2022 IL App (1st) 220724-U
Order filed: June 8, 2022

FIRST DISTRICT
FOURTH DIVISION

No. 1-22-0724

IN THE
APPELLATE COURT OF ILLINOIS
FIRST JUDICIAL DISTRICT

CARMEN NAVARRO GERCONE, Petitioner-Appellee and Cross-Appellant, v. COOK COUNTY OFFICERS ELECTORAL BOARD, and its members, KAREN YARBROUGH, Chairman, KIMBERLY FOXX, in her capacity as Cook County State's Attorney, by and through her designee Jessica M. Scheller, and IRIS MARTINEZ, in her capacity as Clerk of the Circuit Court of Cook County, by and through her designee, Hon. Gloria Chevere (ret.), KARAN A. YARBROUGH, in her capacity as the Cook County Clerk, and CHICAGO BOARD OF ELECTION COMMISSIONERS, Respondents-Appellees and Cross-Appellees (David M. Feller and Latavia Wilson, Intervenors and Objectors-Appellants and Cross-Appellees, and Kwame Raoul, in his official capacity as Attorney General of the State of Illinois, Intervenor-Cross-Appellee).	)	Appeal from the Circuit Court of Cook County No. 2022 COEL 000025 Honorable Nichole C. Patton, Judge, presiding.

JUSTICE ROCHFORD delivered the judgment of the court.
Justices Pucinski and Martin concurred in the judgment.

ORDER

¶ 1 *Held*: Electoral board's decision finding petitioner's nomination papers to be invalid and ordering that her name not be printed on the ballot for the upcoming primary election is affirmed, where the board did not err in concluding that petitioner was statutorily unqualified to be elected to the office of sheriff at the time she filed her nomination papers and the relevant statute was not unconstitutional.

¶ 2 Petitioner-appellee and cross-appellant, Carmen Navarro Gercone, filed nomination papers seeking to be a candidate for the office of Cook County Sheriff in the Democratic primary election to be held on June 28, 2022. Intervenors and objectors-appellants and cross-appellees, David M. Feller and Latavia Wilson, filed objections to those nomination papers that included an objection that petitioner was ineligible to be elected sheriff because she did not meet the qualifications for office contained in section 3-6001.5(4) of the Counties Code. 55 ILCS 5/3-6001.5(4) (West Supp. 2021). Respondent-appellee and cross-appellee, the Cook County Officers Electoral Board (electoral board), sustained that particular objection, found petitioner unqualified for election to the office of Cook County Sheriff, and ordered that her name not be printed on the ballot for the upcoming primary election.

¶ 3 Petitioner brought an action for judicial review of that decision in the circuit court, challenging both the electoral board's decision and the constitutionality of section 3-6001.5(4). The circuit court reversed the decision of the electoral board, rejected petitioner's constitutional challenges, and ordered that petitioner's name be printed on the ballot for the upcoming primary election. The objectors appealed and petitioner filed a cross-appeal raising her constitutional arguments. For the following reasons, we reverse the judgment of the circuit court and affirm the decision of the electoral board.

¶ 4 Prior to 2021, section 3-6001.5 of the Counties Code provided that a person is not eligible to be elected or appointed to the office of sheriff, unless that person: (1) is a United States citizen, (2) has been a resident of the county for at least one year, and (3) is not a convicted felon. 55 ILCS 5/3-6001.5 (West 2020). That section was amended in February 2021 to add a fourth mandatory qualification, with this amendment effective January 1, 2022. Pub. Act 101-652, § 25-50 (eff. Jan. 1, 2022) (amending 55 ILCS 5/3-6001.5). That amendment provided that—in addition to the three previous qualifications—a person is not eligible to be elected or appointed to the office of sheriff unless that person also:

> "(4) Has a certificate attesting to his or her successful completion of the Minimum Standards Basic Law Enforcement Officers Training Course as prescribed by the Illinois Law Enforcement Training Standards Board or a substantially similar training program of another state or the federal government. This paragraph does not apply to a sheriff currently serving on the effective date of this amendatory Act of the 101st General Assembly." *Id.*

¶ 5 On March 7, 2022, petitioner filed a Statement of Candidacy and other nomination papers seeking to be a candidate for the office of Cook County Sheriff in the Democratic primary election to be held on June 28, 2022. In her notarized Statement of Candidacy, petitioner stated under oath that she was "legally qualified (including being the holder of any license that may be an eligibility requirement for the office to which I seek the nomination) to hold such office," pursuant to the requirements of section 7-10 of the Election Code. 10 ILCS 5/7-10 (West 2020). Objectors thereafter filed a petition with the electoral board, contending both that petitioner did not obtain the required number of valid signatures of eligible voters to appear on the ballot and that she was not eligible to be elected sheriff because she did not satisfy the new, fourth eligibility qualification contained in section 3-6001.5(4).

¶ 6 This matter was assigned to a hearing officer, and the objections regarding the number and sufficiency of voter signatures in support of petitioner's candidacy were thereafter resolved in petitioner's favor and are not at issue on appeal. An evidentiary hearing was then held on the objection regarding petitioner's qualification for election under section 3-6001.5(4). At that hearing, the parties presented extensive evidence and testimony from several witnesses. We restate here only that evidence necessary for our resolution of this appeal.

¶ 7 In 1994, petitioner became a deputy sheriff at the Cook County Sheriff's Office (CCSO). Because she was hired as a corrections officer, petitioner originally received a certificate attesting to her completion of a basic correctional officer training course from the Illinois Law Enforcement Training Standards Board (training board), and not a certificate attesting to her completion of the basic law enforcement officers training course referenced in section 3-6001.5(4). The two courses of training are distinct in terms of course requirements and content, with the former consisting of 260 hours of training while the latter consists of 560 hours of training.

¶ 8 She was thereafter promoted several times, including promotions to Sergeant, Lieutenant, and Assistant Chief, and petitioner received training on each promotion. Petitioner completed hundreds of hours of training in Illinois over the course of her career, as well as obtaining a certificate for her completion of a multi-week training course provided by the training academy of the Federal Bureau of Investigations (FBI). Petitioner now works as Executive Clerk for Court Operations Administration and Investigation for the Clerk of the Circuit Court of Cook County. Petitioner is still employed by the CCSO, but is on leave.

¶ 9 In January and February 2022, and in anticipation of seeking election to the office of sheriff, petitioner forwarded all her training history to the training board for the purpose of obtaining the certification required by section 3-6001.5(4) or a "waiver" of that requirement from

the training board. When the training board advised petitioner that her employer must make that request, Iris Martinez, Clerk of the Circuit Court, sent a letter to the training board on February 21, 2002, contending that petitioner's training history—specifically including her FBI training—constituted "substantially similar training" under section 3-6001.5(4) and requested the training board issue her a certificate attesting to that fact. Petitioner's training history was attached to that letter, along with four letters from other current and former law enforcement officials from around the county opining that petitioner's training should qualify her for the issuance of a certificate.

