

IN THE CIRCUIT COURT FOR THE SIXTH JUDICIAL CIRCUIT, ILLINOIS

In re Emergency Petition by the City of Urbana,)
Illinois to Appoint a Member to and a Chair)
of the Urbana Local Electoral Board Due to) Case No. _____
Conflict of Interest,)
)
)
Emergency Petitioner.)

AMENDED EMERGENCY ORDER

This matter having come on emergency petition of the City of Urbana, Illinois (hereinafter, the "City"), by and through its City Attorney, James L. Simon, for the appointment of an Urbana Local Electoral Board (hereinafter, "Board") member and for the designation of the person to chair said Board due to a conflict of interest with the statutory-designated members otherwise eligible to serve on such Board, the Court having been fully advised via telephone conference with City Attorney James L. Simon on December 4, 2020.

FINDINGS

1. The primary election for municipal offices is scheduled for February 23, 2021 (hereinafter, "Primary Election").
2. Four candidates filed petitions to run for the Office of Mayor of the City in the Primary Election.
3. Two candidates filed petitions to run for the Office of Alderperson for Ward 5 of the City in the Primary Election.
4. An objection has been filed against the petitions of one candidate for the said Office of Mayor.
5. An objection has been filed against the petitions of one candidate for the said Office of Alderperson for Ward 5.
6. Election Code (10 ILCS 5/1-1) Section 5/10-9, in relevant part, provides:

The following electoral boards are designated for the purpose of hearing and passing upon the objector's petition described in Section 10-8.

* * *

The municipal officers electoral board to hear and pass upon objections to the nominations of candidates for officers of municipalities shall be composed of the

mayor ... the city ... the city ... clerk, and one member of the city council ... that member being designated who is eligible to serve on the electoral board and has served the greatest number of years as a member of the city council ...of whom the mayor ... shall be the chair.

* * *

In the event that any member of the appropriate board is a candidate for the office with relation to which the objector's petition is filed, he shall not be eligible to serve on that board and shall not act as a member of the board and his place shall be filled as follows:

* * *

b. In the municipal officers electoral board by the eligible elected city council or board of trustees member who has served the second greatest number of years as a city council or board of trustees member.

* * *

Any vacancies on an electoral board not otherwise filled pursuant to this Section shall be filled by public members appointed by the Chief Judge of the Circuit Court for the county wherein the electoral board hearing is being held upon notification to the Chief Judge of such vacancies.

10 ILCS 5/10-9.

7. The current Mayor of the City is ineligible to serve on the Board because she is a candidate for the Office of Mayor.

8. The longest servicing Urbana City Council member is ineligible to serve on the Board because he is a candidate for the Office of Mayor.

9. Thus, of the three statutory-designated members of the Board, two have conflicts of interest for service on the Board due to their candidacies for the Office of Mayor.

10. Pursuant to Election Code Section 10-9, in the case described above, the second longest serving member of the Urbana City Council shall assume one of the conflicted-out positions on the Board thereby leaving the third position on the Board to be filled.

11. Election Code Section 5/10-9 state:

vacancies on an electoral board not otherwise filled pursuant this Section shall be filled by public members appointed by the Chief Judge of the Circuit Court for the county wherein the electoral board hearing is being held.

10 ILCS 5/10-9.

12. Thus, it is the province of the undersigned Chief Judge of the Circuit Court for the Sixth Judicial Circuit to select the third member of the Board.

13. On or about December 4, 2020, I entered an order that designated that the third longest serving member on the Urbana City Council be designated as the third member of the Board. If two or more Urbana City Council members are the third longest serving members on the City Council, said member to the Board shall be selected by drawing lots prior to the convening of the first meeting of the Board.

14. Two members of the Urbana City Council are the third longest serving members on that Council. Thus, they drew lots to determine which among them would be seated on the Urbana Electoral Board.

15. On or about December 5, 2020, the individual that was seated on the Electoral Board by lot draw resigned his position due to a conflict of interest. Thus, the other third longest serving member on the said City Council assumed her predecessor's seat on the Electoral Board.

16. On or about December 6, 2020, the second longest serving member of the Urbana City Council who assumed his seat on the Electoral Board pursuant to the Election Code Section 10-9 (10 ILCS 5/10-9) resigned his seat on the said Electoral Board due to a conflict of interest. This individual was also designated to serve as chair of the Electoral Board by order entered on about December 4, 2020.

17. The petitioner, City of Urbana, Illinois, by and through its City Attorney, has recommended that the fifth longest serving member of the Urbana City Council (currently, William Colbrook) be appointed by me to serve on the Electoral Board and that the third longest serving member of the Urbana City Council (currently, Maryalice Wu) who is serving on the Electoral Board be designated as chair of the Electoral Board.

18. Pursuant to the petitioner's recommendation, I hereby appoint the fifth longest serving member of the Urbana City Council to serve as the third member of the Electoral Board.

19. Election Code Section 10-9 (10 ILCS 5/10-9) further provides:

In the event that none of the individuals designated by this Section to serve on the electoral board are eligible, the chair of an electoral board shall be designated by the Chief Judge.

15. By reason of Election Code Section 10-9, it is the province of the undersigned Chief Judge of the Circuit Court for the Sixth Judicial Circuit to select the chair of the Board.

16. Since the prior chair of the Electoral Board has resigned his seat on the said Board and his seat as chair, I hereby designate the third longest serving member of the Urbana City Council who is currently serving on the Electoral Board (currently, Maryalice Wu) be designated as chair of the Electoral Board.

ORDER

PURSUANT TO THE FINDINGS STATED ABOVE, IT IS SHALL BE AND HEREBY IS ORDERED THAT:

A. The fifth longest serving member of the Urbana City Council (currently, William Colbrook) shall be and hereby is appointed to fill a vacancy on the Urbana Local Electoral Board that exists due to the resignation of a prior member of the Urbana Electoral Board

B. The third longest serving member of the City of Urbana, Illinois City Council who is currently serving on the Electoral Board (currently, Maryalice Wu) shall be and hereby is designated to serve as the chair of the Urbana Local Electoral Board.

C. There shall be no just cause to delay the enforcement of or appeal from this Emergency Order, the same being final and appealable.



Karle E. Koritz, Chief Judge for the
Circuit Court for the Sixth Judicial Circuit.

DATED: December 7, 2020

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