

**BEFORE THE DULY CONSTITUTED MUNICIPAL OFFICERS ELECTORAL BOARD
OF THE CITY OF AURORA, ILLINOIS**

IN THE MATTER OF: Objections of Helen	)	
Frances Ratzlow to Petitions for Referendum	)	
for an Aldermanic Recall Referendum in the City of Aurora,	)	No. 26-MOEB-02
to be Submitted to the Voters of the City of	)	
Aurora at the November 3, 2026 General	)	
Election	)	

FINDINGS AND DECISION OF THE ELECTORAL BOARD

This matter comes before the duly constituted Municipal Officers Electoral Board of the City of Aurora (the “Board”) on the Objector’s Petition of Helen Frances Ratzlow (the “Objector”) to the petitions filed by Principal Proponent Adam Pauley (the “Proponent”) to submit an at-large aldermanic recall referendum to the voters of the City of Aurora at the November 3, 2026 General Election. Pursuant to Section 10-10 of the Election Code, 10 ILCS 5/10-10, as incorporated by Section 28-4, 10 ILCS 5/28-4, the Board states its findings in writing and states which objections, if any, it has sustained.

I. PROCEDURAL HISTORY

The Proponent timely filed the petitions. The Objector filed her Objector’s Petition on August 10, 2026. The petitions and objections were transmitted to the Chair, and the Board convened on August 17, 2026, within the window prescribed by Section 10-10, adopted Rules of Procedure as Section 10-10 requires, and ordered a Records Examination pursuant to Rule 6 of those Rules. Because the City lies in Kane, DuPage, Kendall, and Will Counties, Case Management Order No. 1 (August 22, 2026) routed each challenged line for examination to the County Clerk maintaining the voter registration records for the address shown for the signer.

The Proponent moved to strike and dismiss the Objector’s Petition; the motion was fully briefed. On September 1, 2026, the Board heard argument concurrently with the companion matter (the records remaining separate) and ruled as memorialized in the Recitals of Case Management Order No. 2 (September 2, 2026): the objection directed to the Referendum’s silence on the funding of a special election (paragraph 18) was dismissed; the Board held that omission of a signer’s county of residence, standing alone, does not invalidate a signature, with challenged signatures reviewed at the Records Examination; and the constitutional and statutory challenges to the Referendum were reserved for determination on the merits. The parties filed simultaneous merits briefs on September 8, 2026, and responses on September 9, 2026.

The Board’s Attorney certified the completion of the Records Examination and transmitted its results to the parties on September 10, 2026, at 2:30 p.m. No motion under Rule 8 of the Rules of Procedure contesting any finding of the Records Examination was filed by either party within the time that Rule provides. On September 11, 2026, the Board convened for hearing; the Objector

withdrew on the record the objections directed to petition circulators and to particular petition sheets (paragraphs 13 and 14 of the Objector's Petition), and the Board heard argument on the reserved grounds. The Board recessed to September 14, 2026.

On September 14, 2026, the Board reconvened and deliberated in open session. The parties' final computations of the minimum signature requirement were received in evidence as Objector's Exhibit 1 and Proponent's Exhibit 1. During the deliberations, counsel for the Objector stated on the record that the Objector does not contend that, if the Referendum is otherwise valid, Section 2A-1 of the Election Code precludes the special election for which the Referendum provides. The Board adopted its findings on the signatures and on each reserved ground by roll call vote, recessed while these written Findings and Decision were prepared, and reconvened to approve and adopt them.