¶ 10 In a letter to Martinez, dated February 28, 2022, the interim executive director of the training board denied this request. Therein, the training board's interim executive director explained that neither petitioner's basic correctional officer training course nor her FBI training could substitute for the basic law enforcement training course required for certification due to differences in the scope of the training among those various courses. For these and other reasons, the executive director of the training board explained in his letter that petitioner did not have the required training or other background to be entitled to a certification or waiver of that requirement under applicable law. Petitioner did not make any attempt to seek reconsideration of this decision or seek any other form of review or relief therefrom prior to filing her nomination papers on March 7, 2022.

¶ 11 Following the introduction of this evidence and briefing by the parties, the hearing officer issued a written report and recommended decision on April 27, 2022. Therein, the hearing officer noted that petitioner had included constitutional challenges to section 3-6001.5(4) in her briefs, but the electoral board did not have authority to rule on those challenges. With respect to objectors' challenge to petitioner's qualifications under section 3-6001.5(4), the hearing officer began by noting as follows:

> "There is no dispute in this case regarding one important underlying fact. The parties agree that the Candidate has not completed and does not possess a certificate for the Minimum Standards Basic Law Enforcement Officers Training Course as prescribed by the Illinois Law Enforcement Training Standards Board (ILETSB). The sole question here is whether the Candidate's other training constitutes a 'substantially similar training program' which would otherwise satisfy the statute."

More specifically, the hearing officer then went on to state that:

> "the job of the Electoral Board in this matter is not to review the Candidate's work experience and the Candidate's coursework and determine whether it satisfies Section 3-6001.5(4). Rather, the job of the Electoral Board here is to ascertain whether the appropriate certifying body, ILETSB, has determined that such experience and coursework satisfies Section 3-6001.5(4)."

¶ 12 Then, after thoroughly reviewing the evidence presented at the hearing, the hearing officer concluded as follows:

> "the Electoral Board is not the appropriate body to judge the sufficiency of the candidate's training for certification purposes. Rather, it is the opinion of this Hearing Officer that the job falls squarely within the purview of lLETSB and as the Objectors have correctly argued with substantial citation to prevailing cases, deference must be given to an administrative agency (such as ILETSB) that is charged with the responsibility to perform the particular function at issue.
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> ***
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> After hours of testimony and the presentation of massive amounts of evidence by the Candidate, the totality of the evidence established that despite all of the experience and

> training the Candidate has had over the course of Candidate's career, ILETSB has concluded that her training does not constitute substantially similar training required to satisfy the statute at issue here and deference must be given to that determination. Accordingly, Objectors' objections *** that relate to this issue must be sustained.
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> ***
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> In light of the foregoing, it is my recommendation that the objections of **DAVID M. FELLER and LATAVIA WILSON** to the nominating papers of **CARMEN NAVARRO GERCONE** be **sustained.** It is my further recommendation that the nominating papers of **CARMEN NAVARRO GERCONE,** Candidate of the Democratic Party for the Office of Sheriff of Cook County, Illinois be deemed **invalid** and that the name of **CARMEN NAVARRO GERCONE** for said office **not** be printed on the ballot at the June 28, 2022 General Primary Election."

¶ 13 On May 4, 2022, the electoral board issued a final written decision in which it adopted the hearing officer's recommendation for the reasons stated on the record at a hearing held the same day, sustained the objections to petitioner's nomination papers, and ordered that petitioner's name not be printed on the ballot for the June 28, 2022, primary election. That written order indicated that it was approved by two of the electoral board's members, with the third— the Honorable Gloria Chevere (Ret.), as designee of Martinez—dissenting from the decision.

¶ 14 The transcript of the hearing held that day reflects that two of the electoral board members indicated that they had reviewed all the evidence and concluded that the hearing officer's recommendation should be adopted and the objection to petitioner's nomination papers should be sustained. One of those two board members explicitly reasoned that the training board was the appropriate body to make the determination as to whether petitioner's prior training constituted

the substantially similar training required to warrant the issuance of the certificate required by section 3-6001.5(4) in the first instance, and that the electoral board should afford deference to the training board's conclusion that petitioner's prior training was insufficient. Board member Chevere, in contrast, concluded after her review of all the evidence presented that the training board did not conduct any meaningful review of petitioner's training history, its decision should therefore not be entitled to any deference, the hearing officer's recommendation should not be accepted, and petitioner's name should appear on the ballot considering the electoral board's traditional bias in favor of ballot access.

¶ 15 On May 6, 2022, petitioner filed a petition for judicial review of the electoral board's decision in the circuit court, in which she challenged both the electoral board's decision as to her qualifications for office and the constitutionality of section 3-6001.5(4). Petitioner did not name objectors as parties in that petition, but objectors were served a copy of the petition pursuant to section 10-10.1 of the Election Code. 10 ILCS 5/10-10.1(a) (West 2020). Objectors' motion to dismiss for lack of subject matter and personal jurisdiction was denied by the circuit court, and both objectors and Kwame Raoul, in his official capacity as Attorney General of the State of Illinois, sought and were granted leave to intervene in this matter below.

¶ 16 In a written order entered on May 23, 2022, the circuit court faulted the electoral board for purportedly failing to exercise its statutory authority to independently interpret the statutes at issue and evaluate the evidence. The circuit court determined that, instead, the electoral board "merely threw up its hands and made an unprecedented stance to assign their statutory duties to another agency." The circuit court concluded that it need not give any deference to the electoral board's decision because that decision was "clearly erroneous due to their failure to perform their statutory duties of interpreting the Election Code and merely abdicated their duties to another agency."

However, the circuit court did find that section 3-6001.5(4) was constitutional. The circuit court therefore rejected petitioner's constitutional challenges, reversed the decision of the electoral board, and ordered that petitioner's name be printed on the ballot for the upcoming primary election.

¶ 17 The objectors timely appealed, and petitioner filed a cross-appeal raising her constitutional arguments. Thereafter, this court entered orders: (1) granting petitioner's motion to expedite this matter, setting an expedited briefing schedule, and permitting the parties to file memoranda in lieu of formal briefs, and (2) granting the Illinois Sheriff's Association leave to file a memorandum in lieu of a brief as *amicus curiae* in support of the electoral board's decision. While the electoral board filed an appearance with this court, it also filed a letter of non-intent in which it notified this court that it "takes no substantive position in this appeal and does not intend to file a brief in this matter."

¶ 18 Before continuing further, we first address a jurisdictional argument raised by objectors. Specifically, objectors claim that because they were served with a copy of the petition for judicial review but were not named as parties therein, neither the circuit court nor this court ever obtained subject matter jurisdiction over this matter. While objectors unsuccessfully raised this issue in the circuit court, they did not raise it before this court until they filed their reply brief in support of their appeal. Nevertheless, we will consider this argument because it "is well-settled that a judgment entered by a court which lacks jurisdiction of the parties or of the subject matter, or which lacks inherent power to make or enter the particular order involved, is void, and may be attacked at any time or in any court, either directly or collaterally." *Herrera v. Herrera*, 2021 IL App (1st) 200850, ¶ 34.

