

Downers Grove Community Advocates



Stephen Daniels,
President
Megan Schroeder,
General Secretary
Ken Lerner,
Treasurer

Board of Directors
Bob Barnett
Betty Cheever
Kathleen DiCola
Gordon Goodman
Kathryn "Tinker" Harvey
Chris Hotchkin

To: April Holden, Village Clerk, Downers
Grove, IL

RE: Objections to Home Rule Petition

DATE: January 21, 2005

On behalf of myself (a registered
voter in the Village of Downers Grove, IL)
and the undersigned members of Downers
Grove Community Advocates (all registered
voters in the Village of Downers Grove, IL)
I ask that the Downers Grove Municipal
Election Board convene to hear these
objections.

Stephen Daniels, President
Downers Grove Community Advocates
840 Valley View Drive
Downers Grove, IL 60516

Filed: 1/21/05
3:05 p.m.

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Contact Information: 630-963-0000

OBJECTORS' PETITION

Filed with the Clerk of the Village of Downers Grove, Illinois

By and on behalf of the following legal voters who reside in Downers Grove:

Betty M. Cheever, 1208 Blanchard, Downers Grove, Illinois
Stephen Daniels, 840 Valley View, Downers Grove, Illinois
Kathleen DiCola, 5413 Maplewood Place, Downers Grove, Illinois
Gordon L. Goodman, 5834 Middaugh Avenue, Downers Grove, Illinois
Ken Lerner, 4933 Whiffin Place, Downers Grove, Illinois
Megan Schroeder, 6036 Ridge Court, Downers Grove, Illinois

1. At 8:09 AM on January 10, 2005, a PETITION FOR REFERENDUM was filed with the Clerk of the Village of Downers Grove, Illinois, the full text of which reads as follows:

We, the undersigned, being duly qualified and registered electors of the Village of Downers Grove, Illinois, equaling in number at least 10% of the number of registered voters in Downers Grove, Illinois who have affixed our signatures in our own proper persons to the Petition, hereby PETITION, pursuant to Article 7, Section 6(b) of the Illinois Constitution and Section 28-7 of the Illinois Election Code, that there be submitted to the electors of the Village of Downers Grove, for approval by a majority of the electors in the village voting on the question, at the General Election to be held on April 5, 2005 in the manner provided by law, the following proposition:

SHALL THE VILLAGE OF DOWNERS GROVE, ILLINOIS CEASE TO BE A HOME RULE UNIT? YES[] NO[]

2. This PETITION FOR REFERENDUM contains 149 signature sheets with 15 or fewer signatures per page. At most, 2,235 signatures could be contained on the sheets submitted. Some of the sheets contain fewer than 15 signatures. Objectors have reviewed the petition sheets and counted 2,036 actual signatures.

3. There were 32,630 registered voters in the Village of Downers Grove on January 10, 2005, as certified on January 12, 2005 by the Executive Director of the DuPage County Election Commission, Exhibit A.

4. Illinois law provides that a public question referendum on Home Rule, initiated under Article VII of the Illinois Constitution and Section 28-7 of the Illinois Election Code (10 ILCS 5/28-7), must be signed by a number of qualified electors equal to or greater than 10% of the number of registered voters in the governmental unit. The full text of 10 ILCS 5/28-7 is as follows:

OBJECTORS' PETITION

Sec. 28-7. In any case in which Article VII or paragraph (a) of Section 5 of the Transition Schedule of the Constitution authorizes any action to be taken by or with respect to any unit of local government, as defined in Section 1 of Article VII of the Constitution, by or subject to approval by referendum, any such public question shall be initiated in accordance with this Section.

Any such public question may be initiated by the governing body of the unit of local government by resolution or by the filing with the clerk or secretary of the governmental unit of a petition signed by a number of qualified electors equal to or greater than 10% of the number of registered voters in the governmental unit, requesting the submission of the proposal for such action to the voters of the governmental unit at a regular election.

5. The petition as submitted does not contain signatures of at least 10% of the registered voters in the Village of Downers Grove. Ten percent of the number of registered voters is 3,263 voters, whereas the petition only contains 2,036 signatures.
6. The petition is not admissible as a petition for an advisory referendum. The petition text specifically refers to "Article 7, Section 6(b) of the Illinois Constitution and Section 28-7 of the Illinois Election Code," which govern petitions that would have the legal effect of adopting or revoking Home Rule powers. Thus the clearly expressed intent of the petition proponent(s), and of each person who signed the petition, was to place a legally effective referendum on the ballot at the April 5, 2005 Consolidated Election. An advisory referendum was not requested by this petition, and would not fulfill the intent of the petitioners and electors who signed the petition. To reconstitute the petition as a petition for an advisory referendum would be contrary to the intent of the petition itself and the intent of the Illinois Election Code, Section 28-3, which states in part, "A petition, when presented or filed, shall not be withdrawn, altered, or added to" (10 ILCS 5/28-3)
7. The objectors, [redacted], Betty M. Cheever, Stephen Daniels, Kathleen DiCola, Gordon L. Goodman, [redacted], Ken Lerner, [redacted], and Megan Schroeder, members of the DOWNERS GROVE COMMUNITY ADVOCATES, consider that removal of Home Rule authority in Downers Grove would be detrimental to the community and to the residents and businesses within it.
8. Wherefore, the objectors pray the Municipal Electoral Board of the Village of Downers Grove, Illinois, to decide in favor of this objection to the aforementioned petition for referendum, and to rule that the petition, as submitted, is not sufficient to cause the corresponding public question to be submitted to the voters under Illinois Law.

OBJECTORS' PETITION

Name

Date

Betty M. Cheever
Betty M. Cheever, Objector

1/20/2005
Date

Stephen Daniels
Stephen Daniels, Objector

January 20, 2005
Date

Kathleen DiCola
Kathleen DiCola, Objector

1/20/2005
Date

Gordon L. Goodman
Gordon L. Goodman, Objector

1/20/2005
Date

Name

Date

Ken Lerner
Ken Lerner, Objector

1/20/2005
Date

Name

Date

Megan Schroeder
Megan Schroeder, Objector

1/20/2005
Date