

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

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Objections of: Carmela Wimberly )  
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)  
To the Nomination ) No.: 12-EB-RGA-10  
Papers of: Vetress M. Boyce )  
)  
Candidate for the nomination of the )  
Democratic Party for the office of )  
Representative in the General Assembly of the )  
10th Representative District, State of Illinois )

**FINDINGS AND DECISION**

The duly constituted Electoral Board, consisting of Board of Election Commissioners for 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 Carmela Wimberly (“Objector”) to the nomination papers (“Nomination Papers”) of Vetress M. Boyce, candidate for the nomination of the Democratic Party for the office of Representative in the General Assembly of the 10th Representative District in the State of Illinois (“Candidate”) at the General Primary Election to be held on March 20, 2012, having convened on December 19, 2011 at 8:30 AM, 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 19, 2011 and was continued from time to time.

5. The Electoral Board assigned this matter to Hearing Officer Barbara Goodman for further hearings and proceedings.

6. The Objector and the Candidate were directed by the Electoral Board 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, Carmela Wimberly, by attorney Michael J. Kasper; and the Candidate, Vetress M. Boyce, pro se.

7. The Hearing Officer ordered that an examination of the voter registration records be conducted by clerks and agents under the Board's direction and supervision, in accordance with the laws of Illinois and the rules of the Board.

8. The Hearing Officer directed all parties to appear and be present, either personally and/or by their authorized representatives, during this records examination.

9. The Candidate and/or her duly authorized representative was present during the examination of the registration records.

10. The Objector and/or her duly authorized representative was present during the examination of the registration records.

11. The examination of the registration records was completed and the Electoral Board hereby adopts and incorporates by reference the results of the records examination conducted by its clerks and agents. The written report of the result of the registration records

examination is contained in the Electoral Board's file in this case and a copy has been provided or made available to the parties.

12. The results of the records examination indicate that:
  - A. The minimum number of valid signatures required by law for placement on the ballot for the office in question is 500;
  - B. The number of purportedly valid signatures appearing on the nominating petition filed by the Candidate total 1,431;
  - C. The number of signatures deemed invalid because of objections sustained as a result of the records examination total 971;
  - D. The remaining number of signatures deemed valid as a result of the records examination total 460.

13. The Electoral Board finds that the number of valid signatures appearing on the Candidate's nominating petition following completion of the records examination was less than the minimum number of valid signatures required by law to be placed upon the official ballot as a candidate for the nomination of the Democratic Party for the office of Representative in the General Assembly of the 10th Representative District of the State of Illinois.

14. The Hearing Officer conducted a hearing to allow the Candidate an opportunity to present evidence in support of her Rule 8 motion objecting to the Board's clerk's findings during the records examination.

15. 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 Candidate's Nomination Papers contained only 484 valid signatures, which is less than the minimum number of valid signatures required by law to be placed upon the official ballot as a

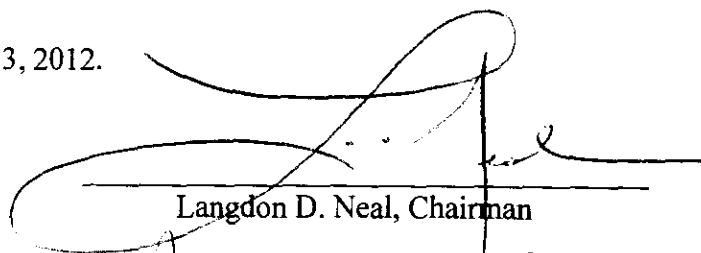
candidate for nomination of the Democratic Party for the office of Representative in the General Assembly for the 10th Representative District of the State of Illinois, and that the Candidate's Nomination Papers should be found invalid.

16. The Electoral 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. A copy of the Hearing Officer's report is attached hereto and is incorporated herein and made a part of the Electoral Board's decision in this case.

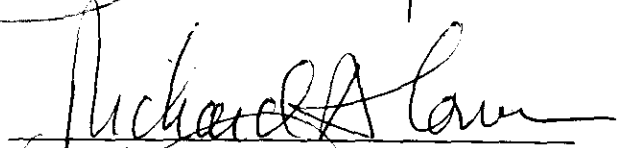
17. For the reasons stated above, the Electoral Board finds that the Candidate has an insufficient number of valid signatures on her nominating petitions and that the Nomination Papers of Vetriss M. Boyce are, therefore, invalid.

IT IS THEREFORE ORDERED that the Objections of Carmela Wimberly to the Nomination Papers of Vetress M. Boyce, candidate for election to the office of Representative in the General Assembly of the 10th Representative District of the State of Illinois are hereby SUSTAINED and said Nomination Papers are hereby declared INVALID and the name of Vetress M. Boyce, candidate for nomination of the Democratic Party for the office of Representative in the General Assembly for the 10th Representative District of the State of Illinois, SHALL NOT be printed on the official ballot for the General Primary Election to be held on March 20, 2012.