II. THE REFERENDUM

The Proponent's petitions propose submission of the following question:

Shall the City of Aurora adopt the following electoral system immediately upon passage of this binding referendum: the At-Large Alderman may be recalled and removed by a majority vote at a recall election that may be triggered by the filing of a recall petition signed by a number of Aurora electors equal to 20% of the total votes cast for all candidates for mayor in the immediately preceding mayoral election; and upon the certification of a valid recall petition, the question "Shall (name of At-Large Alderman) be recalled and removed from the Office of At-Large Alderman in the City of Aurora" shall be placed on the ballot at the immediately succeeding regularly-scheduled election to be held in the City of Aurora; and that in the event the At-Large Alderman is recalled and removed, the City Council shall fill the vacancy in the office of At-Large Alderman within 30 days from the date of the recall election, which appointment shall be for the remainder of the term, except that if more than 13 months remain in the term, the City Council shall set a date for a special election to be held within 9 months of the recall election at which time the voters of the City of Aurora shall elect an At-Large Alderman to serve the remaining term in office?

III. THE OBJECTIONS

The Objector's Petition asserts, in substance: (1) that the petitions lack the minimum number of valid signatures, which the Objector pleads as 3,147 (paragraphs 4 and 15); (2) line-by-line challenges to individual signatures, set out in the Appendix-Recapitulation incorporated in the Objector's Petition, on the grounds that the signer is not registered at the address shown (paragraph 7), that the signature is not genuine (paragraph 8), that the signer resides outside the City (paragraph 9), that the address is missing or incomplete (paragraph 10), that the signer signed more than once (paragraph 11), and other grounds (paragraph 12); (3) challenges to petition circulators and to particular petition sheets: that certain sheets are invalid in their entirety on the circulator or

notary grounds marked on the Appendix-Recapitulation (paragraph 13), and that the circulator of sheet 48 swore falsely to her residence address (paragraph 14); (4) that the Referendum is misleading and incomplete because it does not inform voters who bears the cost of the special election (paragraph 18), an objection the Board dismissed on September 1, 2026; and (5) challenges to the validity of the Referendum itself: that it exceeds home rule authority under Article VII, Section 6(f) of the Illinois Constitution and conflicts with Section 2A-1 of the Election Code (paragraph 16); that it proposes two separate and independent questions in violation of the free and equal clause, Ill. Const. 1970, art. III, § 3 (paragraph 17); and that it is vague, ambiguous, and not self-executing (paragraph 19).

IV. AUTHORITY OF THE BOARD

The Board's authority derives from Article 10 of the Election Code as incorporated by Section 28-4, which provides that Sections 10-8 through 10-10.1 "apply to and govern, insofar as may be practicable, objections to petitions for the submission" of public questions, and designates as the hearing body the electoral board specified in Section 10-9 for the political subdivision. Section 10-8's own concluding paragraph likewise provides that it and Sections 10-9, 10-10, and 10-10.1 "apply to and govern petitions for the submission of public questions under Article 28." 10 ILCS 5/10-8; 10 ILCS 5/28-4. Objections asserting that a proposed question is not in proper form, is not self-executing, or is not authorized by law are heard by electoral boards in the ordinary course, and the reviewing courts have decided such determinations on their merits. *Leck v. Michaelson*, 111 Ill. 2d 523 (1986); *Lipinski v. Chicago Board of Election Commissioners*, 114 Ill. 2d 95 (1986); *Johnson v. Ames*, 2016 IL 121563; *Williamson v. Doyle*, 103 Ill. App. 3d 770 (1st Dist. 1981). The Board concludes it may adjudicate each ground presented.

V. MINIMUM SIGNATURE REQUIREMENT AND SUFFICIENCY OF SIGNATURES

A. The Records Examination

The Records Examination was conducted pursuant to Rule 6 and Case Management Orders No. 1 and No. 2. Each challenged line was examined, as written on the petition sheet, against the permanent voter registration records of the County Clerk to which it was routed under Case Management Order No. 1: in Kane County on August 20, 21, 24, 25, and 28, 2026, at the office of the Kane County Clerk, under the supervision of the Board's Attorney; and in Kendall County on September 4, 2026, and in Will County on September 8, 2026, at the office of each County Clerk, by an attorney designated by the Board's Attorney. The parties' watchers were entitled to attend and to make contemporaneous objections under Rule 7 and were present throughout each of those examinations. Consistent with the Board's September 1 ruling, a signature was not invalidated for omission of the signer's county standing alone; each such line was examined against the registration records of the county to which it was routed.

