Burns who is also a candidate running in the 4th ward is also using his nick name "Will" . Attorney Michael J. Kasper who is the attorney for Norman Shropshear is also the attorney for Will Burns. Norman Shropshear works for Will Burns and Michael J. Kasper works for them both.

What is Candidate William Burns implying? Where there's a "Will" there is an Alderman. The use of Mother Diva is not in violation of any Election State laws. I earnestly asked you sir to overruled this preposterous objection ans asked so humbly and graciously that you send a recommended order to Certify Valencia "Mother Diva" Dantzler on the ballot as a candidate for Alderman of the 4th Ward City of Chicago, County of Cook, State of Illinois. I asked this request in the name of our SAVIOUR YAHSHUA THE MESSIAH.

RESPECTFULLY YOURS
VALENCIA "MOTHER DIVA DANTZLER