¶ 19 "Subject-matter jurisdiction refers to a tribunal's power to hear and determine cases of the

general class to which the proceeding in question belongs." *J & J Ventures Gaming, LLC v. Wild, Inc.*, 2016 IL 119870, ¶ 23. Under the Illinois Constitution of 1970, the circuit courts have original jurisdiction over all justiciable matters, with the following two general exceptions: (1) the circuit courts have only such power to review an administrative action as is provided by law, and (2) our supreme court has exclusive and original jurisdiction over questions relating to the redistricting of the General Assembly and the ability of the Governor to serve or resume office. Ill. Const. 1970, art. VI, § 9; *Crossroads Ford Truck Sales, Inc. v. Sterling Truck Corp.*, 2011 IL 111611, ¶ 27. Here, petitioner sought judicial review of the electoral board's final administrative decision. As such, the circuit court had subject matter jurisdiction to review that decision only "as is provided by law." *Id.*; *Pullen v. Mulligan*, 138 Ill. 2d 21, 32 (1990) ("Courts have no inherent power to hear election contests, but may do so only when authorized by statute and in the manner dictated by statute.").

¶ 20 The statutory authority for such judicial review is contained in section 10-10.1 of the Election Code, which in relevant part provides as follows:

> "Except as otherwise provided in this Section, a candidate or objector aggrieved by the decision of an electoral board may secure judicial review of such decision in the circuit court of the county in which the hearing of the electoral board was held. The party seeking judicial review must file a petition with the clerk of the court and must serve a copy of the petition upon the electoral board and other parties to the proceeding by registered or certified mail within 5 days after service of the decision of the electoral board as provided in Section 10-10. The petition shall contain a brief statement of the reasons why the decision of the board should be reversed. The petitioner shall file proof of service with the clerk of the court." 10 ILCS 5/10-10.1(a) (West 2020).

¶ 21 "There is no question that strict compliance with section 10-10.1(a) is required." *Bettis v. Marsaglia*, 2014 IL 117050, ¶ 16. "As the appellate court has noted numerous times, section 10–10.1(a) sets forth four explicit jurisdictional prerequisites: '[The petitioner] must (1) file his challenging petition with the clerk of the court within five days after the Board's service of its decision; (2) serve copies of the petition on the Board and the other parties to the proceedings by registered or certified mail within five days after the Board's service of its decision; (3) state in that petition why the Board's decision should be reversed; and (4) file proof of service with the clerk of the court.' " *Id*. ¶ 31 (quoting *Rivera v. City of Chicago Electoral Board*, 2011 IL App (1st) 110283, ¶ 22). There is no dispute that petitioner complied with these four requirements in this matter.

¶ 22 "If the legislature intends any other prerequisites for the exercise of jurisdiction over petitions for review of electoral board decisions, it is up to the legislature to set them forth. The courts may not add to or subtract from the requirements listed in the statute." *Id.* ¶ 32. In light of these considerations and the clear legislative text cited above, our supreme court has specially ruled that section 10-10.1 of the Election Code "does not require the naming of parties" in addition to the four explicit jurisdictional prerequisites. *Id*. As such, we reject objectors' contention that simply because they were not named as parties in the petition for judicial review neither the circuit court nor this court ever obtained subject matter jurisdiction over this matter. Naming objectors as parties is simply not a jurisdictional requirement, and we therefore turn to the merits of objectors' appeal from the circuit court's reversal of the electoral board's decision.

¶ 23 While the provisions of section 10–10.1 do not expressly incorporate the procedures delineated in the Administrative Review Law (735 ILCS 5/3-101 *et seq.* (West 2020)), our supreme court has concluded that electoral boards are to be considered administrative agencies

and the procedure applicable on judicial review is essentially the same (*Cinkus v. Village of Stickney Municipal Officers Electoral Board,* 228 Ill. 2d 200, 209-10 (2008)). Thus, this court reviews an electoral board's decision rather than the decision of the circuit court. *Id.* The applicable standard of review depends upon whether the question presented is one of fact, a mixed question of fact and law, or a pure question of law. *Id.*

¶ 24 This court deems an electoral board's findings and conclusions on questions of fact to be *prima facie* true and correct, and we will not overturn such findings on appeal unless they are against the manifest weight of the evidence. *Id.; Goodman v. Ward,* 241 Ill. 2d 398, 405-06 (2011). A determination is against the manifest weight of the evidence when the opposite conclusion is clearly evident. *Cinkus,* 228 Ill. 2d at 210. Where the historical facts are admitted or established, the controlling rule of law is undisputed, and the issue is whether the facts satisfy the statutory standard, the case presents a mixed question of fact and law for which the standard of review is clearly erroneous. *Id.* at 211. An administrative agency's decision is deemed clearly erroneous "when the reviewing court is left with the definite and firm conviction that a mistake has been committed." (Internal quotation marks omitted.) *Id.*

¶ 25 Pure questions of law, including questions of statutory interpretation, are reviewed *de novo*. *Id.* Additionally, where the historical facts are established, but there is a question about "whether the governing legal provisions were interpreted correctly by the administrative body, the case presents a purely legal question for which [the court's] review is *de novo.*" *Goodman,* 241 Ill. 2d at 406. With respect to our *de novo* review of questions of statutory interpretation, the rules applicable to this task are well-established and were summarized in *Hendricks v. Board of Trustees of the Police Pension Fund*, 2015 IL App (3d) 140858, ¶ 14:

> "The fundamental rule of statutory interpretation is to ascertain and give effect to

> the intent of the legislature. [Citation.] The most reliable indicator of that intent is the language of the statute itself. [Citation.] In determining the plain meaning of statutory language, a court will consider the statute in its entirety, the subject the statute addresses, and the apparent intent of the legislature in enacting the statute. [Citations.] If the statutory language is clear and unambiguous, it must be applied as written, without resorting to further aids of statutory interpretation. [Citation.] A court may not depart from the plain language of the statute and read into it exceptions, limitations, or conditions that are not consistent with the express legislative intent."

¶ 26 Nevertheless, our supreme court has specifically recognized that:

> "Notwithstanding our *de novo* standard of review, regulations adopted by an administrative agency are presumptively valid. [Citation]. Moreover, even applying a *de novo* review, an agency's interpretation of its own regulations is entitled to substantial deference and weight, as the agency makes informed judgments based on its expertise and experience and provides a knowledgeable source in ascertaining the intent of the legislature. [Citation.] Additionally, an agency's interpretation of a statute is given deference on *de novo* review unless it is erroneous, unreasonable, or conflicts with the statute." *Medponics Illinois, LLC v. Department of Agriculture*, 2021 IL 125443, ¶ 31.

