



## Introduction

The 2011 Map for Illinois Legislative Redistricting became law on June 3, 2011. Over eight months later, and less than six weeks before the first primary election under that Map, Illinois House Minority Leader Tom Cross and Illinois Senate Minority Leader Christine Radogno (the “Legislative Leaders” or “Leaders”), along with other Movants, have filed suit in this Court to challenge the Map’s validity and stop that primary election from occurring.

This is not the first time the Leaders, represented by the same counsel, have challenged the compactness or “political fairness” of the 2011 Map. They first did so over six months ago, on July 20, 2011, in federal court. On that occasion, a three-judge district court dismissed the Leaders’ state constitutional compactness claim, along with another state constitutional claim alleging that the process by which the 2011 Map was passed was unfair to Republicans, after the Leaders conceded that the Eleventh Amendment to the U.S. Constitution barred those state-constitutional claims in federal court. Nothing foreclosed the Leaders from promptly asserting those claims before this Court at that time or earlier, and they offer no justification for waiting over eight months after the 2011 Map became law to file this lawsuit.

The most likely explanation is strategic timing. Last August, at the outset of the federal action, the Leaders asked for a February 15, 2012 trial date. The Defendants argued that such a late date would force the court into a rushed decision and imperil statutory deadlines for the upcoming March 2012 primary. The effort to delay was rejected by the court. By waiting until now to file these claims in this Court—the very claims the Leaders were prepared to litigate as early as last July—the Leaders seek to force this Court to convene a last-minute hearing to enjoin the March primary elections that, in fact, are already underway with absentee balloting.

Failing that, the Leaders offer, as an alternative, that this Court could hear the case now and issue any possible remedy in time for the 2014 primaries. Any such remedy, however, would result in a second redistricting of the State within a three-year period, an outcome not envisioned in our Constitution, one that would involve largely the same time and expense as the 2011 redistricting required—and a result that easily could have been avoided had the Leaders not waited over eight months to file this lawsuit.

### **Background**

As required by the Illinois Constitution, following the 2010 federal decennial census, the Illinois General Assembly passed legislation redistricting the Legislative (Senate) and Representative (House) districts in Illinois. *See* Ill. Const. 1970, Art. IV, § 3(b). The 2011 State Redistricting Map (the “2011 State Map”) was signed into law by Governor Quinn on June 3, 2011 as Public Act 97-6. (Complt., ¶ 64.) Six weeks later, on July 20, 2011, the Legislative Leaders and other plaintiffs filed suit in federal court, challenging the validity of the 2011 State Map in the matter of *Radogno v. Illinois State Board of Elections*, No. 1:11-cv-04884 (N.D. Ill.) (three-judge court). (A copy of the initial Complaint in that action (the “Federal Complaint”) is attached hereto as Exhibit A [A-1].)

### ***Compactness Challenge Raised in July, 2011***

Among other claims, Count 7 of the Federal Complaint alleged that the 2011 State Map violated the Illinois Constitution in that it was not sufficiently compact as a whole (Ex. A, ¶ 193 [A-27]) and singled out 34 districts as being non-compact, including the two House districts that Movants again single out for challenge in this case—House Districts 35 and 59. (*Id.*, ¶ 191 [A-27].) On September 6, 2011, in response to a motion to dismiss brought by defendants, the Leaders conceded that Count 7 was barred by the Eleventh Amendment, recognizing that a

redistricting claim arising under the Illinois Constitution could be brought only before the Illinois Supreme Court. (See Exhibit B, Plaintiffs' Response to Motion to Dismiss in *Radogno*, at p. 3, n.1 [A-35].) See *Radogno v. Illinois State Bd. of Elections*, 1:11-CV-04884, 2011 WL 5025251 at \* 1 (N.D. Ill. Oct. 21, 2011) (dismissing Count 7 after Plaintiffs conceded its dismissal).

The proposed Complaint before this Court is virtually identical in substance to Count 7 of the Federal Complaint. The proposed Complaint alleges that the 2011 Map is non-compact in its entirety (Compl., ¶ 75) and that 28 individual districts are non-compact. (*Id.*, ¶ 68.)

### ***“Political Fairness” Challenges Raised in July, 2011***

In their Federal Complaint, the Leaders raised three separate claims that alleged a lack of fairness to Republican legislators and voters in either the legislative process leading up to the passage of the 2011 Map, or in the content of the Map itself. These claims were styled as federal political gerrymander claims under the First Amendment and Equal Protection Clause (Counts 3 and 4, respectively), in addition to a claim entitled “Process” (Count 8), which alleged a violation of the Illinois Constitution’s redistricting provision (Art. IV, § 3) and its free-and-equal-elections provision (Art. III, § 3). (Ex. A, Counts 3, 4, 8 [A-22, 27-29].) Each of these counts was based on a series of allegations that the process leading up to the passage of the 2011 State Map was unfair to Republicans; that the legislation was passed without time for adequate consideration; and that the Democratic majorities in the House and Senate did not pay sufficient heed to the Republicans’ alternative map or respect the rights of the Republican minorities. (*Id.*, ¶¶ 34-94, 195-205 [A-6-14, 28-29].) Additionally, the Federal Complaint alleged that the 2011 State Map, in various ways, disadvantaged Republicans in their attempt to gain a majority of either chamber over the next decade. (*Id.*, ¶¶ 137-51, 160-63 [A-19-20, 22].)

On September 6, 2011, as they did with regard to Count 7 of the Federal Complaint challenging the 2011 Map's compactness, the Leaders conceded that Count 8's "process" challenge under the Illinois Constitution should be dismissed and could be brought only before this Court. (See Ex. B, p. 3, n.1 [A-35].) See also *Radogno*, 2011 WL 5025251 at \* 1 (noting that Plaintiffs agreed that Count 8 should be dismissed with prejudice).<sup>1</sup>

Likewise, the proposed Complaint before this Court challenges the allegedly unfair legislative process that produced the 2011 State Map, as well as the alleged unfairness to Republicans of the Map itself. While some allegations have been added, some subtracted, and some restructured, the allegations in the proposed Complaint are virtually identical in substance to the allegations raised in July, 2011 in the Federal Complaint. (See Compl., ¶¶ 21-62, 78-91.)

In sum, the Legislative Leaders, represented by the same counsel from the federal litigation, were fully prepared to allege and prosecute claims about the alleged lack of compactness in the 2011 State Map, and the alleged lack of fairness to the Republican Party (both as to the process leading up to the Map's passage and as to the Map itself), as early as July 20, 2011. And at least as early as September 6, 2011, they knew that there was only one place that state constitutional challenges to the 2011 Map could be brought—*i.e.*, before this Court.

In their Motion for Leave to File the proposed Complaint, Plaintiffs do not explain why they waited so long to bring these claims before this Court. But one fact is clear: The Leaders have always wanted to delay their challenges to this Map until it would be too late to use the map as a framework for the March 2012 primary elections. In the initial case management conference

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<sup>1</sup> The federal political gerrymander claims, after a round of amendments, were ultimately dismissed in an Order on November 16, 2011 with an Opinion on November 22. See *Radogno v. Illinois State Bd. of Elections*, 1:11-CV-04884, 2011 WL 5868225 at \*1 (N.D. Ill. Nov. 22, 2011) (three-judge court). To complete the story, the federal case ended in the three-judge court on December 7, 2011, when the court entered summary judgment for Defendants on the remaining counts—a Voting Rights Act claim and a racial gerrymander claim—thus mooting the December 12 trial. See *Radogno v. Illinois State Bd. of Elections*, 1:11-CV-04884, 2011 WL 6153160 (N.D. Ill. Dec. 7, 2011) (three-judge court).

before the three-judge district court in *Radogno* in August, 2011, the Leaders requested (but were denied) a trial date that would have delayed trial until February 15, 2012. (See Exhibit C, Plaintiffs’ Proposed Report of Parties’ Rule 26 Planning Meeting, at p. 3 [A-51].)<sup>2</sup>

***Timing of Redistricting Suits Before This Court In Prior Decades***

In the four decades of redistricting under the 1970 Constitution prior to this one, a redistricting plan was never signed into law by the Governor by the June 30 deadline. See Ill. Const. 1970, Art. IV, § 3(b). Thus, in accordance with the Constitution, *see id.*, a plan was approved and filed by a legislative redistricting commission, in every instance (other than 1971) resorting to the tie-breaking provision after the initial 8-person commission could not agree on a map. Thus, in each of those decades, the redistricting plan became law far later in the year than the 2011 Map—and yet the suits brought in this Court were filed far earlier than the instant one:

<u>Redistricting Plan</u>	<u>Date Filed with Secretary of State</u>	<u>Date Lawsuit Filed in this Court</u>
1971 Plan	August 7, 1971	October 19, 1971
1981 Plan	October 5, 1981	October 19, 1981
1991 Plan	October 4, 1991	October 11, 1991
2001 Plan	September 25, 2001	September 27, 2001
2011 Plan	June 3, 2011 <sup>3</sup>	February 8, 2012

(See Exhibit E, Affidavit from Secretary of State Index Department [A-123-28] and Exhibit F, file-stamped documents from the Clerk of the Illinois Supreme Court [A-129-34].) Thus, the historical practice of litigants in Illinois redistricting cases has been to seek this Court’s review very quickly. The suit challenging the first map under the new Constitution was filed 73 days

<sup>2</sup> In their written submission on August 29, 2011, the *Radogno* Plaintiffs actually proposed a trial date of “February 15, 2011” not 2012, but that was an obvious typographical error. (A-51.)

<sup>3</sup> The 2011 plan became effective upon the Governor’s signature. Only plans approved by a redistricting commission become effective upon filing with the Secretary of State. Ill. Const. 1970, Art. IV, § 3(b).

after its approval, and since then, challenges have been filed between 2 and 14 days after the map became law. The instant suit, in contrast, was filed 248 days after the 2011 Map became law.

*The 2012 Primary Elections for the Illinois General Assembly*

There is an obvious reason why litigants historically have brought redistricting challenges to this Court in an expedited time frame—the upcoming primary election, whose legislative races are based on the boundaries of that new map. This decade, the first primary elections for the Illinois General Assembly under the 2011 State Map will take place just weeks from now, on March 20, 2012. (*See* Exhibit D, Illinois State Board of Elections Election Calendar, at 2 [A-60].) As of the time of the filing of this Response, the following steps in the election process for General Assembly candidates have already occurred:

- December 5, 2011: Last day to file nominating petitions.
- December 12, 2011: Last day to file objections to nominating petitions.
- January 3, 2012: First day to apply for absentee ballots for military personnel and their families and for federal government employees serving outside the United States. Also first day for non-resident civilians to apply for federal-only ballots. (These voters are collectively referred to as “overseas voters.”)
- January 12, 2012: State Board of Elections certifies ballot to local election authorities.
- January 18, 2012: Last day for county clerks to certify candidates who have filed with them and to certify to any Boards of Election Commissioners within their jurisdiction names of candidate appearing on ballot in their jurisdictions.
- February 4, 2012: Last day for election authorities to mail absentee ballots to overseas voters.
- February 9, 2012: First day that registered voters can apply for absentee ballots.
- February 21, 2012: First day for election authorities to send federal-only absentee ballots to civilians residing outside the country.

(*See id.* at 4 -13 [A-62-71].) In addition, the first day of grace-period registration and voting is tomorrow, February 22, and early voting begins February 27. (*Id.* at 14-15 [A-72-73].)

Thus, as of the time of this filing, General Assembly candidates have long ago filed petitions for the offices they seek; the objection process to those petitions has been carried out; the ballots have already been certified; overseas ballots have already been mailed; and some in-state registered voters have already applied for and cast absentee ballots. In a very real sense, the March 20 primary has already begun.

Moreover, grace- and early-voting periods are just around the corner. Counties and other election jurisdictions have spent untold millions of dollars preparing for the upcoming primaries. And countless legislative candidates have spent the better part of six months organizing campaign committees, circulating nominating petitions, in some cases fighting to stay on the ballot against an objection, raising money, filing disclosure reports, and campaigning in newly-drawn districts under the 2011 State Map.

### **Argument**

#### **THIS COURT SHOULD DENY LEAVE TO FILE THIS COMPLAINT.**

This Court should deny leave to file this Complaint at this late juncture in the 2012 election cycle. Given the inexcusable tardiness of this Complaint, as well as the prejudice to the people of this State, the candidates, and election authorities if this matter were to proceed, this action should be barred on the doctrine of *laches*. See *Tully v. State*, 143 Ill. 2d 425, 432 (1991) (*laches* precludes assertion of claim by litigant whose unreasonable delay results in prejudice to opposing parties or others).

#### **A. Movants Have No Excuse For The Unreasonable Delay In Filing This Suit.**

The Leaders' delay in bringing this action is inexcusable. They were aware of the alleged "facts" concerning the compactness of the 2011 State Map, and the alleged lack of "political fairness" in both the legislative process and the Map itself, at the time the Map was signed into

law on June 3, 2011, and certainly by July 20, 2011, when they alleged all of these facts in the Federal Complaint. They knew at least by September 6, 2011 (and should have known all along) that they had no legal right to prosecute redistricting claims under the Illinois Constitution in federal court and that they would have to bring their state claims before this Court. And they were well aware of all of the election deadlines, looming and passed, that involved the expenditure of time, resources and millions of dollars, in reliance on the 2011 State Map. This lawsuit should have been filed last summer, if at all. The Leaders slept on their rights—or hid in the weeds—for over eight months.

In the decision of *Ole, Ole v. Kozubowski*, 187 Ill. App. 3d 277 (1<sup>st</sup> Dist. 1989), the appellate court affirmed the dismissal of a redistricting challenge on *laches* grounds, where plaintiffs did not challenge the redistricting of a ward precinct until seven months after it was completed. The redistricting resulted in the reduction of the number of permissible liquor licensees in the precinct from four to one—the license issued to the plaintiff. Subsequently, petitions were filed for a local referendum to completely ban the sale of liquor within that precinct. Plaintiff licensee, later joined by a group of voters, challenged the validity of both the referendum question and the redistricting of the ward precinct. Plaintiffs argued that they did not sue for seven months because their claims had not ripened until the referendum was placed on the ballot. The appellate court agreed with the lower court that the delay in bringing the redistricting challenge was unreasonable: “If the redistricting violated [the Election Code] in March, 1987, it violated the Code in July, 1986 when it was completed.” *Id.* at 286.

Similarly, a federal court in Illinois denied a preliminary injunction in a constitutional challenge to Springfield’s method of electing park district trustees based on *laches*, where the lawsuit was filed less than four months before the April election, and where plaintiffs had waited

until the successful outcome of their similar challenge to Springfield's system of electing city council members before filing suit against the park district. *McNeil v. Springfield Park Dist.*, 656 F. Supp. 1200, 1201 (C.D. Ill. 1987). The fact that plaintiffs had made a strategic decision to await the outcome of the city council suit before bringing the park district lawsuit did not excuse the delay: "the basic facts surrounding this [park district] lawsuit were known or should have been known to Plaintiffs at the time they filed the city suit ...." *Id.*

Thus, in both *Ole, Ole* and *McNeil*, plaintiffs attempted to justify their delay in bringing suit based on the pendency of other proceedings, but in each case the court held that, because plaintiffs possessed knowledge of the facts needed to bring their challenges earlier, they should have done so. Likewise, in this case, it is undeniable that the Legislative Leaders and their lawyers had knowledge of the facts underpinning the challenges they assert here long ago, given that they actually asserted those challenges in their federal action last July. The fact that they chose to await the ruling of the three-judge federal court (which was handed down on December 7, 2011), if such is the reason for the delay, is no excuse for the holdup in bringing these state constitutional claims. To paraphrase *Ole, Ole*: If the 2011 State Map violated the Illinois Constitution on February 8, 2012, it violated the Illinois Constitution on June 3, 2011.

Other cases specific to the redistricting arena lend additional support. In *Maryland Citizens for a Representative General Assembly v. Governor of Maryland*, 429 F.2d 606, 610 (4<sup>th</sup> Cir. 1970), the court upheld the dismissal based on *laches* of a redistricting suit filed thirteen weeks before a filing deadline for legislative candidates. Another federal court barred a Voting Rights Act challenge on *laches* grounds where plaintiffs sued on May 3, 2004, and the deadline for candidate nominating petitions was June 9. *Arizona Minority Coal. for Fair Redistricting v. Arizona Indep. Redistricting Comm'n*, 366 F. Supp. 2d 887, 908-09 (D. Ariz. 2005).

Still another court entered summary judgment for defendants on a redistricting challenge not based on the merits, but because plaintiffs waited until three and a half months after the redistricting plan was passed, ten days after the deadline for nominating petitions, and only two months before the city council primary. *Dobson v. Mayor & City Council of Baltimore City*, 330 F. Supp. 1290, 1301 (D. Md. 1971). In *Simkins v. Gressette*, 631 F.2d 287, 296 (4th Cir.1980), the court denied injunctive relief to plaintiffs who brought a redistricting challenge two days before the opening of the filing period for candidates for the state legislature. The court in *Knox v. Milwaukee County Bd. of Elections Com'rs*, 581 F. Supp. 399, 405 (E.D. Wis. 1984), denied a preliminary injunction in a redistricting case filed one day before the deadline for nomination papers and seven weeks before the primary. The tardiness in these cases pales in comparison to the present action, where Movants sought leave to file this Complaint over eight months after the 2011 Map became law, after most significant election deadlines have passed, and after absentee voting in the March 2012 primary has already begun.

**B. The Citizens, Candidates, Election Authorities, And This Court Will Be Prejudiced Should This Action Proceed At This Late Hour.**

The prejudice caused by the disruption of the March 20 primary election, after most of the relevant deadlines have already passed, is obvious. Candidates and their staff have spent time and money within 177 newly-drawn districts; election authorities have prepared ballots and machinery; and some voters already have cast absentee ballots. Indeed, “[t]he decision to enjoin an impending election is so serious that the Supreme Court has allowed elections to go forward even in the face of an undisputed constitutional violation.” *Sw. Voter Registration Educ. Project v. Shelley*, 344 F.3d 914, 918 (9th Cir. 2003) (*en banc*) (refusing to enjoin gubernatorial recall election despite possibly meritorious Voting Rights Act challenge to punch-card ballot system).

The U.S. Supreme Court has consistently cautioned that, in determining whether to issue an injunction in a redistricting suit, “a court is entitled to and should consider the proximity of a forthcoming election and the mechanics and complexities of state election laws, and should act and rely upon general equitable principles.” *Reynolds v. Sims*, 377 U.S. 533, 585 (1964) (affirming district court’s decision to allow majority of legislatively-drafted plan to be used in upcoming elections even though district court properly found it unconstitutional); *see also Williams v. Rhodes*, 393 U.S. 23, 35 (1968) (finding the exclusion of the Socialist Party from Ohio ballots unconstitutional but refusing to order the ballots to be re-written for the upcoming election: “Certainly at this late date it would be extremely difficult, if not impossible, for Ohio to provide still another set of ballots. Moreover, the confusion that would attend such a last-minute change poses a risk of interference with the rights of other Ohio citizens, for example, absentee voters.”); *Whitcomb v. Chavis*, 396 U.S. 1055 (1970) and 396 U.S. 1064 (1970) (staying decision of lower court that Indiana’s multi-member districting scheme was unconstitutional, thus permitting upcoming Indiana elections to take place under that invalid scheme). *Accord Dillard v. Crenshaw County*, 640 F. Supp. 1347, 1362 (M.D. Ala. 1986) (despite finding that multimember redistricting plan was unconstitutional, refusing to enjoin primary election where plaintiffs did not seek injunction until four months before primary).

Prejudice to Election Authorities. A disruption in the March 20 primary would be unfair to Respondent ISBE and all of the election jurisdictions around the State that have spent months, and millions of dollars, preparing for the March 20 primary, much of which would be entirely wasted and re-spent on a revised legislative primary. *See Knox*, 581 F. Supp. at 405 (noting “considerable prejudice” to election authorities if legislative races were enjoined on eve of primary election after vast expenditure of time and money on preparations); *McNeil*, 656 F.

Supp. at 1203 (raising same concerns); *Sotomayor v. Burns*, 13 P.3d 1198, 1200 (Ariz. 2000) (barring, on *laches* grounds, constitutional challenge to language in written explanation of ballot initiative mailed to voters, where challenge was raised one day before explanation was scheduled for printing: “To insist on major revisions at such a late date is not fair to either the Secretary of State or the [legislative body that drafted explanation].”). Moreover, if the March 20 primary were enjoined for legislative races, election authorities across the State would have to hold dual primary elections, one on March 20 for all non-General Assembly offices (*e.g.*, judicial, presidential, congressional and local primaries) and the other for General Assembly races at some future date. *Dobson*, 330 F. Supp. at 1301 (“Double costs and a double burden would be assumed by election officials” in holding dual elections if legislative races were enjoined in redistricting challenge).

Prejudice to Candidates, Supporters and Voters. A disruption to the March primary election would also be unfair to the candidates for 177 different seats in the General Assembly, and their staff and supporters, who have passed petitions, formed committees, raised money, and campaigned across their new districts in reliance on the 2011 State Map boundaries. *See State ex rel. Fidanque v. Paulus*, 688 P.2d 1303, 1308 n. 6 (Or. 1984) (dismissing, on *laches* grounds, pre-election constitutional challenge to proposed ballot initiative after initiative had already been certified for the ballot: “If [Plaintiffs] are successful, that would mean that the organizers and proponents of this measure had in essence wasted their time, energy and money to obtain sufficient signatures to be certified for placement on the ballot”). Candidates “would lose in large measure the benefit of the extensive campaigning undertaken to date, all of which would have to be repeated before a later election. ... Nor would it be expected as many voters would

turn out at a later election involving only [legislative candidates], with fortuitous results that cannot be foreseen at the present time.” *Dobson*, 330 F. Supp. at 1301.

And this is to say nothing of individuals who have already cast absentee ballots, be they overseas voters or in-state residents. They have already voted in the March primary, and if that primary is now enjoined, they “will effectively be told that the vote does not count and that they must vote again.” *Shelley*, 344 F.3d at 919. As the Ninth Circuit summarized, “Interference with impending elections is extraordinary, and interference with an election after voting has begun is unprecedented.” *Id.*

Prejudice to Judicial Decisionmaking. A last-minute rush to judgment would also be detrimental to the careful development of facts and argument to assist this Court in reaching a correct decision. The Oregon Supreme Court noted that “[t]o wait until the last moment places the court in a position of having to steamroll through the delicate legal issues in order to meet the deadline for measures to be placed on the ballot.” *Paulus*, 688 P.2d at 1308. The Arizona Supreme Court echoed that view: “The real prejudice caused by delay in election cases is to the quality of decision making in matters of great public importance. ... Late filings deprive judges of the ability to fairly and reasonably process and consider the issues ... and rush appellate review, leaving little time for reflection and wise decision making.” *Sotomayor*, 13 P.3d at 1200.

**C. Even If This Court Applied Any Remedy To The 2014 Primary Elections, Movants’ Delay Is Still Unreasonable, And Forcing A Second Redistricting In Three Years Would Be Prejudicial As Well.**

Recognizing the lateness of the hour and their lack of any plausible excuse, Movants suggest to this Court that, if an injunction against the March 20 primary is not feasible, then this Court should nevertheless entertain the matter so that “a remedy could be provided in time for implementation for the March 2014 primary.” (Brief in Support of Motion for Leave at p. 12.)

But forcing the State of Illinois to redistrict twice in three years is, itself, disruptive. *Maryland Citizens*, 429 F.2d at 610 (dismissing redistricting claim on *laches* grounds and refusing to consider case for next set of election primaries two years later: “Effective representative government requires more stability than that.”).

Regardless of whether a new redistricting plan for the 2014 primaries were fashioned by the General Assembly, a redistricting commission created pursuant to the Illinois Constitution, or this Court through a special master, the drafting of a new scheme would require the expenditure of millions of dollars, months of work, and quite possibly another round of federal litigation concerning federal claims. The State of Illinois should not suffer this burden simply because the Leaders slept on their rights for eight months and waited until the March, 2012 primary elections were already in progress before filing suit.

For all of these reasons, *laches* bars consideration of Movants’ claims in this matter.

Respondents respectfully request that this Court deny the Motion for Leave to File the Complaint for Declaratory Judgment and Injunctive Relief.

Respectfully submitted,

Respondents Illinois State Board of Elections, its Executive Director Rupert Borgsmiller, and its Members

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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

CHRISTINE RADOGNO, in her official capacity )  
as Minority Leader of the Illinois Senate, )  
THOMAS CROSS, in his official capacity as )  
Minority Leader of the Illinois House of )  
Representatives, ADAM BROWN, in his official )  
capacity as a state representative from the 101<sup>st</sup> )  
Representative District and individually as a )  
registered voter, VERONICA VERA, CHOLE )  
MOORE, JOE TREVINO, and ANGEL )  
GARCIA, )

Plaintiffs, )

vs )

NO. 1:11-cv-\_\_\_\_\_

ILLINOIS STATE BOARD OF ELECTIONS, )  
RUPERT BORGS MILLER, Executive Director of )  
the Illinois State Board of Elections, HAROLD D. )  
BYERS, BRYAN A. SCHNEIDER, BETTY J. )  
COFFRIN, ERNEST C. GOWEN, WILLIAM F. )  
McGUFFAGE, JUDITH C. RICE, CHARLES W. )  
SCHOLZ, and JESSE R. SMART, all named in )  
their official capacities as members of the Illinois )  
State Board of Elections, )

Defendants. )

**COMPLAINT FOR DECLARATORY JUDGMENT AND INJUNCTIVE RELIEF**

NOW COME the Plaintiffs, CHRISTINE RADOGNO, in her official capacity as  
Minority Leader of the Illinois Senate, THOMAS CROSS, in his official capacity as Minority  
Leader of the Illinois House of Representatives, ADAM BROWN, in his official capacity as state  
representative from the 101<sup>st</sup> Representative District and individually as a registered voter,  
VERONICA VERA, CHOLE MOORE, JOE TREVINO, and ANGEL GARCIA by and through  
the undersigned attorneys, complaining of the Defendants state and allege as follows:

1. This is a civil rights suit brought to protect the most sacred right in a democratic society -- the right to vote. It seeks to invalidate the redistricting plan for election of members to the Illinois General Assembly (the "General Assembly"), approved by the General Assembly on May 27, 2011 and signed into law by the Governor on June 3, 2011, which sets forth the districts to be used to elect members of the General Assembly (the "Redistricting Plan"). The Redistricting Plan and the process by which it was created violate the First and Fourteenth Amendments to the United States Constitution, the federal Voting Rights Act and the Constitution of the State of Illinois. The gross deprivation of these constitutional and statutory rights caused by the Redistricting Plan requires this Court to invalidate the Redistricting Plan, enjoin future elections under the Redistricting Plan and institute a new redistricting plan setting forth the districts used to elect members of the General Assembly consistent with all applicable constitutional and statutory requirements or order other appropriate corrective action.

### PARTIES

2. Plaintiff CHRISTINE RADOGNO is a state senator from the 41<sup>st</sup> Legislative District, a citizen of the United States and of the State of Illinois, and a duly registered voter residing in Cook County, Illinois. Ms. Radogno is also the Minority Leader of the Illinois Senate, vested by Article IV, Section 6(c) of the Illinois Constitution of 1970 with the duty to promote and express the views, ideas and principles of the Senate Minority Republican caucus in the 97<sup>th</sup> General Assembly and of Republicans in every Representative and Legislative District throughout the state of Illinois.

3. Plaintiff THOMAS CROSS is a state representative from the 84<sup>th</sup> Representative District, a citizen of the United States and of the State of Illinois and a duly registered voter residing in Kendall County, Illinois. Mr. Cross is also the Minority Leader of the Illinois House

of Representatives, vested by Article IV, Section 6(c) of the Illinois Constitution of 1970 with the duty to promote and express the views, ideas and principles of the House Minority Republican caucus in the 97<sup>th</sup> General Assembly and of Republicans in every Legislative and Representative District throughout the state of Illinois.

4. Plaintiff CHOLE MOORE is a citizen of African-American heritage residing in the State of Illinois in St. Clair County within the boundaries of Representative District 114 of the Redistricting Plan.

5. Plaintiff VERONICA VERA is a citizen of Latina heritage residing in the State of Illinois in Cook County within the boundaries of Representative District 22 of the Redistricting Plan.

6. Plaintiff ADAM BROWN is a state representative from the 101<sup>st</sup> Representative District and a duly registered voter and citizen residing in the State of Illinois in Macon County within the boundaries of Representative District 96 of the Redistricting Plan.

7. Plaintiff JOE TREVINO is a citizen of Latino heritage residing in the State of Illinois in Cook County within the boundaries of Representative District 77 of the Redistricting Plan.

8. Plaintiff ANGEL GARCIA is a citizen of Latino heritage residing in the State of Illinois in Cook County within the boundaries of Representative District 1.

9. Defendant ILLINOIS STATE BOARD OF ELECTIONS is the entity responsible for overseeing and regulating public elections in Illinois as provided by Article III, Section 5 of the Illinois Constitution and 10 ILCS 5/1A-1, *et seq.* The Illinois State Board of Elections undertakes those acts and conducts its business under color of state law.

