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United States District Court, N.D. Illinois, Western
Division.

PEOPLE WHO CARE, et al., Plaintiffs,
v.
ROCKFORD BOARD OF EDUCATION SCHOOL
DISTRICT # 205, Defendant.

Civ. A. No. 89 C 20168. | Oct. 21, 1991.

Opinion

ORDER WITH REGARD TO SCHOOL DISTRICT ELECTION ISSUES

ROSZKOWSKI, District Judge.

*1 Various issues concerning the process for election of Board Members of the Defendant School District ("District") have been before the Court since May 31, 1991, when the District filed a Petition for Instructions, wherein it sought a judicial resolution of the alleged invalidity of the electoral sub-district boundaries adopted by the District on May 21, 1991.

In an Order entered September 12, 1991, this Court set forth the background of these issues, and made Findings and Conclusions concerning the electoral issues, which will not be reiterated here.

The September 12 Order established a process for resolution of the two final electoral issues: the precise electoral sub-district boundaries, and the detailed schedule of election events surrounding the School Board election now scheduled for March 17, 1992.

A. Electoral Sub-District Boundaries

In accordance with the September 12 Order, Plaintiffs submitted on September 23, 1991, a proposed set of sub-district boundaries delineated on a map ("Plaintiffs' Proposed Map"). In a contemporaneous Submission, Plaintiffs represented that their Proposed Map conforms to the requirements of Section 2 of the Voting Rights Act and Section 9-22 of the Illinois School Code, and to the more specific criteria set forth in the September 12 Order.

Since September 23, the Plaintiffs' Proposed Map has

been available for public inspection at the School District offices and in the office of the Clerk of this Court. In addition, after providing at least seven days' notice, the District held a public hearing on October 2, 1991, and the District has reported that no objections to the Plaintiffs' Proposed Map were voiced at that hearing.

In addition, from September 23 through October 17, the Proposed Map has been reviewed by the various Election Authorities who have the responsibility to conduct the School District's elections. This review has also included a set of detailed street descriptions of the electoral sub-districts, which was transmitted by Plaintiffs on September 24 to the Election Authorities and the District.

In response to the request of the Election Authorities, Plaintiffs have agreed to make certain minor corrections in their Proposed Map and in the corresponding street descriptions, in order to minimize the number of splits of precincts. These changes were described in a letter dated October 8, 1991, from Mr. Howard to Messrs. Enichen, Scariano, and Schmidt, a copy of which was filed with the Clerk of this Court. Each of these changes involves only a very small number of voters (ranging from about three voters to less than ten), and each change involves only a very small amount of territory. Accordingly, these changes do not affect the geographic, demographic, or legal characteristics of Plaintiffs' Proposed Map.

Plaintiffs have submitted to the Court on October 18, 1991, a Final Electoral Map and corresponding street descriptions, which incorporate the minor changes made since September 23, 1991. Plaintiffs have requested in open court on October 18, 1991, that the Court approve the Final Map and corresponding street descriptions and order that these electoral sub-district boundaries be used for the March 17, 1992 School Board election, and for future School Board elections until further order of this Court.

*2 The District, having had the Plaintiffs' Proposed Map under consideration since September 23, and having been informed of the minor changes made at the request of the Election Authorities, has stated in open court on October 18, 1991, that it does not object to the Final Map and street descriptions, nor to the entry of an Order as requested by Plaintiffs. The Election Authorities, by their counsel, have also informed the Court on October 18 that they have no objection to the Plaintiffs' Final Map and the corresponding final street descriptions.

B. Election Schedule

This Court's Order of September 12 established a date of

March 17, 1992, for the election of Board Members for the District, and required the parties and the Election Authorities to submit a revised calendar for all events related to that election. Such a revised calendar has been submitted to the Court by the parties and the Election Authorities.

The parties and the Election Authorities have pointed out that the last date for candidates to file nomination papers is December 16, 1991. Therefore, from the date of this Order, candidates would have approximately 52 days to circulate petitions, rather than the 90 days which would normally be applicable. This modification, of course, results from the time required for judicial resolution of the various electoral issues. The parties and the Election Authorities have urged, and this Court concurs, that this modification does not represent a significant disadvantage to potential candidates, particularly since the required number of signatures is modest.

