

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS

WILLIAM MORGAN, ELIZABETH)	
NORDEN, DAVID VAUGHT, DORIS)	CASE NO. 1:20-cv-02189
DAVENPORT, ANDREA RAILA,)	
JACKSON PALLER, and the)	
COMMITTEE FOR THE ILLINOIS)	
DEMOCRACY AMENDMENT, an)	
unincorporated political association,)	
)	
Plaintiffs,)	
)	Honorable Judge Charles R. Norgle, Sr.
JESSE WHITE, in his official capacity)	
as Illinois Secretary of State, DEVON)	Magistrate Judge M. David Weisman
REID, in his official capacity as the)	
Evanston City Clerk, KAREN A.)	
YARBROUGH, in her official capacity)	
as Cook County Clerk, and WILLIAM)	
J. CADIGAN, KATHERINE S. O'BRIEN,))	
LAURA K. DONAHUE, CASSANDRA)	
B. WATSON, WILLIAM R. HAINE,)	
IAN K. LINNABARY, CHARLES W.)	
SCHOLZ, WILLIAM M. MCGUFFAGE,)	
in their official capacities as Board)	
Members for the Illinois State Board of)	
Elections,)	
)	
Defendants.)	

EMERGENCY MOTION FOR PRELIMINARY OR PERMANENT INJUNCTION
AND DECLARATION AS A MATTER OF LAW

NOW COME Plaintiffs, William Morgan, *et. al.*, by and through counsel, and pursuant to Rules 57 and 65 of the Federal Rules of Civil Procedure move this Court for an Emergency Preliminary or Permanent Injunction and a Declaration as a matter of law against the Defendants.

In support of this Motion, the Plaintiffs incorporate by reference their previously filed Verified Complaint ((Dkt. 001), the exhibits attached to the Verified Complaint, as well as their Memorandum of Law in Support of this motion, and hereby state as follows:

1. **NOTICE TO DEFENDANTS:** Pursuant to Rule 65 of the Federal Rules of Civil Procedure, undersigned counsel for the Plaintiffs respectfully certifies to the Court that on April 9, 2020, Plaintiffs provided a copy of the Verified Complaint, this Motion, and the supporting Memorandum to the following attorneys via email:

- David W. Van de Burgt- Division Chief, Government Representation- Illinois Attorney General's Office – DVandeBurgt@atg.state.il.us
- Marni M. Malowitz- General Counsel- State Board of Elections- MMalowitz@elections.il.gov
- Jessica Scheller- Assistant State's Attorney- Jessica.scheller@cookcountyil.gov
- Irene Lyons- General Counsel – Secretary of State- ILyons@ILSOS.gov
- Kelley Gandurski- Evanston Corporation Counsel- kgandurski@cityofevanston.org; law@cityofevanston.org

2. As established by the Memorandum in Support of this Motion, and the documents and pleadings referenced therein, the Plaintiffs are entitled to immediate declaratory and injunctive relief because 1) they are likely to succeed on the merits, 2) they are suffering, and will continue to suffer, irreparable harm in the absence of preliminary relief, 3) the balance of equities tips in the Plaintiffs' favor, and 4) because an injunction is in the public interest. *See Winter v. Natural Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008).

3. The Plaintiffs request telephonic oral arguments on their motion.

4. The Plaintiffs also request a waiver of any bond requirement.¹

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request that this Court:

- A. Assume original jurisdiction over this matter;
- B. Issue a temporary restraining order and/or preliminary injunction (i) enjoining or modifying enforcement of Illinois' petition collection requirements for initiative referendums for Illinois' November 3, 2020 general election; and (ii) enabling and requiring the Defendants to allow for petitions to be submitted electronically via names of qualified electors collected by an online form to be created by the Secretary of State; extend the May 3, 2020 deadline for an Article XIV, Section 3 referendum to August 3, 2020; and reduce by 50% the number of signatures required to qualify statewide and Evanston initiative referendums for the general election ballot or reduce by some percentage of required signatures necessary to demonstrate substantial public support;
- C. Issue a declaratory judgment stating that, in light of the current public health emergency caused by the novel coronavirus and executive orders requiring that Illinois citizens stay at home and shelter in place, Illinois' petition collection

¹ See *Doctor John's, Inc. v. City of Sioux City*, 305 F.Supp.2d 1022, 1043-44 (N.D. Iowa 2004) (“[R]equiring a bond to issue before enjoining potentially unconstitutional conduct . . . simply seems inappropriate, because the rights potentially impinged by the governmental entity’s actions are of such gravity that protection of those rights should not be contingent upon an ability to pay”).

requirements for qualifying Article XIV and Article VII referendums for the general election cannot be constitutionally enforced;

D. Issue a permanent injunction prohibiting enforcement of Illinois' petition collection requirements for Article XIV and Article VII referendums for the November 3, 2020 general election;

E. Order Defendants to pay to Plaintiffs their costs and reasonable attorneys' fees under 42 U.S.C. § 1988(b);

F. Grant such other relief as this Court deems appropriate.

Respectfully submitted this 9th day of April, 2020.

/s/ WILLIAM MORGAN, ET AL.,

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