IN THE UNITED STATES DISTRICT COURT
FOR NORTHERN ILLINOIS
EASTERN DIVISION

JAY STONE	)
FREDRICK K. WHITE,	) **CASE: 10cv7727**
FRANK L. COCONATE,	) **JUDGE**
DENISE DENISON,	) **MAGISTRATE JUDGE**
BILL "DOC" WALLLS	)
PLAINTIFFS,	)
v.	)
LANGDON D. NEAL,	)
BOARD OF ELECTION COMMISSIONERS,	)
FOR THE CITY OF CHICAGO,	)
RICHARD A. COWEN,	)
MARISEL A. HERNANDEZ	)
DEFENDANTS.	)

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF FROM ABRIDGEMENT OF CONSTITUTIONAL RIGHTS

NATURE OF COMPLAINT

This is a lawsuit predicated in part on 42 U.S.C. 1983, with five counts in which two of the five plaintiffs, candidates for the office of Mayor of Chicago, joined by a third plaintiff, a candidate for the office of Chicago City Clerk, allege abridgement of rights to which they are entitled by way of the U.S. Constitution. The three plaintiffs filed with the Board of Elections for the City of Chicago, less than the 12,500 signatures required as per 65 ILCS 20/. Plaintiffs allege that the 12,500 signature requirement along with the Board of Elections not allowing their names to appear on the upcoming February 22, 2011 ballot because of the signature deficiency, is a violation of their First Amendment rights; a violation of the Equal Protection Clause of the U.S. Constitution; a deprivation of their "Liberty interest" and a violation of their "Right to Petition the Government." The remaining plaintiffs, although candidates themselves, assert their rights [as to the issue of ballot access] primarily in their capacity as residents of the City of Chicago. All plaintiffs seek declaratory relief in the form of the court finding that the 12,500 signature requirement is unconstitutional for reasons that plaintiffs' say include that the requirement is onerous, restrictive; serves no compelling state interest; and is not reasonably necessary to the accomplishment of a state objective. Additionally, plaintiffs ask that the court provide injunctive relief that would prohibit the Board of Elections for the City of Chicago from barring the names of Plaintiffs' White, Fredrick and Coconate from appearing on the February 22, 2011 ballot.

JURISDICTION & VENUE

Jurisdiction of this court arises under 28 U.S.C. §§ 1331, 1337, and 1343(a); 42 U.S.C. 1983; the First Amendment; the Equal Protection Clause; the Fourteenth Amendment; and that Declaratory relief is proper pursuant to 28 U.S.C. § 2201.

PARTIES

(1) Plaintiff Jay Stone, a candidate for mayor of Chicago, is a legal adult a resident of Chicago, Illinois, County of Cook and is a voter registered to cast votes in Chicago municipal elections. Plaintiff was harmed by the defendants in Chicago, Illinois.

(2) Plaintiff Fredrick K. White, a candidate for mayor of Chicago, is a legal adult and a resident of Chicago, Illinois, County of Cook and is a voter registered to cast votes in Chicago municipal elections. Plaintiff was harmed by the defendants in Chicago, Illinois.

(3) Plaintiff Frank L. Coconate, a candidate for Chicago City Clerk is a legal adult and a resident of Chicago, Illinois, County of Cook and is a voter registered to cast votes in Chicago municipal elections. Plaintiff was harmed by the defendants in Chicago, Illinois.

(4) Plaintiff Denise Denison, a candidate for 18th Ward Chicago alderman, is a legal adult and a resident of Chicago, Illinois, County of Cook and is a voter registered to cast votes in Chicago municipal elections. Plaintiff was harmed by the defendants in Chicago, Illinois.

(5) Plaintiff Bill "Doc Walls," [is] a candidate for the office of Mayor of the City of Chicago, is a legal adult and a resident of Chicago, Illinois, County of Cook

and is a voter registered to cast votes in Chicago municipal elections. Plaintiff Walls was burdened by having to secure at least 12,500 signatures to qualify for the February 22, 2011 ballot. Plaintiff was harmed by the defendants in Chicago, Illinois.

(6) Defendant Langdon D. Neal is the "Chairman" of the Board of Elections for the City of Chicago, which has its principal place of business located at 69 West Washington Street, Chicago, Illinois.

