

School Ballot Questions Explained & Explored



**LEAGUE OF WOMEN VOTERS OF OAK
PARK AND RIVER FOREST**

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Outline



1. Introduction
2. Ballot Questions
3. Backdoor Referenda
4. Limiting Rate Increase Referenda
5. Election Interference
6. Getting and Staying on the Ballot as a Candidate

Ballot Questions



DIRECT DEMOCRACY

Ballot Questions



- A ballot question is also known as a referendum, or referenda in plural
- Direct question of public policy posed to voters
- Input on important issues, potential veto of government action
- Government initiated or voter initiated, with limitations

Backdoor Referenda



**VOTER APPROVAL OF CERTAIN
SCHOOL DISTRICT ACTIONS**

Relevant Statutes



- **The Election Code (10 ILCS 5)**
 - Article 28: General election law governing all public policy referenda
 - Article 9: Campaign expenditures
- **The School Code (105 ILCS 5)**
 - Article 9: Covers the notice of election for tax rate increases and the number of propositions that may be combined on one ballot
 - Various sections of the School Code authorized School Board actions only with the approval of voters, including increases in tax rates (Article 17), issuance of building bonds (Article 19), and working cash fund bonds (Article 20).
- **Local Government Debt Reform Act (30 ILCS 350)**
 - Article 5 describes an alternative procedure for instituting backdoor referenda
- **The State Officials and Employees Ethics Act (5 ILCS 430)**
 - Limits the use of public funds in communications regarding public policy referenda

What is a “backdoor” referendum?



- The submission of a question to the voters of the School District, initiated by a petition signed by voters of the School District, to determine whether a resolution already passed by the School Board (e.g., bond issuance) will take effect.
- If there is a referendum, the outcome of the referendum is legally binding on the School District.
- If the voters fail to initiate a referendum, then the School Board can execute the resolution (e.g., move forward with issuing bonds).
 - The bond issuance “sneaks through the back door” unless the voters close the door.

When is a backdoor referendum possible?



- **Working Cash Fund Bonds**
 - Bonds to create or increase a working cash fund balance.
- **Funding Bonds**
 - Issued in order to pay teachers' orders or claims including lease obligations that a School District cannot meet from current revenues.
- **Alternative Revenue Bonds**
 - Bonds issued under the Local Government Debt Reform Act with the general obligation of the School District serving as backup security for the bonds.

Backdoor Referendum Process Example



1. School Board passes a resolution to issue a Working Cash Fund Bond
 - Resolution should include:
 - The authority under which the bonds are proposed.
 - The nature of the project or purpose for the funds.
 - The estimated total cost of the project or purpose, including all items related to financing the project or purpose.
 - The maximum amount of bonds authorized to be issued.
 - To allow a backdoor referenda to be on the ballot during the next regularly scheduled election, the resolution must be passed, at the latest, 109 days before the election.
 - This allows for the 30 day petition period for the backdoor referenda and the School District Secretary certifying the proposition to the election authorities 79 days before the election (10 ILCS 5/28-2).

Backdoor Referendum Process



2. School Board publishes notice of intent to issue bonds in a newspaper of general circulation in the School District
 - The notice must include:
 - The intention of the School District to issue bonds in accordance with Section 20 of the School Code.
 - The time within which a petition may be filed requesting the question of issuing the bonds be submitted to a referendum.
 - The specific number of voters required to sign the petition.
 - The date of the prospective referendum .
 - The School District may, but is not required to, post the notice on its website.

Backdoor Referendum Process



3. The Secretary of the School District needs to provide a petition form to any individual requesting one within 30 days of the publication of the notice of intent to issue bonds.
4. Scenario 1: No petition for a referendum is filed (or the petition was invalid – i.e., did not contain sufficient number of signatures)
 - Then the School Board can issue the bonds proposed in the resolution without further public approval.
 - School Board may adopt additional resolutions or amend the original authorizing ordinance so long as the maximum amount of bonds is not exceeded and there is no material change in the project or purpose described in the authorizing resolution.

Backdoor Referendum Process



5. Scenario 2: A petition for referendum is filed
 - The Petition must:
 - be signed by registered voters of the School District equal to 10% of the registered voters of the School District
 - be filed with the Secretary of the School District within 30 days after publication of notice of intent to issue bonds
 - The Secretary/Recording Officer must certify the proposition to the election authorities.
 - This must be done within 79 days before a regularly scheduled election
 - The wording of the question must be included
 - If a majority of the voters approve of the bonds in the referendum, then the School District may issue said bonds.
 - This approval remains for 3 years after the end of the petition period for the backdoor referendum.
 - If a majority of voters do not approve of the bonds in the referendum, the bonds may not be issued.

