

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

LESTER LEAVITT,

Plaintiff,

v.

ILLINOIS STATE BOARD OF ELECTIONS;

LAURA K. DONAHUE, Chair;

RICK S. TERVEN, SR., Vice Chair;

JENNIFER M. BALLARD CROFT;

CRISTINA D. CRAY;

TONYA L. GENOVESE;

CATHERINE S. McCRORY;

JACK VRETT; and

CASANDRA B. WATSON,

in their official capacities as Members of

the Illinois State Board of Elections,

Defendants.

Case No. _____

VERIFIED COMPLAINT FOR INJUNCTIVE AND DECLARATORY RELIEF

Plaintiff Lester Leavitt, proceeding pro se, respectfully states as follows:

I. PARTIES

1. Plaintiff Lester Leavitt is a resident of Galena, Jo Daviess County, Illinois. He is a registered voter in Illinois House District 89, the appointed Democratic precinct committeeperson for Rice Township, and a candidate seeking to run as an independent for State Representative in HD-89 in the November 3, 2026 general election.
2. Defendant Illinois State Board of Elections (“SBE”) is a constitutional agency of the State of Illinois, established under Article III, Section 5 of the Illinois Constitution, with its principal office located at 2329 S. MacArthur Blvd., Springfield, Sangamon County, Illinois. The SBE is responsible for administering and enforcing the Illinois Election

Code, including the acceptance or rejection of nominating petitions and Statements of Candidacy for State Representative.

3. The individual Defendants are the current members of the SBE and are sued in their official capacities only.

II. JURISDICTION AND VENUE

4. This Court has jurisdiction over this action pursuant to Article VI, Section 9 of the Illinois Constitution and 735 ILCS 5/2-701 (declaratory judgments). This action arises under the United States Constitution, Amendments I and XIV, and the Illinois Constitution, Article I, Sections 2 and 4, and Article III, Section 5.
5. Venue is proper in Sangamon County because the SBE maintains its principal office in Springfield, Sangamon County, and because nominating petitions for State Representative are required to be filed with the SBE's Springfield office. Election challenges to SBE actions are traditionally and properly brought in Sangamon County. The Sangamon County Circuit Court issued injunctive relief on closely related ballot access grounds in *Collazo v. Illinois State Board of Elections* (Sangamon County Circuit Court, 2024).

III. STATEMENT OF FACTS

A. *The Gerrymandered District*

6. In 2021, the Illinois General Assembly, holding the trifecta of governor, state house, and state senate, redrew the legislative maps 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. The district was 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.
7. The seven counties included in HD-89 are Jo Daviess, Carroll, Stephenson, Ogle, Winnebago, DeKalb, and Boone. Only two counties — Jo Daviess and Carroll — sit entirely inside the district, and they are among the least populated counties in the state. The remaining five counties were carved: population centers removed, rural townships retained.
8. The structural consequence of that map is that no Democrat has filed for State Representative in HD-89 since the district was drawn. As of this 2026 election year, the incumbent, House Minority Leader Tony McCombie, will have stood for three consecutive general elections without an opponent on the ballot — every general election since redistricting.

9. 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.
10. 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.

B. Every Door Closed

11. Public Act 103-0586, signed May 3, 2024, amended Sections 7-61 and 8-17 of the Illinois Election Code to eliminate the vacancy-in-nomination mechanism for General Assembly races where no candidate ran in the primary. This closed 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. The law was temporarily enjoined for the 2024 cycle only in *Collazo v. Illinois State Board of Elections* but is in full effect for 2026.
12. Plaintiff, having observed these conditions firsthand, first by encouraging dozens of individuals to put their name forward as a candidate for either party in the March 2026 primary, with the reply being some version of “it would be a fool’s errand” with every ask, and then 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.
13. 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 SBE in Springfield between May 18 and May 26, 2026.
14. Plaintiff 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 Plaintiff’s published academic research had identified in theory.

C. The Forfeiture

15. While continuing the signature-collection effort, and in light of the warnings from volunteers that the petition threshold might not be reached, Plaintiff simultaneously

began researching the write-in candidate filing requirements under 10 ILCS 5/17-16.1 as a contingency path to ballot access.

16. During that research, notwithstanding careful reading of the Candidate's Guide on behalf of partisan candidates that he had been encouraging to run for state-level office in the March 2026 primary, Plaintiff 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.
17. Plaintiff voted a Republican ballot in the March 2026 general primary. Plaintiff did not vote the Republican ballot as a strategic act or a partisan commitment. All Democratic candidates at the local and regional level were running unopposed, making Plaintiff's vote on a Democratic ballot inconsequential to those races. The Republican ballot was the only ballot on which contested races appeared at the local and regional level and the only ballot through which Plaintiff could exercise meaningful democratic participation.
18. 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 Plaintiff's right to file as an independent candidate in the subsequent general election.
19. The State of Illinois thereby imposed a forfeiture of Plaintiff's constitutional right to seek public office as an independent candidate as an undisclosed consequence of Plaintiff's exercise of his right to vote.
20. This forfeiture operates with particular severity in gerrymandered districts like HD-89, where the disadvantaged party fields no candidates, or only a single candidate for each office, 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.

