

IN THE CIRCUIT COURT
FOR THE SIXTH JUDICIAL CIRCUIT, ILLINOIS

In the Matter of Rochelle Funderburg,)	
)	
Objector,)	
)	
vs.)	Case No. _____
)	
Justin Michael Hendrix,)	
)	
Candidate, District 3 City of Champaign,)	
)	
Regarding the Notification and Request by a Member)	
of the City of Champaign Electoral Board to Appoint a)	
Member to and a Chair of the City of Champaign)	
Electoral Board.)	

EMERGENCY ORDER

This matter, having come before the Court on notification and request of one of the members the City of Champaign Electoral Board by and through its City Attorney and Board Hearing Officer, Frederick C. Stavins, for the appointment of a City of Champaign Electoral Board (hereinafter “Board”) member and for the designation of the person to Chair said Board due to the recusal of one of its members, the Court having been fully advised via telephone conference with Board Hearing Officer and City Attorney, Frederick C. Stavins on December 15, 2020.

FINDINGS

1. The consolidated primary election for municipal offices is scheduled for February 23, 2021 (hereinafter “Primary Election”).
2. Three candidates filed petitions to run for the Office of District 3 Council Member (hereinafter “Office”) of the City in the Primary Election.
3. An objection has been filed against the petitions of one candidate for said Office.

4. The Election Code (10 ILCS 5/1-1 et seq.) 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 ... of 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."

5. The current Mayor of the City is hereby voluntarily recusing herself to serve on the Board for the reasons set forth in the document attached hereto as Exhibit A.

6. Election Code Section 5/10-9 (10 ILCS 5/10-9) states:

"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."

7. 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.

8. The petitioner, the Board, by and through its City Attorney, who is serving as the

Hearing Officer in the above-captioned matter, has recommended that the second longest serving member on the City of Champaign City Council, Will Kyles, be designated to serve as the third member of the Board.

9. 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."

10. 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.

11. The Petitioner, City of Champaign, Illinois, by and through its City Attorney, who is serving as the Hearing Officer in the above-captioned matter, has recommended that the second longest serving member on the City of Champaign City Council, Will Kyles, be designated as Chair of the City of Champaign Electoral Board.

ORDER

PURSUANT TO THE FINDINGS STATED ABOVE, IT IS HEREBY ORDERED:

A. That Will Kyles is hereby appointed to fill the vacancy on the City of Champaign Electoral Board that exists due to the recusal of the City's Mayor.

B. That Will Kyles is hereby designated to serve as the Chair of the City of Champaign Electoral Board.



Chief Judge for the Circuit Court for
The Sixth Judicial Circuit

12-15-20 @ 3:08 pm

Date and Time