

EVERYDAY DEMOCRACY

CITIZEN ADVOCACY CENTER'S SEASONAL NEWSLETTER, FALL 2004

Young Citizens Voice Their Opinion

Sandburg Middle School held an essay contest asking students to voice their opinion about the Electoral College. Below are the two winning essays. Congratulations to Marta and RJ, and thank you to Katie Padberg, Elmhurst Public Schools Social Studies Coordinator for her work with the Center.

Why the Electoral College Needs a Makeover **By Marta Tiesenga**

At the core of our democracy is the notion that every American's vote counts. Unfortunately, our current Electoral College system discourages people from getting involved in the political process, because their voice has been either diluted by that process or drowned out by the two main political parties. The Electoral College system should be changed because America would be better served when candidates for our highest office work hard to earn the votes of citizens nationwide.

One of our founders' primary reasons for creating the Electoral College was to prevent an uninformed general population from electing a manipulative tyrant. Hamilton thought that wiser, savvy electors could not be so duped. With today's modern media though, millions of households now have direct equal access to the same exaggerated campaign promises as our electors.

Remember, the Electoral College format was brought to us by the same folks that gave us the one-slave-should-count-as-three-fifths-of-a-person concept. A lot has changed since the Electoral College was born and it is time to iron out a few of its less attractive wrinkles.

The Electoral College's "winner take all" approach encourages voters to be apathetic in smaller states or in states where they find themselves in the political party minority. We cannot complain about low voter turnout when we have a system that says only the votes of a state's winning party matter while millions of other votes are simultaneously erased by that process.

It is time for an Electoral College makeover. Perhaps not an extreme straight popular vote makeover, but a compromise that would take into account the actual nationwide support for a candidate. We owe at least that much to ourselves and to the generations that follow us.

Electoral College Essay **By Robert Kleinhans**

I think the Electoral College should stay. I think it should stay because we need to even out governmental power, because Electors are more informed, and because it gives less populated states a bigger voice.

If the Electoral College was not in existence, there wouldn't be a circle, like in the three branches of government, which evens out governmental power. Everybody would just vote for the guy with the best looks and the most amount of money. Plus, people in the most remote areas of our country would not be able to find anything out and might just vote for a candidate without knowing what they are going to do.

The second reason we need the Electoral College is that the Electoral College has all the knowledge about the presidential candidates. For example, they know the candidate's background and they record every single candidate's speech. Every promise they make is written down! Regular people definitely don't do that. That's why the Electors have their job and it's their job to make the most informed decisions they can.

Another reason the Electoral College is in existence is that it gives the less populated states a bigger voice. If the Electoral College was taken out and our voting system was popular vote, a candidate could just promise he would give California extra funding and he'll get 33,871,600 votes. That's about three times as many votes as in the state of Ohio.

That is why I think the Electoral College should stay. Plus, the founding fathers thought of it! Don't you think we should trust them?

**TAXATION WITHOUT REPRESENTATION:
The Illinois State Toll Highway Authority**

The Illinois State Toll Highway Authority (ISTHA) recently approved a \$5.3 billion plan to expand the tollway system, to build the I-355 extension, and to raise tolls 100% on cash users. In one short month, the plan was introduced to the public and passed by the Board, once again proving that the ISTHA is still an agency ripe for reform. Below are the Center's concerns regarding the 10 year, \$5.3 billion capital plan:

1. NO ACCOUNTABILITY TO TAXPAYERS: The ISTHA can unilaterally raise tolls, build extensions, condemn property, and set their own budget. Despite a long history of fiscal mismanagement, the General Assembly (G.A.) has no oversight of spending. Next year, the ISTHA's budget will increase to \$650 million. The only way to guarantee that the ISTHA lives within its financial means and directs its funds to needed repairs and maintenance, is for G.A. oversight of ISTHA's budget and the authority to issue new bonds. The G.A. should call this plan to a halt until they take a vote to increase tolls.

2. INCLUSION OF I-355 IS FISCALLY IRRESPONSIBLE: Building I-355 will cost \$730 million that the ISTHA does not have. Tolls collected from I-355 ridership will only pay for 35% of the cost, and the remaining \$474,500,000 will be subsidized by cash payers throughout the entire system. Despite the assertion that congestion relief is the goal, the ISTHA has failed to seriously consider viable alternatives like road and bridge widening, adding turn lanes, expanding Metra, and promoting alternative transportation.