¶ 27 We begin our discussion of the merits of objectors' appeal by making several legal and factual observations and conclusions that will guide and focus our analysis of the electoral board's decision to sustain the objections to petitioner's nomination papers. First, "[b]allot access is a substantial right and not to be lightly denied. [Citation.] We should always tread cautiously when asked to restrict voters' right to endorse and nominate the candidate of their choice." *Sutton v. Cook County Officers Electoral Board*, 2012 IL App (1st) 122528, ¶ 13. This bias in favor of ballot

access is reflected in the rule that "[a]s a general matter, the burden of proof in a proceeding to contest nominating petitions lies with the objector." *Sims v. Municipal Officers Electoral Board for the Village of Riverdale*, 2021 IL App (1st) 210168, ¶ 15. "This does not mean, however, that mandatory requirements can be circumvented." *Forcade-Osborn v. Madison County Electoral Board*, 334 Ill. App. 3d 756, 760 (2002). Thus, "the Election Code is designed to balance a candidate's right to have his name appear on the ballot with the need to preserve the integrity of the petition process." *Samuelson v. Cook County Officers Electoral Board*, 2012 IL App (1st) 120581, ¶ 45.

¶ 28 Second, section 7-10 of the Election Code requires a candidate to include with his or her nomination petition a sworn Statement of Candidacy attesting that he or she "is qualified for the office specified," to be phrased in substantially the following form: "I am legally qualified (including being the holder of any license that may be an eligibility requirement for the office I seek the nomination for) to hold such office." 10 ILCS 5/7-10 (West 2020). Our supreme court has specifically recognized that "the statute can only be understood to mean that a candidate must meet the qualifications of office at the time he or she files a nomination petition with electoral authorities. No principle of English grammar or statutory construction permits an interpretation of the law which would allow candidates to defer meeting the qualifications of office until some later time." *Goodman*, 241 Ill. 2d at 409.

¶ 29 Third, it is undisputed that petitioner did not complete the "Minimum Standards Basic Law Enforcement Officers Training Course" prescribed by the training board and has *never* obtained a certificate attesting to her successful completion of that specific training course. Under the plain language of section 3-6001.5(4), therefore, petitioner could *only* qualify to be elected sheriff in the upcoming primary election if—on March 7, 2022, the date she filed her Statement of Candidacy

and other nomination papers for that election—she fully satisfied the alternative "substantially similar training program of another state or the federal government" language contained in section 3-6001.5(4). 55 ILCS 5/3-6001.5(4) (West Supp. 2021).

¶ 30 Considering all the above and the facts of this case, the election board did not err in finding that petitioner did not satisfy the fourth requirement of section 3-6001.5(4) at the time she filed her nomination papers, and that she was therefore not statutorily qualified to be elected to the office of sheriff. Again, the plain language of that section required petitioner to have "a certificate attesting to his or her successful completion of the Minimum Standards Basic Law Enforcement Officers Training Course as prescribed by the Illinois Law Enforcement Training Standards Board or a substantially similar training program of another state or the federal government." *Id.* Despite petitioner's argument to the contrary, the clear and unambiguous language of this provision thus requires a candidate for sheriff to have either: (1) "a certificate attesting to his or her successful completion of the Minimum Standards Basic Law Enforcement Officers Training Course as prescribed by the Illinois Law Enforcement Training Standards Board," or (2) "a certificate attesting to his or her successful completion of *** a substantially similar training program of another state or the federal government." *Id.* A candidate's mere successful completion of a purportedly "substantially similar training program" without a certification attesting to that fact is simply insufficient to satisfy the clear and unambiguous language of section 3-6001.5(4). *Hendricks*, 2015 IL App (3d) 140858, ¶ 14 ("If the statutory language is clear and unambiguous, it must be applied as written.").

¶ 31 Second, the clear and unambiguous language of section 3-6001.5(4) also requires that any such substantially similar training program must be offered by "*another state* or the federal government." (Emphasis added.) 55 ILCS 5/3-6001.5(4) (West Supp. 2021). As such, the evidence

of petitioner's work experience in Illinois and the training that she received from the State of Illinois, Cook County, or elsewhere in this state—as varied and extensive as it may be—is simply irrelevant to the question of whether she satisfied the "substantially similar training program" requirements of section 3-6001.5(4). *Hendricks*, 2015 IL App (3d) 140858, ¶ 14 ("A court may not depart from the plain language of the statute and read into it exceptions, limitations, or conditions that are not consistent with the express legislative intent.").

¶ 32 Third, it is also clear that it was for the training board—and no other authority, including the FBI or the electoral board—to issue the required certificate attesting to petitioner's successful completion of a substantially similar training program of another state or the federal government. While this is clear from the language of section 3-6001.5(4) standing alone, we are also mindful that:

> "In construing a statute, a court must not focus exclusively on a single sentence or phrase but must view the statute as a whole, construing words and phrases in light of other relevant statutory provisions and not in isolation. [Citation.] 'Each word, clause[,] and sentence of a statute must be given a reasonable meaning, if possible, and should not be rendered superfluous.' [Citation.] In addition to the statutory language, the court may consider the reason for the law, the problems sought to be remedied, the purposes to be achieved, and the consequences of construing the statute one way or another." *Sigcho-Lopez v. Illinois State Board of Elections*, 2022 IL 127253, ¶ 28.

We also note that:

> "A court presumes that the legislature intended that two or more statutes which relate to the same subject are to be read harmoniously so that no provisions are rendered inoperative. [Citation.] Statutes relating to the same subject must be compared and construed with

> reference to each other so that effect may be given to all of the provisions of each if possible. [Citation.] Even when an apparent conflict between statutes exists, they must be construed in harmony with one another if reasonably possible." *Knolls Condo. Ass'n v. Harms*, 202 Ill. 2d 450, 458-59 (2002).

¶ 33 Here, section 3-6001.5(4) of the Counties Code provides the qualifications for a candidate's election or appointment to the office of sheriff and clearly refers to and relies upon that candidate establishing his or her qualification for that office by having a "a certificate attesting to his or her successful completion of the Minimum Standards Basic Law Enforcement Officers Training Course as prescribed by the Illinois Law Enforcement Training Standards Board," or "a certificate attesting to his or her successful completion of *** a substantially similar training program of another state or the federal government." The training board was created by the Illinois Police Training Act (Training Act), and that act grants the training board the authority to create such minimum training standards. 50 ILCS 705/1, 7, 12 (West Supp. 2021). As such, section 3-6001.5(4) and the Training Act relate to the same subject and are therefore to be read harmoniously so that no provisions are rendered inoperative. *Harms*, 202 Ill. 2d at 458-59.

