

COMMUNITY COLLEGE TRUSTEE ELECTIONS

PETITIONS, PROCEDURE & ETHICS



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NOMINATING PETITION PROCEDURE AND OBJECTIONS

QUALIFICATIONS TO BE COMMUNITY COLLEGE BOARD MEMBER

- Each member must on the date of his election be a citizen of the United States, of the age of 18 years or over, and a **resident** of the State and the territory which on the date of the election is included in the community college district **for at least one year** immediately preceding his election.

110 ILCS 805/3-7(c).



PERSONS SEEKING TO RUN FOR THE OFFICE OF COMMUNITY COLLEGE BOARD MEMBER FILE THE FOLLOWING DOCUMENTS

- Nominating Petitions
- Statement Of Candidacy
- Receipt For Filing Of Statement Of Economic Interests
- Loyalty Oath (optional)
- Code Of Fair Campaign Practices (optional)



PERSONS WHO CIRCULATE NOMINATING PETITIONS

- Making sure your petition circulators are **qualified and trained** is critical.
- A petition circulator must be **18 years of age** or older and **a citizens of the U.S.**
- A petition circulator **must witness all signatures** on each sheet he/she circulates and signs as circulator.
- The petition **circulator must sign the sworn statement** at the bottom of the petition page before a notary.



FILING NOMINATING PAPERS

- Filing period is **December 15-22, 2014**
- Make sure you know the **office hours** of local election officials
- Simultaneous filing on first and last day



APPARENT CONFORMITY/ GATEKEEPER ROLE

- Under Election Code, a local election official, such as the community college board secretary has **limited discretion** to determine whether nominating papers are in “**apparent conformity**” with the law.
- Limited to looking at the **face of the documents** submitted.



OBJECTIONS TO NOMINATING PAPERS


- Last day to file objections is **five “business days”** after last day for filing nominating papers
- Be sure to check with local election official when **office will be open** for accepting objections
- File **original** objection **and two copies**
- Who objects and common objections made





ELECTORAL BOARDS: ORGANIZATION & PROCEDURE

RECEIPT OF OBJECTIONS AND TIMEFRAME

- Once an objection is filed, the local election official transmits the objection and the original nominating papers to the chair of the electoral board **by 12 noon of the second business day** following the filing of the objection.
- **Need a delay?** Do it here.
- **Within 24 hours** after **chair** of the electoral board **receives** the transmittal he must send a “call” and then the initial meeting of the electoral board must be not less than 3 nor more than 5 days after receipt. 

ELECTORAL BOARD MEMBERSHIP

- Statute says who is on electoral board
- Statutory disqualifications
- Non-statutory disqualifications
- Substitute members
- What to do if pool of statutory members is exhausted



ROLE OF ATTORNEY FOR ELECTORAL BOARD

- Prepare Call
- Prepare agenda
- Prepare rules of procedure
- Prepares script for initial hearing



ROLE OF ATTORNEY FOR ELECTORAL BOARD

- Orders court reporter
- Advises board at hearings on **procedural issues, evidentiary issues and legal issues** as they arise
- Prepares draft electoral **board decision**



CONDUCT OF THE HEARING

- Adopt rules of procedure
- Script for chair
- Swearing in witnesses
- **No executive session**
- Evidence and evidentiary objections



CONDUCT OF THE HEARING

- Minutes
- Court reporter
- Subpoenas
- Motions to dismiss
- Records examination



DECISION OF ELECTORAL BOARD

- The decision of the electoral board **must be in writing**
- Service of Decision
 - A copy of the decision shall be served upon the parties to the proceedings in open proceedings before the electoral board.



APPEAL OF ELECTORAL BOARD DECISION

- File in the circuit court of the county where the electoral board hearing was held
- Must file and serve petition for judicial review **within 5 days** after service of the electoral board decision
- Make sure to **name all the appropriate parties** as defendants



A decorative graphic on the left side of the slide. It features a vertical gradient bar transitioning from light blue at the top to a slightly darker blue at the bottom. Overlaid on this bar are several thin, vertical white lines of varying thickness. To the right of the bar, there are five solid teal circles of different sizes, arranged in a roughly vertical line that curves slightly to the right. The largest circle is at the top, and the sizes decrease as they go down.

