

# STATEMENT OF FACTS AND REQUEST FOR INJUNCTIVE RELIEF

*In the Matter of the Independent Candidacy of Lester Leavitt*

*for State Representative, Illinois House District 89*

November 3, 2026 General Election

Prepared by Lester Leavitt • April 29, 2026

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## I. THE GERRYMANDERED DISTRICT

**WHEREAS** the Illinois General Assembly, holding the trifecta of governor, state house, and state senate, redrew the legislative maps in 2021 and created House District 89 as a seven-county, 120-precinct rural district stretching 95 miles across the landscape of northwest Illinois — a trip that takes more than two hours to drive through the district — designed to be uncontestable by packing Republican voters into a single safe seat and carving out every population center that might have supported a competitive election;

**AND WHEREAS** the structural consequence of that map is that no Democrat has filed for State Representative in HD-89 since the district was drawn, and the incumbent, House Minority Leader Tony McCombie, with the 2026 election, will have stood for three consecutive elections without an opponent on the ballot — every general election since redistricting — not because no one wished to challenge her, but because the party infrastructure necessary to recruit, support, and fund a challenger has collapsed;

**AND WHEREAS** that collapse is measurable: based on information readily available, it would seem that as many as 94 of 120 precinct committeeperson seats (from either party) sit vacant across HD-89, eliminating the grassroots mechanism through which candidates are traditionally identified, petitions are circulated, and voters are engaged;

**AND WHEREAS** in November 2024, taken as a whole, 17.5% of all ballots cast in HD-89 declined to vote in the uncontested State Representative race — 10,342 voters who showed up, voted for president, voted for Congress, and refused to ratify a ballot with one name on the state representative line. In several precincts, this undervote count exceeded 30%. This constitutes a measurable, precinct-level record of voter disaffection with the absence of electoral choice;

## II. EVERY DOOR CLOSED

**AND WHEREAS** Public Act 103-0586, signed May 3, 2024, eliminated the vacancy-in-nomination mechanism under 10 ILCS 5/7-61 for General Assembly races where no candidate ran in the primary — the one remaining pathway by which the disadvantaged party in a gerrymandered district could place a candidate on the general election ballot without first surviving the petition signature threshold;

**AND WHEREAS** the petitioner, having observed these conditions firsthand as the elected Democratic precinct committeeperson for Rice Township in Jo Daviess County, and having testified before the Illinois State Officers Electoral Board in Cases 25 SOEB GP 107, 25 SOEB GP 108, and Case 538 documenting selective enforcement of ballot access rules against challengers, determined to run as an independent candidate for State Representative in HD-89 under 10 ILCS 5/10-3;

**AND WHEREAS** the independent candidate petition requires a minimum of 2,957 valid signatures from registered voters within the district, with a practical target of 3,500 signatures to survive anticipated objection challenges, to be collected across 120 precincts spanning seven counties within a 90-day circulation window and filed at the State Board of Elections in Springfield between May 18 and May 26, 2026;

**AND WHEREAS** the petitioner began circulating petitions and, upon direct engagement with voters and volunteers across the district, received consistent warnings from those willing to assist that the ambitious undertaking of reaching the signature threshold by the filing deadline may prove to be structurally unachievable given the level of civic disaffection, geographic inaccessibility, and organizational vacancy across the district — a warning consistent with the structural barrier that the petitioner’s published academic research had identified in theory;

### **III. THE FORFEITURE**

**AND WHEREAS** while continuing the signature-collection effort, and in light of the warnings from volunteers that the petition threshold might not be reached, the petitioner simultaneously began researching the write-in candidate filing requirements under 10 ILCS 5/17-16.1 as a contingency path to ballot access;

**AND WHEREAS** during that research, the petitioner discovered for the first time that 10 ILCS 5/7-43 provides that any person who voted the ballot of an established political party at a general primary election may not file a Statement of Candidacy as an independent candidate, as a candidate of a new political party, or as a candidate of a different established political party for any partisan office at the general election immediately following that primary;

