

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

WILLIAM MORGAN, ELIZABETH )	
NORDEN, DAVID VAUGHT, DORIS )	CASE NO. 1:20-cv-02189
DAVENPORT, ANDREA RAILA, )	
JACKSON PALLER, and the )	
COMMITTEE FOR THE ILLINOIS )	
DEMOCRACY AMENDMENT, an )	
unincorporated political association, )	Emergency Judge Rebecca R. Pallmeyer
)	
Plaintiffs, )	
)	Honorable Judge Charles R. Norgle, Sr.
JESSE WHITE, in his official capacity )	
as Illinois Secretary of State, DEVON )	Magistrate Judge M. David Weisman
REID, in his official capacity as the )	
Evanston City Clerk, KAREN A. )	
YARBROUGH, in her official capacity )	
as Cook County Clerk, and WILLIAM )	
J. CADIGAN, KATHERINE S. O'BRIEN,) )	
LAURA K. DONAHUE, CASSANDRA )	
B. WATSON, WILLIAM R. HAINE, )	
IAN K. LINNABARY, CHARLES W. )	
SCHOLZ, WILLIAM M. MCGUFFAGE, )	
in their official capacities as Board )	
Members for the Illinois State Board of )	
Elections, )	
)	
Defendants. )	

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EMERGENCY MOTION TO RECONSIDER IN LIGHT OF NEW DEVELOPMENTS  
AND TO CORRECT THE RECORD

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NOW COME Plaintiffs, William Morgan *et al.*, and move this Court to reconsider its April 17, 2020 ruling in light of new developments and to correct the record before the Court. In support of this Motion, the Plaintiffs state as follows:

1. On April 7, 2020, the Plaintiffs filed this present suit seeking “to enjoin or modify Illinois petition collection requirements for initiative referendums to be placed on the November 3, 2020 general election ballot . . . *in light of the current public health emergency caused by the novel coronavirus and the Governor’s shelter-in-place emergency orders.*” Dkt. 001. )(emphasis added).

2. On April 9, 2020, Plaintiffs filed an emergency motion for preliminary injunction which was heard before Judge Pallmeyer on April 17, 2020.

3. On April 17, 2020, Judge Pallmeyer held a telephonic hearing during which she denied Plaintiffs’ motion for preliminary injunction largely on the basis of a misunderstanding concerning the argument Plaintiffs were making, discussed further below.

4. Subsequent to the Court’s ruling, the Plaintiffs and the State Defendants engaged in multiple rounds of settlement negotiations which ultimately failed to resolve this matter.

5. The State still continues to require the Plaintiffs to physically deliver their petition in paper form, has refused to extend the May 3, 2020 deadline, and has further refused to agree to any signature reduction.

6. The State’s requirements are impossible to comply with, and more so now that the Governor has extended the stay-at-home orders to May 30, 2020. Indeed, the Secretary of State’s office, to which hundreds of thousands of pages must be delivered,

is not even open to the public during the pendency of the stay-at-home order. And even if the office were open, the Plaintiffs would be required to violate the stay-at-home and social distancing rules in order to show up to the office with hundreds of thousands of paper pages and put State personnel at risk from physical contact and from handling hundreds of thousands of paper pages.

7. The Governor's extension of the stay-at-home order through May 30, 2020 is a new and relevant factual development that requires this Court's immediate attention as Plaintiffs have no means to comply with the State's election requirements.

8. Moreover, the only relief Plaintiffs seek simply mirrors the relief recently granted to candidates in *Libertarian Party of Illinois et. al., v. Pritzker et. al.*, Case No 2-cv-2112. Indeed, the traditional procedure in existing Illinois election law for collecting initiative petition signatures is identical to, and indistinguishable from, the traditional procedure for collecting candidate petition signatures which was modified in the *Libertarian Party* case.