10. Defendant RUPERT BORGS MILLER is the Executive Director of the Illinois State Board of Elections and is sued only in his capacity as Executive Director of the Illinois State Board of Elections.

11. Defendant JUDITH C. RICE is a member of the Illinois State Board of Elections and is sued only in her capacity as a member of the Illinois State Board of Elections.

12. Defendant BRYAN A. SCHNEIDER is a member of the Illinois State Board of Elections and is sued only in his capacity as a member of the Illinois State Board of Elections.

13. Defendant HAROLD D. BYERS is a member of the Illinois State Board of Elections and is sued only in his capacity as a member of the Illinois State Board of Elections.

14. Defendant ERNEST C. GOWEN is a member of the Illinois State Board of Elections and is sued only in his capacity as a member of the Illinois State Board of Elections.

15. Defendant WILLIAM F. McGUFFAGE is a member of the Illinois State Board of Elections and is only sued in his capacity as a member of the Illinois State Board of Elections.

16. Defendant JESSE R. SMART is a member of the Illinois State Board of Elections and is sued only in his capacity as a member of the Illinois State Board of Elections.

17. Defendant BETTY J. COFFRIN is a member of the Illinois State Board of Elections and is only sued in her capacity as a member of the Illinois State Board of Elections.

18. Defendant CHARLES W. SCHOLZ is a member of the Illinois State Board of Elections and is sued only in his capacity as a member of the Illinois State Board of Elections.

**VENUE AND JURISDICTION**

19. This Court has jurisdiction under 28 U.S.C. §§ 1331 and 1343 because Plaintiffs seek relief pursuant to 42 U.S.C. § 1983 based on violations of the First and Fourteenth

Amendments to the United States Constitution and 42 U.S.C. § 1973, the Voting Rights Act of 1965.

20. This Court has supplemental jurisdiction over the state law claims pleaded herein pursuant to 28 U.S.C. § 1367(a).

21. Venue is proper in this District under 28 U.S.C. § 1391(b) because relevant and substantial acts occurred and will continue to occur within the Northern District of Illinois.

### **THREE-JUDGE COURT**

22. Convening of a district court of three (3) judges is required in this action pursuant to 28 U.S.C. § 2284(a) because the action challenges the constitutionality of the statewide apportionment of districts for the election of members of the Illinois Senate and Illinois House of Representatives.

### **FACTS**

#### **The Redistricting Process**

23. In 2010, the United States Census Bureau conducted its federal decennial census.

24. The Illinois Constitution provides that "in the year following each Federal decennial census year, the General Assembly by law shall redistrict the Legislative and the Representative Districts." IL CONST., Art. IV, Sec. 3(b).

25. Throughout the 2011 redistricting process, the General Assembly acted under the color of state law.

26. During the entire redistricting process, Democrats held a majority of the seats in the Illinois Senate and Illinois House of Representatives, and the Illinois Governor was a Democrat.

27. Democrats exercised exclusive majority control over the entire process of enacting the Redistricting Plan at the legislative and executive branch levels of Illinois state government.

28. It is the duty of the State of Illinois ("State") to enact a redistricting plan so that the political process is equally open to meaningful participation by African-American voters in Illinois.

29. It is the State's duty to enact a redistricting plan such that the members of Illinois' African-American community have the same opportunity as other members of the electorate to participate in the political process and to elect representatives of their choice.

30. It is the State's duty to enact a redistricting plan so that the political process is equally open to meaningful participation by Latino voters in Illinois.

31. It is the State's duty to enact a redistricting plan such that Latinos in Illinois have the same opportunity as do other members of the electorate to participate in the political process and to elect representatives of their choice.

32. It is the State's duty to avoid infringing upon Illinois voters' First Amendment right to engage in protected political expression, including the right to meaningful participation in the political process.

33. It is the State's duty to enact and follow a redistricting plan that does not unfairly burden or penalize voters because of their political views.

#### **The "Public Hearings"**

34. During the 97<sup>th</sup> General Assembly, the Illinois Senate formed the Senate Redistricting Committee ("SRC") which was composed of 17 state senators: 11 from the Democratic majority and six from the Republican minority.

35. During the 97<sup>th</sup> General Assembly, the Illinois House of Representatives formed the House Redistricting Committee ("HRC") which was composed of 11 state representatives: six from the Democratic majority and five from the Republican minority.

36. In March, April and May, 2011, the SRC and HRC held public hearings throughout Illinois (the "Public Hearings").

37. The committees held the public hearings purportedly to seek public input into the redistricting process.

38. A consistent and repeated request from the public at the Public Hearings was that the General Assembly make available to the public the proposed redistricting plan to be voted on by the General Assembly in sufficient time before the vote on the map to allow the public to review, analyze and comment upon the proposed redistricting plan.

39. At the aforementioned Public Hearings before the SRC and HRC, virtually every member of the public who testified requested that the committee provide an explanation for the rationale behind each district of any proposed plan brought before the committee for a vote so that the public would have time for review, analysis and comment prior to a committee vote.

40. On information and belief, from May 1, 2011 to May 27, 2011, the Senate Democratic Caucus prevented members of the public from using the public access computer and software located in Chicago offered to members of the public as a means to analyze and develop redistricting plans to be submitted for consideration.

#### **Unveiling of the Proposed Redistricting Plans**

41. On May 18, 2011 during the evening hours, the SRC first disclosed, as Senate Amendment #1 to Senate Bill 1175, a picture of a proposed redistricting plan to the public-at-large for review and comment.

42. In order to view a picture of Senate Amendment #1 to Senate Bill 1175, members of the public had a brief period of time to access the Internet and download computer applications such as Google Earth! and Adobe Acrobat.

43. On information and belief, the SRC never made paper or electronic copies of Senate Amendment #1 to Senate Bill 1175 available to the public for comment or analysis.

44. On May 18, 2011, the SRC announced that it would accept public testimony on Senate Amendment #1 to Senate Bill 1175 at a hearing scheduled for noon on Saturday, May 21, 2011 in Chicago, Illinois.

45. On May 19, 2011 during the evening hours, the HRC disclosed a picture of a proposed redistricting plan for representative districts, filed as House Amendment #1 to House Bill 3760.

46. In order to view a picture of House Amendment #1 to House Bill 3760, members of the public had to access the Internet and download computer applications such as Google Earth! and Adobe Acrobat.

47. On information and belief, the HRC did not make the supporting demographic data available to the general public unless a request was submitted in writing.

48. On May 20, 2011, the HRC announced that it would accept public testimony on House Amendment #1 to House Bill 3760 at a hearing scheduled for 2:00 p.m. on Sunday, May 22, 2011 in Chicago.

49. On May 21, 2011, the SRC accepted public testimony on Senate Amendment #1 to Senate Bill 1175.

50. Senate Amendment #1 to Senate Bill 1175 and House Amendment #1 to House Bill 3760 both stated: "For purposes of legislative intent, the General Assembly adopts and

incorporates herein, as if fully set forth, the provisions of House Resolution 385 of the Ninety-Seventh General Assembly and Senate Resolution 249 of the Ninety-Seventh General Assembly."

51. Neither House Resolution 385 nor Senate Resolution 249 was filed or made available to the public or the Republican members of the SRC or HRC for review prior to the hearings scheduled for the weekend of May 21-22, 2011.

**"Public Hearings" During the Weekend of May 21-22, 2011**

52. At the SRC hearing on May 21, 2011, a majority of the members of the public who testified requested more time to review, analyze and comment on Senate Amendment #1 to Senate Bill 1175.

53. At the HRC hearing on May 22, 2011, a majority of the members of the public requested more time to review, analyze and comment on House Amendment #1 to House Bill 3760.

54. At the HRC hearing on May 22, 2011, members of the public testified that they were unaware that the demographic data supporting House Amendment #1 to House Bill 3760 could be made available if one made a request in writing.

55. On information and belief, the Democratic members of the Rules Committee of the Illinois House of Representatives ("Rules Committee") convened at approximately noon on May 22, 2011 and approved House Amendment #1 to House Bill 3760 for consideration before the HRC at the May 22, 2011 hearing which was scheduled to begin at 2:00 p.m.

56. The Democratic members of the Rules Committee did not provide the Republican members of the Rules Committee with notice of the May 22, 2011 Rules Committee hearing.

57. The Democratic members of the HRC and their support staff did not notify the Republican members of the HRC and their support staff or the general public that House Amendment #1 to House Bill 3760 would be considered at the May 22, 2011 hearing or that the sponsor of the measure would be available for questioning.

58. On Sunday, May 22, 2011, the Illinois Senate passed Senate Bill 1177 by a vote of 30-14.

59. Senate Bill 1177 did not contain substantive changes to the Illinois Compiled Statutes.

60. On Monday, May 23, 2011, the Democratic majority of the Illinois House of Representatives voted to suspend the posting requirements for Senate Bill 1177.

**"Public Hearing" on House and Senate Amendments**

61. On Tuesday, May 24, 2011, the HRC and SRC convened a contemporaneous hearing to consider Senate Amendment #1 to Senate Bill 1175 and House Amendment #1 to House Bill 3760.

62. At the contemporaneous hearing on May 24, 2011, the Democratic majority called Dr. Allan Lichtman as a witness on Senate Amendment #1 to Senate Bill 1175 and House Amendment #1 to House Bill 3760.

63. At the contemporaneous hearing on May 24, 2011, Dr. Lichtman testified that the Democratic Caucuses in the Illinois House of Representatives and Illinois Senate had retained him to advise Democratic attorneys and staffers about providing African-Americans and Latino residents in Illinois with opportunities to elect candidates of their choice in any redistricting plan.

64. At the contemporaneous hearing on May 24, 2011, Dr. Lichtman provided testimony regarding his opinion on Senate Amendment #1 to Senate Bill 1175 and House Amendment #1 to House Bill 3760.

65. Neither the Republican members of the HRC and SRC and their support staff nor the general public were provided with advance notice of Dr. Lichtman's testimony or a copy of his opinions in order to prepare for questioning.

66. The Democratic Caucuses did not present an expert witness to opine on whether or not Senate Amendment #1 to Senate Bill 1175 or House Amendment #1 to House Bill 3760 met the requirement of the Illinois Constitution of 1970 that districts be "compact."

#### **The Fair Map**

67. On May 25, 2011, the Republican Caucuses of the Illinois Senate and the Illinois House of Representatives unveiled a redistricting plan for the Representative and Legislative Districts called the Fair Map.

68. The Republican Caucuses made the Fair Map available to the public on a public website in an interactive format that provided demographic data for each of the districts proposed.

69. The Republican Caucuses also made the Fair Map and demographic data available on their websites in a downloadable format.

70. The Republican Caucuses' proposal was filed on May 26, 2011 as House Amendment #1 to Senate Bill 1177.

**Unveiling of House Amendment #2 to SB 1177**

71. On May 26, 2011, during the evening hours, State Representative Barbara Flynn Currie filed House Amendment #2 to Senate Bill 1177 which purported to be a new redistricting plan for the Legislative and Representative Districts.

72. On May 26, 2011, during the evening hours, the HRC disclosed a picture of a proposed redistricting plan for Legislative and Representative Districts, House Amendment #2 to Senate Bill 1177.

73. In order to view a picture of House Amendment #2 to Senate Bill 1177, members of the public had to access the Internet and download computer applications such as Google Earth! and Adobe Acrobat.

74. On information and belief, the HRC did not make the supporting demographic data available to the general public unless a request was submitted in writing.

75. House Amendment #2 to Senate Bill 1177 stated: "For purposes of legislative intent, the General Assembly adopts and incorporates herein, as if fully set forth, the provisions of House Resolution 385 of the Ninety-Seventh General Assembly and Senate Resolution 249 of the Ninety-Seventh General Assembly."

76. On May 26, 2011, approximately two hours before the scheduled session of the Illinois House of Representatives, the Democratic majority of the Rules Committee voted by a margin of 3-1 to send House Amendment #2 to Senate Bill 1177 to the full Illinois House of Representatives for consideration.

77. House Amendment #2 to Senate Bill 1177 never received a hearing before the HRC.

78. On May 27, 2011, approximately two hours before the scheduled session of the Illinois House of Representatives, State Representative Barbara Flynn Currie filed House Resolution 385.

79. On May 27, 2011, approximately two hours before the scheduled session of the Illinois House of Representatives, the Democratic majority of the Rules Committee of the House of Representatives voted 3-1 to send House Resolution 385 directly to the full Illinois House of Representatives for consideration.

80. House Resolution 385 never received a hearing before the HRC.

#### **Enactment of the Redistricting Plan**

81. On May 27, 2011, State Representative Roger Eddy filed a motion to discharge the Fair Map from the Rules Committee for consideration.

82. State Representative Currie objected to the motion to discharge the Fair Map from the Rules Committee for consideration.

83. The Fair Map never received consideration before the HRC, the Illinois House of Representatives, the SRC or the Illinois Senate.

84. On May 27, 2011, during the mid-morning hours, House Amendment #2 to Senate Bill 1177 was called for a vote before the full Illinois House of Representatives.

85. During the Illinois House floor debate on House Amendment #2 to Senate Bill 1177, State Representative Currie stated that Dr. Lichtman did not review the districts contained in the new amendment.

86. On May 27, 2011, during the mid-morning hours, the Democratic majority in a vote along party lines in the Illinois House of Representatives passed House Amendment #2 to Senate Bill 1177 by a vote of 64-52.

87. After the passage of House Amendment #2 to Senate Bill 1177, House Resolution 385 was called for a vote before the Illinois House of Representatives.

88. The Democratic majority in the Illinois House of Representatives passed House Resolution 385 by a vote of 64-52.

89. On May 27, 2011 at approximately 2:00 p.m., State Senator Kwame Raoul filed Senate Amendment #1 to Senate Resolution 249.

90. On May 27, 2011 at approximately 3:00 p.m., the Democratic majority in the SRC voted to concur on House Amendment #2 to Senate Bill 1177.

91. During the SRC debate on House Amendment #2 to Senate Bill 1177, the sponsor, State Senator Kwame Raoul, stated that Dr. Lichtman had not reviewed House Amendment #2 to Senate Bill 1177.

92. After the debate on House Amendment #2 to Senate Bill 1177, the Democratic majority in the SRC voted to adopt Senate Amendment #1 to Senate Resolution 249 over the objection of the Republican members of the SRC.

93. On May 27, 2011 at approximately 5:30 p.m., the Democratic majority in the Illinois Senate voted along party lines to concur with House Amendment #2 to Senate Bill 1177 by a margin of 35-22.

94. Shortly after passage of the House Amendment #2 to Senate Bill 1177, the Democratic majority adopted Senate Amendment #1 to Senate Resolution 249 by a vote of 35-22.

95. On June 3, 2011, Governor Patrick J. Quinn signed House Amendment #2 to Senate Bill 1177 into law as Public Act 97-0006.

96. Public Act 97-0006 became effective on June 3, 2011 (the "Redistricting Plan").

### **Characteristics of the Redistricting Plan**

97. The General Assembly comprises senators elected from 59 Legislative Districts and representatives elected from 118 Representative Districts.

98. According to the 2010 census, the total population in Illinois is 12,830,632.

99. Pursuant to the 2010 census and the United States Constitution, each Legislative District shall contain 217,468 total people.

100. Pursuant to the 2010 census and the United States Constitution, each Representative District shall contain 108,734 total people.

101. The Redistricting Plan is less compact than the map of Legislative and Representative Districts for the General Assembly enacted in 2001.

102. The Fair Map achieves compactness scores significantly higher than the Redistricting Plan.

103. The Redistricting Plan contains more splits of counties and municipalities in Illinois than does the Fair Map.

104. Racial bloc voting is pervasive in Illinois, both among majority and minority groups.

105. African-American voters comprise a sufficiently large and geographically compact group to constitute a majority of the voting-age population ("VAP") in at least 18 Representative Districts.

106. The Redistricting Plan creates only 16 Representative Districts where a majority of the VAP is African-Americans.

107. Representative District 7's VAP is 45.08 percent African-American.

108. The African-American VAP in the area around Representative District 7 is sufficiently large and geographically compact such that Representative District 7 could have African-American VAP in excess of 50 percent.

109. Representative District 114's VAP is 42.04 percent African-American.

110. The African-American VAP in the area of Representative District 114 is sufficiently large and geographically compact such that Representative District 114 could have African-American VAP in excess of 50 percent.

111. African-American voters in the areas of Representative Districts 7 and 114 are politically cohesive.

112. Representative Districts comprised of a majority of African-Americans of VAP in the areas of Representative Districts 7 and 114 can be drawn without violating constitutional requirements.

113. Failure to create Representative Districts 7 and 114 with VAP in excess of 50 percent African-Americans violates the Fourteenth Amendment to the United States Constitution.

114. Failure to create Representative Districts 7 and 114 with VAP in excess of 50 percent African-Americans violates Section 2 of the federal Voting Rights Act of 1965, 42 U.S.C. § 1973.

115. Representative Districts 7 and 114 deny Plaintiffs equal protection as guaranteed by the Fourteenth Amendment to the United States Constitution.

116. Representative Districts 7 and 114 violate the federal Voting Rights Act of 1965.

117. The Redistricting Plan fractures African-American voters causing the dilution of their votes in violation of Section 2 of the federal Voting Rights Act, 42 U.S.C. § 1973, and the Fourteenth Amendment to the United States Constitution.

118. The fracturing of African-American voters affords those voters less opportunity than other voters to elect representatives of their choice in violation of Section 2 of the federal Voting Rights Act, 42 U.S.C. § 1973.

119. The Latino VAP in Representative District 23 is 46.27 percent.

120. The Latino VAP in the area near and around Representative District 23 is sufficiently large and geographically compact such that Representative District 23 could have Latino VAP in excess of 50 percent.

121. The Latino VAP in Representative District 60 is 46.64 percent.

122. The Latino VAP in the area of Representative District 60 is sufficiently large and geographically compact such that Representative District 60 could have Latino VAP in excess of 50 percent.

123. Latino voters in the areas of Representative Districts 23 and 60 are politically cohesive.

124. Representative Districts comprised of a majority of Latinos of VAP in the areas of Representative Districts 23 and 60 can be drawn without violating constitutional requirements.

125. Representative Districts 23 and 60 deny plaintiffs equal protection as guaranteed by the Fourteenth Amendment to the United States Constitution.

126. Representative Districts 23 and 60 violate the federal Voting Rights Act.

127. Numerous Representative Districts created by the Redistricting Plan fail to contain Latino VAP sufficient to provide Latinos with a fair opportunity to elect representatives of their choice including, but not limited to, Representative Districts 1, 2, 21, 22, 77 and 83.

128. Latino voters in the areas of Representative Districts 1, 2, 21, 22, 77 and 83 are politically cohesive.

129. Representative Districts including, but not limited to, 1, 2, 21, 22, 77 and 83 could be drawn to include Latino VAP sufficient to provide Latino voters a fair opportunity to elect representatives of their choice without violating constitutional requirements.

130. The Redistricting Plan's failure to provide Latino voters a fair opportunity to elect representatives of their choice in Representative Districts including, but not limited to, 1, 2, 21, 22, 77 and 83 violates the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution.

131. The Redistricting Plan's failure to provide Latino voters a fair opportunity to elect representatives of their choice in Representative Districts including, but not limited to, 1, 2, 21, 22, 77 and 83 violates Section 2 of the federal Voting Rights Act of 1965, 42 U.S.C. § 1973.

132. The following Representative Districts fail to meet the constitutional mandate within the Illinois Constitution of 1970 that all districts be "compact": 1, 3, 4, 5, 6, 8, 9, 10, 15, 18, 20, 21, 23, 24, 25, 26, 27, 28, 29, 31, 32, 33, 35, 36, 39, 45, 57, 59, 64, 67, 72, 80, 113, and 114.

133. No sufficient or neutral justification exists for the bizarre shape of the Representative Districts listed in paragraph 132.

134. Certain of the districts in the Redistricting Plan including, but not limited to, Representative District 96, are of a shape so bizarre on their face that the shape can only

rationally be understood to be an effort to separate voters into different districts on the basis of race.

135. No sufficient or neutral justification exists for the bizarre shape of Representative District 96.

136. The shape of Representative District 96 can only rationally be understood as an effort to separate voters into districts on the basis of race.

137. The Redistricting Plan pits 25 incumbent Republican members of the General Assembly against one another while pitting only eight incumbent Democrat members of the General Assembly against one another, without any neutral justification for this partisan discrepancy.

138. The Redistricting Plan's pitting significantly more incumbent Republicans against one another than incumbent Democrats is a deliberate attempt to enhance Democrats' prospects for reelection and targets Republicans to prevent their reelection.

139. The bizarre shapes of several districts listed in paragraph 132 and the Redistricting Plan's overall lack of compactness is in furtherance of a deliberate attempt to enhance Democrats' prospects for reelection and target Republicans to prevent their reelection.

140. Additionally, many of these bizarrely-shaped districts are clearly intended to slither across traditional lines in order to place multiple incumbent Republicans into one district.

141. The Democratic majority of the General Assembly ignored the Fair Map despite the fact that the Fair Map is more compact.

142. The Fair Map is significantly and consistently more compact than the Redistricting Plan, as required by the Illinois Constitution.

143. The Redistricting Plan splits 46 counties, 214 townships and 336 municipalities.

144. The Redistricting Plan's excessive splitting of counties and municipalities is in furtherance of a deliberate attempt to enhance Democrats' prospects for reelection and targets Republicans to prevent their reelection.

145. The Redistricting Plan systematically and intentionally dilutes the votes of Republicans in favor of Democrats in furtherance of a deliberate attempt to enhance Democrats' prospects for reelection and targets Republicans to prevent their reelection.

146. The Redistricting Plan constitutes an intentional, systematic and unfair political gerrymander in order to protect Democrat members of the General Assembly and to prevent reelection of a Republican majority of members of the General Assembly.

147. The Redistricting Plan systematically and intentionally unfairly burdens Republican voters' rights of political expression and expressive association because of their political views.

148. No compelling reason or neutral justification exists for the Redistricting Plan to unfairly burden Republican voters because of their political views.

149. The Redistricting Plan constitutes an intentional, systematic and unfair infringement of Plaintiffs' right to protected political expression and expressive association in violation of the First Amendment to the United States Constitution.

150. The Redistricting Plan will create a substantial Democratic majority in both Houses of the Illinois General Assembly for at least the next decade.

151. The Redistricting Plan will likely create an unfair substantial majority for the Democrats in both houses of the General Assembly for at least the next decade, a clear case of political gerrymandering in violation of the First Amendment and the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution.

**COUNT 1**  
**(Violation of Section 2 of the Federal Voting Rights Act of 1965)**

1-151. Plaintiffs adopt, reaffirm and incorporate by reference the allegations in paragraphs 1 through 151 above as if once again fully set forth herein.

152. Section 2 of the federal Voting Rights Act of 1965, 42 U.S.C. § 1973, is applicable to the State of Illinois.

153. Under the Redistricting Plan, African-Americans have less opportunity than other members of the electorate to participate in the political process and to elect candidates of their choice, thereby diluting their votes.

154. It is possible to create a redistricting plan which will provide African-Americans a more equal opportunity to elect candidates of their choice.

155. The Redistricting Plan violates Section 2 of the federal Voting Rights Act, 42 U.S.C. § 1973.

**COUNT 2**  
**(Violation of Section 2 of the Federal Voting Rights Act of 1965)**

1-155. Plaintiffs adopt, reaffirm and incorporate by reference the allegations in paragraphs 1 through 155 of Count 1 as if once again fully set forth herein.

156. Section 2 of the federal Voting Rights Act of 1965, 42 U.S.C. § 1973, is applicable to the State of Illinois.

157. Under the Redistricting Plan, Latinos have less opportunity than other members of the electorate to participate in the political process and to elect candidates of their choice, thereby diluting their votes.

158. It is possible to create a redistricting plan which will provide Latinos a more equal opportunity to elect candidates of their choice.

159. The Redistricting Plan violates Section 2 of the federal Voting Rights Act, 42 U.S.C. § 1973.

**COUNT 3**  
**(Violation of Rights Protected by the First Amendment**  
**to the United States Constitution)**

1-159. Plaintiffs adopt, reaffirm and incorporate by reference the allegations in paragraphs 1 through 159 of Count 2 as if once again fully set forth herein.

160. The Redistricting Plan systematically and intentionally unfairly burdens the rights to political expression and expressive association of voters who vote Republican because of their political views in violation of the First Amendment.

161. No compelling reason exists to unfairly burden voters who vote Republican because of their political views.

162. The Democratic Caucuses' actions as described herein violate the First Amendment to the United States Constitution as made applicable to the states through the Due Process Clause of the Fourteenth Amendment to the United States Constitution.

**COUNT 4**  
**(Equal Protection – Redistricting Plan)**

1-162. Plaintiffs adopt, reaffirm and incorporate by reference the allegations in paragraphs 1 through 162 of Count 3 as if once again fully set forth herein.

163. The Redistricting Plan was conceived and enacted by the majority party in an arbitrary and discriminatory manner with the purpose and effect of denying the Plaintiffs equal protection as guaranteed by the Fourteenth Amendment to the United States Constitution.

**COUNT 5**  
**(Equal Protection - Illinois Voting Rights Act of 2011)**

1-163. Plaintiffs adopt, reaffirm and incorporate by reference the allegations in paragraphs 1 through 163 of Count 4 as if once again fully set forth herein.

164. At all times relevant there was in full force and effect in the State of Illinois a statute titled the Illinois Voting Rights Act of 2011 which stated in part:

- (a) In any redistricting plan pursuant to Article IV, Section 3 of the Illinois Constitution, Legislative Districts and Representative Districts shall be drawn, subject to subsection (d) of this Section, to create crossover districts, coalition districts, or influence districts. The requirements imposed by this Article are in addition and subordinate to any requirements or obligations imposed by the United States Constitution, any federal law regarding redistricting Legislative Districts or Representative Districts, including but not limited to the federal Voting Rights Act, and the Illinois Constitution.
- (b) The phrase "crossover district" means a district where a racial minority or language minority constitutes less than a majority of the voting-age population but where this minority, at least potentially, is large enough to elect the candidate of its choice with help from voters who are members of the majority and who cross over to support the minority's preferred candidate. The phrase "coalition district" means a district where more than one group of racial minorities or language minorities may form a coalition to elect the candidate of the coalition's choice. The phrase "influence district" means a district where a racial minority or language minority can influence the outcome of an election even if its preferred candidate cannot be elected.
- (c) For purposes of this Act, the phrase "racial minorities or language minorities", in either the singular or the plural, means the same class of voters who are members of a race, color, or language minority group receiving protection under the federal Voting Rights Act, 42 U.S.C. § 1973; 42 U.S.C. § 1973b(f)(2); 42 U.S.C. § 1973aa-1a(e).

165. At all times relevant there was in full force and effect the federal Voting Rights

Act which states in part:

No voting qualification or prerequisite to voting or standard, practice or procedure shall be imposed or applied by any state or political subdivision in a manner which results in a denial or abridgement of the right of any citizen of the United States to vote on account of race or color. . . . 42 U.S.C. 1973.

For purposes of this section, the term "language minorities" or "language minority group" means persons who are American Indian, Asian American, Alaskan Natives or of Spanish heritage. 42 U.S.C. 1973aa-1a.

166. Public Act 97-0006 states that "each of the Districts contained in the General Assembly Act of 2011 was drawn to be consistent with the Illinois Voting Rights Act of 2011, where applicable."

167. Public Act 97-0006 also amended the Illinois Voting Rights Act of 2011 to state that "The General Assembly Redistricting Act of 2011 complies with all requirements of this Act."

168. The Illinois Voting Rights Act of 2011 mandates that race and color be the predominant factor in the consideration of each and every Representative and Legislative District within the Redistricting Plan.

169. On information and belief, the Illinois Voting Rights Act of 2011 is the only statute of its kind in the United States of America.

170. The Illinois Voting Rights Act of 2011 denies Plaintiffs and other similarly-situated voters within the State of Illinois equal protection of the laws in violation of the Fourteenth Amendment to the United States Constitution.

171. No compelling interest exists for mandating the use of race as the predominant factor in creating the boundaries of Representative Districts and Legislative Districts within the Redistricting Plan.

172. The mandate within the Illinois Voting Rights Act of 2011 for the use of race as the predominant factor in creating the boundaries of Representative Districts and Legislative Districts within the Redistricting Plan was not the least restrictive means of achieving a compelling state interest.

173. In furtherance of the racial mandate of the Illinois Voting Rights Act, the Redistricting Plan constitutes a racial gerrymander in violation of Plaintiffs' right to equal protection under the Fourteenth Amendment to the United States Constitution.

174. For example, the Redistricting Plan created Representative District 96 by using race as the predominant factor above traditional redistricting principles such as compactness, maintenance of the core of previous representative districts, protection of incumbent-constituent relationships, and preservation of existing county and municipal boundaries.

175. The creation of Representative District 96 as mandated by the Illinois Voting Rights Act of 2011 violates the Plaintiffs' rights to equal protection under the Fourteenth Amendment to the United States Constitution on its face and as applied.

**COUNT 6**  
**(Equal Protection – Representative District 96)**

1-175. Plaintiffs adopt, reaffirm and incorporate by reference the allegations in paragraphs 1 through 175 of Count 5 as if once again fully set forth herein.

