



15 March 2023

[Delivered by electronic mail]

Stanley Nord
Trustee
Town of Normal
11 Uptown Station
Normal, IL 61761

RE: Your improper involvement in electioneering complaints

Mr. Nord:

This letter is in response to your various emails to the police chief and city manager in which you attempt to insert yourself into an investigation of alleged electioneering. Doing so is, of course, an inappropriate use of your office and may cross legal lines. Using your office to persecute your political opponents is seldom a good look.

The police department received a report that staff at an elementary school had received campaign materials concerning the pending Unit 5 in their staff mailboxes. There was also an allegation that somebody made a statement in support of the referendum at a school recital. There are claims that these activities might be illegal electioneering under the Election Code. The police department took the report and began investigating the proper channels for resolving the matter.

Beginning on 10 March 2023, you began a series of emails to the police chief, asking him to open up the investigation to the public and wanting certain information. At one point, you asked what could be done to expedite the investigation. The chief repeatedly told you that the department would not be publishing details on a pending investigation. You continued to seek input into the investigation. On 13 March 2023, the city

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manager directed you to refer any further communications on this matter to me, and she warned you that councilmembers should be cautious about seeking to influence police investigations. You, rather predictably, responded by accusing the Town and various staff of improper political motives.¹ This letter is a response to that nonsense.

First, let's put to rest the absurd notion that politics played any role in the Town's handling of this matter. You accuse the Town of being persuaded by partisan politics. This is, to use a legalese term, bunkum. The Town has not treated these electioneering allegations any differently than past allegations. Let me give you some examples:

- One of the allegations here is that campaign materials were distributed in employee mailboxes. If you recall, in 2019, I had to tell you to stop sending your campaign material to Town employees through their public email. The Town did not make a public spectacle out of your campaign's indiscretions.
- The other allegation here is that somebody discussed the referendum at a public function. Again, you, yourself, have made numerous statements about the advisability of the referendum at public council meetings. When a citizen complained to me about this, I referred them to the State Board of Elections.² The Town did not make a public spectacle out of those electioneering allegations.
- When citizens complained to me that there appeared to be illegal fundraising for the legal bills of the candidates for the clerk, collector, and supervisor, I referred them to the State Board of Elections. Again, the Town did not make a public spectacle out of those electioneering allegations.

From this record, it appears that you, more than anyone, have benefitted from the Town's policy of political neutrality in these

1. At least that is what you appear to say. That email is a somewhat unfocused airing of grievances that never coalesces into a coherent point.

2. The State Board of Elections is the body that has the statutory authority and duty to investigate and hear electioneering complaints. See 10 ILCS 5/9-20.

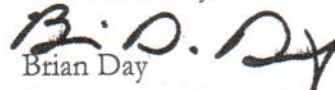
matters. It's curious, then, that you would lead the charge to upend that policy.

Moreover, your examples of the Town's history being "persuaded by partisan politics" are derisive: you complain that the Town followed the law. You cite two examples in your email: (i) following the COVID protocols in the governor's executive orders and (ii) instituting proceedings against a restaurant that refused on numerous occasions to comply with those protocols. As you well know, the courts have upheld those COVID protocols as legal requirements. Your whinging that the Town chose to follow the law rather than your partisan preferences perhaps says more about you than about the Town.

It is obvious from your correspondence (and their attached emails) that this is an orchestrated effort to use your trustee position and Town resources to influence an investigation for political purposes.³ This presents its own legal implications. To that end, this letter constitutes a preservation notice. You are hereby notified to preserve and maintain any and all documents, correspondence, and other communications in your possession or control between you and any third party related to the Unit 5 referendum or any allegations of electioneering concerning that referendum. Your failure to do so may subject you to legal sanctions.

To be clear, the police department will proceed as they determine is proper without giving credence to anybody's political agenda. If your efforts to meddle with that process persist, then the Town will take any and all appropriate legal action.

Yours sincerely;


Brian Day
Corporation Counsel

3. The fact that most of the emails are cut-and-paste templates is what one might call a "clue." Also, the emails ask you to intervene in your elected capacity. Also, the fact that you asked what could be done to "expedite" the investigation.