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

WILLIE WILSON, ROBERT FIORETTI, EARL C. WILLIAMS, EUGENE WOLF, NINA STONER, MINOR J. ALLEN JR., GERALDINE YOUNG, FRANCISCO RODRIGUEZ,	)	
Plaintiffs,	)	No. 2022-cv-4577
v.	)	
CITY OF CHICAGO BOARD OF ELECTION COMMISSIONERS, a municipal agency, MARISEL A. HERNANDEZ, Chair, WILLIAM J. KRESSE, Commissioner, and JUNE A. BROWN, Commissioner, each in their official capacities as members of the Chicago Board of Election Commissioners,	)	
Defendants.	)	

Memorandum in Support of
Emergency Motion For Preliminary Injunction

Plaintiffs submit their memorandum of law in support of their amended emergency motion for preliminary injunction, as follows.

Introduction

This is an action for a declaratory and injunctive relief, seeking to enjoin the Chicago Board of Election Commissioners from changing precinct boundaries mid-election cycle, and less than 30 days prior to the November 8, 2022 general election, without sufficient impact assessment upon African-American, Latino, Native American, and Asian voters, with at least 90 days prior notice provided to all voters in Chicago. Defendants are state actors that comprise the election authority for the City of Chicago that is embarking upon a process to remove at least 779 precincts and a considerable number of polling locations in Chicago. The change

made prior to the November 8, 2022, and after petitioning would have commenced for the February 28, 2023 municipal general election and April 4, 2023 municipal runoff election would disenfranchise voter, create voter confusion on election day, deny to Plaintiffs and other voters their First Amendment rights of association and of ballot access, and their Fourteenth Amendment right to equal protection under the law.

The Supreme Court recently discussed the "*Purcell* principle" and explained that election day procedures should not be altered within months of the general election. *RNC v. DNC*, 140 S.Ct. 1205, 1207 (2020) (per curiam); *Purcell v. Gonzalez*, 549 US 1 (2006).

In support Plaintiffs rely upon their verified complaint (Dkt. #01) and the verified motion filed by Dr. Willie Wilson which is incorporeted herein, and attached as **Exhibit A**.

A. Plaintiffs' core First Amendment and Fourteenth Amendment rights are being denied through late mid-election cycle precinct redistricting and polling location changes, and are in derogation of the Voting Rights Act.

The U.S. Supreme Court declared in *Reynolds v. Sims* that "[t]he right to vote freely for the candidate of one's choice is of the essence of a democratic society, and any restrictions on that right strike at the heart of representative government." *Reynolds v. Sims,* 377 U.S. 533, 555, 84 S.Ct. 1362 (1964).

The First and Fourteenth Amendments afford candidates vying for elected office, and their voting constituencies, the fundamental right to associate for political purposes and to participate in the electoral process. See, e.g., *Clingman v. Beaver,* 544 U.S. 581, 586 (2005); *Burdick v. Takushi*, 504 U.S. 428, 433 (1992); *Anderson v. Celebrezze*, 460 U.S. 780, 787-88 (1983); *Williams v. Rhodes*, 393 U.S. 23, 30 (1968).

Ballot-access requirements that place more burdensome restrictions on certain types of candidates than on others implicate rights under the Equal Protection Clause as well. See *Williams v. Rhodes*, 393 U.S. 23, 30-31 (1968).

Defendant, Chicago Board of Election Commissioners ("CBEC") has created new precinct boundaries and new polling locations wtihin a short time of the November 2022 general election. The changes were enacted mid-election cycle (i.e. during the time between the June 2022 primary election and the November 2022 general election), and reduced polling locations without sufficient notice to all voters. The late changes disparately affect wards that contain African-American and other racial minority voters.