**AND WHEREAS** the petitioner voted a Republican ballot in the March 2026 general primary — not as a strategic act, not as a partisan commitment, but because all Democratic candidates at the local and regional level were running unopposed, making the petitioner’s vote on a Democratic ballot inconsequential to those races. The Republican ballot was the only ballot on which contested races appeared and the only ballot through which a civically engaged voter could exercise meaningful democratic participation;

**AND WHEREAS** no notice, disclosure, or warning was provided at the polling place — or at any point during the voter registration, ballot request, or voting process — that casting a Republican primary ballot would forfeit the voter’s right to file as an independent candidate in the subsequent general election;

**AND WHEREAS** the State of Illinois thereby imposed a forfeiture of the petitioner’s constitutional right to seek public office as an independent candidate — a right protected under the First and Fourteenth Amendments — as an undisclosed consequence of the petitioner’s exercise of his right to vote;

**AND WHEREAS** this forfeiture operates with particular severity in gerrymandered districts like HD-89, where the disadvantaged party fields no candidates, because the engaged citizen’s only avenue of primary participation is the dominant party’s ballot — and exercising that right of participation automatically extinguishes the only remaining pathway to a competitive general election;

#### **IV. THE CLOSED SYSTEM**

**AND WHEREAS** the combined operation of the 2021 redistricting map, P.A. 103-0586, the 2,957-signature petition threshold across 120 precincts with widespread committeeperson vacancy, and 10 ILCS 5/7-43 produces a closed system in which no challenger can reach the general election ballot through any available pathway — not through party nomination (no party infrastructure), not through vacancy slating (blocked by P.A. 103-0586), not through independent petition (facing structural barriers that volunteers on the ground warned may be insurmountable), and not through independent or cross-party candidacy (forfeited by primary participation) — thereby ensuring that the incumbent is returned to office without contest, election after election, by architectural design rather than democratic choice;

#### **V. THE RURAL PACKED DISTRICT: A DISTINCT CONSTITUTIONAL INJURY**

**AND WHEREAS** standard gerrymandering analysis treats the packing and cracking of districts as symmetrical harms. This statement of facts respectfully submits that they are not. The harm suffered by voters in a rural packed district is qualitatively different from — and structurally more severe than — the harm suffered by voters in an urban cracked district, and Section 7-43 compounds that asymmetry;

**AND WHEREAS** when a mapmaker cracks an urban population center — splitting a city’s voters across multiple surrounding districts to dilute their influence — the city’s voters lose their consolidated voice at the gerrymandered level. But the city itself retains a functioning local democracy. The mayor, the city council, the ward committees, the municipal party apparatus, the civic organizations, the church networks with political capacity, the newspaper that covers local races — all of these survive the gerrymander intact. The city’s voters still contest elections. They still have choices on their ballots. The gerrymander dilutes their voice at one level of government while leaving every other level operational;

**AND WHEREAS** when a mapmaker packs rural areas into a single safe district — as was done in HD-89 — the mapmaker achieves this by extracting the population centers from the surrounding rural regions. The mapmakers carved Freeport out of Stephenson County, Dixon and Oregon mostly out of Ogle County, Belvidere mostly out of Boone County. What remains is not a weakened version of a community. It is the spaces between communities — townships,

farmland, and small towns that no longer have the population mass to sustain party infrastructure at any level. The gerrymander does not merely take the state representative seat. It triggers a cascade of institutional collapse: no one runs for county board because the rural precincts are outvoted by the population center that was carved out. It is rare for someone to run for state senator because the senate district is built from the same packed geography. No committeepersons file because there is no candidate to support and no infrastructure to connect to. The 94 vacant precinct committeeperson seats documented herein are not evidence of apathy. They are the downstream consequence of a map that removed the institutional anchor from every community in the district;

**AND WHEREAS** the harm is not limited to the packed district itself. When a mapmaker cracks one population center and attaches slivers of its voters to four adjacent rural regions, the mapmaker does not create one harm — the dilution of the population center’s political voice. The mapmaker creates five. The population center loses its consolidated representation at the gerrymandered level. And each of the four adjacent rural regions loses the *adjacent competitive ecosystem* that the population center provided — the organizational base, the candidate recruitment pipeline, the institutional anchor that made the incumbent earn the seat. One act of cracking, engineered to create four ultra-safe, uncontestable rural districts, kills competitive democracy in all four surrounding regions simultaneously. The population center was not cracked to weaken the population center alone. It was cracked to immunize the rural incumbents from opposition in every direction around it;

