IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT
DUPAGE COUNTY ILLINOIS

Deanne Mazzochi.,	)	Case No.
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
Jean Kaczmarek, in her official capacity as	)	
DuPage County Clerk and Election Authority	)	
for DuPage County, and Jenn Ladisch	)	
Douglass,	)	
	)	
Defendants.	)	

COMPLAINT FOR EQUITABLE RELIEF

Plaintiff Deanne Mazzochi ("Mazzochi"), by and through her undersigned attorneys, for her Complaint for Equitable Relief, states as follows.

Nature of the Case

1. Plaintiff brings this action to stop ongoing violations of the Election Code by Defendant and to uphold the integrity of the election process within DuPage County generally, and for Illinois House of Representatives District 45 in particular. Granting the relief requested herein will ensure that the Election Code will be followed and only lawful votes will be counted. Denying the relief requested herein ensures that the DuPage County Clerk's unlawful practices will go unchecked and the election results will be tabulated in violation of the law.

Parties, Jurisdiction, and Venue

2. Plaintiff Mazzochi is a resident of DuPage County and candidate for the office of Illinois State Representative for the 45th District.

3. Defendant Jean Kaczmarek, named here in her official capacity, is the duly elected DuPage County Clerk. As the DuPage County Clerk, Ms. Kaczmarek is the designated election authority for DuPage County pursuant to Section 1-3(8) of the election Code. *See* 10 ILCS 5/1-

3(8).   As the election authority for DuPage County, Ms. Kaczmarek is responsible for administering the 2022 general election. The office of the DuPage County Clerk is located at 421 N. County Farm Road in Wheaton, Illinois.

4.   Defendant Jenn Ladisch Douglass is a DuPage County resident, and candidate for the office of Illinois State Representative for the 45th District. Douglass and Mazzochi are the only candidates for such office. Ladisch Douglass is named solely to ensure that she has the ability to participate in this suit, as she also is also adversely impacted by the DuPage County Clerk's improper signature validation process. The DuPage County Clerk's illegal process as described in more detail below applies to all ballots, irrespective of the partisan lean, if any, of the underlying voter.

5.   This Court has jurisdiction over this action, which presents a justiciable controversy between the parties, and further has jurisdiction over Defendant as the office of the DuPage County Clerk is located in this county.

6.   Venue is proper because Defendants are located in this county and the facts and circumstances giving rise to this action occurred in this county.

Factual Background

7.   Illinois voters are permitted to vote by mail and historic numbers of Illinoisians are doing so in the 2022 general election.

8.   Although mail-in ballots are still being received, the DuPage County Clerk is reporting that more than 20% of all votes cast in the 2022 general election (and more than 20% of votes case for the election of State Representative for the 45th District) were cast by mail-in ballot.

9.   Mail-in ballots present higher risks of voter fraud as compared to traditional in-person voting.

10.   Given that, the Election Code mandates specific verification procedures for mail-in ballots.

11.   Section 19 of the Election Code governs mail-in ballots and requires that the voter's signature on the certification envelope of the mail-in ballot be compared with the signature of the voter on file in the office of the election authority. *See* 10 ILCS 5/19-8(g). If the determination is made "*that the 2 signatures match*" and the voter is otherwise qualified to vote by mail, then "the election authority shall cast and count the ballot." *Id.* (emphasis added).

12.   Article 19 of the Election Code also provides that pollwatchers "shall be permitted to observe the election judges making the signature comparison between that which is on the ballot envelope *and that which is on the permanent voter registration record card taken from the master file*." 10 ILCS 5/19-10 (emphasis added).

13.   If the 2 signatures do not match, or other indicia of fraud exist–*e.g.*, if the ballot envelope is open or has been resealed–then the responsible parties "shall mark across the face of the certification envelope the word 'Rejected' and shall not cast or count the ballot." 10 ILCS 5-19-8(g).

14.   If the ballot is rejected, the DuPage County Clerk must notify the voter of the rejection and provide the voter an opportunity to present evidence demonstrating why the ballot should be counted. 10 ILCS 5/19-8(g-5).

15.   After reviewing the evidence from the voter, a panel of election judges determines whether the ballot is valid. 10 ILCS 5/19-8 (g-10).

16.   Article 19 of the Election Code also incorporates Article 17 and in turn, Article 5, setting out voter verification procedures. *See* 10 ILCS 5/19-8(g) ("The procedures set forth in Articles 17 and 18 of this Code shall apply to all ballots counted under this Section [19–governing

mail-in ballots].")

17.   Article 17 requires that ballots be verified by comparing each application for ballot against the list of voters registered in that precinct. 10 ILCS 5/17-9.

18.   Likewise, Article 5 requires that the signature on the in-person ballot application be compared with the signature on the registration record card as a means of identifying the voter. 10 ILCS 5/5-29.

19.   Counsel speaking on behalf of the election authority confirmed that the proper process for mail-in ballot signature verification is to compare the signature on the ballot itself with the signature on the voter's most recent voter registration.

20.   Despite that, the DuPage County Clerk is not properly verifying mail-in ballots, as explained in more detail below.

21.   Only electronically-scanned portions of the mail-in-ballots are being reviewed, also electronically, by the election judges for signature verification. In some cases, the mail-in ballot signatures are not being substantively verified at all. In other cases, the DuPage County Clerk is using the signature on the mail-in ballot application–*not the voter registration*–as an exemplar to verify signatures.

22.   At least three individuals, including Mazzochi herself, have witnessed the verification of mail-in ballots that have signatures that do not match the voter's registration record, where election officials subsequently "verify" the signature by comparing it to the signature that appears on the mail-in ballot application.

