

Due Process for petition filers

Stan Nord <snord@normal.org>

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To: Angie Huonker <ahuonker@normal.org>;Tierra Shickel <tshickel@normal.org>;Jodi Pomis <jpomis@normal.org>;Tara Beall <tbeall@normal.org>;quickbrite.1@gmail.com <quickbrite.1@gmail.com>;normallycharles@hotmail.com <normallycharles@hotmail.com>;a_conklin28@ymail.com <a_conklin28@ymail.com>

Normal Clerk's Office and those whose nomination petitions have not been published with the other petition fillers.

The petitions filed on Nov. 28th for town clerk, collector, and supervisor are not published on the Town's website with the other petitions that were filed during the election filing window. Hopefully, this was an over-site and is NOT hinting that a ruling has been made by someone outside of the electoral board process to deny ballot access. Without publishing ALL of the petitions filed, those who may wish to file objections to these unpublished petitions may argue they are being denied their right to review election petitions during the statutory objection window by the town simply because a different publishing protocol is being used with them.

Regardless of whether anyone believes these offices are supposed to be on the April 2023 ballot or not the individuals who filed these petitions have due process rights. The 2019 Electoral Boards Manual, provided by the Bloomington Election Commission, outlines the process for handling petitions filed for offices that do not exist within a given election district (2019-4.2.5.5.9 Does not exist in this district – <https://bloomingtonelectionsil.gov/wp-content/uploads/2019/12/Should-I-File-A-Petition-Objection.pdf>). The open and transparent action is for an objection to be filed and it goes to the electoral board for a proper ruling. These individuals are entitled to due process and a written explanation from the proper adjudicating body explaining why their nomination papers were ruled invalid. Any closed-door deliberation and decisions may violate the Open Meetings Act.

I am not accusing the clerk's office, which currently does not report directly to the public, of any wrongdoing at this time. My intent is to ensure you are aware that it is a felony to knowingly prevent any person from being nominated for elected public office. I don't believe an adequate defense against any felony charge is "my boss instructed me to commit it," if that were the case.

As you may know, earlier this year the Town of Normal went through great effort to make crystal clear in the eyes of the law that Normal is officially an incorporated town regardless of how the town operates. Circuit Court Judge Kording validated Normal's incorporated town status. It was brought up several times that being an incorporated town means Normal is missing elected offices that are required for "each," "every," and "all incorporated towns." If the incorporated town residents of Normal are entitled to any, or all, of these offices being elected, then the incorporated town of Normal should comply with the law. Doing otherwise is preventing full suffrage rights to the electorate of Normal. I will advocate for the over 54k residents of Normal to ensure they are not being unlawfully prevented from voting for, standing for, and having the full set of elected public representative offices to which they are entitled to have for residing in and paying taxes to an incorporated town. Remember the phrase taxation without representation, in this case, 'full representation' is the question.

This situation was predicted multiple times over the past few months by many people including at the Electoral Board Hearing in Circuit Court, multiple times during recorded council meetings, and via emails to the Town Attorney, Manager, Council, and Mayor. It is unfortunate that individuals chose not to address this earlier. You may be in a difficult position of pleasing your boss v. serving the greater public interest. Don't compromise your integrity just to help keep public offices and people off the ballot that your boss or Mayor may deem undesirable. Let a judge or proper adjudicating body rule if these elected offices are supposed to exist in Normal or explain why not.

Below are several citations for why many of the 54k+ residents of Normal believe the electorate in Normal is entitled to have the elected offices of clerk, collector, and supervisor and the code about it being a felony to knowingly prevent someone from being nominated for elected public office.

“And so it might be that the Municipality of Normal is not in compliance with Section 3.1-25-95. I am not sure on that. I would agree it looks that way. It looks like the Municipality is not in compliance with that... None of these parties seem to be disputing that the Town of Normal does not comply with Section 3.1-25-95 of the Municipal Code, in that it doesn't elect 80 percent of the five officers that that section says should be elected. But the Town of Normal is not a party to this case.” Judge Kording (Siracuse v Dullard, 2022-MR-141)

Sec. 3.1-25-95. Incorporated town officers. For the general municipal election to be held in the year 1985 in every incorporated town with a population of 25,000 or more by the last official census, and every 4 years thereafter, the municipal clerk shall certify the names of the candidates to the proper election authority as provided by the general election law. A president, a clerk, an assessor, a collector, and a supervisor shall be elected for a term of 4 years and until their successors are elected and have qualified. Whenever a vacancy occurs in the office of any of the specified officers, the vacancy shall be filled for the remainder of the term at the next general municipal election in that incorporated town... (65 ILCS 5/3.1-25-95)

Sec. 3.1-25-90. Election or appointment of clerk; term; vacancy. Any village of fewer than 5,000 inhabitants may, by resolution adopted by not less than two-thirds of the village board, choose to have a clerk appointed by the village president with the concurrence of the village board. Otherwise, at the election for trustees in each village and incorporated town, whether incorporated under a general or special Act (other than a village that was incorporated under a special Act and that adopts Section 3.1-30-25), a clerk of the village or incorporated town shall be elected who shall hold office for a term of the same length of time as provided in this Article 31 for the mayor in a city, except that any such village or incorporated town that, before January 1, 1942, has adopted a 2 year term for village clerk shall continue to elect a village clerk for a term of 2 years. Whenever a vacancy in the office of a clerk elected under this Section occurs during the term, the vacancy shall be filled for the remainder of the term at the next general municipal election... (65 ILCS 5/3.1-25-90)

NOTICE:

It is a Class 4 felony to knowingly prevent the lawful nomination of any person to elected public office.

“Sec. 29-4. Prevention of voting or candidate support. Any person who, by force, intimidation, threat, deception or forgery, knowingly prevents any other person from (a) registering to vote, or (b) lawfully voting, supporting or opposing the nomination or election of any person for public office or any public question voted upon at any election, shall be guilty of a Class 4 felony.” (10 ILCS 5/29-4) (from Ch. 46, par. 29-4) (Source: P.A. 78-887.)

Thank you,

Stan

Stan Nord, Normal Town Council Representative

309-242-2495 phone

snord@normal.org

*** Communications to and from this email account are subject to the Freedom of Information Act (FOIA).

*** I am communicating with you as an individual. I am not speaking on behalf of the council and/or mayor.

*** The mayor, town manager and/or council may be included in this communication for openness and transparency.