

Shawwna Rule

From: Todd Hellrigel
Sent: Friday, October 9, 2026 9:55 AM
To: Shawwna Rule
Subject: Fw: cease and desist - election interference
Attachments: Captivate Contract.pdf; Captivate Invoice 3637.pdf; Printing Invoices.pdf

Shawwna,
Please include this in the next BOE meeting.
Thanks,
Todd

From: Todd Hellrigel <toddh@midwestcentral.org>
Sent: Friday, October 9, 2026 9:54 AM
To: Mailee Smith <msmith@illinoispolicy.org>
Subject: Re: cease and desist - election interference

Hello Mailee,
Below in red are the answers to your FOIA request.
Best,
Todd

From: Mailee Smith <msmith@illinoispolicy.org>
Sent: Friday, October 2, 2026 9:54 AM
To: Todd Hellrigel <toddh@midwestcentral.org>
Subject: cease and desist - election interference

You don't often get email from msmith@illinoispolicy.org. [Learn why this is important](#)

October 2, 2026

****Sent via email and USPS****

Dear Todd Hellrigel:

The Illinois Policy Institute is a 501(c)(3) not-for-profit corporation committed to promoting good government and fiscal transparency. We were concerned to learn that the Board of Education for your district (the "Board" or "District") appears to have authorized the use of public funds to urge voters in the community to vote in favor of a sales tax referendum in Tazewell County. Because we believe the Board's conduct constitutes illegal election interference in violation of the Illinois Election Code, we are writing to alert you to your obligations under the Election Code and demand that you cease and desist from engaging in any further conduct constituting election interference.

As you know, voters in Tazewell County are receiving electioneering communications as part of a comprehensive campaign to persuade voters to increase the sales tax in Tazewell County (hereafter referred to as the “Campaign.”)

The electioneering communications all contain reference to a Campaign website and consistent use of a Campaign logo. The Campaign logo displays a blue checkmark symbol as the V in the word “vote,” and the following phrases are written along the edge of the logo: “Supporting Students • Strengthening Schools • Building Community.” According to the website, every School District in Tazewell County is participating in this comprehensive Campaign, and FOIA requests we have made to participating Districts have revealed that some, if not all, School Districts have engaged with a public relations firm to lead this Campaign.

The Illinois Election Code prohibits election interference, including the use of public funds to urge voters to vote for or against a ballot proposition. Specifically, Section 9-25.1(b) of the Illinois Election code states that “No public funds shall be used to urge any elector to vote for or against any candidate or proposition[.]” 10 ILCS 5/9-25.1(b).

Moreover, the Election Code defines “public funds” as “any funds appropriated by the Illinois General Assembly or by any political subdivision of the State of Illinois.” 10 ILCS 5/9-25.1. Violations of Section 9-25.1(b) are criminal offenses. The prohibition on election interference protects taxpayers from a government unit’s use of taxpayer funds to promote a tax increase or any other type of political campaign or referendum.

While the Election Code authorizes the use of public funds to disseminate factual information about public policy to voters, we believe the communications on the Board’s Tazewell for Students website crosses the line into inappropriate Electioneering Communications.

Specifically:

- The claim, and variations of the claim, that “nearly 60%* of the one-cent tax revenue would be generated by visitors, commuters and non-residents of Tazewell County”: Freedom of Information Act requests to your District and 16 others in Tazewell County failed to produce the analysis supporting that claim, making this an electioneering communication and not the dissemination of factual information.
- The claim, and variations of the claim, that “this one-cent tax would provide an additional revenue sources [sic] that moves the burden away from property tax payers”: There is no guarantee that residents would experience property tax relief as implied by the “moves the burden” language. In fact, the neighboring counties referenced by “Tazewell for Students” have continued to experience property tax increases since passing county school facilities sales tax referenda, making this an electioneering communication and not the dissemination of factual information.
- Use of “Tazewell for Students” website: The very title of the website implies that voting for the referendum would be “for” students, and failing to vote for it would be “against” students, making this an electioneering communication and not the dissemination of factual information.

These claims have been disseminated in, but not limited to, the following ways:

- Communications sent to District families, including but not limited to emails and school newsletters.
- Participation in, and possible payment for, the Campaign website, including but not limited to use of the District’s unique logo in support of the referendum.
- Display of a Campaign video or other information on the District’s website.
- Display of the “Tazewell for Students” video or other information on the Board’s social media platforms.