In 1983 the Supreme Court reiterated the fundamental constitutional rights that were implicated explained as follows:

> The impact of candidate eligibility requirements on voters implicates basic constitutional rights.[7] Writing for a unanimous Court in *NAACP v. Alabama ex rel. Patterson,* 357 U. S. 449, 460 (1958), Justice Harlan stated that it "is beyond debate that freedom to engage in association for the advancement of beliefs and ideas is an inseparable aspect of the 'liberty' assured by the Due Process Clause of the Fourteenth Amendment, which embraces freedom of speech." In our first review of Ohio's electoral scheme, *Williams v. Rhodes*, 393 U. S. 23, 30-31 (1968), this Court explained the interwoven strands of "liberty" affected by ballot access restrictions:
>
> > "In the present situation the state laws place burdens on two different, although overlapping, kinds of rights — the right of individuals to associate for the advancement of political beliefs, and the right of qualified voters, regardless of their political persuasion, to cast their votes effectively. Both of these rights, of course, rank among our most precious freedoms."
>
> As we have repeatedly recognized, voters can assert their preferences only through candidates or parties or both. "It is to be expected that a voter hopes to find on the ballot a candidate who comes near to reflecting his policy preferences on contemporary issues." *Lubin v. Panish*, 415 U. S. 709, 716 (1974). The right to vote is "heavily burdened" if that vote may be cast only for major-party candidates at a time when other parties or other candidates are "clamoring for a place on the ballot." *Ibid.*; *Williams v. Rhodes*, supra, at 31. The

> exclusion of candidates also burdens voters' freedom of association, because an election campaign is an effective platform for the expression of views on the issues of the day, and a candidate serves as a rallying point for like-minded citizens.

Anderson v. Celebrezze, 460 U.S. 780, 786-788 (1983).

The *Anderson* court, citing to the landmark case *Storer v. Brown* 415 U.S. 724 (1974), went on to explain a federal district court's process of evaluating challenged litigation as follows:

> Constitutional challenges to specific provisions of a State's election laws therefore cannot be resolved by any "litmus-paper test" that will separate valid from invalid restrictions. *Storer*, supra, at 730. Instead, a court must resolve such a challenge by an analytical process that parallels its work in ordinary litigation. It must first consider the character and magnitude of the asserted injury to the rights protected by the First and Fourteenth Amendments that the plaintiff seeks to vindicate. It then must identify and evaluate the precise interests put forward by the State as justifications for the burden imposed by its rule. In passing judgment, the Court must not only determine the legitimacy and strength of each of those interests, it also must consider the extent to which those interests make it necessary to burden the plaintiff's rights. Only after weighing all these factors is the reviewing court in a position to decide whether the challenged provision is unconstitutional. See *Williams v. Rhodes*, supra, at 30-31; *Bullock v. Carter*, 405 U. S., at 142-143; *American Party of Texas v. White*, 415 U. S. 767, 780-781 (1974); *Illinois Elections Bd. v. Socialist Workers Party*, 440 U. S. 173, 183 (1979). The results of this evaluation will not be automatic; as we have recognized, there is "no substitute for the hard judgments that must be made." *Storer v. Brown*, supra, at 730.[10]

Anderson v. Celebrezze, 460 U.S. 780, 789-790 (1983).

Notably, the Supreme Court has disfavored changes made to election procedures within months of the general election. *RNC v. DNC*, 140 S.Ct. 1205, 1207 (2020) (per curiam); *Purcell v. Gonzalez*, 549 US 1 (2006).

The Voting Rights Act of 1965, 52 U.S. Code § 10301, prohibits any redistricting plan or voting procedure that results in the denial or abridgement of right to vote on account of race or color through voting qualifications or prerequisites. The VRA specifically addresses precinct boundary redistricting

within its express scope.

The precinct redistricting and polling location reductions – made after the June 2022 primary and shortly before the November 2022 general election – are within the scope of the Voting Rights Act ("VRA"). "Congress enacted the Voting Rights Act of 1965 for the broad remedial purpose of ridding the country of racial discrimination in voting." *Chisom v. Roemer,* 501 U.S. 380, 403 (1991).

For purposes of redistricting, if a redistricting plan results in a maximum population deviation of less than 10%, the plan nonetheless violates the Equal Protection Clause of the Fourteenth Amendment if the redistricting process contains the "taint of arbitrariness or discrimination." See *Roman v. Sincock*, 377 U.S. 369, 710 (1964). If the redistricting process was either arbitrary or discriminatory, then the resulting redistricting plan is unconstitutional and therefore void *ab initio*.

The VRA provision § 208, codified at 52 USC § 10508, was added when Congress reauthorized the VRA in 1982. The provision reads: "Any voter who requires assistance to vote by reason of blindness, disability, or inability to read or write may be given assistance by a person of the voter's choice, other than the voter's employer or agent of that employer or officer or agent of the voter's union."

