

STATE OF ILLINOIS            )  
  )  
COUNTY OF KENDALL        )            SS.

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

IN THE MATTER OF THE OBJECTION )  
OF LOWELL HYETT TO THE )  
NOMINATION PAPERS OF )  
SAMMY J. HALL 1567 CORAL DRIVE )  
YORKVILLE, ILLINOIS 60560 ) Objection No. 2024-01  
AS A CANDIDATE FOR INDEPENDENT )  
NOMINATION/ELECTION TO THE OFFICE OF )  
ALDERMAN FROM THE 4<sup>TH</sup> WARD OF THE )  
UNITED CITY OF YORKVILLE, STATE OF ILLINOIS )  
TO BE VOTED ON AT THE APRIL 1, 2025 )  
CONSOLIDATED ELECTION. )

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

Meeting of the United City of Yorkville Electoral Board was convened on the 26<sup>th</sup> day of November 2024 at 6:00 p.m. at the City Hall of the United City of Yorkville, 651 Prairie Point Drive, Yorkville, Illinois, pursuant to a call of the Mayor of the United City of Yorkville with service by the office of the Sheriff of Kendall County upon the members of the Electoral Board, the Objector and the Candidate 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, City Clerk of the United City of Yorkville and Chris Funkhouser, senior Alderman of the City Council of the United City of Yorkville, constituting of Electoral Board of Yorkville. Kathleen Field Orr, City Attorney acted as legal counsel to the Electoral Board.

Lowell Hyett, Objector, appeared on his own behalf and Sammy J. Hall, candidate for the Office of Alderman of the 4<sup>th</sup> Ward of the United City of Yorkville appeared on his own behalf.

Upon motion of Alderman Chris Funkhouser, seconded by City Clerk Behland, the Rules of Order as presented were approved.

Attorney Orr requested Objector Hyett to present the objection as filed with the City Clerk. Mr. Hyett stated that Candidate Hall had not met the number of signatures required for nomination. Mr. Hyett explained that the minimum requirement was 31 signatures but the petition had 29, three of which were invalid because the signators did not reside in the Candidate's Ward.

Mayor Purcell questioned where the number of 31 required signatures came from. City Clerk Behland responded that the vote count from the April 4, 2023, election was used where the total votes cast were 603 and the calculation of between five and eight percent, or 50 more than the minimum, whichever is greater so it comes to 30.15 which is rounded up to 31, being five percent. Alderman Funkhouser then questioned the date of the prior election to which City Clerk Behland responded as 2023.

Ms. Orr then summarized the applicable state statute which provides that nominations of independent candidates for political office within any district or political subdivision less than the State, may be made by nomination papers signed in the aggregate for each candidate by qualified voters of such district or political subdivision equaling not less than five percent nor more than eight percent or more than 50 more than the minimum who voted at the proceeding regular election in such district or political

subdivision in which such district or political subdivision voted as a unit for the election of officers to serve its respective territorial area.

Mayor Purcell asked if there were any cases and on that point to which Ms. Orr stated the statute could not be interpreted to be the 2019 election.

On request of Mayor Purcell, Mr. Hall read a statement which addressed an objection filed on the petitions of Lowell Hyett which was interrupted by Ms. Orr explaining to Mr. Hall that the matter before the Electoral Board at this time was the objection on Mr. Hall's petitions and the objection to Mr. Hyett's petitions would be addressed on a hearing for that objection.

In defense of his petition papers as meeting all legal requirements, Mr. Hall presented the following:

- (a) Mr. Hall inquired if three copies of the objection papers had been filed by Mr. Hyett as required by the 2025 Candidate Guide City Clerk Behland stated that the requirement had been met.
- (b) Mr. Hall explained that the official voter count from 2021 should be the base to calculate the number of required signatures as that was the last election for Alderman for the seat Mr. Hall was seeking. Ms. Orr responded by citing the statute being the number of votes in the next proceeding election. Mr. Hall quoted the cases of Corbin versus Schroeder and Tully versus Edgar to support his position that 603 is the incorrect numbers and 158 would be the correct number.