9. In addition, Plaintiffs need to correct the record concerning the April 17, 2020 hearing. The Plaintiffs' argument is, and always has been, that the election laws they are seeking to modify are unconstitutional only *under the present circumstances*. This is clear from page one of the Plaintiffs' Verified Complaint and throughout their subsequent briefings. Plaintiffs do not, and have not, challenged the constitutionality of the State's elections laws on their face, or as they existed before the pandemic.

10. During the April 17, 2020, Judge Pallmeyer and attorney John Mauck discussed the constitutionality of the challenged restrictions and whether they were also unconstitutional one year ago. Attorney Mauck misunderstood the line of questioning and misspoke concerning the Plaintiffs' position in this case. Nothing submitted to the court has argued that the challenged election restrictions were illegal one year ago.

11. This confusion is apparent in the transcript of the proceedings. Attorney Mauck, for instance, began his comments by noting that the election requirements were unconstitutional "*as applied.*" **Exhibit A, Transcript at p. 16.** Likewise, the Court correctly recognized that the argument that Governor Pat Quinn was making was that the Plaintiffs were challenging the election requirements only in light of the pandemic. *Id.* at p. 18. Attorney Mauck can clarify his comments should the Court desire.

12. Plaintiffs here should not be denied their constitutional rights on the basis of a misunderstanding during a telephonic hearing.

13. In light of new developments such as the extension of the Governor's executive order through May 30, 2020 and the misunderstanding during the April 17, 2020 hearing, the Plaintiffs respectfully request that the Court reconsider its ruling denying Plaintiffs' motion for preliminary injunction.

WHEREFORE, the Plaintiffs respectfully request relief as set forth in **Exhibit B** attached to this motion.

Dated: April 28, 2020

Respectfully submitted,

/s/ WILLIAM MORGAN, ET AL.,

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# **EXHIBIT A**

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

WILLIAM MORGAN, et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	No. 20 CV 02189
	)	
JESSE WHITE, et al.,	)	Chicago, Illinois
	)	April 17, 2020
Defendants.	)	10:11 a.m.

TRANSCRIPT OF TELEPHONIC PROCEEDINGS  
BEFORE THE HONORABLE REBECCA R. PALLMEYER

APPEARANCES TELEPHONICALLY:

For the Plaintiffs:	MAUCK & BAKER, LLC BY: MR. JOHN W. MAUCK MR. SORIN A. LEAHU One North LaSalle Street, Suite 600 Chicago, Illinois 60602 (312) 726-1243 jwmcourt@mauckbaker.com sleahu@mauckbaker.com
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11 ALSO PRESENT TELEPHONICALLY:

12 MR. PATRICK J. QUINN,  
13  
14 MR. JAMES NALLY.

15 Court Reporter: Judith A. Walsh, CSR, RDR, F/CRR  
16 Official Court Reporter  
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1 (Proceedings heard telephonically:)

2 THE COURT: Let's turn to the other case, the Morgan  
3 case. And that's a case that's related to this one certainly  
4 but also has some distinctions. And this is 20 C 2189, Morgan  
5 versus White.

6 So let me get your appearances in that case right now  
7 beginning with the plaintiff.

8 MR. MAUCK: Thank you, your Honor. This is John  
9 Mauck, J-o-h-n, M-a-u-c-k, one of the attorneys for the  
10 plaintiff.

11 MR. QUINN: Thank you, your Honor. My name is Pat  
12 Quinn. That's spelled P-a-t, Pat, Quinn, Q-u-i-n-n.

13 MR. LEAHU: This is Sorin Leahu, S-o-r-i-n,  
14 L-e-a-h-u.

15 THE COURT: And for defendant?

16 MS. WALSH: Your Honor, this is Assistant Attorney  
17 General Erin Walsh on behalf of the State Board of Elections,  
18 E-r-i-n, W-a-l-s-h.

19 MS. GANDURSKI: Your Honor, this is Kelley Gandurski,  
20 corporation counsel for the City of Evanston on behalf of  
21 Devon Reid in his official capacity as clerk. My name is  
22 spelled K-e-l-l-e-y, last name is G-a-n-d-u-r-s-k-i.

