BEFORE THE DULY CONSTITUTED ELECTORAL BOARD FOR THE HEARING AND PASSING UPON OBJECTIONS TO THE PETITION PAPERS FOR ABANDONMENT OF DISTRICTS FOR THE ELECTION OF TRUSTEES FOR THE VILLAGE OF RANTOUL IN THE STATE OF ILLINOIS

Jack Anderson and Wendell Golston,	)	
	)	
Petitioners-Objectors,	)	
vs.	)	**No. _____**
	)	
Terry Workman,	)	
	)	
Respondent-Principal Proponent,	)	

OBJECTORS' PETITION

Now comes **Jack Anderson and Wendell Golston** (hereinafter referred to as the "Objectors"), and for their Objection to the Petition of Voters state as follows:

1. **Jack Anderson** resides at [redacted], and is a duly qualified, legal and registered voter at that address.

2. **Wendell Golston** resides at [redacted] and is a duly qualified, legal and registered voter at that address.

3. **Terry Workman** is the principal proponent of a referendum that was filed with the Village Clerk of the Village of Rantoul on or about November 14, 2024 seeking to place a referendum on the ballot for the April 1, 2025 election asking whether the voters of the Village want to change their system of election of Village officials.

4. The Objectors' interest in filing this Petition is that of citizens desirous of seeing that the laws governing the filing of petition papers for placement of a public question on the ballot in the Village of Rantoul State of Illinois, are properly complied with and that only qualified referenda appear upon the ballot.

OBJECTIONS

5. The Objectors make the following objections to the petition papers for placement of a referendum on the ballot, and file the same herewith, and state that said petition papers are insufficient in law and in fact for the following reasons:

6. See Exhibit E., the Petition of Voters seeks to "…PETITION pursuant to Section 3.1-25-85 of the Illinois Municipal Code…" to place on the April 1, 2025 general municipal election ballot the public question to abandon the method of election of trustees by district and hereafter change to electing trustees on a village-wide basis.

7. Section 3.1-25-85 of the Illinois Municipal Code, See Exhibit. B., 65 ILCS 5/3.1-25-85 reads in pertinent part:

> Method of election of trustees; abandonment. Any municipality **that has operated for more than 4 years** under the provisions of Section 3.1-25-75 **may abandon** its method of electing trustees under that Section and elect its trustees under the provisions of Section 3.1-25-5 then applicable to villages, **by proceeding under this Section.** (*Emphasis added).*

8. The Village of Rantoul's first six trustees were elected by district on April 6, 2021, and subsequently given the oath of office and seated on May 4, 2021. Therefore, the Village will not **have been operated for more than 4 years** under the provisions of Section 3.1-25-75, until May 4, 2025.

9. As of the date the Petition was filed, the Village has not operated for more than 4 years under the provisions of Section 3.1-25-75. See Exhibit B.

10. The language in Sec. 3.1-25-85 is clear that only after a municipality has operated for more than four-years with its trustees in office by district may the process of abandonment of district elections begin. The statute was designed to allow the electorate a minimum of four-years, and no less, during which an electorate could experience and evaluate having district trustee representation.

11. When determining when the clock starts for purposes of calculating the four-year period, the courts have held that a petition cannot be filed until after the four-year anniversary. See Exhibit C., in *Mason v. Cutkomp* 15 Ill. App. 2d 378 (Ill. App. Ct. 2 Dist. 1957), electors of Rock Island, Illinois filed a petition for a public question of abandoning their managerial form of municipal government. The petition was challenged as being premature since it was filed before the expiration of four years of operation under the managerial form of municipal government. In that case the court held "…that the petition had been prematurely filed, and was, therefore, insufficient." *Id*.

12. In reviewing the circuit court's decision, the Appellate Court in *Mason* found the case hinged on the first sentence of the statute under their review which reads: "**Any city or village which has operated for four years or more** under the Managerial Form of Municipal Government may abandon such organization in the manner herein provided." (Emphasis Added). As of the date the petition was filed, Rock Island had not operated for four years or more under the form of government, so the appellate court upheld the trial court's decision.