176. The Redistricting Plan created Representative District 96.

177. Representative District 96 was formed to join areas within the cities of Decatur and Springfield that have high percentages of African-Americans.

178. Representative District 96 severs the core of five different representative districts that existed under the previous map.

179. Representative District 96 does not meet the constitutional requirement that all districts be "compact."

180. Representative District 96 lowers the partisan advantage of the Republican voters within the district.

181. Representative District 96 also lowers the partisan advantage of Republican voters in adjoining districts.

182. Representative District 96 severs the boundary lines of Christian, Macon and Sangamon Counties.

183. Representative District 96 does not preserve the existing incumbent-constituent relationship.

184. Representative District 96 joins urban and rural communities with dissimilar interests.

185. The Democratic Caucuses used the ethnicity of the African-American communities in Springfield and Decatur as the predominant factor over all other constitutional and traditional redistricting principles in drawing Representative District 96.

186. The Democratic Caucuses have provided no neutral or compelling justification for joining urban and rural communities with dissimilar interests; severing counties and the core of the previous districts; not preserving incumbent-constituent relationships; not keeping Representative District 96 compact; and lowering the partisan advantage of the Republican minority in Representative District 96 and adjoining districts.

187. The drawing of Representative District 96 denies the Plaintiffs and other similarly situated voters within the State of Illinois equal protection of the laws in violation of the Fourteenth Amendment to the United States Constitution.

**COUNT 7**  
**(Declaratory Judgment – Compactness – Illinois State Law Claim)**

1-187. Plaintiffs adopt, reaffirm and incorporate by reference the allegations in paragraphs 1 through 187 of Count 6 as if once again fully set forth herein.

188. The Illinois Constitution of 1970 requires that the districts contained within any redistricting plan pursuant to Article IV, Section 3 must be "compact."

189. The Redistricting Plan is significantly less compact than the previous map.

190. The Redistricting Plan is significantly less compact than the Fair Map.

191. The following Representative Districts fail to meet the constitutional mandate within the Illinois Constitution of 1970 that all districts be "compact": 1, 3, 4, 5, 6, 8, 9, 10, 15, 18, 20, 21, 23, 24, 25, 26, 27, 28, 29, 31, 32, 33, 35, 36, 39, 45, 57, 59, 64, 67, 72, 80, 113, and 114.

192. The Democratic majority failed to provide a neutral justification for the irregular districts within the Redistricting Plan prior to consideration before the General Assembly.

193. The lack of compactness throughout the Redistricting Plan is so pervasive as to render the entire Act invalid.

**COUNT 8**  
**(Declaratory Judgment – Process – Illinois State Law Claim)**

1-193. Plaintiffs adopt, reaffirm and incorporate by reference the allegations in paragraphs 1 through 193 of Count 7 as if once again fully set forth herein.

194. Pursuant to the Illinois Constitution of 1970, the process by which any redistricting plan is created under Article IV, Section 3 of the Illinois Constitution must provide the deciding body with sufficient information to determine if the redistricting plan meets constitutional requirements.

195. The Democratic Caucuses did not provide the public with a meaningful opportunity to analyze and comment on Senate Amendment #1 to Senate Bill 1175 and House Amendment #1 to House Bill 3760.

196. The Democratic Caucuses did not provide the public with sufficient supporting data and explanations which would enable the public to provide the General Assembly with meaningful public criticism of Senate Amendment #1 to Senate Bill 1175 and House Amendment #1 to House Bill 3760.

197. The Democratic Caucuses did not provide the public or the members of the Republican minority with any advance notice of the testimony of Dr. Allan Lichtman.

198. The Democratic Caucuses repeatedly suspended the procedural rules governing the Illinois House of Representatives and the Illinois Senate in an effort to prevent the public and the Republican minority from providing meaningful input regarding all proposed redistricting plans.

199. The Democratic Caucuses gave the public and the Republican minority less than 24 hours to analyze and comment on House Amendment #2 to Senate Bill 1177.

200. The Democratic Caucuses filed Senate Resolution 249 and House Resolution 385 less than two hours prior to their consideration.

201. The Democratic Caucuses refused to debate Senate Resolution 249 and House Resolution 385, which purported to contain the legislative intent for each and every district, prior to voting on House Amendment #2 to Senate Bill 1177.

202. The Democratic Caucuses did not provide the public with a meaningful opportunity to analyze and comment on Senate Resolution 249 and House Resolution 385.

203. The Democratic Caucus in the Illinois House of Representatives prevented the Fair Map from ever receiving a public hearing or consideration for a vote.

204. The Democratic Caucuses never presented expert testimony on the Redistricting Plan regarding its adherence to the mandate of the Illinois Constitution of 1970 that all districts be “compact.”

205. The Democratic Caucuses' actions as described herein violate Article IV, Section 3 and Article III, Section 3 of the Illinois Constitution of 1970.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs pray that this Court will:

A. declare that the Redistricting Plan violates the Due Process and Equal Protection Clauses of the Fourteenth Amendment to the United States Constitution, the First Amendment to the United States Constitution as made applicable to the states through the Due Process Clause of the Fourteenth Amendment, and Article III, Section 3 and Article IV, Section 3(b) of the Illinois Constitution;

B. declare that the Redistricting Plan violates the Voting Rights Act, 42 U.S.C. § 1973;

C. declare that the Illinois Voting Rights Act of 2011 violates the Equal Protection Clause of the Fourteenth Amendment of the United States Constitution;

D. declare that Representative District 96 violates the Equal Protection Clause of the Fourteenth Amendment of the United States Constitution;

E. declare that the Redistricting Plan violates the compactness requirement of the Illinois Constitution;

F. permanently enjoin Defendants from certifying petitions or conducting future elections for the Illinois General Assembly under the Redistricting Plan;

G. draw and establish a map for the Illinois General Assembly Legislative and Representative Districts that comports with the federal Voting Rights Act as well as all other relevant constitutional and statutory requirements, or, alternatively, adopt reasonable alternatives presented to this Court including but, not limited to, ordering corrective action by the General Assembly or other responsible agencies of the state of Illinois;

H. award attorneys' fees as provided by 42 U.S.C. §§ 1983 and 1988; and

I. grant such other and further relief as this Court deems equitable and just.

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Radogno and Veronica Vera

/s/ -----Andrew Sperry-----  
One of the Attorneys for Plaintiffs Thomas Cross,  
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**CERTIFICATE OF SERVICE**

I hereby certify that on the 20th day of July, 2011, I electronically filed the Complaint (Civil Cover Sheet, Appearances of Phillip A. Luetkehans, Brian J. Armstrong, Stephanie J. Luetkehans, Thomas M. Leinenweber, Peter Baroni and Andrew Sperry, Summonses to Defendants) with the Clerk of the U.S. District Court, Northern District of Illinois, Eastern Division using the CM/ECF system.

/s/-----Phillip A. Luetkehans-----  
One of the Attorneys for Plaintiffs  
RADOGNO and VERA

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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

CHRISTINE RADOGNO, in her official capacity )  
as Minority Leader of the Illinois Senate, *et al.*, )  
 )  
Plaintiffs, )

vs )

ILLINOIS STATE BOARD OF ELECTIONS, )  
RUPERT BORGSMILLER, Executive Director of )  
the Illinois State Board of Elections, HAROLD D. )  
BYERS, BRYAN A. SCHNEIDER, BETTY J. )  
COFFRIN, ERNEST C. GOWEN, WILLIAM F. )  
McGUFFAGE, JUDITH C. RICE, CHARLES W. )  
SCHOLZ, and JESSE R. SMART, all named in )  
their official capacities as members of the Illinois )  
State Board of Elections, )  
 )  
Defendants. )

NO. 1:11-cv-04884

Judges Elaine E. Bucklo, Diane S. Sykes and Phillip P. Simon

Magistrate Geraldine Soat Brown

**PLAINTIFFS' MEMORANDUM OF LAW IN OPPOSITION  
TO DEFENDANTS' MOTION TO DISMISS AMENDED COMPLAINT**

The Plaintiffs' Amended Complaint recounts in exhaustive detail how the Democratic Caucuses abused the legislative process in an outright power grab at the expense of Latino and African-American voters as well as Republican voters throughout the state. The Redistricting Plan at issue was conceived behind closed doors without public scrutiny and jammed through the General Assembly on the Friday before Memorial Day weekend. The Resolutions that purported to describe the rationale for each and every district were released just hours before the final vote without any opportunity for public review or debate. The resulting Redistricting Plan will dilute Latino and African-American voting strength and thwart Republican political competitiveness for decades to come. The Plaintiffs' comprehensive Amended Complaint more than places the Defendants on notice of the constitutional and statutory infirmities in the Redistricting Plan.

Defendants' motion to dismiss the Amended Complaint fails, and the case should proceed to a trial on the merits.

### STANDARD

Federal Rule of Civil Procedure 8(a)(2) requires only that a complaint set forth a short and plain statement of the claim showing that plaintiff is entitled to relief. A plaintiff need not plead a detailed set of facts, so long as the complaint supplies defendant with fair notice of what the claim is and the grounds upon which it rests. *Smith v. Medical Benefit Administrators Group, Inc.*, 639 F.3d 277, 281 (7th Cir. 2011). Plaintiff's claim must be plausible on its face which requires the court to consider whether the events alleged could have happened, not whether they did happen or likely happened. *Smith*, 639 F.3d at 281. In ruling on a motion to dismiss, the court must accept as true all of the factual allegations contained in the complaint and must draw all possible inferences in plaintiff's favor. *Justice v. Town of Cicero*, 577 F.3d 768, 771 (7th Cir. 2009), *cert. denied*, 130 S. Ct. 3410 (2010).

The Defendants drastically misread the *Twombly* and *Iqbal* cases, as if the Supreme Court in those cases had jettisoned notice pleading in favor of fact pleading. Def. Mem. at 4. It did nothing of the kind. *Swanson v. Citibank, N.A.*, 614 F.3d 400, 404 (7th Cir. 2010) (“The Court was not engaged in a *sub rosa* campaign to reinstate the old fact-pleading system...”). Instead, “the plaintiff must give enough details about the subject-matter of the case to present a story that holds together.” *Id.*, 614 F.3d at 404. *See also Brooks v. Ross*, 578 F.3d 574, 580 (7th Cir. 2009) (Rule 8 “reflects a liberal notice pleading regime, which is intended to ‘focus litigation on the merits of a claim’ rather than on technicalities that might keep plaintiffs out of court”, quoting *Swierkiewicz v. Sorema N.A.*, 534 U.S. 506, 514 (2002)). In other words, federal pleading requirements “simply call[] for enough facts to raise a reasonable expectation that discovery will

reveal evidence” in support of the plaintiffs’ allegations. *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 556 (2007). *See also Erickson v. Pardus*, 551 U.S. 89, 93 (2007) (“Specific facts are not necessary; the statement need only give the defendant fair notice of what the ... claim is and the grounds upon which it rests.”).

## ARGUMENT

### **I. COUNTS 1 AND 2 PROPERLY STATE CLAIMS FOR VIOLATION OF THE VOTING RIGHTS ACT**

Counts 1 and 2 allege sufficient facts to plead violations of the Voting Rights Act, 42 U.S.C. 1973.<sup>1</sup> To prevail on a claim under Section 2 of the Voting Rights Act, a plaintiff must prove that (1) the minority group is sufficiently large and geographically compact to constitute a majority in a district; (2) the minority group is politically cohesive; and (3) whites usually vote sufficiently as a bloc to defeat the minority's preferred candidate. *Thornburg v. Gingles*, 478 U.S. 30, 49-51 (1986). Defendants claim that Plaintiffs fail to plead the third *Gingles* requirement. However, as Defendants themselves acknowledge, Plaintiffs plead that racial bloc voting is pervasive in Illinois both among majority and minority voting groups. Am. Compl., ¶ 106. This allegation, combined with the remaining allegations in the Amended Complaint regarding the *Gingles* factors (Am. Compl., ¶¶ 103-133), sufficiently states a Section 2 claim. Implicit in these allegations is that each of the districts at issue in Counts 1 and 2 meet the *Gingles* requirements, including the third prong. The allegations put Defendants on fair notice of the claims in Counts 1 and 2 and the grounds upon which they rest, and Plaintiffs need not plead

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<sup>1</sup> Plaintiffs agree to amend their complaint to allege each is a registered voter in his/her respective district. Further, Plaintiffs concede that Counts 7 and 8 and the claims in Counts 3 through 8 against the Illinois State Board of Elections directly as an entity cannot be brought in this Court due to the protection provided states under the Eleventh Amendment.

detailed facts. *Smith*, 639 F.3d at 281. Accepting these allegations as true, Plaintiffs' claims of Section 2 violations are clearly plausible; therefore, Counts 1 and 2 state claims.

Defendants improperly seek to require Plaintiffs to prove their case at the pleading stage. Indeed, the cases cited by Defendants, *Johnson v. De Grandy*, 512 U.S. 997 (1994); *Grove v. Emison*, 507 U.S. 25 (1993) and *McNeil v. Springfield Park District*, 851 F.2d 937 (7th Cir. 1988), *cert. denied*, 490 U.S. 1031 (1989), are cases in which the court reviewed evidence admitted at the trial as to whether or not plaintiffs satisfied the three *Gingles* factors -- these cases were not decided on the pleadings. None of the cases cited by Defendants support Defendants' argument that Plaintiffs must robotically regurgitate verbatim the *Gingles* factors to state a cause of action. Plaintiffs' obligation to establish that white voters vote as a bloc usually to defeat the minority's candidate of choice to establish a Section 2 claim is a proof requirement. None of the cases cited by the Defendants hold that it is a pleading requirement. In this regard, Defendants again rely on cases where the court was reviewing the evidence, not the pleadings. *Williams v. State Bd. Of Elections*, 718 F. Supp. 1324, 1331 (N.D. Ill. 1989); *Jenkins v. Red Clay Consol. School Dist. Bd. of Educ.*, 4 F.3d 1103, 1123 (3d Cir. 1993), *cert. denied*, 512 U.S. 1252 (1994). Accordingly, Counts 1 and 2 properly state claims under Section 2 of the Voting Rights Act, and Defendants' motion to dismiss these counts must be denied.

Defendants also feign ignorance as to which districts are the subject of Counts 1 and 2. However, the Amended Complaint could not be more clear as to which districts are the subject of Counts 1 and 2 -- it identifies them specifically. *See* Am. Compl., ¶¶ 116, 118, 119, 128, 133. Plaintiffs recognize and plead that the evidence may show other districts also violate Section 2 of the Voting Rights Act. Plaintiffs' position as to these districts at issue will be fleshed out more fully in the Plaintiffs' expert reports to be provided to the Defendants on October 21. It clearly

does not require the dismissal of Counts 1 and 2. Accordingly, Defendants' motion to dismiss Counts 1 and 2 must be denied.

**II. COUNTS 3 AND 4 STATE VALID JUSTICIABLE CLAIMS UNDER THE FIRST AND FOURTEENTH AMENDMENTS**

Plaintiffs' First Amendment and Fourteenth Amendment (Equal Protection) claims are valid despite Defendants' allegations, which are based on a confused and selective reading of the Supreme Court's decisions in *Vieth v. Jubelirer*, 541 U.S. 267 (2004) and *League of United Latin American Citizens v. Perry*, 548 U.S. 399 (2006) ("LULAC"). Defendants would have this Court believe that the court in *Vieth* decided once and for all that political gerrymandering claims are non-justiciable. Defendants are plain wrong. Claims of political gerrymandering are justiciable. While four justices in *Vieth* said they would overrule *Davis* and find political gerrymandering claims non-justiciable, no majority of the court so held. To the contrary, a majority of the court declined to hold political gerrymandering claims non-justiciable. *Vieth*, 541 U.S. at 306. Moreover, the fact that clearly established standards for a political gerrymandering claim have not yet been set forth since *Vieth* does not render the claims non-justiciable. Accordingly, Defendants' motion on this basis must be denied.

Citizens may not be burdened or penalized because of their participation in the electoral process, their voting history, their association with a political party or their expression of political views. *Vieth*, 541 U.S. at 314 (Kennedy, J. concurring in judgment) citing *Elrod v. Burns*, 427 U.S. 347 (1976). Where political classifications are used to burden a group's representational rights, the First Amendment is violated absent a compelling interest. *Id.* Justice Kennedy has stated that the Fourteenth Amendment clearly governs questions of partisan gerrymandering, and argues that the First Amendment can be the basis of a subsidiary standard of inquiry into whether "political classifications were used to burden a group's representational

rights.” *Vieth*, 541 U.S. at 314-315. Justice Kennedy went on to state that “[i]f a court were to find that a State did impose burdens and restrictions on groups or persons by reasons of their views, there would likely be a First Amendment violation, unless the State shows some compelling interest.” *Id.*

Count 3 alleges facts sufficient for this Court to conclude that the Redistricting Plan was specifically drafted to systematically and intentionally burden the rights of Republicans in violation of their First Amendment rights. The Amended Complaint alleges that Democrats controlled the redistricting process and in exercising that control drew Representative and Legislative Districts which, without any compelling interest, are less compact than the previous redistricting plan and the Fair Map, cross traditional districting lines, excessively split counties and municipalities and pit significantly more Republican incumbents against each other than Democrat incumbents, all in a deliberate attempt to prevent Republicans' reelection and to systematically and intentionally dilute Republican voters' votes and burden their First Amendment rights. Am. Compl., ¶¶ 28, 103-105, 134-135, 139-153, 162, 164. All of this occurred in a setting with no state law checks and balances because all three branches of the Illinois government are controlled by the Democratic Party for the first time in decades. These facts clearly provide fair notice of Plaintiffs' claim that Defendants engaged in an unconstitutional political gerrymander in violation of Plaintiffs' First Amendment Rights and sets forth the grounds upon which Plaintiffs' claim rests. Assuming the facts to be true, Count 3 alleges a claim which is plausible on its face. Accordingly, Defendants' motion to dismiss Count 3 must be denied.

Defendants' reading of *LULAC* is similarly strained in that they broadly read the holding of that case to be a general rejection of partisan gerrymandering claims on simple “fairness”

grounds when, in fact, the reasoning of the court was more nuanced and limited to the facts of that case. The court in *LULAC* stated the following: “In sum, we disagree with appellants’ view that a legislature’s decision to override a valid, court-drawn plan mid-decade is sufficiently suspect to give shape to a reliable standard for identifying unconstitutional political gerrymanders. We conclude that appellants have established no legally impermissible use of political classifications. For this reason, they state no claim on which relief may be granted for their statewide challenge.” *LULAC*, 548 U.S. at 423.

Although Defendants would mislead this court into believing that partisan gerrymandering is both a *de facto* and *de jure* non-justiciable issue,<sup>2</sup> partisan gerrymandering is still against the law after *Vieth*, and the Supreme Court has, on a number of occasions, reiterated this stance. *See Id.*; *Cox v. Larios*, 542 U.S. 947, 950 (2004) (Justices Stevens and Breyer stated in a joint concurring opinion that the facts of this case show that partisan gerrymandering is “visible to the judicial eye” and emphasized that, had the Supreme Court in *Vieth* adopted a standard, that standard would have been satisfied in this case where traditional redistricting principles were subordinated to partisan politics; *LULAC*, 548 U.S. at 414 (Justice Kennedy reiterates that partisan gerrymandering is still justiciable after *Vieth*).

Likewise, Count 4 plausibly alleges that the Redistricting Plan constitutes a political gerrymander in violation of Plaintiffs' equal protection rights. Plaintiffs allege that Democrats had exclusive control over the redistricting process and, without sufficient justification, drafted the Redistricting Plan which is less compact than the previous redistricting plan and the Fair Map; contains more splits of counties and municipalities than the alternative map; dilutes the

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<sup>2</sup>Defendants attempted to obfuscate this issue by declaring that “[t]he plurality decision [in *Vieth*] concluded that political gerrymandering claims are non-justiciable political questions . . .[.]” Def. Mem., at 10, while burying in footnotes the fact that partisan gerrymandering is indeed still justiciable after *Vieth*, Def. Mem., n. 4.

votes of African-Americans and Latinos in several districts; pits many more Republican incumbents against one another than Democrat incumbents; creates districts of such bizarre shape that they can only be understood to intentionally separate voters to prevent election of Republicans; creates districts with the intent and effect of separating voters on the basis of their party and will unfairly result in a substantial Democratic majority for the next decade. Am. Compl., ¶¶ 103-138, 144-145, 165-66. These allegations clearly rise to the level of an Equal Protection violation.

Further, the Amended Complaint alleges that the process that led to the enactment of the Redistricting Plan, as well as the purpose and effect of that plan, violate the Plaintiffs' core First Amendment and equal protection rights. In particular, Count 4 alleges that "the Redistricting Plan was conceived and enacted by the majority party in an arbitrary and discriminatory manner with the purpose and effect of denying the Plaintiffs equal protection." Am. Compl. ¶ 165. As a district court in this state has held, the Equal Protection Clause is violated when the process by which a redistricting plan was created is "tainted with arbitrariness and discrimination." *Hulme v. Madison County*, 188 F.Supp.2d 1041, 1051 (S.D. Ill. 2001). *Hulme* cannot be confined to the context of malapportionment for the simple reason that the population deviation in that case fell below the 10% threshold established by the Supreme Court for shifting the burden of justification to the state. *Id.* at 1047 citing *Brown v. Thomson*, 462 U.S. 835, 842-43 (1983). Instead, *Hulme* stands as a straightforward application of standard equal protection principles: where a lawmaking process has the purpose and effect of discriminating against a discrete group, the government bears the burden of justifying the unequal treatment.<sup>3</sup> The facts in this case rise

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<sup>3</sup>Although a New York District Court has distinguished *Hulme*, the factual allegations in Plaintiff's Amended Complaint are far more wide reaching than mere legislative "rudeness" or

to the level of those in *Hulme* and have been sufficiently alleged to proceed past the pleading stage. Hence, Defendants' motion to dismiss Count 4 must be denied as well.

### III. COUNT 5 STATES A CLAIM UPON WHICH RELIEF MAY BE GRANTED

In Count 5 of their Amended Complaint, the Plaintiffs allege that the Illinois Voting Rights Act of 2011 (“IVRA”) violates the Equal Protection Clause of the Fourteenth Amendment both on its face and as applied to the Redistricting Plan. Am. Compl. ¶¶ 166-177. State redistricting laws that use racial classifications, such as those contained in the text of IVRA, are expressly prohibited under the Equal Protection Clause, even those that appear neutral on their face. *Miller v. Johnson*, 515 U.S. 911, 905, 913 (1995). The Plaintiffs have alleged, and the Defendants do not dispute, that the IVRA, on its face requires creation of a redistricting plan that makes an explicit racial classification between racial and language minorities and all other citizens. Am. Compl. ¶ 166. Such racial classifications are inherently suspect and subject to challenge. *Id.*; *See also Gratz v. Bollinger*, 539 U.S. 244 (2003) (regarding statute that fixed a number of bonus points to be awarded to college applicants on the basis of race) and *Parents Involved in Community Schools v. Seattle Sch. Dist. No. 1*, 551 U.S. 701 (2007) (regarding law assigning students to a school on the basis of race). As it relates to the as-applied challenge, the Plaintiffs have alleged that the racial mandates within the IVRA forced the creators of the Redistricting Plan to focus on racial classifications at the expense of other traditional redistricting principles. Am. Compl. ¶¶ 168, 170, 175. These factual allegations, taken as true, plainly state a plausible claim that the IVRA violates the Equal Protection Clause of the Fourteenth Amendment. *Swanson v. Citibank N.A.*, , 614 F.3d 400, 404 (7th Cir. 2010).

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giving opposing political proposals “short shrift.” *See Cecere v. County of Nassau*, 274 F.Supp.2d 308, 319 (2003).

The Defendants urge this Court to dismiss Count 5 because the perfunctory language within sections (a) and (d) somehow immunizes it from any constitutional challenge. Def. Mem. at 13-14. The constitutional infirmity of the IVRA is that it classifies citizens solely on the basis of race. *Parents Involved*, 551 U.S. at 797 (2007) (Kennedy, J., concurring). Government action that relies on such stereotypes sends a message that one's membership within a racial group is more important than one's individual identity. *Id.* Even "benign" race-based statutes are inherently suspect because they suggest a misplaced confidence in separating "good from harmful governmental uses of racial criteria." *Id.* at 742 quoting *Metro Broadcasting, Inc. v. F.C.C.*, 497 U.S. 547, 609-10 (1990) (also noting that "'simple legislative assurances of good intention cannot suffice.'" *City of Richmond v. J.A. Croson Co.*, 488 U.S. 469, 500 (1989)). Placing a pro forma constitutional saving clause within the body of IVRA does not neutralize its facial constitutional infirmity.

Plaintiff Adam Brown has standing to raise both the facial and as-applied challenge to the IVRA. Plaintiff Brown is a registered voter within Representative District 96 which was created using race as the predominant factor as mandated by the IVRA. Am. Compl. ¶¶ 6, 168-69, 176-77. He has clearly suffered an injury in fact causally connected to the impermissible racial classifications within the IVRA itself that can only be remedied by the relief requested. *United States v. Hays*, 515 U.S. 737 (1995). It does not follow, as the Defendants suggest, that under *Hays*, Plaintiff Brown would not have standing to raise a statewide challenge. Def. Mem. at 19-20. The Court in *Hays* never held that a voter within an affected district may *only* challenge their own district. Such a holding would effectively preclude any plaintiff from raising a statewide challenge. A court should be hesitant to reach that conclusion, especially in light of landmark cases like *Baker v. Carr*, 369 U.S. 186 (1962) in which the Court entertained statewide claims.

Furthermore, the Supreme Court has held that an individual, like Plaintiff Brown, who has suffered an injury as a result of the statute also has standing to challenge the constitutionality of the statute as a whole. *Bond v. U.S.*, 131 S. Ct. 2355, 2365 (2011). Therefore, Plaintiff Brown has standing to raise the facial and as-applied challenges to the IVRA alleged.

#### **IV. THE CREATION OF REPRESENTATIVE DISTRICT 96 VIOLATED THE EQUAL PROTECTION CLAUSE**

The Plaintiffs' factual allegations in Count 6 plainly state that the creators of the Representative District 96 elevated race above all other traditional redistricting principles, including the maintenance of county and municipal boundaries and communities of interest, incumbent-constituent relationships, partisan balance and the core of the previous district. Am. Compl. ¶¶ 177-189. The Supreme Court has recognized that the foregoing principles, including partisan balance, are among the traditional redistricting criteria that may not be subordinated to racial classification. *Miller v. Johnson*, 515 U.S. 900, 916 (1995); *see also* Def. Mem. at 1. By alleging that the creation of Representative District 96 lowers the partisan advantage of Republican voters in surrounding area, the Plaintiffs have not transformed this claim into a political gerrymander claim as already alleged in Count 3. The Plaintiffs are alleging that the creators of the Redistricting Plan considered the race of the communities in Springfield and Decatur as paramount to partisan makeup of the districts. These factual allegations, accepted as true, state a claim for a violation of the Equal Protection Clause. *Miller*, 515 U.S. at 916.

#### **V. PLAINTIFFS CROSS AND RADOGNO HAVE STANDING**

Defendants claim that Plaintiffs Cross and Radogno lack standing on all claims because they have sued in their official capacity as Illinois state legislators. Def. Mem. at 23-24. As a threshold matter, the Plaintiffs Cross and Radogno have sued in their capacity as Minority Leaders in the Illinois House of Representatives and the Illinois Senate, respectively. Am.

Compl. ¶¶ 2, 3. The Illinois Constitution of 1970 recognizes the Minority Leader as the leader of the numerically strongest political party other than party of the Speaker of the Illinois House or Senate. IL CONST. 1970, art. IV, § 6(c). The Minority Leaders of the House and Senate serve an important function within the General Assembly as the primary voice of the Republican caucuses and Republican voters throughout the state. Am. Compl. ¶¶ 2, 3.

In order to have standing, Plaintiffs Cross and Radogno must allege that they have suffered an actual injury that is fairly traceable to the Defendants' actions and can be remedied by the relief sought. *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 560-61 (1992). As alleged in the Amended Complaint, the Redistricting Plan created by the Democratic Caucuses systematically and unequally burdens the ability of Leaders Cross and Radogno to carry out their constitutionally prescribed duty of representing the interests of their caucuses and Republican voters throughout the State. Am. Compl. ¶¶ 2, 3, 147. It does so by fracturing Republican voters, diluting Republican voting strength, severing Republican incumbent-electorate relationships, burdening Republican expressive association, and guaranteeing a Democratic majority in each house of the General Assembly for at least the next decade. Am. Compl. ¶¶ 2, 3, 139-153, 162-165. The Plaintiffs seek to enjoin the Defendants from conducting future elections under the Redistricting Plan and to have a new map drawn that comports with all constitutional requirements. Am. Compl. at 29-30. This relief would undoubtedly restore Plaintiffs Cross' and Radogno's ability to carry out their constitutional and statutory duties to represent the interests of their caucuses and Republican voters throughout the state.