C. Conclusion

Accordingly, the Court hereby orders:

1. The Final Map of electoral sub-district boundaries submitted by Plaintiffs on October 18, 1991, and the corresponding final street descriptions attached hereto, are hereby approved, and the District and the Election Authorities shall use those electoral sub-district boundaries for the election of Board Members of the District to be held on March 17, 1992, and for future elections of Board Members until further order of this Court.
2. The Calendar for Revised Non-Partisan Election of the Rockford School District No. 205, submitted jointly by the parties and the Election Authorities and attached hereto, is hereby approved, and shall be used by the District and the Election Authorities in conducting the election of Board Members scheduled for March 17, 1992.

ATTACHMENT

ROCKFORD BOARD OF EDUCATION SCHOOL DISTRICT NO. 205

STREET DESCRIPTIONS OF ELECTORAL SUB-DISTRICT BOUNDARIES

In the following descriptions, the electoral sub-districts are referred to as A through G. Those references correspond to sub-districts I through VII as depicted on the map adopted by the United States District Court on October 18, 1991.

In many instances, these street descriptions are intended to conform to Rockford city limit lines and existing City of Rockford election precincts. The street descriptions shall be interpreted to conform to that intention.

PLAINTIFF PROPOSED SCHOOL SUB-DISTRICT A

***3** At western boundary of school district, follow State St. east to Victory. North on Victory to Lydia. East on Lydia to Springfield Ave. North on Springfield Ave. to School St. East on School St. to Overland. Northeast on Overland (following Rockford city limits) to Chisholm Terrace. Where Overland meets Chisholm, follow straight line east to the center of Auburn High School and then straight north through the middle of the school to Auburn St. East on Auburn St. (following Rockford city limits) to Kent Creek. Southeast following Kent Creek to Fairview Ave. East on Fairview Ave. until it ends and then directly east from Fairview across the railroad and the quarry to Horsmann St. South on Horsmann St. to Whitman St. West on Whitman St. to Forest Ave. South on Forest Ave. to West State St. East on W. State to Tay St. South on Tay St. to where it crosses the North Western Railroad tracks. Follow the railroad tracks southeast to South Winnebago St. Northeast on South Winnebago St. to Green St. Southeast on Green St. to the Rock River. Follow Rock River south to Fifteenth Ave. Follow Fifteenth Ave. east to Christina St. Follow Christina St. south to Blackhawk Park Ave. East on Blackhawk Park Ave. to Magnolia St. Follow Magnolia south to Harrison. West on Harrison to Rock River. Follow Rock River south to Sandy Hollow Rd. Sandy Hollow Rd. east to C.B. & Q. railroad. Follow railroad south to U.S. 20. Follow U.S. 20 northwest to western boundary of school district.

PLAINTIFF PROPOSED SCHOOL SUB-DISTRICT B

At Abell Ave., follow Auburn St. east to Evergreen St. North on Evergreen St. to Yonge St. West on Yonge St. to Virginia Ave. North on Virginia Ave. to Knight Ave. East on Knight Ave. to Edgemont St. North on Edgemont St. to West High School. West across school grounds, through West High School, to Rockton Ave. South on Rockton Ave. to Auburn St. East on Auburn St. to North Main St. South on N. Main St. to Reynolds St. West on Reynolds St. to Church St. Southwest on Church St. to Salem St. Southeast on Salem St. to N. Main St. Southwest on N. Main St. to Dickerman Dr. Southeast on Dickerman Dr. to the Rock River. Follow the Rock River north to Oakland Ave. Southeast on Oakland Ave. to

Madison St. Southwest on Madison St. to Y Blvd. West on Y Blvd. to N. Second St. Southwest on N. Second St. to Longwood St. South on Longwood St. to Rural St. East on Rural St. to N. Prospect St. South on N. Prospect St. to Jackson St. East on Jackson St. to North Chicago Ave. South on North Chicago Ave. to Crosby St. West on Crosby St. to North Highland Ave. South on North Highland Ave. to State St. West on State St. to North Prospect St. South on North Prospect St. to Charles St. Southeast on Charles St. to Thirteenth St. South on Thirteenth St. to Illinois Central Railroad. Follow railroad tracks southeast to Broadway. Broadway west to Tenth St. Tenth St. south to Sixteenth St. West on Sixteenth Ave. to Eighth St. North on Eighth St. to Eleventh Ave. West on Eleventh Ave. to Sixth St. South on Sixth St. to Twenty-first Ave. West on Twenty-first Ave. to Kishwaukee St. South on Kishwaukee St. to Sandy Hollow Rd. The eastern boundary of sub-district A is the western boundary of sub-district B.

