Nos. 16-1667 & 16-1775

IN THE
UNITED STATES COURT OF APPEALS
SEVENTH CIRCUIT

LIBERTARIAN PARTY OF ILLINOIS, LUPE DIAZ, JULIA FOX, and JOHN KRAMER, Plaintiffs-Appellees, v. CHARLES W. SCHOLZ, ERNEST L. GOWEN, WILLIAM M. McGUFFAGE, JOHN R. KEITH, ANDREW K. CARRUTHERS, WILLIAM J. CADIGAN, BETTY J. COFFRIN, and CASANDRA B. WATSON, in their capacities as members of the Illinois State Board of Elections; and JOHN CUNNINGHAM, in his capacity as the County Clerk of Kane County, Illinois, Defendants-Appellants.	)	Appeal from the United States District Court for the Northern District of Illinois, Eastern Division. Case No. 12-cv-02511 The Honorable ANDREA R. WOOD, Judge Presiding.

REPLY BRIEF OF STATE DEFENDANTS-APPELLANTS

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ARGUMENT

I. Summary of Argument.

Although Plaintiffs have standing to challenge the application to them of the full-slate requirement of the Illinois Election Code for statewide offices, they have not established standing to challenge that requirement for Kane County offices. They also have not provided any basis to find the full-slate requirement facially unconstitutional.

With respect to Plaintiffs' principal claim in this case, involving their as-applied challenge to the full-slate requirement, they have not shown that the requirement places a severe burden on their constitutional rights of political association and expression. The only meaningful burden on them is to prevent them from placing their party's name next to their candidates' names on an election ballot, and neither the evidence in this case, nor relevant precedent, supports the finding that this burden is severe, thereby triggering strict scrutiny. Plaintiffs also have not successfully challenged either the validity or the strength of the State's interests furthered by the full-slate requirement: promoting political stability, preventing ballot overcrowding, and avoiding voter confusion and deception. These interests justify the State's requirement that a new party show a depth and breadth of support similar to that demonstrated by established parties before its name may appear on the ballot. Plaintiffs' contention that the State must introduce evidence to establish the validity and strength of these interests is incorrect. Finally, a balancing analysis, weighing any burden on Plaintiffs' rights against the State's valid interests, warrants the conclusion that the full-slate requirement is constitutional.

That conclusion applies both for Plaintiffs' First Amendment claim and their separate claim under the Equal Protection Clause. Plaintiffs contention that the constitutional analysis for these claims is distinct is unexplained, unpersuasive, and, in any event, does not support their argument that Defendants voluntarily waived any opposition to Plaintiffs' equal protection claim.

II. Plaintiffs Lack Standing to Challenge the Full-Slate Requirement As Applied to Kane County Elections and Offices.

The Court should hold that Plaintiffs lack standing to challenge the full-slate requirement for Kane County offices and to seek relief against the Kane County Clerk. Plaintiffs do not dispute Defendants' assertion that even if the full-slate requirement were declared invalid, Plaintiffs have not demonstrated any ability in Kane County to overcome the separate minimum signature requirement for new party petitions, which they do not challenge. (See Def. Br. at 14.) They nonetheless argue, without elaboration, that this Court's precedent gives them standing to challenge the full-slate requirement for Kane County. (Pl. Br. at 6-7.) Their cases do not require that conclusion.

The one case on which Plaintiffs rely that arguably supports their position is *Krislov v. Rednour*, 226 F.3d 851 (7th Cir. 2000). There, the Court held that even though the plaintiffs obtained enough petition signatures to get on the ballot, they had standing to challenge laws requiring that petition circulators be registered voters and also be registered in the political area for which the candidate seeks office. The Court explained that the circulator regulations inflicted a cognizable injury on the plaintiffs because "they were required to allocate additional campaign resources to gather signatures and were deprived of the solicitors (political advocates) of their choice," which

was itself "an injury to First Amendment rights." *Id.* at 857.

Here, by contrast, Plaintiffs have neither claimed nor presented any evidence that the full-slate requirement, apart from their inability to get on the ballot in Kane County for other reasons, has imposed any material burden on them (including that they allocated additional resources to circulating new party petitions in Kane County) or prevented them from using circulators to convey their political message. Their brief does not even assert such an injury. In these circumstances, therefore, *Krislov* is inapposite, and Plaintiffs' independent inability to meet the minimum signature requirement applicable to new party petitions for Kane County offices denies them standing to challenge the full-slate requirement as it relates to such offices. See *Storer v. Brown*, 415 U.S. 724, 732-33, 736-37 (1972).

The other precedent on which Plaintiffs rely does not strengthen their position. In *Nader v. Keith*, 385 F.3d 729 (7th Cir. 2004), the plaintiff sued to get his name on the ballot as a presidential candidate and challenged the minimum signature and deadline requirements for supporting petitions. Affirming the denial of a preliminary injunction, the Court criticized the plaintiff's delay in filing suit and, citing *Krislov*, held that the plaintiff, who previously filed a similar suit, would have had standing to bring this claim before circulating or submitting petitions without knowing whether he could satisfy the contested provisions because it was "certain that it would cost him more to do so than if the challenged provisions were invalidated." *Id.* at 736. *Nader* adds nothing to *Krislov*.

Lee v. Keith, 463 F.3d 763 (7th Cir. 2006), likewise does not sustain Plaintiffs' standing claim. In *Lee* the plaintiff, seeking to get on the ballot as an independent

candidate, challenged the filing deadline, minimum signature requirement, and rule that petition signers could not vote in a party's primary. He abandoned his candidacy, but the Court, citing *Nader v. Keith*, held that the controversy was capable of repetition because the statutes "thwarted [plaintiff's] bid to appear on the ballot and continue to restrict potential independent candidacies for the Illinois General Assembly." *Id.* at 767. Here, because Plaintiffs independently fail to satisfy the minimum signature requirement, they cannot claim that the full-slate requirement will thwart their ability to appear on the Kane County ballot.

III. Plaintiffs Failed to Establish that the Full-Slate Requirement Is Facially Unconstitutional.

Defendants' opening brief described the different legal standards that apply to facial and as-applied challenges to a law (Def. Br. at 15-16) and then argued in meaningful detail that there is no basis for the district court's conclusory holding that the full-slate requirement is facially unconstitutional (*id.* at 40-43). Plaintiffs' brief effectively ignores this issue entirely. Although Plaintiffs often state, in conclusory fashion, that the full-slate requirement is unconstitutional both "on its face and as applied" to Plaintiffs (Pl. Br. at 3, 7, 30, 34, 35, 36), they never offer any reasons why they satisfy the stricter standard for declaring a statute facially unconstitutional. That claim therefore is forfeited. See *Jennings v. AC Hydraulic A/S*, 383 F.3d 546, 551 (7th Cir. 2004); see also *Cincinnati Ins. Co. v. E. Atl. Ins. Co.*, 260 F.3d 742, 747 (7th Cir. 2001); *Dawson v. Newman*, 419 F.3d 656, 660 (7th Cir. 2005). In any event, for the reasons set forth in Defendants' brief (at 40-43), that claim has no merit.

IV. Plaintiffs Failed to Establish That the Illinois Election Code's Full-Slate Requirement for New Parties Is Unconstitutional As Applied to Them.

A. Introduction

The main issue in this appeal is whether Plaintiffs have established that the full-slate requirement in the Illinois Election Code is unconstitutional as applied to them. On the record before it, the Court should conclude that the full-slate requirement does not impose a severe burden on Plaintiffs' rights of political association and expression, and that the limited burden it does cause — denying Plaintiffs the ability to have their party's name on the ballot next to the name of candidates they support unless they present candidates for all contested offices in the electoral area — is justified by the State's valid interests in promoting political stability, avoiding ballot overcrowding, and preventing voter deception and confusion.[1]

B. Plaintiffs Have Not Established Any Severe, or Even Substantial, Burden on Their Rights of Political Association and Expression.

Plaintiffs maintain, with little reasoning and no actual proof, that as a matter of law the full-slate requirement imposes a "severe burden" on their constitutionally protected rights of association and expression. That contention is unsound.

1. Plaintiffs Cannot Substitute Speculation for Proof of an Actual Burden on Their Constitutional Interests.

Plaintiffs repeatedly make the conclusory assertion that the full-slate requirement imposes a "severe burden" on them. (Pl. Br. at 4, 14, 18, 25, 26, 28, 36.) But they do not

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[1] As explained below (at 21-24), the relevant constitutional analysis is materially identical under the First Amendment and the Equal Protection Clause, so in this reply brief, as in Defendants' opening brief, those constitutional provisions are not analyzed separately except as necessary to address Plaintiffs' arguments.

point to any evidence in support of this assertion and instead offer only hypothetical scenarios in which they maintain that the burden of complying with the full-slate requirement is obvious. (Pl. Br. at 24-25.) That approach, asking the Court to assume facts not proved and to substitute an imagined burden on others for evidence of a real burden on Plaintiffs, is legally insufficient.

Except in situations (unlike this one) where the severity of a burden is obvious, a plaintiff must do more than just assert, without supporting evidence, that its constitutionally protected interests are severely burdened. See *Democratic Party of Hawaii v. Nago*, 833 F.3d 1119, 1122 (9th Cir. 2016) (rejecting contentions that plaintiff "need not adduce any evidence to substantiate the claimed severity of the burden" and that a court can decide whether an electoral regulation "severely burdens its associational rights as a matter of law"); *Libertarian Party of New Hampshire v. Gardner*, 638 F.3d 6, 9 (1st Cir. 2011) ("The Libertarian Party has failed to identify an unconstitutional burden on its First Amendment rights, having put forward no evidence of actual voter confusion, vote dilution, or other harm to its associational interests."); *Nader v. Keith*, 385 F.3d at 735 (holding that plaintiff failed to show that deadline for submitting petitions to qualify new party candidate in Illinois caused an unreasonable burden where plaintiff "has not presented evidence that would enable a court to prescribe a shorter period"); see also *American Party of Texas v. White*, 415 U.S. 767, 781 (1974) ("Appellants' burden is not satisfied by mere assertions that small parties must proceed by convention when major parties are permitted to choose their candidates by

primary election.").[2] That principle applies here.

Plaintiffs have not produced any evidence of a burden on them, much less a severe burden. Their Rule 56.1 Statement of Uncontested Facts, citing only their amended complaint, states that "Plaintiffs *assert* that the full-slate requirement is *unconstitutionally burdensome* and that they should be permitted . . . to become an established political party within Kane County by means of a petition naming plaintiff Fox alone." (Doc. 40-1 at 4, ¶ 16, emphasis added.) The district court denied Defendants' motion to dismiss the claim, "[d]rawing all inferences in favor of Plaintiffs for purposes of a motion to dismiss" (Doc. 22 at 15), but Plaintiffs then did not offer any evidence in support of this assertion, and on appeal they ask the Court simply to assume, without proof, the existence of a severe burden on them. (Pl. Br. at 4, 11, 14, 18-19.) The complete absence of such proof itself provides a sufficient reason why the judgment in Plaintiffs' favor should be reversed.

2. The Court Cannot Conclude As a Matter of Law that the Full-Slate Requirement Imposes a Severe Burden, or Even a Significant Burden, on Plaintiffs' Constitutional Rights.

Nor can the Court conclude as a matter of law, without evidence, that the full-slate requirement severely, or even substantially, burdens Plaintiffs' rights of political association and expression. As explained in Defendants' opening brief (at 19-24), the principal effect of the full-slate requirement is to prevent a candidate from having a

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[2] To the same effect are *Arizona Green Party v. Reagan*, 838 F.3d 983, 989-91 (9th Cir. 2016) (holding that "parties alleging a severe burden must provide evidence of the specific burdens imposed by the law at issue," and "[w]ithout evidence, the burdens identified in the Green Party's complaint are purely speculative"); *Stein v. Alabama Sec'y of State*, 774 F.3d 689, 691 (11th Cir. 2014); *Dart v. Brown*, 717 F.2d 1491, 1504-05 (5th Cir. 1983).

political party's name appear next to her name on a general election ballot. Plaintiffs mostly agree, stating that the full-slate requirement "prevents a candidate from appearing on the ballot *with her chosen party affiliation* even if she fulfills the significant signature requirement . . . ." (Pl. Br. at 18-19.)[3] Plaintiffs do note that appearing on the ballot as an independent candidate is not the same as running as the candidate of a party. (Pl. Br. at 21-23.) But they miss the point that the burdens are far greater for a person who wants to run as an independent but must qualify as a party's candidate, than they are for a person who wants the party designation but must run as an independent. See Def. Br. at 25-26 & n.3; see also *Cromer v. State of S.C.*, 917 F.2d 819, 822 (4th Cir. 1990) ("harsher restrictions may be imposed by a state upon third party candidacies than upon independent candidacies because of the different state interests involved").