Wording of the referendum proposition



- The School Code (105 ILCS 5/20-7) requires that the wording of the referendum proposition be substantially similar to:

OFFICIAL BALLOT

Shall the Board of... of School District number.... County, Illinois, be authorized to issue bonds for a working cash fund as provided by Article 20 of the School Code?	Yes
	No

Wording of the referendum proposition



- **Examples:**
 - Potential Wording of OPRF District 200 referendum:
 - ✦ Shall the Oak Park and River Forest High School District 200 Board of Education be authorized to issue \$17,500,000 bonds for a working cash fund as provided by Article 20 of the School Code?
 - School District # 502 in the 2010 Gubernatorial General Election:
 - ✦ Shall the Board of Trustees of DuPage Community College District No. 502, Counties of DuPage, Cook, and Will and State of Illinois (commonly known and referred to as College of DuPage), be authorized to build and equip community college buildings and additions thereto, alter, renovate, repair and/or demolish outdated community college buildings, improve and equip land for community college purposes and install technology, such projects to include, but not limited to, construction of parking structures, completion of the Homeland Security Education and Training Institute, renovation of the COD Library, the McAninch Arts Center and the Physical Education Center and other related improvements and issue bonds of said Community College District to the amount of \$168,000,000 for the purpose paying the costs thereof?

When will the referendum take place?



- A referendum may be on the ballot on any of the four scheduled election days in each two-year election cycle.
- These regular election dates are:
 - In even numbered years (i.e., 2016)
 - ✦ Third Tuesday in March (General Primary)
 - ✦ First Tuesday after first Monday in November (General Election)
 - In odd numbered years (i.e., 2017)
 - ✦ The last Tuesday in February (Consolidated Primary)
 - ✦ First Tuesday in April (Consolidated Election – including the election of School Board members)

When will the referendum take place?



- **Exceptions:**

- A proposition may not be placed on the ballot in any election where there is no contest for a public office on the ballot in at least one precinct within the School District
 - ✦ This effectively eliminates the Consolidated Primary (February of odd-numbered years) as an option for many School Districts
- Emergency Referenda (10 ILCS5/2A-1.4)
 - ✦ A School Board may petition the Circuit Court for an emergency election in order to maintain the operation or facilities of the School District and the need is due to circumstances beyond the control of the governing body.
 - ✦ This allows the referenda to occur on a date other than a regularly scheduled election.
 - ✦ The petition to the Circuit Court must be approved by a majority of the Board and must include: (1) the public question; (2) the action taken that requires the referendum; (3) the estimated cost of conducting a separate special election; and (4) reasons why an emergency exists to justify the special election.
 - ✦ Any resident of the area affected by the petition may oppose it.



Questions?

Limiting Rate Increase Referenda



**PERMANENT INCREASES IN THE SCHOOL
DISTRICT'S TAX RATE**

Limiting Rates



- An alternative to issuing bonds.
- The limiting rate is a School District's maximum aggregate tax rate under the Property Tax Extension Limitation Law ("PTELL"), 35 ILCS 200/1 *et seq.*, also known as the "Tax Cap."
- Typically, this is calculated by the County Clerk as follows:

$$\frac{\text{Prior Year's Aggregate Extension} \times (1 + \text{Extension Limitation})}{\text{Current Year EAV} - \text{New Property} - \text{Annexations} - \text{TIF} + \text{Disconnections}}$$

Limiting Rates, cont.



- The limiting rate formula allows a School District to receive additional taxes in proportion to the value of property annexed or disconnected, and new improvements or additions to existing improvements.
- If a limiting rate increase has been approved by voters, it replaces the calculations done by the County Clerk entirely.
- To raise more taxes than the above equation allows, a School District must submit the question to a referendum.

Limiting Rate Increase Referendum: Considerations for a School District



1. What year will the limiting rate increase will take effect?
 1. A limiting rate increase will first be effective for the levy year in which the limiting rate increase is approved, unless the extension of taxes occurs thirty (30) days or less after the canvass of the result of the referendum. 30 ILCS 200/18-190.
2. Will the limiting rate increase take effect for one (1) levy year or up to four (4) consecutive levy years?
3. How much additional property taxes does the School District desire to receive via a limiting rate increase?

Increasing the Limiting Rate



- A School Board adopts resolution approving the submission of a ballot question for referendum at the next election.
 - Must be done, at the latest, 79 days before the election where the question will appear.
 - The resolution must include all the information required to appear on the ballot.
- The School Board Secretary must post a copy of the notice in the principle office of the School District at least 10 days before the election.

Information on the Referendum Question



- The referendum question must include:
 - The proposed increase
 - The proposed maximum limiting rate
 - Each levy year to which the proposed increase will apply
 - A statement of purpose for the increase
- The ballot proposition to increase the limiting rate must be in substantially the following form:
 - Shall the limiting rate under the Property Tax Extension Limitation Law for the ___ (insert name) ___, Cook County, Illinois, be increased by an additional amount equal to ___% above the limiting rate for the purpose of _____ (insert purpose) for levy year _____ (insert the most recent levy year for which the limiting rate of the taxing district is known at the time the submission of the proposition is initiated by the taxing district) and be equal to ___% of the equalized assessed value of the taxable property therein for levy year(s) _____ (insert each levy year for which the increase will be applicable, which years must be consecutive and may not exceed four (4))?