In enacting § 208 of the VRA, 52 USC § 10508, the Report of the Senate Judiciary Committee found that "[c]ertain discrete groups of citizens are unable to exercise their rights to vote without obtaining assistance in voting including aid within the voting booth" and "many such voters may feel apprehensive about casting a ballot in the presence of, or may be misled by, someone other than a person of their own choice." S. Rep. No. 97-417, at 62 (1982). The Senate Report explained that § 208 of the VRA was necessary "to limit the risks of discrimination

against voters in these specified groups and avoid denial or infringement of their right to vote." *Id.*

The CBEC's reduction of polling locations prior to the November general eection additionally and disparately impacts voters who are unable to vote without obtaining assistance, particularly since virtually all CBEC polling locations are not yet compliant with accessibility requirements, despite the CBEC's agreement with the US. Dept. of Justice to bring all polling locations into compliance years ago.

The changes made after the June 2022 primary election and prior to the November 2022 general election are contrary to the *Purcell* principle, and such changes should not have been implemented before the November 2022 general election, particularly with the close proximity between the two elections this year. *Purcell v. Gonzalez*, 549 US 1 (2006).

B. <u>Plaintiffs are in need of immediate preliminary injunctive relief.</u>

(i) Plaintiffs have no adequate remedy at law and will suffer irreparable harm if this honorable court does not grant them relief.

Plaintiffs seek to exercise their First Amendment right to vote for the candidates of their choice at the November 2022 general election, and to canvass and promote their candidates on election day. The CBEC's late-made changes to precinct boundaries, and reduction of polling locations, has denied Plaintiffs the usual and customary time that would have been afforded between the primary election and the general election to prepare for the November general election. Such preparations including allocation of volunteers at polling locations, and obtaining voter lists for each precinct. The CBEC did not provide polling locations until about 30 days prior to the November election which took additional time

thereafter to integrate into voter databases used by candidate (e.g. NGP-VAN).

Consequently, Plaintiffs have no adequate remedy except to seek the requested injunctive relief from this Court to maintain the same precinct boundaries and polling locations as were used at the June 2022 primary election. See *Girl Scouts of Manitou v. Girl Scouts of America*, 549 F.3d 1079, 1095 (7th Cir. 2008) (a party has no adequate remedy at law where "traditional legal remedies, i.e., money damages, would be inadequate"); *American Civil Liberties Union of Ill. v. Alvarez*, 679 F.3d 583, 589 (7th Cir. 2012) ("quantification of [First Amendment] injury is difficult and damages are therefore not an adequate remedy")

Plaintiffs are suffering irreparable harm in the absence of injunctive relief. It is well settled that "the 'loss of First Amendment freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury.'" *ACLU of Il.*, 679 F.3d at 589 (quoting *Elrod v. Burns*, 427 U.S. 347, 373 (1976)). Furthermore, the CBEC's lack of notice and/or untimely notice to voters will create confusion on election day.

Communication with voters, such as petition circulation, is 'core political speech,' because it involves 'interactive communication concerning political change.'" *Buckley v. American Constitutional Law Foundation, Inc., 525* U.S. 182, 186 (1999) (quoting Meyer v. Grant, 486 U.S. 414, 422 (1988)). See *Buckley*, 525 U.S. at 186; *Elrod*, 427 U.S. at 373; *Eu v. San Francisco County Democratic Central Comm.,* 489 US 214, 223 (1989) (" the First Amendment 'has its fullest and most urgent application' to speech uttered during a campaign for political office" and "[b]arring political parties from endorsing and opposing candidates not only burdens their freedom of speech but also infringes upon their freedom of association.")

Plaintiffs will suffer further injury to their First Amendment rights in the absence of relief, and monetary damages would not compensate Plaintiffs, thus having no other adequate remedy.

(ii) CBEC's failure to timely comply with Election Code confirms a strong likelihood of success on the merits.

The Election Code, 10 ILCS 5/11-3(c) anticipates that precincts shall be revised and rearranged ***after*** the presidential election, and therefore, would allow election authorities almost two years ***prior*** to the next general election to notify voters of such changed precinct boundaries and new polling locations.

