

**IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF ILLINOIS, URBANA DIVISION**

JOYCE BANKS, et al.)	
)	
Plaintiffs,)	
)	
vs.)	No. 87-2371
)	
CITY OF PEORIA, et. al.)	
)	
Defendants.)	

RESPONSE TO MOTION TO AMEND THE CONSENT DECREE

Now comes Class representative, JOYCE BANKS, by and through counsel, Donald M. Craven, and for her response to the Motion to Amend the Consent Decree, states as follows:

1. The proposed modification to the consent decree is in accord with state law.
2. The proposed modification of the consent decree is consistent with the intent of the Consent Decree.
3. Attached hereto is a proposed Order, which has been prepared by the attorneys for the City, and has been reviewed and approved by counsel for the Plaintiff Class and counsel for the now merged election authorities.

WHEREFORE, the Plaintiff Class joins the City and the election authorities in asking that the attached Order be entered.

Respectfully submitted,

/s/ Donald M. Craven

Donald M. Craven

Attorney for Plaintiffs

Donald M. Craven (ARDC #6180492)

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CERTIFICATE OF SERVICE

I hereby certify that on August 9, 2016, I electronically filed a Response to Motion to Amend Consent Decree with the Clerk of Court using the CM/ECF system which will send notification of such filing to all counsel of record.

/s/ Donald M. Craven

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ORDER

This matter comes before this Court on Defendant, City of Peoria's, motion to modify and its memorandum of support. Appearance of the plaintiff by Donald Craven of Donald M. Craven, P.C. and appearance by the defendant, City of Peoria, by its Corporation Counsel, Donald B. Leist, and its attorneys Kavanagh, Scully, Sudow, White & Frederick, P.C. by Robert C. Gates, and appearance by the defendant Peoria County Board of Election Commissioners as successor to Board of Election Commissioners of the City of Peoria, by its attorney Jennifer Morris of the Peoria County States' Attorney's Office. The Parties being in agreement and the Court being fully apprised, the Court finds as follows:

1. The Amended Final Consent Decree and Full Resolution of Action was entered by this Court on August 10, 1988. The Court retains jurisdiction of this case for purposes of supervising the implementation of the Amended Consent Decree.
2. An issue has arisen regarding the means of electing an at-large City Council seat in a special election to fill a mid-term vacancy and under what circumstances that a primary is held to reduce the candidate field.

3. Modification is appropriate to clarify the unaddressed circumstance in the Amended Consent Decree for cumulative voting in a special mid-term election of at-large seats as the City of Peoria, its voters, and potential candidates prepare for the upcoming campaigns and, specifically, the April 4, 2017 election.

4. The Amended Consent Decree is modified to state that if under Illinois law a special election is held to fill a mid-term vacancy for an at-large City Council seat, then each voter in that election may cast the same number of votes as seats are available in that special at-large election. A primary will be held for that election to reduce the candidate field down to twice the number of seats that are available in that special at-large election. The election shall be held pursuant to cumulative voting as outlined in the Amended Consent Decree.

5. By way of example, if one seat is up for election each voter should be able to cast one vote to express their candidate preference and a primary election is held to reduce the candidate field down to two candidates. To continue this same approach, if for example, two at-large seats are up for special election to fill a partial term, then each voter should have two votes to express their candidate preference and a primary election would be held to reduce the candidate field down to four candidates.

6. All other terms of the Amended Consent Decree remain unchanged.

Entered this ____ day of _____, 2016

By: _____

Harold A. Baker
United States District Judge