NBCON-ALD

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

Objections of: Cindi Sanders	)	
	)	
	)	
To the Nomination	)	No.: 11-EB-ALD-348
Papers of: Vetress Boyce	)	
	)	Related Cases: 11-EB-ALD-285,
	)	11-EB-ALD-294
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 Cindi Sanders ("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, Cindi Sanders, 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 and that the Nomination Papers be declared valid.

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

10. The Electoral Board also found that the Candidate's Nomination Papers were valid in Related Case 11-EB-ALD-294. Objections in Related Case 11-EB-ALD-285 were earlier withdrawn.

IT IS THEREFORE ORDERED that the Objections of Cindi Sanders 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 and said Nomination Papers are hereby declared VALID and the name of Vetress Boyce, candidate for election to the office of Alderman of the 24th Ward of the City of Chicago, SHALL be printed on the official ballot for the Municipal General Election to be held on February 22, 2011.

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.

COPY

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: Cindi Sanders Petitioner/Objector, 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	)	Case No.: 11-EB-ALD-348 Hearing Officer: Edwin Reyes

BOARD OF ELECTION
POLLING PLACE DEPT
2010 DEC 20 P 3:20

HEARING OFFICER'S RECOMMENDATION

The Objector Cindi Sanders objects to the Nomination Papers of Vetress Boyce, alleging:

1. The Candidates' legal name is Vetress Boyce-Johnson, however the Candidate failed to follow the mandatory directive set forth in the Election Code to with: 10 ILCS 517 -10.2.8-81 or 10-5.1 that states the Candidate must list all names during the last three years.

2. The Candidate submitted 311 Petition Sheets, however, a review of said sheets showed the approximately 50% of said sheets were blank even though each sheet including the blanks were consecutively numbered. These actions by the Candidate is a definite and deliberate attempt to thwart the election process and in essence defraud the board who takes the first and last page as being valid.

The Board did in fact put into their official record, that the Candidate submitted 311 petition pages, not realizing the fraudulent nature of the Candidate's actions. No rational person can assume the blank pages were placed in error as they were numbered. The blank sheets are numbered; 50-77, 90-99, 120-149, 150-164, 185-230 and 250-285.

With respect to the first issue, the Candidate's name change, pursuant to Sections 7-10-2, 7-17, 8-8.1, 10-5.1 and 16.3 of the Election Code (10 ILCS 5/7-10.2, 5/7 – 17, 5/8-8.1, 5/10 – 5.1 and 5/16.3), if a Candidate has changed his or her name, whether by a statutory or common law procedures in Illinois or any other jurisdiction, within 3 years before the last day for filing the Petition or Certification for that office, whichever is applicable then (i) the Candidate's name on the Petition or Certificate must be followed by "formally known as (list all prior names during the 3 year period) until name changed on (list date of each such name change)" and (ii) the Petition or Certificate must be accompanied by the Candidate's Affidavit stating the Candidate's previous names during the period specified in (i) and the date or dates each of those names were changed; failure to meet these requirements shall be grounds for denying certification of the Candidate's name for the ballot or removing the Candidate's name from the ballot.. but these requirements do not apply to name changes resulting from .... Dissolution of marriage or declaration of invalidity of marriage to assume a former surname.

The Candidate Vetress Boyce produced her dissolution of marriage papers which were dated June 20, 2007. The Objector's challenge with respect to the Candidate's name change are not valid because the Candidate's name changed as the result of a dissolution of marriage.

The Objector's second objection alleging fraud due to the Candidate's filing blank pages which were consecutively numbered, in Delay vs. Ferral, 08-EB-WC-03, CBEL, December 07, 2007, the Electoral Board held, while unorthodox and not a practice to be encouraged, the filing of blank sheets behind the bound sheets in not sufficient grounds for invalidating the Candidate's Petition and such sheets should be rejected as surplusage.

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

Hearing Officer,

Edwin Reyes