

SEP candidate demands investigation

Letter to Illinois Inspector General from Tom Mackaman

17 July 2004

The following letter was sent to the Office of the Illinois Inspector General, created in January 2003 to investigate fraud and abuse in state government, by Tom Mackaman, the SEP candidate for State Representative in Illinois' 103rd District.

To:

Executive Inspector Z. Scott
Office of Inspector General
32 West Randolph Street, Suite 1300
Chicago, Illinois 60601

My name is Tom Mackaman. I am the candidate of the Socialist Equality Party for State Representative in the 103rd District, which includes Champaign and Urbana. My ballot status is currently under review by the Champaign County Electoral Board after a challenge by the county Democratic Party to the 2,003 signatures submitted by the SEP to place me on the ballot for the November 2 election.

It has come to my attention that state employees on the staff of the Illinois House of Representatives were directly involved in compiling objections against our petitions and overseeing the challenges to signatures on those petitions before the Champaign County Electoral Board. This activity has clearly been of a partisan character.

On June 22, Liz Brown and Brendan Hostetler, two members of the House Democratic staff, read and copied my nominating petitions at 9:09 a.m. and 2:40 p.m., respectively—times they would normally be expected to be performing legislative duties at the state capital. Preliminary research has shown that the pair has conducted this sort of clearly partisan work numerous times in the past. Moreover, Brendan Hostetler has performed this same service for my Democratic opponent, State Representative Naomi

Jakobsson, in a past election.

On several occasions Kristen Bauer, another member of the House Democratic staff and the legislative aide of Rep. Jakobsson, communicated with representatives of the Champaign County Democratic Party who were examining my nominating petitions on July 13, as well as employees of the County Clerk's office in Urbana. The series of phone exchanges took place at times Ms. Bauer would normally be performing her duties as an employee of the General Assembly.

The activities of Bauer, Hostetler and Brown are expressly prohibited by provisions of the Illinois Governmental Ethics Act and Illinois Election Code, as well as federal law protecting constitutional rights. I am therefore requesting that the Office of the Inspector General launch a full investigation into the violation of these laws.

Illinois statute 5 ILCS 43 clearly states, under section 5-15(a), "State employees shall not intentionally perform any prohibited political activity during any compensated time." Section 1-5(8) verifies that "prohibited political activity" means "circulating, reviewing, or filing any petition on behalf of a candidate for elective office or for or against any referendum in question."

Illinois law further stipulates, under statute 10 ILCS 5/9-25.1(b) and (c), under "election interference," that "no funds shall be used to urge any elector to vote for or against any candidate or proposition, or be appropriated for political or campaign purposes to any candidate or political organization," and that violators of this section "shall be guilty of a class B misdemeanor."

Furthermore, the actions of Bauer, Brown and Hostetler may come under the aegis of ILCS 5/29-18 of

the Illinois Election Code, which states, “If 2 or more persons conspire to prevent by force, intimidation, threat, deception, forgery or bribery any person from ... supporting or opposing, in a legal manner, the nomination or election of any person for public or political party office ... and if one or more persons so conspiring do, attempt or cause to be done, any act in furtherance of the object of such conspiracy, whereby another is ...deprived of having or exercising any right, privilege or immunity secured by the Constitution or laws of the US or state of Illinois relating to the conduct of elections, voting, or nomination or election of candidates for public or political party office, all persons engaged in such conspiracy shall be liable to the party injured or any person affected, in any action or proceeding for redress.”

Furthermore, federal law (42 U.S.C. § 1983) provides that any person may sue for damages if another person, acting under color of state law, interferes with his constitutional rights.

The actions of the Democratic House staff are illegal and are violations of democratic principles, including freedom of speech and association, as guaranteed by the 1st Amendment, and due process as protected by the 14th Amendment. We urge the Office of the Inspector General to investigate this matter immediately.

Sincerely yours,

Tom Mackaman



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Socialist Equality Party visit:

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