

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
CHANCERY DIVISION

ANDREW U. D. STRAW	)	
<i>Petitioner,</i>	)	
	)	
v.	)	No. 2016 CH _____
	)	
ILLINOIS STATE BOARD OF	)	Hon.
ELECTIONS	)	Judge Presiding
“Constituted as State Officers	)	
Electoral Board for Purposes of	)	Oral Argument Requested
Hearing Objections on Andrew	)	
Straw’s Nomination Papers”	)	Jury Trial Not Requested
<i>Respondent.</i>	)	

**COMPLAINT FOR INJUNCTION TO PLACE ANDREW STRAW ON THE  
BALLOT IN THE REPUBLICAN PRIMARY IN THE 8TH CONGRESSIONAL  
DISTRICT TO BE HELD MARCH 15, 2016**

I, *petitioner* ANDREW U. D. STRAW, proceeding *pro se*, complain that my legal rights as a physically disabled person were violated by the respondent, Illinois State Board of Elections, when it voted 8-0 to reject my accommodation request to allow me to collect less signatures than required under the Illinois Election Code so as to avoid the pain I experience standing and walking for a long time. (Ex. 1 – 2016 Candidate Guide, p. 65)

**FACTUAL BACKGROUND WITH LEGAL ARGUMENT**

1. I, petitioner Andrew Straw, am a resident of Streamwood, Illinois, and have lived at 241A Brittany Dr., Streamwood, since 2013.
2. I am a registered voter at 241A Brittany Dr., Streamwood, and have been since 2013.
3. I registered with the FEC to be a candidate for Congress in the 8th District of Illinois in May of 2015, the first Republican to do so for the March 15, 2016 primary.

4. I filed FEC reports for the 2nd and 3rd quarters of 2015.
5. I broke both of my legs and my pelvis was crushed in a head-on car wreck on my way to work at the Indiana Supreme Court in 2001. (Ex. 2) At that Court, I convinced the justices to pay for software to help a visually-disabled trial judge and invited input from the Indiana Association of the Deaf on a prototype court reporting system for 400+ trial courts.
6. Since my accident, I have made disability rights my law practice, and was recognized by the American Bar Association's Commission on Disability Rights in January 2014 as its "Spotlight" American attorney with a disability for my disability rights political work:

[http://www.americanbar.org/groups/disabilityrights/initiatives\\_awards/spotlight/straw\\_a.html](http://www.americanbar.org/groups/disabilityrights/initiatives_awards/spotlight/straw_a.html)

7. Also in 2014, the U.S. Office of Personnel Management found me to be "qualified" to be the General Counsel of the U.S. Access Board, which sets disability access standards for other U.S. federal agencies to enforce, including the Department of Justice.
8. I mention these honors to show that when I ask for an accommodation for my two broken legs, I know that American law does protect my rights as a disabled person to accommodations.
9. When I stand or walk for a long time, it hurts. When I stand or walk for a long time to collect signatures, it hurts. I hurt when I go home afterwards.
10. I asked for accommodations from the Illinois State Board of Elections. I asked to be able to collect signatures online, both by using e-signatures and

by witnessing signatures over a video link like Skype or Facebook Video.

These requests were not accepted. To my knowledge, the General Counsel never asked the ISBE to take a position, instead rejecting them without referring me to the Board's ADA Coordinator, with whom I have never spoken and never been referred.

11. The Board's General Counsel appears to have taken positions against disability access without doing any serious research or inquiry with disability organizations and he dismissed my requests for accommodations out of hand. He claimed that federal and state disability laws have no impact on the Illinois Election Code, even when the state constitution bans discrimination against disabled people in employment. Illinois Constitution, Article I, Section 19.

12. I am indeed seeking employment when I run for Congress. Forcing me to go through a *hazing process* that only hurts people with disabilities is wrong.

13. When my other accommodation requests were denied without even a hearing, I decided to simply submit the signatures I collected with a letter explaining my accommodation request, since gathering them had already caused me physical pain. I was not about to let the Illinois State Board of Elections make me experience *more* pain in order to be a candidate. Other disabled people will rely on my accommodation in the future, so it is very important to me that this be done right.

