

BEFORE THE ILLINOIS STATE BOARD OF ELECTIONS

ILLINOIS STATE BOARD OF
ELECTIONS,

Complainant,

v.

FRIENDS OF DON HARMON
FOR STATE SENATE,

Respondent.

Case No. 25-CL-001

NICK BINOTTI'S
PETITION
TO
INTERVENE

NOW COMES Petitioner-Intervenor Nick Binotti, by counsel and pursuant to 26 Ill. Admin. Code 125.130(2), petitions the duly appointed Hearing Officer of the Illinois Board of Elections for an order granting him leave to intervene in this matter as a Petitioner-Intervenor. In support of this petition to intervene, Mr. Binotti states:

1. Mr. Binotti is a resident and registered voter in the 36th State Senate District represented by State Senator Don Harmon.
2. Mr. Binotti is an Illinois government watchdog that writes extensively about Illinois campaign finance on X with the profile name @CitizenVMachine and on Wordpress at the website: citizenvmachine.wordpress.com. Mr. Binotti's followers and readers include leadership and staff of watchdog and legacy media organizations.
3. As a constituent of State Senator Harmon and government watchdog with a focus on Illinois campaign finance, Mr. Binotti has an interest in this proceeding that the law on contributions limits be correctly interpreted and applied.
4. The Illinois State Board of Elections has filed a complaint against State Senator Harmon's campaign committee (the "Committee") alleging it violated the

contribution limits provided in 10 ILCS 5/9-8.5 during the March 20, 2024, to December 31, 2024 election cycle and imposed fines on the Committee. The Committee then filed an appeal to contest the fines.

5. With his knowledge of Illinois campaign finance, Mr. Binotti is aware that at some stage of this proceeding, the complaint against the Committee may not move forward due to a Board “deadlock” vote and consequent inability to achieve the statutorily-mandated five-member vote to enable the Board to find the matter to have been filed on justifiable grounds and order a public hearing.” *Ill. Campaign for Political Reform v. Ill. State Bd. of Elections*, 388 Ill. App. 3d 517, 518 (2009).

6. Unless five Board members vote that the complaint against the Committee has been filed on justifiable grounds, no action will be taken against it. *See* 10 ILCS 5/1A-7; 10 ILCS 5/9-21; *Citizens to Elect Collins v. Ill. State Bd. of Elections*, 366 Ill. App. 3d 993, 999 (2006) (“a fine or civil penalty under Article 9 of the Code must be approved by at least a majority of the Board itself to become a final judgment of the Board.”). “Under section 9-21 as amended, a complaint must be dismissed if the Board fails to find that it was filed on justifiable grounds.” *Ill. Campaign for Political Reform*, 388 Ill. App. 3d at 522 (citing 10 ILCS 5/9-21).

7. Accordingly, Mr. Binotti seeks to intervene to “have all the rights of an original party,” 26 Ill. Admin. Code 125.130(c), so that if the complaint against the Committee is “not acted upon,” then Mr. Binotti “may obtain judicial review” of a deadlocked Board action. 10 ILCS 5/9-22. *See also Ill. Campaign for Political Reform*, 388 Ill. App. 3d at 518-19, 523 (deadlock dismissals are judicially reviewable).

8. If permitted to intervene in this matter, Mr. Binotti expressly agrees not to cause any delay, or ask for continuance of the proceedings. He agrees to “be bound by any orders previously entered” by the Hearing Officer and he will “not raise issues that might more properly have been raised at an earlier stage of the

proceeding” or otherwise “interfere with the control of the hearing, as justice and the avoidance of undue delay may require.” 26 Ill. Admin. Code 125.130(c).

WHEREFORE, Mr. Binotti respectfully requests that he be allowed to intervene as a Petitioner-Intervenor.

Dated: August 19, 2025

Respectfully submitted,

/s/ Jeffrey M. Schwab
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