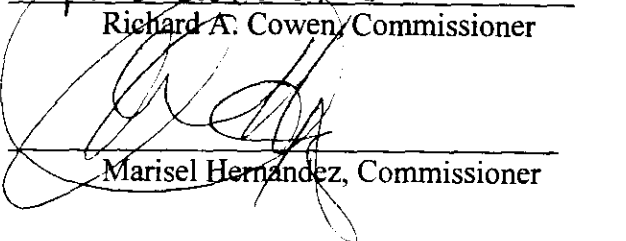
Dated: Chicago, Illinois, on January 13, 2012.



Langdon D. Neal, Chairman



Richard A. Cowen, Commissioner



Marisel 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.

**BOARD OF ELECTION COMMISSIONERS OF THE CITY OF CHICAGO  
AS THE DULY CONSTITUTED ELECTORAL BOARD FOR THE  
HEARING AND PASSING UPON OBJECTIONS  
TO NOMINATION PAPERS OF CANDIDATES  
FOR THE MARCH 20, 2012 GENERAL PRIMARY ELECTION**

CARMELA WIMBERLY )  
 )  
 Objector )  
 )  
 -v- )  
 )  
 VETRESS M. BOYCE )  
 )  
 Candidate )

12 EB RGA 10

BOARD OF ELECTIONS  
 COMMISSIONER  
 2012 JAN - 9 A 9:20

**HEARING EXAMINER'S REPORT AND RECOMMENDED DECISION**

This matter was first heard on December 19, 2011. The Objector appeared through counsel Michael Kasper and Kevin Morphew. The candidate appeared pro se. The parties were given the opportunity to file preliminary motions. Neither party submitted preliminary motions. The matter was scheduled for further hearing.

The objections concerned allegations regarding the sufficiency of the signatures contained in the nominating papers and required a records examination. A records examination was conducted and the results were as follows:

- A. The minimum number of valid signatures required by law for placement on the ballot for the office in question is 500.
- B. The number of purportedly valid signatures appearing on the nominating petition filed by the Candidate total 1,431.

- C. The number of signatures deemed invalid because of objections sustained in the records examination total 971.
- D. The remaining number of signatures deemed valid as a result of the records examination total 460.

The results of the records examination established that the candidate had 40 signatures less than the required number of signatures for placement on the ballot. Both parties filed motions pursuant to Rule 8 of the Board's Rules of Procedure (Rule 8) and the matter was set for further hearing on the Rule 8 Motions.

#### Candidate's Rule 8 Motion

At the hearing, the candidate submitted Affidavits by Certification in the form attached hereto. The affidavits were certified under 1-109 of the Illinois Code of Civil Procedure and not notarized. The Objector challenged the wording of the Affidavit. Of particular concern were paragraphs 2a and 2b which read as follows:

" 2a. That I have examined the signature on sheet \_\_\_\_, line \_\_\_\_ of the of seeking to put the question on the ballot and acknowledge that **that is my true signature**

**OR**

2b. That I have examined the writing on sheet \_\_\_\_, line \_\_ of the back door referendum petitions of seeking to put the question on the ballot and acknowledge that **that is my name as I personally printed it."**

The Objector objected to the affidavits because they referred to a referendum to be placed on the ballot and because they were worded in the alternative. Although the substance of the Affidavit could not be used as it was confusing and contradictory, each

of the Affidavits contained sample signatures which were useful in a comparison of the signatures with the nominating papers and registration records.

The attached list contains the name of the signer, the sheet and line where the signature is contained and the ruling after the Rule 8 hearing. The list also contains designations where the candidate has submitted an affidavit of the purported signer. The candidate's affidavits begin with the letter C-. The Objector, in some instances, submitted exhibits which provide all of the names of the registered voters at the address indicated on the nominating papers for a particular signer. The Objector's exhibits begin with the letter O- . The other designations on the list are more fully explained below.

In the instances where the objection was sustained in the records examination on the basis of the signer not being registered and the candidate submitted a registration record which established that the signer of the nominating papers was a registered voter, the ruling was changed from sustained to overruled. Those rulings are indicated on the attached list with the designation RO next to the respective sheet and line numbers.

In the instances where the objection was sustained in the records examination on the basis of the signer not being registered and no matching registration record was produced, there was no change in the rulings. Those instances are indicated with the designation "RNC". In some of those instances the candidate submitted an affidavit which did not serve to establish the registration status of the particular signer.

In the instances where the original ruling was based upon the genuineness of the signature and the candidate submitted insufficient evidence to establish that the signature on the nominating papers, the signature on the affidavit and the registration



record were of the same signer, there was no change in the ruling from the records examination and those signatures are indicated in the attached list with the designation "NC" next to the respective sheet and line numbers.

In one instance, the ruling at the records examination was "overruled" and there was no change as a result of that signature already having been considered valid. That instance is indicated with the designation "NC -AO" next to the respective sheet and line number meaning no change – already overruled.

In eight (8) instances, before all of the evidence was brought before this hearing officer, the Objector conceded that the ruling should be changed. In three (3) other instances where the ruling had been taken under advisement, the Objector further conceded that those rulings should be changed from sustained to overruled. Those instances are indicated in the attached list with the designation "OAgreed" next to the respective sheet and line numbers which resulted in the rulings being changed from sustained to overruled.

