

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

LUIS SEGOVIA, JOSE ANTONIO TORRES,
PAMELA LYNN COLON, TOMAS ARES,
ANTHONY BUNTEN, LAVONNE WISE,
IRAQ AFGHANISTAN AND PERSIAN GULF
VETERANS OF THE PACIFIC, and LEAGUE
OF WOMEN VOTERS OF THE VIRGIN
ISLANDS,

Plaintiffs,

v.

BOARD OF ELECTION COMMISSIONERS
FOR THE CITY OF CHICAGO,

MARISEL A. HERNANDEZ,
in her official capacity as Chairman of the
Board of Election Commissioners for the City
of Chicago,

KAREN KINNEY,
in her official capacity as Rock Island County
Clerk,

UNITED STATES OF AMERICA,

ASHTON CARTER,
in his official capacity as the Secretary of
Defense,

FEDERAL VOTING ASSISTANCE
PROGRAM,

MATT BOEHMER,
in his official capacity as Director of the Federal
Voting Assistance Program,

Defendants.

Case No. 15-cv-10196

Judge Joan B. Gottschall

**PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT
AND OPPOSITION TO FEDERAL DEFENDANTS' MOTION TO DISMISS**

Date: March 16, 2016

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Attorneys for Plaintiffs

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Plaintiffs Luis Segovia, Jose Antonio Torres, Pamela Lynn Colon, Tomas Ares, Anthony Bunten, Lavonne Wise, Iraq Afghanistan and Persian Gulf War Veterans of the Pacific ("IAPGVP"), and League of Women Voters of the Virgin Islands ("LWV-VI") hereby move pursuant to Federal Rule of Civil Procedure 56(a) for summary judgment, and respectfully request that the Court deny the federal defendants' Motion to Dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6).

The plaintiffs request that the Court grant summary judgment in favor of the plaintiffs and deny the federal defendants' motion to dismiss because the individual plaintiffs, who are former residents of Illinois, are denied the right to vote in federal elections in Illinois that is afforded to all other former Illinois residents residing overseas solely because they each reside in certain disfavored Territories excluded from overseas voting rights by federal and state law. This exclusion violates equal-protection principles as a matter of law under any level of scrutiny.

Plaintiffs' full argument, along with supporting facts and law, are set out in the Memorandum in Support of Summary Judgment and Opposition to Federal Defendants' Motion to Dismiss. For all of the reasons stated therein, plaintiffs should be granted summary judgment and the motion to dismiss should be denied.

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Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that on March 16, 2016, I filed this document using the Court's Electronic Case Filing ("ECF") system, which will automatically deliver a notice of electronic filing to all parties' counsel of record who are registered ECF users.

*s/ Charles F. Smith*_____

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