NBCOFF-ALD

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

Objections of: Stephen Wilkins	)	
	)	
	)	
To the Nomination	)	No.: 11-EB-ALD-242
Papers of: Angelique Collins	)	
	)	Related Case: 11-EB-ALD-179
Candidate for the office of	)	
Alderman of the 2nd 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 Stephen Wilkins ("Objector") to the nomination papers ("Nomination Papers") of Angelique Collins, candidate for the office of Alderman of the 2nd 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 Christopher Agrella 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, Stephen Wilkins, by attorney, Marni Willenson; and the Candidate, Angelique Collins, by attorney, Andre Thapedi and Michael J. Kasper.

7. 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 Nomination Papers were invalid because the Candidate was not a registered voter in the name of Angelique Collins, the name used on her Nomination Papers. The Hearing Officer further found that the Nomination Papers were invalid in that the Candidate filed a false Statement of Candidacy in which she stated that her name was Angelique Collins when all of credible evidence presented indicated that the Candidate's name was Angelique Momon. The Hearing Officer further found that as to the issue of the Candidate's residency raised in the Objector's Petition, the Objector failed to establish that the Candidate did not reside at the address specified in her Nominating Papers and that said objection should be overruled.

8. The 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 the Hearing Officer's recommended findings and conclusions of law.

9. For the reasons stated above, the Electoral Board finds that the Candidate's Nomination Papers are invalid.

10. The Electoral Board further finds that objections were also filed against the Candidate's Nominating Papers in Related Case 11-EB-ALD-179 and that the Nomination Papers were also found to be invalid in said case.

IT IS THEREFORE ORDERED that the Objections of Stephen Wilkins to the Nomination Papers of Angelique Collins, candidate for election to the office of Alderman of the 2nd Ward of the City of Chicago, are hereby SUSTAINED and said Nomination Papers are hereby declared INVALID and the name of Angelique Collins, candidate for election to the office of Alderman of the 2nd 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, 2011.

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 THE NOMINATION PETITIONS OF CANDIDATES FOR THE FEBRUARY 22, 2011, MUNICIPAL GENERAL ELECTION FOR MAYOR, CLERK, TREASURER AND ALDERMAN IN THE CITY OF CHICAGO

STEPHEN WILKINS,

Objector

v.

ANGELIQUE COLLINS,

Candidate.

No. 11 EB-ALD-242

(Related Case: 11 EB-ALD-179)

BOARD OF ELECTION
POLLING PLACE DEPT
2010 DEC 28 A 8:51

HEARING EXAMINER'S REPORT AND RECOMMENDED DECISION

This matter first came before the hearing examiner on December 6, 2010, set on the call for 2:05 p.m., at which time it came on for hearing, with both objector and candidate appearing through counsel, each filing their appropriate appearances. A related case, *Martin L. Ritter v. Angelique Collins*, 11 EB-ALD-179 immediately preceded this matter.

The file contained the original petition papers of the candidate, seeking to be placed on the ballot for Alderman of the 2nd Ward of the City of Chicago, and the objections of the objector, which were marked as Group Exhibit A and Group Exhibit B, respectively. The proof of service of notice of the call was marked as Group Exhibit C, and the appearance of the parties marked as Group Exhibit D. Group Exhibits A through D were accepted into evidence without objection.

The objection asserted that the candidate's nomination papers were invalid because the Statement of Candidacy was false, in that the candidate did not reside where she claimed in her Statement of Candidacy, to-wit, 2159 West Warren, Chicago, and was not a registered voter at the stated address or any other address, and did not hold the name of Angelique

Collins.

At that point the hearing examiner inquired of the parties whether either side intended to file any preliminary motions, and was informed by both sides that no such motion was expected. However, given the small number of signatures the candidate needed to recover/retain in related case 11 EB ALD 179 in order to reach the minimum number of signatures required, the hearing officer decided to proceed with an evidentiary hearing first to determine the legality of the candidate's residence, proper name, and registered voter status, in that such a hearing may well be dispositive.