At the conclusion of Candidate's Rule 8 hearing, the Candidate gained twenty-four (24) signatures. The final result was that the Candidate had 484 valid signatures, said number being sixteen (16) below the minimum number of signatures required. The Objector rested without presenting evidence pursuant to her Rule 8 motion.

### **CONCLUSION**

In light of the foregoing, it is my recommendation that the objections of Carmela Wimberly to the nominating papers of Vetress M. Boyce be sustained in conformity with the results of the records examination and subsequent rulings in the Rule 8 hearing. It is my further recommendation that candidate Vetress M. Boyce's nominating papers be

deemed **invalid** and that the name of candidate Vetress M. Boyce for the Democratic nomination to the office of Representative in the 10<sup>th</sup> Representative District **NOT** be printed on the ballot at the March 20, 2012 General Primary Election.

Respectfully submitted,

*Barbara Goodman /s/*

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Barbara Goodman, Hearing Examiner  
1/8/12

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STATE OF ILLINOIS )  
 ) SS.  
COUNTY OF COOK )

### AFFIDAVIT BY CERTIFICATION

Onzell Hale, on my oath and under penalties of perjury, state as follows:

- 1. That I am a registered voter residing at 4032 W. Adams Chicago, Illinois in the 10th Representative District of the City of Chicago. In December, 2011, I executed a Petition to place Vetrress Boyce on the ballot of the March 20, 2012 Primary Election for the office of Representative of the General Assembly, 10th District.
- 2a. That I have examined the signature on sheet 24, line 3 of the of seeking to put the question on the ballot and acknowledge that **that is my true signature.**

### OR

- 2b. That I have examined the writing on sheet 24, line 3 of the back door referendum petitions of seeking to put the question on the ballot and acknowledge that **that is my name as I personally printed it.**
- 3. That my date of birth is 6/14/79 and the last 4 digits of my Social Security Number are 6403.  
(month, date and year)
- 4. That the below line contains a sample of my handprinted signature:

ONZELL HALE - Washington  
(printed signature)

- 5. That the below three lines contain samples of my script or cursive handwritten signature:

Onzell Hale - Washington  
(signature)

Onzell Hale - Washington  
(signature)

Onzell Hale - Washington  
(signature)

### CERTIFICATION

By signing my name below I certify, on my oath, under the felony penalties of perjury as provided by section 1-109 of the Illinois Code of Civil Procedure, that I have personal knowledge of the facts stated above. that the facts set forth in this affidavit are true and correct and that I believe that they are true.

Date 1/3/12

Onzell Hale - Washington  
(signature)

1	Eric Evans	1,14	OAgreed
2	Jeffrey Smith	5,3	RNC
3	Vanessa Johnson	9,2	RNC
4	Gradius James	9,19	RO C-1
5	Patrice Carter	17,15	RNC
6	Herbert Lee Proffit	19,14	OAgreed
7	Anzell Hale Washington	24,3	RO C-2
8	Gloria Hampton	24,14	RNC
9	Louis Mitchum	26,5	O C-3
10	Fred Davis Friedman	29,4	RO
11	Patricia (Married name)	31,10	OAgreed
12	Jacqueline Evans	44,2	RNC O-1
13	Darrylneka Johnson	46,14	RNC O-2
14	John Loggins	48,6	OAgreed C-4
15	Vernetta Brown	51,6	OAgreed
16	Ebony Fay Murray	51,7	OAgreed
17	Irma Williams	54,3	NC C-5
18	(Incomplete Address)	55,20	RO
19	John Henderson	58,10	O C-6
20	Marcus Jones	58,2	NC O-3
21	Robert Henderson	58,13	O C-7
22	David Smith	60,17	NC O-4

23	David Williams	62,9	RNC	O-5
24	Eric Taylor	63,8	RNC	
25	Claudell Herron	65,12	NC	C-8
26	William Jones	69,9	RNC	O-6
27	(Not Registered)	72,1	RNC	O-7
28	Barbara Perry	75,15	NC	C-9
29	Anthony Pearson	76,12	O	C-10
30	Malcolm Anderson	78,19	RNC	
31	Tiera Alford	79,2	O	C-11
32	Tiffany Burger	79,20	RO	
33	John Williams	81,6	RNC	C-12
34	Donna Anderson	82,2	OAgreed	
35	Carla Brown	82,6	NC	C-13
36	Lucretia Hampton	82,9	NC	C-14
37	Debra Jackson	82,11	NC	C-15
38	Darlene Jones	82,17	O	C-16
39	Fannie Cobbs	83,1	NC	-AO
40	Darlene Mitchell	83,5	OAgreed	
41	Mack Weisenberg (Weisenger)	83,7	O	C-17
42	Jessica Smith	85,9	NC	C-18
43	Louis Mitchum	86,5	OAgreed	

44	Kashia Hunt	86,6	OAgreed C-19
45	Sylvester Warren	88,5	RNC O-9/C-20
46	Allen Ousley	88-6	NC C-21
47	Latosha Smith	91-4	RO

Additional Exhibits marked

North Kilpatrick Objector's 8-A

West Kilpatrick Objector's 8-B