Additional Notices



- The referendum question for any proposition submitted must have the following supplemental information:
 - The approximate amount of taxes that will be extended if the limiting rate is increased and the amount of taxes extended at the most recent limiting rate;
 - The approximate additional tax extended against a single-family home with a fair market value of \$100,000 at the time of the referendum;
 - If the limiting rate is to be increased (or decreased) for more than one year, the additional tax on the \$100,000 single-family home for each subsequent year, based on the average percentage increase (or decrease) for the prior three levy years (only included if the limiting rate is expected to last more than one year); and
 - A statement that the limiting rate on the ballot will be used instead of the computation under the PTELL.

Example of Limiting Rate Increase Referendum Question



Shall the limiting rate under the Property Tax Extension Limitation Law for Oak Park Elementary School District Number 97, Cook County, Illinois, be increased by an additional amount equal to .374% above the limiting rate for any purpose of said School District for levy year 2009 and be equal to 2.600% of the equalized assessed value of the taxable property therein for levy year 2010?

- (1) The approximate amount of taxes extendable at the most recently extended limiting rate is \$41,049,718, and the approximate amount of taxes extendable if the proposition is approved is \$47,946,660.
- (2) For the 2010 levy year the approximate amount of the additional tax extendable against property containing a single family residence and having a fair market value at the time of the referendum of \$100,000 is estimated to be \$37.40.
- (3) If the proposition is approved, the aggregate extension for 2010 will be determined by the limiting rate set forth in the proposition, rather than the otherwise applicable limiting rate calculated under the provisions of the Property Tax Extension Limitation Law (commonly known as the Property Tax Cap Law).

The polls at said election will be open at 6:00 o'clock A.M. and will continue to be open until 7:00 o'clock P.M. of that day.

Election Interference



**WHAT CAN OR CANNOT BE DONE ON BEHALF
OF A SCHOOL DISTRICT WITH A
REFERENDUM ON THE BALLOT**

Relevant Statutes



- Election Interference Prohibition Act
 - 10 ILCS 5/9-2.1 *et seq.*
- Local Governmental Employees Political Rights Act
 - 50 ILCS 35/1 *et seq.*
- State Officials and Employees Ethics Act
 - 5 ILCS 430/1-1 *et seq.*

Election Interference Prohibition Act



“No public funds shall be used to urge any elector to vote for or against any candidate or proposition, or be appropriated for political or campaign purposes to any candidate or political organization. This provision shall not prohibit the use of public funds for dissemination of factual information relative to any proposition appearing on an election ballot...”

10 ILCS 5/9-25.1

Applying the Act



- Prohibits the expenditure of public funds to urge residents to vote for or against a candidate or a referendum.
- It does not prohibit spending public funds to disseminate factual information regarding a referendum nor does it prohibit private groups nor elected officials actively supporting the referendum by speeches, coffees, etc. as long as no public funds are spent.
- General political discussions (not related to a public question for an upcoming election) would clearly not be covered.

Violations of the Act



- Jurisdiction to hear and rule on violations of the Act is with the Illinois State Board of Elections, not the courts.
- Penalties up to \$5,000 per violation for non-Statewide related campaigns, and up to \$10,000 for Statewide related campaigns.
- Penalties also include orders to cease violations, with authority for the State Board of Elections to obtain a Circuit Court decree to enforce such orders.
- The State Board of Elections may refer violations to the Illinois Attorney General or States Attorney for criminal prosecution.

Local Governmental Employees Political Rights

Act



"Political rights" include, without limitation, the following political activities: to petition, to make public speeches, to campaign for or against political candidates, to speak out on questions of public policy, to distribute political literature, to make campaign contributions, and to seek public office.

(a) No unit of local government or school district may make or enforce any rule or ordinance that in any way inhibits or prohibits any of its employees from exercising the employee's political rights.

(b) No employee of a unit of local government or school district may (I) use his or her official position of employment to coerce or inhibit others in the free exercise of their political rights or (ii) engage in political activities while at work or on duty.“

50 ILCS 135/5, 135/10.

Applying the Act



- The Act provides, in part, that employees of public entities cannot engage in political activities while at work or on duty.
- Under the Act, political activities include promotion of a candidate or a referendum as the statute includes in its prohibited activities at work "speak[ing] out on questions of public policy."
- The prohibition is not against any political activity of any kind, but rather is against active campaigning and promotion of a particular political matter, or seeking financial contributions, during work hours.
- Simple casual discussion among employees at work is not prohibited, and cannot be policed anyway.
- The initiation of discussion about the referendum or candidate while at work or on duty by employees or officials, for the purpose of becoming involved with advocating for or against the referendum, except, for example, to simply answer a direct question, could be activities that come under greater scrutiny under this statute.

State Officials and Employees Ethics Act



- Applies to School Districts though the title of the Act references “State officials and employees.”
- No employee can intentionally perform any “prohibited political activity” during any compensated time.
- A public employee shall not intentionally misappropriate any public property or resources by engaging in any prohibited political activity for the benefit of any campaign for elective office or any political organization.
- At no time shall any elected official or public supervisory personnel intentionally misappropriate the services of any public employee by requiring that employee to perform any prohibited political activity (i) as part of that employee's public duties, (ii) as a condition of public employment, or (iii) during any time off that is compensated by the public body.
- A public employee shall not be required to participate in any prohibited political activity in consideration for that employee being awarded any additional compensation or employee benefit, in the form of a salary adjustment, bonus, compensatory time off, continued employment, or otherwise.
- A public employee shall not be awarded any additional compensation or employee benefit, in the form of a salary adjustment, bonus, compensatory time off, continued employment, or otherwise, in consideration for the employee's participation in any prohibited political activity.