23 MS. SCHELLER: Good morning, your Honor. Assistant  
24 State's Attorney Jessica Scheller, J-e-s-s-i-c-a,  
25 S-c-h-e-l-l-e-r, appearing on behalf of Karen Yarbrough in her

1 official capacity as Cook County clerk. I am joined on the  
2 phone by a representative of my client, James Nally, who is  
3 legal counsel to the clerk.

4 MR. DIERKES: Good morning, your Honor. This is  
5 Michael Dierkes, M-i-c-h-a-e-l, D-i-e-r-k-e-s, for Illinois  
6 Secretary of State Jesse White.

7 MS. RUGGIE: Good morning, your Honor. This is  
8 assistant city attorney Alexandra Ruggie on behalf of the City  
9 of Evanston and defendant Devon Reid. My name is spelled  
10 A-l-e-x-a-n-d-r-a, Ruggie, R-u-g-g-i-e.

11 MS. MASTERS: Good morning, your Honor. This is  
12 Silvia Mercado Masters, M-e-r-c-a-d-o, M-a-s-t-e-r-s. I'm an  
13 Assistant State's Attorney on behalf of Clerk Yarbrough.

14 THE COURT: All right. Good morning. The  
15 relationship between this case and the one that was just  
16 discussed obviously relates to the signature requirement. In  
17 this case, we're talking about ballot access for referendum  
18 which is, as I understand it, a state-created right and,  
19 therefore, it's generally -- the test for getting -- for  
20 proceedings are usually a rational basis test that has been  
21 applied.

22 Have you been able to talk about whether there's a  
23 resolution for the proposed -- the concerns that plaintiffs  
24 have raised here?

25 MR. MAUCK: Your Honor, this is John Mauck. We did

1 have a good hour and a half conference on Monday with about 13  
2 counsel. And there have been a number of subsequent  
3 conversations of different parties. So there's been a lot of  
4 conferring.

5           There was some movement we saw yesterday with the  
6 filing by the State defendants and a concession that some  
7 modifications would be appropriate but they're not -- they're  
8 not sufficient to meet our needs. So that's where we stand at  
9 this point.

10           THE COURT: When was that last proposal made? Just  
11 yesterday?

12           MR. MAUCK: Well, the proposal was made in the reply  
13 motions, the response to our motions.

14           THE COURT: Correct.

15           MR. MAUCK: The Secretary of State suggested the --  
16 that a two-week delay might be appropriate and the signature  
17 requirements could be, as long as they were wet signatures,  
18 what they call hard copy -- we call hard copy signatures, that  
19 they could be submitted separately and not notarized, and some  
20 of the procedures were not required. And the Board of  
21 Elections had allowed similar modifications.

22           But the central issue is, we believe that electronic  
23 signatures and registration is a simple and fair solution and  
24 workable solution. And that's where we stand. That's --  
25 that's the main difference and the main issue to be discussed,

1 I think.

2 THE COURT: And what is the State's -- I know that  
3 there are a number of defendants here, and many of them have  
4 arguments that they really don't belong in the case for  
5 various reasons.

6 What would be -- what's the State's major concern  
7 about accepting electronic signatures in support of these  
8 petitions or referenda proposals?

9 MS. WALSH: Your Honor, this is Erin Walsh on behalf  
10 of the State Board.

11 I think there are many concerns with accepting  
12 electronic signatures. First of all, there's no indication of  
13 what that actually means. And if you look at the State  
14 Board's election code procedures for ensuring that there  
15 aren't fraudulent -- there aren't fraudulent signatures, that  
16 these initiatives actually have the requisite amount of  
17 support. The State Board actually compares signatures in its  
18 verification process in order to determine that these are  
19 valid. So this poses a huge risk and leaves the whole  
20 operation open to fraud.

21 In addition, it's just not workable because we do not  
22 currently have something set up and cannot create and  
23 implement something like this on such short notice. We're  
24 talking about a filing deadline, a constitutionally -- an  
25 Illinois Constitution set this filing deadline of May 3rd.