3. FIX IT LAST: For years the public has heard about the system's crumbling roads. 65% of the system needs to be completely rebuilt. However, this plan only rebuilds 130 miles while groundbreaking for I-355 is scheduled to begin in December. This timeline is simultaneous to or, in some cases before, the existing system is fixed. It is like building an addition to a house when the foundation is crumbling. The existing system's physical and fiscal needs should be the first and primary focus.

4. RESTORE TRUE "USER PAY" PRINCIPLE : A true "user pay" system requires that tolls collected on one road pay for that road's cost, not that tolls collected on one road pay the cost for any toll road in the system. A true user pay system would prohibit an I-355 IPASS commuter from paying a minimal amount towards the \$730 million extension while a cash user in DuPage or Lake County pays double to fund a road they will never use. As when the tollways were first created, true "user pays" principles need to be restored.

5. NO FAIR SHARE WITH TOLL INCREASE:

A long history of fiscal irresponsibility is being balanced on cash users. It is simply not fair share to give IPASS users a "free ride" while cash users get a 100% tax increase. The IPASS Assist provides limited relief to the low income by lowering threshold amounts, but it does not go far enough. The ISTHA should eliminate deposits or set a lower toll amount. Furthermore, no assistance has been given to the working poor who do not qualify for IPASS Assist and are already stretched to the limit.

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**SAVE THE DATE!
Holiday Cheer & Citizen Initiative Awards**

**Monday, December 6th, 6:30 PM
Citizen Initiative Awards, 7:30 PM**

The Center's Holiday Cheer Party is our way of saying **THANK YOU** to all those who donate their time and money to support the work of the Center.

Please join us in our celebration!
Appetizers and refreshments provided.

**SAVE THE DATE!
Citizen Advocacy Center's 8th
Tollway Tea Party**

**Thursday, December 16, 2004, 10:00 A.M.
Illinois State Toll Highway Authority,
2700 Ogden, Downers Grove**

December 16th is the last Tollway Board meeting before the cash tolls are raised 100%. It is also the 231st anniversary of the Boston Tea Party.

The spirit of the Boston Tea Party lives on at CAC! For more than four decades, citizens have been taxed by the ISTHA without proper representation of our interests.

The Toll Authority's \$5.3 billion plan is another example of taxation without representation.

Who will listen to the people?

**JOIN US IN A NO TAXATION WITHOUT
REPRESENTATION RALLY!**

**SAVE THE DATE!
Democracy Workshop**

**Thursday, December 2nd, 7:00 PM
Citizen Advocacy Center**

Learn how to advance a cause through using civic tools:

- The Freedom of Information Act
- The Open Meetings Act
- Public Body Representatives
- The Legislative Process
- Using the Media to Advance a Cause
- Coalition Building

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6. QUICKY TOLL INCREASE & SHODDY NOTICE:

ISTHA took two years to draft this plan, yet gave the public less than one month to comment. During the two weeks of public hearings, multiple hearings were on the same nights, making it impossible for a majority of the Board to attend, and some hearings were on religious holidays. The plan was introduced before the G.A. was back in session, yet too late for a citizens advisory referendum. After the Board proposed the plan, but before they voted, cash payers had notice of the name of their toll collector, and when the next oasis was open for business, but not the date of the next public hearing. This simple posting would have effectively informed millions.

7. COSMETIC REFORMS: This administration says that they have reformed the agency, thus making the case for this \$5.3 billion plan. However, reforms to date have been largely operational. No systemic safeguards have been put in place to ensure that reforms do not come and go with the governor. The G.A. has yet to provide subpoena power to the Inspector General, or to pass a bill calling on the ISTHA to create and submit a 20 year capital plan to the G.A.

8. SHOULD THERE EVEN BE AN ISTHA: This administration said they would evaluate merging ISTHA with IDOT, however, no public discussion has taken place to date. Instead of a serious consideration of the cost to dismantle the tollways or to merge the tollways with IDOT, consumers were presented with a unilateral plan for expansion.

9. IPASS WON'T SAVE ANYONE FROM A TOLL INCREASE: IPASS is convenient for tollway users, and is an easy way for the ISTHA to increase tolls in the future. Payment is invisible because it is on a credit card, and unless a consumer pays extra, they do not receive an end of month statement. I-PASS users will bypass a toll increase this time, however, this 10 year plan fails to completely address the needs of the tollway system. This ensures that a second toll increase will be necessary for a future phase two capital plan.

10. VEILED PLANS FOR EXPANSION: Although the ISTHA does not include expanding Route 53 in this plan, they call for a Lake County Transportation Improvement Project/ Corridor Planning Council to be developed. The ISTHA cannot afford to expand I-355, let alone 53. If 53 expansion is not in the plan, what is the purpose of the Council?

