SIXTH DIVISION
March 31, 2015

No. 1-15-0456

IN THE
APPELLATE COURT OF ILLINOIS
FIRST JUDICIAL DISTRICT

KEN ZUREK, principal petition proponent, Petitioner-Appellant, v. RANDALL PETERSEN, Individually and as Objector, ROBERT GODLEWSKI, Individually and as Objector, and TOMMY THOMPSON, in His Official Capacity as Franklin Park Village Clerk, Respondents-Appellees (David Orr, in His Official Capacity as Cook County Clerk, Respondents).	)	Appeal from the Circuit Court of Cook County. No. 15 COEL 25 Honorable Robert W. Bertucci, Judge Presiding.

JUSTICE ROCHFORD delivered the judgment of the court.
Presiding Justice Hoffman and Justice Hall concurred in the judgment.

ORDER

¶ 1 *Held*: Decision of election board to sustain objection to proposed referendum and circuit court's denial of requests for sanctions are both affirmed, where proposed referendum was properly found to be invalid and appellant did not provide a sufficient record to allow for review of circuit court's order denying sanctions.

¶ 2 Petitioner-appellant, Ken Zurek, brought the instant petition for judicial review after the Municipal Officers Electoral Board for the Village of Franklin Park (Board) found a proposed term-limit referendum he supported to be invalid because—*inter alia*—it was unconstitutionally

vague and ambiguous. The Board's decision was made after objections to the referendum were filed by respondents-appellees, Randall Petersen and Robert Godlewski (objectors). The circuit court affirmed the Board's decision, and also denied Mr. Zurek's requests for sanctions. For the following reasons, we agree that the referendum was unconstitutionally vague and ambiguous, confirm the Board's decision, and affirm the circuit court's denial of Mr. Zurek's requests for sanctions.

¶ 3 I. BACKGROUND

¶ 4 Because of the narrow grounds upon which we affirm the decisions below, and the fact that many of the relevant facts were set out in a prior, related order (*Zurek v. Franklin Park Officers Electoral Board*, 2014 IL App (1st) 142618), we restate here only those facts required to resolve Mr. Zurek's current appeal.

¶ 5 Mr. Zurek is a resident of Franklin Park, Illinois, a non-home-rule municipality. In the summer of 2014, Mr. Zurek and others collected signatures from other residents in order to place on the ballot for the November 4, 2014, general election "the following binding referendum question of public policy":

> "Shall the Village of Franklin Park enact term limits prohibiting all people from serving more than eight (8) years as Village Trustee, Village President and Village Clerk, including service as Village Trustee, Village President and Village Clerk, effective immediately upon approval and passage of this binding referendum?"

¶ 6 Mr. Zurek and Peter Negron, who did not join in Mr. Zurek's petition for judicial review and is not a party to this appeal, then filed these petitions with the village clerk of the Village of Franklin Park on July 28, 2014.[1] On August 11, 2014, the objectors filed an "Objectors'

[1] Because only Mr. Zurek sought judicial review, we will refer only to him in this order even

Petition" to the proposed referendum with the Board. The Board consisted of three members: (1) the village president, Barrett F. Pedersen; (2) a village trustee, John C. Johnson; and (3) the village clerk, respondent-appellee, Tommy Thomson. The objectors' petition asserted that the objectors were each legal and registered voters residing in Franklin Park, but it did not challenge the number of signatures or the validity of the signatures submitted in support of the referendum. Rather, the numerous objections contained in the objectors' petition attacked the validity of the referendum question itself. Among those objections was a contention that the referendum was invalid because it was constitutionally vague and ambiguous, an argument contained in paragraph 10 of the objectors' petition.

¶ 7 In response to these objections, Mr. Zurek took two actions. First, Mr. Zurek filed a petition with the circuit court on August 15, 2014, asking that all three members of the Board be replaced with three public members appointed by the court, pursuant to section 10-9 of the Election Code. 10 ILCS 5/10-9 (West 2014). Mr. Zurek claimed that this action was required to ensure a fair and impartial hearing of the objections to the referendum, as the passage of the referendum could affect the ability of the current Board members to run for reelection in the future. That request was denied by the circuit court, and Mr. Zurek appealed that decision to this court (appeal number 1-14-2618).

