

**IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
OF MCLEAN COUNTY, ILLINOIS**

Plaintiffs

George Weckbacher, Pro Se)
Annette Parchert , Pro Se)
Scott Butzin, Pro Se)
Arlene Ries, Pro Se)
Rebecca Goss, Pro Se)
Cheryl Kozlov, Pro Se)
Michael Luebbers, Pro Se)
Jeniffer Luebbers, Pro Se)

Defendants

Casandra B. Watson)
Laura K. Donahue)
Jennifer M. Ballard Croft)
Cristina D. Cray)
Tonya L. Genovese)
Catherine S. McCrory)
Rick S. Terven, Sr.)
Jack Vrett)
Marni Malowitz)
Defendants above in their official Capacity as)
Board members and the General Counsel of the)
Illinois State Board of Elections.)

CASE: 2023MR000183

**IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
OF MCLEAN COUNTY, ILLINOIS**

COMPLAINT

1. Plaintiffs come before the 11th Circuit Court of McLean County to present a complaint to challenge the validity of the Proposed Constitution Amendment (Amendment 1) election held on November 8, 2022.
2. The Validity of the Amendment 1 election is being challenged because the ballots used in the Amendment 1 election contest were illegal. The ballots did not have the text of the Proposed Constitutional Amendment on it, it was not labeled "CONSTITUTION BALLOT" and it was not a separate ballot from the "Official Ballot" with candidates on it.
3. The form of the ballot for the Amendment 1 election that was prepared and certified by the Illinois State Board of Elections (SBE) did not conform to the mandatory requirements of the Illinois Constitution Article XIV section 2, The statutory requirements of the Illinois Constitutional Amendment Act (5 ILCS 20/) and the Election Code (10 ILCS 5/).
4. The State Board of Elections (SBE) knowingly certified The Amendment 1 election results that contained the counts from illegal ballots invaliding the Amendment 1 election.

VENUE

5. The Plaintiffs bring this matter before the 11th Judicial Circuit Court of McClean County pursuant to 735 ILCS 5/2-101 (2). The plaintiffs and the defendants are in multiple counties. The Defendants (The State Board of Elections) claim offices in Cook and Sangamon County in the State of Illinois. The Plaintiffs claim their cause of action arose in the counties of McLean County, Lake County and Rock Island County in the State of Illinois where they are resident.
6. The plaintiffs bring this matter of complaint to this court under Article VI section 9 of the Illinois Constitution as well as Illinois Statute 705 ILCS 35/ The Circuit Court Act.
7. The use of an Illegal ballot invalidated the Amendmement 1 election and rendered the Amendment 1 election void. The Plaintiffs contend that any statutes of limitations to contest the results of an election contest under 10 ILCS 5/23 – Contesting Elections, do not apply a challenge of the validity of an election being brought before this court..

BACKGROUND

8. On April 8th 2022, the 102nd Illinois General Assembly (GA) passed a Senate Joint Resolution 55 (SJR 55) to present to the voters of Illinois a Proposed Constitution Amendment. (Exhibit 1)

9. The GA Resolution was pursuant to the Illinois Constitution Article XIV Section 2.
10. The GA Resolution included a form of the ballot which did not meet the statutory requirements of The Election Code article 16 section 6 (10 ILCS 5/ 16-6), the Illinois Constitution Amendment Act (5 ILCS 20/4), nor the requirements put forth under the Illinois Constitution Article XIV section 2.
11. The SBE prepared and certified the form of the ballot to be used in The Amendment 1 Election did not conform to the statutory requirements of the Election Code article 16 section 6 (10 ILCS 5/ 16-6), the Illinois Constitution Amendment Act (5 ILCS 20/4), nor the requirements put forth under the Illinois Constitution Article XIV section 2.
12. November 8th, 2022 the General Election was held, Plaintiffs voted on the Proposed Constitution Amendment election. The Plaintiff's were disenfranchised as there was no text of the Proposed Constitution Amendment on the ballot to read while voting. There was only an explanation of the Proposed Constitution Amendment.
13. The ballot for the Amendment 1 election had the statement " PROPOSED AMENDMENT TO THE 1970 ILLINOIS CONSTITUTION" where the text of the Proposed Constitution Amendment should have been.
14. On November 19th, 2022, Plaintiff George Weckbacher filed a complaint with the SBE (Exhibit 3) stating that the ballot prepared and certified by the SBE did not meet the requirements of the Illinois Constitution and he expected the SBE to not certify the Amendment 1 election.
15. On November 29th, 2022 The General Counsel for the SBE notified the plaintiff George Weckbacher that the SBE was aware of the complaint and that the SBE must certify the ballots as the GA put forth in the Resolution. (Exhibit 4 page 1)¹
16. On December 8th, 2022, the SBE certified the Amendment 1 election...
17. On January 4th, 2023, petitioners filed a Verified Petition of Election contest (23 MR 5) under statute 10 ILCS 5/23-24 contesting the results of the Amendment 1 election.
18. On July 6th 2023, The Lake County Court dismissed the case (23 MR 5) brought under 5 ILCS 5/23-24 as it only had jurisdiction to rule on the results of the election, not the validity of the election.