¶ 34 In relevant part, the legislature specifically passed the Training Act in which it created the training board "in order to promote and protect citizen health, safety and welfare [and to aid] counties *** in their efforts to raise the level of law enforcement by upgrading and maintaining a high level of training and standards for law enforcement executives and officers, county corrections officers, sheriffs, and law enforcement support personnel." 50 ILCS 705/1, 12 (West Supp. 2021). The legislature has specifically provided that it is the responsibility of the training board "to ensure the required participation of the pertinent local governmental units in the programs established under this Act, to set standards, develop and provide quality training and

education, and to aid in the establishment of adequate training facilities." *Id.*

¶ 35 Pursuant to these legislative findings and declarations of intent, the Training Act grants the training board the power and duty to "select and certify schools within the State of Illinois for the purpose of providing basic training" to law enforcement officers, "to establish appropriate mandatory minimum standards relating to the training" of such officers, and to "provide appropriate certification to those probationary officers who successfully complete the prescribed minimum standard basic training course." 50 ILCS 705/6 (West Supp. 2021). More specifically, and as relevant here, section 8.1(a) of the Training Act provides:

> "No person shall receive a permanent appointment as a law enforcement officer or a permanent appointment as a county corrections officer unless that person has been awarded, within 6 months of the officer's initial full-time employment, a certificate attesting to the officer's successful completion of the Minimum Standards Basic Law Enforcement or County Correctional Training Course as prescribed by the Board; or has been awarded a certificate attesting to the officer's satisfactory completion of a training program of similar content and number of hours and which course has been found acceptable by the Board under the provisions of this Act; or a training waiver by reason of extensive prior law enforcement or county corrections experience the basic training requirement is determined by the Board to be illogical and unreasonable." 50 ILCS 705/8.1(a) (West Supp. 2021).

The Training Act further provides that "[n]otwithstanding any other law, the certification and decertification procedures, including the conduct of any investigation or hearing, under this Act are the sole and exclusive procedures for certification as law enforcement officers in Illinois." 50 ILCS 705/6.7 (West Supp. 2021); See also, 50 ILCS 705/13 (West Supp. 2021) ("notwithstanding

any other law or rule of evidence, the fact that a certificate was issued, denied, or revoked by the [training board], is admissible in a judicial or administrative proceeding as *prima facie* evidence of any facts stated."). Also of note, the same public act that added the provision to section 3-6001.5 of the Counties Code at issue here also added numerous revisions to the Training Act, including the following language added to section 8.1 thereof in a clear and obvious attempt to mirror the language contained in section 3-6001.5(4): "Sheriffs who are elected as of the effective date of this Amendatory Act of the 101st General Assembly, are exempt from the requirement of certified status." Pub. Act 101-652, § 25-50 (eff. Jan. 1, 2022) (amending 50 ILCS 705/8.1(a)).

¶ 36 In contrast, when the legislature passed the Election Code it created the electoral board as an administrative body specifically and solely to "to hear and pass upon objections to the nominations of candidates for [among other elected officials] county offices." 10 ILCS 5/10-9 (West 2020). In turn, section 10-10 of the Election Code provides the procedures the electoral board shall use to carry out that function, and further provides that the electoral board "in general shall decide whether or not the certificate of nomination or nominating papers or petitions on file are valid or whether the objections thereto should be sustained and the decision of a majority of the electoral board shall be final subject to judicial review as provided in Section 10-10.1." 10 ILCS 5/10-9 (West 2020). Section 10-10 thus "limits the scope of an election board's inquiry with respect to nominating papers to ascertaining whether those papers comply with the governing provisions of the Election Code." *Goodman*, 241 Ill. 2d at 411. The public act that added the provision to section 3-6001.5(4) of the Counties Code at issue contained absolutely no additions or other modifications to the Election Code. Pub. Act 101-652.

¶ 37 It is also important to note that every administrative agency "is a creature of statute. Hence, the scope of any agency's authority is restricted to those actions specified by the legislature when

creating the administrative agency." *Penn v. County of Peoria*, 2018 IL App (3d) 170162, ¶ 49; *American Federation of State, County & Municipal Employees (AFSCME), Council 31 v. Illinois Labor Relations Board, Local Panel*, 2017 IL App (1st) 160960, ¶ 21 (noting that administrative agencies are analogous to a court of limited jurisdiction and can act only pursuant to the authority conferred on it by statute). "Any action or decision taken by an administrative agency in excess of or contrary to its authority is void." *Delgado v. Board of Election Commissioners of City of Chicago*, 224 Ill. 2d 481, 485 (2007).

¶ 38 From the above discussion, it is evident that it was for the training board to evaluate petitioner's training and determine if it warranted the issuance of a certificate attesting to her successful completion of a substantially similar training program of another state or the federal government, or perhaps a training waiver pursuant to section 8.1(a) of the Training Act. As the Training Act specifically provides, the certification procedures under that Act are the sole and exclusive procedures for certification as law enforcement officers in Illinois. 50 ILCS 705/6.7 (West Supp. 2021). In contrast, the electoral board has no statutory authority to evaluate petitioner's prior training, and its role was specifically limited to ascertaining whether petitioner's nomination papers complied with the governing provisions of the Election Code. *Goodman*, 241 Ill. 2d at 411. For the electoral board to second-guess or review the training board's decision would have been in excess of and contrary to its statutory authority and would therefore be void. *Delgado*, 224 Ill. 2d at 485. Even if there was any possible ambiguity with respect to this question, we note again that after considering its statutory authority the electoral board came to the same conclusion. An "agency's interpretation of a statute is given deference on *de novo* review unless it is erroneous, unreasonable, or conflicts with the statute." *Medponics Illinois, LLC*, 2021 IL 125443, ¶ 31.

¶ 39 While petitioner has raised concerns and objections with respect to how and why the

training board denied her request for a certificate or a training waiver, for all the reasons discussed above neither a hearing before the electoral board nor an action for judicial review of the electoral board's decision presents the proper forum to address those issues. Petitioner took no action to seek reconsideration from the training board (nor sought any other relief) before filing her Statement of Candidacy attesting that she held the qualifications for the office of sheriff, and we need not and do not express any opinion on the merits of any proper challenge she might have made to the training board's decision to deny petitioner's request for a certificate or training waiver.

¶ 40 Ultimately, because it was for the training board to issue the necessary certificate (or perhaps a training waiver), and because it is undisputed that no such certificate or waiver was ever issued to petitioner, the electoral board did not err in sustaining the objection and concluding that petitioner was ineligible to be elected sheriff because she did not meet all the qualifications for office contained in section 3-6001.5(4) of the Counties Code.

¶ 41 We therefore now turn to an examination of petitioner's constitutional challenges to section 3-6001.5(4) of the Counties Code. *People v. Bass*, 2021 IL 125434, ¶ 30 ("courts must avoid reaching constitutional issues unless necessary to decide a case"). Our analysis of these challenges is guided by the following general principles:

> "The constitutionality of a statute is a question of law subject to *de novo* review. [Citations.] Statutes are presumed to be constitutional, and the party challenging the validity of the statute has the burden to clearly establish the constitutional invalidity. [Citations.] A court must construe a statute so as to affirm its constitutionality, if the statute is reasonably capable of such a construction. [Citation.] Accordingly, if [a] statute's construction is doubtful, a court will resolve the doubt in favor of the statute's validity. [Citation.]"