Relevant case law also strongly indicates that full-slate requirement's limited burden on new parties, their candidates, and supporters — which does not limit the ability of individuals to form and associate as a party, prevent their candidates from qualifying to appear on the ballot, or restrict other avenues to communicate the candidate's party affiliation or the party's support for her — is not severe. Plaintiffs' attempt to distinguish this precedent (Pl. Br. at 22 n.12) is unconvincing.

Admittedly, jurisprudence concerning the validity of laws affecting ballot access is sensitive to the particular aspects of each challenged law. See *Timmons v. Twin Cities*

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[3] Plaintiffs also contend that the full-slate requirement imposes a severe burden on them because it "serves as a deterrent to interested supporters who might hesitate to sign a ballot access petition solely because it did not show a full-slate and therefore could not succeed in gaining ballot access under the statute." (Pl. Br. at 19.) But this argument is not only based on an implausible hypothetical scenario but likewise just posits a possible burden for which Plaintiffs offered no evidence.

Area New Party, 520 U.S. 351, 359 (1997); see also *Nader v. Blackwell*, 545 F.3d 459, 477 (6th Cir. 2008). But the Supreme Court's statements that a ballot's primary function is not as a forum for political expression, *Timmons,* 520 U.S. at 363, and that restricting a candidate's ability to be identified with a party on the ballot is not a severe burden on constitutional rights, *id.* at 362-63; *Wash. State Grange v. Wash. State Republican Party*, 552 U.S. 442, 453 n.7 (2008), are relevant beyond just the specific facts of those cases. See also *Schrader v. Blackwell*, 241 F.3d 783, 789-91 (6th Cir. 2001) (relying on *Timmons* to hold that law regulating disclosure of minor party affiliation on ballot did not impose severe burden and was constitutional); *Dart*, 717 F.2d at 1504-05 (upholding law restricting ballot notation of party affiliation for "unrecognized" political parties and stating that, although the law "might arguably be said to impair the ability to cast a meaningful vote, or to meaningfully associate for the enhancement of political beliefs, . . . the truth of such a proposition is by no means self-evident, and there is no evidence in this record, and appellants point to no recognized literature or facts of common knowledge, so demonstrating") (emphasis omitted).

C. The Full-Slate Requirement Advances Important State Interests Concerning the Conduct of Public Elections.

Plaintiffs offer little response to Defendants' assertion that the full-slate requirement advances important and well-recognized interests relating to the conduct of elections, including promoting political stability, avoiding ballot overcrowding, and preventing voter confusion and deception. As Defendants explained in their opening brief, the full-slate requirement advances each of these interests by reserving the ability to signal affiliation with a political party on an election ballot to candidates for organiza-

tions that fit the traditional understanding of a political party by demonstrating an ongoing depth and breadth of voter support, as opposed to groups that do not fit that understanding, such as single-candidate "parties" and fleeting groups focused on a narrow issue. (Def. Br. at 11-13, 27-33.)

Plaintiffs' chief argument on this point is that Defendants were required to introduce "evidence" to establish the legitimacy and strength of these justifications compared to any burden on Plaintiffs' interests. (Pl. Br. at 13-16.) They are wrong again. Supreme Court precedent, as well as case law from this and other circuits, explicitly rejects such an evidentiary requirement. *Timmons,* 520 U.S. at 364; *Munro v. Socialist Workers Party*, 479 U.S. 189, 194-95 (1986); *Stone v. Bd. of Election Comm'rs for City of Chicago*, 750 F.3d 678, 685 (7th Cir. 2014); *Citizens For John W. Moore Party v. Bd. of Election Comm'rs of City of Chicago*, 794 F.2d 1254, 1257-58 (7th Cir. 1986); *Green Party of Arkansas v. Martin*, 649 F.3d 675, 686 (8th Cir. 2011).[4] As the Court explained in *Munro*: "To require States to prove actual voter confusion, ballot overcrowding, or the presence of frivolous candidacies as a predicate to the imposition of reasonable ballot access restrictions would invariably lead to endless court battles over the sufficiency of the 'evidence' marshaled by a State to prove the predicate." 479 U.S. at 195. Thus, while a State is free to present evidence, it may also rely on logic and

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4 *Lee v. Keith*, on which Plaintiffs rely for the contrary view (Pl. Br. at 14 n.6), does not support it. That case involved a challenge to the requirements for independent candidates to get on the ballot, and the Court surveyed historical information showing that there had been no "unaffiliated legislative candidacies . . . in the last 25 years." 463 F.3d at 769. Here, by contrast, Plaintiffs offered no historical evidence that the full-slate requirement has prevented new party candidates from getting on the general-election ballot, and the available information shows that the Libertarian Party has often been able to do so (but then received very little actual voter support in these elections). (See below at 16-17, n.5.)

common sense to support its justifications for a ballot requirement without being required to present empirical proof. *John Moore Party*, 794 F.2d at 1257-58.

D. Plaintiffs Have Not Established That Any Burden on Their Rights of Political Association and Expression Outweighs the State's Legitimate Interests Supporting the Full-Slate Requirement.

Giving proper weight to any actual burden on Plaintiffs' rights (the limitation on their ability to have their party's name next to their candidates' names on the ballot) and to the State's legitimate interests (promoting political stability, avoiding ballot overcrowding, and preventing voter deception or confusion), the Court should conclude that the full-slate requirement satisfies the constitutional standard for laws regulating ballot access. See *Timmons*, 520 U.S. at 358-59 (describing relevant test); *Stone*, 750 F.3d at 681 (same). The full-slate requirement materially advances the State's interests in political stability and in avoiding ballot overcrowding — both of which are firmly established as valid objectives, see *Timmons*, 520 U.S. at 364-67; *Storer*, 415 U.S. at 732-33, 736; *Munro v. Socialist Workers Party*, 479 U.S. 189, 194-95 (1986) — by discouraging a proliferation of smaller parties without meaningful breadth and depth of support, including single-candidate "parties." See *Libertarian Party of Florida v. State of Florida*, 710 F.2d 790, 795 (11th Cir. 1983) ("When candidates list a party affiliation, . . . the voters and the state are entitled to some assurance that [a] particular party designation has some meaning in terms of a 'statewide, ongoing organization with distinctive political character.'") (quoting *Storer*, 415 U.S. at 745). Precedent relying on these interests to justify other laws limiting a minor party's ability to have its name on the ballot also supports Defendants' position here. See *Schrader*, 241 F.3d at 789-91;

Dart, 717 F.2d at 1495-1505.

These interests of the State are not equally well promoted, as Plaintiffs claim (Pl. Br. at 25-26), by the signature requirement for new-party nominating petitions. As Defendants described in their opening brief (at 12-13, 30, 34-35), signatures on a petition to get a single new-party candidate on the ballot do not demonstrate the same level of support for a party — in the sense of an ongoing organization with significant depth and breadth of support — as signatures on a petition to have a party's full slate of candidates put on the ballot. Indeed, Plaintiffs effectively admit that they treat signatures on their petitions as *not* indicating the signers' actual support for the party as such, but instead as reflecting only the signers' willingness to give others an opportunity to vote for Libertarian candidates. (*Id.* at 22 n.12; see also Def. Br. at 33 n.4.) That admission likewise adds weight to the State's concern that, in light of the traditional meaning of a political party, see *Storer*, 415 U.S. at 745; *Libertarian Party of Florida*, 710 F.2d at 795, the full-slate requirement also advances the goal of preventing voter confusion and deception by minimizing the chance that petition signers will fail to realize they are actually agreeing to form a new party, and by increasing the assurance that their expression of support for a new party corresponds to their understanding of what a party represents. See also *John Moore Party*, 794 F.2d at 1260 ("Circulators engage in personal, often high-pressure, solicitation. There is always some potential for deceit[.]").

Effectively admitting that persons signing Plaintiffs' petitions are told they are not really agreeing to form the Libertarian Party, but instead are just agreeing to have its candidates appear on the ballot (see Pl. Br. at 22 n.12; Def. Br. at 33 n.4), Plaintiffs

contend that the statutory requirement that persons signing a new party petition declare their intention to "form" the new party is unconstitutional. (Pl. Br. at 22 n.12.) But they never challenged the validity of this requirement. Relevant precedent in any event permits States to limit the pool of nominating petition signatories to those who show some degree of affiliation with, or support for, the party. See, e.g., *American Party of Texas*, 415 U.S. at 785 ("it is not apparent to us why the new or smaller party seeking voter support should be entitled to get signatures of those who have already voted in another nominating primary"); *Socialist Workers Party v. Hechler*, 890 F.2d 1303, 1304-07 (4th Cir. 1989) (upholding law prohibiting persons who sign petition to establish minor party from voting in primary election); cf. *Stone*, 750 F.3d at 684 (upholding law preventing person from signing petition for multiple candidates for same office). In fact, relevant case law affirmatively supports the requirement that persons signing a petition to qualify a minor party actually agree to *form* the party so that *they* (not just someone else) can vote for its candidates, even if they do not agree to actively work in the organization or commit in advance to vote for its candidates. *McLaughlin v. N.C. Bd. of Elections*, 65 F.3d 1215, 1226-27 (4th Cir. 1995).

E. Plaintiffs' Contentions that the Full-Slate Requirement Is Not Narrowly Tailored to Advance the State's Interests Do Not Support Declaring the Requirement Unconstitutional.

Plaintiffs nonetheless argue in various ways, with different hypothetical scenarios, that the full-slate requirement is not narrowly tailored to further the State's legitimate purposes. (Pl. Br. at 24-25.) But because Plaintiffs have not demonstrated a severe burden on their interests, strict scrutiny does not apply. *Timmons*, 520 U.S. at 363. Nor

can imagined scenarios support Plaintiffs' as-applied challenge to the full-slate requirement. *Hegwood v. City of Eau Claire*, 676 F.3d 600, 603 (7th Cir. 2012) ("When we are confronted with an as-applied challenge, we examine the facts of the case before us exclusively, and not any set of hypothetical facts under which the statute might be unconstitutional."). Plaintiffs' exaggerated objections to the full-slate requirement's supposed overbreadth and underinclusiveness are misplaced in any event. See *John Moore Party*, 794 F.2d at 1258-62.

As explained in Defendants' brief (at 11-12, 28-33), the central justification for the full-slate requirement is that, in light of the State's well-recognized interests in promoting political stability, preventing overcrowded ballots, and avoiding voter confusion or deception, putting a party's name next to a candidate's name on the ballot is properly reserved for organizations that have a meaningful breadth and depth of support among the electorate as political parties. These valid interests would be frustrated if marginal groups or isolated candidates could portray themselves as having such support. See *Dart*, 717 F.2d at 1504-05; *Schrader*, 241 F.3d at 789-91.

Disputing this distinction, Plaintiffs assert:

> Once the new political party has met the threshold set for it to show a modicum of public support through satisfying the signature requirements, *for all intents and purposes it is then similarly situated with the established party* which also achieved that status by a show of support for its candidate or candidates.

(Pl. Br. at 26, emphasis added.) This contention is plainly incorrect. Equally wrong is Plaintiffs' assertion that whether they have candidates for more than one office "has nothing to do with [the] level of support for the party." (Pl. Br. at 4, n.3.)

