



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

KWAME RAOUL
ATTORNEY GENERAL

May 13, 2025

Via electronic mail

Mr. John Kraft
Edgar County Watchdogs
Box 124
Paris, Illinois 61944
john@illinoisleaks.com

Via electronic mail

The Honorable Chase McCall
Chairman, Ford County Board
200 West State
Paxton, Illinois 60957
cmccall@fordcounty.illinois.gov

RE: OMA Request for Review – 2024 PAC 84200

Dear Mr. Kraft and Mr. McCall:

This determination is issued pursuant to section 3.5(e) of the Open Meetings Act (OMA) (5 ILCS 120/3.5(e) (West 2022)).

BACKGROUND

On December 5, 2024, Mr. John Kraft submitted a Request for Review to the Public Access Bureau alleging that the Ford County Board (Board) violated OMA at its December 2, 2024, meeting by voting for a board chairman and vice chairman via a "secret" or "blind" ballot.¹ In support of his assertion, he cited this office's Binding Opinion 13-006, which concerned a vote that was conducted by secret ballot.

¹E-mail from John Kraft, Edgar County Watchdogs, to AG PAC (December 5, 2024).

On December 11, 2024, this office forwarded a copy of the Request for Review to the Board and asked it to provide this office with copies of the December 2, 2024, meeting agenda and minutes, together with a written response to Mr. Kraft's allegation. On December 18, 2024, this office received the requested materials from the Ford County State's Attorney on behalf of the Board. On December 20, 2024, this office forwarded a copy of the Board's response to Mr. Kraft; he did not reply.

DETERMINATION

"The Open Meetings Act provides that public agencies exist to aid in the conduct of the people's business and that the intent of the Act is to assure that agency actions be taken openly and that their deliberations be conducted openly." *Gosnell v. Hogan*, 179 Ill. App. 3d 161, 171 (1989). To that end, section 2(e) of OMA (5 ILCS 120/2(e) (West 2023 Supp.)) provides: "No final action may be taken at a closed meeting. Final action shall be preceded by a public recital of the nature of the matter being considered and other information that will inform the public of the business being conducted."

As Mr. Kraft highlighted, the Attorney General has issued a binding opinion pertaining to the use of secret ballots by public bodies. Ill. Att'y Gen. Pub. Acc. Op. No. 13-006, issued May 13, 2023. In that binding opinion, the Attorney General explained that the intent and public policy behind OMA is to protect the public's right to know, and that the use of secret ballots by public bodies undermines that right. Ill. Att'y Gen. Pub. Acc. Op. No. 13-006, at 5-6. The Attorney General alluded to *WSDR, Inc. v. Ogle County*, 100 Ill. Appl. 3d 1008 (1981), in which the Illinois appellate court held that the use of secret ballots to select a board chairman violated OMA. *WSDR, Inc.*, 100 Ill. Appl. 3d at 1011. The Attorney General concluded that an airport advisory board violated section 2(e) of OMA when it voted to recommend a candidate to fill a vacant seat by secret ballot. Ill. Att'y Gen. Pub. Acc. Op. No. 13-006, at 7.

In its response to this office, the Board acknowledged that at its December 2, 2024, organizational meeting, it "did elect both the Chairman and Vice-Chairman of the Board via the use of a secret or blind ballot."² At this meeting, the Board stated that two individuals were nominated for each position, and members cast ballots. The County Clerk collected the ballots and announced the total votes received for each nominated individual. To address its use of secret ballots, the Board stated that eleven members of its 12-member board publicly declared their votes at a subsequent December 10, 2024, meeting: "Seven members declared they voted for Chairman McCall and seven declared they voted for Vice-Chairman Vaughn. Four members declared for Member Ihrke in each contest. Member May will be asked to declare at the next

²Letter from Andrew L. Killian, Ford County State's Attorney, to Teresa Lim, Supervising Attorney, Public Access Bureau, Office of the Illinois Attorney General (December 17, 2024).

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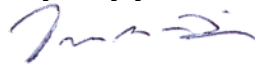
Board meeting he is present at."³ The Board provided a copy of the agenda and draft minutes for the December 10, 2024, meeting.

It is undisputed that the Board selected a new chair and vice-chair by secret ballots at the December 2, 2024, meeting. Because such ballot votes contravene the public policy and intent of OMA that any final actions be taken openly, this office concludes that the Board violated section 2(e) of OMA at the meeting.

This office's review of the Board's December 10, 2024, and January 13, 2025, meeting minutes confirmed that the Board resolved the matter by having its members publicly declare their votes for chair and vice-chair at those meetings. Accordingly, no further remedial action is required.

The Public Access Counselor has determined that resolution of this matter does not require the issuance of a binding opinion. This letter shall serve to close this matter. If you have any questions, please contact me at the Chicago address listed on the first page of this letter.

Very truly yours,



TERESA LIM
Deputy Bureau Chief
Public Access Bureau

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cc: *Via electronic mail*
The Honorable Andrew L. Killian
Ford County State's Attorney
200 West State Street
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³Letter from Andrew L. Killian, Ford County State's Attorney, to Teresa Lim, Supervising Attorney, Public Access Bureau, Office of the Illinois Attorney General (December 17, 2024).