By the defendants' own concession, Plaintiffs Cross' and Radogno's interests are substantially aligned with those of the Illinois Republican Party. *See* Defendants' Response to Illinois Republican Party's Petition to Intervene, at 6 ("The IRP is hard-pressed to explain how

its interests deviate so dramatically that counsel for the current parties cannot adequately represent its interests.”). It is well established that political parties have standing to vindicate their constitutionally protected competitive and expressive interests. For instance, the Supreme Court has consistently recognized the standing of political parties and organizing committees to raise First Amendment challenges to regulations of the electoral process. *See, e.g., Republican Party of Minnesota v. White*, 536 U.S. 765 (2002); *California Democratic Party v. Jones*, 530 U.S. 567 (2000); *Eu v. San Francisco Democratic Cent. Committee*, 489 U.S. 214 (1989). Like the plaintiffs in those cases, Leaders Cross and Radogno seek nothing more than to uphold the interests in expressive association and political competitiveness that they are duty-bound to protect.

Defendants’ reliance on *Raines v. Byrd*, 521 U.S. 811 (1997), is misplaced. Def. Mem. at 23-24. *Raines* held that individual members of Congress who had voted against the Line Item Veto Act lacked standing to challenge that Act in federal court. 521 U.S. at 821. Thus, as the Supreme Court emphasized, the plaintiffs based their claim on “a type of institutional injury (the diminution of legislative power), *which necessarily damages all Members of Congress and both Houses of Congress equally.*” *Id.* at 821 (emphasis added). *See also Id.* at 824 n.7 (plaintiffs were “unable to show that their vote was denied or nullified *in a discriminatory manner.*”) (emphasis added). By contrast, here, the Plaintiffs Cross and Radogno allege that the entire purpose and effect of the redistricting plan was discriminatory: namely, the singling out for special burdens of the caucuses they are authorized by the Illinois Constitution and state law to lead and represent. Am. Compl. ¶¶ 2, 3, 147-148. Moreover, the *Raines* court emphasized that members of Congress retained the ability to amend the Line Item Veto Act -- or exempt future legislation from its dictates -- by a simple majority vote. *Id.* at 824. Again, the contrast with this

case is stark. Because of the entrenched harms imposed by the Redistricting Plan, the caucuses led by Plaintiffs Radogno and Cross will be deprived of the ability to compete on a level playing field in the marketplace of political ideas for at least a decade unless this court orders injunctive relief.

The Defendants' emphasis on *Quilter v. Voinovich*, 981 F. Supp. 1032 (N.D. Oh. 1997) is equally inapposite. As the Defendants themselves describe, *Quilter* involved an attempt by the minority members of a state agency to use the federal courts to reverse a vote that had already been taken within the agency. Def. Mem. at 23-24. Here, Plaintiffs Cross and Radogno seek to enjoin a Redistricting Plan that will harm the interests of their respective caucuses throughout the state for years to come.<sup>4</sup> Accordingly, Cross and Radogno have standing to bring the claims set forth in the Amended Complaint.

### CONCLUSION

Against that backdrop, Defendants' motion to dismiss must be denied.

/s/-----Phillip A. Luetkehans-----  
One of the Attorneys for Plaintiffs Christine  
Radogno, Veronica Vera, Elidia Mares and Edwin  
Tolentino

/s/ -----Andrew Sperry-----  
One of the Attorneys for Plaintiffs Thomas Cross,  
Adam Brown, Chloe Moore, Joe Trevino, Angel  
Garcia

---

<sup>4</sup>*Nevada Com'n on Ethics v. Carrigan*, 131 S. Ct. 2343 (2011), stands for precisely the opposite proposition to the one for which it is cited by the Defendants. Defendants' Mem. at 23. The Court in *Carrigan* tacitly found, by reaching the merits, that a city council member had standing to raise a First Amendment challenge.

/s/-----Thomas M. Leinenweber-----  
One of the Attorneys for Plaintiffs Thomas Cross,  
Adam Brown, Chloe Moore, Joe Trevino, Angel  
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E-filed: September 6, 2011

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August 29, 2011

\* ADMITTED IN MICHIGAN ALSO  
\*\* ADMITTED IN WISCONSIN ONLY

Hon. Judge Elaine Bucklo  
United States District Court  
Northern District of Illinois  
219 S. Dearborn St., Chambers 1446  
Chicago, IL 60604

Hon. Diane Sykes  
United States Court of Appeals  
Seventh Circuit  
219 S. Dearborn St., Room 2722  
Chicago, IL 60604

Hon. Philip Simon  
United States District Court  
Northern District of Indiana  
5400 Federal Plaza, Suite 4400  
Hammond, IN 46320

**Re: *Radogno, et al. v. Illinois State Board of Elections, et al.***  
**Case No. 11-cv-4884**

Dear Judges Bucklo, Simon and Sykes,

The parties met via telephone conference for the Rule 26(f) Planning Meeting. The parties are in disagreement over the trial date. Obviously, the rest of the dates flow from the trial date. Accordingly, the parties have each attached their own Proposed Report and suggest that this issue be discussed more thoroughly at tomorrow's status conference.

Respectfully



Andrew Sperry  
Counsel for the Plaintiffs

ATS

cc: All Counsel of Record (via e-mail)

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

CHRISTINE RADOGNO, in her official  
capacity as Minority Leader of the Illinois  
Senate, et al.,

Plaintiffs,

vs.

ILLINOIS STATE BOARD OF  
ELECTIONS, et al.,

Defendants.

Case No. 1:11-cv-04884

Judge Elaine E. Bucklo

Judge Philip Simon

Circuit Judge Diane Sykes

Magistrate Judge Geraldine Soat Brown

**PLAINTIFFS' PROPOSED REPORT OF PARTIES' PLANNING MEETING**

Plaintiffs CHRISTINE RADOGNO, THOMAS CROSS, ADAM BROWN, VERONICA VERA, CHLOE MOORE, JOE TREVINO, ANGEL GARCIA, ELIDIA MARES and EDWIN TOLENTINO ("Plaintiffs"), and Defendants ILLINOIS STATE BOARD OF ELECTIONS, RUPERT BORGS MILLER, HAROLD BYERS, BRYAN SCHNEIDER, BETTY COFFRIN, ERNEST GOWEN, WILLIAM MCGUFFRAGE, JUDITH RICE, CHARLES SCHOLZ and JESSE SMART by and through their respective counsel of record, hereby jointly submit their Report of the Parties' Planning Meeting, and state as follows:

1. **Meeting** – Pursuant to FED. R. CIV. P. 26(f), a teleconference meeting was held on **August 29, 2011 at 11:00 am** and was attended by:

**Plaintiffs' Counsel:** Philip Luetkehans, SCHIROTT, LUETKEHANS & GARNER, P.C.

Thomas Leinenweber and Peter Baroni, LEINENWEBER, BARONI & DAFFADA, LLC

Andrew Sperry, LAROSE & BOSCO, LTD

**Defendants' Counsel:** Richard J. Prendergrast, Ltd., and Michael Laydon, RICHARD J. PENDERGRAST, LTD.

Michael J. Kasper, Special Assistant Attorney General

Brent Stratton, OFFICE OF THE ILLINOIS ATTORNEY  
GENERAL

David Ellis, Special Assistant Attorney General

Eric Madiar, Special Assistant Attorney General

2. **Pretrial Schedule:** The parties jointly propose to the court the following discovery plan:

Plaintiffs to amend pleadings by **14 days after this Court's ruling on the Defendants' Motion to Dismiss**

Plaintiffs to add any additional parties by **14 days after this Court's ruling on the Defendants Motion to Dismiss**

Defendants to amend pleadings by DATE

Defendants to add any additional parties by DATE

3. **Discovery:** Discovery will be needed on the following subjects: The redistricting plans developed by the Office of the Speaker of the Illinois House of Representatives and the Office of the Illinois Senate including but not limited to Public Act 97-0006.

- a. Disclosures pursuant to FED. R. CIV. P. 26(a)(1) to be made by September 15, 2011

Fact discovery to be commenced in time to be completed by **December 1, 2011**

- b. The parties expect that they will need approximately 10 depositions.

- c. Due Dates for Reports from retained experts under Rule 26(a)(2):

Date for Plaintiffs and Defendants to comply with FED. R. CIV. P. 26(a)(2):

**November 1, 2011**

Date for Plaintiffs to file Rebuttal Reports to any Retained Experts:

**January 2, 2012**

Date for All expert discovery to be completed by: **January 17, 2012**

- d. All potentially dispositive motions should be filed by December 15, 2011

- e. Due Dates for Final Pretrial Order:

Plaintiffs to prepare proposed draft by: **January 24, 2012**

Parties to file joint final pretrial order by: **February 7, 2012**

f. The case should be ready for trial by February 15, 2011 and at this time is expected to take 4 days

4. **Settlement** – Counsel for the parties have not discussed possible settlement opportunities. The parties reserve the right to explore settlement discussions at a future date.

5. **Consent** – The parties do not consent unanimously to proceed before a Magistrate Judge

DATE \_\_\_\_\_

**Plaintiffs' Counsel**

**Defendants' Counsel**

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**REPORT OF PARTIES' PLANNING MEETING**

CHRISTINE RADOGNO, in her official capacity )  
 as Minority Leader of the Illinois Senate, )  
 THOMAS CROSS, in his official capacity as )  
 Minority Leader of the Illinois House of )  
 Representatives, ADAM BROWN, in his official )  
 capacity as a state representative from the 101<sup>st</sup> )  
 Representative District and individually as a )  
 registered voter, VERONICA VERA, CHOLE )  
 MOORE, JOE TREVINO, ANGEL GARCIA, )  
 ELIDIA MARES, and EDWIN TOLENTINO, )

Plaintiffs, )

vs )

ILLINOIS STATE BOARD OF ELECTIONS, )  
 RUPERT BORGS MILLER, Executive Director of )  
 the Illinois State Board of Elections, HAROLD D. )  
 BYERS, BRYAN A. SCHNEIDER, BETTY J. )  
 COFFRIN, ERNEST C. GOWEN, WILLIAM F. )  
 McGUFFAGE, JUDITH C. RICE, CHARLES W. )  
 SCHOLZ, and JESSE R. SMART, all named in )  
 their official capacities as members of the Illinois )  
 State Board of Elections, )

Defendants. )

No. 1:11-cv-04884

Judges Sykes, Bucklo and Simon

(3-judge court convened pursuant to 28  
 U.S.C. § 2284)

1. **Meeting.** Pursuant to Fed. R. Civ. P. 26(f), a telephone conference was held on 08/29/11 by counsel for the parties.

2. **Pretrial Schedule.** The Defendants propose to the Court the following discovery plan:

Plaintiffs to amend pleadings by 7 days following the Court's decision regarding Defendants' motion to dismiss.

Plaintiffs to add any additional parties by 7 days following the Court's decision regarding Defendants' motion to dismiss.

Defendants to amend pleadings by 14 days following the Court's decision regarding Defendants' motion to dismiss.

Defendants to add any additional parties by 14 days following the Court's decision regarding Defendants' motion to dismiss.

3. **Discovery.** Discovery will be needed on the following subjects: Defendants may initiate limited discovery in response to discovery sought by Plaintiffs.
- (a) Disclosures pursuant to Fed. R. Civ. P. 26(a)(1) to be made by 09/09/11. Fact discovery to be commenced in time to be completed by 09/30/11.
  - (b) The defendants believe that no more than 5-6 depositions, including experts will be needed.
  - (c) Reports from retained experts under Rule 26(a)(2) due:  
Date for Plaintiffs to comply with FRCP(26)(1)(2): 10/7/11  
Date for Defendants to comply with FRCP(26)(1)(2): 10/21/11  
All expert discovery to be completed by: 10/28/11.
  - (d) All potentially dispositive motions should be filed by 10/28/11.
  - (e) Final pretrial order: Plaintiffs to prepare proposed draft by 10/31/11; parties to file joint final pretrial order by 11/11/11.
  - (f) The case should be ready for trial by 11/29/11 and at this time is expected to take approximately 3-4 days.
4. **Settlement.** At least 14 days prior to the Rule 16(b) scheduling conference, Plaintiffs are directed to make a written demand to the Defendants. At least 7 days prior to the scheduling conference, Defendants are to respond in writing to the Plaintiffs' settlement demand.
5. **Consent.** Defendants do not consent unanimously to proceed before a Magistrate Judge.

Date: August 29, 2011

Respectfully Submitted:

By: /s/ Richard J. Prendergast  
One of the Attorneys for Defendants Illinois  
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(Amended October 5, 2011)



# **STATE OF ILLINOIS**

## **ELECTION AND CAMPAIGN FINANCE CALENDAR**

**2012**

**COMPILED BY  
THE STATE BOARD OF ELECTIONS**

## 2012 ELECTION CALENDAR

Amended October 5, 2011

### NEW OR CHANGED DATES

**TUESDAY, SEPTEMBER 6, 2011** changed wording – EXCEPTION: Established Party Presidential, delegate and alternate delegate candidates.

**SATURDAY, OCTOBER 8, 2011** instead of Tuesday, September 6, 2011 – first day to circulate nomination papers for the Republican candidates for President, delegate and alternate delegate who file January 3 – 6, 2012.

**MONDAY, NOVEMBER 28, 2011** changed wording – EXCEPTION: Established Party Presidential, delegate and alternate delegate candidates.

**MONDAY, DECEMBER 5, 2011** changed wording – EXCEPTION: Established Party Presidential, delegate and alternate delegate candidates.

**WEDNESDAY, DECEMBER 14, 2011** new entry – last day for the State Board of Elections to certify to the county clerks the number of Democratic and Republican delegates and alternate delegates to be elected from each Congressional District and the number to be elected at large from the State or to be chosen at the State Party Convention.

**SATURDAY, DECEMBER 31, 2011** new entry – last day the State Board of Elections shall certify unit school districts and counties to the appropriate election authorities after receiving the list by the regional superintendent of schools.

**TUESDAY, JANUARY 3, 2012** instead of Monday, November 28, 2011 – first day for Republican Presidential Preference, delegate and alternate delegate candidates to file original petitions in the principal office of the State Board of Elections.

**FRIDAY, JANUARY 6, 2012** instead of Monday, December 5, 2011 – last day for Republican Presidential Preference, delegate and alternate delegate candidates to file original petitions in the principal office of the State Board of Elections.

**MONDAY, JANUARY 9, 2012** changed wording – last day for written notice of the time and place for conducting lottery for ballot placement for **Presidential Preference, delegate and alternate delegate candidates** shall be given when two (2) or more petitions are received simultaneously for the same office and party, as of the opening hour of the filing period, JANUARY 3, 2012. Notice shall also be posted.

**FRIDAY, JANUARY 13, 2012** changed wording – last day for filing objections to the nomination papers of **Presidential Preference, delegate and alternate delegate candidates** in the office of the State Board of Elections who filed JANUARY 3 – 6, 2012.

**TUESDAY, JANUARY 17, 2012** new entry – last day for Republican Presidential candidate or his authorized agent to file an affidavit with the State Board of Elections designating which delegate and alternate delegate candidates shall be listed as committed to him when more candidates that have been allocated to a district file statements designating the same Presidential candidate as their preference. The remaining candidates will be listed as uncommitted.

## PREFACE

THIS CALENDAR INCLUDES ALL OFFICES TO BE NOMINATED AND/OR ELECTED AT THE FEDERAL, STATE AND COUNTY PRIMARY ELECTIONS IN MARCH AND AT THE GENERAL ELECTION IN NOVEMBER.

THE FOLLOWING DEFINITIONS ARE EMPLOYED AS RELATED TO THIS CALENDAR:

**"ELECTION AUTHORITY"** - THE COUNTY CLERK, THE MUNICIPAL BOARD OF ELECTION COMMISSIONERS OR THE COUNTY BOARD OF ELECTION COMMISSIONERS.

**"LOCAL ELECTION OFFICIAL"** - THE CLERK OR SECRETARY OF A UNIT OF LOCAL GOVERNMENT OR SCHOOL DISTRICT.

THIS CALENDAR DOES NOT INCLUDE THE NOMINATION AND/OR ELECTION OF OFFICIALS OF MUNICIPALITIES, TOWNSHIPS, LIBRARIES, PARKS, SCHOOL DISTRICTS OR OTHER SPECIAL DISTRICTS.

**"BUSINESS DAY"** - ANY DAY IN WHICH THE OFFICE OF AN ELECTION AUTHORITY, LOCAL ELECTION OFFICIAL OR THE STATE BOARD OF ELECTIONS IS OPEN TO THE PUBLIC FOR A **MINIMUM** OF 7 HOURS. (10 ILCS 5/1-3)

### FILING AND REGISTRATION DATES

(A) IF THE FIRST OR LAST DAY FIXED BY LAW TO DO ANY ACT REQUIRED OR ALLOWED BY THIS CODE FALLS ON A STATE HOLIDAY OR A SATURDAY OR A SUNDAY, THE PERIOD SHALL EXTEND THROUGH THE FIRST BUSINESS DAY FOLLOWING THE DAY OTHERWISE FIXED AS THE LAST DAY FOR FILING OR THE CLOSE OF REGISTRATION, IRRESPECTIVE OF WHETHER ANY ELECTION AUTHORITY OR LOCAL ELECTION OFFICIAL CONDUCTS BUSINESS ON THE STATE HOLIDAY, SATURDAY OR SUNDAY. [10 ILCS 5/1-6(a)]

(B) FOR PURPOSES OF THIS SECTION "STATE HOLIDAY" MEANS NEW YEAR'S DAY, DR. MARTIN LUTHER KING, JR.'S BIRTHDAY, LINCOLN'S BIRTHDAY, PRESIDENT'S DAY, CASIMIR PULASKI'S BIRTHDAY, GOOD FRIDAY, MEMORIAL DAY, INDEPENDENCE DAY, LABOR DAY, COLUMBUS DAY, VETERANS' DAY, THANKSGIVING DAY, CHRISTMAS DAY, AND ANY OTHER DAY DECLARED BY THE PRESIDENT OF THE UNITED STATES OR THE GOVERNOR OF ILLINOIS TO BE A DAY DURING WHICH THE AGENCIES OF THE STATE OF ILLINOIS THAT ARE ORDINARILY OPEN TO DO BUSINESS WITH THE PUBLIC SHALL BE CLOSED FOR BUSINESS. [10 ILCS 5/1-6(b)]

**NUMBER OF SIGNATURES** - THE SPECIFIC NUMBER OF SIGNATURES REQUIRED ON A NOMINATING PETITION, AS CALCULATED BY THE ELECTION AUTHORITY OR THE LOCAL ELECTION OFFICIAL, FOR AN INDIVIDUAL TO BE A CANDIDATE FOR A SPECIFIC OFFICE. TO RECEIVE SPECIFIC SIGNATURE REQUIREMENTS, CANDIDATES SHOULD CONTACT THE ELECTION AUTHORITY OR THE LOCAL ELECTION OFFICIAL WHO IS RESPONSIBLE FOR RECEIVING THE FILING OF THE PETITION FOR NOMINATION AND/OR ELECTION TO OFFICE.

ALL CITATIONS CONTAINED HEREIN ARE "ILLINOIS COMPILED STATUTES, 2010."

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# PRIMARY ELECTION

MARCH 20, 2012

## PRESIDENTIAL PREFERENCE PRIMARY PRESIDENT OF THE UNITED STATES

### TO BE NOMINATED\*

- Representatives in Congress - All 18 Districts
- State Senators – All 59 Districts
- Representatives in the General Assembly - All 118 Districts
- Sanitary District Commissioners/Trustees  
(Prairie Dupont Levee & Sanitary District Candidates file with SBE)
- Circuit Clerks
- Recorders (in counties with a population of 60,000 or more inhabitants)
- State's Attorney
- Auditors (in counties with a population over 75,000 and under 3,000,000)
- Coroners
- Regional Superintendent of Schools (vacancies)
- County Commissioners (Counties not under township organization)
- County Board Members (Counties under township organization)
- Judges (Additional Judgeships if required)
  - Supreme Court Judges, Vacancies will be filled
  - Appellate Court Judges, Vacancies will be filled
  - Circuit Court Judges, Vacancies will be filled
  - Resident Circuit Court Judges, Vacancies will be filled
  - Subcircuit Judges, Vacancies will be filled

### TO BE ELECTED

- Delegates and Alternate Delegates (in accordance with approved Delegate Selection Plans)
- Precinct Committeemen (all counties, excluding Cook)
- Ward Committeemen (City of Chicago)

\*10 ILCS 5/7-19 Ballot Order

President of the United States, State offices, congressional offices, delegates and alternate delegates, member of sanitary district, county offices, judicial offices, municipal offices (municipalities with annual elections) precinct or ward committeemen.

**DATES GOVERNING FEDERAL, STATE,  
AND COUNTY GENERAL PRIMARY**

**GENERAL PRIMARY ELECTION**

**MARCH 20, 2012**

**10 ILCS 5/2A-1.2(a)**

**Polls open 6 a.m. – 7 p.m.**

**2011**

**TUESDAY, SEPTEMBER 6, 2011**

First day to circulate nomination papers (**must include original sheets signed by voters and circulators**) for established political party who file **NOVEMBER 28 – DECEMBER 5, 2011. (90 days preceding the last day to file nomination papers)**  
(10 ILCS 5/7-10)

(EXCEPTION: Established Party Presidential, delegate and alternate delegate candidates).

**SATURDAY, OCTOBER 8, 2011**

First day to circulate nomination papers for Democratic candidates for President and delegate who file **JANUARY 3 – 6, 2012. (90 days preceding the last day to file such papers)**  
(10 ILCS 5/7-11)

**SATURDAY, OCTOBER 8, 2011**

First day to circulate nomination papers for Republican candidates for President, delegate and alternate delegate who file **JANUARY 3 – 6, 2012. (90 days preceding the last day to file such papers)**  
(10 ILCS 5/7-11)

**THURSDAY, OCTOBER 20, 2011**

First day notice of intention to file a petition to create a political subdivision, whose officers are to be elected rather than appointed, may be published in a newspaper within the proposed political subdivision, or if none, in a newspaper of general circulation within the proposed territory.  
[10 ILCS 5/28-2(g)]

**MONDAY, NOVEMBER 21, 2011**

Last day notice of intention to file a petition to create a political subdivision, whose officers are to be elected rather than appointed, may be published in a newspaper within the proposed political subdivision, or if none, in a newspaper of general circulation within the proposed territory.  
[10 ILCS 5/28-2(g)]

**MONDAY, NOVEMBER 21, 2011**

Last day to file petitions (**must contain original sheets signed by voters and circulators**) to create a political subdivision with the appropriate officer or board.  
[10 ILCS 5/28-2(b)]

**NOTE:** The specific statutory provisions governing the creation of political subdivisions can be found in the relevant Code governing such subdivisions.

**NOTE:** Objections can be filed on or before the date of the hearing with the appropriate circuit court clerk.  
(10 ILCS 5/28-4)

**NOTE:** If initial officers are to be elected at the election for creation of a new unit of government, candidates for such offices shall file nomination papers 113-106 days before such election (NOVEMBER 28 – DECEMBER 5, 2011).  
(10 ILCS 5/10-6)

**NOTE:** The circuit court clerk shall publish the hearing date for a public policy petition filed in his/her office not later than 14 days after the petition is actually filed, but at least 5 days before actual hearing. Final orders within 7 days of hearing.  
(10 ILCS 5/28-4)

**MONDAY, NOVEMBER 28, 2011**

First day for candidates of established political parties to file **original** nomination papers (**must contain original sheets signed by voters and circulators**) in the **principal** office of the State Board of Elections for congressional, legislative and judicial offices, or for any office to be elected by the voters of more than one county.  
(10 ILCS 5/7-12(1), 8-9)

(EXCEPTION: Established Party Presidential, delegate and alternate delegate candidates).

**MONDAY, NOVEMBER 28, 2011**

First day for candidates of established political parties to file **original** nomination papers (**must contain original sheets signed by voters and circulators**) in the office of the county clerk for county offices, ward committeemen (City of Chicago), and precinct committeemen (in counties containing a population of less than 2,000,000).  
[10 ILCS 5/7-12(2), 7-12(5)]

**WEDNESDAY, NOVEMBER 30, 2011**

Last day to file objections to petition to create a political subdivision in the office of the appropriate officer, board or circuit court.  
(10 ILCS 5/10-8, 28-4)

**WEDNESDAY, NOVEMBER 30, 2011**

Last day for chairmen of the county central committees of the two major parties to submit a list to the election authority of applicants for additional deputy registrars.  
(10 ILCS 5/4-6.2, 5-16.2, 6-50.2)

**MONDAY, DECEMBER 5, 2011**

Last day by **(5:00 p.m.)** for candidates of established political parties to file **original** nomination papers **(must contain original sheets signed by voters and circulators)** in the **principal** office of the State Board of Elections for congressional, legislative and judicial offices, or for any office to be elected by the voters of more than one county.  
[10 ILCS 5/1-4, 7-12(1), 8-9]

(EXCEPTION: Established Party Presidential, delegate and alternate delegate candidates).

**MONDAY, DECEMBER 5, 2011**

Last day **(by 5:00 p.m.)** for candidates of established political parties to file **original** nomination papers **(must contain original sheets signed by voters and circulators)** in the office of the county clerk for county offices, ward committeemen (City of Chicago), and precinct committeemen (in counties containing a population of less than 2,000,000).  
[10 ILCS 5/1-4, 7-12(2), 7-12(5)]

**MONDAY, DECEMBER 5, 2011**

Last day for filing a Statement of Economic Interests with the proper office as required by the Illinois Governmental Ethics Act. Candidates who file petitions with the county clerk and have a current economic interest statement on file for the same office with the same county do not have to file an additional receipt. Candidates who file petitions with the State Board of Elections must file a current receipt for the same office with the petitions. The **receipt**, if required, must be filed no later than 5:00 p.m.  
[5 ILCS 420/4A-105, 10 ILCS 5/7-12(8)]

(EXCEPTION: Candidates for federal and party offices, i.e. candidates for Representatives in Congress, precinct committeemen and ward committeemen are not required to file an Economic Interest Statement.)

**WEDNESDAY, DECEMBER 7, 2011**

Last day for written notice of the time and place for conducting lottery shall be given when two (2) or more petitions are received simultaneously for the same office and party as of the opening hour of the filing period, NOVEMBER 28, 2011. (There must be 7 days written notice given. If the lottery is to be held on the last statutory date, DECEMBER 14, the last day to give notice is DECEMBER 7.) The State Board of

Elections shall give notice to the chairman of each established political party, and by the Election Authority to the chairman of each political party and to each organization of citizens within the election jurisdiction entitled to have pollwatchers present at the last preceding election. Notice must also be posted at the entrance of each office.  
[10 ILCS 5/7-12(6)]

**SUNDAY, DECEMBER 11, 2011**

Last day for the Regional Superintendent of Schools to certify to the State Board of Elections a list of each unit school district under his or her supervision and control and a listing of each county in which all or any part of each of those districts is located.  
(105 ILCS 5/3-1.1)

**MONDAY, DECEMBER 12, 2011**

Last day State Board of Elections shall certify a list of facilities licensed or certified under the Nursing Home Care Reform Act or the MR/DD Community Care Act, to the proper election authority. The list shall indicate bed capacity and the chief administrator of each such facility.  
(10 ILCS 5/19-12.2)

**MONDAY, DECEMBER 12, 2011**

Last day for an individual who has filed, during the **NOVEMBER 28 – DECEMBER 5, 2011** filing period, for 2 or more **incompatible offices** to withdraw from all but one of the offices (with the State Board of Elections or with whichever election authority the nomination papers were originally filed). An elected party office in an established political party is not incompatible with any elected public office.  
(10 ILCS 5/7-12(9), 10-7)

**MONDAY, DECEMBER 12, 2011**

Last day for filing objections to the nomination papers of all candidates who filed during the **NOVEMBER 28 – DECEMBER 5, 2011** filing period. Objections are filed in the office of the State Board of Elections or the county clerk (with whichever election authority the nomination papers were originally filed).  
(10 ILCS 5/7-12.1, 7-13, 10-8)

**NOTE: For procedures on objections, see page 53.**

**WEDNESDAY, DECEMBER 14, 2011**

Last day lottery shall be conducted by the election authority or the State Board of Elections when two (2) or more petitions are received simultaneously for the same office and party, as of the opening hour of the filing period, NOVEMBER 28, 2011.  
[10 ILCS 5/7-12(6)]

**WEDNESDAY, DECEMBER 14, 2011**

Last day for the State Board of Elections to certify to the county clerks the number of Democratic and Republican delegates and alternate delegates to be elected from each Congressional District and the number to be elected at large from the State or to be chosen at the State Party Conventions.

(10 ILCS 5/7-14.1)

**THURSDAY, DECEMBER 15, 2011**

First day for election authority to submit updated voter registration information to the State Board of Elections.

(10 ILCS 5/4-8, 5-7, 6-35)

**MONDAY, DECEMBER 19, 2011**

First day for candidates of established political parties to file **original** nomination papers (**must contain original sheets signed by voters and circulators**) in the principal office of the State Board of Elections for judicial vacancies which occurred during the 3 week period prior to the 106th day before the General Primary (NOVEMBER 14 – DECEMBER 5, 2011).