Numerous cases have recognized the basic differences between established parties and new parties and have held that, in light of these differences, the two types of parties need not be subject to identical rules. See *Jenness v. Fortson*, 403 U.S. 431, 441-42 (1971); *American Party of Texas*, 415 U.S. at 781 & n.13; *Libertarian Party of Maine v. Diamond*, 992 F.2d 365, 367 (1st Cir. 1993) (summarizing comparative benefits and burdens of recognized party status under Maine law); cf. *Schrader*, 241 F.3d at 787 (upholding law preventing independent candidate from placing Libertarian Party name next to his name on ballot in light of State's greater interest in regulating political-party candidates than in regulating independent candidates); see also Def. Br. at 27-30. Similar observations apply here in light of the more stringent requirements that Illinois law places on established parties (described immediately below) and the much greater support they receive in actual elections. Those differences also answer Plaintiffs' argument, which the district court adopted, that the full-slate requirement does not validly promote the State's asserted interests because it does not also apply to "established parties," who may present candidates in a general election without having one for each contested office in the relevant electoral area. (A 10; Pl. Br. at 3, 20, 25.)

As Defendants' expert explained, 39 States require groups seeking to acquire the status of a new party to do so by meeting specified requirements in an *initial* process, *before* they select candidates. (Doc. 46-3 at 25 (dep. p. 23).) Illinois, by contrast, allows new parties to accomplish both steps at once, and it is one of only a few States that lets new parties do so solely at the local level. (*Id.* at 39-40; Def. Br. at 4-6, 32-33.) In addition, in Illinois, as in the large majority of other States, established parties must

undergo the process of selecting candidates through primary elections, which puts significant burdens on them and their candidates. (Doc. 46-3 at 33; Def. Br. at 4-6, 32-33.) New parties are exempt from that process. (See Def. Br. at 4-5.)

In addition, "established parties" maintain that status under Illinois law only by continuing to receive significant voter support in general elections. (See Def. Br. at 5.) The Libertarian Party, by contrast, has often satisfied the much lower requirements to qualify as a "new party" (based on signed petitions, not actual votes for their candidates), but then routinely failed to achieve significant voter support in actual elections, with no candidate since 1990 ever reaching five percent of the vote for any statewide or Kane County office.

Apparently seeking to bolster their claim to be a party with major public support, Plaintiffs accuse Defendants of making the "misrepresentation" that "[s]ince 1990, the Party has never been an established party, as defined in section 10–2 of the Election Code, in the entire State of Illinois or in Kane County." (Pl. Br. at 1 n.2, 2, 3, 32.) This accusation is unfounded. For that assertion, Defendants specifically cited Plaintiffs' own interrogatory answers (see Def. Br. at 7, 29, citing "Doc. 46-2, Ex. A at 3-4"), in which they affirmed the very facts they now say are a misrepresentation — and which are, in fact, true. (There is also no substance to Plaintiffs' complaint (Pl. Br. at 1 n.2.) that their counsel brought this matter to Defendants' counsel's attention but that he "failed even to respond to the emails on this subject." (See SA 26-28.))[5]

[5] As explained in Plaintiffs' opening brief (at 5), a party may be "established" at three levels: in the entire State (including all contested offices at all levels of government); for all statewide offices; or just for offices in a political district or subdivision (e.g., a county). The Libertarian Party briefly became an established party for statewide offices (not in the entire

Plaintiffs also emphasize the relevance of "past experience" and the laws of "other States," noting that "no state in the country other than Illinois has or ever has had a full slate requirement." (Pl. Br. at 12, 14 n.6.) These considerations do not support Plaintiffs' position, and actually undermine it. Given the wide variety of election laws, there is no "litmus-paper test" to determine their validity, which instead requires "hard judgments" in light of each case's particular circumstances. *Storer*, 415 U.S. at 730; see also *Hechler*, 890 F.2d at 1305-06 (noting that "balancing test" adopted by Supreme Court reflects "the wide variation in the approaches of different states to the problem of ballot access," and declining to apply precedent involving materially different requirements for ballot access). Thus, particular features of one State's law cannot be judged by their absence elsewhere, especially without precedent declaring closely analogous provisions unconstitutional.

In any event, Plaintiffs' past experience actually undercuts their position. As noted above, they introduced no evidence to establish that the full-slate requirement has made it impossible or severely burdensome for them, despite reasonable diligence, to get

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State) following the 1994 general election, when three of their candidates for University of Illinois Trustee collectively received 5.5% of the total vote. (SA 19); see also *Libertarian Party of Ill. v. Rednour*, 108 F.3d 768, 771 (7th Cir. 1997).) (The Party's results in the next primary election for statewide offices, in which their candidates for President and U.S. Senate each received only 0.1% of the total primary votes cast (SA 21-22) are consistent with Defendants' observation that new parties benefit from being exempt from the requirement to compete in primaries; Def. Br. at 38.)

To avoid further dispute about Plaintiffs' voter support, the Supplemental Appendix contains public record information from the State Board of Elections, of which the Court may take judicial notice, see *Denius v. Dunlap*, 330 F.3d 919, 926-27 (7th Cir. 2003), showing the voting results for any Libertarian Party candidates in statewide elections from 1990 through 1996. The same information for subsequent elections is available on the Board's website at (*www.elections.il.gov/ElectionResults.aspx* (last visited Feb. 9, 2017).

their candidates on the ballot. To the contrary, public election records show that in recent decades they have often been able to get candidates on the ballot for statewide elections, although their candidates have then fared poorly in these elections. (SA 9-25; see also above at 16-17, n.5.) In *Green Party of Arkansas*, the Eighth Circuit rejected a minor party's challenge to the requirements for achieving and retaining "certified party" status, stating that "[a]chieving ballot access is a task that can be, and has been, accomplished with regularity" by minor parties, and that the plaintiff's "success in securing ballot access as a new political party in 2006, 2008, and 2010 diminishes its own argument." 649 F.3d at 684 (footnote omitted). A similar observation applies here, where Plaintiffs' difficulty is not so much getting access to the ballot but translating that access into support from actual voters.

Plaintiffs also argue that the full-slate requirement cannot be valid if Illinois allows single-candidate parties in U.S. House contests and state legislative races. (Pl. Br. at 3, 27, 28, 29.) But this is just the effect of the fact that Illinois allows new parties to be formed for electoral areas smaller than the State itself, and that some such areas have just one office. Thus, Plaintiffs are demanding an constitutionally unnecessary, and practically impossible, match between the State's general purposes for adopting the full-slate requirement and its practical application in particular circumstances. See *John Moore Party*, 794 F.2d at 1259 ("The constitution does not require a state to adopt comprehensive plans or none at all. It is enough if the law the state adopts serves permissible purposes.").

Unlike may States, Illinois allows new parties to be established in geographic areas smaller than the State itself. To achieve that benefit, smaller boundaries must be drawn somewhere, and a logical approach is to allow new parties in electoral districts that correspond to the offices to be filled, which include not only county and municipal offices, but also single legislative districts. The fact that in such legislative districts there is only one elected official, so that the full-slate requirement may be satisfied by a single candidate, is just the consequence of applying these different criteria — each of which is perfectly sensible and valid — to different circumstances.

Plaintiffs also postulate a party that, unlike theirs, has great voter support, is devoted to a single, overriding issue (improving public education), and wishes only to elect its candidate for the office of Kane County School Superintendent, but, because it cannot meet the full-slate requirement, cannot have that candidate appear on the ballot as the "Education Party" candidate. (Pl. Br. at 23-25.) According to Plaintiffs, this would "clearly work[] a severe burden on the Party, its candidates, and its supporter/voters," and the fact that the party could still support its candidate without having its name on the ballot "is no answer." (*Id.* at 25.) Plaintiffs assert that similar "examples abound," including a party that "is ideologically opposed to one of the offices on the full slate." (Pl. Br. at 25.) But even if any of these imagined scenarios gave rise to a credible constitutional claim against application of the full-slate requirement, the constitutionality of the full-slate requirement *as applied to Plaintiffs* cannot be determined based on such hypothesized situations that bear little resemblance to the facts of this case. *Hegwood*, 676 F.3d at 603.

Finally, there is no merit to Plaintiffs' claim that the full-slate requirement should be found unconstitutional because it is just a "pretext" to discriminate against minor parties. (Pl. Br. at 3-4, 26.) While a State may not make it effectively impossible for minor parties to get candidates on the ballot, see *Williams v. Rhodes*, 393 U.S. 23, 24 (1968), States have no duty to grant preferential treatment to minor parties or to adopt rules that favor their ability to achieve their political goals, *Timmons*, 520 U.S. at 366-67; *American Party of Texas*, 415 U.S. at 794. And Plaintiffs have presented no evidence that the Illinois legislature actually had a discriminatory purpose to disadvantage small parties when it added the full-slate requirement to the Election Code in 1931. Speculation about such a purpose, which is all that Plaintiffs offer (Pl. Br. at 3-4, 26), is insufficient. *Green Party of Arkansas*, 649 F.3d at 684; see also *Harlen Assocs. v. Inc. Village. of Mineola*, 273 F.3d 494, 502 (2d Cir. 2001). Thus, there is no basis to find that the full-slate requirement had an unconstitutionally discriminatory purpose.[6]

In sum, the limited burden on Plaintiffs' constitutional rights of political association and expression caused by the full-slate requirement is amply justified by the State's valid public goals concerning the conduct of elections.

V. Defendants Did Not Waive Their Opposition to Plaintiffs' Claim that the Full-Slate Requirement Violates the Equal Protection Clause.

Plaintiffs also unconvincingly argue that Defendants have waived their objection

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[6] Plaintiffs' suggestion that the full-slate requirement is applied "selectively" (Pl. Br. at 3-4, 29) also fails to establish a discriminatory purpose behind enactment of the law, and instead just shows some administrative uncertainty about whether the requirement treated the President as being a statewide office, like a U.S. Senator. Cf. *John Moore Party*, 794 F.2d at 1262-63 (addressing comparable situation and stating that "[t]he constitution does not require unvarying application").

to Plaintiffs' separate claim challenging the full-slate requirement under the Equal Protection Clause because Defendants' brief does not contain a separate section devoted to that claim. (Pl. Br. at 30-35.) In fact, Defendants' brief specifically addressed the Equal Protection Clause, while avoiding unnecessary repetition in light of Plaintiffs' explicit acknowledgment that it did not entail a different analysis.

In the district court, Plaintiffs never took the position that, in the context of challenges to laws regulating ballot access for candidates and parties, different constitutional analyses apply under the First Amendment and the Equal Protection Clause, or that such a difference would justify a judgment in their favor under the Equal Protection Clause if they did not prevail under the First Amendment. In fact, they took exactly the opposite position. (Doc. 84 at 3-4.)

In supplemental summary judgment briefing, Plaintiffs brought to the district court's attention the Sixth Circuit's decision in *Green Party of Tennessee v. Hargett*, 791 F.3d 684 (6th Cir. 2015). (Doc. 79 at 1.) Addressing this authority, Defendants argued that *Hargett* treated any equal protection analysis as "subsumed" under the traditional First Amendment analysis (referred to as the "*Burdick/Anderson* test," based on the opinions in *Burdick v. Takushi*, 504 U.S. 428, 439 (1992), and *Anderson v. Celebrezze*, 460 U.S. 780 (1983)), and stated: "In this area, a separate equal protection analysis is not going to be doing any additional work. If a law passes the *Burdick/Anderson* test, then it will survive equal protection scrutiny." (Doc. 83 at 3.) Plaintiffs agreed:

> Defendants . . . assert[] that courts should apply the *Burdick/ Anderson* analytical framework to both First Amendment and Equal Protection ballot access claims. But this is nothing more than the Court in *Hargett* and several other cases have written

> already as this Court plainly could see on reading *Hargett*. Nor have Plaintiffs argued for any alternative analytical framework for Equal Protection ballot access challenges. It is a non-issue.

(Doc. 84 at 3-4.)

Against this background, Defendants' brief on appeal noted that the district court's judgment referred to the Equal Protection Clause but "did not expressly find that the full-slate requirement violated any equal protection standards stricter than those imposed by the First Amendment." (Def. Br. at 9.) Defendants further noted that courts typically merge the First Amendment and equal protection analysis of ballot-access challenges, but that to the extent any unique equal protection analysis did apply, Defendants addressed it in the section of their brief (at 36-39) arguing that the full-slate requirement does not unfairly discriminate against minor parties. (*Id.* at 36 n.5). The effect was to avoid burdening the Court with a redundant section of Defendants' brief just repeating their First Amendment arguments under a separate heading.