(Internal quotation marks omitted.) *People ex rel. Sherman v. Cryns*, 203 Ill. 2d 264, 290-91 (2003).

¶ 42 Petitioner first contends that section 3-6001.5(4) is unconstitutional because it impermissibly adds an extra-constitutional statutory qualification for election to the office of sheriff. We disagree.

¶ 43 Petitioner is certainly correct that "the General Assembly cannot enact legislation that conflicts with provisions of the constitution unless the constitution specifically grants it such authority." *In re Pension Reform Litigation*, 2015 IL 118585, ¶ 81. As such, where the constitution sets forth qualifications for a public office, the legislature cannot change or add to those qualifications unless the constitution gives it that power. *Thies v. State Board of Elections*, 124 Ill.2d 317, 325-26 (1988). The drafters of the constitution clearly knew how to set forth such specific qualifications, as they explicitly did so with respect to a number of constitutionally-created officers. See, e.g., Ill. Const. art. VI, § 2 ("To be eligible to serve as a member of the General Assembly, a person must be a United States citizen, at least 21 years old, and for the two years preceding his election or appointment a resident of the district which he is to represent."); Ill. Const. art. V, § 3 ("To be eligible to hold the office of Governor, Lieutenant Governor, Attorney General, Secretary of State, Comptroller or Treasurer, a person must be a United States citizen, at least 25 years old, and a resident of this State for the three years preceding his election."); Ill. Const. art. VI, § 11 ("No person shall be eligible to be a Judge or Associate Judge unless he is a United States citizen, a licensed attorney-at-law of this State, and a resident of the unit which selects him."); Ill. Const. art. VI, § 19 ("A person shall not be eligible for the office of State's Attorney unless he is a United States citizen and a licensed attorney-at-law of this State.").

¶ 44 Furthermore, it is the constitution that specifically provides for certain county offices,

including the office of sheriff. Ill. Const. art. VII, § 4(c). However, as petitioner herself acknowledges on appeal, "the Illinois Constitution does not call for or require any specific qualifications for the office of Sheriff. If specific qualifications had been required, they would be in the Constitution in the same manner that specific qualifications are listed for the offices of governor, lieutenant governor, attorney general, judiciary, and legislators." Whether petitioner intended so or not, this acknowledgement of a lack of specific constitutional qualifications for the office of sheriff establishes the legislature's authority to craft its own qualifications for that office. This is so because the constitution "operates as a limitation upon the General Assembly's sweeping authority, not as any grant of power [citation]; thus the General Assembly is free to enact any legislation that the constitution does not expressly prohibit." *Maddux v. Blagojevich*, 233 Ill. 2d 508, 522 (2009) (concluding that legislation regarding judicial retirement violated constitution).

¶ 45 Nor are we persuaded by the parties' various arguments on appeal that article 7, section 4(c) of the constitution has anything further to add to this discussion. That section provides:

> "Each county shall elect a sheriff, county clerk, and treasurer and may elect or appoint a coroner, recorder, assessor, auditor and such other officers as provided by law or by county ordinance. Except as changed pursuant to this Section, elected county officers shall be elected for terms of four years at general elections as provided by law. Any office may be created or eliminated and the terms of office and manner of selection changed by county-wide referendum. Offices other than sheriff, county clerk and treasurer may be eliminated and the terms of office and manner of selection changed by law. Offices other than sheriff, county clerk, treasurer, coroner, recorder, assessor and auditor may be eliminated and the terms of office and manner of selection changed by county ordinance." Ill. Const. art. VII, § 4(c).

¶ 46 In interpreting the 1970 Constitution, this court must ascertain the plain and ordinary meaning of the relevant constitutional provisions in the constitutional contexts in which they appear. *Maddux,* 233 Ill. 2d at 523. "Where the words of the constitution are clear, explicit, and unambiguous, there is no need for a court to engage in construction." *Maddux*, 233 Ill. 2d at 523.

¶ 47 The provisions of this section have *nothing* to say regarding any specific qualifications for any of the county offices discussed therein, including sheriff. Rather, this section is solely limited to addressing the questions of whether those offices shall be filled by election or appointment, the length of the terms of office for those offices and the specific election in which elected officers should be selected, and whether those offices can be eliminated, or the terms of office and manner of selection for those offices changed, by county-wide referendum, by law or by county ordinance. Contrary to petitioner's argument on appeal, the "manner of selection" refers merely to whether a particular office shall be elected or may be appointed, and therefore does not limit the legislature's authority to craft its own qualifications for the office of sheriff.

¶ 48 Petitioner next contends that section 3-6001.5(4) is unconstitutional because it violates the special legislation and equal protection clauses of the Illinois Constitution. Again, we disagree.

¶ 49 Special legislation is expressly prohibited by our state constitution: "The General Assembly shall pass no special or local law when a general law is or can be made applicable. Whether a general law is or can be made applicable shall be a matter for judicial determination." Ill. Const. 1970, art. IV, § 13. "The special legislation clause prohibits the General Assembly from conferring a special benefit or privilege upon one person or group and excluding others that are similarly situated." *Crusius v. Illinois Gaming Board*, 216 Ill. 2d 315, 325 (2005). The clause prevents the legislature from making classifications that arbitrarily discriminate in favor of a select group. *Id.* To determine whether a law constitutes special legislation, we apply a two-part test.

First, we must decide whether the statutory classification at issue discriminates in favor of a select group and against a similarly situated group. Second, if the classification does so discriminate, we must determine whether the classification is arbitrary. *Id*.; *Big Sky Excavating, Inc. v. Illinois Bell Telephone Co*., 217 Ill. 2d 221, 235 (2005).

¶ 50 Whether a classification is arbitrary is generally determined under the same standards that are applicable to an equal protection challenge. *Moline School District No. 40 Board of Education v. Quinn*, 2016 IL 119704, ¶ 24. Where a statute does not impinge on fundamental rights, we use the rational basis test to assess its constitutionality. *Id*. Under this test, we ask whether the statutory classification is rationally related to a legitimate state interest. *Id.* However, "[w]hen the means used by a legislature to achieve a legislative goal impinge upon a fundamental right, the court will examine the statute under the strict scrutiny standard." *Tully v. Edgar*, 171 Ill. 2d 297, 304 (1996). Under strict scrutiny, we must consider three questions: (1) Does the law advance a compelling or fundamental interest? (2) Is the provision necessary to achieve the legislature's asserted goal? and (3) Are the provisions of the law the least restrictive means available to attain the goal? *Id*. at 311.