(7) Defendant Board of Elections for the City of Chicago is an agency of the City of Chicago and that it enforces 65 ILCS 20/ and has its principal place of business located at 69 West Washington Street, Chicago, Illinois.

(8) Defendant Richard A. Cowen is the "Secretary-Commissioner" of the Board of Elections for the City of Chicago, which has its principal place of business located at 69 West Washington Street, Chicago, Illinois.

(9) Defendant Marisel A. Hernandez is a commissioner with the Board of Elections for the City of Chicago, which has its principal place of business located at 69 West Washington Street, Chicago, Illinois.

*The individual defendants are sued in their professional and individual capacities.

FACTS

(1) Plaintiff Stone and Plaintiff White are Chicago mayoral candidates.

(2) Plaintiff Coconate is a candidate for office of Chicago city clerk.

(3) Pursuant to 65 ILCS 20/, in order for a candidate's name to appear on a municipal election ballot for the office of mayor or city clerk, the candidate must

file with the Board of Elections for the City of Chicago, 12,500 Chicago resident signatures (and that the resident is a registered voter in the City of Chicago).[1]

(4) Each of the three mentioned plaintiffs filed less than 12,500 signatures timely (on or before November 22, 2010). Plaintiff Stone filed 250 signatures. Plaintiff White filed approximately 10,200 signatures; and Plaintiff Coconate filed 61 signatures.

(5) Plaintiffs assert that the requirement of 12,500 signatures is onerous, restrictive and unconstitutional.

(6) The Board of Elections for the City of Chicago is not allowing the plaintiffs' names to appear on the upcoming February 22, 2011 ballot because of the signature deficiency.

(7) Plaintiff Bill "Doc" Walls is running for the office of mayor of Chicago.

(8) Plaintiff Walls, asserts that he was burdened by having to secure at least 12,500 signatures to qualify for the February 22, 2011 ballot. Plaintiff Walls expresses that the burden was onerous and restrictive. (Plaintiff Walls did secure at least 12,500 signatures and his name will appear on the February 22, 2011 ballot.)

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[1] (65 ILCS 20/21-28) (from Ch. 24, par. 21-28) => Sec. 21-28. Nomination by petition. (a) All nominations for alderman of any ward in the city shall be by petition. All petitions for nominations of candidates shall be signed by such a number of legal voters of the ward as will aggregate not less than two per cent of all the votes cast for alderman in such ward at the last preceding general election. For the election following the redistricting of wards petitions for nominations of candidates shall be signed by the number of legal voters of the ward as will aggregate not less than 2% of the total number of votes cast for mayor at the last preceding municipal election divided by the number of wards. (b) All nominations for mayor, city clerk, and city treasurer in the city shall be by petition. Each petition for nomination of a candidate must be signed by at least 12,500 legal voters of the city. (c) All such petitions, and procedure with respect thereto, shall conform in other respects to the provisions of the election and ballot laws then in force in the city of Chicago concerning the nomination of independent candidates for public office by petition. The method of nomination herein provided is exclusive of and replaces all other methods heretofore provided by law. (Source: P.A. 94-645, eff. 8-22-05.)

(9) Plaintiff Denise Denison and Plaintiff Walls assert [in their capacity as residents of Chicago and as registered voters in the City of Chicago] that if the names Fredrick White, Frank Coconate and Jay Stone do not appear on the February 22, 2011 ballot, then their (Walls and Denison) First Amendment rights have been abridged.

(10) The requirement to get on the ballot for a democratic or republican governor candidate for Illinois is 5,000 signatures. The governor of Illinois represents approximately 12.9 million people and the mayor of Chicago represents approximately 2.9 million people. It takes 2.5 more times the number of signatures to get on the ballot for mayor of Chicago than it does for governor of Illinois. It takes 2.5 times more signatures to get on the ballot for city clerk and treasurer than it does to run for governor.

(11) Houston has the closest population to Chicago. A Houston candidate submits zero (0) signatures for mayor if the candidate pays a $1,250.00 filing fee. If the Houston candidate for mayor does not pay a filing fee, the signature requirement is 587 signatures.