1 And now plaintiffs are coming into court attempting to get  
2 various state agencies to completely rework their system for  
3 ballot access or the state-created right at the last minute.

4 This could completely -- this could completely throw  
5 the entire system into chaos, leave everything open to fraud.  
6 And it just poses great risk to election integrity in the  
7 state.

8 THE COURT: Right now as I understand it, the only  
9 plaintiff who's actually begun an initiative petition drive is  
10 Mr. Morgan; is that correct?

11 MR. MAUCK: This is John -- go ahead, Governor.

12 MR. QUINN: This is Pat Quinn on behalf of the  
13 plaintiffs.

14 Mr. Morgan has commenced petition passing as have all  
15 the other plaintiffs in the past several weeks. They  
16 essentially began their petition drive after the Illinois  
17 General Assembly announced they were not going to make any  
18 recommendations pursuant to a legislative commission on ethics  
19 and lobbying reform that was set up last fall.

20 The Secretary of State, the Attorney General, the  
21 governor, and legislators appointed a number of people to make  
22 recommendations to deal with Illinois' serious corruption,  
23 political corruption problems at both state level and local  
24 level. This was done with great fanfare. The governor  
25 brought it up in his state of the State address in January.

1           Then the commission, which had a deadline for  
2 recommendations of March 31st, announced that they would not  
3 complete their job at all and make no recommendations. And  
4 shortly before that, the plaintiffs began to organize a  
5 petition drive under the constitution of Illinois for voters  
6 to have a say in the matter.

7           And they have and are collecting signatures, but they  
8 cannot do it in a safe way in public where they would go to  
9 gatherings which are not permitted anyhow. And they're  
10 following the rules of stay-at-home and also making sure they  
11 keep socially distant from someone who might be a petition  
12 signer six feet away.

13           So the whole normal process of collecting signatures  
14 is not possible. However, what we just heard from the  
15 attorney for the defendants regarding chaos, their proposal to  
16 the plaintiffs is -- would be one of chaos. It is not  
17 workable as we heard in the previous case. It's just not  
18 safe, let alone the technology required for the collection of  
19 363,000 signatures in a month is not possible.

20           Now, the plaintiffs have one person who has organized  
21 four -- his name is David Vaught, V-a-u-g-h-t. He has  
22 organized four different statewide petition drives that  
23 gathered more than enough signatures on four different  
24 occasions: 1976, 1980, 1982, and 1994. And signatures came  
25 in in those drives, the bulk of them, in the last seven weeks.

1 So it is feasible to gather this number of signatures in light  
2 of the legislature's refusal to do anything significant on  
3 political ethics reform, which is the goal of the plaintiffs.

4 And our proposal, your Honor, is one that I signed  
5 into law in 2013. As a matter of fact, people in my office,  
6 the Central Management Services and our chief information  
7 officer, worked directly with defendants the State Board of  
8 Elections and the Secretary of State to set up an online voter  
9 registration system that actually uses in the statute that I  
10 signed into law the words "electronic signatures."

11 This was set up to allow people to register to vote  
12 or to change their address if they are already registered to  
13 vote and to do it in an online way by submitting their name  
14 and address, their driver's license number, as well as the  
15 date of birth and I believe also the last four digits of their  
16 Social Security number.

17 This system, which began in 2014, has been in place  
18 for the past half dozen or more years. Indeed, two of our  
19 plaintiffs used the system to change their address. They were  
20 already registered to vote, but they used Illinois' online  
21 voter registration system which allows for electronic  
22 signatures, not the so-called handwritten wet signatures.

23 The system was set up. It could be easily modified  
24 to accommodate electronic registrations of support for an  
25 initiative. And listening to the previous case, it could be

1 also adapted for those who would seek to put a candidate on  
2 the ballot. The defendants --

3 THE COURT: You know, let me interrupt. I need to  
4 interrupt for a moment, Mr. Quinn. I'm sorry. You know,  
5 whatever my views might be on the propriety of this electronic  
6 concept, I'm not sure I have jurisdiction to order that. What  
7 I would -- what I am hoping that you'll be able to do is find  
8 some common ground.