PLAINTIFF PROPOSED SCHOOL SUB-DISTRICT C

*4 At western boundary of school district, follow State St. east to Victory. North on Victory to Lydia. East on Lydia to Springfield Ave. North on Springfield Ave. to School St. East on School St. to Overland. Northeast on Overland (following Rockford city limits) to Chisholm Terrace. Where Overland meets Chisholm, follow straight line east to the center of Auburn High School and then straight north through the middle of the school to Auburn St. East on Auburn St. (following Rockford city limits) to Evergreen St. North on Evergreen St. to Yonge St. West on Yonge St. to Virginia Ave. North on Virginia Ave. to Knight Ave. East on Knight Ave. to Edgemont St. North on Edgemont St. to West High School. West across school grounds, through West High School, to Rockton Ave. South on Rockton Ave. to Auburn St. East on Auburn St. to North Main St. South on North Main St. to Reynolds St. West on Reynolds St. to Church St. Southwest on Church St. to Salem St. Southeast on Salem St. to North Main St. Southwest on North Main St. to Dickerman Dr. Southeast on Dickerman Dr. to the Rock River. Follow the Rock River north to Auburn St. West on Auburn St. to Logan St. North on Logan St. to Cottage Grove Ave. East on Cottage Grove Ave. to Douglas St. North along the west side of Douglas St. (including the houses on the west side of Douglas street) to Brown Ave. West on Brown Ave. to N. Main St. Follow N. Main St. north to W. Riverside Blvd. West on W. Riverside Blvd. to Huffman Ave. Continue straight north from Huffman Ave. for approximately one half-mile then turn west. Continue west for approximately one eighth of a mile then turn north again. Continue north to Elmwood Rd. East on Elmwood Rd. for approximately one quarter-mile then turn south. Continue south for approximately one eighth of a mile then turn west. Continue west for approximately one eighth of a mile then turn directly

south. Continue south for approximately one quarter-mile then turn east. Continue east for approximately one quarter-mile then turn north. Continue north for approximately one eighth of a mile then turn east. Continue east to N. Main St. Follow N. Main St. for approximately one eighth of a mile then turn west. Continue west for approximately one eighth of a mile then turn north. Continue north for approximately one eighth of a mile then turn east. Continue east to N. Main St. Follow N. Main St. to stream which leads to Rock River, west of Marquette Rd. Follow stream to Rock River. Follow Rock River north to northern boundary of school district.

PLAINTIFF PROPOSED SCHOOL SUB-DISTRICT D

On the west side of Rock River across from Marquette Rd., follow stream to Main Street. Follow N. Main St. to Elmwood Rd. West on Elmwood Rd. for approximately one eighth of a mile then turn south. Continue south for approximately one eighth of a mile then turn east. Continue east to N. Main St. Follow N. Main St. for approximately one eighth of a mile then turn west. Continue west for approximately one eighth of a mile then turn south. Continue south for approximately one eighth of a mile then turn west. Continue west for approximately one quarter-mile. Turn north at Huffman Blvd. Continue north from Huffman Blvd. for approximately one half-mile then turn east. Continue east for approximately one eighth of a mile then turn north. Continue north to Elmwood Rd. West on Elmwood Rd. for approximately one quarter-mile then turn south. Continue south for approximately one eighth of a mile then turn east. Continue east for approximately one eighth of a mile then turn south. Continue directly south for approximately one quarter-mile to Huffman Blvd. Follow Huffman Blvd. south to W. Riverside Dr. East on W. Riverside Dr. to N. Main St. South on N. Main St. to Brown Ave. East on Brown Ave. to Douglas St. South along the west side of Douglas St. (including the houses on the west side of Douglas St.) to Cottage Grove. West on Cottage Grove to Logan St. South on Logan St. to Auburn St. Auburn St. east to the Rock River. Follow Rock River south to Oakland Ave. Southeast on Oakland Ave. to Madison St. Southwest on Madison St. to Y Blvd. West on Y Blvd. to N. Second St. Southwest on N. Second St. to Longwood St. South on Longwood St. to Rural St. East on Rural St. to N. Prospect St. South on N. Prospect St. to Jackson St. East on Jackson St. to N. Chicago Ave. South on N. Chicago Ave. to Crosby St. West on Crosby St. to N. Highland Ave. South on N. Highland Ave. to State St. West on State St. to North Prospect St. Follow Prospect St. south to Seventh Ave. East on Seventh Ave. to Eighteenth St. North on Eighteenth St. to Charles St. Southeast on Charles St. to Hunter Ave. North on Hunter Ave. to State St. West on

