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

Objections of: Chauncey L. Stroud	)
	)
	)
To the Nomination	) No.: 11-EB-ALD-294
Papers of: Vetress Boyce	)
	) Related Cases: 11-EB-ALD-285, 11-EB-ALD-348
Candidate for the office of	)
Alderman of the 24th 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 Chauncey L. Stroud ("Objector") to the nomination papers ("Nomination Papers") of Vetress Boyce, candidate for the office of Alderman of the 24th 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 Edwin Reyes 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, Chauncey L. Stroud, pro se, ; the Candidate, Vetress Boyce, pro se.

7. The Hearing Officer has tendered to the Electoral Board his report and recommended decision. The Hearing Officer recommends that the Objections to the Candidate's Nomination Papers be overruled.

8. 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, except with respect to the objection regarding indebtedness to the City of Chicago. 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.

9. Regarding the objection alleging that the Candidate is in arrears of an indebtedness to the City of Chicago, the Electoral Board reverses the decision of the Hearing Officer denying the Candidate's motion to strike and dismiss and hereby grants said motion and

such objection is stricken and dismissed for failing to fully state the nature of the objections under Section 20-8 of the Election Code.

10. For the reasons stated above, the Electoral Board overrules the Objections to the Candidate's Nomination Papers. Objections in Related Case 11-EB-ALD-348 will determine whether the Candidate's Nomination Papers are valid.

IT IS THEREFORE ORDERED that the Objections of Chauncey L. Stroud to the Nomination Papers of Vetress Boyce, candidate for election to the office of Alderman of the 24th Ward of the City of Chicago, are hereby OVERRULED.

Dated: Chicago, Illinois, on December 29, 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 TWENTY-FOURTH WARD OF THE CITY OF CHICAGO, STATE OF ILLINOIS

Objections of: Chauncey L. Stroud	)	
Petitioner/Objector	)	Case No.: 11-EB-ALD-294 Hearing Officer: Edwin Reyes
vs.	)	
To the Nomination Papers of: Vetress Boyce	)	
Respondent/Candidate	)	
Candidate for the Office of Alderman for the 24th Ward of the City of Chicago Democratic Party	)	

BOARD OF ELECTION
2011 DEC 20 P 3:29

HEARING OFFICER'S RECOMMENDATION

The Objector Chauncey L. Stroud objects to the Nomination Papers of Vetress Boyce alleging:

1.) The Candidate's bound nominating Petition Sheets contained a total of 151 blank (and numbered) Petitions Sheets intentionally inter-dispersed throughout her set of petitions in violation of the Illinois Election Code requiring that all Petition Sheets filed with the Election authority be original sheets which have been signed by the voters and by the circulators.

2. The Candidate by intentionally filing blank and numbered sheets numbered within her set of petitions as follows: 50-77,90-100; 120-140; 150-164; 185-230 and 250-285, fraudulently misled the Board of Elections and the public by indicating that she had filed 331 Petition Sheets containing the names of voters gathered and presented in accordance with Section 10-4 of Election Code was not only providing

"surplusage" but was acting in a manner that would open up the nominating process to abuse and violate the entire integrity of process.

3. That the Candidate is not eligible to be a Candidate for the office of Alderman of the Twenty Fourth Ward of the City of Chicago because she failed to file a Statement of Financial Interests with the City of Chicago Board of Ethics as required by the Chicago Municipal Code.

4. That the Candidate is ineligible to be a Candidate for the Office of Alderman of the Twenty Fourth Ward of the City of Chicago because she was in arrears in the payment of a tax or other indebtedness to the City of Chicago in violation of the Illinois Municipal Code (See Cinkus vs. Stickney Municipal Officers Electoral Bd, 228 ILL, 2d 200, 219-22, 886 N.E.2d, 1011, 1023-25 ILL, 2008)

5. The Candidate's Statement of Candidacy for the nonpartisan office of Alderman indicated that she was seeking the nomination of the Democratic Party in violation of the Illinois Election Code and misleading to prospective voters since the initial date of circulation.

6. The Nomination Papers contain the names of persons who did not sign the Petition Sheets in their own proper persons.... Nomination Papers contain Petition sheets with the names of person who were not validly registered voters at the time of signing the Petition at the addresses shown opposite their names, as it set forth specifically in the Appendix attached hereto and incorporated herein, under the heading Column B, "Signer not registered at the address shown."

