

EVERYDAY DEMOCRACY

CITIZEN ADVOCACY CENTER'S SEASONAL NEWSLETTER, FOURTH EDITION, 2006



OPEN MEETINGS ACT LAWSUIT SETTLED AGAINST DUPAGE COUNTY BOARD

After more than three years of litigation and two successful trips to the Appellate Court, the Center has settled an Open Meetings Act lawsuit filed against the DuPage County Board.

In 2003 the DuPage County Board voted to adopt a resolution that endorsed O'Hare expansion. Prior to voting on the resolution, the DuPage County Board failed to place the resolution on the agenda. Mrs. Feret, represented by the Center, sought to have the resolution voided. She filed suit alleging that the DuPage County Board, by not placing the resolution on the agenda, failed to provide the public with proper notice of public business to be conducted. The heart of the issue was that citizens should have had notice that the DuPage County Board intended to vote on an issue of public concern.

The lower court dismissed the case twice, ruling that there was not a valid question regarding an Open Meetings Act violation. However, in two separate appeals, the Appellate Court ruled in favor of Mrs. Feret. Instead of going before the lower court a the third time, the DuPage County Board and Mrs. Feret settled.

Pertinent provisions in the settlement agreement include:

- The repeal of the original resolution passed by the DuPage County Board without any notice to the public;
- Neither the DuPage County Board, nor any of its subsidiary public bodies subject to the Open Meetings Act, will take action or vote on any issue that is not properly placed on agendas as required by the Open Meetings Act;
- The DuPage County Board does not admit any liability; and
- Reasonable attorney fees.

While justice took three years to obtain, the settlement agreement mandates and ensures that the public will receive notice of government business that will be conducted by the DuPage County Board. More importantly, this Open Meetings Act case has had a statewide impact. Public bodies and citizen groups from throughout Illinois have contacted the Center for information about proper notice provisions required by public bodies and how to ensure proper compliance.

First DuPage County Regional Summit on Civic Education A Success!

The Center partnered with Dr. Darlene Ruscitti, the DuPage County Regional Superintendent of Schools; the McCormick Tribune Foundation; and several individuals to host the first, nationwide, regional summit on civic education. This landmark two day event focused on promoting a regional and community commitment to improving the quality of civic education in DuPage County schools.

Highlights of the first day included recognition of student contest winners for creating innovative displays targeting the importance of civic engagement, and the showcasing of current civic projects in DuPage County schools. More than fourteen student groups held a gallery walk to display how students are getting involved in civics. Whether it was a mock election program where students role-played candidates and voted, a mock legislative session where students role-played passing legislation, or highlighting the diversity of civic service learning programs, the student displays were outstanding.

The grand finale was a keynote address by the Honorable Joan Humphrey Lefkow. Judge Lefkow focused on the often forgotten third branch of government, the judiciary, and the importance of an independent judiciary.

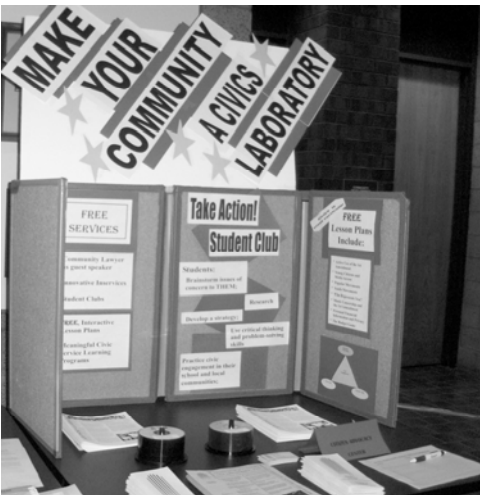
While the first day celebrated current civic programs, the second day focused on overcoming barriers to youth civic
Summit continued on next page

Summit continued

engagement. Delegations from nearly every high school district in DuPage County gathered to discuss how to provide hands-on civic experiences to youth. District delegations included teachers, administrators, public officials, and students. The first part of the day focused on panel discussions with distinguished speakers. Topic included: the rights and responsibilities of citizen; making the case for a DuPage County civic education movement; and emerging civic trends. Mr. Jim Ryan, former Illinois Attorney General and current Distinguished Fellow at Benedictine University, gave an inspirational keynote address that brought together all elements of each panel discussion and highlighted why it is important to be an engaged and active citizen.

The culmination of the Regional Summit was the opportunity for the delegations to form action plans to address how each community can begin to take immediate steps to improve youth civic education. Action plans were extremely diverse. Some delegations focused on improving youth voter registration while others discussed how to make civic education mandatory in their district.

The Regional Summit on Civic Education was an outstanding success and has marked DuPage County as a leader in promoting youth civic engagement. While the Center played a central role in organizing the Summit, our work is not complete. The Center will now work with delegations to provide resources and tools to ensure that they achieve their civic goals.



CAC youth civic education display at Regional Summit



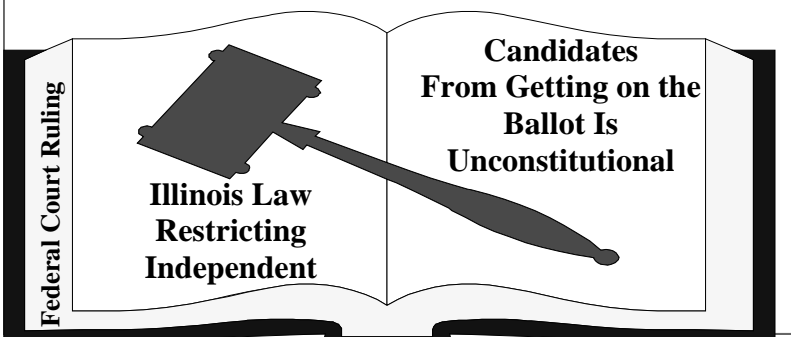
How Hard Should It Be For Independent Candidates to get on the Illinois Ballot?