9 I'm not sure that I have jurisdiction to order a  
10 mandatory injunction of the kind you're proposing because that  
11 really would ordinarily require legislative action. I can't  
12 on my own order a different mechanism for the voting process  
13 in Illinois.

14 What I can do is, what I'm trying to do right now is  
15 determine what -- if this initiative is reform initiative,  
16 we're talking about, you mentioned several people working on  
17 it. Do we have more than one petition I need to worry about?  
18 Is there one petition that Mr. Morgan and others want to get  
19 on the ballot right now and they feel they've got adequate  
20 support for and, if so, how many signatures have been gathered  
21 already for that petition prior to -- prior to when the whole  
22 shutdown happened?

23 MR. QUINN: Well, there is more -- this is Pat Quinn.

24 There is more than one petition. There's a petition  
25 at the statewide level. That is Mr. Morgan's petition for

1 reform of the Illinois political ethics. There's also a  
2 petition at the municipal level in Evanston. That is a  
3 petition of plaintiff Jackson Paller. And that deadline is  
4 later. The local referendum is -- has a deadline of August  
5 3rd. The statewide referendum has a deadline of May 3rd of  
6 this year.

7 Both petitions have commenced and have gathered  
8 signatures. The number of signatures needed statewide is over  
9 363,000. At the municipal level in Evanston, the number of  
10 signatures required is 2,800 by August 3rd. So both are  
11 proceeding. When you do a petition drive, it's impossible to  
12 know exactly how many signatures you have until they're  
13 collected. And most people go right to the deadline before  
14 they turn in their petitions.

15 THE COURT: Well, right. And I guess I'm not so  
16 concerned about August 3rd. You know, there's no reason to  
17 believe we're not going to be at least in some more active  
18 situation by then.

19 With respect to the 363,000, how close are you to  
20 that goal?

21 MR. QUINN: Well --

22 THE COURT: Things come in at the last minute. I get  
23 that.

24 MR. QUINN: Yes. Well, they're not close in terms  
25 of, they're near the achievement of 363,000. They have begun.

1 I -- frankly, and I don't think anyone knows exactly how many  
2 people have signed the petition until they actually turn in  
3 petitions in one way or another.

4 But just to put it in perspective, your Honor, in the  
5 state of Wisconsin, they have an online system where people  
6 can request absentee ballots. Historically, that wasn't used  
7 very often at all. About 200,000 people in Wisconsin voted  
8 absentee. But in the recent election, in just the last ten  
9 days, the Wisconsin election commission went from 554,000  
10 requests for absentee ballots to almost 1.3 million, a growth  
11 of about -- three-quarters of a million people in the last ten  
12 days went online, many of them, to request an absentee ballot.

13 So the technology of using an electronic  
14 communication to register your support is available in  
15 Illinois. In order to actually participate in an election,  
16 you have to be registered. And right now, our state for some  
17 years has recognized that in order to be registered, you can  
18 use an electronic signature and there -- and that is a safer  
19 system.

20 When I signed that law, it is safer than the  
21 traditional handwriting system because you have all these  
22 indices of identity. You have the signer's IP address, when  
23 it was signed, when it was submitted. You have their date of  
24 birth. And the person has to put in their driver's license  
25 number.

1           So the notion that we hear from the other side that  
2 there's chaos and there will be fraud, the fraud exists where  
3 people use handwriting to fraudulently write somebody's name  
4 on a petition. That's the current system, the so-called wet  
5 system. Our proposal is one that is fighting against fraud  
6 and is the best way to identify the petitioners who want to  
7 register their support.