Section 11-6 of the Election Code, 10 ILCS 5/11-6, further defined additional requirements, including a requirement that the CBEC is obligated to disclose precinct boundaries **at least 90 days** before the next scheduled election, as follows:

> Sec. 11-6. Within 60 days after July 1, 2014 (the effective date of Public Act 98-691), each election authority shall transmit to the principal office of the State Board of Elections and publish on any website maintained by the election authority maps in electronic portable document format (PDF) showing the current boundaries of all the precincts within its jurisdiction. **Whenever election precincts in an election jurisdiction have been redivided or readjusted**, the county board or board of election commissioners shall prepare maps in electronic portable document format (PDF) showing such election precinct boundaries **no later than 90 days before the next scheduled election**. The maps shall show the boundaries of all political subdivisions and districts. The county board or board of election commissioners shall immediately forward copies thereof to the chair of each county central committee in the county, to each township, ward, or precinct committeeperson, and each local election official whose political subdivision is wholly or partly in the county and, upon request, shall furnish copies thereof to each candidate for political or public office in the county and shall transmit copies thereof to the principal office of the State Board of Elections and publish copies thereof on any website maintained by the election authority. *(Source: P.A. 99-642, eff. 7-28-16; 100-1027, eff. 1-1-19.)*

As of August 27, 2022 the CBEC has **not** prepared "maps in electronic portable document format (PDF) showing such election precinct boundaries" in

compliance with 10 ILCS 5/11-6 since there were fewer than 90 days before the November 8, 2022 general election, and the CBEC was in violation of the disclosure obligation. 10 ILCS 5/11-6.

All polling locations must be accessible to persons with disabilities pursuant to Title II of the Americans with Disabilities Act of 1990, as amended ("ADA"), 42 U.S.C. §§ 12131-12134, and the Department of Justice's Title-II-implementing regulation, 28 C.F.R. Part 35, as well as accessible to voters with disabilities and additionally to elderly voters, pursuant to 10 ILCS 5/11-4.2(a) which states as follows:

> Sec. 11-4.2. (a) Except as otherwise provided in subsection (b) all polling places shall be accessible to voters with disabilities and elderly voters, as determined by rule of the State Board of Elections, and each polling place shall include at least one voting booth that is wheelchair accessible.

The majority of CBEC's polling locations have not been accessible and in compliance with accessibility requirements since at least 2017, when the Dept. of Justice initiated litigation against the CBEC for its lack of compliance, as documented by a settlement agreement reached with the Dept. of Justice. Please Complaint (Dkt. #1) Exh. D. At the June 28, 2022 primary election 206 polling locations were accessible to persons with disabilities of 1,043 locations. Please see Complaint (Dkt. #1) Exh. B.

The CBEC has extended and stayed implementation of its statutory obligation to provide accessible voting locations through at least June 28, 2022, and despite a settlement agreement with the Dept. of Justice. The failure to provide fully accessible polling locations is exacerbated and enhanced when polling locations are reduced, and voters are not informed with sufficient time prior to the

election of their new polling locations.

The plaintiffs have demonstrated a likelihood of success as a matter of law.

(iii) Defendant CBEC's actions do not pass strict Constitutional scrutiny.

Plaintiffs are also entitled to relief because the CBEC's late-made changes in derogation of the Election Code, as applied, cannot withstand constitutional scrutiny under the Supreme Court's *Anderson-Burdick* framework, and the *Purcell* principle. *RNC v. DNC*, 140 S.Ct. 1205, 1207 (2020) (per curiam); *Purcell v. Gonzalez*, 549 US 1 (2006).

The *Anderson* analysis was defined as follows:

> [* * *] first consider the character and magnitude of the asserted injury to the rights protected by the First and Fourteenth Amendments that the plaintiff seeks to vindicate. It then must identify and evaluate the precise interests put forward by the State as justifications for the burden imposed by its rule. In passing judgment, the Court must not only determine the legitimacy and strength of each of those interests, it also must consider the extent to which those interests make it necessary to burden the plaintiff's rights. Only after weighing all these factors is the reviewing court in a position to decide whether the challenged provision is unconstitutional.

Anderson, 460 U.S. at 789.