- Other communications using the Campaign Logo and repeating the Campaign's arguments in favor of the referendum.
- Signature lines in District communications to members of the public.

To be sure, while Illinois courts have permitted School Districts to use public funds for public relations support for School District plans and operations, it is improper for a School District to do so when the purpose is to urge voters to vote for a specific School Board candidate or in favor of a question of public policy. See *Ryan v. Warren Township High School District No. 121*, 155 Ill.App.3d 203, 207-8 (2nd Dist. 1987).

This interpretation of the Election Code's prohibition on Election Interference is consistent with the longstanding opinion of the Illinois Attorney General's office. In an official opinion letter of the Attorney General's office issued in 2000 to the DuPage County State's Attorney, Attorney General Jim Ryan concluded that local governments could not expend public funds to influence voters regarding referenda, noting that "[b]ecause political activities in support of or in opposition to a public question are considered essentially private in nature (see *Elmhurst ex rel. Mastrino v. Elmhurst* (1995), 272 Ill. App. 3d 168, 177), public funds may not properly be expended (Ill. Const. 1970, art. VIII, sec. 1(a).)" *The Honorable Joseph E. Birkett*, 2000 Ill. Atty. Gen. Op. 016 (2000 (citations in original)).

As detailed above, we believe the Board is engaging in unlawful Election Interference in violation of the Election Code. Therefore, the Board is hereby demanded to cease and desist from the following:

1. Using the Campaign website;
2. Including the Campaign video and Campaign logo or information on the Board's website and social media platforms;
3. Authorizing the use of the District and Board logos on the Campaign website and social media platforms;
4. Funding the Campaign website or any related materials (including mailers and social media advertising);
5. Authorizing or permitting Board personnel, including District staff and teachers, to use compensated time for purposes of urging voters to vote in favor of the referendum;
6. Making any other statements intended to persuade voters to vote in favor of the referendum via student/parent newsletter or any other communication; and
7. Utilizing the "Tazewell for Students" campaign logo in any other District communications, including but not limited to signature lines in email or other district communication.

We believe that each of these items constitutes election interference in violation of the Election Code.

To be clear, we are not demanding that the Board cease and desist from the dissemination of factual information related to the referendum. Rather, we are demanding only that the Board cease using public funds to urge voters to vote one way or another.

If these actions are not taken within ten (10) business days of this email, the Illinois Policy Institute will file an official ethics complaint with the Tazewell County State's Attorney and the Illinois Attorney General.

Moreover, in addition to the above, pursuant to the Freedom of Information Act, we are requesting the following Public Records:

1. A complete electronic copy of the contract for services between the Board and any public relations companies concerning the Tazewell for Students Campaign, including any agreements between the Board and an entity called Captivate Media within the past two years. **PDF Attached.**
2. Electronic copies of all proposals from public relations companies, including Captivate Media, received by the Board within the past two years. **PDF Attached.**
3. Electronic copies of any emails from any email address ending in @captivatemedia.us and any Board personnel (including Board members, administrators or teachers) from July 1, 2025, through Sept. 30, 2026. **Here is the link to the folder containing all emails to or from @captivatemedia.us you requested.**  [Captivate Media.pdf](#)
4. Electronic copies of any emails of any Board personnel (including Board members, administrators or teachers) to any email address ending in @captivatemedia.us from July 1, 2025, through Sept. 30, 2026. **Here is the link to the folder containing all emails to or from @captivatemedia.us you requested.**  [Captivate Media.pdf](#)
5. Electronic copies of all invoices sent from Captivate Media to the Board concerning services performed. **PDF attached.**
6. Electronic copies of all invoices from any printing or mailing companies utilized by the Board for the purposes of creating, printing or mailing any of the Campaign Materials to voters. **PDF attached.**

Please note that this request for records under FOIA is not for a commercial purpose as defined in 5 ILCS 140/2, and we request a waiver of fees.

A copy of this letter will also be sent via the United States Postal Service.

Sincerely,



Mailee R. Smith
Vice President of Policy and Litigation
Illinois Policy Institute
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Chicago, IL 60606
www.illinoispolicy.org

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