As to the challenged lines routed to DuPage County, the DuPage County Clerk did not conduct the examination or issue a report, as Case Management Order No. 1 had anticipated, but instead produced the voter registration records for those lines to the Board's Attorney, whose office

examined those lines against those records on September 9, 2026, without party watchers. Because no watcher could attend that examination, Case Management Order No. 1 excused the contemporaneous-objection requirement of Rules 7 and 8 as to the DuPage findings, and either party could contest any of those findings by motion under Rule 8. The findings as to each challenged line are set out in Exhibit B to the Certification of the Records Examination, which is part of the record of this matter.

Under Rule 8, a party contesting a finding of the Records Examination was required to file a written motion, identifying the contested findings by sheet and line, no later than 5:00 p.m. on the day following completion of the examination, that is, by 5:00 p.m. on September 11, 2026. No such motion was filed by either party. The findings of the Records Examination as to each challenged line are accordingly unchallenged, and the Board adopts them as its own.

The results in this matter: 4,008 signatures were filed; 1,553 lines were challenged; 1,101 challenged lines were ruled invalid (one or more objections sustained); 451 challenged lines were ruled valid (all objections overruled). The 2,455 lines not challenged and the 451 ruled valid together yield not more than 2,907 signatures not ruled invalid.

B. The Minimum Signature Requirement

Section 28-7 of the Election Code requires that a petition for a public question of this kind be signed by a number of qualified electors equal to at least 8% of the total votes cast for candidates for Governor in the City of Aurora at the preceding gubernatorial election, held November 8, 2022. 10 ILCS 5/28-7. Because the City lies in four counties, the total is the sum of the votes cast for candidates for Governor in the portion of the City within each county, as reflected in the certified canvass of each County Clerk.

The Objector pleaded a minimum of 3,147. Pursuant to Case Management Order No. 2, the parties filed computations, and on September 14, 2026, each party submitted a final computation, received in evidence as Objector's Exhibit 1 and Proponent's Exhibit 1. The computations agree as to the votes cast in the Kane, Kendall, and Will County portions of the City and differ as to the DuPage County portion. The Objector's Exhibit 1 computes a City total of 38,812 votes, 8% of which is 3,105, so that not fewer than 3,105 valid signatures are required. The Proponent's Exhibit 1 computes a City total of 34,753 votes and a minimum of 2,781 signatures.

The difference arises from the method by which the Proponent identified the DuPage County precincts whose 2022 votes are attributed to the City. The Proponent identified the precincts that participated in the City's April 2025 mayoral election, located those precinct numbers in the DuPage County returns for the November 2022 gubernatorial election, and summed the 2022 votes reported under those numbers as the City's DuPage County total. That method is sound only if a precinct number identified the same territory in both elections. The Objector's Exhibit 1 establishes that it did not: the DuPage County Clerk redrew and renumbered the County's precincts after the November 2022 election, with the new configuration taking effect in 2023, so that a number of precinct designations identify different territory on the 2022 and 2025 precinct maps.

The map comparison in the Objector's Exhibit 1 illustrates the point with Naperville Precinct 1, which on the 2022 map lies in Naperville and on the 2025 map lies in the Aurora area. That a precinct numbered 1 participated in the City's 2025 election therefore does not establish that the votes reported for a precinct numbered 1 in 2022 were cast by City residents. The same method also omits votes: territory within the City in 2022 may have borne a 2022 precinct number that does not appear on the 2025 list of City precincts.