**AND WHEREAS** the asymmetry is therefore total. The cracked population center retains a functioning local democracy — contested municipal elections, active party organizations, institutional infrastructure at every level below the gerrymandered seat. The packed rural counties lose competitive democracy at every level — state representative, county board, and committeeperson — because the institutional anchor that sustained competition at all of those levels was the population center that the mapmaker removed. The cracked population center suffers a discrete, bounded harm. The packed rural counties suffer a cascading, total, and self-reinforcing harm from which there is no mechanism of recovery, because the recovery mechanism was the very thing the gerrymander destroyed;

**AND WHEREAS** this structural harm is not unique to Illinois or to any political party. The same mechanism operates in reverse in states controlled by Republicans. In Alabama, Mississippi, and Louisiana, Republican mapmakers have cracked majority-Black cities and attached slivers of their voters to surrounding rural white districts. The rural Black communities in the Alabama Black Belt counties that were separated from Selma, Birmingham, or Mobile by the redistricting process exhibit the same characteristics documented in HD-89: collapsed party infrastructure, vacant organizational seats, incumbents running unopposed, and measurable voter disaffection. The cracked Black city — like the cracked Illinois population center — retains its local democracy: its mayor, its city council, its civic organizations, its church networks. The surrounding rural regions (in most cases — majority white), severed from the city’s adjacent competitive ecosystem, lose theirs entirely. The constitutional injury is not partisan. It is architectural. It arises whenever a mapmaker extracts the population center that would have anchored competitive political organization in a rural area, regardless of the race of the affected voters or the party label of the mapmaker;

## **VI. THE LITIGATION HAS FORECLOSED COMPLIANCE WITH THE SIGNATURE REQUIREMENT**

**AND WHEREAS** the necessity of preparing and filing the lawsuit required to vindicate the petitioner's constitutional rights has consumed the time, resources, and scheduled appearances that the petitioner had committed to collecting the 2,957 signatures required under 10 ILCS 5/10-3. The petitioner had organized HD-89 into 12 volunteer zones, each anchored by congregations of the United Methodist Church, Lutheran (ELCA), Episcopal, Presbyterian, and Unitarian Universalist churches where the petitioner has established institutional relationships. The campaign plan called for 300 volunteers to be recruited, trained, and coordinated across these zones, with each volunteer committed to collecting 10 to 15 signatures. Every remaining day between the petitioner's discovery of the Section 7-43 barrier on April 19, 2026, and the May 26 filing deadline had already been calendared and published as a zone-specific appearance across the full geographic span of the district. This was not an aspirational plan. It was an operational calendar already in execution when the 7-43 discovery shut it down;

**AND WHEREAS** even if Section 7-43 is enjoined, the petitioner cannot now comply with the signature requirement, because the time that would have been spent collecting signatures was necessarily diverted to the litigation required to unlock the right to file those signatures in the first place. Requiring the petitioner to satisfy a signature threshold that volunteers on the ground had already warned may be insurmountable — and that has now been rendered impossible by the litigation necessary to vindicate his constitutional rights — would impose an additional unconstitutional burden on top of the one this statement seeks to remedy;

## **VII. THE BROADER CONTEXT**

**AND WHEREAS** the structural disenfranchisement documented herein is not an isolated incident but part of a pattern of rural political abandonment in Illinois that has been recognized for more than fifty years. In the 1970s, residents of western Illinois gave their region the name *Forgottonia* — a satirical secession movement born from frustration with the lack of state investment in rural infrastructure, transportation, and economic development. Then-Congressman Dick Durbin adopted the term in the 1980s. The underlying grievance has not been resolved; it has deepened;