ETHICAL RULES AND THE ELECTION PROCESS

STATE OFFICIALS AND EMPLOYEES ETHICS ACT (5 ILCS 430/1 ET SEQ.)

- Requires community colleges to adopt ethics resolution



STATE OFFICIALS AND EMPLOYEES ETHICS ACT (5 ILCS 430/1 ET SEQ.)

- The State Ethics Act governs:
 - Prohibited Political Activity
 - Gift Ban.



STATE ETHICS ACT – PROHIBITED POLITICAL ACTIVITY

- Prohibited Political Activity:
 - During **compensated** time
 - Includes **use of government property or resources**



STATE ETHICS ACT – GIFT BAN

○ Gift Ban

- Employees, their spouses and family members living at home may not intentionally solicit or accept gifts from prohibited sources. Employees who receive gifts in violation of the ban should attempt to **return them or donate an amount equal to the value of the gift** to an appropriate charity. 5 ILCS 430/10-30.
- The Act contains a specific definition of a “gift.”



STATE ETHICS ACT – GIFT BAN

- A “prohibited source” includes any person or entity:
 - Who is seeking **official action** by the officer or employee who **does business** or **seeks to do business** with an officer or employee
 - Who conducts activities regulated by an officer or employee
 - Who has **interests that may be substantially affected** by the performance of the official duties of the officer or employee
 - Is registered under the Lobbyist Registration Act
 - A person who is **living with a “prohibited source”**

5 ILCS 430/1-5.

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EXCEPTIONS TO THE GIFT BAN

- Gifts **available** on the same conditions **to the general public**
- Anything for which **market value** is paid
- Lawfully made **campaign contributions**



EXCEPTIONS TO THE GIFT BAN

- **Educational material or missions**
- **Travel expenses** for a meeting to discuss business



EXCEPTIONS TO THE GIFT BAN

- Gifts from a **relative**
- Gifts given on the basis of **personal friendship**, unless the recipient has reason to believe that, under the circumstances, the gift was provided because of the official position or employment of the recipient or his or her spouse and not because of the personal friendship
- **Food** or refreshments not exceeding **\$75 per person** in value on a single calendar day; provided that the food or refreshments are (i) consumed on the premises from which they were purchased or prepared, or (ii) catered



EXCEPTIONS TO THE GIFT BAN

- Food, lodging, transportation or other benefits **related to outside business or employment activities**
- **Intra-governmental and inter-governmental** gifts
- Bequests, inheritances, and other transferences at death



EXCEPTIONS TO THE GIFT BAN

- Any item or items from any one prohibited source during any calendar year having a cumulative **total value of less than \$100.00**
- These exceptions are **mutually exclusive** and independent of each other. For example, if you receive a dinner of less than \$75, you can also receive a gift of less than \$100.00 for **a total of \$175.**



FAIR CAMPAIGN PRACTICES ACT – 10

ILCS 5/29B-5

- Purpose
- What the Code of Fair Campaign Practices Provides
- Open for Public Inspection
- Campaign Materials



THE ELECTION INTERFERENCE PROHIBITION ACT – 10 ILCS 5/9-25.1

- Public funds may not be used to **advocate** for a referendum, but may be used to disseminate *facts* about a referendum. “Public funds” are any funds appropriated by the district. 10 ILCS 5/9-25.1.
- Rationale of the “No Public Funds For Advocacy” Rule
- **Advocacy urges a “yes” vote.** It uses **opinion** and language of persuasion, **rather than just factual statements.**



THE ELECTION INTERFERENCE PROHIBITION ACT – 10 ILCS 5/9-25.1

- The Line Between “Advocacy” and “Disseminating Facts”
- **Penalties** for Violating the Election Interference Prohibition Act





QUESTIONS?

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