The defect is in the selection of precincts, not in the arithmetic or the authenticity of the 2022 returns. Genuine election returns produce an incorrect municipal total when they are matched to the wrong geography. Without a geographic crosswalk establishing which 2022 precincts, or portions of precincts, lay within the City, the Proponent's method does not reliably identify the votes cast for candidates for Governor by City residents in November 2022. The Objector's computation, which uses the 2022 precinct geography as it existed at the time of the 2022 election, does. The Board therefore adopts the Objector's computation and finds that the minimum number of valid signatures required under Section 28-7 is 3,105.

C. Sufficiency

The Board finds that the petitions contain not more than 2,907 valid signatures, which is fewer than the minimum of 3,105 found above. The objection that the petitions lack the minimum number of valid signatures (paragraphs 4 and 15) is SUSTAINED.

VI. CIRCULATOR AND PETITION SHEET OBJECTIONS

The Objector's Petition challenged certain petition sheets in their entirety on the circulator and notary grounds marked on the Appendix-Recapitulation (paragraph 13), and asserted that the circulator of sheet 48 swore falsely to her residence address (paragraph 14). At the hearing on September 11, 2026, before any evidence was taken on them, the Objector withdrew each of these objections on the record. The signatures on those sheets were examined line by line in the Records Examination in the same manner as every other challenged line, and the count in Part V reflects those rulings. The objections in paragraphs 13 and 14 are DISMISSED as withdrawn, and no sheet or signature is stricken on those grounds.

VII. VALIDITY OF THE REFERENDUM

A. Article VII, Section 6(f) (paragraph 17)

Section 6(f) provides that a home rule municipality "shall have the power to provide for its officers, their manner of selection and terms of office only as approved by referendum or as otherwise authorized by law." Ill. Const. 1970, art. VII, § 6(f). The City of Aurora is a home rule municipality. The referendum power that Section 6(f) describes is construed liberally. *Clarke v. Village of Arlington Heights*, 57 Ill. 2d 50 (1974); *Boytor v. City of Aurora*, 81 Ill. 2d 308 (1980); *Johnson v. Ames*, 2016 IL 121563.

The Objector contends that *Williamson v. Doyle*, 103 Ill. App. 3d 770 (1st Dist. 1981), is the only decision to address a recall referendum under Article VII and that it held such a referendum

unauthorized; that *Henyard v. Municipal Officers of the Village of Dolton*, 2022 IL App (1st) 220898, expressly found it unnecessary to address *Williamson*, so that *Williamson* stands; that *Henyard v. Village of Dolton*, 2016 IL App (1st) 153374, concerned an ordinance rather than a referendum; and that no authority brings a special election to fill a vacancy created by recall within Section 6(f). The Proponent contends that *Williamson* involved a non-home-rule municipality and construed Section 7(3) rather than Section 6(f); that the First District expressly departed from *Williamson*'s reasoning in *Henyard 2016*, relying on *Leck v. Michaelson*, 111 Ill. 2d 523 (1986); and that the *Henyard* decisions establish that a recall procedure approved by referendum is authorized under Section 6(f).

The Board finds that the Referendum is authorized by Section 6(f). In *Williamson*, the court held that "article VII of the Illinois Constitution does not contemplate the use of referenda to adopt recall procedures," 103 Ill. App. 3d at 773, characterizing recall as "de-selection" rather than a change in the manner of selection, *id.* at 772. The City of Northlake was not a home rule municipality, and the court applied Section 7(3) of Article VII. In *Henyard 2016*, the court held that *Williamson*'s characterization of recall as de-selection could not "withstand our supreme court's analysis in *Leck*," 2016 IL App (1st) 153374, ¶ 20; that recall shortens the terms of office of the officers subject to it, *id.* ¶ 21; that filling the resulting vacancy by appointment is itself a change in the manner of selection, *id.* ¶ 22; and that a home rule unit may adopt a recall procedure "but only after it is approved via a valid voter referendum," *id.* ¶ 29. In *Henyard 2022*, the court stated that, absent a state law permitting recall of municipal officers, "any local recall process must therefore be created by a tailor-made section 6(f) referendum in the subject jurisdiction." 2022 IL App (1st) 220898, ¶ 38. *Leck* itself holds that changes in the manner of selection or terms of office of municipal officers "are reserved to the voters by article VII, section 6(f), and can be effected only by referendum unless otherwise authorized by legislative enactment." 111 Ill. 2d at 528.