[10 ILCS 5/7-12(1)]

**MONDAY, DECEMBER 19, 2011**

Last day for filing petitions (**must contain original sheets signed by voters and circulators**) for referenda for the submission of questions of public policy (local). Objections to petitions for local referenda are filed with the same officer in which the original petitions were filed.

(10 ILCS 5/28-2(a), 28-6, 28-7)

(EXCEPTION: proposition to create a political subdivision, referenda held under the provisions Article IX of the Liquor Control Act, and Section 18-120 of the Property Tax Code.)

**WEDNESDAY, DECEMBER 21, 2011**

Last day for election authorities to complete any systematic program to remove ineligible voters from the voting roles prior to the MARCH 20, 2012 General Primary Election.

[42 USC 1973gg-6(c)(2)(A)]

**TUESDAY, DECEMBER 27, 2011**

Last day for candidates of established political parties to file **original** nomination papers (**must contain original sheets signed by voters and circulators**) in the principal office of the State Board of Elections for judicial vacancies which occurred during the period NOVEMBER 14 – DECEMBER 5, 2011.

[10 ILCS 5/7-12(1)]

**TUESDAY, DECEMBER 27, 2011**

Last day for candidates who file nomination papers during the special judicial filing period, (**DECEMBER 19 – 27, 2011**), to file a Statement of Economic Interests with the

Secretary of State as required by the Illinois Governmental Ethics Act. Candidates who file petitions with the State Board of Elections must file a current **receipt** for the same office with the State Board no later than 5:00 p.m.  
[5 ILCS 420/4A-105, 10 ILCS 5/7-12(8)]

**TUESDAY, DECEMBER 27, 2011**

Last day to file objections to petitions for the submission of questions of public policy (local). Objections to petitions for local referenda are filed with the same office that has the original petitions.  
(10 ILCS 5/10-8, 28-4)

(EXCEPTION: proposition to create a political subdivision, referenda held under the provisions of Article IX of the Liquor Control Act, and Section 18-120 of the Property Tax Code.)

**NOTE: For procedures on objections, see page 53.**

**TUESDAY, DECEMBER 27, 2011**

Last day for election authorities to submit updated voter registration information to the State Board of Elections.  
(10 ILCS 5/4-8, 5-7, 6-35)

**THURSDAY, DECEMBER 29, 2011**

Last day for written notice of the time and place for conducting lottery shall be given when two (2) or more petitions are received simultaneously for the same office and party as of the opening hour of the filing period, DECEMBER 19, 2011 (special judicial filing period). Notice shall be given by the State Board of Elections to the chairman of each established political party. Notice must also be posted.  
[10 ILCS 5/7-12(6)]

**SATURDAY, DECEMBER 31, 2011**

Last day the State Board of Elections shall certify unit school districts and counties to the appropriate election authorities after receiving the list certified by the regional superintendent of schools.  
(105 ILCS 5/3-1.1)

**2012**

**TUESDAY, JANUARY 3, 2012**

First day any voter who is a member of the United States Service and his spouse and dependents of voting age who expect to be absent from their county of residence on election day to make a written application for an official ballot to the election authority having jurisdiction over their residence. Members of the Armed Forces may make application via facsimile machine or other method of electronic transmission.  
(10 ILCS 5/20-2, 20-2.3, 20-3)

**NOTE: No registration shall be required to vote pursuant to this section.**

**TUESDAY, JANUARY 3, 2012**

First day for citizens of the United States temporarily residing outside the territorial limits of the United States who are not registered but otherwise qualified to vote and who expect to be absent from their county of residence on election day to make simultaneous application to the election authority having jurisdiction over their precinct of residence for absentee registration and an absentee ballot.  
(10 ILCS 5/20-2.1, 20-3)

**NOTE: Absentee registration shall be required for citizens temporarily residing outside the United States in order to vote the entire ballot.**

**TUESDAY, JANUARY 3, 2012**

First day any nonresident civilian citizen otherwise qualified to vote, to make application to the election authority having jurisdiction over his precinct of former residence for an absentee ballot containing the Federal offices only.  
(10 ILCS 5/20-2.2, 20-5)

**NOTE: Such application may be made only on the official Federal postcard and no registration shall be required.**

**TUESDAY, JANUARY 3, 2012**

First day for Democratic Presidential Preference and delegate candidates to file **original** petitions (**must contain original sheets signed by voters and circulators**) in the principal office of the State Board of Elections.  
[10 ILCS 5/7-12(1)]

**TUESDAY, JANUARY 3, 2012**

First day for Republican Presidential Preference, delegate and alternate delegate candidates to file **original** petitions (**must contain original sheets signed by voters and circulators**) in the principal office of the State Board of Elections.  
[10 ILCS 5/7-12(1)]

**TUESDAY, JANUARY 3, 2012**

Last day for local governing boards to adopt a resolution or ordinance to allow **binding** public questions to appear on the ballot.  
[10 ILCS 5/28-2(c)]

**TUESDAY, JANUARY 3, 2012**

Last day for County, Municipal, School, Township and Park Boards to adopt a resolution to allow **advisory** public questions to appear on the ballot.  
(55 ILCS 5/5-1005.5; 60 ILCS 1/80-80; 65 ILCS 5/3.1-40-60; 70 ILCS 1205/8-30; 105 ILCS 5/9-1.5)

**WEDNESDAY, JANUARY 4, 2012**

Last day for filing objections to the nomination papers of candidates who filed petitions with the State Board of Elections for judicial office during the period **DECEMBER 19 – 27, 2011.**

(10 ILCS 5/7-12.1, 10-8)

**NOTE: For procedures on objections, see page 53.**

**WEDNESDAY, JANUARY 4, 2012**

Last day for individual who has filed for 2 or more incompatible offices during the DECEMBER 19 – 27, 2011 (or having filed for one office during the NOVEMBER 28 – DECEMBER 5, 2011 filing period and a second incompatible office during the DECEMBER 19 – 27, 2011 filing period) to withdraw from all but one of the offices in the office of the State Board of Elections.

[10 ILCS 5/7-12(9)]

**THURSDAY, JANUARY 5, 2012**

Last day lottery shall be conducted by the State Board of Elections when two or more petitions are received simultaneously for the same office and party as of the opening of the filing period, DECEMBER 19, 2011 (special judicial filing period).

[10 ILCS 5/7-12(6)]

**FRIDAY, JANUARY 6, 2012**

Last day for Democratic Presidential Preference and delegate candidates to file **original** petitions (**must contain original sheets signed by voters and circulators**) in the principal office of the State Board of Elections.

[10 ILCS 5/7-12(1)]

**FRIDAY, JANUARY 6, 2012**

Last day for Republican Presidential Preference, delegate and alternate delegate candidates to file **original** petitions (**must contain original sheets signed by voters and circulators**) in the principal office of the State Board of Elections.

[10 ILCS 5/7-12(1)]

**MONDAY, JANUARY 9, 2012**

Last day for written notice of the time and place for conducting lottery for ballot placement for Presidential Preference, delegate and alternate delegate candidates shall be given when two (2) or more petitions are received simultaneously for the same office and party, as of the opening hour of the filing period, JANUARY 3, 2012. Notice shall also be posted.

[10 ILCS 5/7-12(6)]

**TUESDAY, JANUARY 10, 2012**

Last day for Democratic Presidential candidate or his authorized agent to file an affidavit with the State Board of Elections and the State Party Chair designating which delegate candidates shall be listed as committed to him when more candidates than have been allocated to a district file statements designating the same Presidential candidate as their preference for President. The delegate candidates who are not designated by the candidates shall not be certified to the ballot.

[10 ILCS 5/1A-8(14); Delegate Selection Rules for the 2012 Democratic National Convention, Rule 12; Illinois Delegate Selection Plan for the 2012 Democratic National Convention, Section III, A.5.b.]

**THURSDAY, JANUARY 12, 2012**

Last statutory day for candidates of established political parties to file withdrawal of nomination papers in the office of the State Board of Elections.

[10 ILCS 5/7-12(9)]

**THURSDAY, JANUARY 12, 2012**

Last day for the State Board of Elections shall certify the names of candidates to the county clerks.

(10 ILCS 5/7-14, 8-10)

**THURSDAY, JANUARY 12, 2012**

Last day for the circuit clerk and the local election official to certify any **binding** public question or **advisory** referenda to the election authority having jurisdiction over the political subdivision.

(10 ILCS 5/28-5)

**THURSDAY, JANUARY 12, 2012**

Last day for the county clerk to certify to the board of election commissioners any referenda to be submitted to the voters in its jurisdiction.

(10 ILCS 5/28-5)

**FRIDAY, JANUARY 13, 2012**

Last day for an individual who has filed, during the JANUARY 3 – 6, 2012 filing period, for 2 or more **incompatible offices** to withdraw from all but one of the offices with the State Board of Elections.

[10 ILCS 5/7-12(9)]

**FRIDAY, JANUARY 13, 2012**

Last day for filing objections to the nomination papers of Presidential Preference, delegate and alternate delegate candidates in the office of the State Board of Elections who filed JANUARY 3 – 6, 2012.

(10 ILCS 5/7-12.1)

**NOTE: For procedures on objections, see page 53.**

**TUESDAY, JANUARY 17, 2012**

Last day for Republican Presidential candidate or his authorized agent to file an affidavit with the State Board of Elections designating which delegate and alternate delegate candidates shall be listed as committed to him when more candidates than have been allocated to a district file statements designating the same Presidential candidate as their preference. The remaining candidates will be listed as uncommitted.  
(10 ILCS 5/7-10.3)

**TUESDAY, JANUARY 17, 2012**

Last day lottery shall be conducted by the State Board of Elections when two or more petitions are received simultaneously for the same office and party as of the opening of the filing period, JANUARY 3, 2012.  
[10 ILCS 5/7-12(6)]

**WEDNESDAY, JANUARY 18, 2012**

Last day for candidates of established political parties to file withdrawal of nomination papers in the office of the county clerk.  
(10 ILCS 5/7-12(9), 7-14)

**WEDNESDAY, JANUARY 18, 2012**

Last day for the county clerk to certify to the board of election commissioners the names of candidates to be voted for in its jurisdiction.  
(10 ILCS 5/7-14)

**THURSDAY, JANUARY 19, 2012**

Last day a person may file a notarized Declaration of Intent to be a write-in candidate with the proper election authority or authorities (appropriate county clerk(s) and/or board(s) of election commissioners.) **Write-ins shall be counted only for persons who have filed the Declaration of Intent. Write-in declarations are NOT filed with the State Board of Elections.**  
[10 ILCS 5/7-59(b)]

**FRIDAY, JANUARY 20, 2012**

Last day the election authority shall provide public notice, calculated to reach the elderly and handicapped voter, of the registration and voting aids under the Federal Voting Accessibility for the Elderly and Handicapped Act, of the availability of assistance in marking the ballot, procedures for voting by absentee ballot, and procedures for early voting by personal appearance.  
(10 ILCS 5/7-15)

**FRIDAY, JANUARY 20, 2012**

Last day for the election authority to publish notice that **new** mechanical or electronic voting devices will be used for the first time at the General Primary Election.  
(10 ILCS 5/24-1.1, 24A-3, 24B-3; 24C-3)

**FRIDAY, FEBRUARY 3, 2012**

Last day for the election authority to have in his office a sufficient number of ballots printed and available for mailing to persons in the United States Service or their spouse and dependents, citizens temporarily residing outside the territorial limits of the United States and nonresident civilians.

(10 ILCS 5/7-16, 16-5.01)

**NOTE:** Pursuant to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA), as amended by the Military and Overseas Voter Empowerment Act (the MOVE Act), absentee ballots requested by military and overseas voters must be transmitted at least 45 days before a federal election. 42 U.S.C. § 1973ff-1(g). Please be advised that the 45 day UOCAVA deadline may not be extended under any circumstances; therefore, although the 45 day deadline falls on a Saturday, military and overseas absentee ballots **MUST** be mailed by that date. An election authority that waits until the first business day following the 45 day deadlines to mail military and overseas ballots will be considered in violation of UOCAVA.

**MONDAY, FEBRUARY 6, 2012**

Last day the election authority shall notify the municipal, township and road district clerks within its jurisdiction if they are to conduct in-person absentee voting.

(10 ILCS 5/19-2.1)

**THURSDAY, FEBRUARY 9, 2012**

First day for any registered voter presently within the United States, to make application **by mail** or **in person** to the election authority for an official ballot.

(10 ILCS 5/19-2)

**THURSDAY, FEBRUARY 9, 2012**

Last day for civic organizations (which have as a stated purpose the investigation or prosecution of election fraud) and proposition proponents or opponents to register their names and address and the names and addresses of their principal officers with the proper election authority to qualify to have pollwatchers for the General Primary Election.

(10 ILCS 5/7-34)

**SUNDAY, FEBRUARY 19, 2012**

**MONDAY, FEBRUARY 20, 2012**

**TUESDAY, FEBRUARY 21, 2012**

The days for filing Lodging House Affidavits with boards of election commissioners. *(The National Voter Registration Act of 1993 may prohibit enforcement of this provision.)*

(10 ILCS 5/6-56)

**TUESDAY, FEBRUARY 21, 2012**

First day for the election authority to publish a notice of any question of public policy to be voted upon within the jurisdiction.  
(10 ILCS 5/12-5)

**TUESDAY, FEBRUARY 21, 2012**

First day for election authority to publish (1) the location of each permanent and temporary site for early voting and the precincts served by each location, and (2) the dates and hours that early voting will be conducted at each location. The election authority shall publish this information at least once a week during the statutory period for early voting. If the election authority maintains a website, he or she shall make the schedule available on its website.  
[10 ILCS 19A-25(a)]

**TUESDAY, FEBRUARY 21, 2012**

First day for the election authority to send an official ballot for Federal offices only, upon receipt of either an application for absentee registration or an application for absentee ballot, to citizens of the United States who are temporarily residing outside the territorial limits of the United States.  
(10 ILCS 5/20-2.1, 20-3)

**NOTE: Unregistered citizens temporarily residing outside the territorial limits of the United States who make an application for an absentee registration and/or absentee ballots after 30 days but not less than 10 days (FEBRUARY 21 – MARCH 10, 2012) prior to Election Day, shall be sent the Federal offices ballot only.**

**TUESDAY, FEBRUARY 21, 2012**

Last day for the election authority to arrange with nursing home administrators the date and time to conduct in-person absentee voting in such facility and to post a notice in the office of the election authority of all such arrangements.  
(10 ILCS 5/19-12.2)

**TUESDAY, FEBRUARY 21, 2012**

Last day for citizens of the United States temporarily residing outside the United States who are not registered to vote but otherwise qualified to vote and who expect to be absent from their county of residence on election day to make a simultaneous application to the election authority having jurisdiction over their precinct of residence for absentee registration and an absentee ballot.  
(10 ILCS 5/20-2.1, 20-3)

**NOTE: To receive the full ballot, applications should be in the hands of the election authority no later than 30 days before the election.**

**NOTE: Registration is not required in order to vote a ballot containing Federal offices only.**

**TUESDAY, FEBRUARY 21, 2012**

Last day for registration or transfer of registration within the offices of the election authority. **Precinct registration may apply to the City of Chicago and Cook County. Please check with these jurisdictions for registration deadlines.**  
(10 ILCS 5/4-6, 4-16, 5-5, 5-23, 6-29, 6-50, 6-53, 6-54)

**NOTE: UNDER THE PROVISIONS OF NVRA, AGENCY AND MOTOR VEHICLE OFFICES WILL CONTINUE TO ACCEPT REGISTRATION AFTER THE STATUTORY CLOSE OF REGISTRATION. ONLY THOSE REGISTRATION APPLICATIONS COMPLETED NO LATER THAN 27 DAYS BEFORE THE ELECTION WILL BE PROCESSED FOR THE NEXT ENSUING ELECTION. APPLICATIONS FOR REGISTRATION COMPLETED WITHIN 5 DAYS OF REGISTRATION DEADLINE AT SECRETARY OF STATE FACILITIES AND QUALIFIED AGENCIES WILL BE TRANSMITTED WITHIN 5 DAYS OF COMPLETION AND MUST BE PROCESSED FOR THE ELECTION. A MAIL REGISTRATION APPLICATION SHALL BE DEEMED TIMELY FILED IF POSTMARKED PRIOR TO THE CLOSE OF REGISTRATION. IF NO POSTMARK EXISTS OR IF THE POSTMARK IS ILLEGIBLE, THE APPLICATION SHALL BE CONSIDERED TIMELY FILED IF RECEIVED BY THE ELECTION AUTHORITY NO LATER THAN 5 CALENDAR DAYS AFTER THE CLOSE OF REGISTRATION.**

**TUESDAY, FEBRUARY 21, 2012**

Last day for registration of voters by deputy registrars, including municipal, township and road district clerks and precinct committeemen. **Precinct registration may apply to the City of Chicago and Cook County. Please check with these jurisdictions for registration deadlines.**  
(10 ILCS 5/4-6.2, 5-16.2, 6-50.2)

**NOTE: Deputy Registrars must return completed forms to the election authority within 7 days of the day on which they are completed. Deputy Registrars must return all registration materials within 48 hours of registration/cancellation if such registration/cancellation was accepted between the 35<sup>th</sup> and 28<sup>th</sup> day preceding an election.**

**WEDNESDAY, FEBRUARY 22, 2012**

First day for grace period registration or change of address in the office of the election authority or at a location designated for this purpose by the election authority.  
(10 ILCS 5/4-50, 5-50, 6-100)

**WEDNESDAY, FEBRUARY 22, 2012**

First day for grace period voting at the election authority's office, or location designated by the election authority, or by mail, at the discretion of the election authority.  
(10 ILCS 5/4-50, 5-50, 6-100)

**WEDNESDAY, FEBRUARY 22, 2012**

First day for election authority to post schedule for early voting at each location where early voting will be conducted. Such posting shall remain at each site until the last day of the early voting period (MARCH 15, 2012). If the election authority has a website, they shall make the schedule available on the website.

[10 ILCS 5/19A-25(b)]

**WEDNESDAY, FEBRUARY 22, 2012**

Last day for deputy registrars who are officials or members of a bona fide labor organization to return unused registration materials to the election authority. **Precinct registration may apply to the City of Chicago and Cook County. Please check with these jurisdictions for registration deadlines and return of material deadlines.**

(10 ILCS 5/4-6.2, 5-16.2, 6-50.2)

**SUNDAY, FEBRUARY 26, 2012**

Suggested last day for election authority to supply absentee ballot materials to local election officials (qualified municipal, township and road district clerks) authorized by the election authority who conduct in-person absentee voting. It is suggested that they make available such supplies on this date, as in-person absentee voting begins the following day.

(10 ILCS 5/19-2.1)

**MONDAY, FEBRUARY 27, 2012**

The first day for local election officials (qualified municipal, township, and road district clerks) authorized by the election authority to conduct in-person absentee voting.

(10 ILCS 5/19-2.1)

**MONDAY, FEBRUARY 27, 2012**

First day for early voting at the office of the election authority and permanent locations designated by the election authority. Temporary early voting locations may be established by the election authority, but are not required to maintain the same voting days and hours as the election authority.

(10 ILCS 5/19A-15, 19A-20)

**WEDNESDAY, FEBRUARY 29, 2012**

Last day for the election authority to publish newspaper notice of primary election in counties of **less than 500,000 inhabitants.**

(10 ILCS 5/7-15)

**NOTE: Notice shall include the primary date, poll hours, offices to be listed on the ballot and the political parties entitled to participate.**

**WEDNESDAY, FEBRUARY 29, 2012**

Last day for employee to give employer written notice that he/she will be absent from place of employment on election day because he/she has been appointed as an election judge under the provisions of 10 ILCS 5/13-1 or 13-2.  
(10 ILCS 5/13-2.5, 14-4.5)

**FRIDAY, MARCH 2, 2012**

Last day for election authorities to submit voter registration information to the State Board of Elections (within 10 days following the close of registration) for the MARCH 20, 2012 General Primary Election.  
(10 ILCS 5/4-8, 5-7, 6-35)

**MONDAY, MARCH 5, 2012**

**TUESDAY, MARCH 6, 2012**

Dates on which a voter may file an application with the election authority to erase names from the registry of voters. (*The National Voter Registration Act of 1993 may prohibit enforcement of this provision.*)  
(10 ILCS 5/4-12, 5-15, 6-44)

**NOTE: Check with the election authority for business hours on MARCH 5, 2012 observation of Casimir Pulaski's birthday.**

**TUESDAY, MARCH 6, 2012**

First day that a qualified voter who has been admitted to a hospital, nursing home, or rehabilitation center not more than 14 days before an election to make an application with the election authority for the personal delivery of an absentee ballot.  
(10 ILCS 5/19-13)

**NOTE: This provision for absentee voting is available through Election Day if the process can be completed and the voted ballot returned to the election authority in sufficient time for delivery of the ballot to the election authority's central ballot counting location before 7 p. m. on Election Day.**

**TUESDAY, MARCH 6, 2012**

Last day for the election authority to publish newspaper notice of primary election in counties of more than 500,000 inhabitants.  
(10 ILCS 5/7-15)

**NOTE: Notice shall include the primary date, poll hours, offices to be listed on the ballot and the political parties entitled to participate.**

**TUESDAY, MARCH 6, 2012**

Last day for the election authority to publish announcement of the colors of the primary ballot. Publication shall be for at least one week in at least two newspapers published in the county. The election authority shall also post in a conspicuous place in his office an announcement of the colors of the primary ballots.

(10 ILCS 5/7-18)

**TUESDAY, MARCH 6, 2012**

Deadline for the election authority to have pollwatcher credentials available for distribution.

(10 ILCS 5/7-34)

**NOTE: Pollwatcher credentials may, at the discretion of the election authority, be distributed prior to this date. Credentials must be available on this date and up to, and including, Election Day.**

**THURSDAY, MARCH 8, 2012**

**FRIDAY, MARCH 9, 2012**

**SATURDAY, MARCH 10, 2012**

Dates on which county clerks or Chicago Board of Election Commissioners shall hold hearings to determine whether names in the registry of voters shall be erased, registered or restored. (*The National Voter Registration Act of 1993 may prohibit enforcement of this provision.*)

(10 ILCS 5/4-13, 5-16, 6-45)

**MONDAY, MARCH 12, 2012**

Last day for the election authority to publish a notice of any question of public policy to be voted upon within the jurisdiction. The election authority shall also post a copy of the notice at the principal office of the election authority. The local election official shall also post a copy of the notice at the principal office of the political or governmental subdivision. If there is no principal office, the local election official shall post the notice at the building in which the governing body of the political or governmental subdivision held its first meeting of the calendar year in which the referenda is being held.

(10 ILCS 5/12-5)

**MONDAY, MARCH 12, 2012**

Last day for any voter who is a member of the United States Service and his spouse and dependents of voting age who expect to be absent from the county of residence on election day to make application for an official ballot to the election authority having jurisdiction over their precinct residence and the last day for the election authority to mail such ballots. Members of the Armed Forces may make application via facsimile machine or other method of electronic transmission.

(10 ILCS 5/20-2, 20-2.3, 20-3)

**NOTE: No registration shall be required in order to vote pursuant to this section.**

**MONDAY, MARCH 12, 2012**

Last day for any nonresident civilian, otherwise qualified to vote, to make application to the election authority having jurisdiction over his precinct of former residence for an absentee ballot containing Federal offices only, and the last day for election authority to mail such ballot.

(10 ILCS 5/20-2.2, 20-5)

**NOTE: Such application may be made only on the official Federal postcard and no registration shall be required to vote.**

**MONDAY, MARCH 12, 2012**

Last day for the election authority to send an official ballot for Federal offices only, upon receipt of either an application for absentee registration or an application for absentee ballot, to citizens of the United States who are temporarily residing outside the territorial limits of the United States.

(10 ILCS 5/20-2.1, 20-3, 20-4)

**NOTE: Registration is not required in order to vote the ballot containing the Federal offices only.**

**TUESDAY, MARCH 13, 2012**

Last day of grace period registration or change of address in the office of the election authority or at location designated for this purpose by the election authority.

(10 ILCS 5/4-50, 5-50, 6-100)

**TUESDAY, MARCH 13, 2012**

Last day of grace period voting at the election authority's office, or location designated by the election authority, or by mail, at the discretion of the election authority.

(10 ILCS 5/4-50, 5-50, 6-100)

**TUESDAY, MARCH 13, 2012**

**WEDNESDAY, MARCH 14, 2012**

**THURSDAY, MARCH 15, 2012**

The dates on which boards of election commissioners (except Chicago Board of Election Commissioners) shall hold hearings to determine whether names in the registry of voters shall be erased, registered, or restored. (*The National Voter Registration Act of 1993 may prohibit enforcement of this provision.*)

(10 ILCS 5/6-45)

**THURSDAY, MARCH 15, 2012**

Last day for early voting at the office of the election authority and permanent locations designated by the election authority. Temporary early voting locations may be established by the election authority, but are not required to maintain the same voting days and hours as the election authority.

(10 ILCS 19A-15, 19A-20)

**THURSDAY, MARCH 15, 2012**

Last day for the election authority to receive application **by mail** from any registered voter presently within the confines of the United States.  
(10 ILCS 5/19-2, 19-4)

**THURSDAY, MARCH 15, 2012**

Last day for the election authority to publish the specimen ballot labels, as near as may be, in the form in which they will appear on the official ballot labels on Election Day.  
(10 ILCS 5/7-21; 24A-18; 24B-18, 24C-18)

**THURSDAY, MARCH 15, 2012**

Last day for a physically incapacitated voter who desires to vote in person at their facility of residence pursuant to the Nursing Home Care Act or the MR/DD Community Care Act, to make application to the election authority. Such voting shall take place on the Friday, Saturday, Sunday or Monday immediately preceding the General Primary Election, as determined by the election authority.  
(10 ILCS 5/19-12.2)

**THURSDAY, MARCH 15, 2012**

Last day (by noon) the election authority shall post the names and addresses of nursing home facilities from which no applications for absentee ballots have been received and in which no supervised voting will be conducted.  
(10 ILCS 5/19-12.2)

**THURSDAY, MARCH 15, 2012**

Last day for the election authority to conduct the public test of automatic tabulating equipment, Optical Scan Equipment and Direct Recording Electronic Voting Equipment.  
(10 ILCS 5/24A-9, 24B-9, 24C-9)

**NOTE: All election authorities must provide timely notice of their public test to the State Board of Elections prior to such test. Such notice must contain the date, time and location of such test. Public notice of the time and place of the test must be given at least 48 hours prior to such test.**  
(10 ILCS 5/24A-9, 24B-9, 24C-9)

**FRIDAY, MARCH 16, 2012**

Last day for the election authority to have official ballots available for inspection by candidates or their agents.  
(10 ILCS 5/16-5)

**FRIDAY, MARCH 16, 2012**  
**SATURDAY, MARCH 17, 2012**  
**SUNDAY, MARCH 18, 2012**  
**MONDAY, MARCH 19, 2012**

The election authority will determine on which date Nursing Home Voting will be conducted. No later than 9:00 a.m., the election authority shall deliver official absentee ballots to the judges of election in the precinct where the facility pursuant to the Nursing Home Care Reform Act or the MR/DD Community Care Act, is located. The judges shall then deliver in person the ballot to the applicant on the premises of the facility. Between the hours of 9:00 a.m. and 7:00 p.m., sufficient time shall be allowed for residents of the licensed or certified Illinois Nursing Homes or federally operated veterans' homes or hospitals to vote on the premises of these facilities. Immediately thereafter, the judges shall bring the sealed envelope to the office of the election authority who shall deliver such ballots to the election authority's central ballot counting location prior to the closing of the polls on the day of election.