D. The Closed System

21. 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.

E. The Litigation Has Foreclosed Compliance with the Signature Requirement

22. The necessity of preparing and filing this lawsuit has consumed the time, resources, and scheduled appearances that Plaintiff had committed to collecting the 2,957 signatures required under 10 ILCS 5/10-3. Plaintiff 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 Plaintiff 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 Plaintiff'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.
23. The discovery of the Section 7-43 bar, and the immediate necessity of researching the constitutional question, drafting this Verified Complaint, and contacting legal organizations for representation, has simultaneously foreclosed the possibility of completing the signature-collection effort. Even if this Court enjoins enforcement of Section 7-43, Plaintiff 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.
24. Requiring Plaintiff 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 Complaint seeks to remedy.

COUNT I

VIOLATION OF THE FIRST AMENDMENT TO THE UNITED STATES CONSTITUTION **(Right to Seek Office and Political Association)**

25. Plaintiff incorporates by reference all preceding paragraphs as if fully set forth herein.
26. The First Amendment to the United States Constitution, made applicable to the states through the Fourteenth Amendment, protects the right of individuals to seek public office and to associate for the advancement of political beliefs. *Williams v. Rhodes*, 393 U.S. 23 (1968); *Anderson v. Celebrezze*, 460 U.S. 780 (1983).
27. Under the *Anderson-Burdick* framework, a court must weigh the character and magnitude of the burden imposed by a ballot access restriction against the interests the state asserts to justify that burden. *Burdick v. Takushi*, 504 U.S. 428 (1992). When the burden is severe, the restriction must be narrowly drawn to advance a compelling state interest.
28. Section 7-43, as applied to Plaintiff in HD-89, imposes a severe burden: the total forfeiture of the right to appear on the general election ballot as an independent

candidate, triggered by the act of voting in a primary election. The burden is absolute — not a procedural hurdle, not a timing restriction, but a complete bar to candidacy.

29. The state's asserted interest in preventing spoiler candidacies and ensuring party loyalty cannot survive scrutiny as applied to voters in gerrymandered rural districts where only one party fields candidates. Plaintiff did not vote in a competitive party primary with the intent to manipulate the nomination process. Plaintiff voted the only ballot that offered contested races, in a district where the alternative was non-participation.
30. The enforcement of Section 7-43 against Plaintiff therefore violates the First Amendment.

COUNT II

VIOLATION OF THE FOURTEENTH AMENDMENT TO THE UNITED STATES
CONSTITUTION
(Due Process — Forfeiture Without Notice)

31. Plaintiff incorporates by reference all preceding paragraphs as if fully set forth herein.
32. The Due Process Clause of the Fourteenth Amendment prohibits the State from depriving any person of a protected liberty interest without notice and an opportunity to be heard.
33. The right to seek public office is a protected liberty interest under both federal and Illinois constitutional law.
34. Section 7-43 operates as a forfeiture provision: it extinguishes a constitutional right (the right to run as an independent candidate) as a consequence of exercising another constitutional right (the right to vote). This forfeiture is triggered automatically, without any notice or disclosure to the voter at the point of action.
35. No signage, no poll worker instruction, no ballot language, no voter registration material, and no publicly available guidance from the SBE informs voters that requesting a party ballot in a primary election will disqualify them from running as an independent candidate in the subsequent general election.
36. A forfeiture of constitutional rights that operates without notice fails to satisfy the requirements of procedural due process. The State may not condition the exercise of one constitutional right on the silent forfeiture of another.
37. The enforcement of Section 7-43 against Plaintiff without prior notice therefore violates the Due Process Clause of the Fourteenth Amendment.

COUNT III

VIOLATION OF THE FOURTEENTH AMENDMENT TO THE UNITED STATES **CONSTITUTION** **(Equal Protection)**

38. Plaintiff incorporates by reference all preceding paragraphs as if fully set forth herein.
39. The Equal Protection Clause of the Fourteenth Amendment requires that similarly situated persons be treated alike under the law.
40. Section 7-43 operates with grossly disparate impact depending on the type of district in which a voter resides. Standard gerrymandering analysis treats the packing and cracking of districts as symmetrical harms. This Complaint 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.
41. 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. They still have institutional infrastructure capable of recruiting candidates, organizing voters, and sustaining competitive politics at the municipal and county level. The gerrymander dilutes their voice at one level of government while leaving every other level operational.
42. 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 to have a viable challenger to the 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 in this Complaint are not evidence of apathy. They are the downstream consequence of a map that removed the institutional anchor from every community in the district.
43. 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 regions simultaneously. The population center was not cracked to weaken the population center alone. It was cracked to immunize the rural incumbents against competition in every direction around it.