State St. to James Ave. North on James Ave. to Jackson St. West on Jackson St. to Dawson Ave. North on Dawson Ave. to Rural St. West on Rural St. to Park View Ave. North on Park View Ave. to Guilford Rd. West on Guilford Rd. to James Ave. North on James Ave. to High Crest Rd. High Crest Rd. east to Kings Hwy. North on Kings Hwy. to Meadow Lane. Southeast on Meadow Lane to High Crest Rd. East on High Crest Rd. to Cynthia Dr. South along Cynthia Dr. to a point just south of Burmont Rd. Follow a straight line east between Burmont Rd. and Barrington Rd. to a point just east of Rebecca Dr. North along the edge of Rebecca to High Crest Rd. West on High Crest Rd. to 4200 High Crest. Cross northeast to 4200 Pine Crest. Northeast on Pine Crest to Center Dr. *Go east to Delcy Dr.; go south on Delcy Dr. to Augustana Dr.; go southwest on Augustana to High Crest Rd.; East on High Crest to Larkspur Dr. Northeast on Larkspur to Hollyhock Drive. Northwest on Hollyhock to Jonquil Place. Northeast on Jonquil to Spring Creek Rd.* East on Spring Creek Rd. to Mulford Rd. North on Mulford Rd. to Spring Brook Rd. Northeast on Spring Brook Rd. to Shaw Rd. South on Shaw Rd. to Spring Creek Rd. Spring Creek Rd. east to U.S. 90. North on U.S. 90 to East Riverside. East on E. Riverside to eastern boundary of school district. [The northeastern boundary of sub-district D is the northeastern boundary of the school district]

PLAINTIFF PROPOSED SCHOOL SUB-DISTRICT E

*5 The northern boundary of E is the southern boundary of D. The southern boundary of E begins at Seventh Ave. and Eighteenth St. At Seventh Ave. and Eighteenth St., south on Eighteenth St. to Tenth Ave. East on Tenth Ave to Twenty-third St. South on Twenty-third to Broadway. East on Broadway to Newburg Rd. Continue east on Newburg Rd. to South Mulford Rd. From S. Mulford Rd. the boundary of sub-district E follows the eastern boundary of precincts 9 and 10 of Ward 14, and the southern boundary of precinct 15 of Ward 1 to East State St. Northeast on State St. (including the portion of Precinct 15 Ward 1 lying south of State St.) to eastern boundary of school district.

PLAINTIFF PROPOSED SCHOOL SUB-DISTRICT F

The northern boundary of sub-district F is the southern boundary of sub-district E. At Broadway, southwest on Ohio Parkway to Oregon Ave. Southeast on Oregon Ave. to Carolina Ave. East on Carolina Ave. to Wisconsin Rd. South on Wisconsin Rd. to Harrison Ave. West on Harrison Ave. to Illinois Central Railroad. Follow tracks southeast (following Rockford city limits) to So. Alpine Rd. South on So. Alpine to north edge of O'Connell St. West on north edge of O'Connell St. to the end. South along west edge of O'Connell. East along south edge of O'Connell to South Alpine Road. South on So. Alpine to

Majesty Court. West on Majesty Court to Thirty Fifth. South on Thirty-Fifth to Sandy Hollow. East on Sandy Hollow to South Alpine. South on South Alpine to By-Pass 20. East on By-Pass 20 for approximately one-quarter mile then turn south. South to Samuelson Rd. West on Samuelson Rd. to Thirty-fifth St. South on Thirty-fifth St. to Blackhawk Rd. East on Blackhawk Rd. to Highway 51. South on Highway 51 to Kishwaukee River. Follow Kishwaukee River west to Route 251. South on Rt. 251 to southern boundary of school district.

PLAINTIFF PROPOSED SCHOOL SUB-DISTRICT G

At western boundary of school district, follow Highway 20 southeast to C.B. & Q. Follow tracks north to Sandy Hollow Rd. Follow Sandy Hollow Rd. west to Kishwaukee St. Follow Kishwaukee north to Twenty-first Ave. Follow Twenty-first Ave. east to Sixth St. Follow Sixth St. north to Eleventh Ave. East on Eleventh Ave. to Eighth St. South on Eighth St. to Sixteenth Ave. East on Sixteenth Ave. to Tenth St. North on Tenth St. to Broadway. East on Broadway to Woodruff Ave. Northwest on Woodruff Ave. to Thirteenth St. North on Thirteenth St. to Seventh Ave. East on Seventh Ave. to Eighteenth St. South on Eighteenth St. to Tenth Ave. East on Tenth Ave. to Twenty-third St. South on Twenty-third to Broadway. East on Broadway to Ohio Parkway. The western boundary of sub-district F is the eastern boundary of sub-district G.