In addition, the companion case, 11 EB-ALD 179, raised similar residency and registered voter issues, and more obliquely raised the issue that this candidate, running under the last name of Collins, was not, in fact, a person who held the last name of Collins, such that the Statement of Candidacy was false and invalid. ALD-179 also raised line by line objections, but the matter was set for an evidentiary hearing and the record examination postponed pending the outcome of the evidentiary hearing, which was set down for December 20, 2010, at 10:00 a.m., which would take place in concert with 11 EB-ALD 179.

On December 20, 2010, at 10:00 a.m. the matter reconvened for hearing in conjunction with EB-ALD 179. In the course of discussing how these related matters were to proceed, objector's counsel in 11 EB-ALD 241 objected to the proposal that both objectors put on their case first and the candidate thereafter put on a unified response. As such, the objector in 11 EB-ALD 179 put on his case, followed by the candidate's response, followed thereafter by the objector's case in 11 EB-ALD 241 and the candidate's response.

However, at the close of all the evidence in both cases, all sides agreed to treat all

exhibits and all testimony produced in either case as a unified set of evidence equally applicable to both cases, and it was thereupon considered as such by the hearing officer.

In addition to the nomination papers and objections, accepted into evidence in both cases as Exhibits A and B, respectively, the hearing officer accepted into evidence:

Objector's Exhibit 1, a certified record from the Chicago Board of Elections that no registration record could be found for an Angelique N. Collins in Chicago;

Objector's Exhibit 2, a certified record from the Chicago Board of Elections of the voter's registration record of an Angelique N. Momon, at 3519 West Walnut, Chicago, Illinois; and

Candidate's Exhibit 1, Form 275 from the Chicago Board of Elections.

The parties also employed objector's Exhibits 3, 4 and 5, which were Facebook profile pages for an Angelique Momon, Friends of Angelique Collins, and Anazette R. Collins, respectively. These documents were marked for identification, employed in relation to the only witness called, the candidate herself, but never actually offered into evidence.

The candidate, as stated, was called to testify, and testified as to her voter registration status, her residency and her use at various times of the last names of Momon, Collins-Momon, and the use of Collins on her statement of candidacy and in her daily life.

When called to the witness stand, sworn in and asked to identify herself for the record, the candidate identified herself as Angelique Collins-Momon. The candidate further testified that she had a case presently pending in the Circuit Court of Cook County, wherein she sought to legally change her name to Collins-Momon, an event she expected to

take place January 12, 2011, prior to the pending election to which the candidate sought to have her name placed on the ballot as Collins.

Objectors produced evidence through testimony and exhibits that the candidate's Statement of Candidacy had set forth that her last name was Collins, and that she resided at 2159 West Warren, Chicago, and that the section provided where a person could indicate former names was empty/blank. The candidate testified that she was 22 years old as of the date of this hearing, was born with the name Angelique N. Momon, used Momon as her last name in all official grade school records, high school records, college records, driver's license records, passport records, lobbyist registration records, tax returns, as well as in filling out her Voter Registration Application of July, 2005, and acknowledged that she employed Momon as her last name in all legal matters, but had held herself out informally since she was a small child with friends and family as having the last name "Collins" and always felt her last name was Collins. The candidate also acknowledged that Collins was not her sister's last name, her father's last name, or her step-father's last name, but only that of her mother, an Illinois state legislator.

However, in addition to her assertion of informal use of the name Collins, the candidate also asserted that she had used Collins as her last name in her recent job hire paperwork, as her name on the nomination paperwork at issue in this matter, and that she filled in her handwritten name as Collins on Form 275, which was Candidate's Exhibit 1.

