

October 13, 2008

DuPage County Election Commission
421 County Farm Road
Wheaton, IL 60187

Mr. Robert Schillerstrom, Chair
DuPage County Board
421 County Farm Road
Wheaton, IL 60187

Mr. Schillerstrom & Members of the DuPage County Election Commission:

Recent and past actions by the DuPage County Election Commission (DCEC) continue to raise serious concerns about its ability to conduct itself in a bi-partisan manner that guarantees voters that party labels are not considered when decisions and recommendations are made. Equal protection is the hallmark of our democracy and our demand for it is not an act of pique but a duty we must exercise on behalf of the 132,000+ Democratic voters in DuPage County.

We have accumulated a body of evidence that strongly supports our claim that the DCEC and some of its employees/consultants are incapable of acting in a bi-partisan manner. As a result of what we will show to be conflicts of interest and repeated and blatant acts of partisanship, we ask that the parties above take immediate action to replace Mr. Patrick Bond as attorney for the DCEC and to immediately terminate the services of Mr. Dan Curry.

Most recently, the DCEC removed from the November 4th ballot an advisory question that asked voters whether or not they support recalling officials holding statewide offices. Initially, however, in an act of “they’ll never know” style favoritism, the DCEC approved the petition that would have put this question on the ballot. This appeared in various local newspapers. The DCEC allowed this question in spite of the fact that the petitions did not have the required number of signatures, as a matter of fact it only had a mere third of what was needed even without considering possible invalid signatures which could run up to 30%. Still, without consideration for the rules or the best interest of the electorate, the DCEC ruled that this visibly inadequate stack of petition forms met the “apparent conformity” standard.

Only after being contacted by Amy Tauchman, Executive Director of the Democratic Party of DuPage County, questioning the rationale of the DCEC's action did the Commission rule, as it should have in the first place -- that the petition lacked the required number of signatures. The DCEC reversed itself and removed the question from the ballot.

A few years ago, an organization called DuPage Against War Now (DAWN) submitted a petition requesting an advisory question to be placed on the ballot regarding the withdrawal of troops from Iraq (surely a question that the DCEC and whomever they consult with feared would draw out more Democratic voters). The DAWN petition contained approximately 9,000 signatures, or approximately 50% more than the recall petition, and was immediately ruled to lack "apparent conformity" and was not placed on the ballot. The physical appearance of 9,000 signatures versus 6,000 is obvious, though in fact, it was not enough to fill the requirement and DAWN respectfully accepted the ruling of the DCEC.

Fast forward to the 2008 primary election where the DCEC ruled that the petition from Mr. Michael Braun, Democratic candidate for county board was not in apparent conformity because Mr. Braun circled "2 year term" and not "4 year term" on his petition. Despite the fact that Mr. Braun used petitions supplied by the DCEC that still contained the "2-year" option (making the papers given to Mr. Braun, one might deduce, outside of apparent conformity at the outset), Mr. Braun's name was removed. I received a letter from Mr. Bond explaining the, once again, noticeably inconsistent decision of the Commission, as you will see.

Within days of this denial, The Democratic Party of DuPage County brought to the attention of the Commission the petition submitted by Mr. Grant Eckhoff, Republican candidate for the county board. Mr. Eckhoff's petition contained the wrong date of the primary. His petition had the long past date of February 5, 2007 instead of February 5, 2008 as his primary election date. The Commission, likely at the advice of its attorney Patrick Bond, ruled that Mr. Eckhoff's petition was in apparent conformity citing his "intention", yet the Commission failed to consider the obvious "intention" of Mr. Braun.

It is also interesting to note that Mary Dickson, a partner of Mr. Bond in his law practice, was running in the primary in the same county board district as Mr. Eckhoff. Had the Commission ruled against Mr. Eckhoff as it did against Mr. Braun, Ms. Dickson would have won the primary seat as Republican candidate in that county board district. One could reasonably conclude that the (appropriate) exclusion of Mr. Eckhoff by the apparent conformity standard was avoided in order to avoid showing favoritism to Mr. Bond's partner. This is a shell game at best and hardly assures the "Consent of the Governed" as promised in DCEC's motto.

