

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

Illinois Liberty PAC)	
Plaintiff,)	No. 12 C 5811
)	
v.)	
)	Hon. Judge Feinerman
Lisa Madigan, <i>et al.</i> ,)	
Defendants.)	

DEFENDANTS’ MOTION TO DISMISS

Defendants LISA MADIGAN, Illinois Attorney General, WILLIAM MCGUFFAGE, Chairman of the Illinois State Board of Elections (“ISBE”), JESSE R. SMART, Vice Chairman of ISBE, and HAROLD D. BYERS, BETTY J. COFFRIN, ERNEST L. GOWEN, JUDITH C. RICE, BRYAN A. SCHNEIDER, and CHARLES W. SCHOLZ, all Members of ISBE (collectively, “Defendants”), by their attorney, respectfully request, pursuant to Federal Rule of Civil Procedure 12(b)(1) and 12(b)(6), that this Court dismiss Plaintiffs’ Second Amended Complaint in its entirety. In support thereof, Defendants state as follows:

1. On May 10, 2013, Plaintiffs filed their Second Amended Complaint (“Complaint”) in this case. Compl. (dkt #65).
2. The Complaint seeks injunctive and declaratory relief on behalf of an additional Plaintiff, Illinois Senator Kyle McCarter.
3. For the reasons forth in the accompanying Defendants’ Memorandum in Support of Their Motion to Dismiss, Defendants request that this Court dismiss: (1) all counts of the Complaint under Rule 12(b)(6) for failure to state a claim; and (2) certain portions of Plaintiffs’ claims, as set forth in the Memorandum, under Rule (12)(b)(1) for lack of standing.

WHEREFORE, Defendants respectfully request that this Court:

- a) Dismiss the Second Amended Complaint in its entirety with prejudice; and
- b) Grant whatever other relief this Court deems just and fair.

Respectfully submitted,

/s/ Marni M. Malowitz_____

Marni M. Malowitz
Laura M. Rawski
Assistant Attorneys General
General Law Bureau
100 West Randolph Street, 13th Floor
Chicago, IL 60601
(312) 814-3700/5694
Counsel for Defendants

LISA MADIGAN
Illinois Attorney General

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that the aforementioned document was filed on August 9, 2013 through the Court's CM/ECF system. Parties of record may obtain a copy of the paper through the Court's CM/ECF system.

/s/ Marni M. Malowitz