



United City of Yorkville

800 Game Farm Road

Yorkville, Illinois 60560

Telephone: 630-553-4350

www.yorkville.il.us

NOTICE

UNITED CITY OF YORKVILLE ELECTORAL BOARD

Wednesday, January 2, 2019

4:30 p.m.

City Hall Council Chambers
800 Game Farm Road, Yorkville

You are hereby notified that a meeting of the electoral board of the United City of Yorkville, Kendall County Illinois, is to be held Wednesday, January 2, 2019, at 4:30 p.m. at the City Hall Council Chambers at 800 Game Farm Road, Yorkville, Illinois.

The purpose of the meeting is to hear and pass upon objections filed to the nominating petitions of Thomas G. Gilmour, Candidate for Alderman Ward 3.

Signed,

Gary J. Golinski

Mayor of the United City of Yorkville
Chairman of the Electoral Board



United City of Yorkville

800 Game Farm Road

Yorkville, Illinois 60560

Telephone: 630-553-4350

www.yorkville.il.us

AGENDA

UNITED CITY OF YORKVILLE ELECTORAL BOARD

Wednesday, January 2, 2019

4:30 p.m.

City Hall Council Chambers

800 Game Farm Road, Yorkville, IL

PLEASE TAKE NOTICE that: on Wednesday, January 2, 2019 at 4:30 p.m. Mayor Gary J. Golinski, City Clerk Beth Warren, and Alderman Jackie Milschewski, constituting the United City of Yorkville Electoral Board, will hold a hearing for the purpose of passing upon of objections to nomination papers for a candidate for Alderman Ward 3 of the United City of Yorkville, as required by law for candidates to be voted upon at the Consolidated Election to be held on April 2, 2019.

The hearing will be held at the City Hall Council Chambers, 800 Game Farm Road, Yorkville, Illinois.

The meeting will follow this agenda:

1. Call to Order
2. Roll Call
3. Adoption of Rules of Procedure
4. Review of objections as set forth in *Richard Vinyard v. Thomas G. Gilmour*
5. Review of relevant case law
6. Discussion and decision
7. Public Comment
8. Adjournment

Posted: December 28, 2018

CITY OF YORKVILLE
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Article XIII Section 2 of the Illinois Constitution provides:

“SECTION 2. STATEMENT OF ECONOMIC INTERESTS

All candidates for or holders of state offices and all members of a Commission or Board created by this Constitution shall file a verified statement of their economic interests, as provided by law. The General Assembly by law may impose a similar requirement upon candidates for, or holders of, offices in units of local government and school districts.”

Your Objector states that the laws pertaining to the securing of ballot access require that certain requirements be met as established by law. Filings made contrary to such requirements must be voided, being in violation of the statutes in such cases made and provided. One such legal requirement mandates the filing by the Candidate of the receipt from the “Statement of Economic Interest” filed pursuant to the Illinois Governmental Ethics Act, which receipt and statement must be made “in relation to his candidacy.” *See Jones v. Municipal Officers Electoral Board*, 112 Ill.App.3d 926, 446 N.E.2d 256, 68 Ill.Dec. 522 (1st Dist. 1983).

Section 10-5 of the Election Code provides:

“Nomination papers filed under this Section are not valid if the candidate named therein fails to file a statement of economic interests as required by the Illinois Governmental Ethics Act in relation to his candidacy with the appropriate officer by the end of the period for the filing of nomination papers unless he has filed a statement of economic interests in relation to the same governmental unit with that officer during the same calendar year as the year in which such nomination papers were filed. If the nomination papers of any candidate and the statement of economic interest of that candidate are not required to be filed with the same officer, the candidate must file with the officer with whom the nomination papers are filed a receipt from the officer with whom the statement of economic interests is filed showing the date on which such statement was filed. Such receipt shall be so filed not later than the last day on which nomination papers may be filed. 10 ILCS 5/10-5 (West 2010).

Section 4A-106 of the Ethics Act provides:

The statements of economic interests required of persons listed in items (g),[1] (h), (i), (k), and (o) of Section 4A-101 shall be filed with the county clerk of the county in which the principal office of the unit of local government with which the person is associated is located. 5 ILCS 420/4A-106 (West 2010).