Plaintiffs now argue that, regardless of the merits of their First Amendment claim, the district court's judgment must be affirmed as a result of Defendants' supposed "knowing and voluntary abandonment and waiver of any challenge to the lower court's Fourteenth Amendment holding." (Pl. Br. at 30-35 & n.18.)[7] That characterization of

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[7] Apparently seeking to treat the district court's holding under the Fourteenth Amendment as necessarily resting on the Equal Protection Clause, Plaintiffs describe that holding as "finding that the full slate requirement violates the Fourteenth Amendment (*Equal Protection Clause*)." (Pl. Br. at 30, emphasis added.) That inference is not evident, however. The district court's opinion noted that the "First Amendment [is] incorporated against the states by the Fourteenth Amendment." (A 7.) And in *Anderson*, the Supreme Court said: "we base our conclusions directly on the First and Fourteenth Amendments and do not engage in a separate Equal Protection Clause analysis." 460 U.S. at 786 n.7.

Defendants' position is mistaken. Contrary to the position they took below, Plaintiffs now insist that the First Amendment and the Equal Protection Clause "provide different conceptual frameworks and two different analytical focuses." (Pl. Br. at 34 n.18.) Yet they never specify what the analytical differences between the two constitutional provisions are or how they are relevant to this case, apparently expecting Defendants to divine them and then respond to them.

Glossing over this gap, Plaintiffs assert on appeal that "[t]here is a whole body of Fourteenth Amendment Equal Protection Clause law that has developed in ballot access cases." (Pl. Br. at 35 n.18.) That body of precedent is not evident from Plaintiffs' brief. In support of this assertion, Plaintiffs cite *Hargett*, where the court, after examining whether a different analysis applied to First Amendment and equal protection claims, specifically applied "the *Anderson-Burdick* test" to an equal protection claim. 791 F.3d at 692-93. The only other case Plaintiffs rely on for this assertion is *Michigan State A. Philip Randolph Institute v. Johnson*, 833 F.3d 656 (6th Cir. 2016), which Plaintiffs describe as holding that "Equal Protection analysis applies when the state regulation either *classifies in different ways* or places restrictions on the right to vote." (Pl. Br. at 35 n.18, emphasis added.) But that case did not involve ballot restrictions for candidates, and the court explained that the Equal Protection Clause applies when a State "classifies *voters* in disparate ways." 833 F.3d at 662 (emphasis added).

In these circumstances, the Court should reject Plaintiffs' contention that Defendants knowingly and voluntarily waived any argument that the full-slate requirement satisfies the Equal Protection Clause.

CONCLUSION

For the foregoing reasons and those set forth in Defendants' opening brief, the district court's judgment granting Plaintiffs' motion for summary judgment and denying Defendants' motion for summary judgment should be reversed.

February 9, 2017

Respectfully submitted,

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Certificate of Compliance With Brief Requirements

I hereby certify that:

(1) This brief complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type style requirements of Fed. R. App. P.32(a)(6), as modified by Circuit Rule 32, in that the brief has been prepared in WordPerfect X4 using a proportionally spaced typeface using 12-point type (and 11.5-point type in the footnotes) in the Century Schoolbook family of fonts.

(2) This brief complies with the type volume limitations set forth in Fed. R. App. P. 32(a)(7)(B), in that the text of the brief, including headings, footnotes, and quotations, but excluding the parts of the brief exempted by Fed. R. App. P. 32(a)(7)(B)(iii), contains 6,886 words. In preparing this certificate, I relied on the word count of the WordPerfect X4 word processing system used to prepare this brief.

/s/ *Richard S. Huszagh*

SUPPLEMENTAL APPENDIX

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Libertarian Party of Ill. Candidate Vote Tallies in Statewide Elections in Which they Presented Candidates (1990 - 2016)	SA 1-25
Plaintiffs' counsel's Dec. 1, 2016 e-mails	SA 26-28

STATE OF ILLINOIS

OFFICIAL VOTE

Cast at the

GENERAL ELECTION NOVEMBER 6, 1990

Compiled by

STATE BOARD OF ELECTIONS

UNITED STATES SENATOR

(WON) PAUL SIMON.................................DEM 2,115,377 65.06%
LYNN MARTIN.................................REP 1,135,628 34.93%

PLURALITY.............................DEM 979,749

COUNTY	PLURALITY	DEM SIMON	REP MARTIN
ADAMS	7,750 DEM	16,133	8,383
ALEXANDER	2,192 DEM	3,099	907
BOND	1,680 DEM	4,012	2,332
BOONE	599 DEM	4,369	3,770
BROWN	698 DEM	1,596	898
BUREAU	3,663 DEM	8,989	5,326
CALHOUN	1,053 DEM	1,922	869
CARROLL	929 DEM	3,802	2,873
CASS	1,878 DEM	3,591	1,713
CHAMPAIGN	11,364 DEM	28,662	17,298
CHRISTIAN	5,550 DEM	10,009	4,459
CLARK	468 DEM	3,566	3,098
CLAY	1,400 DEM	3,355	1,955
CLINTON	2,853 DEM	7,360	4,507
COLES	4,371 DEM	10,354	5,983
COOK	560,325 DEM	941,929	381,604
CRAWFORD	836 DEM	4,126	3,290
CUMBERLAND	627 DEM	2,578	1,951
DEKALB	3,140 DEM	11,903	8,763
DEWITT	1,358 DEM	3,557	2,199
DOUGLAS	1,455 DEM	4,105	2,650
DUPAGE	1,052 DEM	109,975	108,923
EDGAR	353 DEM	4,185	3,832
EDWARDS	96 REP	1,370	1,466
EFFINGHAM	2,905 DEM	7,416	4,511
FAYETTE	2,233 DEM	5,510	3,277
FORD	88 DEM	2,482	2,394
FRANKLIN	9,207 DEM	12,757	3,550
FULTON	5,583 DEM	9,745	4,162
GALLATIN	2,118 DEM	2,824	706
GREENE	1,776 DEM	4,021	2,245
GRUNDY	2,060 DEM	7,207	5,147
HAMILTON	2,044 DEM	3,137	1,093
HANCOCK	2,240 DEM	5,062	2,822

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GOVERNOR AND LIEUTENANT GOVERNOR

(WON) JIM EDGAR....................................REP 1,653,126 50.74%
BOB KUSTRA
NEIL F. HARTIGAN...........................DEM 1,569,217 48.17%
JAMES B. BURNS
JESSIE FIELDS..............................SOL 35,067 1.07%
MARISELLIS BROWN

PLURALITY..............................REP 83,909

COUNTY	PLURALITY	REP EDGAR KUSTRA	DEM HARTIGAN BURNS	SOL FIELDS BROWN
ADAMS	3,879 REP	14,167	10,288	183
ALEXANDER	1,108 DEM	1,442	2,550	19
BOND	146 DEM	3,101	3,247	37
BOONE	1,690 REP	4,856	3,166	96
BROWN	273 REP	1,403	1,130	22
BUREAU	270 DEM	7,009	7,279	160
CALHOUN	525 DEM	1,128	1,653	22
CARROLL	1,449 REP	4,015	2,566	74
CASS	541 DEM	2,372	2,913	42
CHAMPAIGN	12,918 REP	29,197	16,279	790
CHRISTIAN	2,696 DEM	5,890	8,586	113
CLARK	631 REP	3,721	3,090	54
CLAY	787 DEM	2,292	3,079	54
CLINTON	2,133 DEM	4,894	7,027	96
COLES	3,721 REP	10,057	6,336	132
COOK	110,881 DEM	596,642	707,523	16,793
CRAWFORD	1,166 REP	4,296	3,130	40
CUMBERLAND	9 REP	2,265	2,256	51
DEKALB	4,159 REP	12,279	8,120	268
DEWITT	468 REP	3,109	2,641	64
DOUGLAS	1,036 REP	3,905	2,869	41
DUPAGE	81,509 REP	149,436	67,927	1,917
EDGAR	1,343 REP	4,695	3,352	48
EDWARDS	690 REP	1,788	1,098	15
EFFINGHAM	1,992 DEM	4,925	6,917	88
FAYETTE	1,023 DEM	3,879	4,902	37
FORD	1,419 REP	3,122	1,703	49
FRANKLIN	5,108 DEM	5,545	10,653	172
FULTON	283 DEM	6,773	7,056	131
GALLATIN	1,730 DEM	893	2,623	22

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ATTORNEY GENERAL

(WON) ROLAND W. BURRIS..............................DEM 1,656,045 51.47%
JIM RYAN....................................REP 1,560,831 48.52%

PLURALITY..............................DEM 95,214

COUNTY	PLURALITY	DEM BURRIS	REP RYAN
ADAMS	312 REP	11,998	12,310
ALEXANDER	1,659 DEM	2,807	1,148
BOND	459 DEM	3,341	2,882
BOONE	1,399 REP	3,345	4,744
BROWN	79 DEM	1,298	1,219
BUREAU	1,114 DEM	7,626	6,512
CALHOUN	681 DEM	1,697	1,016
CARROLL	566 REP	2,977	3,543
CASS	1,097 DEM	3,208	2,111
CHAMPAIGN	3,256 REP	21,278	24,534
CHRISTIAN	2,862 DEM	8,686	5,824
CLARK	350 REP	3,181	3,531
CLAY	769 DEM	3,020	2,251
CLINTON	1,264 DEM	6,516	5,252
COLES	828 REP	7,757	8,585
COOK	201,978 DEM	752,413	550,435
CRAWFORD	105 REP	3,630	3,735
CUMBERLAND	134 REP	2,205	2,339
DEKALB	3,490 REP	8,426	11,916
DEWITT	398 REP	2,691	3,089
DOUGLAS	533 REP	3,126	3,659
DUPAGE	98,128 REP	58,648	156,776
EDGAR	688 REP	3,656	4,344
EDWARDS	425 REP	1,181	1,606
EFFINGHAM	479 DEM	6,199	5,720
FAYETTE	1,087 DEM	4,839	3,752
FORD	1,169 REP	1,858	3,027
FRANKLIN	7,692 DEM	11,931	4,239
FULTON	2,022 DEM	7,935	5,913
GALLATIN	1,756 DEM	2,595	839
GREENE	504 DEM	3,325	2,821
GRUNDY	2,449 REP	4,887	7,336
HAMILTON	1,447 DEM	2,784	1,337
HANCOCK	94 REP	3,822	3,916

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SECRETARY OF STATE

(WON) GEORGE H. RYAN..............................REP 1,680,531 53.41%
JERRY COSENTINO...........................DEM 1,465,785 46.58%

PLURALITY..............................REP 214,746

COUNTY	PLURALITY	REP RYAN	DEM COSENTINO
ADAMS	5,226 REP	14,741	9,515
ALEXANDER	1,308 DEM	1,282	2,590
BOND	972 DEM	2,661	3,633
BOONE	1,975 REP	4,987	3,012
BROWN	429 REP	1,455	1,026
BUREAU	1,440 REP	7,730	6,290
CALHOUN	746 DEM	981	1,727
CARROLL	1,906 REP	4,216	2,310
CASS	30 DEM	2,616	2,646
CHAMPAIGN	17,758 REP	31,129	13,371
CHRISTIAN	64 DEM	7,186	7,250
CLARK	1,485 REP	4,056	2,571
CLAY	60 DEM	2,603	2,663
CLINTON	1,704 DEM	5,053	6,757
COLES	3,480 REP	9,814	6,334
COOK	98,503 DEM	577,232	675,735
CRAWFORD	1,968 REP	4,670	2,702
CUMBERLAND	884 REP	2,705	1,821
DEKALB	5,349 REP	12,676	7,327
DEWITT	1,341 REP	3,531	2,190
DOUGLAS	1,776 REP	4,242	2,466
DUPAGE	98,576 REP	156,963	58,387
EDGAR	1,865 REP	4,918	3,053
EDWARDS	892 REP	1,845	953
EFFINGHAM	1,675 REP	6,757	5,082
FAYETTE	549 DEM	3,975	4,524
FORD	1,954 REP	3,393	1,439
FRANKLIN	4,972 DEM	5,531	10,503
FULTON	287 REP	6,975	6,688
GALLATIN	1,266 DEM	1,043	2,309
GREENE	382 DEM	2,854	3,236
GRUNDY	2,816 REP	7,433	4,617
HAMILTON	624 DEM	1,693	2,317
HANCOCK	1,788 REP	4,773	2,985