8           MS. WALSH: Your Honor, may I address a couple points  
9 that Mr. Quinn has raised?

10          THE COURT: Sure.

11          MS. WALSH: This is Erin Walsh for the State Board of  
12 Elections.

13           And, first of all, I just want to address this point.  
14 It seems that plaintiffs keep complaining about the difficulty  
15 that this situation poses for them to get on the ballot, but  
16 this isn't a case of ballot access that said -- that indicates  
17 voting rights. This is simply a state-created right for a  
18 proposed constitutional amendment to be submitted as a  
19 referendum. The plaintiffs do not have a federal right that  
20 that shows up on the general election ballot.

21           Secondly, whether other states have some sort of  
22 mechanism to submit signatures electronic in different  
23 situations, Illinois does not have that set up in this  
24 context. They're trying to foist this untested program on the  
25 State of Illinois at the last minute, and it's upending years

1 of how we have done the election process in this state.

2 Also, they have not made any showing that they've  
3 attempted to even try to comply with the previous procedures.  
4 We have no evidence that they've -- how many signatures that  
5 they've collected, that they made an effort prior to March  
6 2020. The filings that were submitted to the State Board of  
7 Elections indicates that this committee was created on April  
8 1st, 2020, and that the paperwork was filed on April 9th,  
9 2020.

10 So and one last point. You still need a handwritten  
11 signature of some kind for voter applications when you go  
12 through the State Board of Elections' website to do the online  
13 registration to vote.

14 MR. QUINN: Your Honor, may I respond to that? You  
15 do not need a handwritten signature. It is sufficient to  
16 recite your name, your address, your date of birth, your  
17 driver's license number, the last four digits of your Social  
18 Security number. That's called an electronic signature.

19 With respect to the committee that was formed, you do  
20 not need to have a committee unless you raise \$5,000. You can  
21 commence petition passing prior to the formation of the  
22 committee, and that's exactly what happened here. We are not  
23 upending years of prior behavior because this system is  
24 digital. Electronic system for registering yourself to be a  
25 voter has been in place in Illinois.

1 I know exactly what -- how to do it because I was the  
2 one who suggested it in my state of the State address in  
3 January of 2013. And within a few short months, the law was  
4 passed. I signed it into law. It was implemented with the  
5 assistance of people who worked for me and with the two  
6 defendants.

7 The two defendants are claiming that this is a  
8 difficult thing to do. It's the exact opposite. Any  
9 reasonable operation could easily adjust the current voter  
10 registration system that's done online to include registering  
11 your support for an initiative proposition. And indeed, that  
12 is something that Illinois should consider because it is the  
13 most safe, most secure, the best system to prevent voter  
14 fraud. Now --

15 THE COURT: Mr. Quinn --

16 MR. QUINN: -- understanding --

17 THE COURT: Mr. Quinn, I'm sorry to interrupt. This  
18 is not about what is a good proposal or makes sense or ought  
19 to be done or is a matter of good public policy. This is  
20 about whether I have the constitutional authority to order  
21 Illinois to adopt this proposal for its initiative at this  
22 moment, and I just -- I'm really uncertain about that. I  
23 don't think that the case has been made.

24 I need to look at the case law more carefully and  
25 determine whether I even have jurisdiction to enter such an

1 order, but I would suggest that you work with the defendants  
2 at this time to see if there's some somewhat ameliorating  
3 mechanism for getting a well-supported initiative on the  
4 ballot, not upend the entire process in a way that would be  
5 ideal. That's not what I'm able to do here.

6 MR. QUINN: Well, your Honor --

7 MR. MAUCK: This is John Mauck. With regard to the  
8 jurisdiction, it is a state-created right, the right to --

9 THE COURT: Correct.

10 MR. MAUCK: -- put in these referendums, initiatives,  
11 but the Seventh Circuit has said that the state that opens the  
12 ballot cannot impose unconstitutional restrictions.