This framework establishes a "flexible standard," according to which "the rigorousness of our inquiry into the propriety of a state election law depends upon the extent to which a challenged restriction burdens First and Fourteenth Amendment rights." *Burdick*, 504 U.S. at 434. Under this standard, "reasonable, nondiscriminatory restrictions" are subject to less exacting review, whereas laws that imposes "severe" burdens are subject to strict scrutiny. See *id*. (citations omitted). But in every case, "However slight [the] burden may appear ... it must be justified by relevant and legitimate state interests sufficiently weighty to justify the limitation." *Crawford v. Marion County Election Bd.*, 128 S.Ct. 1610, 1616 (2008) (citation and

quotation marks omitted). Defendants have no such legitimate state interest for their exclusion of LPI candidates from the ballot.

As the Seventh Circuit has explained, "[m]uch of the action takes place at the first stage of *Anderson's* balancing inquiry," because the severity of the burden imposed is what determines whether strict scrutiny or a less demanding level of review applies. *Stone v. Board of Election Com'rs for City of Chicago*, 750 F.3d 678, 681 (7th Cir. 2014) (citing *Burdick*, 504 U.S. at 534).

In the matter presented herein the burden imposed by the CBEC's changes are severe – creating confusion through changed and reduced polling locations from those used at the June 2022 primary election, and without sufficient and timely notice to voters. The redistricting of precincts and reduction of polling locations would certainly deny voters who were not timely informed of their precinct and polling location of their right to cast a ballot on election day. For example, there will be many voters that will could be denied their right to vote if they attempt to vote at the same polling location at which they cast a ballot at the June 2022 primary, but that location was eliminated.

The reduction of polling locations is also disparately impacting wards with largely African-American and other racial minority voters. The number of precincts and polling locations was determined through private meetings between certain Alderpeople and the CBEC, rather than through a publicly-vetted process that uniformly and appropriately applied demographic data from the US Census.

Without intervention of this Honorable Court, voters are being restricted and denied their First Amendment rights – and cost saving should never be a justifiable reason for denial of ballot access rights.

(iv) Balancing of harms weighs heavily in Plaintiffs' favor.

The Supreme Court has expressly found that such irreparable First amendment harm justifies granting the relief that Plaintiffs request here. See, e.g., *Norman v. Reed*, 502 U.S. 279, 288-89 (1992); *Anderson*, 460 U.S. at 793-94; *Williams*, 393 U.S. at 30-31.

The Election Code provides for in-person election day voting, and the CBEC should expand and make election day voting more convenient, rather than less convenient. The interests of saving money should not supersede voters' First amendment ballot access rights. Voter should be given every opportunity to cast their vote – and until in-person election day voting is eliminated, voters should be allowed the full and unrestricted opportunity to cast their ballots at the most convenient, and familiar, polling locations. It is inherently unfair to change polling locations after the June primary and prior to the November 2022 general election. ***Greater*** access should be the paramount concern – particularly for voters with disabilities – rather than reduction in access and greater inconvenience to voters desiring to cast a paper ballot in person on election day. This is the traditional, and historic, method for casting ballots, and every voter should be given an unfettered right to choose his or her own preferred method to vote.

The reduction of polling locations will force voters to (a) find their new polling location, (b) travel further to reach their new polling location, and (c) wait in lines and for a longer duration to cast their vote. The reduction of polling locations serves no First amendment interest of voters – on the contrary, the reduction of polling locations hampers and discourages voters exercising their First amendment right to cast a ballot on election day.

Although alternative methods are available for voting, in-person voting on election day remains a preferred option for many voters. So long as the Legislature allows in-person voting on election day, voters should not be forced to vote in a different method. It is each voter's choice. Voters should not be forced to mail in a ballot, or vote on an electronic voting machine, rather than casting a paper ballot on election day.

There is no merit or validity to restricting voter access on election day, or denying voters their right to consistency in their polling locations between the June 2022 primary election and the November 2022 general election. The balancing of harms weighs in favor of greater ballot access, not less.

(v) The Requested Relief is in the Public Interest.

Preliminary relief will benefit the public because it will protect the First Amendment rights of Illinois voters to cast their votes effectively and to associate with candidates and parties they support. As the Seventh Circuit has repeatedly recognized "injunctions protecting First Amendment freedoms are always in the public interest." *ACLU of Ill.*, 679 F.3d at 590 (quoting *Christian Legal Soc'y v. Walker*, 453 F.3d 853, 859 (7th Cir. 2006)). This factor therefore weighs in Plaintiffs' favor.