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SA 5

COMPTROLLER

(WON) DAWN CLARK NETSCH..........................DEM 1,696,414 54.07%
SUE SUTER..REP 1,440,747 45.92%

PLURALITY..............................DEM 255,667

COUNTY	PLURALITY	DEM NETSCH	REP SUTER
ADAMS	1,691 REP	10,982	12,673
ALEXANDER	1,520 DEM	2,678	1,158
BOND	215 REP	2,901	3,116
BOONE	1,746 REP	3,113	4,859
BROWN	250 REP	1,085	1,335
BUREAU	512 DEM	7,042	6,530
CALHOUN	375 DEM	1,490	1,115
CARROLL	1,290 REP	2,618	3,908
CASS	156 DEM	2,702	2,546
CHAMPAIGN	5,377 REP	19,584	24,961
CHRISTIAN	969 DEM	7,589	6,620
CLARK	400 REP	3,013	3,413
CLAY	238 DEM	2,630	2,392
CLINTON	1,074 REP	5,023	6,097
COLES	1,847 REP	7,038	8,885
COOK	367,074 DEM	816,774	449,700
CRAWFORD	1,330 REP	2,952	4,282
CUMBERLAND	610 REP	1,909	2,519
DEKALB	3,475 REP	8,167	11,642
DEWITT	838 REP	2,399	3,237
DOUGLAS	1,111 REP	2,772	3,883
DUPAGE	54,448 REP	79,790	134,238
EDGAR	1,439 REP	3,189	4,628
EDWARDS	729 REP	989	1,718
EFFINGHAM	561 REP	5,440	6,001
FAYETTE	74 REP	4,169	4,243
FORD	1,428 REP	1,676	3,104
FRANKLIN	6,099 DEM	10,936	4,837
FULTON	2,384 DEM	7,953	5,569
GALLATIN	1,545 DEM	2,393	848
GREENE	911 REP	2,468	3,379
GRUNDY	1,990 REP	4,913	6,903
HAMILTON	1,024 DEM	2,429	1,405
HANCOCK	820 REP	3,365	4,185

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TREASURER

(WON) PATRICK QUINN..............................DEM 1,740,742 55.69%
GREG BAISE.................................REP 1,384,492 44.29%
PAUL SALANDER.................................. 55 (-).01% (W-I)

PLURALITY..............................DEM 356,250

COUNTY	PLURALITY	DEM QUINN	REP BAISE	SALANDER
ADAMS	1,289 REP	11,089	12,378	0
ALEXANDER	1,631 DEM	2,721	1,090	0
BOND	160 DEM	3,085	2,925	0
BOONE	1,355 REP	3,297	4,652	0
BROWN	164 REP	1,121	1,285	0
BUREAU	1,032 DEM	7,298	6,266	1
CALHOUN	547 DEM	1,577	1,030	0
CARROLL	805 REP	2,729	3,534	0
CASS	171 DEM	2,695	2,524	0
CHAMPAIGN	4,279 REP	19,955	24,234	2
CHRISTIAN	2,069 DEM	8,126	6,057	0
CLARK	391 DEM	3,427	3,036	0
CLAY	1,068 DEM	3,110	2,042	0
CLINTON	1,195 DEM	6,228	5,033	0
COLES	1,769 REP	7,073	8,842	0
COOK	358,169 DEM	809,387	451,218	0
CRAWFORD	416 REP	3,430	3,846	0
CUMBERLAND	169 DEM	2,315	2,146	0
DEKALB	2,096 REP	8,807	10,903	0
DEWITT	581 REP	2,514	3,095	0
DOUGLAS	612 REP	3,000	3,612	0
DUPAGE	50,154 REP	81,474	131,628	10
EDGAR	453 REP	3,679	4,132	0
EDWARDS	359 REP	1,158	1,517	0
EFFINGHAM	1,029 DEM	6,290	5,261	0
FAYETTE	391 DEM	4,383	3,992	0
FORD	1,419 REP	1,670	3,089	0
FRANKLIN	7,134 DEM	11,405	4,271	0
FULTON	1,258 DEM	7,453	6,195	0
GALLATIN	1,711 DEM	2,483	772	0
GREENE	177 REP	2,890	3,067	0
GRUNDY	661 REP	5,596	6,257	0
HAMILTON	1,063 DEM	2,451	1,388	0

-- CONTINUED ON NEXT PAGE --

TRUSTEES OF THE UNIVERSITY OF ILLINOIS

(WON) GLORIA JACKSON BACON........................DEM 1,597,215 19.00%
(WON) SUSAN LOVING GRAVENHORST....................REP 1,416,930 16.85%
(WON) TOM LAMONT..................................DEM 1,412,371 16.80%
RALPH CRANE HAHN..................................REP 1,330,902 15.83%
JOE LUCCO...DEM 1,311,182 15.60%
JOHN G. HUFTALIN..................................REP 1,110,264 13.20%
MARTIN C. ORTEGA..................................SOL 226,103 2.69%

	DEM	REP	DEM	REP	DEM	REP
COUNTY	BACON	GRAVENHORST	LAMONT	HAHN	LUCCO	HUFTALIN
ADAMS	10,658	12,297	9,721	11,514	8,172	10,332
ALEXANDER	2,398	1,095	2,349	1,026	2,292	947
BOND	2,929	2,534	2,757	2,385	3,348	2,103
BOONE	3,311	4,500	2,952	4,219	2,354	3,935
BROWN	1,085	1,090	971	1,037	882	971
BUREAU	6,522	6,136	5,748	5,842	5,302	5,276
CALHOUN	1,433	924	1,361	911	1,327	840
CARROLL	2,571	3,346	2,322	3,120	2,013	2,958
CASS	2,849	2,025	2,987	1,934	2,523	1,682
CHAMPAIGN	18,433	24,414	17,261	23,686	14,825	20,148
CHRISTIAN	8,132	5,050	7,843	4,891	7,440	4,171
CLARK	3,173	3,186	2,891	2,979	2,584	2,665
CLAY	2,705	2,197	2,562	2,101	2,285	1,843
CLINTON	5,464	5,131	5,138	5,013	4,708	4,271
COLES	7,483	8,077	6,593	7,465	6,046	6,731
COOK	730,567	497,483	632,341	464,643	593,985	354,845
CRAWFORD	3,467	3,471	3,194	3,756	2,861	2,849
CUMBERLAND	2,169	2,163	2,002	1,987	1,818	1,741
DEKALB	7,623	10,279	7,374	9,147	5,683	11,127
DEWITT	2,460	2,792	2,234	2,591	1,925	2,343
DOUGLAS	2,823	3,445	2,700	3,373	2,413	2,884
DUPAGE	76,205	135,964	61,440	128,064	55,017	110,870
EDGAR	3,592	3,848	3,199	3,822	2,910	3,329
EDWARDS	1,086	1,408	1,059	1,343	925	1,232
EFFINGHAM	5,340	7,176	4,967	4,630	4,310	4,171
FAYETTE	4,239	3,807	4,271	3,677	4,160	3,583
FORD	1,716	2,782	1,533	2,824	1,331	2,551
FRANKLIN	10,122	4,327	9,913	4,122	9,542	3,878
FULTON	7,517	5,499	6,939	5,304	6,215	4,551
GALLATIN	2,247	710	2,164	688	2,098	636
GREENE	2,936	2,492	2,636	2,281	2,490	1,896

-- CONTINUED ON NEXT PAGE --

STATE OF ILLINOIS

OFFICIAL VOTE

Cast at the

GENERAL ELECTION NOVEMBER 3, 1992

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Compiled by

STATE BOARD OF ELECTIONS

PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES

(WON) BILL CLINTON AL GORE	DEM	2,453,350	48.57%	
GEORGE BUSH DAN QUAYLE	REP	1,734,096	34.33%	
ROSS PEROT JAMES B. STOCKDALE	IND	840,515	16.64%	
ANDRE MARROU NANCY LORD	LIB	9,218	0.18%	
LENORA B. FULANI MARIA ELIZABETH MUNOZ	NAL	5,267	0.10%	
JAMES "BO" GRITZ CY MINETT	POP	3,577	0.07%	
JOHN HAGELIN MIKE TOMPKINS	LAW	2,751	0.05%	
JAMES MAC WARREN WILLIE MAE REID	SWP	1,361	0.02%	
PAUL TSONGAS		12	(-).01%	(W-I)
JOHN QUINN BRISBEN		4	(-).01%	(W-I)
LYNDON H. LaROUCHE, JR		1	(-).01%	(W-I)
ROY WAYNE TYREE		1	(-).01%	(W-I)
JULIE MOYER MARLEE ANDERSON		1	(-).01%	(W-I)
JULIE MOYER		1	(-).01%	(W-I)
EUGENE A. HERN		1	(-).01%	(W-I)
WILLIE FELIX CARTER		1	(-).01%	(W-I)

PLURALITY..............................DEM 719,254

COUNTY	PLURALITY	DEM CLINTON GORE	REP BUSH QUAYLE	IND PEROT STOCKDALE	LIB MARROU LORD	NAL FULANI MUNOZ
ADAMS	1,781 REP	11,748	13,529	6,157	26	34
ALEXANDER	1,265 DEM	2,566	1,301	474	6	6
BOND	713 DEM	3,428	2,715	1,373	7	5
BOONE	475 REP	5,114	5,589	2,880	18	13
BROWN	117 DEM	1,146	1,029	504	1	3
BUREAU	715 DEM	7,551	6,836	3,465	20	14
CALHOUN	774 DEM	1,519	745	532	1	2
CARROLL	443 REP	2,854	3,297	1,502	4	12
CASS	1,038 DEM	3,200	2,162	1,072	5	4
CHAMPAIGN	7,907 DEM	35,003	27,096	13,571	213	91
CHRISTIAN	3,955 DEM	9,042	5,087	3,401	15	9
CLARK	163 DEM	3,338	3,175	1,450	2	7
CLAY	491 DEM	2,962	2,471	1,193	7	7
CLINTON	915 DEM	6,686	5,771	3,315	12	13

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UNITED STATES SENATOR

	Candidate	Party	Votes	Percent	
(WON)	CAROL MOSELEY BRAUN	DEM	2,631,229	53.26%	
	RICHARD S. WILLIAMSON	REP	2,126,833	43.05%	
	CHAD KOPPIE	CPI	100,422	2.03%	
	ANDREW B. SPIEGEL	LIB	34,527	0.69%	
	CHARLES A. WINTER	LAW	15,118	0.30%	
	ALAN J. PORT	NAL	12,689	0.25%	
	KATHLEEN KAKU	SWP	10,056	0.20%	
	JOHN JUSTICE	POP	8,656	0.17%	
	DON A. TORGERSEN		26	(-).01%	(W-I)
	WALTER A. FEISS		1	(-).01%	(W-I)
	ROE CONN		1	(-).01%	(W-I)

PLURALITY..............................DEM 504,396

COUNTY	PLURALITY	DEM BRAUN	REP WILLIAMSON	CPI KOPPIE	LIB SPIEGEL	LAW WINTER
ADAMS	2,286 REP	13,473	15,759	906	120	141
ALEXANDER	941 DEM	2,517	1,576	45	17	8
BOND	586 DEM	3,723	3,137	189	49	19
BOONE	1,182 REP	5,648	6,830	657	84	64
BROWN	171 REP	1,160	1,331	62	8	8
BUREAU	112 DEM	8,438	8,326	411	92	53
CALHOUN	701 DEM	1,654	953	23	11	5
CARROLL	1,076 REP	3,064	4,140	185	38	35
CASS	707 DEM	3,361	2,654	155	17	13
CHAMPAIGN	5,867 DEM	38,103	32,236	2,390	565	162
CHRISTIAN	2,610 DEM	9,561	6,951	497	59	44
CLARK	179 REP	3,636	3,815	167	29	25
CLAY	143 DEM	3,157	3,014	189	16	20
CLINTON	399 DEM	7,467	7,068	366	67	49
COLES	404 DEM	10,704	10,300	528	97	79
COOK	539,495 DEM	1,294,440	754,945	23,327	17,464	6,207
CRAWFORD	859 REP	4,106	4,965	104	39	28
CUMBERLAND	85 REP	2,359	2,444	186	15	18
DEKALB	537 DEM	16,133	15,596	1,212	260	122
DEWITT	573 REP	3,299	3,872	33	10	19
DOUGLAS	387 REP	3,708	4,095	179	31	20
DUPAGE	71,416 REP	139,402	210,818	7,601	3,134	1,281
EDGAR	813 REP	4,187	5,000	117	33	24
EDWARDS	233 REP	1,478	1,711	71	9	14
EFFINGHAM	1,743 REP	5,896	7,639	791	51	41
FAYETTE	525 DEM	4,977	4,452	251	40	11