In the course of the candidate's testimony objectors provided the witness with copies of various Facebook profile pages, one for an Angelique Momon, one for Friends of Angelique Collins, and one for Anazette R. Collins. The candidate admitted that these

'screen shots' were accurate reflections of these various Facebook user account profile pages, and acknowledged she held herself out to the public in one of the Facebook accounts, with 976 'friends', as Angelique Momon, and that her mother's Facebook profile (Anazette Collins), listed the candidate, her daughter, as Angelique Momon. Finally, the candidate acknowledged that she had not linked her "Angelique Momon" profile with her "Friends of Angelique Collins" profile, and that the latter profile only started in September or October, 2010.

The candidate also asserted, in reference to Candidate's Exhibit 1, Form 275, that this form was provided the candidate on November 15, 2010, at the time the candidate attempted to change her voter registration from the Walnut address outside the 2nd Ward to the Warren address inside the 2nd Ward. However, Chicago Board of Elections Form 275 is not employed by the CBOE as a receipt given to a voter to acknowledge a change in voter registration, but rather, as a receipt given to a voter's registrar to acknowledge receipt of large numbers of voter registration documents. The candidate also indicated that she, herself, filled out the name and address portion of Form 275, and that no identification was requested of her, nor any affidavit executed by her, at the time she purportedly changed her voter registration.

It is the hearing officer's recommendation that the objection, paragraphs 2, be sustained in challenging the candidate's use of the name Angelique Collins on the Statement of Candidacy, as being false and improper.

There was simply no evidence that the candidate has ever used the name Collins in any situation in her life, other than from a period commencing shortly before or during the

nominating process and moving onward, other than the candidate's own self-serving testimony. Even as to this evidence, the candidate repeatedly contradicted herself, not the least being when she introduced herself as Collins-Momon as she was sworn in to testify, or when she testified to the fact that she was presently petitioning to have her name changed in January, 2011, not to Collins, but to Collins-Momon. Furthermore, by her actions, as well as her words, the candidate refutes her claim of holding herself out to the world, and being known by the world, as "Collins".

This hearing officer recognizes that official paperwork may be difficult to change or incorporate a person's desires to be known by another name, but the candidate failed to rebut significant evidence produced by the objectors which weighed against her claim of a common law name, even one used informally. In fact, the candidate failed to produce anything, other than Form 275, which evidences any use of the name Collins by the candidate at any time prior to her filing of her nomination papers. The candidate's lack of credibility on this issue is perhaps most evident when one considers that the candidate freely admitted that her own profile page on Facebook, an outlet completely within a person's control, lists her name to the entire internet world as Momon, rather than Collins. In addition, her mother, an individual actually named Collins, lists her daughter here as having a last name of Momon on her own Facebook page. Finally, by the candidate's own hand she was legally changing her name to Collins-Momon prior to the election, not Collins, again refuting her claim, by her own hand, that her common law preference throughout her life was to go through life as a Collins.

There is simply no credible evidence that the candidate used the name Collins in any

fashion prior to the Fall, 2010. The candidate's testimony to the contrary was not credible, and in fact contradicted itself in several places. As such, pursuant to various provisions of the Election Code, including 10 ILCS 5/7-10.2, it was incumbent on the candidate to fill out and inform the public of her former name of Momon on the Statement of Candidacy, which she failed to do.

It is the recommendation of the hearing officer to the board that the objector's paragraph 2 be sustained on this issue, that the Statement of Candidacy be declared false and invalid for this reason, further invalidating the nomination papers of this candidate.

Turning to the objection's claim as to this candidate not being properly registered to vote, and therefore having executed a false and invalid Statement of Candidacy, the objector entered Exhibit 1 into evidence, which was a certified record that there was no voter registration for anyone named Angelique Collins within the City of Chicago, and Exhibit 2, a certified voter registration for an Angelique Momon, registered at 3519 Walnut, Chicago, Illinois, evidencing that she had voted from this address as recently as February, 2010.