13. The appellees in *Mason*, as is the same with the current Objectors, contended the statute prohibits the filing of the necessary petition of abandonment prior to the time the form of government has been in operation for four-years. Appellees urged the intent of the language, "is clearly to provide a full four-year trial period during which the citizenry have the opportunity to observe the managerial form of municipal government in operation without unrest, expense or excitement that would necessarily accompany a petition or election looking to a possible change from that form on municipal government." *Id*.

14. The *Mason* Appellate Court noted that, "It seems apparent that the General Assembly, by the language it employed, intended that abandonment of a city manager government, including the filing of a petition and the holding of an election on the question, not

be permitted until the municipality involved has operated for a full four years or more under the managerial form of government." *Id*.

15. In addition to the Objectors' position being supported by the relevant case law, it is also supported by the legislative intent behind the law. Section 3.1-25-85 of the Illinois Municipal Code was amended by P.A. 87-1119 on September,16 1992, well after the decision in *Mason v Cutkopp* in 1957. If the legislature had intended to allow for the process of a referendum to begin before the actual completion of 4 years they would have done so when they amended the code. "Any municipality that was operated for more than 4 years under the provisions…" remained intact 34 years later after the Illinois Appellate Court ruling on the meaning and legislative intent of the language addressing "…operated for more than 4 years…" was released for publication December 31, 1957, and now having served as legal precedence for 67 years.

16. In addition, the trial court has already considered this very issue related to the Village of Rantoul. See Exhibit A., a copy of the February 3, 2023, *Order on Judicial Review, in Case No. 23 MR 11*, in the matter of Jack Anderson and Wendell Golston, Petitioner-Objectors v. Village of Rantoul Municipal Officers Electoral Board, Charles R. Smith, Sam Hall, and Janet E. Gray, Respondents, by the Honorable Benjamin W. Dyer in the Circuit Court of the Sixth Judicial Circuit, Champaign County, Illinois.

17. At the hearing on that case, the Circuit Court, analyzed the legislative intent of the operative Illinois Municipal Code statutes addressed above earlier, specifically 65 ILCS 5, Sections 3.1-25-85 and 3.1-25-75. The Circuit Court found, "A straightforward interpretation of this 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." See Ex. A, page 5.

18. Judge Dyer also found guidance from the Appellate Court in the two most applicable decisions… *Mason v. Cutkomp (citations above)* and See Exhibit D., *People ex rel. De Doncker v. City of E. Moline, 23 Ill. App. 2d 334 (Ill. App. Ct. (2 Dist.) 1959)*. The Circuit Court stated it found them helpful in resolving the dispute.

19. Judge Dyer pointed out the *Mason* case further found 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." See Ex. A, page 6.

20. Judge Dyer's order states, "…*De Doncker* examined a statute that began operating at the immediate moment of adoption by the voters. The objectors refer to this type of provision as a "self-executing" clause that clearly establishes the time of operation of the new form of government. This type of provision for immediate or self-executing operation is absent from the Municipal Code statutes concerning the election of trustees from districts, which are instead accompanied by the necessary organizational provisions specified in Section 3.1-25-75 to draw the districts, elect trustees, and then have those trustees represent their districts." See Ex. A., pg. 6.

21. Judge Dyer found that Rantoul's, "…first elected trustees began serving their terms on May 4, 2021." See Ex. A, p. 2. Pointing out that under the decisions of both *De Doncker* and *Mason*, even using the Respondent's (Workman) incorrect "legal theory" of the *Mason* case, the September 2022 circulation of petitions constitute a "series of acts … preced[ing] the expiration of the [4 year] period of time set out in the statute." *Mason*, *15 Ill. App. 2d at 386*.

