No. 127253

IN THE

SUPREME COURT OF ILLINOIS

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| BYRON SIGCHO-LOPEZ,<br><br>Plaintiff-Appellant,<br><br>v.<br><br>STATE OF ILLINOIS BOARD OF ELECTIONS and 25TH WARD REGULAR DEMOCRATIC ORGANIZATION, a political party committee,<br><br>Defendants-Appellees. | ) | Appeal from the Appellate Court of Illinois, First District, No. 1-20-0561.<br><br>There heard on Appeal from the Petition for Administrative Review of Decision and Final Order of Illinois State Board Of Elections<br><br>State Board of Elections Case No. 19 CD 094 |

# REPLY BRIEF AND ARGUMENT OF

# PLAINTIFF-APPELLANT BYRON SIGCHO-LOPEZ

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ORAL ARGUMENT REQUESTED

## ARGUMENT

THE USE OF CAMPAIGN FUNDS TO PAY FOR SOLIS'S CRIMINAL DEFENSE AGAINST FEDERAL ALLEGATIONS OF CORRUPTION VIOLATED SECTION 9-8.10(A)(3) AND THE SPIRIT AND LETTER OF THE CAMPAIGN DISCLOSURE ACT AS A MATTER OF LAW BECAUSE THE LEGAL FEES SOLIS OWED WAS A PERSONAL DEBT.

Although the response brief of the 25th Ward Regular Democratic Organization ("Committee") is verbose, it fails to address the straight-forward, statutory construction argument that is on appeal before this Court.

First, the Committee makes no effort to explain why the Court of Appeals needed to deviate from the plain language of the Campaign Disclosure Act to determine if the debt incurred by Solis was a "personal debt" prohibited by section 9-8.10(a)(3) because the fact of the matter is that there was no need to deviate. Indeed, the adjective "personal" not only appears in section 9-8.10—whose purpose is "to restrict the use of [campaign] money for strictly personal use"—but throughout the Campaign Disclosure Act in a manner consistent with its ordinary and common meaning. There is no ambiguity in the statute's use of the adjective "personal" in this case and, thus, there is no need to look beyond the text of the statute.

Second, even assuming for argument's sake that there existed a legitimate reason to deviate from the statute's plain language, the Committee makes no effort to explain why the Court of Appeals' use of the Federal Election Campaign Act of 1971 as an extrinsic aid of construction was legitimate other than to say that "the common sense 'irrespective test' is the appropriate place to begin." (Comm.'s Resp. at 16.) The rules of statutory construction, however, dictate that the appropriate extrinsic places to begin looking for legislative intent when a statute's text is ambiguous are sources such as legislative history, the common law, and statutes in *pari materia*. In this case, the

Committee does not dispute that because of federalism concerns the Campaign Disclosure Act of the Illinois Election Code is not in *pari materia* with the Federal Election Campaign Act of 1971. Consequently, the Committee fails to demonstrate that the Court of Appeals did not violate the separation of powers doctrine and create a new law that delegates the Illinois legislature's power to define a "personal debt" for purposes of section 9-8.10(a)(3) of the Campaign Disclosure Act to the FEC when it adopted the "irrespective test" of the Federal Election Campaign Act of 1971.

Finally, the Committee implores this Court to give deference to the Board's erroneous blanket policy of allowing the use of campaign funds to pay for any activity or purpose generically disclosed in a committee's quarterly report of itemized expenditures as "legal fees." (Comm.'s Resp. at 25-27.) This Court, however, owes the Board no deference as courts interpret the Illinois Election Code *de novo*. *Jackson-Hicks v. East St. Louis Bd. Of Election Comm'rs*, No. 118929, 2015 IL 118929, ¶¶ 20-21, 28 N.E.3d 170, 175-176, 390 Ill. Dec. 1, 10-11 (March 26, 2015). Moreover, it is worth noting that the Board has not bothered to defend its position in this Court nor in the Appellate Court. Consequently, this Court must not give the Board's erroneous blanket policy any consideration.

## CONCLUSION

Byron Sigcho-Lopez requests that this Court reverse the order dismissing his Complaint and remand this case back to the Board for a public hearing to levy fines on the Committee for having violated section 9-8.10(a)(3) of the Campaign Disclosure Act when it used $220,000 of campaign money to pay the personal debt Solis owed Foley & Lardner, LLC.

Respectfully submitted by,

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CERTIFICATION OF COMPLIANCE

I certify that this brief conforms to the requirements of Rule 341(a) and (b). The length of this brief, excluding the pages or words contained in the Rule 341(d) cover, the Rule 341(h)(1) table of contents and statement of points and authorities, the Rule 341(c) certificate of compliance, the certificate of service, and those matters to be appended to the brief under Rule 342(a), is 3 pages.

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NOTICE OF FILING

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PLEASE TAKE NOTICE that on December 22, 2021, Plaintiff-Appellant, Byron Sigcho-Lopez, served and filed by electronic means using Legal Document Management Inc., an approved and certified Electronic Filing Service Provider (EFSP), on the Clerk of the Illinois Supreme Court, *Reply Brief of Plaintiff-Appellant Byron Sigcho-Lopez*, a copy of which is hereby served upon you.

/s/ Adolfo Mondragón, Esq.
Plaintiff-Appellant's Attorney

CERTIFICATE OF SERVICE

I, Adolfo Mondragón, state that on December 22, 2021, I served the foregoing *Reply Brief of Plaintiff-Appellant Byron Sigcho-Lopez* and *Notice of Filing* upon counsel listed above electronically by email and by Legal Document Management Inc., an approved and certified Electronic Filing Service Provider (EFSP).

Under penalties as provided by law pursuant to section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matter therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.

/s/ Adolfo Mondragón
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