The Board acknowledges that *Williamson* has not been overruled and that *Henyard 2022* expressly reserved its determination, 2022 IL App (1st) 220898, ¶ 53. The Board does not follow *Williamson*, because it construed a different provision of Article VII for a municipality that lacked home rule powers, and because its reasoning, that recall is not a change in the manner of selection, was considered and rejected in *Henyard 2016* on the authority of the supreme court's decision in *Leck*. A recall procedure, with the provision for filling the resulting vacancy that accompanies it, alters the terms of office and the manner of selection of the officer subject to it, and is therefore a matter that Section 6(f) commits to the voters by referendum. The Objector is correct that *Henyard 2016* treated Section 6(f) as a limitation on home rule authority; the limitation it recognized is that a home rule unit may not adopt recall by ordinance because Section 6(f) reserves the subject to the voters, which is why a referendum, not an ordinance, is the vehicle the Proponent has used. *Henyard 2016*, ¶¶ 20-22, answers the Objector's further contention that a special election to fill the vacancy is not within Section 6(f): the filling of a vacancy created by recall is itself a manner-of-selection matter. The objection under Article VII, Section 6(f) is OVERRULED.

B. Section 2A-1 of the Election Code

Section 2A-1(b) provides that all elections shall be held in accordance with the consolidated schedule established in Sections 2A-1.1 and 2A-1.2 and that no election may be held on any date other than a date on which an election is scheduled under Section 2A-1.1, subject to enumerated exceptions. 10 ILCS 5/2A-1(b). Section 2A-1.2(f) provides that at any election established in Section 2A-1.1, “any special election otherwise required or authorized by law or by court order may be conducted pursuant to this Code.” 10 ILCS 5/2A-1.2(f). The Code defines a special election as “an election not regularly recurring at fixed intervals, irrespective of whether it is held at the same time and place and by the same election officers as a regular election.” 10 ILCS 5/1-3, para. 3.

The Objector’s Petition asserts that the Referendum conflicts with Section 2A-1 relating to special elections. At the hearing on September 14, 2026, counsel for the Objector stated on the record that the Objector does not contend that, if the Referendum is otherwise valid, Section 2A-1 precludes the special election for which the Referendum provides. The Proponent’s position is that, in almost all cases, the election to fill the vacancy would be conducted on the Section 2A-1.1 schedule, and that a special election required by a Section 6(f) referendum is one “otherwise required or authorized by law” within Section 2A-1.2(f).

The Board does not reach the question whether, or in what circumstances, the date of the special election is constrained by Section 2A-1.1. The Board finds that the special election for which the Referendum provides is a special election within the meaning of Section 1-3 of the Code, that it is one “otherwise required or authorized by law” within Section 2A-1.2(f), and that it will be conducted pursuant to the Election Code. The objection under Section 2A-1 is **OVERRULED**.

C. Combination of Questions; Free and Equal Clause

Separate questions may be combined in a single proposition “as long as they are reasonably related to a common objective in a workable manner,” and “it is only separate and unrelated questions which cannot be combined in a single proposition.” *Coalition for Political Honesty v. State Board of Elections*, 83 Ill. 2d 236, 256, 254 (1980). A test under which a proposition fails because it can be broken into parts that voters might answer differently “would, in our judgment, be unworkable. Almost any proposition can be broken into simpler questions.” *Id.* at 257-58. The further inquiry is whether the parts are “compatibly interrelated to provide a consistent and workable whole in the sense that reasonable voters can support the entire proposition.” *Id.* at 260. An undertaking and the means of carrying it out are not separate and unrelated questions. *Village of Deerfield v. Rapka*, 54 Ill. 2d 217, 223-24 (1973). *Compare Clark v. Illinois State Board of Elections*, 2014 IL App (1st) 141937, ¶ 29 (six disparate legislative changes combined under an objective the court found “extremely broad”).

