



Deborah Frank Feinen, Mayor & Liquor Commissioner

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December 15, 2020

Via email to Frederick.Stavins@champaignil.gov

Hearing Officer Stavins,

I write today to address the informal requests to recuse myself as a member of the Electoral Board in the City of Champaign. Section 10 ILCS 5/10-9 of the election code provides for recusal in the event that any member or the chair of the appropriate electoral board **is a candidate for the office with relation to which the objector's petition is filed and for no other reason.**

In this case I am not a candidate for office. However, the objector has informally raised many concerns of bias primarily stemming from the fact that I as Mayor circulated petitions for a candidate who is running in District 3 the same District that the Respondent-Candidate is seeking to run in.

Illinois case law and more specifically, the Fourth District in *Ayers v. Martin*, 223 Ill.App.3d 397, 584 N.E.2d 1028, 165 Ill. Dec. 594 (4th Dist. 1991) and the Fifth District *In re Objection of Cook* (5th Dist. 1984), 122 Ill. App. 3d 1068, 1072, 462 N.E.2d 557, 560, hold that the allegations of political bias levied against electoral board members are insufficient to compel a substitution of board members (or a change of venue).

In fact, the Courts have held that there is not an implied right to substitute a board member whenever an objector believes there is a conflict present. See, [Ryan v. Landek, 159 Ill.App.3d 10, 13, 111 Ill.Dec. 97, 512 N.E.2d 1 \(1987\)](#).

The City of Champaign has a long history of petition objections. The most recent being in 2018 against my opponent in the Mayoral race (I recused myself per statute and the electoral board voted to allow my opponent to remain on the ballot) and Pattsy Petrie and Kenton Elmore. In the cases of Pattsy Petrie and Kenton Elmore I had gathered signatures for their opponents in the at-large races for Council. In both of those cases, as a member of the electoral board I voted to allow the candidates to remain on the ballot despite my active support for their opponents in the race. In each of those cases, I followed the law and the recommendation of the Electoral Board Hearing Officer.

It is with this background that I write today. Although pursuant to Illinois law, there is no legal requirement for me to recuse myself and I am confident that I could hear testimony, examine evidence, and rule in an unbiased manner, it is clear to me that given the current climate that my continuation on the electoral board has become a distraction from the important work that needs to occur. It is in everyone's best interest that the objection be heard in a timely manner and ruled on so that the ballot can be certified. An expeditious process is necessary and required. Further delays to argue over my service on the electoral board will slow the process down and have become an unnecessary distraction from the work of the electoral board.

I therefore am recusing myself from the dually constituted electoral board effective immediately.

Sincerely,

A handwritten signature in cursive script, appearing to read "Deborah Frank Feinen".

Deborah Frank Feinen
Mayor