¶ 8 Second, Mr. Zurek filed various pleadings with the Board itself, including a motion to strike the objectors' petition for numerous alleged defects and written request that all three members of the Board recuse themselves from this matter. In September of 2014, after a number of public hearings, the Board members denied Mr. Zurek's request that they recuse themselves

---

though some of the actions ascribed to him were actually completed by both Mr. Zurek and Mr. Negron.

and sustained the objectors' challenges, finding that the referendum was invalid and should therefore not appear on the ballot for the general election on November 4, 2014.

¶ 9 Mr. Zurek sought judicial review of the Board's decision, the circuit court affirmed that decision in October of 2014, and Mr. Zurek appealed (appeal number 1-14-3062). This court consolidated both of Mr. Zurek's prior appeals, and issued a decision on November 4, 2014. *Zurek*, 2014 IL App (1st) 142618, ¶ 37.

¶ 10 In that decision, this court concluded that the Board should have been replaced with public members pursuant to section 10-9 of the Election Code, and that this matter must therefore be remanded for a new hearing before an impartial Board comprised of public members appointed by the circuit court. *Id*. ¶¶ 88, 107. Recognizing that it was impossible for the referendum to appear on the November 4, 2014, ballot, this court ordered that "[i]f the decision of the newly constituted Franklin Park Electoral Board results in the need for a referendum, the referendum shall be placed on the ballot of the first election thereafter." *Id*. ¶ 107.

¶ 11 On November 13, 2014, the circuit court entered an order appointing three new, public members to the Board. Thereafter, Mr. Zurek filed with the Board a motion to strike the objectors' petition, asserting—*inter alia*—that: (1) the Board lacked the statutory authority to hear and determine the objectors' constitutionally-based arguments; (2) the objections should be dismissed because the village president, Mr. Pedersen, was the "actual objector" and was not named in the objection petition; (3) the objectors themselves were not legal voters registered to vote in Franklin Park; and (4) the objectors failed to comply with a statutory requirement to state fully the nature of their objections. The objectors, in turn, filed a motion for summary judgment asserting—*inter alia*—that their objections should be sustained because the referendum was constitutionally vague and ambiguous, and therefore invalid.

¶ 12 A number of public hearings were held by the Board, and on February 2, 2015, the Board issued its 13-page written findings and decision. In that decision, the Board rejected all of the arguments contained in Mr. Zurek's motion to strike. Of note, in so doing the Board specifically rejected Mr. Zurek's contentions that the objectors were not legal voters registered to vote in Franklin Park and that the objectors were simply representing the "real party in interest," Mr. Pedersen. The Board also concluded that the objections contained in paragraph 10 of the objectors' petition were properly stated.

¶ 13 The Board then went on to consider the objectors' motion for summary judgment. The Board specifically found unpersuasive all but two of the objections filed against the referendum, and therefore overruled those objections. However, the Board found two of those objections persuasive and therefore sustained those two objections to the referendum. Specifically, the Board sustained: (1) an objection contained in paragraph 10 (referred to as "Objection 10(b)") that the referendum was unconstitutionally vague and ambiguous under article VII, section 7 of the Illinois Constitution of 1970 (Ill. Const. 1970, art. VII, § 7); and (2) another objection contending that the referendum violated article III, section 3 of the Illinois Constitution of 1970 (Ill. Const. 1970, art. VII, § 7). Therefore, the Board found the referendum to be invalid and concluded that the "Proponent's referendum question shall not appear on the ballot."

¶ 14 Mr. Zurek filed a petition for judicial review of the Board's decision the following day. Therein, and in a memo of law filed in support thereof, Mr. Zurek asked that the circuit court to reverse the Board's finding that the referendum was invalid and direct that the referendum be printed on the ballot for the April 7, 2015, consolidated election. Alternatively, Mr. Zurek requested that "should it be rendered impossible for the term limit referendum to be included on the April 7, 2015 Consolidated Election ballot[,] then the court should enter an order directing

the Cook County Clerk to certify the term limit referendum and include the term limit referendum on the ballot for the next scheduled general or consolidated election."

¶ 15 The Board filed, through one of its attorneys, Mathew Welch, a motion to dismiss the petition for judicial review arguing that Mr. Zurek had failed to properly invoke the subject matter jurisdiction of the circuit court. The Board also filed a memorandum of law, arguing that the Board's decision should be affirmed on the merits.