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TRUSTEES OF THE UNIVERSITY OF ILLINOIS

	Candidate	Party	Votes	Percent
(WON)	JUDITH CALDER	DEM	2,223,792	17.63%
(WON)	ADA LOPEZ	DEM	2,138,085	16.95%
(WON)	JEFF GINDORF	DEM	2,073,361	16.44%
	DAVE DOWNEY	REP	1,796,907	14.25%
	GAYL ANNE SIMONDS PYATT	REP	1,690,434	13.40%
	CRAIG BURKHARDT	REP	1,679,464	13.31%
	KATHERINE M. KELLEY	LIB	113,393	0.89%
	MARGARET SAVAGE	SWP	80,755	0.64%
	SANDRA JACKSON-OPOKU	NAL	74,680	0.59%
	BARBARA MARY QUIRKE	CPI	71,893	0.57%
	BONITA M. BISHOP	NAL	65,450	0.51%
	ANN M. SCHEIDLER	CPI	65,275	0.51%
	HIRAM CRAWFORD, JR	CPI	60,311	0.47%
	JUDY LANGSTON	LAW	59,823	0.47%
	PATRICIA SMITH CHILOANE	SWP	58,404	0.46%
	STEPHEN J. JACKSON	NAL	54,008	0.42%
	STEVEN I. GIVOT	LIB	52,273	0.41%
	MERRILL M. BECKER	LAW	48,371	0.38%
	MICHAEL R. LINKSVAYER	LIB	40,548	0.32%
	LESIA WASYLYK	LAW	38,474	0.30%
	JOHN VOTAVA	SWP	35,362	0.28%
	THOMAS NASH	POP	34,727	0.27%
	IRVIN E. THOMPSON	POP	33,158	0.26%
	ELDON WEDER	POP	19,850	0.15%

	DEM	DEM	DEM	REP	REP	REP
COUNTY	CALDER	LOPEZ	GINDORF	DOWNEY	PYATT	BURKHARDT
ADAMS	12,887	10,938	10,993	13,616	12,655	12,885
ALEXANDER	2,350	2,315	2,259	1,201	1,095	1,141
BOND	3,084	2,899	2,854	2,711	2,561	2,666
BOONE	4,997	4,257	4,113	6,553	6,208	6,500
BROWN	1,031	882	902	1,180	930	949
BUREAU	7,201	6,591	6,347	7,580	7,012	7,003
CALHOUN	1,420	1,358	1,344	744	679	713
CARROLL	2,719	2,353	2,260	3,700	3,473	3,599
CASS	3,040	2,739	2,733	2,393	2,228	2,301
CHAMPAIGN	28,499	25,168	23,745	37,479	30,734	31,747
CHRISTIAN	8,962	8,264	8,210	5,659	4,840	5,113
CLARK	3,294	3,005	2,990	3,586	2,966	3,048
CLAY	2,838	2,585	2,527	2,678	2,429	2,483
CLINTON	6,516	6,027	6,034	5,649	5,086	5,902
COLES	8,510	7,537	7,474	9,743	8,813	8,692
COOK	1,087,018	1,105,488	1,063,008	586,695	553,410	525,867
CRAWFORD	4,098	3,677	3,590	3,961	3,617	3,636

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STATE OF ILLINOIS

OFFICIAL VOTE

Cast at the

GENERAL ELECTION ON NOVEMBER 8, 1994

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Compiled by
THE STATE BOARD
OF ELECTIONS

GOVERNOR AND LIEUTENANT GOVERNOR

(WON) JIM EDGAR................................REP 1,984,318 63.87%
BOB KUSTRA
DAWN CLARK NETSCH...........................DEM 1,069,850 34.43%
PENNY SEVERNS
DAVID L. KELLEY.............................LIB 52,388 1.68%
ROBERT MOLDENHAUER
CATHERINE P. SEDWICK.......................... 6 (-).01% (W-I)
STEVE BAKER
DUONE BROWN................................. 4 (-).01% (W-I)

PLURALITY.............................REP 914,468

COUNTY	PLURALITY	REP EDGAR KUSTRA	DEM NETSCH SEVERNS	LIB KELLEY MOLDENHAUER	SEDWICK BAKER	BROWN
ADAMS	12,083 REP	15,656	3,573	366	0	0
ALEXANDER	1,302 REP	2,347	1,045	41	0	0
BOND	1,897 REP	3,628	1,731	131	0	0
BOONE	5,047 REP	7,128	2,081	293	0	0
BROWN	1,447 REP	1,974	527	43	0	0
BUREAU	6,053 REP	9,974	3,921	271	0	0
CALHOUN	465 REP	1,267	802	59	0	0
CARROLL	3,209 REP	4,463	1,254	119	0	0
CASS	1,573 REP	3,205	1,632	75	0	0
CHAMPAIGN	16,134 REP	30,468	14,334	662	0	0
CHRISTIAN	2,469 REP	6,880	4,411	188	0	0
CLARK	2,568 REP	4,079	1,511	108	0	0
CLAY	1,912 REP	3,095	1,183	71	0	0
CLINTON	5,019 REP	8,235	3,216	249	0	0
COLES	8,052 REP	11,494	3,442	309	0	0
COOK	65,616 REP	634,353	568,737	15,854	3	4
CRAWFORD	3,245 REP	4,978	1,733	97	0	0
CUMBERLAND	1,882 REP	2,909	1,027	93	0	0
DEKALB	8,412 REP	13,354	4,942	408	0	0
DEWITT	2,924 REP	4,218	1,294	78	0	0
DOUGLAS	3,506 REP	4,721	1,215	85	0	0
DUPAGE	133,847 REP	179,395	45,548	3,564	0	0
EDGAR	3,372 REP	4,678	1,306	60	0	0
EDWARDS	1,150 REP	1,918	768	44	0	0
EFFINGHAM	6,185 REP	8,800	2,615	245	0	0
FAYETTE	2,984 REP	5,112	2,128	163	0	0
FORD	2,969 REP	3,815	846	63	0	0

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ATTORNEY GENERAL

(WON) JIM RYAN.....................................REP 1,651,976 53.62%
ALBERT F. HOFELD...............................DEM 1,371,295 44.51%
NATALIE LODER CLARK...........................LIB 57,104 1.85%

PLURALITY.......................................REP 280,681

COUNTY	PLURALITY	REP RYAN	DEM HOFELD	LIB CLARK
ADAMS	5,478 REP	12,364	6,886	314
ALEXANDER	106 REP	1,666	1,560	63
BOND	1,454 REP	3,423	1,969	104
BOONE	3,072 REP	6,169	3,097	219
BROWN	752 REP	1,597	845	41
BUREAU	2,754 REP	8,240	5,486	283
CALHOUN	213 REP	1,134	921	37
CARROLL	1,697 REP	3,676	1,979	99
CASS	575 REP	2,692	2,117	73
CHAMPAIGN	8,819 REP	26,459	17,640	961
CHRISTIAN	105 REP	5,656	5,551	218
CLARK	1,644 REP	3,588	1,944	117
CLAY	1,301 REP	2,748	1,447	82
CLINTON	3,528 REP	7,362	3,834	245
COLES	3,581 REP	9,222	5,641	314
COOK	156,650 DEM	512,235	668,885	20,969
CRAWFORD	2,313 REP	4,481	2,168	123
CUMBERLAND	1,077 REP	2,501	1,424	81
DEKALB	4,803 REP	11,394	6,591	631
DEWITT	1,349 REP	3,385	2,036	102
DOUGLAS	1,705 REP	3,801	2,096	89
DUPAGE	92,857 REP	158,370	65,513	3,576
EDGAR	2,111 REP	4,012	1,901	98
EDWARDS	1,375 REP	1,991	616	54
EFFINGHAM	3,721 REP	7,475	3,754	254
FAYETTE	1,808 REP	4,484	2,676	145
FORD	1,932 REP	3,280	1,348	68
FRANKLIN	197 DEM	6,892	7,089	234
FULTON	379 DEM	5,432	5,811	227
GALLATIN	373 DEM	1,294	1,667	81
GREENE	1,103 REP	2,972	1,869	114
GRUNDY	3,246 REP	7,167	3,921	201
HAMILTON	516 REP	1,971	1,455	56

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SECRETARY OF STATE

(WON) GEORGE H. RYAN..............................REP 1,868,144 60.48%
PAT QUINN..................................DEM 1,182,629 38.28%
JOSEPH SCHREINER...........................LIB 38,074 1.23%

PLURALITY..........................REP 685,515

COUNTY	PLURALITY	REP RYAN	DEM QUINN	LIB SCHREINER
ADAMS	10,489 REP	14,999	4,510	212
ALEXANDER	553 REP	1,920	1,367	27
BOND	1,407 REP	3,417	2,010	73
BOONE	4,918 REP	7,119	2,201	143
BROWN	1,283 REP	1,887	604	25
BUREAU	4,697 REP	9,281	4,584	176
CALHOUN	330 REP	1,198	868	31
CARROLL	2,959 REP	4,333	1,374	71
CASS	1,609 REP	3,245	1,636	51
CHAMPAIGN	15,681 REP	30,161	14,480	566
CHRISTIAN	1,891 REP	6,644	4,753	122
CLARK	2,080 REP	3,857	1,777	66
CLAY	1,247 REP	2,784	1,537	42
CLINTON	3,729 REP	7,583	3,854	139
COLES	6,026 REP	10,547	4,521	168
COOK	11,297 DEM	589,244	600,541	13,630
CRAWFORD	2,700 REP	4,727	2,027	74
CUMBERLAND	1,352 REP	2,665	1,313	51
DEKALB	7,534 REP	12,934	5,400	347
DEWITT	2,379 REP	3,949	1,570	61
DOUGLAS	2,549 REP	4,264	1,715	64
DUPAGE	112,518 REP	168,575	56,057	2,884
EDGAR	2,735 REP	4,366	1,631	62
EDWARDS	1,291 REP	2,008	717	24
EFFINGHAM	3,926 REP	7,663	3,737	171
FAYETTE	2,124 REP	4,733	2,609	98
FORD	2,580 REP	3,634	1,054	48
FRANKLIN	1,455 REP	7,789	6,334	154
FULTON	2,524 REP	6,968	4,444	133
GALLATIN	151 DEM	1,447	1,598	48
GREENE	1,357 REP	3,159	1,802	75
GRUNDY	4,446 REP	7,832	3,386	140
HAMILTON	888 REP	2,199	1,311	44

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SA 16

COMPTROLLER

(WON) LOLETA A. DIDRICKSON....................REP 1,615,122 55.00%
EARLEAN COLLINS..............................DEM 1,208,128 41.14%
MICHAEL J. GINSBERG..........................LIB 113,071 3.85%