23.   Mazzochi also personally witnessed instances where election judges determined that the signature on the mail-in ballot envelope did not match the signature that the voter used to register to vote. Rather than move immediately to the step of marking across the face of the

certification envelope the word "Rejected," and the process set forth in subsection (g-5) of the Election Code, election judges, with the assistance of the Clerk's staff, would look at additional electronic information, such as the vote by mail application, to "verify" the signature.

24.   As a result, mail-in ballots are being verified in violation of the Election Code and counted as votes in the 2022 general election–including for the election of Illinois State House of Representatives District 45.

<div align="center"><u>**Count I – Declaratory Judgment**</u></div>

25.   Plaintiff incorporates the allegations of paragraphs 1 - 24 as if fully set forth herein.

26.   Mazzochi brings this count pursuant to 735 ILCS 5/2-701 *et seq.*

27.   An actual controversy exists between the parties concerning how mail-in ballots must be verified under Article 19 of the Election Code.

28.   Declaratory judgment regarding the required process for verification of mail-in ballots will resolve the controversy.

29.   Mazzochi seeks a declaration by this Court that the Election Code requires that mail-ballots be verified by comparing the signature on the mail-in ballot with the voter's registration signature and if the 2 signatures do not match, to reject the ballot and provide the voter notice and opportunity to demonstrate why the ballot should be counted, in accordance with Article 19 of the Election Code.

WHEREFORE, Plaintiff Deanne Mazzochi respectfully requests that the Court enter a declaration as set forth above, enter an award of attorneys' fees and costs, and grant all other appropriate relief.

Count II – Injunctive Relief to Prevent and Redress Violations of the Election Code

30.   Plaintiff incorporates the allegations of paragraphs 1 - 29 as if fully set forth herein.

31.   Mazzochi has a clear right to a full and fair election process in accordance with the Election Code.

32.   Mazzochi will suffer irreparable injury if the equitable relief requested herein is not granted as unlawfully verified mail-in ballots will be counted in violation of the Election Code.

33.   Mazzochi lacks an adequate remedy at law as the DuPage County Clerk is responsible for administering the 2022 general election in accordance with the Election Code, yet is refusing to comply with its mandates.

34.   Mazzochi has a likelihood of success on the merits as the Election Code requires that signatures on mail-in ballots be verified using the voter's registration signature, not the signature on the mail-in ballot, and that if there is a dispute regarding the match of those 2 signatures, the process set forth in subsection (g) and (g-5) of Article 19 of the Election Code must be followed.

WHEREFORE, for the foregoing reasons, Plaintiff Deanne Mazzochi respectfully requests that the Court grant a temporary restraining order granting the following relief:

a)   enjoining the DuPage County Clerk from verifying or certifying any vote by mail ballots, or at the very least vote by mail ballots processed between November 2-November 10 until such time as they can be properly verified as required by law;

b)   enjoining the DuPage County Clerk from verifying any additional mail-in ballots until such time as they can be properly verified as required by law;

c)   enjoining the DuPage County Clerk from presenting to any election judge reviewing vote-by-mail ballots any signature sample beyond those signatures that the voter used

to register to vote; or reaffirm the voter's registration status, which in turn were properly vetted using identification procedures set forth by law;

d)   enjoining the DuPage County Clerk from destroying, discarding, or otherwise failing to preserve the following data: list of individuals who voted in-person on Election Day, all vote-by-mail ballots, including covering envelopes, all software and related logs (including metadata and time stamps), all documents, including notes, created or used by election judges in screening ballots, all documents that were in each mail-in voter's file in the Clerk's office, all documents concerning policies and procedures regarding mail-in ballot verification, documents and data related to any mail-in ballot rejection, and non-validated registration signatures disabled during the review process;

e)   sequestering and preserving all mail-in ballots, so that they can be verified by lawful process in accordance with the Election Code;

f)   directing the DuPage County Clerk to instruct election judges to verify mail-in ballots by comparing the signature on the mail-in ballot with the signature on the voter's registration file, as is required under the Election Code, and ensure that such procedure is being followed;

g)   setting this matter for an evidentiary hearing for preliminary injunction at the earliest possible time; and

h)   granting all other appropriate relief.

Count III – Writ of Mandamus to Enforce the Election Code

35.   Plaintiff incorporates the allegations of paragraphs 1 - 34 as if fully set forth herein.

36.   Mazzochi has a clear right to a full and fair election administered in accordance with the Election Code.

37.   The DuPage County Clerk is the election authority, responsible for administering the 2022 general election in accordance with the Election Code.

38.   The Election Code requires that mail-in ballots be verified by comparing signatures on the mail-in ballot to signatures on the voter's registration–not the mail-in ballot application.

39.   The Election Code further requires that if those 2 signatures do not match, that the ballot must be rejected and the voter given an opportunity to demonstrate that the ballot should be counted.

WHEREFORE, Plaintiffs respectfully requests that the Court issue a writ of mandamus requiring that Defendant:

a.   Require election judges to verify mail-in ballots by comparing the signature on the mail-in ballot with the voter's registration signature and that if such signatures do not match, to reject the ballot and provide the voter notice and opportunity to demonstrate why the ballot should be counted, in accordance with Article 19 of the Election Code;

b.   Place all mail-in ballots (including those already counted) through the aforementioned verification process, as is required by the Election Code, and tabulate the results of the 2022 general election accordingly.

Dated: November 14, 2022

Respectfully submitted,

Deanne Mazzochi

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