(12) In Illinois, an independent candidate for governor, lieutenant governor, state comptroller, attorney general, state representative and state senator all need signatures amounting to 1% of the number of total voters in the last election. A candidate for alderman must submit 2%, which is double the number of signatures for that of candidates for higher Illinois offices. Furthermore, the Illinois General Assembly decided that Chicago candidates shall have no party affiliation. By law, Chicago candidates cannot declare they are members of a recognized party because the state legislature took away that option. Candidates

for alderman are required to have twice the number of signatures than independents though the Illinois General Assembly decided that Chicago political office seekers must run as non-partisan candidates. Candidates in Chicago are held to a higher standard as that of an independent candidate without having the choice to run as an independent or run with a party affiliation.

(13) Some candidates for alderman are required to submit more signatures than a candidate for mayor of cities that are 15 times larger in population. For example, San Jose with a population of 948,279 requires 50 signatures to get on the ballot for mayor. San Jose's signature requirement is lower than the number of signatures to run for alderman in every ward in the city of Chicago. The San Jose mayor represents approximately 948,279 people and a Chicago alderman represents approximately 60,000 people.

(14) The City of New York has nearly 9 million residents and that for a candidate to get his\her name on the ballot, he\she needs 3750 signatures. Chicago is 1/3 the size of New York City, yet a candidate must secure 12,500 signatures as per the Board of Elections for the City of Chicago and 65 ILCS 20/ (see tables below lending to arguments that the 12,500 signature requirement is onerous, restrictive and not necessary).

TABLE A: Number of Signatures to Run for Mayor

City	Population	Number of Signatures	Number of Days
New York	8,363,710	3,750 Valid Signatures	35 Days
Los Angeles	3,833,995	500 Valid Signatures with $300.00 filing fee	25 Days
Los Angeles	3,833,995	1,000 Valid Signatures if Candidate Pays No Filing Fee	25 Days
Chicago	2,853,114	12,500 Valid Signatures	90 Days
Houston	2,242,193	No Signatures Required if Candidates pay a $1,250 Filing Fee	Does Not Apply
Houston	2,242,193	587 Valid Signatures	90 Days
Phoenix	1,567,924	1,500 Valid Signatures	180 Days
Philadelphia	1,447,395	1,000 Valid Signatures for Partisan Candidates	21 Days
San Antonio	1,351,305	No Signatures Required. Candidate	Does Not Apply

		Pays $100 Fee	
San Antonio	1,351,305	361 Valid Signatures Required if Candidate Pays No Filing Fee	Unavailable
Dallas	1,279,910	473 Valid Signatures	As Soon As the City Council Publishes Election Date
San Diego	1,279,329	200 Valid Signatures with a $500 Filing Fee	29 Days
San Diego	1,279,329	2,200 Signatures if Candidates Pay No Filing Fee	29 Days
San Jose	948,279	50 Minimum Valid Signatures 60 Maximum Valid Signatures	25 Days

TABLE B: Number of Signatures Per Capita

City	Population	Number of Signatures	Number of Signatures Per City Residents
New York	8,363,710	3,750 Valid Signatures	2,230
Los Angeles	3,833,995	500 Valid Signatures with $300.00 filing fee	7,668
Los Angeles	3,833,995	1,000 Valid Signatures if Candidate Pays No Filing Fee	3,834
Chicago	2,853,114	12,500 Valid Signatures	228
Houston	2,242,193	587	3,819
Phoenix	1,567,924	1,500 Valid Signatures	1,045
Philadelphia	1,447,395	1,000 Valid Signatures for Partisan Candidates	1,447
San Antonio	1,351,305	361	3,743
Dallas	1,279,910	473	2,705
San Diego	1,279,329	200 Signatures If Candidate Pays Filing Fee	6,397
San Diego	1,279,329	2,200 Signatures if Candidates Pays No Filing Fee	582
San Jose	948,279	50 Minimum Valid Signatures 60 Maximum Valid Signatures	18,966

INJUNCTIVE RELIEF

**Plaintiffs will file their motion (with affidavits) for injunctive relief soon after this Complaint has been filed.*

(1) Plaintiffs assert through counsel that they can succeed on the merits. In particular, plaintiffs point to the "Tables" provided in The Facts section of this Complaint and found again in Count 3 and that such tables show signature requirements for the 10 largest cities in the United States and that such chart and attendant arguments along with this pleading (and in forthcoming, subsequent pleadings) corroborate plaintiffs' position that 65 ILCS 20/ serves no "Compelling State Interest," rather, is onerous and restrictive.