13 THE COURT: Correct.

14 MR. MAUCK: And our contention is that these  
15 restrictions that they're enforcing requiring wet signatures  
16 is unconstitutional as applied because they -- they're  
17 irrational. And we think they have no compelling interest in  
18 them. And we think there are compelling interest tests  
19 involved, not a rational basis, but in either case when  
20 there's an easier, cleaner --

21 THE COURT: Okay. Hold on. Hold on. I've got to  
22 interrupt. If you're saying there's no rational basis for  
23 this, then the public health emergency has nothing to do with  
24 it; is that right? You would be bringing this -- you would be  
25 bringing this lawsuit even absent COVID-19?

1 MR. MAUCK: Well, we --

2 THE COURT: You're saying there's no rational basis  
3 for the way the State is doing things right now.

4 MR. MAUCK: It's questionable. I don't know the  
5 answer to that, but there's certainly no compelling reason and  
6 certainly not narrowly tailored. That's what we've contested.

7 THE COURT: That's -- it's not narrowly tailored, and  
8 it wasn't narrowly tailored a year ago; is that right?

9 MR. MAUCK: That's right.

10 THE COURT: In that case, I'm not prepared to enter a  
11 preliminary injunction. There's nothing unusual about the  
12 circumstances that maps under your argument.

13 MR. MAUCK: Well, the narrow tailoring --

14 THE COURT: In other words, the argument right now  
15 that there is an urgent need for change in the current system  
16 because -- because it's not rationally based and it's not  
17 narrowly tailored, it's something that could have been brought  
18 at any point. And the fact that we're in a public health  
19 emergency does not change that.

20 This law was unconstitutional, in your view, a year  
21 ago, and that's when the lawsuit should have been filed. It's  
22 too late now with a deadline of May 3 for the Court to upend  
23 the process. If I believed that instead what you're talking  
24 about is something that's unique to the current situation, I  
25 would be considering this, but that's not the argument you're

1 making. That's not the argument that Mr. Quinn has made.

2 I'd just note, Mr. Quinn has not filed an appearance,  
3 so if you're going to do that, you need to do so, sir.

4 MR. MAUCK: There's a motion pending for Governor  
5 Quinn pro hac vice --

6 THE COURT: I didn't see that.

7 MR. MAUCK: -- pending before the Court.

8 THE COURT: I'm sorry. I didn't see that.

9 MR. MAUCK: Yes. We've asked the Court to grant  
10 that.

11 MR. QUINN: Your Honor, this is Pat Quinn. Your  
12 Honor, with respect to the issue, the federal court in 1982  
13 with one of our plaintiffs did indeed look at the provisions  
14 of Section 28-3 of the Illinois Election Code regarding a  
15 previous statewide initiative, and the federal court held that  
16 strict scrutiny was the standard with respect --

17 THE COURT: I have to interrupt. I have to interrupt  
18 again. I don't see a motion for leave to proceed pro hac vice  
19 on the file. Can you identify that for me, where in the  
20 record that is? I'm sorry.

21 MR. QUINN: It was -- your Honor, it was filed by  
22 Mr. Mauck's firm on my behalf.

23 THE COURT: Got it. Okay. Got it.

24 MR. QUINN: All right.

25 THE COURT: But again, Mr. Quinn, you're making an

1 argument about something that was true ten years ago or five  
2 years ago. That's not a basis for a preliminary injunction.

3 MR. QUINN: Well, we do feel that the current public  
4 health emergency makes it impossible to conduct any kind of  
5 petition passing that would allow us to gather the appropriate  
6 number of signatures, not only statewide but also with respect  
7 to the Evanston petition which is due on August 3rd.

8 Clearly, those men and women in Evanston who want to  
9 put a question on the ballot are -- with respect to this  
10 public health emergency, they have a choice either to obey the  
11 law or to try to follow petition passing. So they're obeying  
12 the law and so --

13 THE COURT: But the law --

14 MR. QUINN: -- they need guidance from this court --

15 THE COURT: The law does not --

16 MR. QUINN: -- on how to carry out their opportunity  
17 to petition their government.

18 THE COURT: I'm so sorry, but the law does not  
19 prohibit them from movement until August 3rd. It may at some  
20 point but right now, that's not the law.