The candidate testified that she had lived on Honore from no later than sophomore year of high school, approximately 2003, through her move to Warren in June, 2009, (college attendance in Washington D.C. excepted). This brought forth questioning by the objectors as to why she registered to vote in 2005 at an old address on Walnut which the candidate had not lived at for years, coupled with questioning as to how the candidate continued to vote from the Walnut address which she had ceased living at since a time well prior to her eligibility to vote. The candidate testified in so many directions on her voting history as to leave this issue unanswered, alternately asserting she did vote in elections from

that address, that she did not vote, she might have voted absentee, or that even a member of her family had committed vote fraud by voting in her name. As to the question regarding how the candidate registered to vote in 2005 at a residence she no longer live at since approximately 2003 never even got a response.

However, the objectors provided evidence beyond a preponderance that the candidate was not registered to vote in the name of Angelique Collins anywhere in the City of Chicago, was not registered to vote under any name at her stated address of 2159 West Warren, and in fact was still registered to vote under the name of Angelique Momon at 3519 West Walnut, Chicago, Illinois, an address the candidate had not live in since before she was old enough to vote.

Pursuant to Section 6-54 of the Election Code, the candidate, upon assuming a new name, was thereafter required to cancel her prior voter's registration and register to vote under her new name. The objectors presented credible evidence that the candidate had not registered to vote in the name of Angelique Collins prior to her signing her Statement of Candidacy. The candidate's claim that she did attempt to re-register as Angelique Collins on November 15, 2010, and her offer of Form 275 in support of such a claim, is unpersuasive and lacks credibility, especially in light of her other, highly contradictory, testimony.

Having failed to properly register anew to vote under her newly assumed name prior to signing and filing her Statement of Candidacy, it is the proposed finding of this hearing officer that the candidate was not a registered voter at the time of filling her Statement of Candidacy and for this reason the hearing officer recommends that the board sustain the

objection, paragraph 1, on this issue, and that the board declare her nomination papers as invalid and void. *McKennie v. Moseley-Braun*, 99-EB-ALD-163 (CBEC, January 19, 1999).

Turning to the issue of the candidate's residence at the 2159 West Warren address, objectors brought forth several prior addresses where the candidate lived, one being on Walnut, another on Honore, and still another in Washington, D.C., while the candidate attended college. While the candidate stumbled repeatedly in attempting to provide a timeline, her testimony was not as bad as her efforts to explain her common law use of Collins or her voting history, although it was still, at times, somewhat contradictory. However, the objectors failed to produce sufficient evidence on this issue, and the candidate was reasonably clear to the limited extent that she evidenced she had lived at the address stated on her Statement of Candidacy since June, 2009.

It would be the hearing officer's recommendation that the objection, paragraph 3, be overruled on the issue of the candidate's residency at 2159 West Warren, Chicago.

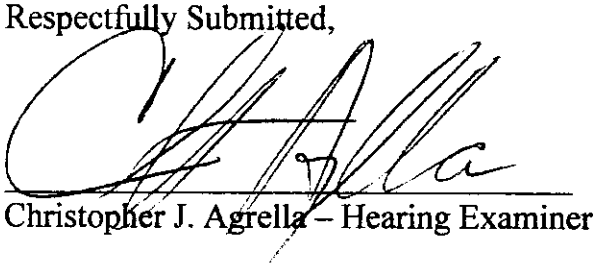
There being nothing further, it was therefore the hearing officer's recommendation, made on the record at the time, that the above stated findings and recommendations be accepted, endorsed and made final, that the objection be sustained in part and overruled in part, and that the nomination papers of the candidate be declared invalid and the candidate's name not appear on the ballot. There being no other matters at issue, the hearing examiner concluded the case.

This hearing examiner recommends to the Board that it adopt the above findings, decisions and recommendations of the hearing examiner, that the Board further sustain in part and overrule, in part, the objection and declare that said nomination papers are insufficient

and invalid in law and fact, and that this Board further declare that the name of the candidate, Angelique Collins, not appear and not be printed on the ballot for election to the office of Alderman of the 2nd Ward of the City of Chicago, to be voted upon at the February 22, 2011, Municipal General Election for Mayor, Clerk, Treasurer and Alderman in the City of Chicago.

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Respectfully Submitted,



Christopher J. Agrella – Hearing Examiner