The requirements of the Election Code are mandatory. *Kellogg v. Cook County Illinois Officers Electoral Board*, 347 Ill.App.3d 666, 670, 283 Ill.Dec. 320, 807 N.E.2d 1161 (2004); *Welch v. Johnson*, 47 Ill. 2d 40, 167 Ill. Dec. 989, 588 N.E.2d 1119 (1992).

The Nominating Papers of Thomas G. Gilmour do not contain a receipt from the Kendall County Clerk for a statement of economic interests. The nomination papers are, therefore, not in compliance with the statutes in such cases made and provided and should be determined to be void. This wholly fails to comply with the mandatory provision of the Election Code, jeopardizes the integrity of the electoral process, and is a nullity.

2. Your Objector also states the Candidate included a Statement of Economic Interests for statewide candidates submitted directly municipal election officer at the time of filing the Nominating Papers.

The Illinois Governmental Ethics Act (the Ethics Act) requires that candidates for public office file a "Statement of Economic Interests." 5 ILCS 420/4A-103, 4A-104 (West 2010). See also 10 ILCS 5/10-5 (West 2010) (a candidate must submit the "Statement of Economic Interests" form "as required" by the Illinois Governmental Ethics Act).

The filing of a statement of economic interests is to "to reveal conflicts of interest between the public trust and private gain by requiring disclosure of financial interests related to public employment." *Miceli v. Lavelle*, 114 Ill. App. 3d 311, 313 (1983).

Gilmour completed the form for candidates for statewide office of which questions are asked pertaining to the State of Illinois (5 ILCS 420/4A-103 (West 2010)), in lieu of the required form for local candidates which asks questions pertaining to the local unit of government at issue (5 ILCS 420/4A-104 (West 2010)). The filing of the statewide form fails to answer the questions of conflicts of interests between the Candidate and municipal entity in which the elected office is sought.

The Candidate in fact failed to file any statement of economic interests with the state or the county. This failure again wholly fails to comply with the mandatory provision of the Election Code, jeopardizes the integrity of the electoral process, and is a nullity. See *Cortez v. Municipal Officers Electoral Board*, 2013 IL App (1st) 130442

WHEREFORE, your Objector prays that the purported nomination papers of Thomas G. Gilmour for Independent nomination/election to the office of Alderman from the 3rd Ward of the United City of Yorkville in the State of Illinois be declared by this Honorable Electoral Board to be insufficient and not in compliance with the laws of the State of Illinois and that the Candidate's name be stricken and that this Honorable Electoral Board enter its decision declaring that the name of Thomas G. Gilmour for Independent nomination/election to the office of Alderman from the 3rd Ward of the United City of Yorkville in the State of Illinois BE NOT PRINTED on the OFFICIAL BALLOT for at the Consolidated Election to be held on April 2, 2019.




OBJECTOR Richard Vinyard

2123 Northland Lane, Yorkville, IL 60560-4517

VERIFICATION

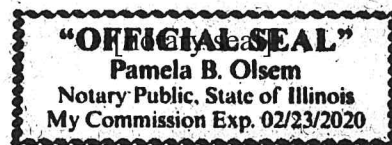
The undersigned as Objector, first being duly sworn on oath, now deposes and says that he has read this VERIFIED OBJECTOR'S PETITION and that the statements therein are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true and correct.


 OBJECTOR Richard Vinyard
 2123 Northland Lane, Yorkville, IL 60560-4517

COUNTY OF KENDALL)
) ss.
State of Illinois)

Subscribed to and Sworn before me, a Notary Public, by Richard Vinyard, the Objector,
on this the 26th day of December, 2018, at Gorkeville, Illinois.
(date of swearing)

James B. Olsen
NOTARY PUBLIC



My Commission expires: 02/23/2020
(date of expiration)

STATEMENT OF CANDIDACY

INDEPENDENT

NAME	ADDRESS-ZIP CODE	OFFICE	CITY, VILLAGE, TOWNSHIP, COUNTY, DISTRICT OR STATE
Thomas G. Gilmour	1345 Chestnut Circle	Alderman Ward 3	United City of Yorkville IL

(for unexpired terms, specify "2 year unexpired term" or "4 year unexpired term" along with the office in the "OFFICE" space provided above)

If required pursuant to 10 ILCS 5/10-5.1, complete the following (this information will appear on the ballot)

FORMERLY KNOWN AS _____ UNTIL NAME CHANGED ON _____
 (List all names during last 3 years) (List date of each name change)

STATE OF ILLINOIS)
 County of Kendall) SS.