(10 ILCS 5/19-4, 19-12.2)

**NOTE: In-person absentee voting shall be conducted on the premises of facilities licensed pursuant to the Nursing Home Care Reform Act or the MR/DD Community Care Act and federally operated veterans' homes and hospitals, for the sole benefit of residents of such facilities who have made prior application and are registered to vote in that precinct.**  
(ILCS 5/19-4, 19-12.2)

**MONDAY, MARCH 19, 2012**

Last day for the election authority to deliver ballots to the judges of election.  
(10 ILCS 5/7-35)

**MONDAY, MARCH 19, 2012**

Last day for any registered voter, presently within the confines of the United States, to vote **in person** at the election authority, municipal, township or road district clerk office who is authorized to conduct absentee voting.  
(10 ILCS 5/19-2)

**MONDAY, MARCH 19, 2012**

Last day for any temporarily or permanently physically disabled voter to request at the election authority's office, that two (2) judges of election of opposite party affiliation deliver a ballot to him/her at the point where he/she is unable to continue forward motion toward the polling place.  
[10 ILCS 5/7-47.1(b)]

**NOTE: The election authority shall not deny the judges of election of the appropriate precinct of such requests.**

**MONDAY, MARCH 19, 2012**

Last day for election authority to deliver (prior to opening the polling place) to the judges of election in each precinct the list of registered voters in that precinct to whom absentee ballots have been issued by mail, a listing of grace period and early voters.  
[10 ILCS 5/4-50, 5-50, 6-100, 19-4, 19A-5(c)]

**TUESDAY, MARCH 20, 2012**

**GENERAL PRIMARY ELECTION**

**NOTE: Primary election returns are to be immediately delivered to the election authority from whom the General Primary Election ballots were obtained.**

**TUESDAY, MARCH 20, 2012**

Date when authorized local election officials, who have not delivered in-person absentee ballots to the election authority, shall deliver in-person absentee ballots to election authority's central ballot counting location before the polls close. All unused in-person absentee voting supplies are to be returned to the office of the election authority.  
(10 ILCS 5/19-2.1)

**THURSDAY, MARCH 22, 2012**

Registration opens in the office of the election authority and with all deputy registrars including municipal, township and road district clerks who are authorized deputy registrars.  
(10 ILCS 5/4-6, 5-5, 6-50)

**THURSDAY, MARCH 22, 2012**

Last day a provisional voter may submit additional information to the county clerk or board of election commissioners to verify or support his/her registration status. Material must be **received** by this date.  
[10 ILCS 5/18A-15(d)]

**TUESDAY, APRIL 3, 2012**

Deadline for the county clerk or board of election commissioners to complete the validation and counting of provisional ballots.  
[10 ILCS 5/18A-15(a)]

**TUESDAY, APRIL 3, 2012**

Deadline for the county clerk or board of election commissioners to complete the tabulation of absentee ballots that were (1) postmarked by midnight preceding the opening of the polls on Election Day, and were received after the close of the polls on Election Day but not later than 14 days after the election, or (2) not postmarked at all, but did have a certification date prior to the Election Day on the certification envelope, and were received after the close of the polls on Election Day but not later than 14 days after the election.  
(10 ILCS 5/19-8)

**NOTE: Absentee voters whose ballots were rejected must be sent a notice of such along with the reason for the rejection within two (2) days of the rejection, but in all cases prior to the end of the 14 day period in which to count the absentee ballots. Such voters must be given an opportunity to appear before the election authority on or before the 14 day following the election to show cause to why the ballot should not be rejected.**  
**[10 ILCS 5/19-8(g)]**

**TUESDAY, APRIL 10, 2012**

The board of election commissioners shall transmit a tabulated statement of the returns to the county clerk.  
[10 ILCS 5/7-56, 18A-15(a)]

**TUESDAY, APRIL 10, 2012**

Last day for canvassing of election results by proper canvassing board.  
[10 ILCS 5/7- 56, 18A-15(a)]

(EXCEPTION: State Board of Elections as canvassing board.)

**TUESDAY, APRIL 10, 2012**

The last day the election authority shall transmit to the State Board of Elections the following: (1) the number, by precinct, of absentee ballots requested, provided and counted, (2) the number of rejected absentee ballots, (3) the number of voters seeking review of rejected absentee ballots, and (4) the number of absentee ballots counted following review.  
(10 ILCS 5/19-20, 20-20)

**CANVASSING BOARD**

The county clerk has the responsibility of canvassing the returns of the General Primary Election under its jurisdiction.  
10 ILCS 5/7-56)

The board of election commissioners has the responsibility of canvassing the returns of the General Primary under its jurisdiction.  
10 ILCS 5/7-56)

**BEFORE PROCLAMATION BY COUNTY CANVASSING BOARD**

**PRIOR TO THE CANVASS** in those jurisdictions where in-precinct counting equipment is utilized, the election authority shall retabulate the total number of votes cast in 5% of the precincts within the election jurisdiction AS SELECTED ON A RANDOM BASIS BY THE STATE BOARD OF ELECTIONS.  
(10 ILCS 5/24A-15, 24B-15, 24C-15)

**THE STATE BOARD OF ELECTIONS SHALL RECEIVE CERTIFIED COPIES OF TABULATED STATEMENTS OF RETURNS (ABSTRACTS) FROM EACH COUNTY CLERK.**

The county clerk shall make a tabulated statement of returns by precinct or ward for each political party separately, stating in appropriate columns and under proper headings, the total number of votes cast for each candidate for each party. Within two (2) days after the completion of said canvass, the county clerk shall mail to the State Board of Elections a certified copy of such tabulated statement of returns.  
(10 ILCS 5/7-56)

**NOTE: If there is a board of election commissioners within a county, the county abstracts shall include the statement of returns from such board of election commissioners (5/22-9).**

**AFTER PROCLAMATION BY COUNTY BOARD CANVASSING BOARD:**

The county clerk shall issue a certificate of nomination to each person declared nominated to a county office.

The county clerk shall issue a certificate of election to each person declared elected to the office of ward committeeman or precinct committeeman.  
(10 ILCS 7/58)

**PRECINCT RESULTS**

Within 1 day after the canvassing and proclamation, each election authority shall transmit to the State Board of Elections a canvass of votes by precinct or ward for the following offices: President, state senator, representative in the general assembly, any candidate for congressional office, and the offices of ward, and precinct committeemen and total ballots cast, and copies of the current precinct list via overnight mail.  
(10 ILCS 5/22-15)

**CANVASS BY THE STATE BOARD OF ELECTIONS**

The Board shall canvass the returns for the nomination or election of candidates for offices for which petitions were filed with the State Board of Elections.

**WRITE-IN CANDIDATES**

Each successful write-in nominated or elected at the primary shall file the following documents with the proper election authority or the State Board of Elections within 10 days from the proclamation by the appropriate board:

- (1) A Loyalty Oath (optional)
  - (2) A Statement of Candidacy, and
  - (3) A receipt for filing of a Statement of Economic Interests (not required for federal offices, precinct or ward committeemen)
- (10 ILCS 5/7-60)

## **DISCOVERY RECOUNT**

Within 5 days after the last day for proclamation of the results, petitions for discovery recount may be filed by any qualified individual with the appropriate county clerk, or board of election commissioners. The deadline to file a discovery recount for an office canvassed by the State Board of Elections is 5 days after the Board's canvass. The petition for discovery is filed with the appropriate election authority(ies)  
(10 ILCS 5/22-9.1)

## **WEDNESDAY, APRIL 18, 2012**

Each established political party shall hold a county convention at its respective county.  
[10 ILCS 5/7-9(a)]

**NOTE: Precinct committeemen begin their terms as deputy registrars on the date of the county convention.**  
**(10 ILCS 5/4-6.2, 5-16.2, 6-50.2)**

## **FRIDAY, APRIL 20, 2012**

Last day for the State Board of Elections to canvass the votes for federal, congressional, legislative, representative and judicial offices as well as multi-county regions.  
[10 ILCS 5/18A-15(a)]

## **MONDAY, APRIL 30, 2012**

Last day for the chairman of each county central committee to forward to the State Board of Elections the names and addresses of its officers and precinct committeemen.  
[10 ILCS 5/7-9(a)]

## **THURSDAY, MAY 10, 2012**

Last day the election authority shall conduct a lottery (*within 30 days following the canvass and proclamation of the results of the General Primary Election*) to determine the order in which the major political parties will appear on the General Election ballot.

The election authority shall send 7 days written notice to party chairmen and organizations with pollwatchers of the time and place for conducting such lottery, and shall post a copy of such notice at the entrance of the office.  
(10 ILCS 5/7-60, 18A-15)

## **MONDAY, MAY 21, 2012**

Last day for the election authority to provide to each county chairman or his representative a precinct list prepared for the 2012 primary which has been marked to indicate which party's ballot each registrant requested at the 2012 primary.  
(10 ILCS 5/4-22, 5-29, 6-66)

# GENERAL ELECTION

## NOVEMBER 6, 2012

### TO BE ELECTED

- President and Vice President of the United States
- Representatives in Congress - All 18 Districts
- State Senators – All 59 districts
- Representatives in the General Assembly - All 118 Districts
- Sanitary District Commissioners/Trustees  
(Prairie DuPont Levee & Sanitary District candidates file with SBE)
- Circuit Clerk
- Recorders (In counties with a population of 60,000 or more inhabitants)
- State's Attorney
- Auditors (In counties with a population of over 75,000 and under 3,000,000)
- Coroners
- Regional Superintendent of Schools (vacancies)
- County Commissioners (Counties not under township organization)
- County Board Members (Counties under township organization)
- Judges (Additional Judgeships if required)
  - Supreme Court Judges, Vacancies will be filled
  - Appellate Court Judges, Vacancies will be filled
  - Circuit Court Judges, Vacancies will be filled
  - Resident Circuit Court Judges, Vacancies will be filled
  - Subcircuit Judges, Vacancies will be filled
- Judicial Retention

**DATES GOVERNING FEDERAL, STATE  
AND COUNTY GENERAL ELECTION**

**GENERAL ELECTION  
NOVEMBER 6, 2012  
10 ILCS 5/2A-1(a)  
Polls open 6:00 a.m. to 7:00 p.m.**

**2012**

**TUESDAY, MARCH 27, 2012**

First day to circulate nomination papers (**must include original sheets signed by voters and circulators**) for independent candidates and new political party candidates who file **JUNE 18 – 25, 2012. (90 days preceding the last day to file nomination papers)**

(10 ILCS 5/10-4, 10-6)

**SUNDAY, MAY 6, 2012**

Last day for judges seeking retention in office to file Declaration of Judicial Candidacy with the Secretary of State.

[Illinois Constitution, Article VI, Section 12(d)]

**MONDAY, MAY 7, 2012**

Last day to file petitions with the Secretary of State to amend Article IV of the State Constitution. Such petitions must be signed by a number of electors equal to at least 8% of the total votes cast for candidates for Governor at the 2010 General Election (minimum signatures – 298,400).

(10 ILCS 5/28-9)

**MONDAY, MAY 7, 2012**

Last day to file a statewide petition for advisory public policy question with the State Board of Elections. Such petitions must be signed by a number of electors equal to at least 8% of the total votes cast for candidates for Governor at the 2010 General Election (minimum signatures – 298,400).

(10 ILCS 5/28-9)

**TUESDAY, MAY 8, 2012**

Last day for the Secretary of State to deliver a petition to amend the Constitution to the State Board of Elections.

(10 ILCS 5/28-9)

**MONDAY, MAY 14, 2012**

Within 7 days following the last day for the filing of the petition, proponents and opponents shall certify in writing to the State Board of Elections that they publicly support or oppose the statewide advisory question of public policy. Said individuals shall register with the State Board of Elections the name and address of its group and the name and address of its chairman and designated agent for acceptance of service of notices.

(10 ILCS 5/28-13)

**TUESDAY, MAY 15, 2012**

First day for election authorities to submit updated voter registration information to the State Board of Elections.

(10 ILCS 5/4-8, 5-7, 6-35)

**WEDNESDAY, MAY 16, 2012**

Last day proponents for petitions for a statewide advisory question of public policy shall file copies of sectioned election jurisdiction petition sheets with each proper election authority and obtain a receipt therefore.

(10 ILCS 5/28-9)

**MONDAY, MAY 21, 2012**

Last day for election authorities to provide to each county chairman or his representative a precinct list for the 2012 primary election marked to indicate which party's ballot each registrant requested at the 2012 primary.

(10 ILCS 5/4-22, 5-29, 6-66)

**MONDAY, MAY 21, 2012**

Last day for the State Board of Elections to conduct a hearing at which proponents of statewide advisory questions may present arguments and evidence as to the conformity of any purported nonconforming signature.

(10 ILCS 5/28-10)

**NOTE: Public test on validity of sampling method for the verification of petition signatures.**

**The State Board of Elections shall design a standard and scientific random sampling method to verify petition signatures and shall conduct a public test to prove its validity. Notice of the time and place for such test shall be given at least 10 days before such test.**

**(10 ILCS 5/28-11)**

**FRIDAY, MAY 25, 2012**

The State Board of Elections shall apply its proven random sampling method to select and identify the petition signatures to be included in the sample signature verification for the respective jurisdictions for statewide advisory questions. A list by page and line number shall be transmitted to each proper election authority.  
(10 ILCS 5/28-11)

**NOTE: Election authorities are involved in petition signature verification.**

**Using the petition copies filed by the petition proponents, each election authority shall apply the proven random sampling method. Within 14 business days following receipt from the State Board of Elections of the list of signatures for verification, each election authority shall transmit a properly dated certificate to the Board setting forth the results of the verification of signatures. An election authority may seek and be granted additional days to complete the verification process.  
(10 ILCS 5/28-11)**

**The State Board of Elections shall conduct a hearing if the statewide projection made from results of random sampling falls below 95% of the minimum number of petition signatures required on a petition for statewide advisory question of public policy.  
(10 ILCS 5/28-12)**

**Proponents shall be allowed to present competent evidence or an additional sample to rebut the presumption of invalidity. The Board shall declare the petition to be valid or invalid. This hearing to be held prior to August 24, 2012.  
(10 ILCS 5/28-12)**

**FRIDAY, MAY 25, 2012**

Last day for election authorities to submit updated computer voter registration information to the State Board of Elections.  
(10 ILCS 5/4-8, 5-7, 6-35)

**MONDAY, JUNE 4, 2012**

Last day for appointee, by established party managing committee, to file the following documents when no candidate was nominated at the General Primary Election. The following must be filed together: (1) notice of appointment by the appropriate committee, (2) nominating petitions, (3) statement of candidacy and (4) statement of economic interest receipt.  
(10 ILCS 5/7-61, 8-17)

**THURSDAY, JUNE 7, 2012**

First day notice of intention to file a petition to create a political subdivision, whose officers are to be elected rather than appointed, may be published in a newspaper within the proposed political subdivision, or if none, in a newspaper of general circulation within the proposed territory.

[10 ILCS 5/28-2(g)]

**MONDAY, JUNE 11, 2012**

Last day to file objections to resolution to fill a vacancy in nomination by a party managing committee when no candidate was nominated at the General Primary Election.

(10 ILCS 5/7-61, 10-8)

**NOTE: For procedures on objections, see page 53.**

**MONDAY, JUNE 18, 2012**

First day for candidates of new political parties to file **original** nomination papers (**must contain original sheets signed by voters and circulators**) in the **principal** office of the State Board of Elections for Federal, legislative, judicial offices, or for any office to be elected by the voters of more than one county. For the NOVEMBER 6, 2012 General Election, a statewide new political party slate must include the names of a candidate for President and Vice President. Petitions for President and Vice President must include a list of Presidential electors' names and addresses. The petition must also include a certificate of officers authorized to fill a vacancy in nomination. *Failure to file the certificate will result in the party forfeiting the ability to fill a vacancy in nomination.*

(10 ILCS 5/10-2, 10-5, 10-6)

**MONDAY, JUNE 18, 2012**

First day for independent candidates to file **original** nomination papers (**must contain original sheets signed by voters and circulators**) in the **principal** office of the State Board of Elections for Federal offices, legislative offices, judicial offices or for any office to be elected by the voters of more than one county. The candidates for President and Vice President must appear on the same petition and include a list of Presidential electors' names and addresses.

(10 ILCS 5/10-3, 10-6)

**MONDAY, JUNE 18, 2012**

First day for candidates of new political parties and independents to file for county offices and candidates for nonpartisan offices to file **original** nomination papers (**must contain original sheet signed by voters and circulators**) in the office of the county clerk. New political party petitions must include a complete slate of candidates and a certificate stating the names and addresses of the party officers authorized to fill vacancies in nomination. *Failure to file the certificate will result in the party forfeiting the ability to fill a vacancy in nomination.*

(10 ILCS 5/10-6)

**MONDAY, JUNE 25, 2012**

Last day for candidates of new political parties to file **original** nomination papers (**must contain original sheets signed by voters and circulators**) in the **principal** office of the State Board of Elections for Federal offices, legislative offices, judicial offices, or for any office to be elected by the voters of more than one county. For the NOVEMBER 6, 2012 General Election, a statewide new political party slate must include the names of a candidate for President, Vice President and United States Senator. Petitions for President and Vice President must include a list of Presidential electors' names and addresses. The petition must also include a certificate of officers authorized to fill a vacancy in nomination. *Failure to file the certificate will result in the party forfeiting the ability to fill a vacancy in nomination.*

(10 ILCS 5/10-2, 10-5, 10-6)

**MONDAY, JUNE 25, 2012**

Last day for independent candidates to file **original** nomination papers (**must contain original sheets signed by voters and circulators**) in the **principal** office of the State Board of Elections for Federal, legislative, judicial offices, or for any office to be elected by the voters of more than one county. The candidates for President and Vice President must appear on the same petition and include a list of Presidential electors' names and addresses.

(10 ILCS 5/10-2, 10-5 10-6)

**MONDAY, JUNE 25, 2012**

Last day for candidates of new political parties and independents to file for county offices and candidates for nonpartisan offices to file **original** nomination papers (**must contain original sheet signed by voters and circulators**) in the office of the county clerk. New political party petitions must include a complete slate of candidates and a certificate stating the names and addresses of the party officers authorized to fill vacancies in nomination. *Failure to file the certificate will result in the party forfeiting the ability to fill a vacancy in nomination.*

(10 ILCS 5/10-6)

**MONDAY, JUNE 25, 2012**

Last day for filing a Statement of Economic Interests with the proper office as required by the Illinois Governmental Ethics Act. Candidates who file petitions with the county clerk and have filed a current economic interest statement for the same office with the same county do not have to file an additional receipt. Candidates who file petitions with the State Board of Elections must file a current **receipt** for the same office with the petitions.

(5 ILCS 420/4A; 10 ILCS 5/10-5)

(EXCEPTION: Candidates for Federal office are not required to file a state economic interest statement)

**TUESDAY, JUNE 26, 2012**

Under the provisions of 10 ILCS 5/10-8, the deadline to file objections to petitions to amend Article IV of the Illinois Constitution and statewide advisory questions is 35 business days after the last day for filing which, in 2012, is JUNE 26. Section 28-4 states that 42 business days after the petition actually is filed is the deadline for objections. Upon receipt of any such petition, the State Board of Elections will apply the more generous of the two calculations to determine the timeliness of any objection.  
(10 ILCS 5/10-8, 28-4)

**THURSDAY, JUNE 28, 2012**

Last day for written notice of the time and place for conducting lottery shall be given when two (2) or more petitions are received simultaneously for the same office and party, nonpartisan or independent candidates, as of the opening hour of the filing period, JUNE 16, 2008. Notice shall be given by the State Board of Elections or the Election Authority to the chairman of each political party and to each organization of citizens within the election jurisdiction entitled to have pollwatchers present at the last election. Notice must also be posted.  
(10 ILCS 5/10-6.2)

**MONDAY, JULY 2, 2012**

Last day for the municipal, township and road district clerks to file a written waiver with the election authority indicating that he/she is unable to conduct in-person absentee voting and the reasons therefore.  
(10 ILCS 5/19-2.1)

**MONDAY, JULY 2, 2012**

Last day for an individual who has filed for two or more **incompatible** offices to withdraw from all but one of the offices (with the State Board of Elections or with whichever election authority the nomination papers were originally filed).  
(10 ILCS 5/10-7)

**MONDAY, JULY 2, 2012**

Last day for filing objections to the nomination papers of all candidates (whose nomination papers were filed during the period **JUNE 18 – 25, 2012**) in the office of the State Board of Elections or the county clerk (with whichever election authority the nomination papers were originally filed).  
(10 ILCS 5/10-8)

**NOTE: For procedures on objections, see page 53.**

**THURSDAY, JULY 5, 2012**

Last day lottery shall be conducted by the State Board of Elections or the county clerk when two (2) or more petitions are received simultaneously for the same office by more than one new political party, nonpartisan, or for the same office by more than one independent candidate, as of the opening hour of the filing period, JUNE 18, 2012.  
(10 ILCS 5/10-6.2)

**MONDAY, JULY 9, 2012**

Last day notice of intention to file a petition to create a political subdivision, whose officers are to be elected rather than appointed, may be published in a newspaper within the proposed political subdivision, or if none, in a newspaper of general circulation within the proposed territory.

[10 ILCS 5/28-2(g)]

**MONDAY, JULY 9, 2012**

Last day to file a petition (**must contain original sheets signed by voters and circulators**) to create a political subdivision with the appropriate officer or board.

[10 ILCS 5/28-2(b)]

**NOTE: The specific statutory provisions governing the creation of political subdivisions can be found in the relevant Code governing such subdivisions.**

**NOTE: Objections can be filed on or before the date of the hearing with the appropriate circuit court clerk.**

**(10 ILCS 5/28-4)**

**NOTE: If initial officers are to be elected at the election for creation of a new unit of government, candidates for such offices shall file nomination papers 113-106 days before such election. (JULY 16 – 23, 2012).**

**(10 ILCS 5/10-6)**

**NOTE: The circuit court clerk shall publish the hearing date for a public policy petition filed in his/her office not later than 14 days after the petition is actually filed, but at least 5 days before actual hearing. Final order within 7 days of hearing.**

**(10 ILCS 5/28 4)**

**MONDAY, JULY 16, 2012**

Last day to file objections to petitions to create a political subdivision in the office of the appropriate officer, board or circuit court.

(10 ILCS 5/28-4)

**MONDAY, JULY 30, 2012**

Last day for the State Board of Elections to certify a list of facilities licensed or certified under the Nursing Home Care Reform Act or the MR/DD Community Care Act, to the proper election authority. The list shall indicate bed capacity and the name of the chief administrator of each facility.

(10 ILCS 5/19-12.2)

**MONDAY, AUGUST 6, 2012**

Last day for filing petitions (**must contain original sheets signed by voters and circulators**) for referenda for the submission of questions of public policy (local). Objections to petitions for local referenda are filed with the same officer in which the original petitions are filed.

10 ILCS 5/28-2(a), 28-6, 28-7)

(EXCEPTION: proposition to create a political subdivision, referenda held under the provisions of Article IX of the Liquor Control Act, and Section 18-120 of the Property Tax Code.)

**WEDNESDAY, AUGUST 8, 2012**

Last day for election authorities to complete any systematic program to remove ineligible voters from the voting roles prior to the NOVEMBER 6, 2012 General Election. [42 USC 1973gg-6(c)d(2)(A)]

**MONDAY, AUGUST 13, 2012**

Last day to file objections to petitions for the submission of questions of public policy (local). Objections to petitions for local referenda are filed with the same office that has the original petitions.

(10 ILCS 5/10-8, 28-4)

(EXCEPTION: proposition to create a political subdivision, referenda held under the provisions of Article IX of the Liquor Control Act, and Section 18-120 of the Property Tax Code.)

**NOTE: For procedures on objections, see page 53.**

**MONDAY, AUGUST 20, 2012**

Last day for local governing boards to adopt a resolution or ordinance to allow **binding** public questions to appear on the ballot.

[10 ILCS 5/28-2(c)]

**MONDAY, AUGUST 20, 2012**

Last day for County, Municipal, School, Township and Park Boards to adopt a resolution to allow **advisory** public questions to appear on the ballot.

(55 ILCS 5/5-1005.5; 60 ILCS 1/80-80; 65 ILCS 5/3.1-40-60; 70 ILCS 1205/8-30; 105 ILCS 5/9-1.5)

**THURSDAY, AUGUST 23, 2012**

Last day for established political parties to fill vacancies in nomination (**occurring on or after the primary and prior to certification—does not apply to vacancies created due to failure to nominate at the General Primary**) for congressional, legislative, and representative offices. Resolutions are filed in the **principal** office of the State Board of Elections.

(10 ILCS 5/7-61)

**THURSDAY, AUGUST 23, 2012**

Last day for new political parties to fill vacancies in nomination (occurring prior to certification) for congressional, legislative and representative offices. Resolutions are filed in the **principal** office of the State Board of Elections.  
(10 ILCS 5/10-11)

**NOTE: Any vacancies in nomination occurring after certification, but prior to 15 days before the General Election, shall be filled by the political party officers, or other persons making the original nomination, within 8 days after the event creating the vacancy.**  
(10 ILCS 5/10-11)

**FRIDAY, AUGUST 24, 2012**

Last day for candidates of new political parties who filed nomination papers with the State Board of Elections to file withdrawal of nomination papers.  
(10 ILCS 5/10-7)

**FRIDAY, AUGUST 24, 2012**

Last day for independent candidates to file withdrawals of nomination papers in the office of the State Board of Elections.  
(10 ILCS 5/10-7)

**FRIDAY, AUGUST 24, 2012**

Date on which the State Board of Elections will certify the names of established political party candidates, new party candidates and independent candidates for the General Election ballot to the county clerks.  
(10 ILCS 5/1A-8(14), 7-60, 10-14)

(EXCEPTION: The nominees for the Democratic Party and Republican Party for President and Vice President of the United States will not be certified until chosen by the national nominating convention.)

**FRIDAY, AUGUST 24, 2012**

Last day for the State Board of Elections to certify questions to amend the Constitution of Illinois and any statewide questions of public policy to the county clerks.  
(5 ILCS 20/2a; 10 ILCS 5/28-5)

**WEDNESDAY, AUGUST 29, 2012**

Last day for established political parties to fill vacancies in nomination in county offices (occurring on or after the primary and prior to certification—does not apply to vacancies which occur due to a failure to nominate at the primary).  
(10 ILCS 5/7-61)

**WEDNESDAY, AUGUST 29, 2012**

Last day for new political parties to fill vacancies in nomination in county offices.  
(10 ILCS 5/10-11)

**NOTE: Any vacancies in nomination occurring after certification, but prior to 15 days before the General Election, shall be filled by the political party officers, or other persons making the original nomination, within 8 days after the event creating the vacancy.  
(10 ILCS 5/10-11)**

**WEDNESDAY, AUGUST 29, 2012**

Last day for the county clerk to certify to the board of election commissioners the names of candidates to be voted for in its jurisdiction.  
(10 ILCS 5/7-60, 10-14)

**THURSDAY, AUGUST 30, 2012**

Last day for new political parties, independent or nonpartisan candidates who filed nomination papers with the county clerk to file withdrawal of nomination papers in the office of the county clerk.  
(10 ILCS 5/10-7)

**THURSDAY, AUGUST 30, 2012**

Last day to file objections with the State Board of Elections to resolutions for filling a vacancy in nomination by an established party managing committee when a vacancy occurred on or after the primary and before certification.  
(10 ILCS 5/7-61, 10-8, 10-11)

**NOTE: For procedures on objections, see page 53.**

**THURSDAY, AUGUST 30, 2012**

Last day to file objections to a resolution to fill a vacancy in nomination by a new political party with the State Board of Elections.  
(10 ILCS 5/10-8, 10-11)

**NOTE: For procedures on objections, see page 53.**

**THURSDAY, AUGUST 30, 2012**

Last day for county clerk to certify the general election ballot and issue a copy to the State Board of Elections  
(10 ILCS 5/10-14)

**THURSDAY, AUGUST 30, 2012**

Last day for the circuit court clerk and the local election official to certify any **binding** public question or **advisory** referenda to the election authority having jurisdiction over the political subdivision.  
(10 ILCS 5/28-5)

**THURSDAY, AUGUST 30, 2012**

Last day for the county clerk to certify to the board of election commissioners any referenda to be submitted to the voters in its jurisdiction.  
(10 ILCS 5/28-5)

**TUESDAY, SEPTEMBER 4, 2012**

Last day for the Secretary of State to certify the names of all judges seeking retention in office to the State Board of Elections.  
(Illinois Constitution, Article VI, Section 12; 10 ILCS 5/7A-1)

**THURSDAY, SEPTEMBER 6, 2012**

Last day for the election authority to publish notice that **new** mechanical or electronic voting devices will be used for the first time at the General Election.  
(10 ILCS 5/24-1.1, 24A-3, 24B-3, 24C-3)

**THURSDAY, SEPTEMBER 6, 2012**

Last day a person may file a notarized Declaration of Intent to be a write-in candidate with the proper election authority or authorities (appropriate county clerk(s) and/or board(s) of election commissioners.) **Write-ins shall be counted only for persons who have filed a Declaration of Intent. Write-in declarations are NOT filed with the State Board of Elections.**  
(10 ILCS 5/17-16.1)

**THURSDAY, SEPTEMBER 6, 2012**

Last day to file objections with the county clerk to resolutions for filling a vacancy in nomination by a established party managing committee when a vacancy occurred on or after the primary and before certification (*does not apply to vacancies which occur due to a failure to nominate at the primary*).  
(10 ILCS 5/7-61, 10-11)

**NOTE: For procedures on objections, see page 53.**

**THURSDAY, SEPTEMBER 6, 2012**

Last day to file objections with the county clerk to a resolution to fill a vacancy in nomination by a new political party when the vacancy occurred prior to certification.  
(10 ILCS 5/10-8, 10-11)

**NOTE: For procedures on objections, see page 53.**

**FRIDAY, SEPTEMBER 7, 2012**

Last day the election authority shall provide public notice, calculated to reach the elderly and handicapped voters, of the availability of registration and voting aids under the Federal Voting Accessibility for the Elderly and Handicapped Act, of the availability of assistance in marking the ballot, procedures for voting by absentee ballot, and procedures for early voting by personal appearance.  
(10 ILCS 5/12-1)

**MONDAY, SEPTEMBER 17, 2012**

Last day for statewide and candidates for Supreme and Appellate Court judgeships to submit personal statements and photographs for the internet voters' guide to the State Board of Elections.

[10 ILCS 5/12A-10(g)]

**MONDAY, SEPTEMBER 17, 2012**

Last day each legislative committee and representative committee shall meet and organize. Said meeting shall be held within the limits of such district.

