

RESOLUTION 19-1

WHEREAS, this County Board on September 10, 2024 passed Resolution 16 establishing the “Massey Commission” and charged it “with establishing a path forward to best bring the community together and to address systematic issues in law enforcement practices, mental health responses, and community relations, with the goal of creating tangible, practical, and equitable solutions for the betterment of all who call Sangamon County home”; and

WHEREAS, Resolution 16 further stated: “we charter the Massey Commission with the earnest expectation that the Commission will provide some actionable recommendations within six months...”; and

WHEREAS, the Massey Commission did create such an actionable recommendation on November 18, 2024 when it unanimously passed Resolution 2 stating: “the Commission believes it is in the best interests of the residents of Sangamon County to act expeditiously to submit a proposition granting recall authority for the Office of the Sangamon County Sheriff at the Consolidated Elections to be held on April 1, 2025”; and

WHEREAS, said Massey Commission Resolution resolved “that the Sangamon County Board should evaluate the constitutional and statutory pathways for Sangamon County to authorize a referendum on the question of recall for the Office of Sangamon County Sheriff, and take all legally authorized steps to effectuate such referendum at the earliest possible election.”; and

WHEREAS, Assistant State’s Attorney Joel Benoit submitted a memorandum to the Elections Oversight Committee, concluding the Illinois Constitution does not authorize the County Board to enact recall via a binding referendum, but acknowledged that Illinois Appellate Court opinions agree and disagree with his interpretations; and

FILED

JAN 10 2025

Don J. King
Sangamon County Clerk

WHEREAS, the Opinions Bureau of the Illinois Attorney General’s Office was established, pursuant to the Attorney General Act, *inter alia*, to “consult with and advise the several State’s Attorneys in matters relating to the duties of their offices and ... furnish written opinions to State’s Attorneys in matters relating to their official duties when appropriate” and

WHEREAS, carrying out the recommendation of the Massey Commission that the Board should evaluate the constitutional and statutory pathways for Sangamon County to authorize a referendum on the question of recall for the Office of Sheriff at the earliest possible election, necessitates the Sangamon County State’s Attorney requesting a second opinion (in addition to that of ASA Benoit) from the Illinois Attorney General on this;

NOW, THEREFORE BE IT RESOLVED by the Members of the Board of Sangamon County in session this 13th day of January, 2025 that we respectfully request Sangamon County State’s Attorney John C. Milhiser to request from the Illinois Attorney General an opinion on the power and authority of the Sangamon County Board to enact Recall via a binding referendum

This resolution shall be in full force and effect upon its passage.

Presented, Adopted, Approved, And Recorded this 13th day of January, A.D. 2025.

Approved _____
Andy Van Meter, Chair
Sangamon County Board

ATTEST:

County Clerk

(Resolution offered by County Board Members Sam Cahnman, Marc Ayers, Tony DelGiorno, and Kevin McGuire)