

**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	)	

**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.
7. This case is closed.

Entered this 9th day of August, 2016

s/ Harold A. Baker

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HAROLD A. BAKER  
UNITED STATES DISTRICT JUDGE