



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

KWAME RAOUL
ATTORNEY GENERAL

January 5, 2023

Via electronic mail



RE: FOIA Request for Review – 2022 PAC 74771

Dear [REDACTED]:

This determination is issued pursuant to section 9.5(c) of the Freedom of Information Act (FOIA) (5 ILCS 140/9.5(c) (West 2020)). For the reasons stated below, the Public Access Bureau has determined that your Request for Review is unfounded.

On December 12, 2022, you submitted a FOIA request to the Village of Wayne (Village) seeking electronic copies of all election packets filed with the Clerk on that date. On December 14, 2022, the Village denied your request for electronic copies, but stated that, consistent with section 10-7 of the Illinois Election Code (10 ILCS 5/10-7 (West 2020)), the packets are available for public inspection. On December 22, 2022, the Public Access Bureau received your Request for Review contesting the Village's response.

Section 6(a) of FOIA (5 ILCS 140/6(a) (West 2020)) provides, in relevant part:

When a person requests a copy of a record **maintained in an electronic format**, the public body shall furnish it in the electronic format specified by the requester, if feasible. If it is not feasible to furnish the public records in the specified electronic format, then the public body shall furnish it in the format in which it is maintained by the public body, or in paper format at the option of the requester. (Emphasis added.)

[REDACTED]
January 5, 2023

Page 2

Construing the plain language of this provision, the Public Access Bureau has previously determined that it "requires a public body to provide records in electronic format *if* the public body maintains those records in electronic format. * * * [S]ection 6(a) does not require a public body to furnish in electronic format records maintained solely in paper format, even if the public body has the resources to reproduce those records in PDF." (Emphasis in original.). Ill. Att'y Gen. PAC Req. Rev. Ltr. 28697, issued April 18, 2014, at 2.

On January 5, 2023, the Village Clerk confirmed in a telephone conversation with an Assistant Attorney General in the Public Access Bureau that the Village maintains the records you are seeking only in paper format. Because the Village does not maintain these records in an electronic format, the Village was not required to provide you with electronic copies. Accordingly, this office has determined that this Request for Review is unfounded. You may wish to inspect the records at the Clerk's Office or request copies of the records in paper format.

This file is closed. If you have any questions, you may contact me at (773) 590-7878 or benjamin.silver@ilag.gov.

Very truly yours,

[REDACTED]
BENJAMIN J. SILVER
Assistant Attorney General
Public Access Bureau

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cc: *Via electronic mail*
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