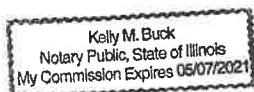
I, Thomas G. Gilmour being first duly sworn (or affirmed), say that I reside at
1345 Chestnut Circle, in the City, Village, Unincorporated Area of Yorkville (if
 unincorporated, list municipality that provides postal service) Zip Code 60560, in the County of Kendall,

State of Illinois; that I am a qualified voter therein, that I am a candidate for election to the
 office of Alderman United City of Yorkville
 in the _____ to be
 Name of City, Village, Township, County, District or State

voted upon at the election to be held on April 2, 2019 (date of election) and that I am legally qualified
 (including being the holder of any license that may be an eligibility requirement for the office to which I seek election) to hold
 such office and that I have filed (or I will file before the close of the petition filing period) a Statement of Economic Interests as
 required by the Illinois Governmental Ethics Act and I hereby request that my name be printed upon the official ballot for
 election to such office.

Thomas G. Gilmour
 (Signature of Candidate)

Signed and sworn to (or affirmed) by Thomas G. Gilmour before me, on 12/17/2018
 (Name of Candidate) (insert month, day, year)



(SEAL)

Kelly M. Buck
 (Notary Public's Signature)

____ATTACH TO PETITION____

10 ILCS 5/7-10.1

Suggested
Revised July, 2004
SBE No. P-1C

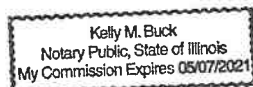
LOYALTY OATH
(OPTIONAL)

United States of America)
)
State of Illinois) SS.

I, Thomas G. Gilmour, do swear (or affirm) that I am a citizen of the United States and the State of Illinois, that I am not affiliated directly or indirectly with any communist organization or any communist front organization, or any foreign political agency, party, organization or government which advocates the overthrow of constitutional government by force or other means not permitted under the Constitution of the United States or the Constitution of this State; that I do not directly or indirectly teach or advocate the overthrow of the government of the United States or of this State or any unlawful change in the form of the governments thereof by force or any unlawful means.


(Signature of Candidate)

Signed and sworn to (or affirmed) by Thomas G. Gilmour before me,
(Name of Candidate)
on 12/17/2018
(insert month, day, year)




(Notary Public's Signature)

INDEPENDENT CANDIDATE PETITION

We, the undersigned, qualified voters in the City of Yorkville in the County of Kendall and State of Illinois, do hereby petition that the following named person shall be an Independent Candidate for election to the office hereinafter specified to be voted for at the Consolidated Election to be held on April 2, 2019 (date of election).

NAME	OFFICE	ADDRESS--ZIP CODE
Thomas G. Gilmour	Alderman Ward 3	1345 Chestnut Circle Yorkville, IL 60560

(for unexpired terms, specify "2 year unexpired term" or "4 year unexpired term" along with the office in the "OFFICE" space provided above)

If required pursuant to 10 ILCS 5/7-10.2, 8-8.1 or 10-5.1, complete the following (this information will appear on the ballot)

FORMERLY KNOWN AS

UNTIL NAME CHANGED ON

(List all names during last 3 years)

(List date of each name change)

NAME (VOTER'S SIGNATURE)	VOTER'S PRINTED NAME (optional)	STREET ADDRESS OR RR NUMBER	CITY, TOWN OR VILLAGE	COUNTY
1. Patricia Newmark	PATRICIA Newmark	1365 Chestnut Circle	Yorkville, IL	Kendall
2. Deborah Gillette	Deborah Gillette	1611 Cypress Ln	Yorkville, IL	Kendall
3. G. R. Hill	G. R. Hill	1611 Cypress Ln	Yorkville, IL	Kendall
4. Fred Morgan	Fred Morgan	1335 Chestnut Cir	Yorkville, IL	Kendall
5. Jackie Morgan	Jackie Morgan	1335 Chestnut Cir	Yorkville, IL	Kendall
6. Ronald L. Luke	Ronald L. Luke	1355 Chestnut Cir	Yorkville, IL	Kendall
7. Robert E. ...	Robert E. ...	2338 S. ...	Yorkville, IL	Kendall
8. Jennifer Tate	Jennifer Tate	1401 Sequoia Cir	Yorkville, IL	Kendall
9. Judy A. Gilmour	Judy A. Gilmour	1345 Chestnut Cir.	Yorkville, IL	Kendall
10. Thomas G. Gilmour	THOMAS G. GILMOUR	1345 CHESTNUT CIR.	Yorkville, IL	Kendall

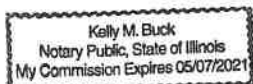
State of IL)
County of Kendall) SS.