14. I gathered 128, when a non-disabled candidate was required to get 475.

15. The objector did not object to anything else on my nomination papers except the number.
16. I asked to be allowed to submit the same number as the least required of a non-disabled candidate. This number is 12 signatures, in the 5th District. (Ex. 1, p. 65)
17. There is no compelling reason (or even a good reason) to force me to experience pain in order to run for federal office when none of the requirements in the U.S. Constitution impose pain on me. Article I, Section 2 requires that a person be 25 or older, 7 years a citizen, and live in the state where the person is running.
18. In other words, I could live where I do now under the U.S. Constitution and be on the ballot in the 5th District, because I collected over 10x the signatures required of a non-disabled Green Party candidate there.
19. If a Green Party candidate tried to get on the ballot in the 8th District, in contrast, it appears they would have to get 7,705 signatures as a Green.
20. There is no rationality to this, even if there is a formula that creates these nonsensical results.
21. People with disabilities are herded into running in certain districts and certain parties, even if those parties do not support disability rights, and this has a ghetto effect that discriminates against disabled people.
22. The U.S. Congress has the power under the U.S. Constitution to adjust the states' rules in conducting elections. Article I, Section 4:

The times, places and manner of holding elections for Senators and Representatives, shall be prescribed in each state by the legislature thereof; but the **Congress may at any time by law make or alter such regulations**, except as to the places of choosing Senators.

23. The ADA in fact should be considered to “alter such regulations” as the Illinois Code of Elections because the ADA’s purpose is to eliminate discrimination, and imposing a **pain requirement** on federal candidates who happen to have severe physical disabilities is *per se* discrimination.
24. The ADA’s purpose is, according to Congress, “elimination of discrimination.”  
42 U.S.C. § 12101(b)(1)
25. “[U]nlike individuals who have experienced discrimination on the basis of race, color, sex, national origin, religion, or age, individuals who have experienced discrimination on the basis of disability **have often had no legal recourse to redress such discrimination.**” 42 U.S.C. § 12101(a)(4)
26. The *respondent* Board’s 8-0 decision not to provide the requested disability **accommodation to reduce pain** for a federal candidate is a good contemporary example of the lack of recourse for discrimination.
27. “The continuing existence of **unfair and unnecessary discrimination** and prejudice denies people with disabilities the opportunity to **compete on an equal basis** and to pursue those opportunities for which our free society is justifiably famous...” 42 U.S.C. § 12101(a)(8)
28. For me to be able to compete on an equal basis requires accommodation that removes pain from the process. Disabled people need me as a candidate so there is “nothing about us without us.” I am a disabled lawyer who does disability rights work.
29. The Rehabilitation Act of 1973 also has strong statements about discrimination and how it must be removed. “It is the policy of the United States that all programs, projects, and activities receiving assistance under

this chapter shall be carried out in a manner consistent with the principles of— respect for **individual dignity**... of individuals with disabilities” 29 U.S.C. § 701(c)(1). Illinois receives federal monies and must adhere to the standards of the Rehabilitation Act. Imposing painful requirements on me reduces my dignity, humiliates me.

30. Further, the Rehabilitation Act recognizes that laws should ensure, “inclusion, integration, and full participation of the individuals with disabilities.” 29 U.S.C. § 701(c)(3)

31. Laws and programs must provide, “support for individual and systemic advocacy and community involvement.” 29 U.S.C. § 701(c)(5)

32. Instead of including me, welcoming me to the electoral table, the Illinois State Board of Elections discriminated against me.

33. The facts are very straightforward. I have broken legs with a crushed pelvis and no accommodation was given me when I asked at least four times. The Illinois Election Code contains 54 references to disability, nearly all of them to give accommodations to voters with disabilities.

34. I am a *federal candidate* with severe physical disabilities, and the Illinois State Board of Elections told me that my accommodation request was “compelling, but not controlling.” Then the Board in a capricious and even invidious manner rejected my “compelling” disability accommodation.

35. I am not just a federal candidate with disabilities, but I am also a lawyer who practices in this area. I have pursued disability rights through the state and

federal courts, through state and federal administrative agencies. I have experienced discrimination at every level and in every branch of government.

36. I know that the laws protecting people with disabilities, including veterans, have gaping loopholes and unjust exceptions, and here I am again, experiencing disability discrimination as I attempt to represent people with disabilities. My role in Congress will be to lead on disability rights issues.

37. Peter DiCianni is my opponent. His circulator, Mark Cramer, objected to my nomination papers even after I informed DiCianni I would be submitting less signatures due to the pain collecting them causes me.

38. DiCianni not only allowed his circulator to object, but he also has a business at 421 Addison Rd, Addison, Illinois. DiCianni Graphics has not had any handicap parking spaces in its parking lot. See this photo of his parking lot:



(Ex. 3)(Ex. 4)

39. DiCianni has not filed even one FEC report for 2015, even though he was clearly in the race on June 19, 2015, because he asked me to leave the race on that date. He came to Streamwood to meet me, and he asked me to leave the race for his benefit. Now his circulator is attacking my disability accommodation because I refused to bow out.

40. DiCianni has filed dishonest reports with the State Board of Elections. Mark Cramer got some of his DiCianni petition forms notarized on September 14, 2015. DiCianni's only donations and expenditures during the third quarter, which ended on September 30, 2015, were in his local DuPage County Board account. He spent money for his federal race and improperly reported it in his Illinois State Board of Elections report as local expenses in October of 2015.