PLURALITY..............................REP 406,994

COUNTY	PLURALITY		REP DIDRICKSON	DEM COLLINS	LIB GINSBERG
ADAMS	6,102	REP	12,081	5,979	636
ALEXANDER	527	DEM	1,183	1,710	106
BOND	583	REP	2,743	2,160	251
BOONE	3,215	REP	5,981	2,766	421
BROWN	495	REP	1,337	842	78
BUREAU	2,834	REP	7,673	4,839	593
CALHOUN	148	DEM	851	999	81
CARROLL	1,772	REP	3,489	1,717	238
CASS	460	REP	2,488	2,028	144
CHAMPAIGN	12,032	REP	26,759	14,727	1,602
CHRISTIAN	1	DEM	5,295	5,296	361
CLARK	941	REP	3,062	2,121	200
CLAY	515	REP	2,223	1,708	138
CLINTON	1,021	REP	5,548	4,527	726
COLES	4,015	REP	8,959	4,944	579
COOK	80,875	DEM	508,763	589,638	41,704
CRAWFORD	1,350	REP	3,815	2,465	227
CUMBERLAND	591	REP	2,073	1,482	193
DEKALB	6,670	REP	11,853	5,183	815
DEWITT	1,753	REP	3,387	1,634	201
DOUGLAS	1,853	REP	3,654	1,801	186
DUPAGE	117,213	REP	164,853	47,640	7,669
EDGAR	1,957	REP	3,790	1,833	145
EDWARDS	596	REP	1,491	895	80
EFFINGHAM	2,121	REP	6,113	3,992	558
FAYETTE	929	REP	3,835	2,906	319
FORD	2,322	REP	3,328	1,006	137
FRANKLIN	1,946	DEM	5,522	7,468	427
FULTON	300	DEM	5,130	5,430	450
GALLATIN	975	DEM	828	1,803	103
GREENE	343	REP	2,407	2,064	183
GRUNDY	3,806	REP	7,052	3,246	358
HAMILTON	39	REP	1,518	1,479	103

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TREASURER

(WON) JUDY BAAR TOPINKA............................REP 1,504,335 50.40%
NANCY DREW SHEEHAN..........................DEM 1,427,317 47.82%
KATI L. KROENLEIN...........................LIB 53,108 1.77%

PLURALITY............................REP 77,018

COUNTY	PLURALITY	REP TOPINKA	DEM SHEEHAN	LIB KROENLEIN
ADAMS	2,233 REP	10,367	8,134	334
ALEXANDER	681 DEM	1,116	1,797	59
BOND	254 REP	2,661	2,407	100
BOONE	2,921 REP	5,951	3,030	232
BROWN	308 REP	1,277	969	45
BUREAU	1,228 REP	7,076	5,848	280
CALHOUN	219 DEM	832	1,051	49
CARROLL	1,459 REP	3,428	1,969	138
CASS	231 DEM	2,191	2,422	75
CHAMPAIGN	6,822 REP	24,560	17,738	910
CHRISTIAN	1,207 DEM	4,800	6,007	205
CLARK	577 REP	2,942	2,365	109
CLAY	129 REP	2,087	1,958	72
CLINTON	231 DEM	5,132	5,363	282
COLES	1,919 REP	8,083	6,164	294
COOK	202,812 DEM	480,633	683,445	15,830
CRAWFORD	637 REP	3,522	2,885	117
CUMBERLAND	170 REP	1,917	1,747	99
DEKALB	4,160 REP	10,803	6,643	478
DEWITT	1,092 REP	3,116	2,024	100
DOUGLAS	1,159 REP	3,360	2,201	96
DUPAGE	98,633 REP	158,325	59,692	3,954
EDGAR	1,406 REP	3,558	2,152	87
EDWARDS	431 REP	1,436	1,005	42
EFFINGHAM	336 REP	5,464	5,128	281
FAYETTE	251 REP	3,593	3,342	149
FORD	1,867 REP	3,148	1,281	74
FRANKLIN	2,984 DEM	5,121	8,105	263
FULTON	1,513 DEM	4,694	6,207	195
GALLATIN	1,092 DEM	799	1,891	55
GREENE	319 DEM	2,134	2,453	97
GRUNDY	2,521 REP	6,566	4,045	185
HAMILTON	120 DEM	1,478	1,598	57

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TRUSTEES OF THE UNIVERSITY OF ILLINOIS

(WON) JUDITH REESE..................................REP 1,432,013 17.55%
(WON) WILLIAM D. (BILL) ENGELBRECHT...............REP 1,330,511 16.30%
(WON) MARTHA R. O'MALLEY..........................DEM 1,312,075 16.08%
KEN BOYLE...DEM 1,305,334 15.99%
BRIAN C. SILVERMAN................................REP 1,240,397 15.20%
ROSS HARANO.......................................DEM 1,088,218 13.33%
ROBIN J. MILLER...................................LIB 196,068 2.40%
JONI GARCIA RUBIO.................................LIB 148,395 1.81%
KIRBY R. CUNDIFF..................................LIB 105,994 1.29%
ROBIN KESSINGER................................... 4 (-).01% (W-I)

COUNTY	REP REESE	REP ENGELBRECHT	DEM O'MALLEY	DEM BOYLE	REP SILVERMAN	DEM HARANO
ADAMS	11,628	10,707	6,053	6,777	9,755	4,910
ALEXANDER	1,085	1,024	1,462	1,502	988	1,386
BOND	2,592	2,432	2,112	2,211	2,237	1,805
BOONE	5,481	5,342	3,447	2,746	4,959	2,092
BROWN	1,205	1,204	763	827	1,080	670
BUREAU	6,852	7,257	4,987	5,111	5,761	3,863
CALHOUN	768	730	936	1,024	676	846
CARROLL	3,099	2,917	1,902	1,884	2,714	1,392
CASS	2,269	2,267	1,939	2,129	1,942	1,703
CHAMPAIGN	23,471	23,859	15,111	18,468	24,828	12,336
CHRISTIAN	5,168	4,607	5,081	5,228	4,329	4,376
CLARK	2,838	2,750	2,121	2,157	2,564	1,779
CLAY	2,001	2,042	1,708	1,714	1,871	1,481
CLINTON	5,048	4,779	4,813	4,820	4,483	3,589
COLES	8,449	7,792	5,087	5,171	7,454	3,800
COOK	432,795	380,867	629,012	633,575	363,445	562,726
CRAWFORD	3,835	3,668	2,306	2,585	3,311	1,952
CUMBERLAND	2,051	1,877	1,410	1,513	1,837	1,182
DEKALB	9,973	9,683	6,135	5,478	9,208	4,274
DEWITT	3,130	2,838	1,780	1,693	2,696	1,345
DOUGLAS	3,111	3,197	1,922	2,177	3,128	1,473
DUPAGE	151,984	138,243	63,785	59,567	129,567	45,177
EDGAR	3,546	3,547	1,868	1,864	3,217	1,516
EDWARDS	1,374	1,368	845	907	1,272	725
EFFINGHAM	5,501	5,684	3,940	4,056	4,993	3,106
FAYETTE	3,481	3,409	2,858	2,949	3,182	2,453
FORD	3,123	3,073	1,084	1,163	2,903	830
FRANKLIN	4,822	4,648	7,039	7,311	4,456	6,447
FULTON	4,532	4,631	5,501	5,660	4,045	4,692

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STATE OF ILLINOIS

OFFICIAL VOTE

Cast at the

PRIMARY ELECTION
ENERAL PRIMARY, MARCH 19, 1996

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Compiled by
THE STATE BOARD
OF ELECTIONS

PRESIDENT OF THE UNITED STATES

	Candidate	Party	Votes	Percent	
(WON)	BILL CLINTON	DEM	770,001	96.16%	
	ELVENA E. LLOYD-DUFFIE	DEM	16,045	2.00%	
	LYNDON H. LaROUCHE, JR	DEM	14,624	1.82%	
	HEATHER ANNE HARDER	DEM	6	(-).01%	(W-I)
(WON)	BOB DOLE	REP	532,467	65.06%	
	PATRICK J. BUCHANAN	REP	186,177	22.74%	
	STEVE FORBES	REP	39,906	4.87%	
	ALAN L. KEYES	REP	30,052	3.67%	
	LAMAR ALEXANDER	REP	12,585	1.53%	
	RICHARD G. LUGAR	REP	8,286	1.01%	
	PHIL GRAMM	REP	6,696	0.81%	
	MORRY TAYLOR	REP	2,189	0.26%	
	V. A. KELLEY	REP	6	(-).01%	(W-I)
(WON)	HARRY BROWNE	LIB	1,278	73.95%	
	IRWIN A. SCHIFF	LIB	450	26.04%	

COUNTY	DEM CLINTON	DEM LLOYD-DUFFIE	DEM LaROUCHE, JR.	DEM HARDER	REP DOLE	REP BUCHANAN
ADAMS	2,360	55	45	0	3,727	1,182
ALEXANDER	1,265	46	33	0	249	94
BOND	904	26	16	0	911	293
BOONE	662	12	9	0	2,457	1,009
BROWN	292	5	4	0	503	130
BUREAU	2,206	40	61	0	2,993	1,291
CALHOUN	901	17	19	0	434	191
CARROLL	463	5	3	0	1,285	487
CASS	654	8	11	0	764	257
CHAMPAIGN	6,021	117	47	0	8,994	2,378
CHRISTIAN	3,648	119	109	0	1,443	543
CLARK	830	19	25	0	1,105	435
CLAY	440	15	9	0	860	403
CLINTON	1,148	24	20	0	1,447	465
COLES	1,784	38	26	0	2,537	874
COOK	480,251	9,338	9,149	0	123,725	43,569
CRAWFORD	812	17	14	0	918	406
CUMBERLAND	392	13	8	0	492	242
DEKALB	2,001	47	30	1	4,821	1,605
DEWITT	511	15	8	0	1,731	718
DOUGLAS	548	9	11	0	1,695	611
DUPAGE	24,244	462	328	0	73,173	21,367
EDGAR	1,005	40	24	0	1,534	427

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UNITED STATES SENATOR

(WON)	RICHARD J. DURBIN	DEM	512,520	64.87%
	PAT QUINN	DEM	233,138	29.50%
	RONALD F. GIBBS	DEM	17,681	2.23%
	J. AHMAD	DEM	17,211	2.17%
	PAUL PARK	DEM	9,505	1.20%
(WON)	AL SALVI	REP	377,141	47.64%
	BOB KUSTRA	REP	342,935	43.31%
	ROBERT MARSHALL	REP	43,937	5.55%
	MARTIN PAUL GALLAGHER	REP	17,276	2.18%
	WAYNE S. KURZEJA	REP	10,356	1.30%
(WON)	ROBIN J. MILLER	LIB	1,258	73.73%
	DAVID F. HOSCHEIDT	LIB	448	26.26%

COUNTY	DEM DURBIN	DEM QUINN	DEM GIBBS	DEM AHMAD	DEM PARK	REP SALVI
ADAMS	2,310	192	26	11	15	3,380
ALEXANDER	954	195	31	23	12	106
BOND	870	91	14	4	10	469
BOONE	456	163	29	6	11	1,756
BROWN	283	24	4	2	3	249
BUREAU	1,487	678	42	14	25	1,727
CALHOUN	873	88	12	2	4	165
CARROLL	359	83	14	1	8	570
CASS	613	53	5	6	5	442
CHAMPAIGN	5,161	955	42	58	37	7,318
CHRISTIAN	3,468	724	55	10	12	797
CLARK	379	331	44	10	36	689
CLAY	274	171	15	3	5	432
CLINTON	1,033	130	12	4	6	846
COLES	1,564	275	23	5	12	1,611
COOK	292,830	166,460	11,065	13,874	6,023	87,674
CRAWFORD	417	330	27	16	21	275
CUMBERLAND	285	103	3	3	7	404
DEKALB	1,375	567	41	38	24	3,161
DEWITT	453	69	8	2	1	1,356
DOUGLAS	489	84	5	0	6	1,186
DUPAGE	14,879	8,697	414	539	390	52,030
EDGAR	619	333	27	9	27	827
EDWARDS	87	71	6	0	2	135
EFFINGHAM	906	241	7	2	12	1,222
FAYETTE	964	118	4	3	6	585

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STATE OF ILLINOIS

OFFICIAL VOTE

Cast at the

GENERAL ELECTION NOVEMBER 5, 1996

Compiled by

STATE BOARD OF ELECTIONS

UNITED STATES SENATOR

(WON)	RICHARD J. DURBIN	DEM	2,384,028	56.08%
	AL SALVI	REP	1,728,824	40.67%
	STEVEN H. PERRY	REF	61,023	1.43%
	ROBIN J. MILLER	LIB	41,218	0.96%
	CHAD KOPPIE	TAX	17,563	0.41%
	JAMES E. DAVIS	NAT	13,838	0.32%
	STEVE DAHL		4,222	0.09% (W-I)
	ROBERT A. RUDNER		6	(-).01% (W-I)

