

IN THE CIRCUIT COURT FOR THE FIRST JUDICIAL CIRCUIT
SALINE COUNTY, STATE OF ILLINOIS

DAVID PHELPS, EINAR V. DYHRKOPP,)
GEORGE W. WOODCOCK, RICK WILLIAMS,)
LESLIE McCOLLUM, JOHN D. STANLEY,)
HENRY LEWIS, WILLIAM A. LEWIS,)
D. D. BIGLER, DAVID STANLEY,)
MARK STANLEY, VICTOR M. RITTER,)
TERRY R. BLACK, RON MORSE, LUCIAN)
BEAL, JANE PARKER, SAM THOMPSON,)
ENRIQUE YAP, DONALD GREER, TOBY)
SAKER, RONALD HOUSE, PATRICK)
HARNER, BOB ELLIS, BILL BRADLEY,)
P. E. CROSS, JAMES M. CUMMINS,)
RALPH W. ALY, ROBERT BANKSTON,)
WANDA BANKSTON, JAMES WILSON,)
SUE SANDUSKY, KEITH WARD, DEB)
MUSGRAVE, DONNA ENDSLEY, ESTHER)
HUMPHREY, PAUL GAGE, DEAN HUGHES,)
PAUL LAMAR, GEORGE SISK, WILLIAM)
BLACKORBY, SHIRLEY OSHEL, VAL OSHEL,)
JAMES DEEN, KEVIN WILLIAMS, GAYLA)
McKIBBEN, TERRY DENISON, and)
GRAYSON GILE,)

Plaintiffs,)

vs.)

ILLINOIS STATE BOARD OF ELECTIONS,)
It's Board Members WILLIAM M. McGUFFAGE,)
ELAINE ROUPAS, PHILIP R. O'CONNOR,)
WANDA L. REDNOUR, DAVID E. MURRAY,)
ALBERT PORTER, JOHN R. KEITH, and)
JESSE SMART, its Executive Director,)
RONDALD D. MICHAELSON and WILLIAM)
McCLUSKY, Clerk of the County of Saline)
all in their official capacity.)

Defendants.)

FILED

JUN 04 2001

[Signature]
CLERK OF THE CIRCUIT COURT
SALINE COUNTY, STATE OF ILLINOIS

No. 01-MR- 15

**COMPLAINT FOR DECLARATORY JUDGMENT,
INJUNCTIVE AND OTHER RELIEF**

Now Come Plaintiffs, by their attorneys, Howerton, Dorris, Stone & Phelps, and for their Complaint for Declaratory Judgment filed pursuant to 735 ILCS 5/2-701, and for Injunctive and Other Justifiable Relief state:

Introduction

1. This is an action for declaratory, injunctive, and other relief, sought pursuant to the Compact, Contiguous and Equal Legislative Redistricting Clause guaranteed by Article IV, Section 3(a) of the Constitution of the State of Illinois, and the Due Process and Equal Protection Clause guaranteed by Article I, Section 2, of the Constitution of the State of Illinois, to challenge the constitutionality of the reapportionment of the congressional districts in the State of Illinois. Plaintiffs ask the court to declare that the reapportionment map passed by the Illinois General Assembly and signed into law by Governor George Ryan, on May 31st, 2001 (Public Act 92-0004) is unconstitutional and to enjoin defendants from exercising any of their powers relating to the administration or supervision of congressional elections for the congressional districts of the State of Illinois under the new reapportionment law.

Jurisdiction and Venue

2. This Court has jurisdiction over this action pursuant to Article VI section 9 of the Constitution of the State of Illinois and pursuant to section 2-701 of the Illinois Code of Civil Procedure, 735 ILCS 5/2-701.

3. Venue is proper pursuant to section 2-101 of the Illinois Code of Civil Procedure because one of the defendants resides in Saline County, Illinois, 735 ILCS 5/2-101.

Parties

4. Plaintiff David Phelps is a citizen of the State of Illinois, a registered voter, and a Congressman for the 19th Congressional District for the State of Illinois. He brings this action as an individual together with other interested plaintiffs named herein.

5. Einar V. Dyhrkopp, George W. Woodcock, Rick Williams, Leslie McCollum, John D. Stanley, Henry Lewis, William A. Lewis, D. D. Bigler, David Stanley, Mark Stanley, Victor M. Ritter, Terry R. Black, Ron Morse, Lucian Beal, Jane Parker, Sam Thompson, Enrique Yap, Donald Greer, Toby Saker, Ronald House, Patrick Harner, Bob Ellis, Bill Bradley, P.E. Cross, James M. Cummins, Ralph W. Aly, Robert Bankston, Wanda Bankston, James Wilson, Sue Sandusky, Keith Ward, Deb Musgrave, Donna Endsley, Esther Humphrey, Paul Gage, Dean Hughes, Paul Lamar, George Sisk, William Blackorby, Shirley Oshel, Val Oshel, James Deen, Kevin Williams, Gayla McKibben, Terry Denison and Grayson Gile are all residents of the State of Illinois.

