STATE OF ILLINOIS)
) ss.
COUNTY OF KENDALL)

BEFORE THE ELECTORAL BOARD OF THE UNITED CITY OF YORKVILLE, KENDALL COUNTY, ILLINOIS

IN THE MATTER OF THE OBJECTIONS OF DONALD T. VANDERMYDE TO THE NOMINATION PAPERS OF MALANDA GRIFFIN OF 4642 PLYMOUTH AVENUE YORKVILLE, ILLINOIS 60560 AS A CANDIDATE FOR INDEPENDENT NOMINATION/ELECTION TO THE OFFICE OF ALDERMAN FROM THE 3rd WARD OF THE UNITED CITY OF YORKVILLE, STATE OF ILLINOIS TO BE VOTED AT THE APRIL 4, 2023 CONSOLIDATED ELECTION.	)	Objection No. 2023-02

FINDINGS AND DECISION OF THE UNITED CITY OF YORKVILLE, KENDALL COUNTY, ILLINOIS, ELECTORAL BOARD

Meeting of the United City of Yorkville Electoral Board was convened on the 4th day of January, 2023 at 5:45 p.m. at the City Hall of the United City of Yorkville, 800 Game Farm Road, Yorkville, Illinois, pursuant to a call of the Mayor of the United City of Yorkville and service upon the members of the Electoral Board, the Objector and the Candidate by the office of the Sheriff of Kendall County in accordance with the Election Code of the State of Illinois, 10 ILCS 5/1-1 *et seq.*, (the "*Election Code*").

In attendance were John Purcell, Mayor of the United City of Yorkville, Jori Behland, Clerk of the United City of Yorkville and Ken Koch, an Alderman of the City Council of the United City of Yorkville in lieu of Chris Funkhouser, senior Alderman who is also a Candidate for Alderman for Ward 3. Kathleen Field Orr, City Attorney, acted as counsel to the Electoral Board.

Mr. Donald T. Vandermyde, Objector, appeared on his own behalf and Fred H. Dickson, attorney at law, appeared on behalf of Candidate Malanda Griffin.

Attorney Orr summarized the first Objection alleging that the Candidate failed to demonstrate any attempt to sufficiently file the requisite and mandatory Statement of Economic Interest (the "*Statement*") in accordance with the Illinois Ethics Act (the "*Act*"), which imposes similar requirements of candidates for statewide office and for candidates for office for a local unit of government. The Act mandates candidates for an office of a local unit to file the Statement with the County where the municipality has its principal offices.

In response to the Mayor's request for any comment, the Objector stated that the objection speaks for itself. On behalf of the Candidate, Mr. Dickson submitted a Response to Objector's Petition to the Electoral Board and stated that the objection was completely factually false and in error. He explained that Ms. Griffin prepared the Statement of Economic Interests and went to the County Clerk's office with the view of filing it. There, the deputy behind the desk said that she had to go downstairs to file the Statement in the office of Voter Registration, which is a division of the County Clerk's office. She complied with that; she went down, she filed it, and it is presented as *Exhibit 1* to the Response to Objector's Petition.

Mayor Purcell then questioned Ms. Beland if she had received a receipt stating that something had been filed with the Voter Registration office, to which Ms. Beland responded in the affirmative.

Ms. Orr then summarized the second objection raised by the Objector contending that the Candidate described the office being sought was that of "Alderperson", on her Statement of Candidacy. The Objector contends that the Candidate frustrated the nomination process in that the office being sought as stated on her petitions was that of Alderperson of Ward 3. Secondly, the Candidate frustrated the nomination process by using a form of the Statement of Candidacy for Non-Partisan elections rather than form for Independent Candidates.

The Objector stated nothing further and Mr. Dickson, on behalf of the Candidate, addressed the Electoral Board and stated that the cases cited by the Objector really helped the case of the Candidate as the case law required only substantial compliance with the statute and the Statement of Candidacy substantially followed the form and no confusion had resulted.

Ms. Orr then responded to questions posed by the Mayor as to whether the fact that a Statement of Candidacy which does not list the Ward and the use of the Non-Partisan form versus Independent Candidate form confuse the person signing the petitions who never saw the Statement of Candidacy. Ms. Orr responded by quoting the case of *Pascente v. Cook County Electoral Board*, 869 N.E.2d (2007) (1stApp.Dist.), the candidate makes mistakes; however, the legal standard is whether there is a basis for confusion among the public.

The Electoral Board then began a discussion on the two objections. Regarding the filing of the Statement of Economic Interests, it was determined that the filing within the Office of Voter Registration which is supervised by the County Clerk met the requirements of the Election Code and therefore was overruled.

The second objection as to the failure to specify "Ward 3" on the Statement of Candidacy and the use of the incorrect Non-Partisan form was not confusing to the public as the document is only filed with the City Clerk and not generally viewed by the public. The second objection was unanimously overruled. Both objections being overruled the Candidate remains on the ballot.

The Mayor then called for public comment and receiving none requested a motion to adjourn which was unanimously passed.

The foregoing Findings and Decision of the United City of Yorkville, Kendall county, Illinois being read at an open meeting and approved this 9th day of January, 2023.

Mayor John Purcell, Chair of the United
City of Yorkville Electoral Board