

BEFORE THE VILLAGE OF RANTOUL
MUNICIPAL OFFICERS ELECTORAL BOARD

In Re: Objection of)
Jack Anderson and Wendell Golston to the) 2025-01
Public Question Petition of Terry Workman)

DECISION

The Village of Rantoul Electoral Board, consisting of: Charles R. Smith, Mayor and Chair of the Electoral Board; Sam Hall, Trustee member with the longest tenure; and Janet E. Gray, Village Clerk; of the Village of Rantoul has been duly organized in response to the Call issued by the Chair of the Electoral Board for the purpose of hearing and passing upon the objections of Jack Anderson and Wendell Golston (“Objectors”) to the Public Question Petition (“Petition”) of Terry Workman (“Petitioner”).

The Electoral Board convened on Monday, January 13, 2025, in compliance the Open Meetings Act (5 ILCS 120/1 et seq.), and heard the evidence and arguments of the parties. The Objectors and the Petitioner each appeared. The Petition and Objection were properly before the Board. The Petitioner and Objectors were provided the opportunity to present testimony and evidence.

The Board finds as follows:

- (a) The Electoral Board has been duly constituted according to the laws of the State of Illinois.
- (b) The Petitioner filed the Public Question Petition on November 14, 2024. An Objection to the Petition was submitted to the Village Clerk by the Objectors on January 7, 2025 (“Objection”).
- (c) The stated grounds for the Objection were that the Petition was filed prematurely and not consistent with state statute and case law.
- (d) The Petitioner and the Objectors were properly notified regarding the hearing and were

present throughout.

(f) The Electoral Board has jurisdiction to hear and determine the Objection filed in this matter.

(g) The Electoral Board convened on Monday, January 13, 2025 during which time a public hearing was conducted.

(h) The Parties made initial presentations to the Board. At the conclusion of the Parties' presentations, rebuttals were allowed.

(i) All material submitted was made a part of the record.

THE DECISION OF THE ELECTORAL BOARD IS THAT the Objection is **SUSTAINED** based upon the record and for the reasons set forth below, and **it is therefore ordered** that the Public Question set forth in the Petition not be certified by the Village Clerk to the County Clerk and not be placed on the ballot for the Consolidated Election to be held on April 1, 2025.

REASON FOR DECISION

The parties did not dispute the facts concerning the date the Petition was circulated and filed with the Village Clerk or the nature of the Public Question set forth in the Petition.

The Public Question identified in the Petition is one that asks the voters of the Village of Rantoul to decide whether to abandon electing Trustees by district and returning to electing trustees on a Village-wide basis. The dispute concerns whether the Petition was filed at the proper time under state statutes and case law concerning abandoning election of trustees by district.

Objectors filed a document entitled "Objectors' Petition." The Objectors' Petition included several exhibits attached to the document, being: Exhibit A, Order on Judicial Review in Case No. 23 MR 11, February 3, 2023; Exhibit B, certain sections of the Illinois Municipal Code; Exhibit C, the Illinois appellate court case of Mason v. Cutkomp 146 N.E.2d 382 (Ill.App.Ct. 1957); Exhibit D, the Illinois appellate court case of De Doncker v. City of E. Moline, 23 Ill.App.2d 334 (Ill. App. Ct. (2

Dist.) 1959); and, Exhibit E, Petition papers for abandonment of method of election of trustees by district.

The Objectors argued, based upon the exhibits attached to their Objectors' Petition, that the issue presented is the same as it was in 2023. The Objectors argued that a petition to abandon the form of government could not occur until after operating for four years under the form of government sought to be abandoned. The Objectors argued that the Village of Rantoul has not operated under election of trustees by district for four years. The Objectors argued that the Village did not begin operating under election of trustees by district until the trustees were actually elected and seated. The Objectors argued that the Petition was filed before the four-year period of operating under election of trustees by district has passed. In 2023, the Rantoul Electoral Board did not sustain the objection. The matter was appealed to the Sixth Judicial Circuit Court in Champaign County in Case Number 23-MR-11. The Objectors argued that the cases of *Mason v. Cutkomp* and *DeDoncker v. City of East Moline* are still good case law and support the fact that the Petition for the Public Question was filed before the required time had elapsed for the Village to have operated under electing trustees by district. The Objectors argued that Judge Dyer's decision in Case Number 23-MR-11 leads to the conclusion that the Petition for Public Question filed by Petitioner was filed before the time required by statute for the filing of such a petition had elapsed. Judge Dyer determined: "A straightforward interpretation of this language [applicable statutory language] means that a municipality is not operating within the meaning of Section 3.1-25-85 until the representation of each of the districts is being fulfilled by an elected and sworn trustee." Judge Dyer also found, quoting the *Mason v. Cutkomp* case, that "all the various steps in connection [with the abandonment procedure] are part of one series of acts, none of which may precede the expiration of the period of time set out in the statute." Judge Dyer further found that the facts presented to him could be read harmoniously with the statutes and the *DeDoncker* and *Mason* cases. Judge Dyer concluded at that time that the Petition

for Public Question was filed prematurely. Objectors argue that the current matter presented to the Board involves the same issue and should result in the same conclusion.

The Petition papers regarding the Public Question were submitted to the Board through an Exhibit to Objectors' Petition. Petitioner did not submit any other evidence to the Board regarding the Public Question Petition. Petitioner argued that the stated purposes for electing trustees by district have not occurred. Petitioner argued that the people have lost the right to vote. Petitioner did not provide any argument concerning the statutes, case law or the decision by Judge Dyer in Champaign County Circuit Court Case Number 23-MR-11.

After brief comments by Trustee Hall, Clerk Gray made a motion to Sustain the Objection as presented by the Objectors. Trustee Hall seconded the motion. Mayor Smith, Trustee Hall and Clerk Gray voted YES. The motion passed 3-0. The result of the vote is to remove the Public Question as set forth in the Petition from the ballot for the Consolidated General Election to be held on April 1, 2025.

Ayes:

Richard Smith Sam Hall Janet E. Gray
Village Clerk

Nays:

Date: January 14, 2025