44. Before the gerrymander, those rural regions existed in a political ecosystem with the nearby population center. The county's state house or senate district likely included parts of the city or its suburbs. The city's minority-party infrastructure — the party committee office, the organized voter base, the institutional networks — provided an adjacent competitive ecosystem. It did not need to win the rural county's races. It needed only to *exist close enough* to field candidates, recruit volunteers, and make the incumbent earn the seat. The gerrymander severs that connection. The population center's organizational base is walled off in a different district. The party committee is across a district line. The institutional network that organized voter drives no longer sends volunteers into precincts that are now in the rural packed district. Without the adjacent competitive ecosystem, the rural county's races go uncontested — not in one cycle, but cycle after cycle after cycle — as evidenced in HD-89 since redistricting.
45. 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.
46. This structural harm is not unique to Illinois or to one political party. The same mechanism operates with identical outcomes for rural voters 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 communities in Alabama (whether majority Black or majority white) that were separated from Selma, Birmingham, or Mobile by the redistricting process exhibit the same characteristics documented in HD-89: collapsed party infrastructure (for both parties), 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, severed from the city's adjacent competitive ecosystem, lose theirs entirely. The federal courts have examined this mechanism extensively in *Allen v. Milligan*, 599 U.S. 1 (2023), and *Abbott*

v. League of United Latin American Citizens, 607 U.S. ____ (2025), but have not yet addressed the distinct harm suffered by the rural counties surrounding the cracked city — the multiplied, cascading institutional collapse that one act of cracking inflicts on every adjacent rural district.

47. The constitutional injury identified in this Count is therefore not partisan. It is architectural. It arises whenever a mapmaker extracts the population center that would have anchored political organization in a rural area, regardless of the race of the affected voters or the party label of the mapmaker. A rural white precinct in Carroll County, Illinois, that lost its competitive ecosystem when the Democratic mapmakers carved out Freeport is structurally identical to a rural Black precinct in Wilcox County, Alabama, that lost its competitive ecosystem when the Republican mapmakers carved out Selma. The party labels are reversed. The race of the voters is different. The mechanism is the same. The remedy must be equally architectural — not dependent on who drew the map or who lives inside it.
48. Section 7-43 compounds this structural injury. In a competitive district where both parties field primary candidates, a voter retains a meaningful choice of which party's ballot to request and (with proper notification when requesting a partisan ballot) can preserve the option of running as an independent. In a rural packed district like HD-89, where only one party fields candidates that make a primary election competitive, and the adjacent competitive ecosystem has been destroyed to the point that fielding a single candidate borders on insurmountable, the voter has no such choice. The only avenue of primary participation is the dominant party's ballot, and requesting it triggers the forfeiture of the right to run as an independent. Section 7-43 thus imposes its most severe burden on the voters who are already the most structurally disenfranchised — the voters in the rural packed districts where competitive democracy has already been eliminated at every other level.
49. There is no rational basis, much less a compelling state interest, for imposing a greater burden on the candidacy rights of voters in rural packed districts than on voters in competitive districts or even in urban cracked districts where local democratic infrastructure survives intact.
50. The enforcement of Section 7-43 as applied to voters in rural packed districts like HD-89 therefore violates the Equal Protection Clause of the Fourteenth Amendment.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Lester Leavitt respectfully requests that this Court:

- A. Issue a declaratory judgment that 10 ILCS 5/7-43 is unconstitutional as applied to Plaintiff under the First and Fourteenth Amendments to the United States Constitution;
- B. Issue a preliminary injunction enjoining Defendants from enforcing 10 ILCS 5/7-43 against Plaintiff's candidacy for the November 3, 2026 general election, thereby permitting Plaintiff to

file a Statement of Candidacy and nominating petitions as an independent candidate for State Representative in House District 89 — the same narrow, cycle-specific relief granted by this Court in *Collazo v. Illinois State Board of Elections* (2024);

C. As a first preference, waive the 2,957-signature requirement under 10 ILCS 5/10-3 as applied to Plaintiff's candidacy for the November 3, 2026 general election, on the grounds that the necessity of this litigation has consumed the time and resources Plaintiff had 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 Plaintiff 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 the Court deems some signature threshold essential, Plaintiff 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, as documented in Exhibit 3, 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 Court provides Plaintiff with N days to collect signatures, the requirement should be reduced to N/90 of 2,957 signatures, and in calculating a value for N, a corresponding period of no fewer than five days (starting with the final business day for notaries being Friday, May 22, 2026) should be provided for notarization, assembly, travel, 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;

D. Issue a permanent injunction on the same terms following adjudication on the merits;

E. Award Plaintiff his costs in this action; and

F. Grant such other and further relief as this Court deems just and proper.

Dated: April ___, 2026

Respectfully submitted,

Lester Leavitt, Pro Se
Galena, Illinois 61036
815-402-1049
VoteLester.com

VERIFICATION

STATE OF ILLINOIS)

) SS.

COUNTY OF JO DAVIESS)

I, Lester Leavitt, being first duly sworn upon oath, depose and state that I am the Plaintiff in the above-captioned action, that I have read the foregoing Verified Complaint for Injunctive and Declaratory Relief, that I know the contents thereof, and that the facts stated therein are true and correct to the best of my knowledge, information, and belief.

Lester Leavitt

Signed and sworn to (or affirmed) before me on this ____ day of April, 2026.

Notary Public

My commission expires: _____
(SEAL)