(2) Irreparable harm will result to plaintiffs without injunctive relief. Specifically, plaintiffs' names will not appear on the February 22, 2011 ballot for the office of mayor and the office of Chicago City Clerk.

(3) The balance of harms between defendants and the plaintiff reveal that the defendants will not suffer any harm if plaintiffs' names are allowed to appear on the ballot (as is the intention of the registered voters who signed petitions for the plaintiffs).

(4) The impact on the public interest favors governmental policies that encourage access to electoral ballots and in particular equal access the ballots for the election of the next mayor of Chicago and the next city clerk.

COUNT I: ABRIDGEMENT OF FIRST AMENDMENT, 42 U.S.C. 1983

(1) Plaintiffs repeat, re-allege and incorporate by reference, all aforementioned and forthcoming paragraphs, specifically the statements in the FACTS section of this Complaint, with the same force and effect as if herein set forth. Having said this, the Facts section is to be read as a paragraph in plaintiffs' Count I.

(2) Defendants, in violation of 42 U.S.C. 1983, under color of law, intended to and did deprive plaintiffs of the First Amendment rights to which plaintiffs are entitled.

(3) Defendants enforce 60 ILSC 20/ and such legislation imposed on plaintiffs a restrictive and onerous requirement that Plaintiffs' Stone, White, Coconate and Walls file12,500 Chicago resident signatures in order for their names to appear on the ballot for the 2011 Chicago mayoral election and in the case of Plaintiff Coconate, for his name to appear on the 2011 election ballot for Chicago city

clerk.

(4) The signature requirement unconstitutionally impairs the First Amendment rights of candidates such as the Plaintiffs' Stone, White and Coconate who are unable to secure 12,500 signatures.

(5) The enforcement of a signature requirement for 12,500 signatures by the Board of Elections for the City of Chicago, unconstitutionally abridges the plaintiffs' first amendment rights by erecting substantial impediments to the development of candidacies of those residents (e.g., plaintiffs and "true" independents) who lack the financial solvency or infrastructure (e.g., unknown candidate) to secure 12,500 signatures.[2]

(6) The statute's 12,500 signature requirement is not justified by any compelling state interest.

(7) The requirement of 12,500 signatures is so high that it effectively bars the development of candidacies of unknown persons.

(8) The challenged ballot access law is unconstitutional because it substantially impairs Chicago voters' core First Amendment right without any offsetting benefit to a "Compelling State Interest." Chicago voters have a right to express and to expect that their expressions to the Board

[2]Financial solvency is relevant, since common practice is that of paying individuals or companies to circulate petitions for candidates. Plaintiffs are informed and believe based on such information that the average amount of money charged per signature is $2.00 to $4.00.

The reference to infra-structure is germane to pre-existing history and relationships in the jurisdiction that often lead to election success; however, that such pre-determinants should not impede an unknown from running for elected office in Chicago, especially when being permitted to appear on the ballot can result in increased name recognition. By the state giving a candidate access to the ballot, his\her opportunities to participate in government and to express ideas and intentions and even charisma if he or she has it, increase the likelihood of his\her formation of infrastructure for what would have been the once unknown candidate.

of Elections for the City of Chicago, through petition signatures, will translate to the Board of Elections placing the names of candidates of their choice on election ballots.

Sixty-one people expressed and expect that Plaintiff Coconate will be on the February 22nd ballot; 10,200 people expressed and expect that Plaintiff White will be on the February 22nd ballot; and 250 people expressed and expect that Plaintiff Stone will be on the February 22nd ballot.

(9) 65 ILCS 20/ does impair Plaintiff Denison's right and the right of Plaintiff Walls to have the name of their candidate of choice (who has satisfied reasonable criteria set forth by the Board of Elections) appear on the February 22nd ballot.