(vi) No Security is Required.

The Seventh Circuit has observed that security is not mandatory under Rule 65(c), and can be dispensed with in the discretion of the court. See *Scherr v. Volpe*, 466 F.2d 1027 (7th Cir. 1972); see also *Moltan Co. v. Eagle-Picher Industries, Inc.*, 55 F.3d 1171, 1176 (6th Cir. 1995). No security is needed in this case, as it threatens no financial harm to Defendants.

C. Conclusion.

Wherefore, Plaintiffs, for the foregoing reasons respectfully request entry of a preliminary injunction directing Defendant, CBEC, to facilitate election day ballot access, and to operate all polling locations and precincts that were in effect for the June 2022 primary election, or for such relief in favor of the Plaintiffs that is just and appropriate.

Respectfully submitted:

By: /s/Andrew Finko
Attorney for Plaintiffs

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Certificate of Service

The undersigned an attorney, certifies under penalties of perjury that on November 1, 2022, he filed the foregoing motion with the ECF/CM system for the Northern District of Illinois, Eastern Division, which sends an email with a download link to all counsel of record.

/s/ Andrew Finko

EXHIBIT A

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

WILLIE WILSON, ROBERT FIORETTI, EARL C. WILLIAMS, EUGENE WOLF, NINA STONER, MINOR J. ALLEN JR. GERALDINE YOUNG,FRAANCISCO RODRIGUEZ,

Plaintiffs,

vs.

CITY OF CHICAGO BOARD OF ELECTION COMMISSIONERS, a municipal agency, MARISEL A. HERNANDEZ, Chair, WILLIAM J. KRESSSE, Commissioner, and JUNE A BROWN, Commissioner, each in in their official capacities as members of the Chicago Board of Election Commissioners,

Defendants.

Case No. 1:22-cv-4577

Honorable Judge: Joan H. Lefkow

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

NOW COMES Plaintiff, WILLIE WILSON, *pro se*, and pursuant to Rules 57 and 65 of the Federal Rules of Civil Procedure moves this Court for an Emergency Preliminary or Permanent Injunction and/or a Temporary Restraining Order, and a Declaration as a matter of law against the Defendants. In support of this Motion, Plaintiff Wilson incorporates by reference his previously filed Verified Complaint (Dkt. 001), and the exhibits attached to the Verified Complaint, and hereby states as follows:

1. **NOTICE TO DEFENDANTS:** Pursuant to Rule 65 of the Federal Rules of Civil Procedure, undersigned Plaintiff WILLIE WILSON respectfully certifies to the Court that on August 29, 2022 Defendants' counsel Adam W. Lasker was provided a copy of the Verified Complaint with exhibits; and on October 21, 2022 this Motion, and the Notice of Telephonic Hearing was sent to the following attorneys via email:

- Adam W. Lasker, General Counsel, Chicago Boaard of Election Commisioners – electionattorney@gmail.com
- Charles Anthony Lemoine, Tressler LLP – clemoine@tresslerllp.com
- Andrew James O'Donnell, Tressler LLP – dodonnell@tresslerllp.com
- Rosa Maria Tumialan-Landy, Tressler LLP – rtumialan@tresslerllp.com
- Andrew Finko, Attorney at Law – finkolaw@fastmail.FM

2. Exhibit B to the complaint is a list of the 2,069 precincts at which voters voted in the June 28, 2022 partisan primary election.

3. Since the complaint was filed, Defendants earlier this month (October) issued a new list Precincts attached hereto as Exhibit "A".

4. Said list eliminates 779 precincts, reducing the number of precincts by 38% to 1,290.

5. Said reduction disparately impacts racial and/or ethnic minority voting blocs including African-American, Latino, Native American, and Asian voters by making it more difficult for them to vote, and as set forth in the complaint.

6. Only 86 or 6.6 per cent of the new precincts are disable accessible.

7. This is in blatant violation of federal and state law requiring all polling places to be disabled accessible, per the citations in paragraph 33 of the Complaint.

8. As established by the Verified Complaint and this Motion, and the documents and pleadings referenced therein, Plaintiff Wilson is entitled to immediate declaratory and injunctive relief because 1) he is likely to succeed on the merits, 2) he and similarly situated voterrs are suffering, and will continue to suffer, irreparable harm in the absence of preliminary relief, 3) the balance of equities tips in the Plaintiff's' 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).