¶ 16 Attorney James Nally filed an appearance in the circuit court on behalf of the village clerk, Mr. Thompson. Mr. Nally also filed a motion to dismiss the petition for judicial review on behalf of Mr. Thompson, asserting: (1) Mr. Zurek had failed to properly invoke the subject matter jurisdiction of the circuit court; and (2) the circuit court could not grant the requested relief because the maximum number of allowable referenda were already certified to appear on the ballot for the April 7, 2015, consolidated election in Franklin Park; and (3) this issue was moot, as one of the three referenda certified to appear on the ballot presented the voters with the choice to impose term limits on the offices of village trustee, village president and village clerk (albeit utilizing different language and providing for different limits than the referendum at issue here).

¶ 17 In turn, the objectors filed a memorandum of law of their own. Therein, the objectors noted that the Board had correctly sustained two of their objections, but asked the circuit court to enter an order sustaining each of the other objections they had raised and prohibiting the referendum from appearing on the April 7, 2015, ballot.

¶ 18 In response, Mr. Zurek filed: (1) a motion to strike both the appearance of Mr. Nally and the motion to dismiss filed on behalf of Mr. Thompson, contending that Mr. Thompson lacked the authority to hire an attorney or the proper standing to appear in this matter; (2) a motion to

strike the Board's motion to dismiss, asserting that it too lacked authority or standing to participate in the circuit court proceedings; (3) a motion asking for monetary sanctions against Mr. Welch and that the Board's motion to dismiss be stricken, arguing that the motion to dismiss was filed in violation of the requirements of Illinois Supreme Court Rule 137 (Ill. S. Ct. R. 137 (eff. July 1, 2013)); and (4) a response to the objectors' memorandum of law.[2] The objectors filed a written response, and a hearing on these matters was held on February 20, 2015.

¶ 19 No report of proceedings or alternative record of the hearing—such as a bystander's report—has been included in the record on appeal. Rather, the record contains only the written order entered by the circuit court following the hearing. In that order, the circuit court implicitly rejected the motions to dismiss Mr. Zurek's petition for judicial review and explicitly stated:

> "This cause coming to be heard on the Petition for Judicial Review and Petitioner's Motions to Strike and Dismiss and for Rule 137 sanctions, due notice having been given and the Court having reviewed the record, written submissions and hearing argument[,] IT IS [HEREBY] ORDERED:
>
> 1. The Court finds the proposed referendum question is vague and ambiguous.
> 2. The decision of the Franklin Park Municipal Office Electoral Board is AFFIRMED.
> 3. Petitioner Zurek's Motions to Strike and for SCR 137 sanctions are denied."

¶ 20 Mr. Zurek filed a timely notice of appeal from this order on February 23, 2015.

¶ 21 II. ANALYSIS

[2] On appeal, and in the motion to strike both the appearance and motion to dismiss filed by Mr. Nally below, Mr. Zurek contends that he also filed a motion for monetary sanctions against Mr. Nally. However, no such motion is contained in the record on appeal.

¶ 22 On appeal, Mr. Zurek contends that the Board improperly found the referendum to be invalid and that the circuit court improperly declined to impose sanctions. After addressing one preliminary issue, we will address each of these arguments in turn.

¶ 23 A. Standing

¶ 24 We first briefly address the issue of standing. Both in the circuit court and again on appeal, Mr. Zurek has contended that both the Board and the village clerk, Mr. Thompson, lacked standing to participate in this proceeding for judicial review of the Board's decision. We need not address this issue any further, including any question as to whether we may consider the briefs filed in this court by those parties.

¶ 25 As we noted in response to similar arguments made in the context of Mr. Zurek's prior appeals in this matter, the objectors themselves clearly have standing on appeal and at a minimum we may consider their appellate brief in determining the merits of Mr. Zurek's request that we reverse the decision of the Board. *Zurek*, 2014 IL App (1st) 142618, ¶ 58. Furthermore, it is clear that both Mr. Nally, attorney for Mr. Thompson, and Mr. Welch, attorney for the Board, have standing to participate in this appeal and respond to Mr. Zurek's argument that the circuit court improperly refused to impose sanctions against them. See *Dunn v. Patterson*, 395 Ill. App. 3d 914, 919 (2009) (recognizing appellate standing of attorney with respect to trial court's order regarding sanctions); *Kennedy v. Miller*, 197 Ill. App. 3d 785, 789 (1990) (same). Thus, with respect to the appellate briefs Mr. Nally and Mr. Welch have each filed on behalf of their clients, we may certainly consider those portions that are responsive to Mr. Zurek's request that we reverse the circuit court's refusal to impose sanctions.

