

# Bylaw Breaches: Lake Forest Caucus To Hold Re-Vote In Response To Legal Challenge

An upcoming meeting aims to resolve a leadership dispute after the votes of Lake Forest Caucus members were twice ignored by its leadership.



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An "interim" meeting has been scheduled for May 30 at the Gorton Center, 400 E. Illinois Road, to hold a second vote on the Lake Forest Caucus' proposed leadership slate. After the slate was rejected in the first vote, caucus leaders installed it anyway. (Jonah Meadows/Patch, File)

LAKE FOREST, IL — In an effort to avoid legal consequences for its latest violation of its own bylaws, leaders of Lake Forest Caucus have scheduled an interim public meeting for later this month.

At the May 30 meeting at the Gorton Center, caucus officials will present their slate of officers for a public vote.

Last month, that same slate of officers was rejected by attendees at the caucus' general meeting by a vote of 132-125.

Voters were not given a chance to vote on individual candidates, only the whole slate.

And when the results did not align with the desire of caucus leaders, they [decided to ignore them](#), ending the April 2 meeting and installing the officer slate anyway.

That move is the second time in two years that the caucus, under the leadership of President Chris Benes, has snubbed its voters and ignored the vote of its members at a general meeting.

When a clear majority of voters at the 2022 fall meeting voted against the nomination of Randy Tack, who would go on to win a contested election, caucus leaders decided the vote was non-binding.

The caucus is an 89-year-old organization that dominates local elections for City Council and local school boards.

"The Lake Forest Caucus helps sustain our way of life here in Lake Forest," according to a message announcing the re-vote.

It was previously organized as a political party, but since 2011 it has been organized as a political action committee.

In a [letter](#) to Benes dated April 23, election lawyer Ed Mullen said the PAC's executive committee appears to believe that it can "disregard a majority vote of Caucus members at its whim."

Mullen said he was writing on behalf of more than 10 caucus members who voted against the proposed officer slate on April 2.

"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," Mullen said. "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 Chicago-based election attorney told the committee president that his clients had authorized him to file suit in Lake County court to ask a judge to order the caucus to follow its bylaws and properly elect officers for the coming 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," he said. "The Caucus Members hereby demand a new election of Officers be conducted immediately and that the slate of rejected Officers not be installed."

Mullen gave Benes a week to resolve the matter. Then on May 3, the caucus leadership announced plans for an interim meeting to present the officer slate to its membership again.

According to the caucus website, the committee's leadership did not know what to do after a no vote because it was not clearly stated in the bylaws.

The text of the bylaws calls for candidates for officer positions to 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." "The Caucus Bylaws do not clearly state what to do after a 'NO' majority vote at the Spring Meeting for recommended Officers," it said. "This resulted in the Caucus Committee's recommendation to proceed with the previously proposed Officer recommendation and with Joe Oriti as President at the Spring Meeting."

Benes, the PAC's current chair, has so far declined to answer repeated written questions about whether he believes the caucus does not have to respect the vote of its members.

The group Lake Forest for Transparency has argued for reforms to the caucus organization, including amending the bylaws to make it clear that the results of elections must be honored and calling for an oversight committee.

"Unless the Committee is willing to adopt changes necessary to restore trust and inclusion with their membership (us), we will have a disconnected government with residents becoming ever more resentful and distrustful of those who hold such unchecked and unilateral power in our community," group representatives said in a [statement](#) after caucus leadership announced a second officer election.

Last month, Mullen explained the significance of the caucus' 2011 reorganization as a PAC at an [April 17 meeting](#) convened by the group at the Gorton Center.

The Illinois Election Code, according to the prominent election attorney, only recognizes a committee's president and treasurer — not the executive committee and not the general membership — as its legal representatives.

"So if you were to go to the state board of elections and say, 'Wait a minute, this person should be the chair and this person should be the treasurer because we had this vote under the bylaws,' the state board of elections is most likely going to say, 'Well, that's up to the chair and the treasurer, because those are the only people who we recognize under the law as the representatives of the committee. So if the chair and the treasurer are telling us one thing, then that's what we have to follow, not what the general vote is,'" Mullen said.

"So that doesn't mean the bylaws are not enforceable, what it means is: it's a question of whether the bylaws create a contract, though there is a body of law in Illinois that says, if you have an unincorporated association, and that unincorporated association has

bylaws, those bylaws are considered a contract between the people who are members of the unincorporated association and that is enforceable," Mullen said.

"So, just because the State Board of Elections might not recognize it, a court, using contract principles, is likely to recognize that the bylaws are enforceable to the committee, to the members. But that is something that would, you know, require legal action to enforce."