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April 23, 2024

VIA EMAIL

Christopher Benes
President/Chair
Lake Forest Caucus
info@lakeforestcaucus.com, ccbenes@gmail.com

Dear Mr. Benes:

I represent Liam Connell, David and Diana Moore, Patrick and Kara Boyd, Lori and Dean Thuente, Sue Kruesi, Scott Zuhr, and other individuals who are members of the Lake Forest Caucus ("Caucus Members"). See March 30, 2020 Bylaws ("Bylaws"), Section 2.01. These Caucus Members participated in the "election" for the 2024-25 Caucus Officers at the Lake Forest Caucus Spring Meeting, and they all voted "no" on the slate of candidates for Caucus Executive Committee.

The Lake Forest Caucus ("Caucus") is organized as a political action committee with the State Board of Elections pursuant to Article 9 of the Illinois Election Code and Section 1.02 of the Bylaws. According to public records of the State Board of Elections, the Caucus was previously organized as a political party committee, but it changed the organization to a political action committee in 2011. The Caucus is governed by Bylaws initially adopted in 1954, and most recently amended as of March 30, 2020. The Caucus membership "comprises all active registered voters residing in, and eligible to vote in municipal elections of, the City of Lake Forest." See Bylaws, Section 2.01.

The Caucus has seven Officers that serve on the Caucus Executive Committee. See Bylaws, Section 4.01; Section 5.01. Section 4.03 of the Bylaws sets forth the process for election of Officers of the Lake Forest Caucus. Section 4.03 provides: "Candidates for Officer positions shall be recommended annually for office by the current Executive Committee from among the members in good standing of the Caucus Committee and shall be presented for election at the Spring Meeting." Notably, the Executive Committee "recommends" the candidates, and those candidates are presented for "election" at the Spring Meeting. Pursuant to Section 3.05 of the Bylaws, "a majority vote of those members present at a duly convened meeting shall be required to take action on any matter presented for a vote."

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At the 2024 Spring Meeting, the Executive Committee recommended a single slate of Officer candidates for the 2024-25 term. Caucus members were only provided the option of voting yes or no on the entire slate of Officer candidates. The Bylaws do not require the election to be conducted in this manner, and in the past, Caucus members have been allowed to vote yes or no on individual Officer candidates. The Bylaws also do not require a minimum number of caucus members to constitute a quorum for a valid vote. Importantly, the Bylaws do not provide that the vote of Caucus members is advisory; rather, the Bylaws provide that the candidates proposed by the Executive Committee are merely a “recommendation” to the entire Caucus and that the election is by majority vote of the Caucus.

The Caucus members rejected the slate of Officers proposed by the Executive Committee at the 2024 Spring Meeting by a vote of 132 NO to 125 YES according to the Caucus website. As such, the Officers recommended by the Executive Committee were not validly elected. Accordingly, a new election must be held for the Officers consistent with the Bylaws. *See* Exh. 1, p. 12 (1988-89 Caucus pamphlet).

You have suggested that the slate of Officers rejected by the Caucus should nonetheless serve because only one person is eligible under the Bylaws to serve as President. While this might mean that this individual should be made President without majority approval, it does not provide justification to elevate the other six Officers on the rejected slate. It makes no sense to enforce the letter of the Bylaws with respect to the eligibility of the Caucus President, but to ignore the letter of the Bylaws with respect to the election of Officers by the Caucus. This action by the Executive Committee follows its rejection of the majority vote of the Caucus on the slate of candidates for election in the 2023 municipal election, suggesting that the Executive Committee believes it can disregard a majority vote of Caucus members at its whim.

The Caucus’ website uses the tag line “It’s All of Us.” However, the Caucus Executive Committee only seems to follow this principle when the majority of voters at a Caucus meeting agrees with them. The Caucus’ rejection of the majority vote at the November 2022 Annual Meeting and the April 2024 Spring Meeting violates the letter and spirit of the Bylaws. The Caucus Members I represent have authorized me to file a lawsuit in the Lake County Circuit Court to seek specific performance of the Bylaws and a new election of Officers of the Caucus for the 2024-25 term.

As members of the same Lake Forest community, the Caucus Members would like to resolve this matter without divisive litigation. However, they are prepared to file a lawsuit promptly to enforce their legal right to a binding election of the Caucus Officers. The Caucus Members hereby demand a new election of Officers be conducted immediately and that the slate of rejected Officers not be installed.

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Please let me know if you would like to discuss the issues raised in this letter further. Because this matter is time sensitive, the Caucus Members will file a lawsuit against the Caucus and its Chair and Treasurer personally in one week if this dispute cannot be settled amicably. Thank you.

Sincerely,

/s/ Ed Mullen

Ed Mullen

cc. Fred Brewer, Treasurer (via U.S. Mail)
Joe Oriti, Executive Committee Member (via U.S. Mail)