22. Judge Dyer also noted, "…the objector's position is compatible with the plain statutory language and both relevant Appellate Court decisions." Going on to describe the Respondent's (Workman) temporally premature acts were, "…exactly the sort of instability

that the legislature sought to prevent when it imposed the four-year statutory period protecting the newly adopted form of government." See Ex. A, pg. 7.

23. Here we the Objectors are again, two years after the Respondent's failed 2023 premature attempt to place the public question on the ballot to abandon the district trustee form of government. Now, as then, the Respondent attempts for a second time within the four-year minimum trial period to thwart the newly formed district trustee government's ability, "…to operate free from the instability, unrest and uncertainty that obviously would attend proceedings looking to its possible termination." *Mason*, *15 Ill. App. 2d at 386.*

24. Today, the Respondent repeats the same destabilizing actions that Judge Dyer previously found legally deficient. Specifically, he found the objector's position was compatible with the plain statutory language and both relevant Appellate Court decisions. Further stating Workman, "…injects exactly the sort of instability that the legislature sought to prevent when it imposed the four-year statutory period protecting the newly adopted form of government." *Order on Judicial Review, No. 23 MR 11.*

25. Today, the sole issue before the Electoral Board is the sufficiency of the abandonment petition, the question is whether Section 3.1-25-85 permits all the various steps proceeding the filing of such a petition and before the municipality has had a full four-years of operating under a district trustee form of government. As of the date of the filing of the Petition of Voters, the Village of Rantoul had not operated under the form of government for four years, and it will not have operated under the current form of government even as of the date of the April 1, 2025 election.

26. Accordingly, consistent with Judge Dyer's ruling in 2023 and the appellate court decisions, the question listed on the Petition of Voters should not be certified for the April 1, 2025 election.

27. In 2023, Judge Dyer found the district trustee form of government begins after trustees are elected by district and are sworn into office. Additionally, none of the various preliminary steps to abandonment may precede prior to the expiration of the full four-years of operation set out in the statute. In the current matter, Rantoul began operating as a district trustee form of government May 4, 2021 and the full four-years of operation will expire May 4, 2025.

28. In conclusion, the Circuit Court, in *Order on Judicial Review, No. 23 MR 11*, found, "For the foregoing reasons, the court determines that Workman's public question offends Illinois Municipal Code Provisions 65 ILCS 5/3.1-25-85 and 65 ILCS 5/3.1-25-75, meaning that the question is premature and the objection of Anderson and Golston must be sustained. Accordingly, the decision of the Village of Rantoul Electoral Board is reversed."

29. The Petition of Voters was legally insufficient at the time of filing.

30. On November 14, 2024 Janet Gray the Rantoul municipal clerk after receiving the petitions prepared a Certification of Ballot for a public question that is not in compliance with Sec. 3.1-25-85.

31. On November 18, 2024 Janet Gray submitted the petitions along with a November 18, 2024 Certification of Ballot to Champaign County Clerk Aaron Ammons, the local election authority, who will be in error if his office places the proposition on the ballot in the next election as it is not in compliance with Sec. 3.1-25-85.

32. Your Objectors today state that the Respondent's petition for abandonment of the election of trustees by districts is insufficient for the reasons outlined above.

WHEREFORE, Objectors pray that the petition papers of Respondent on the public question for abandonment of electing trustees by district in the Village of Rantoul in the State of Illinois be declared insufficient and not in compliance with the laws of the State of Illinois, that

the referendum be stricken and the Electoral Board enter its decision declaring that the public question BE NOT PRINTED on the OFFICIAL BALLOT at the General Municipal Election to be held April 1, 2025, and that the Village Clerk issue an amended certification of ballot removing the previously-certified question that was filed with the local election authority.

Respectfully Submitted,

_____	_____	_____	_____
Jack Anderson	Date	Wendell Golston	Date

JACK ANDERSON
One of the Objectors, pro se

[redacted]