(10 ILCS 5/8-5)

**MONDAY, SEPTEMBER 17, 2012**

Last day for each established party to hold a state party convention. The call for the state convention must be issued at least 33 days prior to the date of the convention.

[10 ILCS 5/7-9(b)(e)]

**FRIDAY, SEPTEMBER 21, 2012**

Last day for the election authority to have in his office a sufficient number of ballots printed and available for mailing to persons in the United States Service or their spouse or dependents and citizens of the United States who are temporarily residing outside the territorial limits of the United States and nonresident civilians.

(10 ILCS 5/16-5.01)

**NOTE:** Pursuant to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA), as amended by the Military and Overseas Voter Empowerment Act (the MOVE Act), absentee ballots requested by military and overseas voters must be transmitted at least 45 days before a federal election. 42 U.S.C. § 1973ff-1(g). Please be advised that the 45 day UOCAVA deadline may not be extended under any circumstances; therefore, although the 45 day deadline falls on a Saturday, military and overseas absentee ballots MUST be mailed by that date. An election authority that waits until the first business day following the 45 day deadlines to mail military and overseas ballots will be considered in violation of UOCAVA.

**SATURDAY, SEPTEMBER 22, 2012**

Last day for the State Board of Elections to publish Internet Voter's Guide on the Board's website.

(10 ILCS 5/12A-5)

**MONDAY, SEPTEMBER 24, 2012**

Last day the election authority shall notify the municipal, township and road district clerks within its jurisdiction if they are to conduct in-person absentee voting.

(10 ILCS 5/19-2.1)

**THURSDAY, SEPTEMBER 27, 2012**

First day for any registered voter presently within the United States, to make application **by mail** or **in person** to the election authority for an official ballot.  
(10 ILCS 5/19-2)

**THURSDAY, SEPTEMBER 27, 2012**

Last day for civic organizations (which have as a stated purpose the investigation or prosecution of election fraud) and proposition proponents or opponents to register their names and addresses and the names and addresses of their principal officers with the proper election authority to qualify to have pollwatchers for the General Election.  
(10 ILCS 5/17-23)

**SUNDAY, OCTOBER 7, 2012**

**MONDAY, OCTOBER 8, 2012**

**TUESDAY, OCTOBER 9, 2012**

The days for filing Lodging House Affidavits with boards of election commissioners (*The National Voter Registration Act of 1993 may prohibit the enforcement of this provision.*)  
(10 ILCS 5/6-56)

**TUESDAY, OCTOBER 9, 2012**

First day for election authority to publish (1) the locations of each permanent and temporary sites for early voting and the precincts served by each location, and (2) the dates and hours that early voting will be conducted at each location. The election authority shall publish this information at least once a week during the statutory period for early voting. If the election authority maintains a website, he or she shall make the schedule available on its website.  
[10 ILCS 5/19A-25(a)]

**TUESDAY, OCTOBER 9, 2012**

First day for the election authority to publish a notice of any question of public policy to be voted upon within the jurisdiction.  
(10 ILCS 5/12-5)

**TUESDAY, OCTOBER 9, 2012**

First day a registered Illinois voter who has moved within 30 days outside of his/her precinct prior to a Presidential election may apply either **by mail** or **in person** for an absentee ballot for President and Vice President only with the election authority having jurisdiction over his/her precinct of former residence.  
(10 ILCS 5/20-13.1)

**TUESDAY, OCTOBER 9, 2012**

Last day for the Secretary of State to publish and mail to every mailing address in the State a copy of the pamphlet giving the proponents and opponents views on amendments to the Constitution of Illinois.  
(5 ILCS 20/2)

**TUESDAY, OCTOBER 9, 2012**

Last day for the election authority to arrange with nursing home administrators the date and time to conduct in-person absentee voting in such facilities and to post a notice in the office of the election authority of all such arrangements.

(10 ILCS 5/19-12.2)

**TUESDAY, OCTOBER 9, 2012**

Last day for election authority to publish a notice of General Election.

(10 ILCS 5/12-1)

**TUESDAY, OCTOBER 9, 2012**

Last day for citizens of the United States temporarily residing outside the United States who are not registered but otherwise qualified to vote and who expect to be absent from their county of residence on election day to make simultaneous application to the election authority having jurisdiction over their precinct of residence for absentee registration and an absentee ballot and the last day for the election authority to mail such a ballot.

(10 ILCS 5/20-2.1, 20-3)

**NOTE: To receive the full ballot, applications should be in the hands of the election authority no later than 30 days before the election. Applications received after OCTOBER 7 and prior to OCTOBER 27 will entitle the voter to cast a Federal ballot only.**

**NOTE: Registration shall be required in order to vote pursuant to this Section.**

**TUESDAY, OCTOBER 9, 2012**

First day for the election authority to send an official ballot for Federal offices only, upon receipt of either an application for absentee registration or an application for absentee ballot, to citizens of the United States who are temporarily residing outside the territorial limits of the United States.

(10 ILCS 5/20-2.1, 20-3)

**NOTE: Unregistered citizens temporarily residing outside the territorial limits of the United States who make application for absentee registration and/or absentee ballots after 30 days but not less than 10 days prior to Election Day shall be sent the Federal offices ballot only.**

**NOTE: Registration is not required in order to vote the ballot containing the Federal offices only.**

**TUESDAY, OCTOBER 9, 2012**

Last day for registration or transfer of registration within the offices of the election authority. **Precinct registration may apply to the City of Chicago and Cook County. Please check with these jurisdictions for registration deadlines.**

(10 ILCS 5/4-6, 4-16, 5-5, 5-23, 6-29, 6-50, 6-53, 6-54)

**NOTE: UNDER THE PROVISIONS OF NV RA, AGENCY AND MOTOR VEHICLE OFFICES WILL CONTINUE TO ACCEPT REGISTRATION AFTER THE STATUTORY CLOSE OF REGISTRATION. ONLY THOSE REGISTRATION APPLICATIONS COMPLETED NO LATER THAN 27 DAYS BEFORE THE ELECTION WILL BE PROCESSED FOR THE NEXT ENSUING ELECTION. APPLICATIONS FOR REGISTRATION COMPLETED WITHIN 5 DAYS OF REGISTRATION DEADLINE AT SECRETARY OF STATE FACILITIES AND QUALIFIED AGENCIES WILL BE TRANSMITTED WITHIN 5 DAYS OF COMPLETION AND MUST BE PROCESSED FOR THE ELECTION. A MAIL REGISTRATION APPLICATION SHALL BE DEEMED TIMELY FILED IF POSTMARKED PRIOR TO THE CLOSE OF REGISTRATION. IF NO POSTMARK EXISTS OR IF THE POSTMARK IS ILLEGIBLE, THE APPLICATION SHALL BE CONSIDERED TIMELY FILED IF RECEIVED BY THE ELECTION AUTHORITY NO LATER THAN 5 CALENDAR DAYS AFTER THE CLOSE OF REGISTRATION.**

**TUESDAY, OCTOBER 9, 2012**

Last day for registration of voters by deputy registrars, including municipal, township and road district clerks and precinct committeemen. **Precinct registration may apply to the City of Chicago and Cook County. Please check with these jurisdictions for registration deadlines.**

(10 ILCS 5/4-6.2, 5-16.2, 6-50.2)

**NOTE: Deputy Registrars must return completed forms to the election authority within 7 days of the day on which they are completed. Deputy Registrars must return all registration materials within 48 hours of registration/cancellation if such registration/cancellation was accepted between the 35th and 28th day preceding an election.**

**WEDNESDAY, OCTOBER 10, 2012**

First day for grace period registration or change of address in the office of the election authority or at a location designated for this purpose by the election authority.

(10 ILCS 5/4-50, 5-50, 6-100)

**WEDNESDAY, OCTOBER 10, 2012**

First day for grace period voting at the election authority's office, or location designated by the election authority, or by mail, at the discretion of the election authority.

(10 ILCS 5/4-50, 5-50, 6-100)

**WEDNESDAY, OCTOBER 10, 2012**

First day for election authority to post schedule for early voting at each location where early voting will be conducted. Such posting shall remain at each site until the last day of the early voting period (NOVEMBER 1, 2012). If the election authority has a website, they shall make the schedule available on the website.

(10 ILCS 5/19A-25)

**WEDNESDAY, OCTOBER 10, 2012**

Last day for deputy registrars who are officials or members of a bona fide labor organization to return unused registration materials to the election authority. **Precinct registration may apply to the City of Chicago and Cook County. Please check with these jurisdictions for registration deadlines.**

(10 ILCS 5/4-6.2, 5-16.2, 6-50.2)

**SUNDAY, OCTOBER 14, 2012**

Suggested last day for election authority to supply absentee ballot materials to local election officials (qualified municipal, township and road district clerks) authorized by the election authority who conduct in-person absentee voting. It is suggested that they make available such supplies on this date, as in-person absentee voting begins the following day.

(10 ILCS 5/19-2.1)

**MONDAY, OCTOBER 15, 2012**

The first day for local election officials (qualified municipal, township and road district clerks) authorized by the election authority to conduct in-person absentee voting.

(10 ILCS 5/19-2.1)

**MONDAY, OCTOBER 15, 2012**

First day for early voting at the office of the election authority and permanent locations designated by the election authority. Temporary early voting locations may be established by the election authority, but are not required to maintain the same voting days and hours as the election authority.

(10 ILCS 5/19A-15, 19A-20)

**WEDNESDAY, OCTOBER 17, 2012**

Last day for employee to give employer written notice that he/she will be absent from place of employment on election day because he/she has been appointed as an election judge under the provisions of 10 ILCS 5/13-1 or 13-2.

(10 ILCS 5/13-2.5, 14-4.5)

**FRIDAY, OCTOBER 19, 2012**

Last day for election authorities to submit voter registration information to the State Board of Elections (within 10 days following the close of registration) for the NOVEMBER 6, 2012 General Election.

(10 ILCS 5/4-8, 5-7, 6-35)

**MONDAY, OCTOBER 22, 2012**

**TUESDAY, OCTOBER 23, 2012**

The dates on which a voter may file an application with the election authority to erase names from the registry of voters. (*The National Voter Registration Act of 1993 may prohibit the enforcement of this provision.*)

(10 ILCS 5/4-12, 5-15, 6-44)

**TUESDAY, OCTOBER 23, 2012**

First day that a qualified voter who has been admitted to a hospital, nursing home, or rehabilitation center not more than 14 days before an election to make an application with the election authority for the personal delivery of an absentee ballot.

(10 ILCS 5/19-13)

**NOTE:** This provision for absentee voting is available through Election Day if the process can be completed and the voted ballot returned to the election authority in sufficient time for delivery of the ballot to the election authority's central ballot counting location before 7 p. m. on Election Day.

**TUESDAY, OCTOBER 23, 2012**

Last day for county clerks (other than Cook, DuPage, Lake and Will Counties) to provide to each county chairman or his representative, precinct lists prepared for the 2012 General Election marked to indicate the names of all persons who have registered since the 2012 General Primary.

(10 ILCS 5/4-11)

**NOTE:** There is no statutory deadline for these lists in jurisdictions under boards of election commissioners (including DuPage County) or in Cook, Lake or Will counties. These statutes specify only that such lists be prepared and distributed prior to the General Election.

(10 ILCS 5/5-14, 6-60)

**TUESDAY, OCTOBER 23, 2012**

Last day for the election authority to have pollwatcher credentials available for distribution.

(10 ILCS 5/17-23)

**NOTE:** Pollwatcher credentials may, at the discretion of the election authority, be distributed prior to this date. Credentials must be available on this date and up to, and including, Election Day.

**THURSDAY, OCTOBER 25, 2012**

**FRIDAY, OCTOBER 26, 2012**

**SATURDAY, OCTOBER 27, 2012**

The dates on which county clerks or Chicago Board of Election Commissioners shall hold hearings to determine whether names in the registry of voters shall be erased, registered or restored. *The National Voter Registration Act of 1993 may prohibit the enforcement of this provision*  
(10 ILCS 5/4-13, 5-16, 6-45)

**MONDAY, OCTOBER 29, 2012**

Last day for the election authority to publish a notice of any question of public policy to be voted upon within its jurisdiction. The election authority shall also post a copy of the notice at the principal office of the election authority. The local election official shall also post a copy of the notice at the principal office of the political or governmental subdivision. If there is no principal office, the local election official shall post the notice at the building in which the governing body of the political or governmental subdivision held its first meeting of the calendar year in which the referenda is being held  
(10 ILCS 5/12-5)

**MONDAY, OCTOBER 29, 2012**

Last day for any voter who is a member of the United States Service and his spouse and dependents of voting age who expect to be absent from their county of residence on election day to make application for an official ballot to the election authority having jurisdiction over their precinct residence and the last day for election authority to mail such ballot. Members of the Armed Forces may make application via facsimile machine or other method of electronic transmission.  
(10 ILCS 5/20-2, 20-2.3, 20-3)

**NOTE: No r egistration shall be r equired i n or der t o v ote pur suant t o t his section.**

**MONDAY, OCTOBER 29, 2012**

Last day for the election authority to send an official ballot for Federal offices only, upon receipt of either an application for absentee registration or an application for absentee ballot, to citizens of the United States who are temporarily residing outside the territorial limits of the United States.  
(10 ILCS 5/20-2.1, 20-3)

**NOTE: Registration i s not r equired i n or der t o v ote t he ba llot c ontaining t he Federal offices only.**

**MONDAY, OCTOBER 29, 2012**

Last day for any nonresident civilian, otherwise qualified to vote, to make application to the election authority having jurisdiction over his precinct of former residence for an absentee ballot containing Federal offices only, and the last day for election authority to mail such ballot.

(10 ILCS 5/20-2.2, 20-5)

**NOTE: Such application shall be made only on the official Federal postcard and no registration shall be required to vote.**

**TUESDAY, OCTOBER 30, 2012**

Last day of grace period registration or change of address in the office of the election authority or at a location designated for this purpose by the election authority.

(10 ILCS 5/4-50, 5-50, 6-100)

**TUESDAY, OCTOBER 30, 2012**

Last day of grace period voting at the election authority's office, or location designated by the election authority, or by mail, at the discretion of the election authority.

(10 ILCS 5/4-50, 5-50, 6-100)

**TUESDAY, OCTOBER 30, 2012**

**WEDNESDAY, OCTOBER 31, 2012**

**THURSDAY, NOVEMBER 1, 2012**

The dates on which boards of election commissioners (except Chicago Board of Election Commissioners) shall hold hearings to determine whether names in the registry of voters shall be erased, registered or restored. (*The National Voter Registration Act of 1993 may prohibit the enforcement of this provision.*)

(10 ILCS 5/6-45)

**THURSDAY, NOVEMBER 1, 2012**

Last day for early voting at the office of the election authority and permanent locations designated by the election authority. Temporary early voting locations may be established by the election authority, but are not required to maintain the same voting days and hours as the election authority.

(10 ILCS 5/19A-15, 19A-20)

**THURSDAY, NOVEMBER 1, 2012**

Last day for the election authority to conduct the public test of automatic tabulating equipment, Optical Scan Equipment and Direct Recording Electronic Voting Equipment.

(10 ILCS 5/24A-9, 24B-9, 24C-9)

**NOTE: All election authorities must provide timely written notice of their public test to the State Board of Elections prior to such test. Such notice must contain the date, time and location of such test. Public notice of the time and place of the test must be given at least 48 hours prior to such test.**  
**(10 ILCS 5/24A-9, 24B-9, 24C-9)**

**THURSDAY, NOVEMBER 1, 2012**

Last day for the election authority to receive an absentee application **by mail** from any registered voter presently within the United States.  
(10 ILCS 5/19-2)

**THURSDAY, NOVEMBER 1, 2012**

Last day a nonregistered citizen residing in Illinois who is temporarily absent from his/her county of residence may apply **by mail** for an absentee ballot to vote for President and Vice President only with the election authority having jurisdiction over his/her precinct of permanent residence.  
(10 ILCS 5/20-13)

**THURSDAY, NOVEMBER 1, 2012**

Last day a registered voter in Illinois who has moved outside of his/her precinct within 30 days prior to a Presidential election may apply **by mail** for an absentee ballot to vote for President and Vice President only with the election authority having jurisdiction over his/her precinct of former residence.  
(10 ILCS 5/20-13.1)

**THURSDAY, NOVEMBER 1, 2012**

Last day for the election authority to publish the specimen ballot labels, as near as may be in the form in which they will appear on the official ballot labels on Election Day.  
(10 ILCS 5/24A-18, 24B-18, 24C-18)

**THURSDAY, NOVEMBER 1, 2012**

Last day for a physically incapacitated voter who desires to vote in person at their facility of residence pursuant to the Nursing Home Care Act or the MR/DD Community Care Act, to make application to the election authority. Such voting shall take place on the Friday, Saturday, Sunday or Monday immediately preceding the General Election, as determined by the election authority.  
(10 ILCS 5/19-12.2)

**THURSDAY, NOVEMBER 1, 2012**

Last day (by noon) the election authority shall post the names and addresses of nursing home facilities from which no applications for absentee ballots have been received and in which no supervised voting will be conducted.  
(10 ILCS 5/19-12.2)

**FRIDAY, NOVEMBER 2, 2012**

Last day for the election authority to have official ballots available for inspection by candidates or their agents.  
(10 ILCS 5/16-5)

**FRIDAY, NOVEMBER 2, 2012**

**SATURDAY, NOVEMBER 3, 2012**

**SUNDAY, NOVEMBER 4, 2012**

**MONDAY, NOVEMBER 5, 2012**

The election authority will determine on which date Nursing Home Voting will be conducted. No later than 9:00 a.m., the election authority shall deliver official absentee ballots to the judges of election in the precinct where the facility pursuant to the Nursing Home Care Reform Act or the MR/DD Community Care Act is located. The judges shall then deliver in person the ballot to the applicant on the premises of the facility. Between the hours of 9:00 a.m. and 7:00 p.m., sufficient time shall be allowed for residents of licensed or certified Illinois Nursing Homes or federally operated veterans' homes and hospitals to vote on the premises of these facilities. Immediately thereafter, the judges shall bring the sealed envelope to the office of the election authority who shall deliver such ballots to the election authority's central ballot counting location prior to the closing of the polls on the day of election.

(10 ILCS 5/19-4, 19-12.2)

**NOTE: In-person absentee voting shall be conducted on the premises of facilities licensed, pursuant to the Nursing Home Care Reform Act or the MR/DD Community Care Act and federally operated veterans' homes and hospitals, for the sole benefit of residents of such facilities who have made prior application and who are registered to vote in that precinct.**

**(10 ILCS 5/19-4, 19-12.2)**

**MONDAY, NOVEMBER 5, 2012**

Last day for any temporarily or permanently physically disabled voter to request at the election authority's office, that two (2) judges of election of opposite party affiliation deliver a ballot to him/her at the point where he/she is unable to continue forward motion toward the polling place.

(10 ILCS 5/17-13, 18-5.1)

**NOTE: The election authority shall notify the judges of election for the appropriate precinct of such requests.**

**MONDAY, NOVEMBER 5, 2012**

Last day for the election authority to deliver ballots to the judges of election.

(10 ILCS 5/16-5)

**MONDAY, NOVEMBER 5, 2012**

Last day for any registered voter, presently within the confines of the United States, to vote **in person** at the election authority, municipal, township or road district clerk office who is authorized to conduct absentee voting.  
(10 ILCS 5/19-2)

**MONDAY, NOVEMBER 5, 2012**

Last day for election authority to deliver (prior to opening the polling place) to the judges of election in each precinct the list of registered voters in that precinct to whom absentee ballots have been issued by mail, a listing of grace period and early voters.  
[10 ILCS 5/4-50, 5-50, 6-100, 19-4, 19A-5(c)]

**MONDAY, NOVEMBER 5, 2012**

Last day a registered voter in Illinois who has moved within 30 days outside of his/her precinct prior to a Presidential election may apply **in person** for an absentee ballot to vote for President and Vice President only with the election authority having jurisdiction over his/her precinct of former residence.  
(10 ILCS 5/20-13.1)

**TUESDAY, NOVEMBER 6, 2012  
GENERAL ELECTION**

**TUESDAY, NOVEMBER 6, 2012**

Date when authorized local election officials who have not delivered in-person absentee ballots to the election authority shall deliver in-person absentee ballots to the election authority's central ballot counting location before the polls close. All unused in-person absentee voting supplies are to be returned to the office of the election authority.  
(10 ILCS 5/19-2.1)

**FEDERAL WRITE-IN ABSENTEE BALLOT FOR OVERSEAS VOTE**

Overseas voters may be able to use a Federal Write-in Absentee Ballot (FWAB) available through Voting Assistance Officers at military installations or at Embassies/Consulates. To be eligible for this ballot, a voter must.

1. Be located overseas (including APO/FPO addresses)
2. Apply for a regular ballot no earlier than JANUARY 2, 2012 and no later than OCTOBER 6, 2012 from the office of the election authority that has jurisdiction over the precinct of their last residence in the United States.
3. Not have received the requested regular absentee ballot from the election authority.

The voted FWAB must be returned to the election authority by the close of the election on NOVEMBER 6, 2012 or by the 14<sup>th</sup> day following the election if postmarked by 11:59 p.m. the day before the election.

This ballot serves as a backup to the regular ballot and is available from a unit Voting Assistance Officer or at the Embassies/Consulates.

## **GENERAL ELECTION RETURNS**

General Election returns are to be immediately delivered to the election authority from whom the General Election ballots were obtained.  
(5/17-21, 17-22)

## **CANVASSING BOARD**

The county clerk has the responsibility of canvassing the returns of the General Election under its jurisdiction.  
(10 ILCS 5/22-1)

The board of election commissioners has the responsibility of canvassing the returns of the General Election under its jurisdiction.  
(10 ILCS 5/22-8)

## **BEFORE PROCLAMATION BY COUNTY CANVASSING BOARD**

**PRIOR TO THE CANVASS** In those jurisdictions where in-precinct counting equipment is utilized, the election authority shall retabulate the total number of votes cast in 5% of the precincts within the election jurisdiction AS SELECTED ON A RANDOM BASIS BY THE STATE BOARD OF ELECTIONS  
(10 ILCS 5/24A-15, 24B-15, 24C-15)

## **THURSDAY, NOVEMBER 8, 2012**

Registration opens in the offices of the election authorities and with all deputy registrars including all municipal, township, and road district clerks who are authorized deputy registrars.  
(10 ILCS 5/4-6, 5-5, 6-50)

## **THURSDAY, NOVEMBER 8, 2012**

Last day a provisional voter may submit additional information to the county clerk or board of election commissioners to verify or support his/her registration status. Material must be received by this date.  
[10 ILCS 5/18A-15(d)]

## **TUESDAY, NOVEMBER 20, 2012**

Deadline for the county clerk or board of election commissioners to complete the validation and counting of provisional ballots.  
[10 ILCS 5/18A-15(a)]

## **TUESDAY, NOVEMBER 20, 2012**

Deadline for the county clerk or board of election commissioners to complete the tabulation of absentee ballots that were (1) postmarked by midnight preceding the opening of the polls on Election Day, and were received after the close of the polls on Election Day but not later than 14 days after the election, or (2) not postmarked at all, but did have a certification date prior to the Election Day on the certification envelope, and were received after the close of the polls on Election Day but not later than 14 days after the election.  
(10 ILCS 5/19-8)

**NOTE: Absentee voters whose ballots were rejected must be sent a notice of such along with the reason for the rejection within two (2) days of the rejection, but in all cases prior to the end of the 14 day period in which to count the absentee ballots. Such voters must be given an opportunity to appear before the election authority on or before the 14 day following the election to show cause to why the ballot should not be rejected.**  
**[10 ILCS 5/19-8(g)]**

**TUESDAY, NOVEMBER 27, 2012**

Last day for canvassing election results by proper canvassing board (county canvassing board or board of canvassers).  
(10 ILCS 5/18A-15(a), 22-1)

The board of canvassers in City Boards of Election Commissioners shall declare the result of every election within its jurisdiction. The circuit court judge shall enter a record of such abstract and result and a certified copy of such record shall be filed with the county clerk.  
(10 ILCS 5/22-8, 22-9, 22-15)  
The county clerk shall forward the abstract of votes to the SBE via overnight mail.  
(10 ILCS 5/22-5)

**TUESDAY, NOVEMBER 27, 2012**

Last day for appropriate canvassing board to canvass the results of referenda submitted to the voters at the NOVEMBER 6, 2012 General Election.  
(10 ILCS 5/22-17)

**TUESDAY, NOVEMBER 27, 2012**

Last day for the county clerk to conduct a lottery for a tie vote for a county office.  
(10 ILCS 5/22-3)

**TUESDAY, NOVEMBER 27, 2012**

The last day the election authority shall transmit to the State Board of Elections the following: (1) the number, by precinct, of absentee ballots requested, provided and counted, (2) the number of rejected absentee ballots, (3) the number of voters seeking review of rejected absentee ballots, and (4) the number of absentee ballots counted following review.  
(10 ILCS 5/19-20, 20-20)

**AFTER PROCLAMATION BY COUNTY CANVASSING BOARD**

The county clerk shall issue a certificate of election to each person declared elected to a county office.

The State Board of Elections shall receive certified copies of tabulated statements of returns (abstracts) by precinct and ward from each county clerk.

The county clerk, within 21 day after the election, shall make two (2) abstracts of votes for each office (except county offices) and for any amendments to the constitution and other statewide propositions by precinct or ward. Immediately after the completion of the abstracts, a certified copy of such abstracts shall be mailed to the principal office of the State Board of Elections via overnight mail.

(10 ILCS 5/22-5)

**NOTE: If there is a board of election commissioners within a county, the county abstracts shall include the statement of returns from such board of election commissioners.**

**(10 ILCS 5/22-5, 22-9)**

Within 1 day after the canvass and proclamation, each election authority shall transmit to the State Board of Elections a canvass of votes by precinct or ward for all state offices, including state senator, representative in the General Assembly, any congressional office, and the offices of ward and precinct committeemen and total ballots cast, and copies of the current precinct list via overnight mail.

(10 ILCS 5/22-15)

#### **CANVASS BY THE STATE BOARD OF ELECTIONS**

The Board shall canvass the returns for the election of candidates for offices for which petitions were filed with the State Board of Elections.

#### **WRITE-IN CANDIDATES**

Each successful write-in elected shall file the following documents with the proper election authority or the State Board of elections prior to taking office:

- (1) A Loyalty Oath (optional)
- (2) A Statement of Candidacy, and
- (3) A receipt for filing of a Statement of Economic Interest (not required for federal offices).

(10 ILCS 5/22-7)

#### **DISCOVERY RECOUNT**

Within 5 days after the last day for proclamation, petitions for discovery recount may be filed by any qualified individual with the appropriate county clerk, or board of election commissioners. The deadline to file a discovery recount for an office canvassed by the State Board of Elections is 5 days after the Board's canvass. The petition for discovery is filed with the appropriate election authority(ies)

(10 ILCS 5/22-9.1)

**FRIDAY, NOVEMBER 30, 2012**

Last day for Chairman of County Central Committees of both major parties to submit a list of applicants for additional deputy registrars to the election authority.  
(10 ILCS 5/4-6.2, 5-16.2, 6-50.2)

**NOTE: The election authority may require a chairman of a county central committee to furnish a supplemental list of applicants.**

**SATURDAY, DECEMBER 1, 2012**

Beginning of two-year term of all deputy registrars **except** precinct committeemen (who began their own two-year term on the date of the county convention following their election).  
(10 ILCS 5/4-6.2, 5-16.2, 6-50.2)

**SATURDAY, DECEMBER 1, 2012**

First day for term of office for the following officers:  
Circuit Clerk (705 ILCS 105/1.1)  
Recorders (55 ILCS 5/3-5004)  
State's Attorney (55 ILCS 5/3-9002)  
Auditors (55 ILCS 5/3-1001)  
Coroners (55 ILCS 5/3-3002)

**MONDAY, DECEMBER 3, 2012**

First day of term of office for those judges that were elected or retained at the NOVEMBER 6, 2012, General Election.  
(10 ILCS 5/7A-1)

**MONDAY, DECEMBER 3, 2012**

First day for term of office for the following officers:  
County Board Members and County Commissioners (55 ILCS 5/2-3009)  
Sanitary District Members (70 ILCS 2805/3.2)

**TUESDAY, DECEMBER 4, 2012**

First day of office for officers of Water Reclamation District of Chicago.  
(70 ILCS 2605/3)

**FRIDAY, DECEMBER 7, 2012**

Last day for the State Board of Elections to canvass returns and proclaim the results of the election.  
[10 ILCS 5/18A-15(a)]

**MONDAY, DECEMBER 17, 2012**

ELECTORAL VOTES ARE CAST IN SPRINGFIELD.  
(USCA, Title 3, Chap. 1, Sec. 7; 10 ILCS 5/21-4)

**MONDAY, DECEMBER 17, 2012**

First day for election authority to submit computer disks containing voter registration information to the State Board of Elections.  
(10 ILCS 5/4-8, 5-7, 6-35)

**THURSDAY, DECEMBER 27, 2012**

Last day for election authority to submit computer disks containing voter registration information to the State Board of Elections.  
(10 ILCS 5/4-8, 7-7, 6-35)

**2013**

**THURSDAY, JANUARY 3, 2013**

First day for term of office for Federal officers (except President and Vice-President) elected at the NOVEMBER 6, 2012, General Election.  
(United States Constitution, Amendment XX)

**SUNDAY, JANUARY 6, 2013**

Electoral votes are tabulated in Washington, D.C. during a joint meeting of both the House and Senate.  
(USCA, Title 3, Chap. 1, Sec. 15)

**MONDAY, JANUARY 7, 2013**

Last day for election authorities to provide to each county chairman or his representative, precinct lists prepared for the 2012 General Election marked to indicate which registrants voted at the General Election.  
(10 ILCS 5/4-11, 5-14, 6-60)

**WEDNESDAY, JANUARY 9, 2013**

Newly elected members of the General Assembly shall convene and organize their respective chambers.  
[Illinois Constitution, Article IV, Sections 5 and 6(b)]

**SUNDAY, JANUARY 20, 2013**

First day for term of the offices of President and Vice President of the United States.  
(United States Constitution, Amendment XX)

## PROCEDURES ON OBJECTIONS

All citations contained herein are "Illinois Compiled Statutes," 2010, 10 ILCS 5/10-8, through 10-10.1.