41. DiCianni has dirty hands. He took illegal donations from federal, state, and local contractors, and he has a Matter Under Review with the Federal Election Commission, case# MUR 6970. He took tens of thousands in direct corporate, national bank, and union donations. DiCianni took direct money from a union whose contract he signed as mayor of Elmhurst. Evidence of this is in the public reports DiCianni filed. (Ex. 5 – Q2 ISBE Report) (Ex. 6 – Q3 ISBE Report)

42. DiCianni violates disability access laws, takes and spends money that is illegal for him to take under federal law, and his circulator was notarizing signatures while DiCianni was still reporting to the *respondent* that he was taking and spending money for a local race for which he never registered as a candidate for 2016.

43. My requests were reasonable and posed no burden to the Board or the State of Illinois of any kind. The dirty hands of my opponent should not sully my nomination papers.

44. The overwhelming law and policy of the State of Illinois and the United States is for people with disabilities to be given accommodations so they can participate in elections, either as voters or as candidates. Helping voters alone is not enough. There must be disabled candidates, and where candidates have severe disabilities, it is only logical that including them will involve accommodations like the ones I have asked.

45. I said truthfully that I have pain when I walk or stand a long time. I am saying it again for this Court. I asked for accommodations and they were improperly denied with a strict view of the number of signatures that is so rigid that the respondent Board would rather inflict pain on me than bend a little bit to help me.

46. If the Board suggests that I could get others to collect signatures, the fact is that the Board is imposing this requirement on me, nobody else. To say I should have others meet this requirement is like saying there should be no handicap parking at grocery stores because disabled people can have their friends and family shop for them. It is nonsense and inexcusable discrimination to even start down the road of removing accommodations because others can do things for us. **Nothing about us without us.** Liberty. Inclusion. That's what disabled people want and it is what I asked.

47. Handicap parking increases liberty. Reducing the signature burden allows me to run for Congress without the pain.

48. This, I ask this Honorable Court to order the *respondent* Board to do.

49. Please *see*, the Motion to Strike (Ex. 7) that the Board rejected (Ex. 9), my Memorandum of Law (Ex. 8), and my evidence of physical disability. (Ex. 2).

#### REQUEST FOR RELIEF

50. I ask this Honorable Court to grant equitable relief of a specific nature: please order the respondent Illinois State Board of Elections to place me on the ballot as a Republican candidate for Congress in the 8th Congressional District of Illinois, the election to be held on March 15, 2016. Please also order the *respondent* to apologize to me for the disrespectful manner that it dismissed both my severe disabilities and the accommodations I asked.

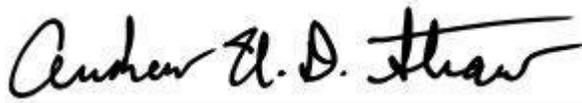
Please provide declaratory judgment for the *respondent* that *candidates* may ask for disability accommodations in elections, not just voters. Please declare for the Board that when a candidate or voter asks the *respondent* for an accommodation, that person should be referred to the ADA Coordinator for help. Please declare that the ADA Coordinator's purpose is to help disabled people who come to the Board looking for accommodations, either as voters or candidates, and that the Coordinator's duty is to provide the needed accommodations without interference or discrimination from the Board.

### JURISDICTION AND VENUE

51. Venue is proper in Cook County pursuant to section 2-101 of the Illinois Code of Civil Procedure, 735 ILCS § 5/2-101, because it is the county in which the actions or some part thereof took place. Jurisdiction is proper under the Illinois Election Code, 10 ILCS 5/10-10.1.

I, Plaintiff Andrew U. D. Straw, verify that to the best of my knowledge, information, and belief, formed after an inquiry reasonable under the circumstances, that the above statements and factual representations are true.

Respectfully submitted,



/s/ ANDREW U. D. STRAW  
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January 7, 2016  
*Petitioner, proceeding pro se.*

### CERTIFICATE OF SERVICE

I, Andrew U.D. Straw, hereby certify that on the 7th day of January, 2016, I caused to be filed with the Court's e-filing system a true and correct copy of this COMPLAINT and Exhibits 1-8. I have paid the fee for the Clerk to serve the COMPLAINT and supporting EXHIBITS 1-8 upon the defendant at the following address by postal mail:

Illinois State Board of Elections  
100 W. Randolph St, Suite 14-100  
Chicago, IL 60601-3232  
Telephone: (312) 814-6440  
Fax: (312) 814-6485

I ask that the Clerk serve the SUMMONS on the defendant.

Respectfully submitted,



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January 7, 2016