

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

Upon request of Mayor Purcell, Mr. Hall presented his objections to the petitions of Lowell Hyett:

1. Failure to identify the office being sought by incorrectly listing the office as that of alderman of the 4th ward which is not legally recognized office title as the correct title that is the inclusive title is alderperson and this fundamental defect misrepresents the office and undermines the integrity of the petition. Mr. Hall then cited the case of *Weisner versus Brennan* which states that the failure to accurately name the office being sought is a fatal defect and invalidates nomination papers. Mr. Hall further explained that this misrepresentation deprives signers of their ability to make an informed decision;
2. Mr. Hall stated that the use of the outdated term of alderman, which is not the correct legal term, invalidated the economic interest form;
3. The use of the outdated term of alderman contradicts the intentional name change to alderperson which reflects Yorkville's commitment to inclusivity and equity. Moreover Mr. Hall stated that individuals who do not identify as male may be discouraged to participate in the electoral process. The omission of an accurate title prevents signers from legally supporting the candidate for a recognized office, thereby invalidating the entire nominating petition. Mr. Hall cited the case of *Tully versus Edgar* which he stated confirms that the necessity

of adhering to statutory requirements is essential to the integrity and fairness of the process;

4. Without standing as a valid candidate Mr. Hyett had no legal basis to challenge another candidate's petitions; and
5. Mr. Hall maintained that the signatures on the petitions of Mr. Hyett surpassed the higher threshold, assuming the election year required was 2021.

In conclusion, Mr. Hall prayed that the purported nomination papers of Lowell Hyett for the election of Alderperson of Ward 4, United City of Yorkville, State of Illinois, be declared by the honorable Election Board to be insufficient and not in compliance with the laws of the State of Illinois and the Electoral Board enter its decision declaring the name of Lowell Hyett for election to the office of Alderperson of the City of Yorkville, State of Illinois not be printed on the official ballot for the Consolidation Election to be held on April 1, 2025.

Mr. Hyett responded to Mr. Hall's objection by stating that he had followed the City's election packet and everything there says alderman and alderperson is never mentioned.

Mayor Purcell then asked Ms. Orr for a response to the cases cited by Mr. Hall. Ms. Orr explained that the issue in the case of Weisner versus Brennan was the use of different names for the office being sought which would confuse the average voter. The objection before us is that the use of alderman utilized for the office of a member of the City Council, would be misleading to petition signers. The case of Weisner versus Brennan decided that the difference on petitions which designated the office being sought on some petitions as "Resident Circuit Judge to fill the vacancy of John T. Elsner for the 18th Judicial Circuit" and on other petitions as seeking the office being sought as "Judge

of the Circuit Court to fill the vacancy of John T. Elsner for the 18th Judicial District” did not lead to voter confusion as it adequately described the office being sought. Mr. Hall's position is that Candidate Hyett's use of the term alderman, which is traditionally the name used for members of the City Council would be confusing to the average voter.

Ms. Orr then addressed the case of Corbin versus Schroeder which had been cited in Mr. Hall's written objection which she stated stood for the inability of a candidate to rely on oral information with regard to the required number of signatures. Mr. Hall had also cited the case of Pilz versus McHenry County Board in his written objection which explained that titles on petitions had to be sufficiently similar so that the persons signing the petition is not confused.

Ms. Orr explained that the final case cited by Mr. Hall, Tully versus Edgar addressed Governor Edgar's appointments to the offices of trustee of the University of Illinois, which offices had traditionally been elected. It was a case addressing the right of voters to elect trustees rather than appointment by the Governor and had nothing relevant to the issues presented by Mr. Hall.

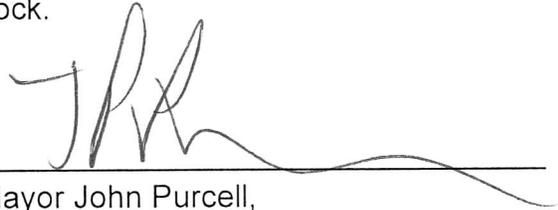
Alderman Funkhouser stated that whether alderman or alderperson was used, the explicit designation of Ward 4 was clear. Regarding objection #5, Alderman Funkhouser continued that the prior hearing had reviewed case law which would require the use of the election results of 2023, however the number of signatures on Mr. Hyett's petition were within the permitted range, whether using the election results from 2021 or 2023 and pointed out that this objection should be overruled.

Alderman Funkhouser concluded by saying that he could not believe the signators of the petitions had confusion on what they were signing and stated that objections one

through four should also be overruled. City Clerk Behland simply stated she seconded Alderman Funkhouser's position and Mayor Purcell stated that he agreed.

Ms. Orr agreed to prepare written findings and a written decision for the Electoral Board to adopt.

Mayor Purcell asked for public comment and there being none adjourned the meeting of the Electoral Board at 2:00 o'clock.

A handwritten signature in black ink, appearing to read 'J.P.', is written above a horizontal line. The signature is stylized and cursive.

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