**AND WHEREAS** the push to separate rural Illinois from Chicago-dominated state governance is gaining more support with every election cycle. Rural separation referenda are becoming standard fare on county ballots across downstate Illinois, and the movement reflects the same structural exclusion this petition documents: voters in gerrymandered rural districts have been excluded from meaningful representation and they know it. Section 7-43 is one more mechanism in that architecture;

**AND WHEREAS** the Illinois Ranked-Choice and Voting Systems Task Force, created by the legislature to study whether RCV would improve Illinois elections (with a report due in June 2026), have apparently voted on a bipartisan basis not to proceed with ranked-choice voting —

the one reform that would have eliminated the 7-43 trap entirely, because under RCV there are no closed party primaries to lock voters into a lane. It would seem that both parties examined the tool that would have broken the incumbent protection architecture and agreed, together, not to use it. The legislative avenue has been explored and produced a bipartisan decision to maintain the status quo that shields incumbents from competition;

**AND WHEREAS** the petitioner's research on these structural barriers is published. *Masters of Extraction: How the Powerful Harvest Consent from the Communities They Abandon* documents the full architecture of rural disenfranchisement in HD-89 using precinct-level State Board of Elections data that no news organization in the district had previously aggregated. The petitioner holds a Master's in Public Administration (magna cum laude) with doctoral-level coursework at Florida Atlantic University focused on street-level bureaucracy, has been nominated as an ASPA Founders Fellow, has published peer-reviewed research in *Human Development and Interaction in the Age of Ubiquitous Technology* (IGI Global Scientific Publishing, 2016), and has presented at national conferences across three continents. The preface and full text are available in ePub format at <https://www.driftlessrivers.us/shop/e-books-read-immediately>;

## **VIII. RELIEF REQUESTED**

**NOW THEREFORE** the petitioner respectfully requests that injunctive relief be sought on his behalf, enjoining the Illinois State Board of Elections from enforcing 10 ILCS 5/7-43 as applied to the petitioner's candidacy for the November 3, 2026 general election, so that the petitioner may file a Statement of Candidacy and nominating petitions as an independent candidate for State Representative in House District 89.

This is the same narrow, cycle-specific relief granted by the Sangamon County Circuit Court in *Collazo v. Illinois State Board of Elections*, in which the court enjoined enforcement of P.A. 103-0586 for the 2024 election cycle only, permitting candidates onto the ballot while the broader constitutional question continued to be litigated. The petitioner does not ask this Court to strike down Section 7-43. The petitioner asks only that its enforcement be enjoined as applied to his candidacy in the 2026 cycle.

As a first preference, the petitioner requests that the 2,957-signature requirement under 10 ILCS 5/10-3 be waived as applied to his candidacy, on the grounds that the necessity of this litigation has consumed the time and resources committed to collecting signatures, that volunteers on the ground had warned the signature threshold may be insurmountable even with the full circulation window, and that the petitioner cannot in good conscience hold a team of 300 volunteers in readiness for a signature-collection effort whose legal foundation remains contingent on the outcome of this litigation.

If some signature threshold is deemed essential, the petitioner respectfully requests that the requirement be proportionately reduced to reflect the number of effective collection days remaining after entry of the injunction. The original 90-day circulation window ran from February 25 through May 26, 2026; however, the final five days of that window (May 22–26) are consumed by notarization logistics — securing notaries across 12 volunteer zones spanning 95 miles of rural towns requires a three-day circuit run, followed by travel to Springfield for filing

at the State Board of Elections. The effective collection window was therefore 85 days, not 90. If the petitioner is provided with N days to collect signatures (a period ending on Thursday, May 21, 2026 so that a business day remains open for notarization on Friday), the requirement should be reduced to N/90 of 2,957 signatures, and a corresponding period of no fewer than five additional days should be provided for notarization, assembly, and filing. A requirement of 2,957 signatures compressed into a fraction of the original window without proportional reduction would constitute a de facto denial of ballot access.

The independent filing deadline is May 26, 2026. The general election is November 3, 2026. Time is of the essence.

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Respectfully submitted,

**Lester Leavitt**

Galena, Illinois

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Published research: *Masters of Extraction: How the Powerful Harvest Consent from the Communities They Abandon*

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