21 The motion for preliminary injunction to alter the  
22 state deadlines is denied. I'll -- the case will be entered  
23 and continued with respect to Evanston. And I'm confident  
24 that Judge Norgle, to whom the case is assigned, will take it  
25 up.

1 MS. SCHELLER: Your Honor, this is the Assistant  
2 State's Attorney on behalf of the Clerk, Karen Yarbrough.

3 THE COURT: Yes.

4 MS. SCHELLER: You may recall that we filed a  
5 response suggesting that the clerk is not in a position to  
6 grant or deny any relief to the plaintiffs. And we also do  
7 not believe there's an Article III justiciable dispute. We  
8 would ask that the Court deny the motion as directed against  
9 the clerk as well today.

10 THE COURT: So ordered.

11 MS. GANDURSKI: And, your Honor, this is Kelley  
12 Gandurski on behalf of Evanston. We would also make the same  
13 request. We filed a motion to dismiss in this case, and we  
14 are -- our argument is that we are not a proper party at this  
15 time as Evanston follows the state law.

16 THE COURT: Well, that motion is pending, and I'm  
17 confident that counsel will respond to it. I'm not entering a  
18 preliminary injunction at this time. Thank you.

19 THE CLERK: Court is in recess.

20 (Proceedings adjourned at 10:39 a.m.)

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C E R T I F I C A T E

I, Judith A. Walsh, do hereby certify that the foregoing is a complete, true, and accurate transcript of the proceedings had in the above-entitled case before the Honorable REBECCA R. PALLMEYER, one of the judges of said court, at Chicago, Illinois, on April 17, 2020.

/s/ Judith A. Walsh, CSR, RDR, F/CRR April 20, 2020

Official Court Reporter  
United States District Court  
Northern District of Illinois  
Eastern Division

# **EXHIBIT B**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS**

WILLIAM MORGAN, ELIZABETH	)	
NORDEN, DAVID VAUGHT, DORIS	)	CASE NO. 1:20-cv-02189
DAVENPORT, ANDREA RAILA,	)	
JACKSON PALLER, and the	)	
COMMITTEE FOR THE ILLINOIS	)	
DEMOCRACY AMENDMENT, an	)	
unincorporated political association,	)	Emergency Judge Rebecca R. Pallmeyer
	)	
Plaintiffs,	)	
	)	Honorable Judge Charles R. Norgle, Sr.
JESSE WHITE, in his official capacity	)	
as Illinois Secretary of State, DEVON	)	Magistrate Judge M. David Weisman
REID, in his official capacity as the	)	
Evanston City Clerk, KAREN A.	)	
YARBROUGH, in her official capacity	)	
as Cook County Clerk, and WILLIAM	)	
J. CADIGAN, KATHERINE S. O'BRIEN,	)	
LAURA K. DONAHUE, CASSANDRA	)	
B. WATSON, WILLIAM R. HAINE,	)	
IAN K. LINNABARY, CHARLES W.	)	
SCHOLZ, WILLIAM M. MCGUFFAGE,	)	
in their official capacities as Board	)	
Members for the Illinois State Board of	)	
Elections,	)	
	)	
Defendants.	)	

**ORDER**

**IT IS HEREBY ORDERED:**

- A. Plaintiffs' Emergency Motion for Reconsideration is granted;
- B. The following election requirements shall be modified as follows:

- a. the circulator's statement requirement and notarization requirement in 10 ILCS 5/28-3 is enjoined;
- b. the requirement in 10 ICLS 5/28-3 that the petition sheets filed with the Secretary of State be originals is enjoined; and
- c. the petition signers shall be allowed to electronically sign their signatures.

C. The May 3, 2020 deadline for an Article XIV, Section 3 referendum shall be extended to August 3, 2020 and the signature requirements shall be reduced by 50%.

D. The Court shall retain jurisdiction to enforce this order.

Respectfully submitted this 28th day of April, 2020.

**ENTERED:**

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Hon. Judge Pallmeyer