### FILING OBJECTION PETITION

Nomination papers shall be deemed to be valid unless objections are filed in writing, **an original and one (1) copy, within 5 business** days after the last day for filing nomination papers. For objections filed with the State Board of Elections, but heard by another electoral board, the State Board of Elections requests (but not required) that the objector file and original and two (2) copies of the objection.

### PROCESSING OBJECTION

**Not later than 12 noon on the second business day** after the receipt of objector's petitions, the election authority or local election officials, **shall transmit by registered mail or receipted personal delivery** the certificate of nomination or nomination papers and original objector's petition to the chairman of the proper electoral board designated in 5/10-9, or his authorized agent, and **shall transmit a copy by registered mail or receipted personal delivery** of the objector's petitions, to the candidate whose certificate of nomination or nomination papers are objected to, addressed to the place of residence designated in said certificate of nomination or nomination papers.

### RESPONSIBILITY OF CHAIRMAN OF ELECTORAL BOARD

**Within 24 hours** after the receipt of objector's petition, chairman of the electoral board other than the State Board of Elections shall **send a call by registered or certified mail**, to each of the members of the electoral board, objector, and candidate and shall also cause the sheriff of the county or counties in which such officers and persons reside to serve a copy of such call upon each of the officers and persons.

In those cases where the State Board of Elections is the designated electoral board, the Chairman of the State Board of Elections shall send the call to the objector and candidate whose certificate of nomination or nomination papers are objected to stating the day, hour and place at which the State Board of Elections shall meet (electoral board hearing may be held in the Capitol Building or in the principal or permanent branch office of the State Board of Elections).

## ELECTORAL BOARD MEETING

Meetings of electoral board shall not be less than 3 nor more than 5 days after receipt of objector's petitions by chairman of electoral board.

## JUDICIAL REVIEW FILED

Within 5 days after the decision of electoral board, candidate or objector aggrieved by decision of the board may file petition for judicial review with clerk of the circuit court. Court hearings are to be held within 30 days after filing the petition and the decision delivered promptly thereafter.

## NO JUDICIAL REVIEW

If no petition for judicial review has been filed within 5 days after the decision of the electoral board, the electoral board shall transmit a copy of its ruling together with the original certificate of nomination or nomination papers or petitions and the original objector's petitions to the officers or board with whom they were on file and such officer or board shall abide by and comply with the ruling so made to all intents and purposes.

**CAMPAIGN FINANCE CALENDAR  
2011 DECEMBER QUARTERLY REPORT  
OCTOBER 1, 2011 THRU DECEMBER 31, 2011**

**2011**

**SATURDAY, DECEMBER 31, 2011**

Last day of the political committee's financial activity, that is to be included in its December Quarterly Report of Campaign Contributions and Expenditures. The period covered by the December Quarterly Report extends from October 1, 2011 (or later if the committee was formed subsequently) through December 31, 2011 inclusively.

[10 ILCS 5/9-10(b)]

**2012**

**TUESDAY, JANUARY 3, 2012**

First day that any political committee may file its December Quarterly Report of Campaign Contributions and Expenditures with the Board.

[10 ILCS 5/9-10(b)]

**TUESDAY, JANUARY 17, 2012**

Last day for a political committee to file its December Quarterly Report of Campaign Contributions and Expenditures with the Board.

[10 ILCS 5/9-10(b)]

**CAMPAIGN FINANCE CALENDAR  
GENERAL PRIMARY ELECTION  
MARCH 20, 2012**

**2012**

**SUNDAY, FEBRUARY 19, 2012**

First day of period during which independent expenditures of \$1000 or more made by a political committee must be reported electronically within five (5) business days after making the independent expenditure.

[10 ILCS 5/9-10(e)]

**SUNDAY, FEBRUARY 19, 2012**

First day of period during which any receipt of a contribution of \$1000 or more by a political committee participating in the election, must be reported within two (2) business days following its receipt.

[10 ILCS 5/9-10(c)]

**MONDAY, MARCH 19, 2012**

Last day of period during which independent expenditures of \$1000 or more made by a political committee must be reported electronically within five (5) business days after making the independent expenditure.

[10 ILCS 5/9-10(e)]

**MONDAY, MARCH 19, 2012**

Last day of period during which any receipt of a contribution of \$1000 or more by a political committee participating in the election, must be reported within two (2) business days following its receipt.

[10 ILCS 5/9-10(c)]

**TUESDAY, MARCH 20, 2012**

**GENERAL PRIMARY ELECTION**

**CAMPAIGN FINANCE CALENDAR  
MARCH QUARTERLY REPORT  
JANUARY 1, 2012 THRU MARCH 31, 2012**

**2012**

**SUNDAY, JANUARY 1, 2012**

First day of the political committee's financial activity, that is to be included in its March Quarterly Report of Campaign Contributions and Expenditures.

[10 ILCS 5/9-10(b)]

**SATURDAY, MARCH 31, 2012**

Last day of the political committee's financial activity that is to be included in its March Quarterly Report of Campaign Contributions and Expenditures. The period covered by the March Quarterly Report extends from January 1, 2012 (or later if the committee was formed subsequently) through March 31, 2012 inclusively.

[10 ILCS 5/9-10(b)]

**MONDAY, APRIL 2, 2012**

First day that any political committee shall file its March Quarterly Report of Campaign Contributions and Expenditures with the Board.

[10 ILCS 5/9-10(b)]

**MONDAY, APRIL 16, 2012**

Last day for a political committee to file its March Quarterly Report of Campaign Contributions and Expenditures with the Board.

[10 ILCS 5/9-10(b)]

**CAMPAIGN FINANCE CALENDAR  
JUNE QUARTERLY REPORT  
APRIL 1, 2012 THRU JUNE 30, 2012**

**2012**

**SUNDAY, APRIL 1, 2012**

First day of the political committee's financial activity that is to be included in its June Quarterly Report of Campaign Contributions and Expenditures.

[10 ILCS 5/9-10(b)]

**SATURDAY, JUNE 30, 2012**

Last day of the political committee's financial activity, that is to be included in its June Quarterly Report of Campaign Contributions and Expenditures. The period covered by the June Quarterly Report extends from April 1, 2012 (or later if the committee was formed subsequently) through June 30, 2012 inclusively.

[10 ILCS 5/9-10(b)]

**MONDAY, JULY 2, 2012**

First day that any political committee shall file its June Quarterly Report of Campaign Contributions and Expenditures with the Board.

[10 ILCS 5/9-10(b)]

**MONDAY, JULY 16, 2012**

Last day for a political committee to file its June Quarterly Report of Campaign Contributions and Expenditures with the Board.

[10 ILCS 5/9-10(b)]

**CAMPAIGN FINANCE CALENDAR  
SEPTEMBER QUARTERLY REPORT  
JULY 1, 2012 THRU SEPTEMBER 30, 2012**

**2012**

**SUNDAY, JULY 1, 2012**

First day of the political committee's financial activity that is to be included in its September Quarterly Report of Campaign Contributions and Expenditures.  
[10 ILCS 5/9-10(b)]

**SUNDAY, SEPTEMBER 30, 2012**

Last day of the political committee's financial activity that is to be included in its September Quarterly Report of Campaign Contributions and Expenditures. The period covered by the September Quarterly Report extends from July 1, 2012 (or later if the committee was formed subsequently) through September 30, 2012 inclusively.  
[10 ILCS 5/9-10(b)]

**MONDAY, OCTOBER 1, 2012**

First day that any political committee shall file its September Quarterly Report of Campaign Contributions and Expenditures with the Board.  
[10 ILCS 5/9-10(b)]

**MONDAY, OCTOBER 15, 2012**

Last day for a political committee to file its September Quarterly Report of Campaign Contributions and Expenditures with the Board.  
[10 ILCS 5/9-10(b)]

**CAMPAIGN FINANCE CALENDAR  
GENERAL ELECTION  
NOVEMBER 6, 2012**

**SUNDAY, OCTOBER 7, 2012**

First day of period during which independent expenditures of \$1000 or more made by a political committee must be reported electronically within five (5) business days after making the independent expenditure.

[10 ILCS 5-9-10(e)]

**SUNDAY, OCTOBER 7, 2012**

First day of period during which any receipt of a contribution of \$1000 or more by a political committee participating in the election, must be reported within two (2) business days following its receipt.

[10 ILCS 5/9-10(c)]

**MONDAY, NOVEMBER 5, 2012**

Last day of period during which independent expenditures of \$1000 or more made by a political committee must be reported electronically within five (5) business days after making the independent expenditure.

[10 ILCS 5/9-10(e)]

**MONDAY, NOVEMBER 5, 2012**

Last day of period during which any receipt of a contribution of \$1000 or more by a political committee participating in the election, must be reported within two (2) business day following its receipt.

[10 ILCS 5/9-10(c)]

**TUESDAY, NOVEMBER 6, 2012  
GENERAL ELECTION**

**CAMPAIGN FINANCE CALENDAR  
DECEMBER QUARTERLY REPORT  
OCTOBER 1, 2012 THRU DECEMBER 31, 2012**

**2012**

**MONDAY, OCTOBER 1, 2012**

First day of the political committee's financial activity that is to be included in its December Quarterly Report of Campaign Contributions and Expenditures.

[10 ILCS 5/0-10(b)]

**MONDAY, DECEMBER 31, 2012**

Last day of the political committee's financial activity that is to be included in its December Quarterly Report of Campaign Contributions and Expenditures. The period covered by the December Quarterly Report extends from October 1, 2012 (or later if the committee was formed subsequently) through December 31, 2012 inclusively.

[10 ILCS 5/9-10(b)]

**2013**

**WEDNESDAY, JANUARY 2, 2013**

First day that any political committee shall file its December Quarterly Report of Campaign Contributions and Expenditures with the Board.

[10 ILCS 5/9-10(b)]

**TUESDAY, JANUARY 15, 2013**

Last day for a political committee to file its December Quarterly Report of Campaign Contributions and Expenditures with the Board.

[10 ILCS 5/9-10(b)]

## **SCHEDULE A-1 REPORTS**

A political committee must file a report of any contribution of \$1000 or more from one source with the Board within five (5) business days after receipt of the contribution, except that the report shall be filed within two (2) business days if received within 30 days prior to an election by a political committee. The dates during which the two-business day filing period must be observed are included within the above calendar.

**STATE BOARD OF ELECTIONS  
STATE OF ILLINOIS**

**William M. McGuffage, Chairman  
Jesse R. Smart, Vice Chairman  
Harold D. Byers  
Betty J. Coffrin  
Ernest L. Gowen  
Judith C. Rice  
Bryan A. Schneider  
Charles W. Scholz**

**Rupert T. Borgsmiller  
Executive Director**

**1020 South Spring  
P.O. Box 4187  
Springfield, IL 62708  
Telephone: 217/782-4141  
(TDD) 217/782-1518**

**James R. Thompson Center  
Suite 14-100  
Chicago, IL 60601  
Telephone: 312/814/6440  
(TDD) 312/814-6431**

**[www.elections.il.gov](http://www.elections.il.gov)**

**Printed by Authority of the State of Illinois  
(In House 08/16)**

**IN THE SUPREME COURT OF ILLINOIS**

THOMAS CROSS, in his official capacity as  
Minority Leader of the Illinois House and individually  
as a registered voter, CHRISTINE RADOGNO, in her  
official capacity as Minority Leader of the Illinois  
Senate, JAMES ORLANDO, individually as a registered  
voter, and CHRISTINE DOLGOPOL, individually as a  
registered voter,

Plaintiffs,

vs.

Original Action Under  
Article IV, Section 3(b) of  
the Illinois Constitution of  
1970

Case No. 113840

ILLINOIS STATE BOARD OF ELECTIONS,  
RUPERT BORGS MILLER, Executive Director of the  
Illinois State Board of Elections, HAROLD BYERS,  
BRYAN A. SCHNEIDER, BETTY J. COFFRIN,  
ERNEST GO'WEN, WILLIAM F MCGUFFAGE,  
JESSE R. SMART, JUDITH C. RICE, and CHARLES W.  
SCHOLZ, all named in their official capacities as members  
of the Illinois State Board of Elections and LISA  
MADIGAN, in her official capacity as Attorney General  
of the State of Illinois,

Defendants.

**AFFIDAVIT OF JACQUELINE PRICE**

I, Jacqueline Price, having first been duly sworn on oath state as follows:

1. I am the Director of the Index Department for the Office of the Illinois Secretary of State.
2. The Index Department serves as the official repository of the acts of the General Assembly and other records as required by law. Those records include filings of the official copies of redistricting plans approved by the Illinois Legislative Redistricting Commission, as required by the 1970 Illinois Constitution. These records are kept in the ordinary course

of business in the Secretary of State's Index Department, and it is part of the Index Department's ordinary course of business to keep these records.

3. I have personally reviewed copies of the redistricting plans filed by the Legislative Redistricting Commission in the years 1971, 1981, 1991, and 2001. From a review of those filings, I have been able to determine the dates that each of these redistricting plans was filed by the Commission, as follows:
- The 1971 Illinois state redistricting plan was filed on August 7, 1971
  - The 1981 Illinois state redistricting plan was filed on October 5, 1981
  - The 1991 Illinois state redistricting plan was filed on October 4, 1991
  - The 2001 Illinois state redistricting plan was filed on September 25, 2001
4. Attached to and immediately following this Affidavit are true and accurate copies of the final pages of the 1971, 1981, and 1991 plans, which include the date of filing and the signatures of a majority of the members of the Legislative Redistricting Commission for the relevant year. Immediately following those pages is a true and accurate copy of a letter from the 2001 Legislative Redistricting Commission to the Secretary of State, enclosing the 2001 redistricting plan, indicating the date of filing as September 25, 2001, and including the signatures of a majority of the 2001 Legislative Redistricting Commission.

FURTHER AFFIANT SAYETH NAUGHT.

Affiant:

          
Jacqueline Price

Subscribed and sworn to before me this 17<sup>th</sup> day of February, 2012.

    *V. Brittin*      
Notary Public

State of Illinois

County of Sangamon

This instrument was acknowledged before me

on 02-17-12 by Jacqueline Price



The terms "Census Tract", "Block Group", and "Enumeration District" as used herein refer to those terms as defined in the 1970 Census of Population.

Done and executed this 7<sup>th</sup> day of August in the year of our Lord, One Thousand Nine Hundred and Seventy-One, within and for the State of Illinois:

Charles C. Chast Deputy State Chairman

J. Douglas Danford W. Robert Blair

Herbert J. Baker

Douglas N. Kane

FILED  
INDEX DIVISION  
5:16 P.M.  
AUG 7 1971

John W. Lewis  
Secretary of State

I hereby approve the attached Legislative Redistricting Plan this second day of October, 1981, and direct that it be filed with the Secretary of State.

1. James H. Donnewald Member, Legislative Redistricting Commission
2. Michael J. McLean Member, Legislative Redistricting Commission
3. Forrest A. Davis Member, Legislative Redistricting Commission
4. Martin R. Murphy Member, Legislative Redistricting Commission
5. Samuel H. Shapiro Member, Legislative Redistricting Commission
6. \_\_\_\_\_ Member, Legislative Redistricting Commission
7. \_\_\_\_\_ Member, Legislative Redistricting Commission
8. \_\_\_\_\_ Member, Legislative Redistricting Commission
9. \_\_\_\_\_ Member, Legislative Redistricting Commission

**FILED**

*1:28* P.M.

OCT 5 1981

INDEX DIVISION  
OFFICE OF SECRETARY OF STATE

I hereby approve the attached Legislative Redistricting Plan this 4th day of October, 1991, and direct that it be filed with the Secretary of State.

1. *William J. Jordan* Member, Legislative Redistricting Commission

2. *Frank P. Watson* Member, Legislative Redistricting Commission

3. *Robert W. Churchill* Member, Legislative Redistricting Commission

4. *James L. Hoff* Member, Legislative Redistricting Commission

*Edith Jones* Member, Legislative Redistricting Commission

6. \_\_\_\_\_ Member, Legislative Redistricting Commission

7. \_\_\_\_\_ Member, Legislative Redistricting Commission

8. \_\_\_\_\_ Member, Legislative Redistricting Commission

9. \_\_\_\_\_ Member, Legislative Redistricting Commission

**FILED**  
**INDEX DEPARTMENT**

**OCT 4 1991**

**IN THE OFFICE OF**  
**SECRETARY OF STATE**



**FILED**  
INDEX DEPARTMENT

SEP 25 2001

IN THE OFFICE OF  
SECRETARY OF STATE

## GENERAL ASSEMBLY

STATE OF ILLINOIS September 25, 2001

Hon. Jesse White  
Secretary of State  
Capitol Building, Room 213  
Springfield, IL 62706

Attn: Index Department

Re: Legislative Redistricting Commission

Dear Secretary White:

We are pleased to inform you that on September 25, 2001, the Illinois Legislative Redistricting Commission approved a redistricting plan for the Illinois House and Senate pursuant to its authority and duty under Article IV, Section 3 of the Illinois Constitution of 1970.

The approved plan is enclosed for filing with your office, as required by the Illinois Constitution. Specifically, the following documents are enclosed:

- 25 copies of maps showing the boundaries of House and Senate districts, counties and townships.
- A written description of each House and Senate district by the largest whole unit of geography, with any remaining territory described by the next largest whole unit of geography, and so on until all territory of each district is so described. For these purposes "whole unit of geography" means and includes but is not limited to the following units in order descending from largest to smallest: (1) counties, (2) townships, (3) census tracts, (4) census block groups, and (5) census blocks.
- Two 100 MB "zip" disks, each containing a computer readable database, in dbase IV and ASCII (delimited text) format, of the file displayed in the enclosed maps.

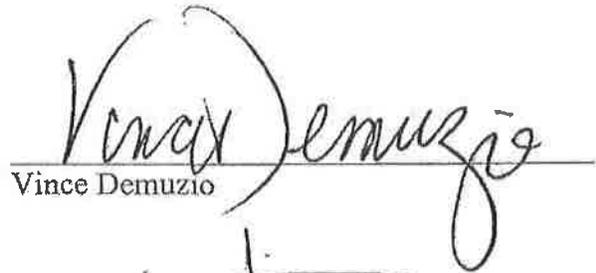
This filing is made pursuant to Article IV, Section 3 of the Illinois Constitution, which provides that "[a]n approved redistricting plan filed with the Secretary of State shall be presumed valid, shall have the force and effect of law and shall be published promptly by the Secretary of State."

For the Commission,

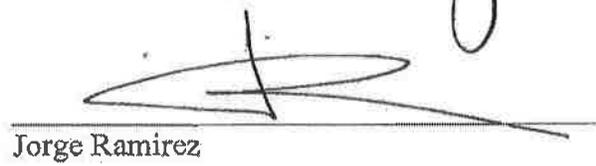
*Michael A. Bilandic*  
Michael A. Bilandic, Chairman

Letter to the Hon. Jesse White  
September 25, 2001  
Page 2

  
Barbara Flynn Currie

  
Vince Demuzio

  
Raymond Ewell

  
Jorge Ramirez

14 (10893-4-71)

General No. 44744

File No. 68577

Cause of Action

Appellant's Attorneys

W. J. Schickel & G. J. Galloway  
10 South Park Street  
Chicago, Ill. 60603

County & County  
1127 Jefferson Building  
Chicago, Ill. 60602  
William J. Scott  
Attorney General

Docket Fee \$ 70.75

Declaratory Judgment

Appeal from

John P. De  
23-11-71  
Leave to Appeal  
9/12/71  
Final  
Jerome H. Ford  
11-11-71  
Appointed  
William J. Galloway  
Attorney General  
Arthur C. J. Jr.  
11-11-71  
Special C. G.  
Single  
390 S. LaSalle  
Chicago 60  
Schiff Hardin  
P. B. Schickel  
231 S. LaSalle  
Chicago 606  
John P. De  
511 - 600  
Permitted  
Appearance Fee \$  
11-1-71 - 1

Clerk's Certification of Completion of Record filed  
Notice of filing Record or Certificate Response to Demand for NOV 2 - 1971  
Sheet Record filed Complaint (Amended) NOV 1 - 1971  
Circuit Court Record filed  
Exhibit filed  
Appellate Court Record filed  
Commissioners' Report filed  
Petition for Appeal filed  
Leave to Appeal  
Abstract filed  
Designation of Excerpts filed  
Brief filed  
Additional Designation of Excerpts filed  
Reply Brief filed  
Excerpts filed  
Records returned to Circuit Court  
Records returned to Appellate Court

Appearance filed  
Additional Record filed  
Answer filed NOV 2 - 1971 NOV 1 - 1971 OCT  
Additional Abstract filed Amended Complaint  
Brief filed Suggestion City of Chicago  
Designation of Excerpts filed Sugg. Rob. Park  
Reply Brief filed Answer of Dixon, Howlett & Roman  
Submitted  
Affirmed  
Reversed  
Reversed and Remanded  
Reversed and Remanded with Directions  
Affirmed in Part, Reversed in Part  
Provisional Rehearing Denial  
Stay Order by Filed  
Mandate issued William J. Scott, Attorney General

OCT 22 1971 Order, Edwardwood C.J.: It is ordered that the Clerk of this Court immediately notify the William J. Scott, Atty. Gen. of the State of Illinois, that he is wanted leave to file by 2:00 P.M. Friday, October 22, 1971, such suggestions or pleadings as he may leave with reference to the pending motions for appointment of counsel and for leave to file "an original Proceeding Concerning Rehearing the Ill. House and Senate."  
OCT 19 1971 Motion by petitioner for appointment of attorney for the State of Illinois and for leave to file original action for declaratory judgment (Ill. v. S. H.) (Oct. 11-1-71)  
OCT 20 1971 Order of Court with above motion was allowed. Consideration of the motion of Peter H. Park and John E. Cassiday, Jr. to be appointed attorneys is reserved pending election by the attorney General to be substituted as relator which election shall be manifested by filing an or before November 1, 1971, an appropriate complaint if the attorney General desires to be substituted as relator or an appropriate answer if he desires to remain a respondent. This motion is issued on the condition respondents unless served. Answers to be filed on or before November 2, 1971. Suggestion of rel parties to be filed on or before 9:00 A.M. November 9, 1971. Oral argument scheduled for Tuesday, November 9, 1971, commencing following oral argument in case no. 44744.  
The Justice Byron directs from the entry of this order. Suggestion issued. Service ordered by all respondents except Michael, Shabman and Paul H. Lewis who were served by the Marshal.  
OCT 19 1971 Motion by petitioner for appointment of attorney for the State of Illinois. (Suggestion of original petitioners and respondents Dixon, Howlett & Roman).  
NOV 3 - 1971 Motion by Illinois Legislative Rehearing Commission for leave to intervene and file its answer to amended complaint and Bill of Particulars and other relief.  
NOV 9 - 1971 The motion by petitioner for appointment of attorney for the State of Illinois was denied.

NOV 1 - 1971 Motion by Rob. Park requests reconsideration of the order granting petitioner to file a petition for leave.  
NOV 2 - 1971 Motion by certain respondents their action on its independent return and Michael J. Shabman.  
NOV 5 - 1971 Motion by certain respondents for thirty minutes for oral argument.  
NOV 6 - 1971 Motion by Rob. Park requests to adopt the language of the suggestion of answer. It amended complaint and their answer to the petition for a judgment.  
NOV 8 - 1971 motion by respondent, John P. De for declaratory judgment.  
NOV 9 - 1971 The motion by Rob. Park requests reconsideration etc. was denied.  
NOV 9 - 1971 The motion by certain respondents etc. was denied.  
NOV 9 - 1971 The motion by certain respondents etc. was allowed.  
NOV 9 - 1971 The motion by Rob. Park requests to adopt the answer of the City of Chicago. The motion was allowed.  
NOV 9 - 1971 The motion by respondent, John P. De for declaratory judgment was denied.  
NOV 10 1971 Motion by Village of Shabman is leave to be dismissed from their action.  
NOV 9 - 1971 Leave granted to file consolidated Legislative Rehearing Commission.  
NOV 17 - Motion by Village of Shabman to be dismissed.  
DEC 3 - 1971 Motion by respondents, Andy Williams, et al., to dismiss, on its terms, the Complaint and Dec. for interpleader on a

Petition for Rehearing filed JAN 14 1972  
Rehearing DENIED DEC 20 1971  
Briefs on Rehearing filed



Circuit Court Record filed  
 Exhibit filed  
 Appellate Court Record filed  
 Commissioners' Report filed  
 Petition for Appeal filed  
 Leave to Appeal  
 Abstract filed  
 Designation of Excerpts filed  
 Brief filed  
 Additional Designation of Excerpts filed  
 Reply Brief filed  
 Excerpts filed  
 Records returned to Circuit Court  
 Records returned to Appellate Court

NOV 1 - 1971

Additional Abstract filed *Ans to amended complaint* NOV 1 -  
 Brief filed *Suggestion City of Evanston* NOV 4 -  
 Designation of Excerpts filed *Supp. Cook Park* NOV 6 -  
 Reply Brief filed *Answer of Dixon, Howlett & Conroy* NOV 8 -  
 Submitted *Suggestion of John A. Grivetti + Answer* NOV 9 -

Affirmed  
 Reversed  
 Reversed and Remanded  
 Reversed and Remanded with Directions  
 Affirmed in Part, Reversed in Part

*Provisional Redistricting Plan Adopted* Filed DEC 17  
 Stay Order by  
 Mandate issued *William J. Scott, Attorney General* FEB 7 -

NOV 1 - 1971 *The motion by certain respondents of the Legislative Redistricting Commission for leave to intervene etc was taken with the court.*  
 AUG 3 - 1973 *Order, Scheffer, J., dated July 31, 1973, with certain respondents motion to reopen the case or in the alternative motion for judgment for writ of mandamus under advisement for disposition by the full court.*  
 AUG 3 - 1973 *Order of court: Denies motion to reopen the case, or in the alternative motion to grant leave to file an original mandamus action.*

NOV 1 - 1971 *Motion by Cook Park respondents for reconsideration of the order granting leave to petitioner to file a petition for declaratory judgment.*  
 NOV 2 - 1971 *Motion by certain respondents to take this action on to independent voters of certain and Michael L. Spelman.*  
 NOV 5 - 1971 *Motion by certain respondents for additional of thirty minutes for oral argument.*  
 NOV 6 - 1971 *Motion by Cook Park respondents for leave to adopt the answer of Arlington Heights as answer to amended complaint and to have their answer to the petition for declaratory judgment.*  
 NOV 8 - 1971 *Motion by respondent, John A. Grivetti, for declaratory judgment.*  
 NOV 9 - 1971 *The motion by Cook Park respondents for reconsideration etc was denied.*  
 NOV 9 - 1971 *The motion by certain respondents to dismiss etc was denied.*  
 NOV 9 - 1971 *The motion by certain respondents for additional time was allowed.*  
 NOV 9 - 1971 *The motion by Cook Park respondents for leave to adopt the answer of the Village of Arlington Heights etc was allowed.*  
 NOV 9 - 1971 *The motion by respondent, John A.*

A-131

IN THE  
SUPREME COURT OF ILLINOIS

1

GEORGE E. SCHRAGE III, County Clerk of Adams )  
County, Illinois, SAMUEL W. WOLF, a citizen )  
of Illinois and candidate for election to )  
the 83rd General Assembly, )

Plaintiffs, )

v. )

ORIGINAL ACTION

No. 55661

The STATE BOARD OF ELECTIONS of Illinois, )  
JUDITH KOEHLER, a citizen of Illinois )  
and candidate for election to the 83rd )  
General Assembly, TYRONE C. FAHNER, )  
Attorney General of Illinois, JIM )  
EDGAR, Secretary of State, )

Defendants. )

**FILED**

OCT 19 1981

MOTION

FOR LEAVE TO FILE COMPLAINT

CLELL L. WOODS, Clerk

Now come Plaintiffs, GEORGE E. SCHRAGE III and SAMUEL W. WOLF, by their attorneys, and pursuant to Supreme Court Rule 382, respectfully move this Court to grant them leave to file the attached Complaint for Declaratory



