

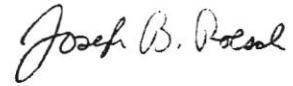
FILED

MAY 23 2024

**IN THE CIRCUIT COURT
OF THE SEVENTH JUDICIAL CIRCUIT
SANGAMON COUNTY, ILLINOIS**

38

Clerk of the
Circuit Court



LESLIE COLLAZO, et al.,)
)
 Plaintiffs,)
)
 v.)
)
 THE ILLINOIS STATE BOARD OF)
 ELECTIONS, et al.,)
)
 Defendants.)

Case No.: 24-CH-32

PRELIMINARY INJUNCTION

This case came before the Court on May 22, 2024 for hearing on Plaintiffs’ Emergency Motion for Temporary Restraining Order and Preliminary Injunction, as it relates to Plaintiffs’ request for a preliminary injunction.¹ Notice was given. The Court, being fully advised, for reasons stated of record, finds that Plaintiffs, who are prospective candidates for seats in the Illinois General Assembly, have met their burden of establishing that they are entitled to preliminary injunctive relief prohibiting Defendant Illinois State Board of Elections and Defendant Kwame Raoul from rejecting Plaintiffs’ nomination petitions for the November 2024 general election based on Public Act 103-0586’s revisions to 10 ILCS 5/8-17. Specifically, the Court finds as follows:

A. Section 5/8-17 of the Election Code addresses ballot vacancies in races for seats in the General Assembly. Until May 3, 2024, 10 ILCS 5/8-17 provided in relevant part as follows:

In the event that a candidate of a party who has been nominated under the provisions of this Article shall die before election (whether death occurs prior to, or on, or after, the date of the primary) or decline the nomination or should the nomination for any other reason become vacant, the legislative or representative committee of such party for such district shall nominate a candidate of such party to fill such vacancy. **However, if there was no**

¹ On May 17, 2024, the Court denied Plaintiffs’ request for a temporary restraining order.

candidate for the nomination of the party in the primary, except as otherwise provided in this Code, no candidate of that party for that office may be listed on the ballot at the general election, unless the legislative or representative committee of the party nominates a candidate to fill the vacancy in nomination within 75 days after the date of the general primary election. Vacancies in nomination occurring under this Article shall be filled by the appropriate legislative or representative committee in accordance with the provisions of Section 7-61 of this Code. In proceedings to fill the vacancy in nomination, the voting strength of the members of the legislative or representative committee shall be as provided in Section 8-6.

(emphasis added). This case arises out of Public Act 103-0586 (effective 5/3/2024) which amended Section 5/8-17. After P.A. 103-0586, Section 5/8-17 now provides in relevant part as follows:

In the event that a candidate of a party who has been nominated under the provisions of this Article shall die before election (whether death occurs prior to, or on, or after, the date of the primary), decline the nomination, or withdraw the candidate's name from the ballot prior to the general election, the legislative or representative committee of such party for such district shall nominate a candidate of such party to fill such vacancy. **However, if there was no candidate for the nomination of the party in the primary, no candidate of that party for that office may be listed on the ballot at the general election.** In proceedings to fill the vacancy in nomination, the voting strength of the members of the legislative or representative committee shall be as provided in Section 8-6 or as provided in Section 25-6, as applicable.

(emphasis added).

B. For each seat at issue here, there was no candidate for the nomination of the Republican party in the March 2024 primary election. Plaintiffs were in the course of availing themselves of the legislative or representative committee nomination process contained in Section 5/8-17 at the time P.A. 103-0586 amended the statute on May 3, 2024 to delete the language relating to that process for races in which there was no candidate for nomination of a party in the primary.

C. Plaintiffs have shown that they have a clearly ascertainable right in need of protection. The Illinois Supreme Court has recognized that the right to vote is a fundamental constitutional right and “has determined that the right to vote is implicated by legislation that restricts a