5 ILCS 430/5-15.

Prohibited Political Activities



- Planning, conducting, or participating in a public opinion poll in connection with a campaign for elective office or ... for or against any referendum question.
- Surveying or gathering information from potential or actual voters in an election to determine probable vote outcome ... for or against any referendum question or candidate for office.
- Soliciting votes ... for or against any referendum question or candidate for office.
- Initiating for circulation, preparing, circulating, reviewing, or filing any petition ... for or against any referendum question or candidate for office.
- Distributing, preparing for distribution, or mailing literature, signs or other material ... for or against any referendum question or candidate for office.
- Campaigning ... for or against any referendum question or candidate for office.
- Managing or working on a campaign ... for or against any referendum question or candidate for office.

Conduct Wrap-up



- **Promoting Candidates or Referendum on the Job.** The use of phones by government officials or employees during work hours or “compensated time” to initiate discussion or to promote a referendum or candidate would be in contravention of the law. Officials, administrators and employees should avoid such a practice.
- **Use of Government Equipment or Space by Outsiders.** Community or citizens' groups can be allowed to use government facilities and equipment for their activities, assuming equal access is granted to persons or groups. If there are direct costs which are reasonably ascertainable relative to the use of such facilities or equipment, or which are otherwise charged when the public uses such equipment or space, they should be reimbursed by the group.
- **Crossing the Line.** Elected officials, administrators and employees should not engage in activities concerning a candidate for office or referendum while at work or “on duty”, during “compensated time”. Administrators or compensated officials can participate in community forums, coffees or otherwise discuss and support the referendum in any manner while not on duty. "On duty" generally means when required to participate in or be present at an activity by your employer, or as officially endorsed by an elected board, or being represented to be the position of a particular elected board or official. When voluntarily engaged in referendum or candidate related activities, when not “on duty” or not required or endorsed by the Board, an elected official or employee can exercise their political rights, engage in fund-raising, and voice their support.

Getting and Staying on the Ballot



A GUIDE FOR CANDIDATES

Outline of Presentation



- **Getting and Staying on the Ballot**
 - Forms
 - Circulation Process
 - Filing
 - Objections
- **Getting to Election Day**
 - Campaign Finance
 - Campaign Contribution Limits
 - Campaign Signs

Illinois State Board of Elections

Required Forms



- Candidate's Guide – 2017 not yet published
- Illinois Election Code
- School, Park, Library – County in Charge
- Municipalities – Local Election Official
- No County or local obligation to help

Illinois Election Code (Candidate Requirements)



- **Candidate's Guide**
 - Requirements for filing for local offices
 - Filing timelines
 - Procedures
 - Objection process



State of Illinois
CANDIDATE'S
GUIDE
2015



Issued by
the
STATE BOARD OF ELECTIONS



- OFFICE:** Board of Education Member
- QUALIFICATIONS:** Qualified elector/registered voter and shall not be a child sex offender as defined in Section 11-9.3 of the Criminal Code of 2012. [105 ILCS 5/10-10]
- RESIDENCY:** Any person who, on the date of election, is a U.S. citizen of the age of 18 or over and a resident of the State and the territory encompassing the district for one year preceding the election is eligible. A member cannot serve as a school trustee. [105 ILCS 5/10-10]
- SIGNATURE REQUIREMENTS:** Petition must be signed by at least 50 qualified voters or 10% of the voters, whichever is less, residing within the district. [105 ILCS 5/9-10]
- PETITION:** Board of Education petition (at large) SBE Form P-7
Board of Education petition (district) SBE Form P-7A
- STATEMENT OF CANDIDACY:** Filed with the nominating petitions. Nonpartisan SBE Form P-1A.
- LOYALTY OATH:** (Optional) Filed with the nominating petitions. SBE Form P-1C.

Candidacy (Check index)



- Established Political Party
- New Political Party
- Independent Candidate
- Non-Partisan Candidate

Candidate's Guide

2015



❑ REQUIREMENTS FOR FILING NOMINATING PAPERS (Page 10)

- General Filing Requirements (Pp. 10-12)
- Nominating Petition Sheets (Pp. 12-17)
- Statement of Candidacy (P. 18)
- Statement of Economic Interests (P. 19)



STATEMENT OF

ECONOMIC INTERESTS: Filed with the county clerk of the county in which the principal office of the unit of local government with which the person is associated is located. See page 19 regarding the filing of the receipt. [5 ILCS 420/4A-106]

FILING DATES: December 15-22, 2014 (not more than 113 nor less than 106 days prior to the Consolidated Election).