¶ 26 B. The Board's Decision

¶ 27 We next consider the propriety of the Board's denial of Mr. Zurek's motion to strike the objections to the referendum and its decision to find the referendum invalid.

¶ 28 1. Standard of Review

¶ 29 Judicial review of the Board's decision is provided for in section 10-10.1 of the Election Code. 10 ILCS 5/10-10.1 (West 2014). 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 2014)), our supreme court has concluded that electoral boards are considered to be administrative agencies and the procedure for 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*.

¶ 30 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*. 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.

¶ 31 2. Motion to Strike

¶ 32 Mr. Zurek's contention that the Board improperly denied the motion to strike the objections to the referendum is unfounded.

¶ 33 Mr. Zurek's primary challenge is that the Board lacked the statutory authority to hear and determine the objectors' constitutionally-based arguments. Mr. Zurek is certainly correct to note that "[a]s a creature of statute, the [] Board possesses only those powers conferred upon it by law. Any power or authority it exercises must find its source within the law pursuant to which it was created." *Bryant v. Board of Election Commissioners of City of Chicago*, 224 Ill. 2d 473, 476 (2007). It is also quite proper to note that the board has "no authority to declare a statute unconstitutional or even to question its validity." *Id*. However, concluding that the Board does not have the authority to declare a *statute* unconstitutional does not mean that the Board had no authority to consider the constitutionally-based challenges to the *referendum*.

¶ 34 In fact, the Board's authority to do so is provided by the Election Code. Section 10-10 of the Election Code provides that, when faced with an objection to a proposed referendum petition, "[t]he electoral board shall take up the question as to whether or not the *** petitions are in proper form, and whether or not they were filed within the time and under the conditions required by law, and whether or not they are the genuine *** petitions which they purport to be, *** and in general shall decide whether or not the *** petitions on file are valid or whether the objections thereto should be sustained ***." 10 ILCS 5/10-10 (West 2014). Thus, the Board

was generally authorized by statute to decide if the referendum was "valid" and whether the objections should have been sustained.

¶ 35 In making this determination, it was only proper that the Board should consider—as it did—Article 28 of the Election Code, which provides the fundamental statutory guidelines for properly submitting the referendum to the voters of Franklin Park. 10 ILCS 5/28-1 (West 2014) ("The initiation and submission of all public questions to be voted upon by the electors of the State or of any political subdivision or district or precinct or combination of precincts shall be subject to the provisions of this Article."). Section 28-1 of the Election Code specifically provides that "[q]uestions of public policy which have any legal effect shall be submitted to referendum only as authorized by a statute which so provides or by the Constitution." 10 ILCS 5/28-1 (West 2014). Thus, to determine whether that the referendum was valid and whether the objections should be sustained or overruled, the Board was required to determine if the referendum was authorized by a statute or the constitution

¶ 36 Indeed, the authority of election boards to consider constitutionally-based objections to proposed referenda was implicitly recognized by our supreme court in *Lipinski v. Chicago Board of Election Commissioners*, 114 Ill. 2d 95 (1986). There, objections to a proposed referendum were brought before the City of Chicago's election board asserting—*inter alia*—that the referendum was unconstitutionally vague and ambiguous. *Id*. at 97. Our supreme court ultimately reversed the election board's rejection of this specific objection, but it *never* indicated that the election board did not have the statutory authority to consider the constitutionality of the proposed referendum in the first instance. *Id*. at 105-06. We come to a similar—albeit explicit—conclusion here, and therefore reject Mr. Zurek's argument on this issue.

¶ 37 Mr. Zurek also asserts on appeal that the Board improperly rejected the argument that the objections should have been dismissed because the "actual objector"—Mr. Pedersen—failed to provide his name as required by statute. Mr. Zurek claims that the two objectors were actually "straw men" recruited by Mr. Pedersen in violation of the Election Code. This argument is unfounded.

¶ 38 As an initial matter, the Board specifically found that the allegation regarding Mr. Pedersen was "unsubstantiated" and an "innuendo with no actual proof." That factual finding is *prima facie* true and correct, and Mr. Zurek has failed on appeal to show that it was against the manifest weight of the evidence. *Goodman*, 241 Ill. 2d 405-06. Even if there was factual support for this argument, this court has recognized that the underlying motive of an objector is irrelevant to a Board's determination of whether an objection should be sustained. *Havens v. Miller*, 102 Ill. App. 3d 558, 566 (1981).