PLURALITY..............................DEM 655,204

COUNTY	PLURALITY	DEM DURBIN	REP SALVI	REF PERRY	LIB MILLER	TAX KOPPIE
ADAMS	1,196 DEM	14,407	13,211	274	186	67
ALEXANDER	1,437 DEM	2,754	1,317	27	20	15
BOND	488 DEM	3,569	3,081	76	52	20
BOONE	2,574 REP	4,843	7,417	229	189	71
BROWN	12 DEM	1,104	1,092	27	12	6
BUREAU	114 REP	7,596	7,710	250	158	51
CALHOUN	726 DEM	1,821	1,095	32	20	13
CARROLL	698 REP	2,867	3,565	128	73	26
CASS	455 DEM	2,983	2,528	55	26	13
CHAMPAIGN	3,855 DEM	33,877	30,022	708	713	187
CHRISTIAN	1,272 DEM	7,794	6,522	177	109	48
CLARK	1,024 REP	2,892	3,916	127	72	25
CLAY	264 REP	2,767	3,031	100	53	25
CLINTON	234 DEM	6,710	6,476	196	132	38
COLES	546 DEM	9,544	8,998	303	162	53
COOK	664,461 DEM	1,160,414	495,953	18,138	14,100	5,899
CRAWFORD	1,022 REP	3,551	4,573	153	86	47
CUMBERLAND	384 REP	1,923	2,307	87	38	15
DEKALB	1,208 REP	12,676	13,884	634	559	163
DEWITT	505 REP	2,924	3,429	90	49	21
DOUGLAS	620 REP	3,059	3,679	115	51	23
DUPAGE	31,924 REP	137,810	169,734	5,835	3,753	1,313
EDGAR	1,092 REP	3,338	4,430	159	72	32
EDWARDS	784 REP	1,043	1,827	72	22	14
EFFINGHAM	3,660 REP	5,072	8,732	139	116	35
FAYETTE	204 REP	4,148	4,352	109	51	25
FORD	1,415 REP	2,061	3,476	83	43	20
FRANKLIN	4,003 DEM	10,249	6,246	326	92	66
FULTON	2,623 DEM	8,774	6,151	297	158	73

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PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES

	Candidate	Party	Votes	Percent	
(WON)	BILL CLINTON / AL GORE	DEM	2,341,744	54.31%	
	BOB DOLE / JACK KEMP	REP	1,587,021	36.80%	
	ROSS PEROT / PAT CHOATE	REF	346,408	8.03%	
	HARRY BROWNE / JO JORGENSEN	LIB	22,548	0.52%	
	HOWARD PHILLIPS / JOSEPH A. ZDONCZYK	TAX	7,606	0.17%	
	JOHN HAGELIN / MIKE TOMPKINS	NAT	4,606	0.10%	
	RALPH NADER		1,447	0.03%	(W-I)
	WILLIAM P. MARSHALL		3	(-).01%	(W-I)
	JOHAN K. RUST		3	(-).01%	(W-I)
	JENNIFER "JENNY" KAY KOSHARSKY		2	(-).01%	(W-I)
	WILLIE FELIX CARTER		1	(-).01%	(W-I)
	EARL F. DODGE		1	(-).01%	(W-I)
	RANDY SUTHERLAND		1	(-).01%	(W-I)

PLURALITY.............................DEM 754,723

COUNTY	PLURALITY	DEM CLINTON GORE	REP DOLE KEMP	REF PEROT CHOATE	LIB BROWNE JORGENSEN	TAX PHILLIPS ZDONCZYK
ADAMS	2,500 REP	11,336	13,836	3,069	90	61
ALEXANDER	1,541 DEM	2,753	1,212	321	8	9
BOND	195 DEM	3,213	3,018	685	32	19
BOONE	836 REP	5,345	6,181	1,377	70	23
BROWN	56 REP	997	1,053	237	7	2
BUREAU	1,123 DEM	7,651	6,528	1,798	62	20
CALHOUN	735 DEM	1,676	941	363	10	19
CARROLL	103 REP	2,926	3,029	792	40	8
CASS	620 DEM	2,834	2,214	589	14	11
CHAMPAIGN	4,222 DEM	32,454	28,232	4,806	545	81
CHRISTIAN	1,868 DEM	7,431	5,563	1,727	59	47
CLARK	414 REP	2,995	3,409	781	19	10
CLAY	47 DEM	2,750	2,703	719	22	29
CLINTON	39 DEM	6,104	6,065	1,580	47	33
COLES	912 DEM	8,950	8,038	2,137	83	20
COOK	691,732 DEM	1,153,289	461,557	96,633	10,080	2,127
CRAWFORD	338 REP	3,627	3,965	1,057	30	12
CUMBERLAND	226 REP	1,776	2,002	657	20	8
DEKALB	335 DEM	12,715	12,380	3,009	301	61

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Huszagh, Richard S.

From: dschoen593@aol.com
Sent: Thursday, December 01, 2016 2:30 PM
To: Franklin, David; Huszagh, Richard S.; hatzislindsay@co.kane.il.us
Subject: Libertarian Party of Illinois, et al. v. Scholz, et al., 7th Cir. ## 16-1667 & 16-1775

Dear Counsel:

I represent the Plaintiffs-Appellees in the above-referenced case in which you all have filed the Appellants' briefs.

I am writing to you today because there is a representation of fact in your briefs (the Cunningham Brief adopted the other Appellees' brief in its entirety) that is not true.

This "fact" like a good deal of the rest of the briefs refers to a matter entirely outside the record. While the majority of the other assertions based on matters outside the record can be addressed simply by demonstrating the lack of support in the record and, in some instances, the fallacy of the position such material is offered to support, I view the representation at issue as different.

It is because I see it as different that I thought the appropriate way to proceed would be to bring it to your attention and give you an opportunity to withdraw it or let the Court know on your own that it is not true. In over 30 years of doing this work, I have only encountered this situation once before - in a matter before the 11th Circuit - and this is the way I proceeded in that case. In that case, as here, the State's Solicitor General also appeared on the brief as counsel, and after considering the matter, he concluded that the appropriate thing for him to do was to both acknowledge in writing that the representation was not true and to do the same at oral argument in the case. That was a remarkable and impressive response; and it was, of course, the correct one.

Naturally it is for you to consider the matter and determine what is the appropriate response in this case, if you think any response at all is in order. If you do not think it appropriate for you to voluntarily correct the representation, I will do my best to address it in the Appellees' brief and likely will seek to supplement the record with supporting documents that address the point.

When I first entered this case in the lower court, replacing counsel who had passed away, I reviewed the briefs and found an assertion in a brief filed on behalf of the Defendants that was not accurate. Defense counsel had asserted that Plaintiffs had waived any equal protection argument by not raising it in their initial summary judgment papers. In reivewing the briefs, I saw quite clearly that this was wrong and that Plaintiffs had, indeed, raised an equal protection argument in the papers to which defense counsel had referred. I decided that rather than raising the issue with the Court at the conference we had soon after I entered the case, I would contact defense counsel, bring the misstatement to his attention and ask him to make the correction on his own. He almost immediately acknowledged the error, chalked it up to oversight and agreed to file a supplemental pleading correcting it. I was disappointed that the supplemental pleading he filed (Doc. 73) watered down his explanation to me on the telephone and now characterized it as perhaps a confusion as to the language he had used, explaining that when he said Plaintiffs had not "pressed" the argument, he really meant had not emphasized it or something like that (rather than admitting the error and that he had missed the argument as he said on the phone); but the matter was addressed and he acknowledged that the argument was raised and not waived.

On that background, let me get to the matter at hand:

On page 12 of the Appellees' brief, in an effort to bolster your argument that the State's interests justify the full-slate requirement, you write the following, in pertinent part:

"The facts of this case demonstrate the sufficiency of the State's interests to justify the full-slate requirement as applied to Plaintiffs.... In the decades preceding the election, the Party never achieved the status of an established party, either in the entire State or Kane County, by receiving a sufficient number of votes at any election. ... Exempting such a party from the full-slate requirement as a constitutional matter would open the ballot to single-candidate "parties," potentially undermining the State's interest in political stability, creating the risk of voter confusion and deception, and crowding the ballot with candidates who fail to qualify for the general-election ballot in a primary election." (emphasis added)

For obvious reasons, no citation to the record is provided.

The easy answer to the underlying argument made at the end of this quoted portion - the premise that opening the ballot to single-candidate "parties" would wreak the havoc described - is that the history in Illinois undercuts both the fact asserted and the harm about which you warn. As you must know, Illinois has a long and recent history of candidates forming "single-candidate" "parties" for U.S. House and state legislative races, with such candidates actually winning election in several instances. This is fully permitted under Illinois law and there is no evidence in the record of such consequences as the brief predicts.

But the matter to which this email primarily is directed is the first assertion highlighted above - the assertion, offered to marginalize the Plaintiff party and bolster your argument, that "In the decades preceding the election, the Party never achieved the status of an established party, either in the entire State or in Kane County, by receiving a sufficient number of votes at any election." You then use these "circumstances" to support your later argument.

This assertion is patently untrue. As your official records undoubtedly show, in 1994, the Party polled over 5% and became a qualified party for all statewide offices. Indeed, General Counsel for the Illinois State Election Board wrote a letter to the Party on December 13, 1994, that included the following: "I am pleased to be able to confirm that the Board regards the Libertarian Party as an established political party for purposes of nominating the candidates under the Election Code."
(Emphasis added)

Additionally, your official records undoubtedly show that in 1996, as an established party, the Party had its own statewide primary (including a Presidential primary).

I have no idea why you chose to go outside the record to assert "facts" in your briefs or why you chose to make this specific untrue assertion; but I would respectfully submit that it was wrong to do it and that is misleads the Court as to what you present as a material fact in support of your argument.

With this email I am asking you to, at a minimum, acknowledge the error to the Court, withdraw the brief and, assuming you insist on pressing forward with the appeal, substitute a corrected version.

I am sorry for the length of the email; but I consider this an extraordinary matter and I wanted to explain the matter sufficiently. Please let me know as soon as possible if you will take corrective steps. If not, at least I will know and can proceed accordingly.

Thank you for your time.

David Schoen

Huszagh, Richard S.

From: dschoen593@aol.com
Sent: Thursday, December 01, 2016 9:09 PM
To: Franklin, David; Huszagh, Richard S.; hatzislindsay@co.kane.il.us
Subject: Libertarian Party v. Scholz et al. - 16-1667 & 16-1675

Dear Counsel:

I am writing to modify my earlier email. I have not heard from the Court on my motion for a 30 day extension and so I need to continue writing my response to your briefs. I am not, therefore, asking you to consider withdrawing from your brief the passage I identified. I will simply address it in my brief.

Giving the full benefit of the doubt, as I think always is appropriate first time around, I am going to assume that the point you were trying to make in the quoted passage and in the reference you make to the same later in the brief, was to represent to the Court that the Party did not qualify as an established party in every single part (county, district etc.) of the State during the time frame to which you refer, rather than as I believe it fairly reads. Certainly, your presentation of the issue is intended to minimize the Party's stature and would not lead the Court to believe that, as is the case, it was a statewide established party in Illinois in the mid-90s, was so certified, conducted primaries, etc. But I can address that in our brief.

The argument strikes me as a very silly one; but that can remain my problem and I will hope to demonstrate why it is silly in our brief. The idea that the test for a modicum of support sufficient to entitle a party to have its candidate on the ballot should turn on whether a party previously qualified as an established party in every corner of the state (or else it has to field a full slate to be entitled to put its candidate, qua its candidate, on the ballot) ignores an entire body of jurisprudence that recognizes the importance of new parties to the system, from the perspective of candidates and voters and suffers from a great deal more; but I will plan to address that all in our brief.

Please consider the request in the earlier email withdrawn and I will proceed with responding to this and the rest of your briefs in our brief in response. If the Court grants my request for 30 days, that will be filed on or before January 2nd. If it does not, it will be filed much sooner.

Thank you,

David Schoen

Certificate of Filing and Service

I hereby certify that on February 9, 2017, I electronically filed the foregoing Reply Brief of State Defendants-Appellants (as corrected pursuant to the Clerk's September 19, 2016 brief deficiency letter) with the Clerk of the Court for the United States Court of Appeals for the Seventh Circuit by using the CM/ECF system, which will effect service on the other participants in the case, all of whom are registered CM/ECF users.

/s/ *Richard S. Huszagh*