The Center and the Tollway Accountability Campaign's work to hold the ISTHA accountable and to educate the public about the ISTHA gained the attention of state legislators, Rep. Pritchard who introduced a Tollway Accountability bill calling on members of the G.A. to vote on the toll increase, and earned the Center appearances on the Fox Morning News Show, WBBM's "At Issue", WTTW's "Chicago Tonight", ABC, CBS, NBC, WGN, WBEZ, and CLTV. The Center will continue to work on this issue, and invites everyone to participate by joining us at our 8th Tollway Tea Party. (See page two)

Democracy Watch

DuPage County Election Commission and Civic Organization Poll Watchers

Poll watchers serve an important role to ensuring clean elections. Among many other privileges, pollwatchers observe setup procedures, observe the general conduct of the election, examine the voter's ballot application, challenge a person's right to vote, and safeguard against electioneering, harassing election judges and interference with the voting process.

In Illinois, a pollwatcher can obtain credentials for primary elections through an established political party, a candidate, an organized group of proponents or opponents of a ballot proposition, or an organization of citizens within the county or political subdivision, which has among its purposes or interests the investigation or prosecution of election frauds.

The DuPage Election Commission denied poll watching credentials to the Naperville League of Women Voters and DAWN (DuPage Against War Now) who applied to pollwatch under a citizen organization. The Election Commission's reasoning is that neither of group has specifically stated, "a purpose or interest in the investigation of or prosecution of election frauds," therefore, they do not meet state law criteria to be poll watchers.

Citizen organizations play a unique role in poll watching because they are independent. They are not protecting the interest of a candidate or a political party, and they are not present because of a referendum. Citizen organizations with poll watching status are present because of an interest in ensuring integrity in the election process.

The League has been in existence since 1924, and has a longstanding reputation for promoting clean elections. DAWN is a grassroots organization that has focused on DuPage County voter registration over the last year. DAWN's efforts resulted in the registration of more than 5,500 individuals, making them the largest voter registrar in DuPage County. Both organizations are voter registered certified, and are recognized by the State Board of Elections as promoting civic, patriotic or political goals, or free and equal election, or encouraging political responsibility through informed and active participation of citizens in government.

It is contrary to the principles of democracy that the DuPage Election Commission is forcing organizations clearly interested in promoting clean elections to either obtain poll watching credentials through a candidate or political party, or to refrain from participating in pollwatching.

Everyday Democracy is a publication of the Citizen Advocacy Center, a non-profit, nonpartisan, 501(c)(3) corporation. Submissions from citizen advocates in the western suburbs of Chicago are encouraged. The Center is an educational and charitable organization dedicated to building democracy for the 21st century by strengthening the public's capacities, resources, and institutions for self-governance.

If you are interested in more information, becoming a volunteer, or making a tax-deductible contribution, please feel free to contact or visit us.

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Center Wins Open Meetings Act Appeal in Litigation Against the DuPage County Board

The Center filed a lawsuit against the DuPage County Board alleging a violation of the Open Meetings Act when the County Board voted on Resolution CB-0012-03, the Official Endorsement by the DuPage County Board of the O'Hare Modernization Plan, without placing the item on the agenda. During a County Board meeting, County Board Chairman Schillerstrom spontaneously introduced the resolution to endorse O'Hare expansion. Moments later, the County Board passed the resolution, despite the public having no notice of public business to be conducted.

The Center filed a lawsuit alleging an Open Meetings Act violation, and asked the court to declare the O'Hare Resolution void. The 18th Circuit Court dismissed the claim, stating that there was no valid question of whether an Open Meetings Act violation had occurred. The Center appealed the dismissal to the Second District Appellate Court.

This fall, the Appellate Court ruled in favor of the Center. The Appellate Court unanimously ruled that a valid question regarding a violation of the Open Meetings Act was present. Further, the Appellate Court stated, "...we believe that a public body may deliberate or discuss items not specifically posted on the meeting agenda. However, they may not act upon or vote upon such items." In response to the County's argument that the O'Hare Resolution was merely a policy resolution and essentially meaningless, the court responded, "the mere fact that a resolution is a policy statement does not render the resolution meaningless." Moreover, the court noted, "Indeed, Resolution CB001203 is one of great public interest."

The Center has received regional attention in the case because voting on items not listed on published agendas is a common practice. This practice denies the public proper notice of public business to be conducted, and denies the public an opportunity to participate in public meetings, a core value of democracy. The Appellate Court's ruling means that the case now goes back to the Circuit Court, where another hearing will take place on the specific issue of whether or not the DuPage County Board violated the Open Meetings Act.