¶ 39 More fundamentally, while the Election Code does specifically require that the "objector's petition shall give the objector's name and residence address" (10 ILCS 5/10-8 (West 2014)), it just as specifically permits "[a]ny legal voter of the political subdivision or district in which the *** public question is to be voted on" to file an objection thereto. *Id.* The Board specifically found that the objectors were legal voters residing within Franklin Park, and Mr. Zurek has not challenged that finding on appeal. The record also reveals, and the Board again specifically found, that the objectors provided their names and addresses in their petition. The objectors therefore fully complied with the statute, and the Board properly rejected this argument. *Lenehan v. Township Officers Electoral Board of Schaumburg Township*, 2013 IL App (1st) 130619, ¶ 41 (recognizing that the only statutory requirement to bring an objection is that the objector be a legal voter in the relevant political subdivision).

¶ 40 Mr. Zurek's final contention on appeal regarding the Board's denial of the motion to strike is that the objectors failed to comply with the statutory requirement that they "shall state fully the nature of the objections to the *** petitions in question ***." 10 ILCS 5/10-8 (West 2014). Mr. Zurek further contends that the objections were illusory, unsupported, self-contradictory, speculative, and required undue interpretation.

¶ 41 As noted above and will be more fully explained below, we affirm the Board's conclusion that the referendum was invalid solely on the basis of its decision to sustain Objection 10(b). Therefore, we will consider only Mr. Zurek's challenge to the sufficiency of the statement of that particular objection, as the propriety of the Board's findings regarding the form of the other objections would not affect the outcome of this appeal. See *Cunningham v. Schaeflein*, 2012 IL App (1st) 120529, ¶ 34 ("This court may affirm an electoral board's decision on any basis that appears in the record, even though the electoral board may have relied on another basis to support its decision."); *In re Jonathan P.*, 399 Ill. App. 3d 396, 400 (2010) ("Generally, courts of review do not decide moot questions, render advisory opinions, or consider issues where the result will not be affected regardless of how those issues are decided.").

¶ 42 In the motion to strike the objectors' petition that he filed with the Board, Mr. Zurek *solely* contended that Objection 10(b) violated section 10-8 of the Election Code because: (1) the Board lacked authority to consider the constitutionally-based challenge; (2) the objection "[was] not fully stated, [was] an unsupported conclusion, and [was] improperly based on speculation and hypotheticals," without any further supporting argument; and (3) the objection was substantively meritless. At the public hearings before the Board, Mr. Zurek merely reiterated these same points.

¶ 43 It is apparent that—putting aside the fact that we have already rejected Mr. Zurek's argument regarding the Board's authority—both the first and third of these contentions are substantive and are thus irrelevant to the question of whether the objectors properly stated the nature of Objection 10(b). 10 ILCS 5/10-8 (West 2014). With respect to the assertions contained in the second contention, they were completely unsupported by any further supporting argument or citation to authority, and the Board could not have been faulted if it had rejected this contention on that basis alone.

¶ 44 However, the Board did more. In rejecting Mr. Zurek's challenge to Objection 10(b) based upon section 10-8 of the Election Code, the Board noted that: (1) the objection specifically cited to Article VII, Section 7 of the Illinois Constitution, and provided specific reasons why that provision had been violated (including that the referendum was vague and ambiguous); and (2) provided several specific logical reasons as to why the referendum violated that constitutional provision. The Board concluded that the objectors complied with the requirements of section 10-8 of the Election Code, and we agree. Indeed, Mr. Zurek's ability to file a motion to strike before the Board containing so many substantive challenges to Objection 10(b) shows that the objectors sufficiently stated this objection to allow Mr. Zurek to substantively respond.

¶ 45 For all the foregoing reasons, we affirm the Board's denial of Mr. Zurek's motion to strike the objectors' petition.

¶ 46 3. Motion for Summary Judgment

¶ 47 Next, we consider the question of whether the Board properly found the referendum invalid and granted the objectors' motion for summary judgment. We conclude that the Board acted properly.

