



ILLINOIS HOUSE OF REPRESENTATIVES
OFFICE OF THE CLERK



JOHN W. HOLLMAN
CLERK

EMANUEL "CHRIS" WELCH
SPEAKER

BRAD BOLIN
ASSISTANT CLERK

December 6, 2021

Ms. Hart Wood
American Oversight
Via email: records@americanoversight.org
202-873-1743

RE: Freedom of Information Act Request

Dear Ms. Wood:

I am writing in response to your correspondence, which was received by my office on November 18, 2021. In your letter, you requested the following records pursuant to the Freedom of Information Act (the "FOIA"):

1. "All email communications (including email messages, complete email chains, calendar invitations, and attachments thereto) and text message threads/conversations between (a) any of the Illinois House of Representatives members listed below, or anyone communicating on their behalf; and (b) any of the U.S. House of Representatives members or staff listed below. Please provide all responsive records from November 3, 2020, through the date the search is conducted.

Illinois House of Representative Members:

- a. "Representative Elizabeth Hernandez;"
- b. "Representative Curtis Tarver, II;"
- c. "Representative Tim Butler;"
- d. "Representative Avery Bourne;"
- e. "Representative Dave Severin;"
- f. "Representative Ryan Spain."

U.S. House of Representatives Members and Staff:

- a. "Representative Mike Bost, or his Chief of Staff, Matt McCullogh;"
- b. "Representative Rodney Davis, or his Chief of Staff, Bret Manley;"
- c. "Representative Mary Miller, or her Chief of Staff, Ben DeMarzo;"
- d. "Representative Adam Kinzinger, or his Chief of Staff, Austin Weatherford;"
- e. "Representative Darin LaHood, or his Chief of Staff, Steve Pfrang."

By letter dated November 29, 2021, I extended the response date until December 6, 2021, pursuant to Sections 3(e) (i), (v), and (vii).

Please find the responsive records attached.

To the extent you may be seeking the records of individual members, please be advised the House generally does not possess, maintain, or control records that are in possession of individual members. The FOIA applies

only to “public records,” that is, to public information used, received, or possessed by or under the control of any “public body.” 5 ILCS 140/2(c). Individual members of the General Assembly are not public bodies, and documents in their possession are generally not public records of the House. See *Quinn v. Stone*, 211 Ill.App.3d 809, 570 N.E.2d 676 (1st Dist. 1991) (holding that individual public officials are not public bodies and are not the proper recipients of FOIA requests). The House has neither the obligation nor the ability to compel Representatives to turn over their personal documents, much less personal correspondence, for inspection.

The *Quinn* decision affirms the clearly expressed intent of the sponsors of the FOIA Representative Bowman, one of the FOIA’s primary sponsors, squarely addressed this issue in debate as it was considered during the 83rd General Assembly. After opponents of the bill expressed concern that it would require public disclosure of members’ individual records, Representative Bowman stated that the FOIA would apply only to records maintained by the General Assembly and not by individual members:

Our own personal correspondence is precisely that. It is our own personal correspondence. They are not General Assembly records. And preliminary notes and other memoranda are exempt under the provisions of this Bill. Period.

(H. Tr. May 25, 1983 (Rep. Bowman).)

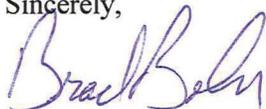
Moreover, the General Assembly amended the FOIA in Public Act 96-542. During debate on the legislation, one of the principal sponsors of the legislation made it clear that the intent of the General Assembly was to re-affirm the decision in *Quinn*:

This amendment does not change the definition of a public body to include individual persons, such as aldermen, legislators, or other public officials and employees. Nothing in this amendment is intended to change the *Quinn v. Stone* decision.

(S. Tr. May 28, 2009 (Sen. Raoul).)

To the extent you may consider this to be a denial of your request, you have the right to judicial review of this decision pursuant to Section 11 of the FOIA. In accordance with Section 9(a) of the FOIA, the following persons were consulted regarding your request: Justin Cox, Counsel to the Speaker, and Derek Persico, Chief Legal Counsel to the House Minority Leader.

Sincerely,



Brad Bolin
FOIA Officer
House of Representatives

BB:mls
Attachment



Jon Maxson <jmaxson@hds.ilga.gov>

Upcoming House Redistricting Committee Hearings

Jon Maxson <jmaxson@hds.ilga.gov>

Wed, Oct 6, 2021 at 9:08 AM

To: Jon Maxson <JMaxson@hds.ilga.gov>

Bcc: ayana.clark@mail.house.gov, brushil01@mail.house.gov, tony.presta@mail.house.gov, ben.hardin@mail.house.gov, madeline.cruz@mail.house.gov, constituent.serviceil06@mail.house.gov, josie.ware@mail.house.gov, brian.kaissi@mail.house.gov, leslie.combs@mail.house.gov, greg.claus@mail.house.gov, jena.e.jackson1@mail.house.gov, myles.nelson@mail.house.gov, syd.terry@mail.house.gov, matt.moberly@mail.house.gov, michelle.thimios@mail.house.gov, elizabeth.billingsley@mail.house.gov, patrick.doggett@mail.house.gov, lucie.vanhecke@mail.house.gov, brad.stotler@mail.house.gov, lester.davis@mail.house.gov

As the Illinois House Redistricting Committee prepares for congressional redistricting, the Committee cordially invites you to offer thoughts and recommendations to the Committee.

There are a variety of ways to participate in the hearings, including offering oral testimony, in-person or virtually, by submitting written testimony, or by submitting proposed districts of your own through the House Redistricting Committee public drawing portal.

All hearings will offer the option of virtual testimony. Additionally, locations will be available for in-person testimony. Please see the schedule below and at ilga.gov:

Thursday, Oct. 7 at 12 p.m.

Michael A. Bilandic Building, 160 N LaSalle St., Chicago, IL

Tuesday, Oct. 12 at 12 p.m.

Collar Counties, In-person location information to follow

Wednesday, Oct. 13 at 12 p.m.

Belvidere Recreation Center, 412 S Lewis Ave., Waukegan, IL

Thursday, Oct. 14 at 10 a.m.

Illinois State Capitol, 301 S. 2nd St., Springfield, IL

Thursday, Oct. 14 at 12 p.m.

Peoria Public Library - Auditorium, 107 NE Monroe, Peoria, IL

Friday, Oct. 15 at 2 p.m.

Metro East Region, In-person location information to follow

Instructions for participation in public hearings through oral testimony or written testimony are available at ilga.gov, or by contacting the Committee at RedistrictingCommittee@hds.ilga.gov. We are happy to help facilitate participation by you and your constituents as we undertake this important process.

If you or your constituents wish to utilize the public drawing portal to submit your own proposed maps or maps of communities of interest, you can do so by visiting the Committee's website at ILHouseDems.com/redistricting.

If you have any questions about this process or wish to reach out to the Committee, you can do so by emailing the Committee at RedistrictingCommittee@hds.ilga.gov.