ATTACHMENT

**CALENDAR FOR REVISED NONPARTISAN
ELECTION OF THE ROCKFORD SCHOOL
DISTRICT NO. 205**

MONDAY, DECEMBER 9, 1991

First day to file original nomination papers for candidates for the office of school board member.

*6 MONDAY, DECEMBER 16, 1991

Last day to file nomination papers for candidates for the office of school board member.

MONDAY, DECEMBER 16, 1991

Last day the secretary of the School Board shall notify in writing a candidate of the acceptance of his nomination papers.

MONDAY, DECEMBER 16, 1991

People Who Care v. Rockford Bd. of Educ., School Dist. No. 205, Not Reported in...

Last day for filing a statement of Economic Interests with the County Clerk, as required by the Illinois Government Ethics Act. The receipt must be filed on, or before this date, with the local election official who received the nomination papers.

MONDAY, DECEMBER 23, 1991

Last day for an individual who has filed for 2 or more incompatible offices to withdraw from all but one of the offices with the office receiving the nomination.

MONDAY, DECEMBER 23, 1991

Last day for filing objections to nomination papers of school board candidates in the office receiving the nomination papers.

THURSDAY, DECEMBER 26, 1991

Last day lottery shall be conducted by the local election official when 2 or more petitions are received simultaneously for the same office as of the opening hours of filing period.

THURSDAY, JANUARY 16, 1992

Last day candidates may file withdrawal of nomination papers in the office of the local election official.

WEDNESDAY, JANUARY 22, 1992

Last day for local election official to certify offices and candidates to the election authority.

SATURDAY, FEBRUARY 1, 1992

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.

THURSDAY, FEBRUARY 6, 1992

For the purpose of issuing pollwatcher credentials, the last day for civic organizations and proposition proponents or opponents to register their names and addresses of their principal officers with the proper election authority.

THURSDAY, FEBRUARY 6, 1992

First day for registered voters presently within the confines of the United States who expect to be absent from their county of residence on election day to make application by mail or in person to the election authority for an official ballot.

SUNDAY, FEBRUARY 16, 1992

First day for election authority to publish notice of Special School District Election and notice of referenda. (May include a list of precinct polling place addresses.)

TUESDAY, FEBRUARY 18, 1992

Last day for registration or transfer of registration in the office of the election authority.

WEDNESDAY, FEBRUARY 26, 1992

Last day for election authority to publish notice of Special School District Election and notice of referenda. (May include a list of precinct polling place addresses.)

TUESDAY, MARCH 3, 1992

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

THURSDAY, MARCH 12, 1992

Last day automatic tabulating equipment may be tested.

*7 THURSDAY, MARCH 12, 1992

Last day for election authority to receive application by mail from any registered voter presently within the confines of the United States, who expects to be absent from his county of residence on election day and the last day for the election authority to mail such ballot.

THURSDAY, MARCH 12, 1992

Last day for the election authority to publish the specimen ballot label pages, as near as may be, in the form in which they will appear on the official ballot labels on election day.

FRIDAY, MARCH 13, 1992

Last day (by 5:00 p.m.) a person may file a notarized declaration of intent to be a write-in candidate with the proper election authority.

MONDAY, MARCH 16, 1992

Last day for election authority in counties having a population under 500,000 to publish a list of all the nominations that are to be voted for at the Special School District Election.

TUESDAY, MARCH 17, 1992

SPECIAL SCHOOL DISTRICT ELECTION

TUESDAY, MARCH 24, 1992

Date by which election authorities shall certify results to the United States District Court.

People Who Care v. Rockford Bd. of Educ., School Dist. No. 205, Not Reported in...

WEDNESDAY, APRIL 1, 1992

Date by which the United States District Court shall approve the certification of election results and approve the election of Board of Education members.

THURSDAY, APRIL 2, 1992

First date which reorganization meeting of the Board of Election elected on March 17, 1992 may take place.

Footnotes

FN**NOTE: Underlined portion is copied from description of May 1991 version of School Board proposed District 4.