The Objector contends that the Referendum asks two separate and distinct questions, whether the officer may be recalled and whether the Council should call a special election to fill the resulting vacancy; that a voter may favor recall but not the expense of a special election; that treating the

proposition as one question about an “electoral system” would permit innumerable questions to be combined; and that the combination violates the free and equal clause under *Clark*. The Proponent contends that the Referendum asks one question, whether to adopt the described electoral system; that the recall election, the appointment of a replacement, and the election of a successor are interrelated parts of that system that cannot stand alone; and that under *Rapka* and *Coalition* a voter’s preference for one component does not invalidate the question.

The Board finds that the recall trigger, the ballot mechanics, and the provisions for filling the resulting vacancy are reasonably related to a common objective, a system for removing the officer by vote of the electors and replacing the officer for the balance of the term, and that they are compatibly interrelated so that reasonable voters can support or oppose the proposition as a whole. The vacancy provisions have no operation apart from a successful recall and could not stand as an independent proposition; they are the means by which the undertaking is carried out. That a voter might favor recall and oppose a special election is not the test under *Coalition*. Section 28-3 of the Code, on which the Objector also relies, prescribes the form of a petition for a public question; it does not impose a limit on the content of a proposition beyond the one *Coalition* states, and it does not make a single electoral system two questions because the system has more than one part. The Referendum does not combine separate and unrelated questions. The objection under Article III, Section 3 is OVERRULED.

D. Vagueness and Self-Execution

A referendum under Section 6(f) must permit the voters to approve “a coherent scheme for altering the election of their officials”; it must stand on its own terms and be self-executing; and it is defective where its “bare concept * * * had to be interpreted, supplemented and modified in order to be implemented.” *Leck*, 111 Ill. 2d at 530-31. A proposition not self-executing, leaving gaps to be filled by either the legislature or municipal body, is invalid because just what was approved by the voters is uncertain. *Lipinski*, 114 Ill. 2d at 99-100. But a detail the Election Code supplies “does not invalidate” the proposition, *id.* at 102, and a proposition fails only where it leaves “significant questions unanswered and details which conflict with the Election Code,” *id.* at 104-05. A referendum “need not be presented in optimal form”; the requirement is language that “avoids the pitfalls of vagueness and ambiguity by permitting a clear determination of what voters approved,” reading the proposition as a whole. *Johnson v. Ames*, 2016 IL 121563, ¶¶ 15, 18.

The Objector contends that the Referendum leaves open what a special election is; whether the Election Code governs it and which provisions apply; whether a primary is held; when candidates file and the interval between a primary and general election; how the County Clerks implement the election without a writ; when the recall petition must be filed; whether the next regularly scheduled election will be citywide; whether the appointee serves until the special election or the two are mutually exclusive; which provisions of the Election Code the Referendum supersedes; and whether nine months accommodates the statutory deadlines. The Proponent contends that, unlike the Lansing referendum in *Leck*, the Referendum proposes a comprehensive framework specifying how a recall petition is initiated, when it is voted on, how and when a vacancy is filled,

and whether an election must be conducted to fill it; that the voters may provide for a single special election, without a primary, to fill the vacancy; that nine months allows time for petitions, filing, and certification under the Code's deadlines; and that the remaining points are not material elements of the system.

The Board finds that the Referendum states a complete substantive scheme: the recall trigger (a petition signed by electors equal to 20% of the votes cast for all candidates for mayor at the preceding mayoral election); ballot placement (the immediately succeeding regularly scheduled election in the City); the removal standard (a majority vote); the appointment (by the City Council within 30 days, for the remainder of the term); and the successor election (a special election within nine months where more than 13 months remain in the term, at which the voters elect the successor for the remaining term). The questions the Objector identifies concern the administration of that scheme, and each is answered by existing law or by the text of the Referendum read as a whole.