WHERE TO FILE: Filed with the county clerk or the county board of election commissioners, as the case may be, of the county in which the principal office of the school district is located. [105 ILCS 5/9-10]

CAMPAIGN DISCLOSURE: Reports must be filed on paper or electronically with the State Board of Education, 2329 S. MacArthur Blvd., Springfield, IL 62704 or 100 West Randolph Street, Suite 14-100, Chicago, IL 60601.

FAIR CAMPAIGN PRACTICES ACT: Filed with the county clerk. (Voluntary – see page 20)

TERM BEGINS: Within 28 days after the election. [105 ILCS 5/10-16]

TERM OF OFFICE: 4 years – may be changed to 6 years by referendum. [105 ILCS 5/9-5]



STATE OF ILLINOIS

**ELECTION AND CAMPAIGN FINANCE
CALENDAR**

**2015
COMPILED BY
STATE BOARD OF ELECTIONS**

ISBE FORMS



- ❑ New Political Party – SBE No. P-8
- ❑ Independent Candidate Petition – SBE No. P-3
- ❑ Non-Partisan Candidate Petition – SBE No. P-4



X...BIND HERE...X SBE No. P-7

PETITION FOR NOMINATION

TO THE COOK COUNTY CLERK, ELECTION DEPARTMENT, COOK COUNTY, ILLINOIS:

We, the undersigned, being fifty (50) or more of the voters residing within _____ School District No. _____, Cook County, Illinois, hereby petition that _____ who resides at _____ in the _____ of _____ in said district shall be a candidate for the office of Member of the Board of Education, for a full term, to be voted for at the Consolidated Election to be held on April 7, 2015.



VOTER'S NAME (SIGNATURE)	VOTER'S NAME (PRINT)	STREET ADDRESS OR RR NUMBER	CITY OR VILLAGE	COUNTY
			IL	Cook



State of Illinois)

) SS.

County of _____)

I, _____ do hereby certify that I reside at _____
(Circulator's Name) (Street Address)

in the _____ of _____, Illinois _____ (zip), County of _____, State of Illinois that I am 18 years of age or older, that I am a citizen of the United States, and that the signatures on this sheet were signed in my presence, not more than 90 days preceding the last day for filing of the petitions and are genuine and that to the best of my knowledge and belief the persons so signing were at the time of signing the petition registered voters of the political division in which the candidate is seeking elective office, and that their respective residences are correctly stated, as above set forth.

(Circulator's Signature)

Signed and sworn to (or affirmed) by _____ before me, on _____
(Name of Circulator) (insert month, day, year)

(SEAL)

(Notary Public's Signature)

SHEET NO. _____

**ATTACH TO PETITION
STATEMENT OF CANDIDACY
INDEPENDENT**



NAME	ADDRESS-ZIP CODE	OFFICE	CITY/VILLAGE

If required pursuant to 10 ILCS 5/10-5.1, complete the following (this information will appear on the ballot)

FORMERLY KNOWN AS _____ UNTIL NAME CHANGED ON _____

(List all names during last 3 years)

(List date of each name change)

STATE OF ILLINOIS)
) SS
County of Cook)

I, _____, being first duly sworn (or affirmed), say that I reside at _____, in the Village of _____, _____ (Zip Code) in the County of Cook, State of Illinois; that I am qualified voter therein, that I am a candidate for election to the Office of _____ in the _____, to be voted upon at the Consolidated Election to be held on April 7, 2015, and that I am legally qualified to hold such office and that I have filed (or I will file before the close of the petition filing period) a Statement of Economic Interests as required by the Illinois Governmental Ethics Act and I hereby request that my name be printed upon the official ballot for election to such office.



STATE OF ILLINOIS)

) SS

County of Cook)

I, _____, being first duly sworn (or affirmed), say that I reside at _____, in the Village of _____, _____ (Zip Code) in the County of Cook, State of Illinois; that I am qualified voter therein, that I am a candidate for election to the Office of _____ in the _____, to be voted upon at the Consolidated Election to be held on April 7, 2015, and that I am legally qualified to hold such office and that I have filed (or I will file before the close of the petition filing period) a Statement of Economic Interests as required by the Illinois Governmental Ethics Act and I hereby request that my name be printed upon the official ballot for election to such office.

(Signature of Candidate)

Signed and sworn to (or affirmed) by _____ before me, on

_____.

(Name of Candidate)

(insert month, day, year)

(SEAL)

(Notary Public's Signature)



**STATEMENT OF ECONOMIC INTERESTS
TO BE FILED WITH THE COUNTY CLERK**

**Your Name Was Submitted For filing by an Entity That You Represent
(Type or Print)**

Name:

Each Office or Position of Employment for which this Statement is Filed:

Full Post Office Address:

General Directions

The interest (if constructively controlled by the person making the statement) of a spouse or any other party shall be considered to be the same as the interest of the person making the statement. Campaign receipts shall not be included in this statement. **If more space is needed, please attach supplemental listing.**

ILLINOIS STATEMENT OF ECONOMIC INTERESTS^{[\[1\]](#)}

Guidance for Completing Form



For question #1-List the name and instrument of ownership in any entity doing business in the State of Illinois, in which the ownership interest held by the person at the date of filing is in excess of \$5,000 fair market value or from which dividends in excess of \$1,200 were derived during the preceding calendar year. (In the case of real estate, location thereof shall be listed by street address, or if none, then by legal description) No time or demand deposit in a financial institution, nor any debt instrument need be listed.