City Clerk Behland responded by stating she had received a certified statement from the County Clerk as to the result of the vote count from the next proceeding election.

Whereupon, Mayor Purcell requested Ms. Orr to research the cases cited by Mr. Hall in support Mr. Hall's position. On that request, the hearing was recessed to 1:00 PM on December 2, 2024.

The hearing before the Electoral Board for the United City of Yorkville with regard to the Objection of Lowell Hyett to the petitions of Candidate Salvatore Hall resumed at 1:00 p.m. on December 2, 2024.

Ms. Orr requested permission to address the Electoral Board to report on her research of any relevant case law on the section of the statute directing which election results should be used to determine the required number of signatures.

Ms. Orr reported on the case of Shadle versus Crutchfield, 2017 ILL. App. 2d 17012-2. In this instance the plaintiff Shadle claimed Crutchfield's petitions did not have the required number of signatures because the candidacy had to do with the office of Mayor, and the last time the Mayor had run for election four years before being 2013 instead of the next preceding election of 2017. Ms. Orr quoted the court which wrote: "requiring a prospective candidate to look back and to choose the election most similar to the one in which he or she seeks entry, in order to determine the number of signatures needed would lead to confusion and uncertainty. Similarly, we are not convinced by Shadle's argument that if the General Assembly had meant to base the number of signatures on an election at which only one city wide officer was elected, it would have easily said so. The legislature could have just as easily said so. The legislature could have just as easily specified that it excluded such elections. Where the legislature did neither, we affirm the Board's decision to err on the side of ballot access. We reject Shadle's argument that 10-3 mandates use of the 2013 elections."

Mr. Hall responded by asking the Electoral Board if the people who had voted for the person at the beginning of the election cycle deserve to see how that goes so that once the four years is [sic] up, that group of people should be the ones who counted.

Alderman Funkhouser addressed the Election Board to state that he had come across this a few times and believed that if the General Assembly had meant to base the number of signatures required on the election of which only one City-wide office was elected it would have done so and not being specific, it is the literal interpretation of "next proceeding" which would pertain. Further, a certified stamped by the County Clerk with the results of the 2023 election should be determinative of the number of signatures required to qualify for candidacy for a City office.

Mr. Hall responded that he had searched for the data publicly available; he stated he went to the County's election office and told them the City had received a letter from the County, whereupon Mayor Purcell shared a copy of the certified 2023 Election results received by the City from the County with Mr. Hall. Mr. Hall responded that he believed that a dismissal of the Objection to his petitions is in order because the burden of proof did not come from the Objector but from the Electoral Board and the Objector provided no evidence.

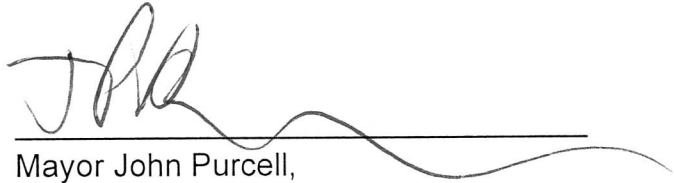
Ms. Orr explained that the Objector does not have the burden of proof but it is for the Electoral Board to determine if an objection is valid. To that end, the Chairperson of the Electoral Board instructed Mrs. Orr to find cases relevant to the objection to which you have not responded.

Ms. Orr then advised the Electoral Board that if no further statements, questions or information was forthcoming, the next step was for the Electoral Board to consider the objection and come to a decision. Thereupon, Alderman Funkhouser stated the two points in the Objection as there was not five percent of the signatures from the 2023 election as required and there were three non-valid resident signatures.

Upon a unanimous vote of the Electoral board the Objection was sustained with a finding that there were inadequate signatures as required by the State of Illinois for the candidacy of a candidate running in the 2025 election based on the number of registered voters who voted in the 2023 election.

Hearing was adjourned at 1:29 p.m.

The foregoing Findings and Decision of the United City of Yorkville, Kendall County, Illinois Electoral Board are hereby approved.

A handwritten signature in dark ink, appearing to read 'J. Purcell', is written over a horizontal line. The signature is fluid and cursive, with a long, sweeping underline that extends to the right.

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