The meaning of "special election" is supplied by Section 1-3, paragraph 3, of the Code. Whether the Election Code governs the special election is answered by Section 2A-1(a), under which no person may be elected "except pursuant to this Code, notwithstanding the provisions of any other statute or municipal charter," and by Section 2A-1.2(f); the Referendum did not need to say so, and nothing in its text purports to displace any provision of the Code governing the conduct of elections. The Municipal Code provides that whenever an election is held to fill a vacancy in a municipal office, "the municipal clerk shall certify the office to be filled and the candidates for the office to the proper election authorities as provided in the general election law," 65 ILCS 5/3.1-10-50(f); no writ of election is required. The filing of nominating petitions for the office is governed by Section 10-6 of the Code, whose filing periods run from the election at which the office is filled. 10 ILCS 5/10-6. The recall petition itself is a petition for the submission of a public question under Article 28: it is filed with the local election official not less than 92 days before the election at which it is to be submitted, 10 ILCS 5/28-2(a); a petition that does not specify an election is submitted "at the next regular election occurring not less than 92 days after the filing of the petition," 10 ILCS 5/28-2(e), which is the "immediately succeeding regularly-scheduled election" of which the Referendum speaks; the local election official certifies the question to the election authorities not less than 68 days before the election, 10 ILCS 5/28-5; and objections are heard under Sections 10-8 through 10-10.1 as incorporated by Section 28-4, the process in which these matters have proceeded. Every election scheduled under Section 2A-1.1 is an election at which a public question may be submitted to the voters of the City, 10 ILCS 5/2A-1.2(f), so the possibility that the next scheduled election is not one at which City offices are otherwise on the ballot does not leave the recall question without a date.

The Board reads the vacancy provision, as the Proponent describes it, to require the City Council to fill the vacancy by appointment in every case within 30 days of the recall election, the appointee serving for the remainder of the term where 13 months or fewer remain and, where more than 13 months remain, until a successor is elected at the special election and qualified. The exception for a special election modifies the duration of the appointment, not the fact of it; the alternative

reading, under which the office would stand vacant for up to nine months, is not one a reasonable voter would draw from the text. The Board reads the special election provision, as the Proponent contends and as the text and structure of the Referendum indicate, to provide for a single special election at which the voters elect the successor, without a preceding primary. The Referendum refers to “a special election” at which “the voters of the City of Aurora shall elect” the successor, and its 13-month and nine-month provisions operate coherently only on that reading. The voters of a home rule municipality may so provide under Section 6(f), a single election being a manner of selecting the officer; and because the Referendum so provides, the primary otherwise held under Section 3.1-20-45 of the Municipal Code does not apply to the special election to fill a vacancy created by recall. The Referendum’s 13-month threshold differs from the 28-month threshold of Section 3.1-10-50(f), but a different threshold for a vacancy created by recall is a choice the voters are entitled to make; altering the terms of office of municipal officials “is one of the items that is specifically subject to voter approval under section 6(f).” *Leck*, 111 Ill. 2d at 529. The Referendum governs vacancies created by recall; the statute governs all others. For the same reason, the Referendum does not conflict with the 1977 referendum by which the City’s elections were made nonpartisan, *see Boytor*, 81 Ill. 2d at 310, or with Section 2-41 of the Aurora Municipal Code: the Referendum says nothing about partisanship, and the nonpartisan system continues; Section 2-41 governs mayoral vacancies generally, and the Referendum supplies a specific rule for a vacancy created by recall, which controls over the general ordinance to that extent and no further. That the ordinance calls the appointee an “acting mayor” and the Referendum speaks of filling the vacancy does not change who serves or for how long. The Objector asks which provisions of the Election Code the Referendum supersedes and which it incorporates.