1. ITEMS GENERALLY LISTED INVOLVING OWNERSHIP > \$5,000 (or dividends > \$1,200) IN ANY BUSINESS ENTITY IN ILLINOIS INCLUDE:

- any single block of stock worth \$5,000 or more in one company (list company – not amount)
- real estate/ rental property(ies) (other than your personal residence)
- agricultural property(ies) operated as a farm
- mutual funds (you do not need to list individual funds, just the group you have invested with: i.e., your investment company, not each individual fund you are invested in)
- Your personal bank accounts, monies, bonds, etc. do not have to be listed.

^{[\[1\]](#)} The interest (if constructively controlled by the person making the statement) of a spouse or any other party, shall be considered to be the same as the interest of the person making the statement.



2. ITEMS GENERALLY LISTED FOR SOMEONE'S OFFICIAL POSITION WITH A PROFESSIONAL ORGANIZATION FROM WHICH INCOME > \$1,200 IS DERIVED INCLUDE:

Examples - official positions

- sole owner or partner
- director
- stock holder/shareholder
- trustee
- joint-ownership by spouse or immediate family member
- ownership by spouse or immediate family member

Examples - types of professions

- attorneys
- doctors/psychiatrist/nurse
- accountants
- financial consultant
- architect/engineer
- dentists
- clinical psychologists/social worker
- banker



- 3. THE NATURE OF PROFESSIONAL SERVICES RENDERED GENERALLY (OTHER THAN THE LOCAL GOVERNMENT INVOLVED) TO AN ENTITY FROM WHICH INCOME EXCEEDING \$5,000 WAS RECEIVED FOR PROFESSIONAL SERVICES RENDERED DURING THE PRECEDING CALENDAR YEAR BY THE PERSON MAKING THE STATEMENT.**

Examples of professional services

- Consulting
- Contracting
- Your actual clients do not need to be listed

- 4. CAPITAL ASSETS (including real estate) TO BE LISTED HERE FROM WHICH A CAPITAL GAIN OF \$5,000 OR MORE WAS REALIZED DURING PRECEDING CALENDAR YEAR.**

Examples – do not have to list amount of capital gain, just name of stock or address of property

- real property sale
- single blocks of stock (not all stock transactions aggregated)



- 5. NAMES OF ANY ENTITY AND GOVERNMENTAL ACTION REQUIRED WHICH HAS APPLIED TO YOUR LOCAL GOVERNMENT (IN RELATION TO WHICH THE PERSON MUST FILE) FOR ANY LICENSE, FRANCHISE OR PERMIT FROM ANNEXATION, ZONING OR REZONING OF REAL ESTATE, IF OWNERSHIP INTEREST OF PERSON FILING THIS STATEMENT > \$5,000 IN THE ENTITY (or received dividends > \$1,200 from the entity)**
- list “conflicts” here, i.e. you own or receive compensation from an entity which is requesting a license, permit or franchise from the local government you work for or have been elected or appointed to the board of
- 6. LIST THE NAME OF THE ENTITY DOING BUSINESS WITH THE LOCAL GOVERNMENT YOU ARE SERVING FROM WHICH YOU RECEIVED > \$1,200 WAS DERIVED DURING THE PRECEDING CALENDAR YEAR OTHER THAN FOR PROFESSIONAL SERVICES AND THE TITLE OR DESCRIPTION OF ANY POSITION HELD IN THAT ENTITY.**
- again, this is generally a “conflicts question, i.e. are you receiving money from any entity doing business with your municipality?



7. LIST THE NAME OF ANY UNIT GOVERNMENT YOU WORKED FOR DURING PRECEDING CALENDAR YEAR OTHER THAN THE ONE YOU ARE FILING THIS STATEMENT

Examples of other governmental employment (If paid from tax dollars, it should be listed)

- School District
- Zoning Board of Appeals or Plan Commission
- County government or Board
- Another City or Village
- Park District
- Army Guard
- Air Guard
- State agency or university employment

8. Name any entity from which a gift or gifts, or honorarium or honoraria, valued singly or in the aggregate over \$500, was received during the preceding calendar year.

- List all gifts (including personal gifts) received valued at greater than \$500. You do not need to list the amount.



VERIFICATION

I declare that this Statement of Economic Interests (including any accompanying schedules or statements) has been examined by me and to the best of my knowledge and belief is a true, correct and complete statement of my economic interests as required by the Illinois Governmental Ethics Act. I understand that the penalty for willfully filing a false or incomplete statement shall be a fine not to exceed \$1,000, or imprisonment in a penal institution other than the penitentiary not to exceed one year, or both fine and imprisonment.

Signature of Person Making Statement

Date

DO NOT DETACH

(WILL BE RETURNED AS YOUR RECIEPT)

**LOYALTY OATH
(OPTIONAL)**



United States of America)
)
State of Illinois) SS.