(10) Defendants did harm plaintiffs and that such harm includes losses of monies, resources and time attempting to, and securing signatures.[3] That Plaintiffs' White, Coconate and Stone were unable to collect 12,500 signatures and that they are not permitted to have their names on the February 22 ballot. Plaintiffs' Wall and Denison are harmed by being deprived of their right to see on the ballot, the names of candidates for whom registered voters have already indicated (by their signatures) should be on the ballot.

(11) Plaintiff Walls' right to free speech was impaired by the onerous and restrictive 12,500 signature requirement (for the run for mayor) since, he had to expend "more" resources, time and money than should have been needed to enable an individual running for mayor of Chicago to qualify for the February 22, 2011 ballot.

(12) Plaintiffs' injuries were caused by a policy-level decision (includes custom

[3] Does apply to Plaintiffs' Walls, Stone, White and Coconate.

and practice[4]) of the Board of Elections for the City of Chicago and that defendants' actions are the result of deliberate indifference to the rights of the plaintiffs. The Board of Elections for the City of Chicago lobbies the State Legislature and has great influence over how the election code (germane to the City of Chicago) is written and revised by the state legislature.

(13) Defendants are the proximate cause of plaintiffs' harm.

WHEREFORE, and that there is sought injunctive relief enabling plaintiffs names to appear on the February 22, 2011 ballot; a ruling that the 12,500 requirement is unconstitutional; and judgment against defendants, jointly and severally for costs of this action, including attorney's fees, and such other relief deemed to be just and equitable.

COUNT II: ABRIDGEMENT EQUAL PROTECTION CLAUSE (14th Amendment Claim)

(1) Plaintiffs repeat, re-allege and incorporate by reference, all aforementioned and forthcoming paragraphs, specifically the statements in the FACTS section of this Complaint, with the same force and effect as if herein set forth. Having said this, the Facts section is to be read as a paragraph in plaintiffs' Count II.

(2) 65 ILCS 20/ is not fair on its face.

(3) In violation of the 14th Amendment and Equal Protection Clause, the defendants, under color of law, and by intentional and purposeful discrimination, did [and continue to] deprive plaintiffs of equal protection under the laws of the United States to which plaintiffs are entitled.

[4] The Board of Elections for the City of Chicago consistently disallows a candidate's name from appearing on a ballot (where 12,500 signatures are required) when the candidate does not secure 12,500 signatures.

(4) Defendants enforce legislation known as 65 ILCS 20/[5], and that such legislation imposed on Plaintiffs' Stone, White, Walls, and Coconate was restrictive and onerous.

(5) 65 ILCS 20/ does impair an indigent or unknown's access to the ballot and that said statute joined by enforcement by the Board of Elections for Chicago, did impair Plaintiffs' White, Stone and Coconate's opportunity to be on the February 22, 2011 ballot. And, that the provision does impair Plaintiffs' Denison and Walls' First Amendment right to cast votes on February 22, 2011 for the above named plaintiffs if they so choose.

(6) 65 ILCS 20/violates the Equal Protection Clause of the United States Constitution because it excludes candidates based upon their economic status and infrastructure and or ability to collect 12,500 signatures. The statute does nothing to further a legitimate state objective; rather, it imposes an onerous burden on candidates[6] (in particular, unknown candidates) and encourages criminality and or unscrupulous efforts to secure signatures.[7]

(7) The City of New York has nearly 9 million residents and that for a candidate to his\her name on the ballot, he\she needs 3750 signatures. Chicago is 1/3 the size of New York City, yet a candidate must secure 12,500 signatures as per the Board of Elections for the City of Chicago and 65 ILCS 20/

[5] 12,500 Chicago resident signatures in order for their names to appear on the ballot for the 2011 Chicago mayoral election and in the case of Plaintiff Coconate for the office of Chicago city clerk.

[6] As what happened in the instant matter.

[7] By example, devious "hustlers" who offer signature collection services and then forge signatures and or facilitate forgeries; and in other instances candidates who knowingly file with the Board of Elections signatures that they know to be forgeries.

(see tables below lending to arguments that the 12,500 signature requirement is onerous, restrictive and not necessary).