¶ 48 As noted above, section 28-1 of the Election Code specifically provides that "[q]uestions of public policy which have any legal effect shall be submitted to referendum only as authorized by a statute which so provides or by the Constitution." 10 ILCS 5/28-1 (West 2014). Pursuant to article VII, section 7 of the Illinois Constitution of 1970 (Ill. Const. 1970, art. VII, § 7), a non-home-rule municipality such as Franklin Park is authorized to "provide by referendum for their officers, manner of selection and terms of office." Home rule municipalities have the same authority, provided for in nearly identical language contained in article VII, section 6(f) of the Illinois Constitution of 1970. Ill. Const. 1970, art. VII, § 7 ("A home rule municipality shall have the power to provide for its officers, their manner of selection and terms of office only as approved by referendum or as otherwise authorized by law.").

¶ 49 In specifically interpreting the language contained in article VII, section 6(f) regarding referenda, our supreme court has concluded that any such referendum must "stand on its own terms" such that the voters can "be said to have approved a coherent scheme for altering the election of their officials." *Leck v. Michaelson*, 111 Ill. 2d 523, 530 (1986). Such referendum must not be "uncertain," and must not need "to be interpreted, supplemented and modified in order to be implemented." *Id*. A referendum that violates these requirements is "fatally defective under article VII, section 6(f), of the 1970 Illinois Constitution because of its vagueness and ambiguity." *Id*. In *Lipinski*, our supreme court reiterated that:

> "The holding of *Leck* is clear: A referendum submitted under the provisions of article VII, section 6(f), must be able to 'stand on its own terms'; if the referendum submitted to voters is not self-executing—leaving gaps to be filled by either the legislature or municipal body—then '[j]ust what was approved by the voters [in the referendum proposition] is uncertain.' [Citation.]" Any referendum failing to comply with these

requirements is "vague and ambiguous, and therefore invalid." *Lipinski*, 114 Ill. 2d at 99-100.

¶ 50 While *Leck* and *Lipinski* addressed the referendum requirements for home rule units of government, contained in article VII, section 6(f), we see no reason not to apply these same standards to the referendum requirements applicable here, those contained in article VII, section 7, for non-home-rule municipalities. The relevant language in each constitutional provision is identical, and it is well recognized that "all provisions of the Constitution must be considered together." *Herget National Bank of Pekin v. Kenney*, 105 Ill. 2d 405, 410 (1985). Furthermore, our supreme court has also recognized that the two sections confer the "same authority" with respect to referenda upon home rule and non-home-rule municipalities. *Pechous v. Slawko*, 64 Ill. 2d 576, 582 (1976). Finally, Mr. Zurek has provided this court with no reason not to do so.

¶ 51 Applying these standards to the referendum proposed here, we conclude that the Board properly found it to be unconstitutionally vague and ambiguous. We need not address all the possible reasons why this might be so, though we note that numerous, persuasive arguments were raised by the objectors before both the Board and this Court. It is sufficient to conclude that, *at a minimum*, the referendum is uncertain with respect to whether a person's service as a village trustee, village president or village clerk prior to the passage of the referendum is to be considered in determining if that person has served more than eight years in one or more of those positions.

¶ 52 Again, the proposed referendum would ask the following question of the voters of Franklin Park:

"Shall the Village of Franklin Park enact term limits prohibiting all people from serving more than eight (8) years as Village Trustee, Village President and Village Clerk,

> including service as Village Trustee, Village President and Village Clerk, effective immediately upon approval and passage of this binding referendum?"

On one hand, the referendum seeks to instill an absolute prohibition on "all people from serving more than eight (8) years as Village Trustee, Village President and Village Clerk." While it does not explicitly indicate either way, this blanket prohibition does not necessarily appear to be limited to include only a person's service in one of those offices *after* the passage of the referendum.

¶ 53 On the other hand, the referendum specifically asks the voters of Franklin Park if they want to "enact" such term limits, with such limits only to become effective "upon approval and passage of this binding referendum." While the referendum also ostensibly seeks to include in the relevant calculation a person's total years of service in one of the three elected offices, it does not specifically indicate that this calculation includes a person's *prior* service, nor does it specifically indicate that any such prior service would include service occurring prior to the passage of the referendum.