Thomas G. Gilmour (Circulator's Name) do hereby certify that I reside at 1345 Chestnut Circle in the City/Village/Unincorporated Area of Yorkville (if unincorporated, list municipality that provides postal service) (Zip code) 60560, County of Kendall, State of IL that I am 18 years of age or older (or 17 years of age and qualified to vote in Illinois), that I am a citizen of the United States, and that the signatures on this sheet were signed in my presence, not more than 90 days preceding the last day of filing of the petitions and are genuine and that to the best of my knowledge and belief the persons so signing were at the time of signing the petition registered voters of the political division in which the candidate is seeking elective office, and their respective residences are correctly stated, as above set forth.

Thomas G. Gilmour
(Circulator's Signature)

Signed and sworn to (or affirmed) by Thomas G Gilmour before me, on 12/17/2018
(Name of Circulator) (Insert month, day, year)

(SEAL)



Kelly M. Buck
(Notary Public's Signature)

INDEPENDENT CANDIDATE PETITION

We, the undersigned, qualified voters in the City of Yorkville in the County of Kendall and State of Illinois, do hereby petition that the following named person shall be an Independent Candidate for election to the office hereinafter specified to be voted for at the Consolidated Election to be held on April 2, 2019 (date of election).

NAME	OFFICE	ADDRESS--ZIP CODE
Thomas G. Gilmour	Alderman Ward 3	1345 Chestnut Circle Yorkville, IL 60560

(for unexpired terms, specify "2 year unexpired term" or "4 year unexpired term" along with the office in the "OFFICE" space provided above)

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FORMERLY KNOWN AS

UNTIL NAME CHANGED ON

(List all names during last 3 years)

(List date of each name change)

NAME (VOTER'S SIGNATURE)	VOTER'S PRINTED NAME (optional)	STREET ADDRESS OR RR NUMBER	CITY, TOWN OR VILLAGE	COUNTY
1. <u>Ken Pl</u>	<u>Kenneth Buckner</u>	<u>1281 Chestnut Cir.</u>	<u>Yorkville, IL</u>	<u>Kendall</u>
2. <u>Karen Fisher</u>	<u>KAREN FISHER</u>	<u>1391 Chestnut Cir.</u>	<u>Yorkville, IL</u>	<u>Kendall</u>
3. <u>Nancy Bukhman</u>	<u>Nancy Bukhman</u>	<u>1382 Chestnut Cir.</u>	<u>Yorkville, IL</u>	<u>Kendall</u>
4. <u>Carol Foster</u>	<u>Carol Foster</u>	<u>1312 Chestnut Cir</u>	<u>Yorkville, IL</u>	<u>Kendall</u>
5. <u>Joseph Gillespie</u>	<u>Joseph Gillespie</u>	<u>1d18 Willow way</u>	<u>Yorkville, IL</u>	<u>Kendall</u>
6. <u>Lenora Gillespie</u>	<u>Lenora Gillespie</u>	<u>1218 Willow way</u>	<u>Yorkville, IL</u>	<u>Kendall</u>
7. <u>Heidi Raitt</u>	<u>Heidi Raitt</u>	<u>2312 High Ridge Ln.</u>	<u>Yorkville, IL</u>	<u>Kendall</u>
8. <u>Tom Raitt</u>	<u>Tom Raitt</u>	<u>2302 High Ridge Ln</u>	<u>Yorkville, IL</u>	<u>Kendall</u>
9. <u>Melissa Lowe</u>	<u>Melissa Lowe</u>	<u>1344 Chestnut Ln</u>	<u>Yorkville, IL</u>	<u>Kendall</u>
10. <u>Cynthia Buckner</u>	<u>Cynthia Buckner</u>	<u>1381 Chestnut Ln</u>	<u>Yorkville, IL</u>	<u>Kendall</u>

State of IL)
County of Kendall) SS.

