

FREEDOM OF INFORMATION ACT REQUEST

9/26/2006

To: Jesse White
Illinois Secretary of State
213 State Capitol
Springfield, IL
62706

Requestor: Donald G Schlesak
c/o Crystal Reporter
PO Box 695
Burlington, WI
53105

Attn: Donna M. Leonard
Executive Counsel

Certified USPS Mail No. 7003 3110 0005 6003 1684

Re: Determining "bona fide religious convictions"

Thank you for your courteous and timely response dated 8/28/2006 in regard to my previous FOIA request "Documented criteria and procedures for determining "bona fide religious convictions" et al." dated 8/11/2006. However, certain items appear to be missing from your reply, and the items received were not sufficient to qualify as those items requested.

Received were the following:

- A. Pages OP-242 and OP-243 from Section B of the Field Operations Manual, June 1, 2004
- B. Affidavit Form
- C. Sec. 1030.63 Religious Exemption for Social Security Numbers from the Administrative Code

"A" describes:

- Special numbers for religious objectors
- Only 2 religious groups whose faith will not permit its members to obtain the SSN
- Procedures for applicants to supply information
- Procedures for facility personnel to complete the application and supporting documents
- Department procedures following approval or rejection

"A" does not contain any information regarding department procedures and criteria for:

- Determining what are bona fide religious convictions
- Determining which "certain religious groups" have bona fide convictions
- Accepting or rejecting an applicant's religious convictions

"B" is an empty form for stating one's convictions with a religious leader's affirmation, and does not list any organizations or bona fide convictions by which to qualify an applicant.

"C" reiterates "A" except that it also has instructions to verify the applicant's information in "B" with the religious organization to satisfy a bona fide religious conviction.

It is therefore understood that the ONLY procedure and criteria for determining bona fide religious convictions and whether an applicant has bona fide religious convictions is by the attestation of the religious leader and subsequent verification by the religious organization. It is understood that the burden of proof is NOT with the State but with the religious leader and the religious organization. This prevents discrimination and religious preference; that no ad hoc decisions or preference can be made by the department employee or official. If this understanding is incorrect, please inform me as to the correct understanding. This would serve to satisfy items 2, 7 and 8 below.

None of the received items "A", "B", or "C" describe the criteria and process for determining:

- What a bona fide religious conviction is
- Which religious organizations are approved, other than Amish or Mennonite

Items 3, 4, 5, and 6 appear to be missing or do not exist. Understandably, a missing item may not have to exist. I request that in this case the missing item just be indicated as "Does not exist."

1. This is a formal written request under the Freedom of Information Act, 5 USC 552 and appropriate regulations to satisfy remaining items outstanding.
2. **Received**
Send a copy of the rule, criteria or instructions for determining "bona fide religious convictions".
3. **Missing**
Send a copy of all determined "bona fide religious convictions" used for screening which applicants are "prohibited" from applying for a social security number.
If none exists, please reply "Item 3 – Does not exist."
4. **Missing**
Send a copy of all criteria for determining which public or private religious orders have "such bona fide religious convictions".
If none exists, please reply "Item 4 – Does not exist."
5. **Missing**
Send a copy of the procedure used in determining which public or private religious orders have "such bona fide religious convictions".
If none exists, please reply "Item 5 – Does not exist."
6. **Missing**
Send a copy of the complete list of the determined "bona fide religious orders or sects".
If none exists, please reply "Item 6 – Does not exist."
7. **Received**
Send a copy of all criteria used for determining whether "an applicant is prohibited by bona fide religious convictions".
8. **Received**
Send a copy of the procedure used in determining whether "an applicant is prohibited by bona fide religious convictions".
9. **Received**
Send a copy of all of the criteria used to reject an application for reason of failure "to comply with the provisions of this rule" stated within

1. List Compliance or Administrative Rules
ADMINISTRATIVE CODE
Title 40: Transportation
Chapter 11: Department of State
Part 110: Issuance of License
Section 110.6(a)(1)

"The applicant shall be notified by a letter from the Director of the Department that the application has been approved or rejected because the applicant failed to comply with the provisions of this rule."

10. The copies must be clean and legible where all alphanumeric characters can be easily read.

DS

FREEDOM OF INFORMATION ACT REQUEST (cont.)

9/26/2006

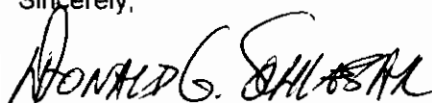
I promise to pay fees and costs for locating, duplicating, and reviewing the documents requested above. I make this request in the classification of "other requestor". If costs are expected to exceed \$20.00, please forward to me an estimate of costs.

The information requested will provide to me knowledge and understanding of the rules and regulations of the department used in determining an applicant's "bona fide religious convictions" and "which religious orders or sects have such bona fide religious convictions ". A Reply from the legal department assures me that I will have a correct understanding of the laws and statutes as they apply to this issue as well.

I understand the penalties provided in 5 USC 552(a)(1)(3) for requesting or obtaining access to documents or records under false pretenses.

Thank you for your courtesy and patience with my requests.

Sincerely,


Donald G Schlesak

cc:	Suzie Bassi	Illinois State Representative
	James B. Burns	Inspector General
	Michael P. Farris, Esq.	Attorney, HSLDA
	Christopher J. Klicka, Esq.	Attorney, HSLDA
	Gary Lazzerini	Director, Metro Operations
	Donna Leonard	Inspector General Executive Counsel
	Michael J. Mayer	Director, Downstate Operations
	Allen Mitzenmacher	Director, Administrative Hearings
	Bob Mueller	Attorney, Legal Department
	Jacqueline Price	Director, Index Department
	Ferdinand P. Serpe	Chairman, Merit Commission
	Dan Rutherford	Candidate, Illinois Secretary of State
	J. Michael Smith, Esq.	Attorney, HSLDA
	Scott W. Somerville, Esq.	Attorney, HSLDA