

IN THE CIRCUIT OF THE SIXTH JUDICIAL CIRCUIT
CHAMPAIGN COUNTY, ILLINOIS

JIM MCGUIRE,)	
)	
Plaintiff,)	
)	
v.)	2022CH
)	
AARON AMMONS, COUNTY CLERK,)	
CHAMPAIGN COUNTY, ILLINOIS, and)	
MICHELLE JETT, DEPUTY COUNTY CLERK,)	
CHAMPAIGN COUNTY, ILLINOIS,)	
)	
Defendants.)	

COMPLAINT FOR INJUNCTION AND OTHER RELIEF PURSUANT TO
735 ILCS 5/11-101, et seq.

Now comes the Plaintiff, Jim McGuire, by his attorneys, Jerrold H. Stocks of Featherstun, Gaumer, Stocks, Flynn & Eck, LLP, and for his Complaint for Injunction and Other Relief Pursuant to 735 ILCS 5/11-101 against Champaign County Clerk, Aaron Ammons, and Champaign Deputy Clerk, Michelle Jett, he states:

1. McGuire is a legal voter in Champaign County, Chairman of the Champaign County Republican Central Committee and candidate for Champaign County Board.
2. As a legal voter and candidate for office, McGuire has rights and entitlements to a free and fair election, including protection of the constitutional right of one person one vote and that his vote or votes for his candidacy not be diluted by unlawful votes under IL CONST. Article 1, Sec. 2; Article III, Sec. 3; See: *Stroger v. Regional Transportation Authority*, 201 Ill.2d 508, 517 (2002).
3. 10 ILCS 5/29-17 authorizes remedy for interference with election rights.

4. Election judges have charge of ballots. 10 ILCS 5/17-7. Election authorities may utilize employees of the election authority to perform the functions of election judge with respect to early voting, thus, said employee acts as an election judge. 55 ILCS 5/3-2003.1. Official ballots shall be sealed when transported between the election authority and polling place. 10 ILCS 5/16-5. Election judges, including election authority employees, shall take oath or affirmation pursuant to 10 ILCS 5/13-8 to faithfully discharge the duties of office. Also see: 55 ILCS 5/3-2003. Pursuant to 10 ILCS 5/13-3, an election judge shall be considered an officer of the Court and subject to control and punishment in case of misbehavior. Further, any person who violates any Court order may be punished for contempt including removal from office pursuant to 10 ILCS 5/29-16. Elections are a governmental function subject to judicial control. *Rusch v. White*, 334 Ill 465, 483 (1929).

5. Filed herewith, under seal, is the Affidavit of Election Judge 1 in support of the relief sought herein. The Plaintiff, at request of Election Judge 1, who is concerned about reprisal from the election authority respectfully requests that her identity not be released publicly. A redacted version of Election Judge 1's Affidavit is attached and its factual content, including exhibit, is incorporated herein.

6. The factual matter stated in the Affidavit, including photographic evidence authenticated by the Affidavit establishes that Michelle Jett, a Deputy County Clerk was in possession, in her car, of unsealed official ballots in a non-specific number, but multiple, for, at least, precinct Champaign 38, ballot style 5.

7. There exists no lawful explanation for the transportation of unsealed official ballots. Further, remote early voting locations are required to have the ability to print ballots on demand such that the circumstance proven has no lawful explanation.

8. The circulation and availability of unlawful official ballots presents an imminent threat and risk to election integrity risking injury to the Plaintiff of an irreparable nature and causing injury to the public of an irreparable nature, to wit: the voting of an unlawful ballot.

9. Injunction is appropriate because the pursuit of other remedy through the report to legal authorities has not yielded any action to abate the threat to election integrity. In fact, the Sheriff's Department of Champaign County has declined to act on matters of election integrity on the basis that the Sheriff is a candidate on the ballot.

10. On information and belief, the Champaign County Clerk and its officers have a history of non-compliance with the Election Code including injunctive relief entered in Cause No. 2020 CH 113 in the Circuit Court for the Sixth Judicial Circuit, Champaign County, Illinois and the issuance of directions from the Illinois State Board of Elections to refrain from various types of conduct over time.