9. The Plaintiff requests telephonic oral arguments on this motion.

10. The Plaintiff also requests a waiver of any bond requirement.[1]

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully request that this Court:

A. Assume original jurisdiction over this matter;

B. Issue a temporary restraining order and/or preliminary injunction, enjoining Defendants from eliminating any precincts or polling places until after April 4, 2023, and such time as Defendants provide data to support an equitable reduction, that does not disparately impact African-American, Latino, Asian, or other voting blocs

[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").

C. Issue a temporary restraining order and/or preliminary injunction, enjoining Defendants from operating polling places that are not disabled accessible in violation of federal and state law;

D. Issue a permanent injunction against Defendants to enjoin Defendants and its employees and agents from elimination any precincts or polling locations until after the April 4, 2023 election and until such time as Defendants provide data to support an equitable reduction that will not desperately impact African-American, Latino, Asian or other voting blocs; and enjoining them from operating polling places that are not disabled accessible in violation of federal and state law.

E. Issue a declaratory judgment finding and declaring that Defendants' reduction of precincts and poll locations and failure to make polling places disabled accessible is in violation of the Voting Rights Act; federal and state law on the disabled cited in Par. 33 of the Complaint; contrary to Plaintiff's 1st and 14th Amendment rights; and unconstitutional and void *ab inito;*

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

Respectfully submitted this 21st day of October 21,

Willie Wilson
Plaintiff, *pro se*
363 E. Wacker Drive, #4906
Chicago, IL 60601
708-439-0796
wwilson@omarinc.com

Willie Wilson,
Plaintiff

Verification pursuant to 28 U.S.C. Sec. 1746

The undersigned Plaintiff, declares and verifies under penalty of perjury under the Laws of the United States of America that the facts contained in the foregoing *Emergency Motion For Preliminary Or Permanent Injunction And Declaration As A Matter Of Law* are true and correct to the best of my knowledge.

By: _____
Signature

Printed Name: Willie Wilson

Address: 368 E. Wacker Drive, #4906
Chicago, IL 60601

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

WILLIE WILSON, ROBERT FIORETTI, EARL C. WILLIAMS, EUGENE WOLF, NINA STONER, MINOR J. ALLEN JR. GERALDINE YOUNG,FRAANCISCO RODRIGUEZ,

Plaintiffs,

vs.

CITY OF CHICAGO BOARD OF ELECTION COMMISSIONERS, a municipal agency, MARISEL A. HERNANDEZ, Chair, WILLIAM J. KRESSSE, Commissioner, and JUNE A BROWN, Commissioner, each in in their official capacities as members of the Chicago Board of Election Commissioners,

Defendants.

Case No. 1:22-cv-4577

Honorable Judge: Joan H. Lefkow

NOTICE OF TELEPHONIC HEARING

TO: Adam W. Lasker, General Counsel, Chicago Board of Election Commissioners
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Charles Anthony Lemoine, Tressler LLP – clemoine@tresslerllp.com

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Andrew Finko, Attorney at Law – finkolaw@fastmail.FM

PLEASE TAKE NOTICE that on Tuesday, November 2, 2022 at 9::45 AM I shall present

Plaintiff Willie Wilson's EMERGENCY MOTION FOR PRELIMINARY OR PERMANENT INJUNCTION AND DECLARATION AS A MATTER OF LAW before the Honorable Judge Joan H. Lefkow in a telephonic hearing.

The call in number is (877) 402-9753 and the access code is 1566342. Please note that the conference call in will be used by all cases on the court's calendar for the said date. Therefore, counsel must be in a quiet area while on the line and must have the telephone muted until this case is called.

Respectfully submitted,

Willie Wilson
Plaintiff, pro se
363 E. Wacker Drive, #4906
Chicago, IL 60601
708-439-0796
wwilson@omarinc.com

Willie Wilson,
Plaintiff

Proof Of Service

The undersigned certifies that he served the foregoing Notice Of Telephonic Hearing on the persons to whom it is directed by emailing it to them on October 21, 2022.

Willie Wilson, Plaintiff

Willie Wilson
Plaintiff, pro se
363 E. Wacker Drive, #4906
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