I, _____, do swear (or affirm) that I am a citizen of the United States and the State of Illinois, that I am not affiliated directly or indirectly with any communist organization or any communist front organization, or any foreign political agency, party, organization or government which advocates the overthrow of constitutional government by force or other means not permitted under the Constitution of the United States or the Constitution of this State; that I do not directly or indirectly teach or advocate the overthrow of the government of the United States or of this State or any unlawful change in the form of the governments thereof by force or any unlawful means.

(Signature of Candidate)

Signed and sworn to (or affirmed) by _____ before me, on
_____.
(Name of Candidate) (insert month, day, year)

(Notary Public's Signature)

General Guidelines



- Petition Preparation
- Petition Circulation
- Petition Filing

Petition Preparation



- Your petition sheets for collecting your voter signatures should be the form for your office, for this election. Fill in the heading at the top before circulating the sheets.
- The name used on the petition sheets should be stated the same on the petition sheets as on the Statement of Candidacy.
- The sheets (particularly the heading at the top of each sheet) should be identical. (Available in the Candidate's Guide on the Illinois State Board of Elections' website)
- Can use nicknames and/or initials, if that is how you are commonly known. Cannot use any title, degree, professional status or "political slogan" on the sheet in connection with candidate's name.

Petition Preparation



- ❑ If a candidate has changed his or her name, whether by a statutory or common law procedure in Illinois or any other jurisdiction, within 3 years before the last day for filing the certificate of nomination or nomination papers for that office, whichever is applicable, then:
 - (i) the candidate's name on the certificate or papers must be followed by "formerly 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 certificate or paper 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 was 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, as appropriate.

These requirements do not apply to name changes resulting from adoption to assume an adoptive parent's or parents' surname, marriage to assume a spouse's surname, or dissolution of marriage or declaration of invalidity of marriage to assume a former surname.

Circulation Process



- ❑ Your circulator(s) should directly, personally observe each and every signature. Circulator must be at least 18 and a U.S. citizen.
- ❑ **Sheets cannot be circulated more than 90 days before the deadline for filing petitions.**
- ❑ You can circulate your own petitions.
- ❑ Do not leave the sheets with a group, or on a table, or give to someone else to pass around to give back (unless that person is going to be the circulator). Emphasize the importance of this requirement to circulators.
- ❑ Only one circulator can circulate a sheet (not multiple circulators for any one sheet).
- ❑ The signor should be asked if they are currently registered to vote in _____ (the jurisdiction you are running in).
- ❑ A circulator cannot pass petitions for more than one new or established political party.
- ❑ A circulator cannot pass petitions for an independent candidate and a new political party.

Circulation Process



- ❑ The signer(s) on the petition sheets should sign their name, as it appears on their voter registration card. If they do not remember whether they signed or printed, they should affix their name as they normally do on official documents (sign or print). Signing a name legibly is helpful, to avoid an objection that someone cannot tell who signed it because cannot read the signature. (Using a form that collects both script and printed signatures avoids this problem).
- ❑ No person should sign for anyone else (like a spouse or relative).
- ❑ It is best to avoid striking through signatures on a sheet, unless you follow the statutory striking process.
- ❑ Collect a signature “cushion” [extra signatures] in the event any of the signatures are problematic.
- ❑ The circulator should not fill out the bottom of the petition sheet, and sign it, once the sheet is full of signatures. While the affidavit information can be completed, it should not be signed until and only at that time that the circulator personally appears before a notary, and signs their name at the bottom of each petition sheet, in front of the notary. Use a current, valid Illinois notary public. Emphasize the importance of this requirement to circulators.

Filing Process



- Number the petition sheets consecutively prior to binding them in sequential order and then filing with the local election official. Make copies of your sheets. The originals must be filed.
- Securely fasten the petition sheets (with a permanent fastener, not a paper clip or similar device) sheets prior to filing with the local election official. We recommend a metal fastener be used to secure the sheets, using a two-hole punch and then inserting the fastener and folding the two arms across the top of your nominating petitions.
- Complete and file your Statement of Candidacy, with your Petition Sheets. Can be added and fastened (with same two-hole punch and fastener) on top of the completed, numbered, fastened, notarized signature sheets.
- File your Statement of Economic Interests for the office you are running for, and for the unit of government you are seeking office in, with the County Clerk and attach the filing receipt to the Petition Sheets when filed (or no later than the end of the filing period for nominating petitions). Has to be filed in same calendar year as the filing period for the nominating petitions. Can be added and fastened (with same two-hole punch and fastener) on top of the completed, numbered, fastened, notarized signature sheets and Statement of Candidacy.
- Request and receive a Receipt from the County Official or Local Election Official for the filing of your sheets, reflecting the documents which were filed, and the time and date of filing.

Objections



- Any voter in the School District can object to a candidate's nomination papers or to referendum petitions within five (5) business days after the petition filing period has ended.
10 ILCS 5/10-8.
- The filing of such an objection starts a complicated and expensive legal process.