11. Michelle Jett is identified as an employee of the election authority that will conduct election day operations.

12. The County Clerk has the authority to reassign his employee to non-election duties, but, has not re-assigned Jett.

13. The burdens to the Champaign County Clerk do not override the protection and preservation of election integrity.

WHEREFORE, the Plaintiff respectfully requests the following on a temporary, preliminary and permanent basis until all activity of the election authority is complete with respect to the 2022 general election:

A. That the Champaign County Clerk, Aaron Ammons, be enjoined from assigning any election duties to Michelle Jett;

B. That the Champaign County Clerk, Aaron Ammons, be enjoined from allowing Michelle Jett any access to any election equipment, ballots or other election materials;

C. That Michelle Jett be enjoined from performing any election duties;

D. That the Court appoint a custodian to monitor all election activities commencing 6:00 a.m., November 8, 2022 until the election authorities' certification of results to the State Board of Elections;

E. For such other relief the Court deems just and proper.

JIM McGUIRE, Plaintiff

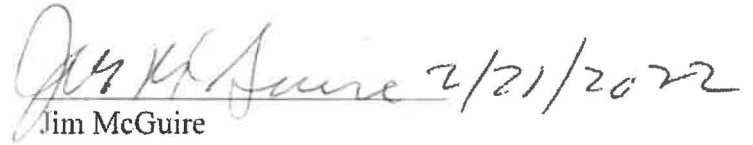
BY: FEATHERSTUN, GAUMER, STOCKS,
FLYNN & ECK, LLP,

BY: /s/ Jerrold H. Stocks

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CERTIFICATION

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and matters on the affidavit of Election Judge 1, and as to such matters, the undersigned certifies as aforesaid that he verily believes the same to be true.

 2/21/2022
Jim McGuire

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AFFIDAVIT OF [REDACTED]

I, [REDACTED], certifies, pursuant to 735 ILCS 5/1-109 set forth below, as follows:

1. I am over 18 years of age and a resident of Champaign County, Illinois.
2. I am a registered voter in Champaign County, Illinois.
3. I am a duly appointed election judge for the election on November 8, 2022 in Champaign County, Illinois.
4. The information provided herein is based on personal knowledge and I am competent to testify to the matter set forth herein.
5. On Monday, October 24, 2022, at approximately 12:22 p.m. at the north parking lot – Brookens Administrative Center, 1776 East Washington Street, Urbana, Illinois, I observed and took the following action:

Description of event: I was scheduled to work as an election judge at Brookens, from 12:30 pm - 5 pm. Upon pulling into to north parking lot at approx 12:20 pm, another car parked next to mine. I observed the female exiting this vehicle, and identified her as Michelle Jett.

Upon exiting my vehicle, I noticed a variety of items on the front seat and floor of the vehicle Ms. Jett was driving. Items of importance were multiple election ballots. On the front passenger seat was an unsealed large white envelope, with a stack of ballots in it. On the floor, there was at least one single ballot laying amongst the other items on the floor.

I took photos of what I witnessed, as well as a photo of the license plate of the vehicle Ms. Jett exited.

Later that evening, this incident (along with the photos taken) was reported to the Protect the Vote hotline, Upon guidance from the hotline, it was recommended to report the incident to the Champaign County Sheriff's Office.

The hotline indicated it would report the incident to the Illinois Board of Elections.

6. On October 26, 2022, I reported my observations from the preceding paragraph to the Champaign County Sheriff's Office, Investigator C. Apperson #528 and C. Donovan #554 noted as Report Number S22-26344 and I was advised as follows:

Per guidance from the Sheriff Investigators, it was recommended I report the incident to the Illinois State Police. The reason being the Sheriff was on the ballot and this incident would create a conflict of interest.

It should be noted the photos from October 24, 2022, were provided to the Sheriff Investigators. Upon doing so, Investigator Apperson confirmed the license plate in the photograph was registered to Michelle Jett.

The Illinois State Police contacted me the evening of Friday, October 28, 2022. At that time, we arranged a time to meet on Sunday, October 30, 2022.

7. On Sunday, October 30, 2022, I met with Illinois State Police investigators, Sgt Wendi Westfall and Chad Carlson #7103 filing report number 22-1018-SPSIU, including the provision of photos and was advised that the investigation would be "their number one priority" and that she would get back to me in a few days. To the date of the filing of this Affidavit, I have not heard from Sgt Westfall.

8. Attached are true and accurate copies of photographs digitally retained on my device which are referenced in the paragraphs stated above which include, more particularly, official ballots, unsealed, in the car of Michelle Jett, a Deputy County Clerk, Champaign County. The ballots appear to be ballots from precinct Champaign 38, Ballot Style 5.

9. As an election judge, I recognize that there is no lawful explanation for a collection of unsealed official ballots to be stored in the condition I observed.

Further affiant sayeth not.

CERTIFICATION

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief, and as to such matters, the undersigned certifies as aforesaid that he verily believes the same to be true.

/s/

A large black rectangular redaction box covers the signature area, obscuring the name of the undersigned.

12:22 PM

