



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

January 13, 2017

Via electronic mail
Ms. Diane Benjamin
blnnews@yahoo.com

RE: Open Meetings Act Request for Review – 2016 PAC 45469

Dear Ms. Benjamin:

The Public Access Bureau has received the enclosed response to your Request for Review from City of Bloomington Board of Election Commissioners (Board). Additional confidential documents provided to the Public Access Counselor have been withheld.

You may, but are not required to, reply in writing to the public body's response. If you choose to reply, you must submit your reply to this office within 7 working days of your receipt of this letter. 5 ILCS 120/3.5(c) (West 2015 Supp.). Please send a copy of your reply to the Board as well.

If you have questions about this matter, please contact me at (217) 524-7958.

Very truly yours,

A handwritten signature in cursive script that reads "Laura S. Harter".

LAURA S. HARTER
Assistant Attorney General
Public Access Bureau

Enclosure

cc: Mr. Paul Shannon, Executive Director (will receive letter only)
Board of Election Commission
115 East Washington Street, Room 403
PO Box 2400
Bloomington, Illinois 61702

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FOIA/OMA

Board of Election Commissioners

Paul Shannon, Executive Director

JUDY GREEN, DENISE WILLIAMS, Commissioners

Government Center, 115 E. Washington St., Room 403

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Assistant Executive Director

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**Bloomington Board Of Election Commissioners' Response To
OMA Request For Review - 2016 PAC 45469**

On December 5th, 2016 there was a hearing of the Bloomington Electoral Board held pursuant to sections 10-9 and 10-10 of the Illinois Election Code (10 ILCS 5/10-9 and 10-10). The purpose of the hearing was to hear testimony from an Objector who had objected to the nomination petitions which had been filed by a candidate for Mayor of the City of Bloomington. The nomination petitions had been filed with the Bloomington Election Commission. The candidate for mayor and the Objector had been notified of the hearing pursuant to section 10-10 of the Election Code and the candidate and his attorney were present and the Objector was present as well as a court reporter to transcribe the testimony. However, when the Electoral Board attempted to begin its hearing two or more members of public in attendance became loud and disruptive shouting that the Board should not meet because an agenda had not been posted of the meeting. This Electoral Board hearing is considered a meeting by the Open Meetings Act and is termed a Special Meeting by the Bloomington Election Commission (agenda attached with no public comment section included). This is the second time in my 7 years as the Director of the Election Commission that this office has held an Electoral Board Hearing. I forgot to post the agenda.

The video from the hearing shows the disruption between certain members of the public and the Board's attorney. Because of the disruption, the Electoral Board could not discuss how to proceed. I was directed to request the Sheriff's office to send an officer to try to control the situation so the Electoral Board hearing could progress. While waiting for the officer to arrive, the Electoral Board members and their attorney removed themselves from the meeting room to my office. No business was discussed there. A discussion concerning the retirement party for one of the Election Commissioners that was to be held on the afternoon of December 6, was the only subject discussed. Since this was not a closed session, there are no minutes or recording.

After the officer arrived, the Electoral Board members reconvened and admitted that an agenda was not posted for the Electoral Board hearing and notified all those present that the hearing would not take place and would be held on December 12th, and no business was conducted.

The Objector and Candidate were served again with the required Notice and an agenda was posted for the Electoral Board Hearing to be held on December 12th (agenda attached with public comment section included). Section 10-10 of the Election Code states that on the first day of an electoral board



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meeting the Board shall adopt rules of procedure for the introduction of evidence, the presentation of arguments and for conducting the hearing. On the agenda for the hearing it states Adoption of Rules. The Chairman of the Electoral Board thought that there needed to be a separate rule for public comment during an Electoral Board hearing and, therefore, a rule concerning public comment was adopted in addition to the adoption of the Rules of Procedure that are required by ILCS 5/10-10.

I have also included a copy of the January Board Meeting agenda to be held on January 5, 2017. In it the Commission will adopt a Public Comment policy for all regularly scheduled meetings. Up to this time the Commission has been very welcoming to public comment and has not restricted it in any way.

If you have any other questions or need additional information, please contact me or chairperson, Denise M. Williams. Thank you.

Respectfully submitted,

Paul Shannon, Executive Director
of the Bloomington Election Commission