¶ 51 Here, petitioner identifies three ways in which section 3-6001.5(4) discriminates in favor of a select group and against a similarly situated group. First, petitioner –who notes that she herself does not have a disability—contends that the amendment discriminates against persons with disabilities who will purportedly not be able to "pass the physical components" of the training needed to obtain the required certificate to run for sheriff. However, petitioner raises this issue for the first time on appeal and it is axiomatic that "[a]rguments not raised before the circuit court are forfeited and cannot be raised for the first time on appeal." *U.S. Bank National Ass'n. v. Prabhakaran*, 2013 IL App (1st) 111224, ¶ 24; *Parks v. Kownacki*, 193 Ill. 2d 164, 180 (2000) (same). Furthermore, petitioner has not provided this court any factual or legal support for her

contention that persons with disabilities would not be able to pass such requirements. By doing so, petitioner failed to comply with Illinois Supreme Court 341(h)(7) (eff. Oct. 1, 2020). "A reviewing court is entitled to the benefit of clearly defined issues with pertinent authority cited and a cohesive legal argument. *** The appellate court is not a depository in which an appellant may dump the entire matter of argument and research." *Wing v. Chicago Transit Authority*, 2016 IL App (1st) 153517, ¶ 11. While we are not insensitive to this issue, without an underlying record to prove factual support and appropriate briefing to inform our analysis we must decline to address this argument further.

¶ 52 However, petitioner also contends—and objectors do not dispute—that section 3-6001.5(4) creates a classification that: (1) discriminates in favor of that group of potential candidates for the office of sheriff that have the required certificate and against those potential candidates that do not, and (2) discriminates in favor of those serving in the office of sheriff on the amendment's effective date, for whom the certificate requirement is inapplicable, and against those unelected challengers running for that office who must comply with the certification requirement. We must therefore determine if these classifications are impermissibly arbitrary, which as discussed above first requires us to determine if either of those classifications impinge upon a fundamental right, such that this court must examine the amendment under the strict scrutiny standard.

¶ 53 Petitioner contends that strict scrutiny applies here because the classifications created by section 3-60015(4) implicates a candidate's fundamental right to access the ballot and the electorate's fundamental right to vote. However, courts have repeatedly recognized that the "expectation of attaining or holding public office *** is a privilege, not a civil right. [Citation.] Neither the right to governmental employment nor the right to hold an elective office is fundamental." *People ex rel. City of Kankakee v. Morris*, 126 Ill. App. 3d 722, 726 (1984); *Jones*

v. City of Calumet City, 2017 IL App (1st) 170236, ¶ 29 ("there is no fundamental right to run for office"); *Coles v. Ryan*, 91 Ill. App. 3d 382, 385 (1980) ("It has been held that neither the right to participate in political activity nor the right to hold a public office is absolute."); *Hoskins v. Walker*, 57 Ill. 2d 503, 508 (1974) ("The Supreme Court of the United States has held that neither the right to freely associate nor the right to participate in political activities or to be a candidate for office is absolute."). As such, we reject petitioner's contention that any possible impact section 3-6001.5(4) may have on a potential candidate's access to the ballot warrants strict scrutiny here.

¶ 54 Petitioner is correct, however, that our supreme court has recognized that "legislation that affects *any* stage of the election process implicates the right to vote. Thus, *** the right to vote is implicated by legislation that restricts a candidate's effort to gain access to the ballot." (Emphasis in original.) *Tully*, 171 Ill. 2d at 307. Courts have nevertheless drawn a distinction between laws that *impinge* on the right to vote, and are thus subject to strict scrutiny, and laws that merely *affect* the right to vote, and are therefore only subject to rational basis analysis. *Puffer-Hefty School District No. 69 v. Du Page Regional Board of School Trustees of Du Page County*, 339 Ill. App. 3d 194, 202 (2003); *Orr v. Edgar*, 298 Ill. App. 3d 432, 437 (1998); *Hoskins*, 57 Ill. 2d at 509 ("The compelling-interest test is applied in cases where the limitations impose a real and appreciable impact on the exercise of the voting franchise."); *Trafelet v. Thompson*, 594 F.2d 623, 632 (7th Cir. 1979) (where any limitation on voting rights is incidental to a classification not specifically aimed at voters or elections, the rational relationship standard is applicable). As the United States Supreme Court has more specifically recognized:

> "the rights of voters and the rights of candidates do not lend themselves to neat separation; laws that affect candidates always have at least some theoretical, correlative effect on voters. Of course, not every limitation or incidental burden on the exercise of voting rights

> is subject to a stringent standard of review. [The statute at issue] does not place a condition on the exercise of the right to vote, nor does it quantitatively dilute votes that have been cast. Rather, the [statute] creates barriers to candidate access to the primary ballot, thereby tending to limit the field of candidates from which voters might choose. The existence of such barriers does not of itself compel close scrutiny." *Bullock v. Carter*, 405 U.S. 134, 143 (1972).

Considering all the above, we conclude that rational basis analysis is applicable here.

¶ 55 Having so concluded, section 3-6001.5(4) clearly passes constitutional muster under both the special legislation and equal protection clauses of the Illinois Constitution, which again call for the same analysis. *Quinn*, 2016 IL 119704, ¶ 24. Under rational basis analysis, the classification does not need to be supported by evidence or empirical data. *Big Sky Excavating, Inc*., 217 Ill. 2d at 240. "If any set of facts can be reasonably conceived that justify distinguishing the class to which the statute applies from the class to which the statute is inapplicable, then the General Assembly may constitutionally classify persons and objects for the purpose of legislative regulation or control, and may enact laws applicable only to those persons or objects." *Id.* at 238. In determining whether a statute satisfies the rational basis standard, a court does not engage in "courtroom fact finding." *People ex rel. Lumpkin v. Cassidy*, 184 Ill. 2d 117, 124 (1998). "Under the rational basis test, the court may hypothesize reasons for the legislation, even if the reasoning advanced did not motivate the legislative action." *Id*. "[W]hether a statute is wise and whether it is the best means to achieve the desired result are matters for the legislature, not the courts." *Moline*, 2016 IL 119704, ¶ 28.

¶ 56 To the extent that section 3-6001.5(4) of the Counties Code creates a classification that discriminates in favor of that group of potential candidates for the office of sheriff that have the

required certificate and against those potential candidates that do not, we note again this section and the Training Act are related statutes that are to be interpreted together and harmoniously. *Harms*, 202 Ill. 2d at 458–59. We also reiterate that the legislature specifically passed the Training Act "in order to promote and protect citizen health, safety, and welfare [and to aid] counties *** in their efforts to raise the level of law enforcement by upgrading and maintaining a high level of training and standards for law enforcement executives and officers, county corrections officers, sheriffs, and law enforcement support personnel." 50 ILCS 705/1, 12 (West Supp. 2021). The legislature clearly had a rational basis to require that sheriffs receive the same level training as other law enforcement officers in this state.