6. Defendant State Board of Elections ("State Board") of the State of Illinois, pursuant to Article III, Section 5 of the Illinois Constitution, 10 ILCS 5/1A-1 and 10 ILCS 5/1A-8, is responsible for the administration and supervision of the election laws of the State of Illinois and has the responsibility for the administration and supervision of the election of members to the United States House of Representatives from the State of Illinois.

7. The individual defendants herein, William M. McGuffage, Chairman of the State Board, Elaine Roupas, Vice Chairman of the State Board, and State Board members Phillip R. O'Connor, David E. Murray, John R. Keith, Wanda Rednour, Albert Porter,

Jesse Smart, together with Ronald D. Michaelson, Executive Director of the State Board of Elections, are charged with the responsibility to execute the duties of the State Board of Elections. These defendants are sued solely in their official capacity.

8. Defendant William "Willie" McClusky, is the Clerk of the County of Saline and pursuant to 10 ILCS 5/1-3(10) and 10 ILCS 5/17-8 is the local election official and is responsible for the preparation and administration of elections in the County of Saline. This defendant is sued solely in his official capacity.

CONSTITUTIONAL DUTIES AND REAPPORTIONMENT

9. Under Article IV, Section 3 of the Constitution of the State of Illinois, it is the duty of the Illinois General Assembly following each Federal decennial census year to enact a plan of reapportionment for the election of members to the United States House of Representatives from the State of Illinois.

10. Under Article I, Section 2, the General Assembly's plan of reapportionment shall not violate the Due Process and Equal Protection Clause of the Constitution of the State of Illinois.

11. Under Article IV, Section 3(a), the General Assembly's plan of reapportionment shall not violate the Compact, Contiguous and Equal Legislative Redistricting Clause of the Constitution of the State of Illinois.

12. "Compact" means "closely united."

13. "Contiguous" means "touching or adjoining in a reasonably substantial physical sense."

14. Under Illinois law, the General Assembly's plan of reapportionment must not be the product of "political gerrymandering."

15. "Political gerrymandering" means "the manipulation of district lines for partisan political ends."

16. Under Illinois law, the General Assembly's plan of reapportionment must preserve "communities of interest."

17. "Communities of interest" are "people of a voting district that share the same values, ethnicity, or economy" e.g. the people of Southern Illinois.

CONSTITUTIONAL VIOLATIONS

18. The General Assembly's plan of reapportionment, Public Act 92-0004, signed into law by Governor George Ryan on May 31, 2001, violates the Due Process and Equal Protection Clause of the Constitution of the State of Illinois. (Article I, Section 2).

19. The General Assembly's plan of reapportionment, Public Act 92-0004, signed into law by Governor George Ryan on May 31, 2001, violates the Compact, Contiguous and Equal Legislative Redistricting Clause of the Constitution of the State of Illinois. (Article IV, Section 3(a))

20. The General Assembly's plan of reapportionment, Public Act 92-0004, signed into law by Governor George Ryan on May 31, 2001, is the product of "political gerrymandering" and/or "collusive bipartisan gerrymandering."

21. The General Assembly's plan of reapportionment, Public Act 92-0004, signed into law by Governor George Ryan on May 31, 2001, fails to preserve "communities of interest."

NECESSITY OF INJUNCTIVE RELIEF

22. Pursuant to 10 ILCS 5/1A-8, the defendant State Board must soon commence preparations for the 2002 elections of the Members of the United States House of Representatives.

23. Pursuant to 10 ILCS 5/10-6, candidates for the congressional primary election to be held on March 19, 2002, must file their petitions for nomination with the State Board on or around December 18, 2001.

24. If not otherwise enjoined, the State Board will prepare for and conduct congressional primary and general elections for the State of Illinois based upon the newly enacted reapportionment plan and thereby violate the rights of plaintiffs guaranteed by Article I Section 2 and Article IV Section 3(a) of the Constitution of the State of Illinois.

25. If elections are held under the newly enacted reapportionment of congressional districts for the State of Illinois, plaintiffs' voting rights would be substantially impaired.

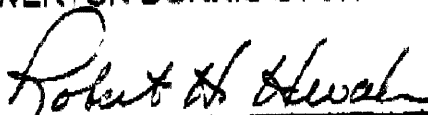
26. Plaintiffs have no adequate or complete remedy at law for the dilution of their voting rights that have been caused by the failure of the Illinois General Assembly to enact a constitutionally valid reapportionment plan. Injunctive relief provides plaintiffs with the only means of securing adequate redress from defendants' unlawful practices.

27. Plaintiffs will continue to suffer irreparable injury from defendants' acts, policies and practices set forth herein unless such acts, policies and practices are enjoined by this Court.

WHEREFORE, plaintiffs pray that the Court:

- A. Declare that an actual controversy exists between and among the parties;
- B. Declare that the General Assembly's plan of reapportionment, Public Act 92-0004, signed into law by Governor George Ryan on May 31, 2001, is unconstitutional and invalid because it violates the rights of plaintiffs under Article I Section 2 and Article IV Section 3(a) of the Constitution of the State of Illinois;
- C. Enjoin defendants from exercising any of their powers relating to the administration or supervision of congressional elections for the congressional districts of the State of Illinois under the newly enacted reapportionment act;
- D. Grant plaintiff such other relief as the Court deems proper.

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