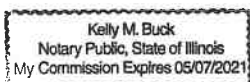
I, Thomas G. Gilmour (Circulator's Name) do hereby certify that I reside at 1345 Chestnut Circle, in the City/Village/Unincorporated Area of Yorkville (if unincorporated, list municipality that provides postal service) (Zip Code) 60560, County of Kendall, State of IL

that I am 18 years of age or older (or 17 years of age and qualified to vote in Illinois), that I am a citizen of the United States, and that the signatures on this sheet were signed in my presence, not more than 90 days preceding the last day of filing of the petitions and are genuine and that to the best of my knowledge and belief the persons so signing were at the time of signing the petition registered voters of the political division in which the candidate is seeking elective office, and their respective residences are correctly stated, as above set forth.

Thomas G. Gilmour
(Circulator's Signature)

Signed and sworn to (or affirmed) by Thomas G. Gilmour before me, on 12/17/18
(Name of Circulator) (Insert month, day, year)

(SEAL)



Kelly M. Buck
(Notary Public's Signature)

INDEPENDENT CANDIDATE PETITION

We, the undersigned, qualified voters in the City of Yorkville in the County of Kendall and State of Illinois, do hereby petition that the following named person shall be an Independent Candidate for election to the office hereinafter specified to be voted for at the Consolidated Election to be held on April 2, 2019 (date of election).

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Thomas G. Gilmour	Alderman Ward 3	1345 Chestnut Circle Yorkville, IL 60560

(for unexpired terms, specify "2 year unexpired term" or "4 year unexpired term" along with the office in the "OFFICE" space provided above)

If required pursuant to 10 ILCS 5/7-10.2, 8-8.1 or 10-5.1, complete the following (this information will appear on the ballot)
FORMERLY KNOWN AS _____ UNTIL NAME CHANGED ON _____

(List all names during last 3 years)

(List date of each name change)

NAME (VOTER'S SIGNATURE)	VOTER'S PRINTED NAME (optional)	STREET ADDRESS OR RR NUMBER	CITY, TOWN OR VILLAGE	COUNTY
1. <u>David Fichtel</u>	DAVID FICHTEL	1322 Chestnut Cir.	Yorkville, IL	Kendall
2. <u>Liz Fichtel</u>	LIZ FICHTEL	1322 CHESTNUT CIR	Yorkville, IL	Kendall
3. <u>Margaret Kiozer</u>	MARGARET KIOZER	1338 Chestnut Cir	Yorkville, IL	Kendall
4.			Yorkville, IL	Kendall
5.			Yorkville, IL	Kendall
6.			Yorkville, IL	Kendall
7.			Yorkville, IL	Kendall
8.			Yorkville, IL	Kendall
9.			Yorkville, IL	Kendall
10.			Yorkville, IL	Kendall

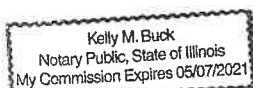
State of IL)
County of Kendall) SS.

I, Thomas G. Gilmour (Circulator's Name) do hereby certify that I reside at 1345 Chestnut circle, in the City/Village/Unincorporated Area of Yorkville (if unincorporated, list municipality that provides postal service) (Zip Code) 60560, County of Kendall, State of IL that I am 18 years of age or older (or 17 years of age and qualified to vote in Illinois), that I am a citizen of the United States, and that the signatures on this sheet were signed in my presence, not more than 90 days preceding the last day of filing of the petitions and are genuine and that to the best of my knowledge and belief the persons so signing were at the time of signing the petition registered voters of the political division in which the candidate is seeking elective office, and their respective residences are correctly stated, as above set forth.

Thomas G. Gilmour
(Circulator's Signature)

Signed and sworn to (or affirmed) by Thomas G. Gilmour before me, on 12/17/2018
(Name of Circulator) (Insert month, day, year)

(SEAL)



Kelly M. Buck
(Notary Public's Signature)

STATEMENT OF ECONOMIC INTERESTS

TO BE FILED WITH
THE SECRETARY OF STATE



(Type or print name and address in the blank space below.)

