

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
CHANCERY DIVISION

Jesus Garcia,)
Plaintiff,)
)
v.)
)
Governor Bruce Rauner,)
in his official capacity as Governor)
of the State of Illinois)
Defendant.)
)
)
)

2016CH04650
CALENDAR/ROOM 13
TIME 00:00
Pet Mandamus

2016 APR - 1 PM 2:21
CIRCUIT COURT OF COOK
COUNTY, ILLINOIS
CHANCERY DIV.
DOROTHY BROWN
CLERK

COMPLAINT

Introduction

1. Plaintiff, Jesus G. Garcia, seeks a writ of mandamus to compel defendant Bruce Rauner, Governor of the State of Illinois, ("Governor" or "Defendant Rauner") to perform his statutory duty to prepare and publish a report detailing the demographic characteristics of all applicants and appointees to Illinois state boards and commissions over which he has appointment authority. Rauner's duty to perform arises from the Illinois Gubernatorial Boards and Commissions Act 15 ILCS 50/25. The Act requires that such a report be prepared by the Governor on an annual basis beginning October 1, 2015. Defendant Rauner has failed to prepare and publish the report as required by law.
2. Plaintiff further requests that the writ order the Governor to require all applicants for State boards and commissions to provide demographic information and to collect such data prospectively. To date, Rauner failed to do, in contravention of 15 ILCS 50/10(4).
3. Plaintiff, as an Illinois citizen, taxpayer and voter, has a clear right to have defendant

Rauner perform the acts required of him by Illinois law. Defendant Rauner has a clear duty to Plaintiff and the public at large to perform the acts required by law, and Defendant Rauner has the authority to carry out an order from this Court which directs him to perform as required. Defendant Rauner's failure to carry out his statutory duty has injured Plaintiffs' rights.

4. Accordingly, Plaintiff respectfully requests that this Court issue a writ of mandamus that orders Defendant Rauner to prepare and publish the report required by the Illinois State Boards and Commissions Act detailing the ethnicity, gender, and disability status of all applicants and appointees to Illinois State boards and commissions.
5. Further, Plaintiff respectfully requests that this Court include in such writ an additional order that the Governor ensure that all applicants provide demographic information when applying to such boards and commissions and to make such disclosure by applicants mandatory rather than optional, as is now the case. Plaintiff has the right to Defendant Rauner's compliance with this additional statutory requirement. Defendant Rauner has a clear duty to perform the acts requested, and the authority to carry out this Court's order to comply.

Parties

6. Plaintiff, Jesus G. Garcia, is a citizen of the State of Illinois and a taxpayer. He brings this action to enforce a public right, as a taxpayer and citizen of the State of Illinois, and has an interest in having the law executed, and the right in question enforced.
7. Defendant Bruce Rauner is the Governor of the State of Illinois. State law requires Defendant Rauner, as Governor, to submit and publish a report concerning the

demographic characteristics of all applicants and appointees to Illinois State Boards and Commissions over which he has authority to appoint members, on an annual basis beginning on October 1, 2015, and continuing every year thereafter. State law further provides that Rauner must collect such demographic data from every applicant for State Boards and Commissions.

Facts

8. The Illinois Gubernatorial Boards and Commissions Act (“the Act”) at 15 ILCS 50/25 requires the Governor, beginning October 1, 2015, to prepare and file a report with the General Assembly which details the demographic information for all applicants and appointees to State Boards and Commissions, and also to publish electronically such report.
9. The Act also requires that the Governor “establish and maintain on the internet a centralized and searchable database, freely accessible to the public, of information relating to appointed positions on the State’s Boards and Commissions.” 15 ILCS 50/10
10. The Act further mandates that the Governor require all applicants to state boards and commissions to provide demographic information via a uniform application that “shall include a data field where an applicant shall disclose his or her ethnicity, gender, and disability status for reporting purposes.” 15 ILCS 50/10(4)
11. Specifically, Section 25 of the Gubernatorial Boards and Commissions Act provides as follows:

Demographic composition; report. Beginning October 1, 2015 and for each year thereafter, the Governor shall file a report with the General Assembly detailing the following information:

- (1) the demographic information (ethnicity, gender, and disability status) of each appointment made by the Governor between July 1 of the prior year through June 30 of the reporting year;
- (2) the aggregate demographic information for those persons who applied for an appointment with the Governor's office, but were not appointed between July 1 of the prior year through June 30 of the reporting year; and
- (3) the demographic composition of the gubernatorial appointees on each board, commission, and task force as of June 30 of the reporting year.

The Governor shall electronically publish an annual report detailing the demographic composition of the gubernatorial appointees on each board, commission, and task force as of the date of the report.

15 ILCS 50/25.

12. Defendant Rauner has failed to file and publish this demographic report with the State assembly by October 1, 2015,, in contravention of the requirements of the Act.
13. Section 10 of the Gubernatorial Boards and Commissions Act requires the Governor to collect demographic information from applicants to state boards and commissions and to create a web portal that "shall include" among other requirements:
 - (1) Information as to how a person may apply for appointment to a board or commission, including a uniform application that may be downloaded and printed or that may be submitted electronically. Such application shall include a data field where an applicant shall disclose his or her ethnicity, gender and disability status for reporting purposes.
14. Defendant Rauner failed to require all applicants to provide such demographic information, and, on information and belief, accepted at least some applications that did not require or contain the demographic information as required by 15 ILCS 50/10(4).
15. Defendant Rauner, by failing file and publish such demographic information about the applicants and appointees to state boards and commissions as required by law, has violated

the Act's statutory mandate.

16. Defendant Rauner's failures to file and publish the required report, and to require that applicants provide such demographic information, further contravenes State law and undermines the purpose and goals of the Gubernatorial Boards and Commissions Act.

COUNT I

WRIT OF MANDAMUS TO COMPEL BRUCE RAUNER TO DISCHARGE DUTIES UNDER THE ILLINOIS GUBERNATORIAL BOARDS AND COMMISSIONS ACT

17. Plaintiff incorporates paragraphs 1 through 16 by this reference.
18. By the aforesaid acts or omissions, Defendant Rauner failed to perform his statutory duty to file and publish demographic information concerning applicants and appointees to state boards and commissions as mandated by the Illinois Gubernatorial Boards and Commissions Act 15 ILCS 50/25. Plaintiff has a right to demand that Defendant Rauner perform this public duty owed to plaintiff, and to the people of Illinois by Defendant Rauner.
19. Defendant Rauner also failed to perform his statutory duty to require applicants to boards and commissions to disclose demographic information including ethnicity, gender and disability status, as mandated by the Illinois Gubernatorial Boards and Commissions Act 15 ILCS 50/10(4). Plaintiff has a right to demand, from Defendant Rauner that he perform this additional act owed to Plaintiff and the people of Illinois.

WHEREFORE, Plaintiff prays this Court to:

- A. Order Defendant Rauner to perform, carry out, and otherwise comply with his

statutory duty under the Illinois Gubernatorial Boards and Commissions Act 15 ILCS 50/25, to file immediately with the General Assembly a report detailing the ethnic, gender and disability status of all applicants and appointees to Illinois State boards and commissions, and to publish such report electronically.

B. Order Defendant Rauner to perform, carry out, and otherwise comply with his statutory duty under the Illinois Gubernatorial Boards and Commissions Act 15 ILCS 50/10(4) to require all applicants to Illinois State boards and commissions to provide their ethnic, gender and disability status at the time of application.

By: /s/ Jorge Sánchez
One of Plaintiff's attorneys

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