Several other disturbing facts need to be acknowledged and responded to by Commission and Mr. Schillerstrom right away:

1. In the 18 months between January 2007 and June 2008. Mr. Bond has received compensation of approximately \$175,000 in tax dollars to represent the DCEC, which bills itself as a bi-partisan government entity.
2. Mr. Bond has contributed approximately \$110,000 to the DuPage County Republican Party and the Republican candidates. We cannot find a single dollar contributed by Mr. Bond to any Democratic candidate. We recognize that these contributions are not illegal, however, they clearly demonstrate partisanship by Mr. Bond towards one political party, a glaring conflict of interest in his role as attorney for a bi-partisan Commission.
3. Mr. Bond has contributed \$17,500 to DuPage State's Attorney Joe Birkett. Any complaints regarding the DCEC are processed through Mr. Birkett's office. Again, a clear conflict.
4. Mr. Bond has contributed \$8,500 to Mr. Robert Schillerstrom, Chair of the DuPage County Board. Mr. Schillerstrom appoints members of the Commission and the Commission hires Mr. Bond.
5. Mr. Bond has contributed approximately \$7,500 to Republican County Court Clerk, Chris Kachiroubas; \$3,000 to Republican Recorder of Deeds Fred Bucholz; and \$1,000 to Republican candidate for the 6th congressional district, Peter Roskam. If there are any disputes, challenges, or recounts involving any of these candidates, Mr. Bond would be representing the Commission, in our opinion a conflict of interest.
6. Mr. Bond contributed approximately \$1,000 to Republican candidate Carole Pankau, yet was in the position to recommend to the Commission that Democratic candidate, Tom Cullerton, be removed from the ballot. Although supported by the Court of Appeals, Mr. Bond should have recused himself from this case.
7. Mr. Bond was prepared to present the case against Cullerton before Judge Popejoy, even though Mr. Bond served as Judge Popejoy's campaign manager and contributed \$6,500 to Judge Popejoy's campaign. Judge Popejoy, however, rightfully removed himself from the Cullerton case.
8. Mr. Bond was also advising the Commission in the dispute regarding the destruction of public records. Only after the Illinois Attorney General ruled that the destruction of records by the DCEC did not conform to the Illinois Local Records Act did the destruction stop.

Our request to have Mr. Bond replaced has nothing to do with his character or knowledge of the law, nor does it suggest that Mr. Bond did anything that was illegal in any of the above cases. However, we do believe that Mr. Bond's support of and association with Republican officials in DuPage County makes it humanly impossible for him to serve on a bi-partisan commission with the constant concern over biting the hand that feeds him and feeds him well.

In addition to our concern over the appointment of Mr. Bond, we also have concerns over the employment of Mr. Dan Curry, who serves in a public relations capacity for the Commission. Some of our concerns about Mr. Curry include:

1. Mr. Curry has been under contract with the Commission since April 2007 and has been paid \$3,000 per month.
2. Mr. Curry has a website, ReverseSpin.com, which obviously favors Republican candidates and Republican positions. His disclaimer that his opinions therein do not represent the work of his PR firm doesn't pass the smell test when you examine the content of this site. His comments towards Democrats are consistently negative. We respect Mr. Curry's right to express his concerns about political issues and candidates, but not while being paid \$3,000 of our tax dollars to serve a bi-partisan board.
3. Mr. Curry is the spokesperson for Mr. Joe Birkett in his bid for statewide office. Mr. Curry is free to act on behalf of Mr. Birkett, but, in our opinion, not while being paid \$3,000 a month to work on public relations matters for a bi-partisan board.
4. As near as we can determine, Mr. Curry has worked exclusively for Republican candidates and Republican campaigns including Jim Ryan and Steve Greenberg who is running against Democrat Melissa Bean.

It is difficult for us to accept the bi-partisan claim of the DuPage County Election Commission while they continue to employ individuals whose records show just the opposite. If Mr. Bond and Mr. Curry wish to support and act solely on behalf of Republican candidates and Republican causes, we find no fault with them doing just that. However, we strongly oppose them serving for a bi-partisan Commission, especially during this critical election on November 4.

We respectfully ask the Commission and Mr. Schillerstrom to demonstrate their desire to assure that all DuPage voters are represented in a bi-partisan way without any concern or worry about apparent conflicts of interest by removing individuals, beginning with Mr. Bond and Mr. Curry, who have not demonstrated a non-partisan pattern of behavior.

Sincerely,

Bob Peickert, Chair
Democratic Party of DuPage County