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Elizabeth Leigh Clark, Township Supervisor
Kelly Olson- Fuca, Township Clerk

Trustees: Brian Boomer, Joseph Schroepfer
Vernell Sarver and John Wiegert

March 13, 2025

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Pecatonica Township and Candidates Win Lawsuit Against Township Clerk Kelly Olson-Fuca

On March 10, 2025, Winnebago County Chief Judge Lisa Fabiano ruled in favor of Pecatonica Township, Pecatonica Township Officers Electoral Board, and Candidates, Gregory Deppe and Thomas Menge in their lawsuit against Township Clerk Kelly Olson-Fuca. Pecatonica Township and its Township Supervisor, Elizabeth Leigh Clark, as Chair and longest-serving Township Trustee, Vernell Sarver, members of the Pecatonica Township Officers Electoral Board, filed a three-count complaint against Township Clerk Kelly Olson Fuca in the circuit court for the 17th judicial circuit, in Winnebago County, Illinois over Olson-Fuca's discriminatory treatment of her political foes for Township offices in the April 1, 2025 Election.

The lawsuit sought to compel Olson Fuca to treat candidates for Pecatonica Township uniformly. Six candidates for Pecatonica Township offices failed to file receipts with the Township Clerk's office demonstrating that they filed statements of economic interests with the Winnebago County Clerk's office. Candidates are required to file such receipts with the Township Clerk. The candidates who failed to file the receipts are:

Township Supervisor Candidates

Gregory Deppe
Randal L. Olson (the township clerk's dad)

Township Clerk

Defendant Kelly M. Fuca (the township clerk herself)

Highway Commissioner

Thomas R. Menge
Vince Mangiaracina

Township Trustee
John Wiegert

Another candidate for township trustee, Brian Boomer, filed his receipt with his nomination papers, as required.

On January 30, 2025, Township Clerk Kelly Olson Fuca, issued an amended ballot certification to the Winnebago County Clerk removing her father's opponent, Gregory Deppe, and the incumbent Highway Commissioner, Thomas Menge, from the ballot for their failure to file the receipts with her office. However, she did not remove herself, her father, or the two other candidates who also failed to file their receipts with her office. She simply removed her political foes on the ballot.

Olson-Fuca refused to comply with two electoral board decisions directing her to certify Deppe and Menge to the ballot, even though as a member of the Electoral Board she voted in favor of the decisions and signed them. In ruling on the case on Monday, Chief Judge Lisa Fabiano stated that Olson-Fuca "acted arbitrarily and in violation of the petitioner's equal protection rights by subjecting only their petitions to a conformity review while disregarding the petitions of other candidates, including herself, who had the exact same flaws in their petitions." The Judge found this to be "unequivocally an equal protection violation of Menge and Deppe's equal protection rights." Judge Fabiano found that Olson-Fuca's argument was "flawed" and that "her argument that she can violate the order because she deems it invalid is terribly misguided." After finding that Olson Fuca "exceeded her authority" and "acted arbitrarily in decertifying Menge and Deppe," the Court ordered Olson-Fuca to restore them to the ballot.

Gregory Deppe is running for Pecatonica Township Supervisor. Thomas Menge is the incumbent Highway Commissioner, running for reelection. Candidates Deppe and Menge were represented by Attorney Rodney Kimes. The Township was represented by Keri-Lyn J. Krafthefer of Ancel Glink. The remainder of the cases have been continued for further proceedings to April 23, 2025. The Clerk's actions have caused the Township to incur significant legal fees. The lawsuit also seeks to have Olson Fuca pay the Township's attorney's fees. Olson Fuca is seeking to have the Township's insurer pay her legal fees.