Alderman, Ward 3, United City of Yorkville, IL

Thomas G. Gilmore
1345 Chestnut Circle
Yorkville, IL 60560

(List each office or position of employment for which this Statement is filed.)

GENERAL DIRECTIONS

The interest (if constructively controlled by the person making the statement) of a spouse or any other party shall be considered to be the same as the interest of the person making the statement. Campaign receipts shall not be included in this statement.

(If more space is needed, please attach supplemental listing.)

1. List the name and instrument of ownership in any entity doing business in the State of Illinois, in which the ownership interest held by the person at the date of filing is in excess of \$5,000 fair market value or from which dividends in excess of \$1,200 were derived during the preceding calendar year. (In the case of real estate, location thereof shall be listed by street address or, if none, by legal description.) No time or demand deposit in a financial institution nor any debt instrument need be listed.

Business Entity	Instrument of Ownership
N/A	

2. List the name, address and type of practice of any professional organization in which the person making the statement was an officer, director, associate, partner or proprietor, or served in any advisory capacity, from which income in excess of \$1,200 was derived during the preceding calendar year.

Name	Address	Type of Practice
N/A		

3. List the nature of professional services rendered (other than to the State of Illinois) of each entity from which income exceeding \$5,000 was received for professional services rendered during the preceding calendar year by the person making the statement.

N/A

4. List the identity (including the address or legal description of real estate) of any capital asset from which a capital gain of \$5,000 or more was realized during the preceding calendar year.

N/A

5. List the identity of any compensated lobbyist with whom the person making the statement maintains a close economic association, including the name of the lobbyist and specifying the legislative matter or matters that are the object of the lobbying activity, and describing the general type of economic activity of the client or principal on whose behalf that person is lobbying.

Lobbyist	Legislative Matter	Client or Principal
<u>N/A</u>		

6. List the name of any entity doing business in the State of Illinois from which income in excess of \$1,200 was derived during the preceding calendar year, other than for professional services, and the title or description of any position held in that entity. (In the case of real estate, location thereof shall be listed by street address or, if none, by legal description.) No time or demand deposit in a financial institution nor any debt instrument need be listed.

Entity	Position Held
<u>N/A</u>	

7. List the name of any unit of government that employed the person making the statement during the preceding calendar year other than the unit or units of government in relation to which the person is required to file.


N/A

8. List the name of any entity from which a gift or gifts, or honorarium or honoraria, valued singly or in the aggregate in excess of \$500, was received during the preceding calendar year.

N/A

VERIFICATION

I declare that this Statement of Economic Interests (including any accompanying schedules and statements) has been examined by me and to the best of my knowledge and belief is a true, correct and complete statement of my economic interests as required by the Illinois Governmental Ethics Act. I understand that the penalty for willfully filing a false or incomplete statement shall be a fine not to exceed \$1,000 or imprisonment in a penal institution other than the penitentiary not to exceed one year, or both fine and imprisonment.


(Signature of person making Statement) 12-17-18 (Date)

NOTE: This statement must be filed in the Office of the Secretary of State, Index Department, Ethics Section, 111 E. Monroe, Springfield, IL 62756.



United City of Yorkville

800 Game Farm Road

Yorkville, Illinois 60560

Telephone: 630-553-4350

www.yorkville.il.us

Date: 12/17/18
Time: 3:49 pm
Received From: THOMAS G. GILMOUR
Position Seeking: ALDERMAN WARD 3

Documents Received:

Statement of Candidacy: ☒ Yes ☐ No

Nominating Petition Sheets: ☒ Yes ☐ No # of Sheets: 3

Receipt for filing of
Statement of Economic
Interest with County
Clerk ☐ Yes ☒ No

Loyalty Oath
(Optional) ☒ Yes ☐ No

Received By: Lisa Pickering
United City of Yorkville Clerk's Office
Lisa Pickering, Deputy Clerk



United City of Yorkville

800 Game Farm Road

Yorkville, Illinois 60560

Telephone: 630-553-4350

www.yorkville.il.us

RECEIPT FOR NOTICE OF OBLIGATION

I hereby acknowledge receipt of Form D-5 Notice of Obligation.

Date: 12-17-18

Signature of Candidate: Thomas G. Gilmour

Printed Name: THOMAS G. GILMOUR