¶ 54 Reading the proposed referendum in its entirely, we conclude that it does not "stand on its own terms" such that the voters can "be said to have approved a coherent scheme for altering the election of their officials." *Leck*, 111 Ill. 2d at 530. A voter could reasonably conclude he or she was: (1) voting for term limits that would become immediately effective and include a person's service as a village trustee, village president or village clerk prior to the passage of the referendum; or (2) voting to "enact" new term limits that would only become effective "upon approval and passage of this binding referendum" and apply going forward. As such, "[j]ust what was [to be] approved by the voters is uncertain" (*id.*), and the referendum is thus "vague and ambiguous, and therefore invalid." *Lipinski*, 114 Ill. 2d at 100. We therefore affirm the

Board's decision to sustain Objection 10(b), and its conclusion that the referendum was therefore invalid and should not appear on the ballot.

¶ 55 C. Denial of Mr. Zurek's Motions for Sanctions

¶ 56 Finally, we address Mr. Zurek's contention that the circuit court improperly denied his motions for sanctions against both Mr. Nally and Mr. Welch.

¶ 57 Pursuant to Rule 137(a), attorneys and *pro se* parties must sign every pleading, motion, or other document they file. Ill. S. Ct. R. 137(a) (eff. July 1, 2013). "The signature of an attorney or party constitutes a certificate by him that he has read the pleading, motion or other document; that to the best of his knowledge, information, and belief formed after reasonable inquiry it is well grounded in fact and is warranted by existing law or a good-faith argument for the extension, modification, or reversal of existing law, and that it is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation." *Id.* When a pleading, motion, or other document is signed in violation of Rule 137, the circuit court "may impose upon the person who signed it, a represented party, or both, an appropriate sanction, which may include an order to pay to the other party or parties the amount of reasonable expenses incurred because of the filing of the pleading, motion or other document, including a reasonable attorney fee." *Id.* The circuit court's denial of a request for Rule 137 sanctions will not be disturbed on review absent an abuse of discretion. *Oviedo v. 1270 S. Blue Island Condominium Ass'n*, 2014 IL App (1st) 133460, ¶ 46.

¶ 58 Mr. Zurek contends he sought sanctions in the circuit court after both Mr. Nally and Mr. Welch filed and signed motions to dismiss that were purportedly not "objectively reasonable." The circuit court denied Mr. Zurek's requests, indicating in its order that it did so only after reviewing both the record and the parties' written submissions, as well as hearing the parties'

arguments at the February 20, 2015, hearing. While Mr. Zurek argues that the circuit court erred in denying his requests for sanctions, we are unable to determine whether the circuit court abused its discretion because Mr. Zurek has not provided a sufficient record for any such review.

¶ 59 The record on appeal contains Mr. Zurek's written motion for monetary sanctions against Mr. Welch and the written order denying Mr. Zurek's request for sanctions; however, it does not contain the motion for monetary sanctions against Mr. Nally or a transcript from the hearing on those motions. Nor does the record contain an acceptable alternative from which we may ascertain the nature of the arguments made by the parties at the hearing, any evidence presented, or the full basis for the rulings of the circuit court. See Ill. S. Ct. R. 323(c) (eff. Dec. 13, 2005). As the appellant, Mr. Zurek had the burden of presenting a sufficiently complete record of the proceedings to support a claim of error. *Midstate Siding & Window Co., Inc. v. Rogers*, 204 Ill. 2d 314, 319 (2003) (citing *Foutch v. O'Bryant*, 99 Ill. 2d 389, 391-92 (1984)). When the record on appeal is incomplete, the reviewing court must apply every possible presumption favoring the circuit court's judgment (*Wakrow v. Niemi*, 231 Ill. 2d 418, 428 fn 4 (2008)), including that the circuit court ruled correctly in accordance with the law and with a sufficient factual basis (*Smolinski v. Voita*, 363 Ill. App. 3d 752, 757-58 (2006); *Lisowski v. MacNeal Memorial Hospital Ass'n*, 381 Ill. App. 3d 275, 282 (2008)). On the basis of the limited record before us, we must presume that the circuit court's order denying Mr. Zurek's motions for sanctions was proper. See *Smolinski*, 363 Ill. App. 3d at 757 (noting that in the absence of a sufficient record, "we will not speculate as to what errors may have occurred below.").

¶ 60 III. CONCLUSION

¶ 61 For the foregoing reasons, we confirm the Board's decision and affirm the circuit court's denial of Mr. Zurek's motions for sanctions.

¶ 62 Board's decision confirmed; circuit court affirmed.