7. The Nomination Papers contain Petition Sheets that bear circulator's Affidavits that fail to comply with the laws governing Illinois Elections for the various reasons set forth specifically at the bottom of the Appendix pages attached hereto and

incorporated herein.... the Nomination Papers contain Petition Sheets that were not circulated by the purported circulator.

8. The Nomination Papers contain Petition Sheets with notarizations that failed to comply with the laws governing Illinois Notarial Acts and Illinois Elections.

As a result of Objector's objections the Candidate through counsel filed a Motion to Dismiss Objector's Petition challenge stating: Illinois is a Fact-Pleading Jurisdiction, and Petitioner / Objector cannot rely on mere conclusions of law or fact unsupported by specific factual allegations but must allege facts sufficient to bring their claims within the scope of the cause of actions asserted Hirsch vs. Keuer, 299 ILL, App.3d 1076, 1081 (1st Dist. 1998)

The Objector filed a response to Candidate's Motion to Dismiss and the Candidate filed a reply.

With respect to the issues one and two of surplusage, in Delay vs. Ferral, 08-EB-WC-03, CBEL, December 07, 2007, the Electoral Board held, while unorthodox and not practice to be encouraged, the filing of blank sheets behind the bound sheets is not sufficient grounds for invalidating the Candidate's Petition and such sheets should be rejected as surplusage. The Candidate was in substantial compliance King vs. Justice Party, App.1 Dist. 1996, 220 ILL.Dec 83, 284 ILL.App 3d.886 672 N.E. 2d 900.

The third issue raised by the Objector that the Candidate failed to file a Statement of Financial Interests with the City of Chicago Board of Ethics. The Electoral Board has decided that they do not have jurisdiction or authority to invalidate Nomination Papers for an alleged failure to comply with the City of Chicago's Ethics Ordinance. Smith v. Tines 95 EB-ALD-024.

The Fourth issue raised by the Objector alleges that the Candidate is ineligible because she was in arrears in the payment of a tax or other indebtedness to the City of Chicago. Cinkus vs. Stickney Municipal Officers, supra.

According to the City of Chicago Ordinance 1-19-010 "Debt due and Owing" or "Debt" means a specified sum of money owed to the City for fines, penalties, fees, interests, or other types of charges or costs imposed by this code or administrative or judicial judgments after: (i) the period grated for payment has expired, (ii) the exhaustion of, or the failure to exhaust, judicial review procedures, or (iii) in the case of tax debt, an assessment has become final under Section 3-4-330 of this code.

The Objector's through the Freedom of Information Act produced a letter from the City of Chicago Department of Revenue signed by Christine M. Hoynes, Assistant FOIA Officer Department of Revenue. Attached to the letter were two pages. The first page showed that the Candidate was billed $577.16 by the City of Chicago. The Candidate paid $300.00 and there was an amount past due of $277.16, with an account balance of $279.35 that included an unbilled charge of $2.19.

The second page showed that the Candidate owed $272.74 to the City of Chicago for meter violations for 3 tickets, one outstanding, with the last notice dated October 17, 2010.

The Objectors failed to prove that there was an adjudication rendered as in Cinkus for the outstanding debts owed by the Candidate, when her Nomination Papers were filed.

The fifth issue raised by the Objector, the Candidate's Statement of Candidacy for the nonpartisan office of Alderman indicated that she was seeking the nomination of the Democratic Party. There is no evidence that he voters were confused about the Candidate's stated or unstated political affiliations... there is not enough to invalidate the Candidate's Statement of candidacy simply because it contained extraneous information

concerning the Candidate's political party affiliation were none was required Dix v. Terry, 03-EB-ALD-071, CBEC, January 31, 2003.

The remaining sixth, seventh and eighth issues raised by the Objector have no merit. The Objector presents not evidence that the Nomination Papers contain the names of persons who did not sign the Petition Sheets in their own proper persons.

The Objector presented no evidence that the Nomination Papers contain Petition Sheets that bear circulators' Affidavit that fail to comply with the laws that govern Illinois Elections.

The Objector presented no evidence that the Nomination Papers contain Petition Sheets with notarizations that fail to comply with the laws governing Illinois Notorial Acts and Illinois Elections.

Objections which have no basis in law or in fact and which are in the nature of what are commonly known as "shot-gunned" objections will be dismissed. Barton vs. Coleman, 95 EB-ALD-144, CBEL, January 28, 1995.

The Hearing Examiner recommends that the Candidate Vetress Boyce name appears on the ballot for the Alderman of the 24th Ward on the February 22, 2011 Election.

Hearing Officer,

Edwin Reyes