Campaign Finance Primer



- Illinois Campaign Disclosure Act, 10 ILCS 5/9-1, *et seq.*
- Requires registration and filing of paperwork with the State Board of Elections relative to campaign expenditures
- Amount triggering the Act's registration and reporting requirement varies

Committee Types



- Candidate Political Committee
 - Political Action Committee
 - Ballot Initiative Committee
 - Independent Initiative Committee
-
- \$5,000 contribution / expenditure trigger for registration and reporting

Contributions and Expenditures



- Contribution is anything of value received by a committee over \$150
- Expenditure is anything that a committee spends money on over \$150

Operating a Committee



- **Step 1. Appointment.** Appoint Chairperson and a Treasurer. No funds can be spent without the authorization of one of these officers. Note that the same person can hold both offices, if desired by the Committee.
- **Step 2. Recording Keeping.** The Treasurer is to "keep the books," recording all contributions and expenditures and keeping appropriate documentation. Money collected by or for the Committee is to be given to the Treasurer within 5 days of receipt, along with information identifying the contributor. The Treasurer must record the name and mailing address of every person making a contribution, along with the date and the amount. Available proof of payment should be maintained (e.g. receipts, checks, etc.).
- **Step 3. Large Donations.** The Treasurer must file a report of any contribution of \$1,000 or more electronically with the State Board of Elections within 5 business days after receipt of the contribution, except that the report shall be filed within 2 business days after receipt if (i) the contribution is received 30 or fewer days before the date of an election and (ii) the political committee supports or opposes a candidate or public question on the ballot at that election or makes expenditures in excess of \$500 on behalf of or in opposition to a candidate, candidates, a public question, or public questions on the ballot at that election.
- **Step 4. File Quarterly Reports.** The Treasurer must file a report quarterly with the State Board of Elections.
- **Step 5. Maintaining Records.** A copy of each report or statement required to be filed by the Act must be kept/retained for 2 years from the date of filing.

Disclaimer on Advertisements



- All literature or advertisements of a local political committee soliciting funds must bear the following notation:

"A copy of our report filed with the State Board of Elections is (or will be) available on the Board's official website (insert the current website address) or for purchase from the State Board of Elections, Springfield, Illinois."

- Further, any pamphlet, circular, advertisement of other political literature (including on the Internet) that supports or opposes a candidate or question of public policy shall contain the name or the individual or organization that authorized, or caused to be authorized, paid for or distributed such pamphlet, circular, etc.

Contribution Limits



- Limits from 10 ILCS 5/9-8.5
- Candidate Political Committee, Political Action Committee, Ballot Initiative Committee, Independent Initiative Committee limited in receiving contributions per election cycle.
- Cycle depends on office sought.
- Questions? Seek formal legal advice!

Contributions to Candidate Political Committee



- **Candidate Political Committee:**
- \$5,000 from an individual (excluding candidate and immediate family members)
- \$10,000 from a corporation, labor organization or association
- \$50,000 from a Candidate Political Committee or Political Action Committee
- Unlimited from a Political Party Committee during a General or Consolidated Election cycle
- Unlimited from a Political Party Committee during a Primary Election cycle in which the candidate does not seek nomination at a Primary Election
- Limitations removed for local office races if candidate, or candidate's family, has more than \$100,000 in expenditures

Contributions to Political Action Committee



- **Political Action Committee:**
- \$10,000 from an individual
- \$20,000 from a corporation, labor organization, association or Political Party Committee
- \$50,000 from a Political Action Committee or Candidate Political Committee
- Contributions to a Political Action Committee from a Ballot Initiative Committee or Independent Expenditure Committee are prohibited at any time.

Contributions to Ballot Initiative Committee



- **Ballot Initiative Committee:**
- Unlimited from any source at any time.
- Ballot Initiative Committees are unable to make contributions to any other type of political committee.
- **Independent Expenditure Committee:**
- Unlimited from any source at any time.
- Independent Expenditure Committees are unable to make contributions to any other type of political committee, except for another Independent Expenditure Committee or a Ballot Initiative Committee.

Violations of Contribution Limits



- If a Committee receives a contribution in violation of the contribution limits:
 - Either return the contribution to the contributor, or
 - donate it to a charity.
- Failure to do so within 30 days after the Illinois State Board of Elections sends notification to the Committee of the excess contribution causes the contribution to be forfeited to the State, and subjects the Committee to a penalty of up to 150% of the amount of the contribution exceeding the limit.

Campaign Signs



- **Private Property**

- Need permission
- No time duration, but “reasonably restrictions as to size”
- “other than reasonable restrictions as to size, no home rule or non-home rule municipality may prohibit the display of outdoor political campaign signs on residential property during any period of time, the regulation of these signs being a power and function of the State”

65 ILCS 5/11-31-1(13)

Campaign Signs



- **Public Property**
 - Right-of-way not allowed
 - Polling places on Election Day
 - “The area on polling place property beyond the campaign free zone, whether publicly or privately owned, is a public forum for the time that the polls are open on an election day. At the request of election officers any publicly owned building must be made available for use as a polling place. A person shall have the right to congregate and engage in electioneering on any polling place property while the polls are open beyond the campaign free zone, including but not limited to, the placement of temporary signs.
- **10 ILCS 5/17-29**
- **Campaign free zone is the greater of 100 feet from polling room or the door of the building in which the polling room is located, marked by flags.**

Questions?



KTJ

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