Substance of Complaint.

Legislative Resolution

19. On April 8th, 2022, the 102nd Illinois General Assembly (GA) passed a Senate Joint Resolution 55 (SJR 55) to present to the voters of Illinois a Proposed Constitution Amendment. (Exhibit 1)
20. The GA Resolution SJR 55 form of the ballot did not have the text of the Proposed Constitution Amendment printed upon it as required by the statutes (5 ILCS 20/4), (10 ILCS 5/16-6), nor The Illinois Constitution Article XIV Section 2 (a)(Exhibit 1)².

¹ (EXHIBIT 4) November 29th, 2022 complaint response from the SBE General Counsel.

² (EXHIBIT 1) The 102nd Illinois General Assembly (GA) Senate Joint Resolution 55 (SJR 55)

21. The GA Resolution SJR 55 form of the ballot contained no ballot label "CONSTITUTION BALLOT" (Exhibit 1).
22. The GA Resolution SJR 55 was not an enacted law and changed no statutes.

Illinois State Board of Elections

Improperly Certified the Form of the Ballot to the several Counties.

23. The SBE is mandated to prepare and certify the form of the ballot for any Proposed Constitution Amendment under the Election Code 10 ILCS 5/1A-8 (5) as well as the Illinois Constitutional Amendment Act 5 ILCS 20/2a.
24. (10 ILCS 5/1A-8 (5)) ***Prepare and certify the form of ballot for any proposed amendment to the Constitution of the State of Illinois, or any referendum to be submitted to the electors throughout the State or, when required to do so by law, to the voters of any area or unit of local government of the State; (Emphasis added)***
25. (5 ILCS 20/2a) Sec. 2a. ***The State Board of Elections as constituted in the Election Code shall, not later than the time prescribed by law for certifying the candidates for State offices to be voted upon at the same election, certify to the several county clerks any proposal to amend the constitution...*** (Emphasis added)
26. The SBE certified the Amendment 1 ballot that had no text of the Proposed Constitution Amendment printed on the ballot as mandated by the Constitution Amendment Act Section 4.
27. (5 ILCS 20/4) Sec. 4. ***At the election, the proposed amendment and explanation shall be printed upon the separate ballot in accordance with the provisions of Section 16-6 of "An Act concerning elections," approved May 11, 1943, as amended.*** (Emphasis added)
28. Furthermore, the certified form of the ballot did not meet the statutory requirements of 10 ILCS 5/16-6. The SBE certified Amendment 1 ballot that was not properly labeled as a "Constitution Ballot" according to the statutory requirements of the 10 ILCS 5/16-6.
29. (10 ILCS 5/16-6) ***"...On the back or outside of the ballot so as to appear when folded, shall be printed the words "CONSTITUTION BALLOT", followed by the designation of the polling place for which the ballot is prepared, the date of the election and a facsimile of the signature of the clerk or other officer who has caused the ballots to be printed. Immediately above the words "CONSTITUTION BALLOT""*** (Emphasis added)
30. The Proposed Constitution Amendment Election is required by the Illinois Constitution to be on a separate ballot. Our legislators defined this into law under 5 ILCS 20/4 and further defined under 10 ILCS 5/16-6.
31. (5 ILCS 20/4) Sec. 4. ***At the election, the proposed amendment and explanation shall be printed upon the separate ballot in accordance with the provisions of Section 16-6 of "An Act concerning elections," approved May 11, 1943, as amended.*** (Emphasis added)
32. (10 ILCS 5/16-6) (from Ch. 46, par. 16-6) Sec. 16-6. ***Whenever one or more proposals for amendment of the constitution or the calling of a constitutional convention or any combination***

*thereof is or are to be voted upon by the people, the proposition or propositions for the adoption or rejection of such amendment or amendments or convention **shall be submitted upon a ballot separate from the "Official Ballot" containing the names of candidates for State and other offices to be voted at such election.*** (Emphasis added)

33. Furthermore 10 ILCS 5/17-9 calls out that the separate blue ballot shall be placed on top of other ballots when handed to the voter with the label "CONSTITUTION BALLOT" is plainly visible.
34. *10 ILCS 5/17-9 Whenever a proposal for a constitutional amendment or for the calling of a constitutional convention is to be voted upon at the election, **the separate blue ballot or ballots pertaining thereto shall, when being handed to the voter, be placed on top of the other ballots to be voted at the election in such manner that the legend appearing on the back thereof, as prescribed in Section 16-6 of this Act, shall be plainly visible to the voter.*** (Emphasis added)
35. All Election jurisdictions statewide used the illegal ballot certified by the SBE. Included for reference are a sampling of 5 ballots used in the election in different parts of the state. (Exhibit 2).³
36. There was no "SEPARATE BALLOT" used in the Amendment 1 election by any jurisdiction. The Amendment 1 ballot was on an "Official Ballot", now called a sheet that had other candidates of election contest with it.
37. *"The form of the ballot must conform to the statutory mandate, and a failure to observe such provision of the law is a matter of substance and renders the election void."* People v. Myers, 256 Ill. 529.