How hard should it be for independent candidates running for the state legislature to get on the ballot? That was the question discussed at a Center forum with Dan Johnson-Weinberger. Dan Johnson-Weinberger is an attorney who recently won a landmark decision on this very question.

Currently, no independents serve in the Illinois General Assembly, and none have served for thirty years because of the high barriers set by the General Assembly restricting independent candidates from getting on the ballot. Mr. Lee is a person who attempted to run as an independent candidate for an Illinois Senate seat, but found it impossible to meet the signature requirements by the early statutory deadline. He quit his effort to get on the ballot and filed a federal lawsuit alleging that Illinois' law limiting independent candidates from getting on the ballot violates the First and Fourteenth Amendments of the United States Constitution.

A U.S. District Court of Appeals agreed. The Court ruled that requiring independent candidates to file their papers in December, nearly one year before the November general election, was by far the earliest deadline in the nation. For example, Ohio's file date of March was the next earliest deadline for independent candidates. Additionally, more than 35 other states did not have the filing deadline for independent candidates until June. The Court also ruled that the number of signatures an independent candidate had to gather was a severe restriction to getting on the ballot. Illinois law requires independent candidates to gather 10% of all votes cast in the previous election.

The Federal Court ruled that the Illinois law mandating independent candidates for statewide office gather 10% signatures, combined with having to file candidate papers nearly one year before the election, was unconstitutional. However, the Court did not state what kind of ballot restrictions would be permissible; the Court only stated *Independent Candidates continued on next page*



**REMEMBER THE
CITIZEN ADVOCACY CENTER
IN THE NEW YEAR**

For more than twelve years, the Center has worked at the grassroots level to teach people how to make a difference in the community and how to have their voices heard. A dynamic, free, community legal organization, the Center strengthens the public's capacity to participate in the democratic process.

While Center community lawyers work at the local level to build democracy, our work has had a regional, statewide, and even a national impact. Whether it is facilitating workshops to teach the public how to use open government laws and organizing tools to impact government decision-making, engaging in precedent setting litigation to hold open the doors of government, working to reform state ethics, campaign finance, and open government laws, or helping educators to improve youth civic education, the Center is the catalyst that enables citizens to achieve results.

The Center is unique because we simultaneously engage in grassroots organizing, advocacy, litigation, the monitoring of government agencies, and coalition building to create systemic change. Simply put, there is no other organization like the Center in the United States.

The Center is funded 100% by individual contributions and private foundations. We do not accept government or corporate funds. Individual contributions are essential to providing the Center with the capacity to build democracy and to deliver first-rate community lawyering services to the public. Thank you to everyone who has made a contribution to the Center.

For those who would like to volunteer their time, the Center has dozens of opportunities to become involved on a regular basis. For those who would like to make a contribution, all contributions are 100% tax-deductible.

*Attention Seniors
70 ½ and Better!*

Congress has provided an opportunity until December 31, 2007 to make tax-free donations – up to \$100,000 – directly from a Roth or regular IRA, to a charitable organization, like the Citizen Advocacy Center.

Please consult your financial advisor for how to make a tax-free donation from your Roth or regular IRA to the Center!

Independent Candidates continued

that the Illinois General Assembly must create “a new ballot-access scheme that will pass constitutional muster.”

The impact of the ruling is significant. The Court required the Illinois General Assembly to go back to the drawing board in the spring of 2007 and re-write the requirements for how many signatures must be gathered and when petitions must be filed by independent candidates to get on the ballot for a legislative seat.

Representatives Mike Boland, Paul Froehlich, and Jack Franks introduced House Bill 758 in the 2005 legislative session. House Bill 758 sought to lower the petition signature requirement for independent candidates to at least twice what it would be for an established party candidate for a particular office. House Bill 758 died in committee. However, with a mandate by the Federal Court requiring the General Assembly to re-write the rules for independent candidates, Bill 758 could be revived or new bills could be introduced.

Stay tuned to see what happens in the spring!

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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Return Service Requested

On a regular basis, the Center receives inquiries about the integration of technology and governing. Examples include: Can public officials e-mail each other about public business? Can public officials discuss public business via instant messaging or in chat rooms?

A recent Center survey of municipalities in DuPage County and Cook County evaluating policies that regulate Internet communications among public officials, as well as the mechanisms by which electronic communications are accessible by the public and preserved, had disturbing results. Of more than 100 public bodies that responded, most had no policy, or an ineffective policy, to ensure public access to electronic communications among public officials. Most public bodies also did not have a mechanism by which to

Center Surveys Municipal Ordinances

ensure that electronic communications were saved.

Illinois law is murky on the integration of technology and governance, but Public Act 94-1058, which amends the Illinois Open Meetings Act, has provided some clarity. The Act goes into effect January 2007. The definition of a public "meeting" has been changed, as well as the reasons for which a public official can participate in a meeting off-site.

The definition of meeting now specifically includes "electronic means of communication, such as and without limitation, electronic mail, electronic chat, and instant messaging, or other means of contemporaneous interactive

communication." This means that if a majority of a quorum of public officials discuss public business via e-mail or in a chat room, the public body must provide notice to the public about the meeting, and provide an opportunity for the public to attend the meeting.

Additional amendments are guidelines for when a public official can participate in a meeting via an off-site location. The new guidelines require a majority of a quorum of the public body to be physically present at the location of the meeting. Once a majority of a quorum is physically present, the public body may only allow a public official to participate off-site if the person is not at the meeting due to 1) personal illness or disability, 2) employment purposes or business related to the public body, or 3) a family or other emergency.

Visit the Center's website to read the full survey.