The answer is that it supersedes none: the Referendum adds a recall procedure and a rule for filling the resulting vacancy, and it provides that the vacancy is filled at a single election; the conduct of every election it contemplates is governed by the Election Code under Section 2A-1(a), which admits of no other result. The Objector’s point that, if no primary is held, Section 7-12(3) supplies no filing date is misplaced, because Section 7-12 governs nominations by established political parties under Article 7; the City’s nonpartisan elections proceed under Article 10, and *Lipinski* itself looked to Article 10 to supply the nominating details for a nonpartisan municipal election, 114 Ill. 2d at 101-02. The Objector’s comparison to the special election provisions for Representative in Congress, for statewide officers, and for recall of the Governor shows only that the General Assembly has written office-specific procedures for those offices; for municipal offices it has provided generally, through Section 3.1-10-50(f), Section 2A-1.2(f), and the Code’s nomination and canvass provisions, and those provisions apply here. As to the timing of the special the Board has found in Part VII.B that the election is one authorized by law and conducted pursuant to the Code; the deadlines applicable to it are those the Code fixes by reference to the date of the election, and they are not gaps in the Referendum.

Reading the Referendum as a whole, the Board finds that its language permits a clear determination of what the voters would approve; that the details of its administration are supplied by existing law rather than left to future action by the City Council or the General Assembly; and that it is not in

conflict with the Election Code. The Referendum need not be presented in optimal form. It is self-executing. The objection that the Referendum is vague, ambiguous, and not self-executing is OVERRULED.

VIII. FINDINGS AND ORDER

For the reasons stated, the Board finds and orders as follows:

1. The findings of the Records Examination are adopted. The minimum number of valid signatures required by Section 28-7 of the Election Code is 3,105. The petitions contain not more than 2,907 valid signatures. The objection that the petitions lack the minimum number of valid signatures (paragraphs 4 and 15) is SUSTAINED.

2. The objections directed to petition circulators and to particular petition sheets (paragraphs 13 and 14) are DISMISSED as withdrawn.

3. The objection that the Referendum does not inform voters who bears the cost of a special election (paragraph 18) was DISMISSED by the Board on September 1, 2026, as memorialized in Case Management Order No. 2.

4. The objection that the Referendum is not authorized by Article VII, Section 6(f) of the Illinois Constitution (paragraph 16) is OVERRULED.

5. The objection that the Referendum conflicts with Section 2A-1 of the Election Code (paragraph 16) is OVERRULED.

6. The objection that the Referendum combines separate and unrelated questions in violation of Article III, Section 3 of the Illinois Constitution (paragraph 17) is OVERRULED.

7. The objection that the Referendum is vague, ambiguous, and not self-executing (paragraph 19) is OVERRULED.

8. The petitions for referendum are INVALID for want of the minimum number of valid signatures required by Section 28-7 of the Election Code. The question set forth in Part II shall NOT be printed on the ballot at the November 3, 2026 General Election, and the City Clerk and the County Clerks of Kane, DuPage, Kendall, and Will Counties are so directed. Findings 4 through 7 are made as independent findings on objections fully briefed and argued in this matter.

9. The Board's Attorney is directed to serve this Findings and Decision on the parties and to transmit it to the City Clerk and to the County Clerks of Kane, DuPage, Kendall, and Will Counties as provided in Section 10-10 of the Election Code.

Pursuant to Section 10-10.1 of the Election Code, a party aggrieved by this decision may secure judicial review by filing a petition in the Circuit Court within 5 days after service of this decision, in the manner the statute provides.

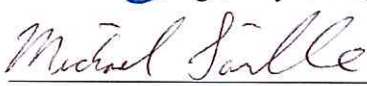
ADOPTED by the Municipal Officers Electoral Board of the City of Aurora this 14th day of September, 2026, by the following vote: AYES: 0; NAYS: 0; ABSENT: 0.



Juany Garza, Chair



Jennifer Stallings, City Clerk, Member



Michael Saville, Alderman, Member