SBE certified the results of Amendment 1 election contest with known illegal ballots.

38. The Amendment 1 election contest was held on November 8th, 2022.
39. On November 19th, 2022 Plaintiff George Weckbacher filed a complaint with the SBE that the ballots used in the Amendment 1 election had no text of the Proposed Constitution Amendment on the ballot. (Exhibit 3)⁴
40. On November 29th, 2022 the General Counsel for the SBE responded to the complaint of George Weckbacher stating that the SBE was aware of the complaint and that the SBE "must" certify the form of the ballot from the GA resolution SJR 55. (Exhibit 4).⁵
41. On December 5th, 2022 the SBE certified the results of the Amendment 1 election contest knowing the ballots were illegal.

³ (EXHIBIT 2) 5 Sample Ballots from different election Jurisdictions on PDF

⁴ (EXHIBIT 3) November 19th, 2022 complaint to the SBE .

⁵ (EXHIBIT 4) November 29th, 2022 complaint response from the SBE General Counsel.

CONCLUSION

This is an unusual case before this court. It is not similar to other cases where a candidate(s) or opponent(s) to an election contest can review and challenge the form of the ballot prior to the election. The form of the ballot as certified by the SBE is not available for review by the voters until the election.

The Plaintiffs presented the facts to this court that the Amendment 1 ballot failed to meet the multiple legal requirements for a Constitution Ballot used in the Amendment 1 election. The ballot used did not meet the organic requirements of the Illinois Constitution Article XIV Section 2: Which mandates that text of Proposed Constitution Amendment approved by the GA shall be submitted to the electors.

While the Illinois Election Code may be deemed directory in some instances. This is not the case. The Illinois Constitution Amendment Act calls out in 5 ILCS 20/4 that "At the election, the proposed amendment and explanation shall be printed" upon a separate ballot.

The ballot submitted to the voters had the statement "PROPOSED AMENDMENT OF THE 1970 CONSTITUTION" with no text of the Proposed Amendment under it or on the ballot. However, the text of the explanation of the Proposed Amendment was on the ballot under the statement "EXPLANATION OF AMENDMENT". It would only make sense that under the first statement would be the text of the Proposed amendment similar to the text of the explanation of the Proposed Amendment which was under the latter statement. The law does state that the Proposed amendment shall be printed on the ballot along with the Explanation of the proposed amendment.

The Illinois Constitution Amendment Act is a law that mandates the SBE on how and when to prepare and certify a ballot used in any proposal to amend the Illinois Constitution. The SBE under 10 ILCS 5/1A-8 (5) is also mandated to prepare and certify the ballot for Constitution Amendments.

As shown above the Illinois State Board of Elections prepared and certified the form of the ballot that was illegal. The ballot did not have the text of the Proposed Amendment on it, the ballot was not labeled "Constitution Ballot", and the ballots were not a separate ballot from the "Official Ballot" with other candidates on it. All three of these requirements are mandated under statute. More importantly the text of the proposed amendment to be voted on by the voters is mandated under in the State Constitution.

The SBE failed in it's duty to follow the laws of our state to prepare and certify a proper, legal ballot that the voters used in the Amendment 1 election contest in the November 8th, 2022 election.

The SBE then certified the election results aware that the ballots were illegal on December 5th, 2022.

The Amendment 1 election was an important election which put into place a Constitution Amendment that will affect the plaintiffs as well as the people of Illinois for years to come. All the voters of Illinois were disenfranchised by an illegal ballot presented to them to vote on at the November 8th 2022 General Election.

In closing, we remind the Court that the form of the ballot must conform to the statutory mandate, and a failure to observe such provisions of the law is a matter of substance and renders the election void.

PRAYER FOR RELIEF

The Plaintiffs humbly request that this Court be understanding of any mistakes or errors that the Plaintiffs may have made in form or process as Pro Se litigants before this Court.

The Plaintiffs humbly request that this Court rule that the November 8th, 2022, Amendment 1 election ballot was illegal making the Amendment 1 election invalid.

The Plaintiffs humbly request that this Court rule and declare the Amendment 1 election null and void.

The plaintiffs humbly request reimbursement of the expenses encured to ensure a valid election.

The Plaintiffs humbly request that this Court apply any other relief as it deems fit or necessary in this matter before the Court.

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

[REDACTED] Date: 12/12/2023

George Weckbacher

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Scott Butzin

[REDACTED] Date: 12/11/2023

[REDACTED]