¶ 57 To the extent that section 3-6001.5(4) of the Counties Code creates a classification that discriminates in favor of those serving in the office of sheriff on the amendment's effective date, for whom the certificate requirement is inapplicable, and against those unelected challengers running for that office who must comply with the certification requirement, we note that where statutes are " 'enacted after judicial opinions are published, it must be presumed that the legislature acted with knowledge of the prevailing case law.' " *Burrell v. Southern Truss*, 176 Ill. 2d 171, 176 (1997) (quoting *People v. Hickman,* 163 Ill. 2d 250, 262 (1994)). Similarly, the legislature is presumed to have acted with such knowledge when amending a statute. *Morris v. William L. Dawson Nursing Center, Inc.*, 187 Ill. 2d 494, 499 (1999). Prior to the amendment of section 3-6001.5 at issue here, our supreme court ruled in *Tully*, 171 Ill. 2d at 308, that when "the people have chosen their representatives in a valid election, legislation that nullifies the people's choice by eliminating the right of the elected official to serve implicates the fundamental right to vote." Here, the legislature had a rational basis to avoid this possible result by exempting those serving in the office of sheriff on the amendment's effective date from section 3-6001.5(4)'s certificate

requirement.

¶ 58 In a related argument, petitioner argues that section 3-6001.5(4) violates the first amendment, made applicable to the states through the due process clause of the fourteenth amendment (U.S. Const., amends. I, XIV), because it "not only imposes unconstitutional barriers on sheriff candidates, but the Statute also impermissibly infringes on the basic right to vote. The legislation denies citizens their fundamental right to vote for the candidate of their choice."

¶ 59 In making this argument, however, petitioner again asserts that section 3-6001.5(4) presents such a "severe burden" and "infringement" on a candidate's fundamental right to access the ballot and the electorate's fundamental right to vote that strict scrutiny should apply. For all the reasons discussed above, however, strict scrutiny does not apply to the restrictions imposed by section 3-6001.5(4). Furthermore, because petitioner provides no further argument in support of any contention that section 3-6001.5(4) violates the first amendment under a rational basis analysis, any such argument has been forfeited. Ill. S. Ct. R. 341(h)(7) (eff. Oct. 1, 2020) ("Points not argued are forfeited and shall not be raised in the reply brief, in oral argument, or on petition for rehearing.").

¶ 60 Petitioner's next contention is that section 3-6001.5(4) is void for being unconstitutionally vague because "a person of ordinary intelligence is left guessing as to what 'a substantially similar training program of another sate or the federal government' means." "A legislative act that is so vague, indefinite, and uncertain that the courts are unable, by accepted rules of construction, to determine with any reasonable degree of certainty what the legislature intended will be declared to be void. [Citation.] When faced with a vagueness challenge to a statute, a court considers not only the language used, but also the legislative objective and the evil the statute is designed to remedy." *Unzicker v. Kraft Food Ingredients Corp.*, 203 Ill. 2d 64, 94 (2002).

¶ 61 We first note that "the void-for-vagueness doctrine *** generally applies only to criminal statutes." *Walker v. Agpawa*, 2021 IL 127206, ¶ 29. "Civil legislation can be vaguer than criminal laws because the consequences of imprecision are qualitatively less severe." *City of Chicago v. Pooh Bah Enterprises, Inc.*, 224 Ill. 2d 390, 444 (2006). Furthermore, we reject petitioner's contention that the "substantially similar training program" language in section 3-6001.5(4) is obviously vague because the parties here have disagreed regarding its meaning. A statute "is not ambiguous simply because the parties disagree as to its meaning." *Commonwealth Edison Co. v. Illinois Commerce Comm'n*, 2014 IL App (1st) 132011, ¶ 21.

¶ 62 The rest of petitioner's void-for-vagueness challenge to section 3-6001.5(4) is framed as both a facial and as an as-applied challenge. With respect to these challenges, our supreme court had recognized that:

> "A facial challenge to the constitutionality of a legislative enactment is the most difficult challenge to mount successfully [citation] because an enactment is facially invalid only if no set of circumstances exist under which it would be valid. The fact that the enactment could be found unconstitutional under some set of circumstances does not establish its facial invalidity. [Citations.] In contrast, in an 'as-applied' challenge a plaintiff protests against how an enactment was applied in the particular context in which the plaintiff acted or proposed to act, and the facts surrounding the plaintiff's particular circumstances become relevant. [Citation.] If a plaintiff prevails in an as-applied claim, he may enjoin the objectionable enforcement of the enactment only against himself, while a successful facial attack voids the enactment in its entirety and in all applications." *Napleton v. Village of Hinsdale*, 229 Ill. 2d 296, 305-06 (2008).

¶ 63 Petitioner's facial challenge to section 3-6001.5(4) is comprised of her contention that this

provision does "not provide any guidelines or instructions as to what constitutes a 'substantially similar training program." However, "perfect clarity and precise guidance have never been required" to avoid a successful facial void-for-vagueness challenge to a statute. *Ward v. Rock Against Racism*, 491 U.S. 781, 794 (1989). Moreover, section 3-6001.5(4) directly references the exemplar of what any alternative training should be comprised of: "the Minimum Standards Basic Law Enforcement Officers Training Course as prescribed by the Illinois Law Enforcement Training Standards Board." 55 ILCS 5/3-6001.5(4) (West Supp. 2021). The Training Act defines those standards in great detail. 50 ILCS 705/7 (West Supp. 2021). The training board's regulations provide more detail. 20 Ill. Admin. Code § 1720.10, *et seq*. (2004). Considering all the above, petitioner's facial challenge must fail as she has failed to show that under all circumstances section 3-6001.5(4) is so vague, indefinite, and uncertain that the courts are unable, by accepted rules of construction, to determine with any reasonable degree of certainty what the legislature intended.

¶ 64 Petitioner's as-applied challenge also fails, where it is based solely on her argument that she "has over 1,380 hours of training and even the Sheriff's Director of Training testified in the hearing below that she has 'impeccable' training. If [petitioner's] extensive and wide-ranging training does not meet the 'substantially similar' standard, how is anyone else to determine what training does meet the standard when even her example is not good enough?" This entire argument is fatally undercut by the explicit standards discussed above and the undisputed fact that the majority of this training was received in Illinois, while section 3-6001.5(4) clearly requires "successful completion of *** a substantially similar training program of *another state or the federal government*." (Emphasis added.) 55 ILCS 5/3-6001.5(4) (West Supp. 2021).

¶ 65 Finally, petitioner contends that passage of the amendment adding section 3-6001.5(4) to the Counties Code unconstitutionally violated the single-subject rule of the Illinois constitution.

However, the entirety of petitioner's argument consists of citation to the single-subject rule and citation to a single case standing for the proposition that violation of that rule renders an act unconstitutional and void. Once again, we decline to address this argument further where petitioner has failed to comply with Illinois Supreme Court 341(h)(7) (eff. Oct. 1, 2020), and has improperly placed upon this court the entire matter of argument and research. *Wing*, 2016 IL App (1st) 153517, ¶ 11.

¶ 66 For the foregoing reasons, the judgment of the circuit court is reversed and the electoral board's decision is affirmed.

¶ 67 Circuit court judgment reversed.

¶ 68 Board decision affirmed.