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San Diego	1,279,329	2,200 Signatures if Candidates Pays No Filing Fee	582
San Jose	948,279	50 Minimum Valid Signatures 60 Maximum Valid Signatures	18,966

(8) Defendants did harm plaintiffs and that such harm includes losses of monies, resources and time attempting to, and securing signatures.[8] That Plaintiffs' White, Coconate and Stone were unable to collect 12,500 signatures and that they are not permitted to have their names on the February 22 ballot. Plaintiffs' Wall and Denison are harmed by being deprived of their right to see on the ballot, the names of candidates for whom registered voters have already indicated (by their signatures) should be on the ballot.

(9) Plaintiffs' injuries were caused by a policy-level decision (includes custom and practice) of the Board of Elections for the City of Chicago and that defendants' actions are the result of deliberate indifference to the rights of the plaintiffs.

(10) Defendants are the proximate cause of plaintiffs' harm.

WHEREFORE, and that there is sought injunctive relief enabling plaintiffs names to appear on the February 22, 2011 ballot; a ruling that the 12,500 signature requirement is unconstitutional; and judgment against defendants, jointly and severally for costs of this action, including attorney's fees, and such other relief deemed to be just and equitable.

[8] Does apply to Plaintiffs' Walls, Stone, White and Coconate.

COUNT III: ABRIDGEMENT 14th AMENDMENT, DEPRIVATION OF LIBERTY, FREEDOMS OF SPEECH & ASSOCIATION

*With cognizance of the holding in *Snowden v. Hughes, 321 U.S. 1 (1944),* plaintiffs put forth Count III.

(1) Plaintiff repeats, re-alleges and incorporates by reference, all aforementioned and forthcoming paragraphs, specifically the statements in the FACTS section of this Complaint, with the same force and effect as if herein set forth. Having said this, the Facts section is to be read as a paragraph in plaintiffs' Count III.

(2) Defendants, under color of law, intended to, and did deprive plaintiffs of their substantive due process as to the notion of liberty. Specifically, a deprivation of freedom of speech and association. 65 ILCS 20/ unfairly abridges the rights of voters, as in Denison and Walls (and, especially those persons who did sign petitions for Coconate, White and Stone) and others who want to see the names of announced candidates on the ballot.

(3) By the Board of Elections for City of Chicago barring Plaintiffs' White, Stone and Coconate from the ballot, these plaintiffs are being stripped (by government) of opportunities to convey and express to constituents their candidacy, ideas, and plans to govern some aspect of Chicago City government. But for a reprieve as in the above named plaintiffs getting their names inscribed on the ballot, Chicago residents will be deprived of association with the candidates (germane to election purposes) and denied hearing their voices, etc. Furthermore, that the residents will be deprived of even more substantive due process by government/Board of Elections because their cries and complaints to the Board of Elections will fall on deaf ears, since the relief sought (that the

plaintiffs' names appear on the ballot) will not come to fruition without a ruling by this Honorable Court that 65 ILSC 20/ is unconstitutional.

(4) Defendants, by imposing on plaintiffs (via enforcement by defendants) a restrictive and onerous requirement that they file 12,500 Chicago resident signatures in order for their names to appear on the ballot for the 2011, did impair (and continue to impair) Plaintiffs' White, Stone, Walls and Coconate's freedom of speech and association. Plaintiffs have an absolute right to attempt to participate in governing Chicago via putting forth their ideas and assets and that residents who signed their petitions should expect that the candidate of their choice will appear on the ballot assuming that the candidate has satisfied reasonable criteria. The 12,500 signature requirement is not reasonable; not reasonably necessary to the accomplishment of a state objective; and is onerous and restrictive in violation of the U.S. Constitution.

(5) Defendants did harm plaintiffs and that such harm includes losses of monies, resources and time attempting to, and securing signatures.[9] That Plaintiffs' White, Coconate and Stone were unable to collect 12,500 signatures and that they are not permitted to have their names on the February 22 ballot. Plaintiffs' Wall and Denison are harmed by being deprived of their right to see on the ballot, the names of candidates for whom registered voters have already indicated (by their signatures) should be on the ballot.

(6) Plaintiffs' injuries were caused by a policy-level decision (includes custom and practice) of the Board of Elections for the City of Chicago and that defendants' actions are the result of deliberate indifference to the rights of the

[9] Does apply to Plaintiffs' Walls, Stone, White and Coconate.

plaintiffs.

(7) Defendants are the proximate cause of plaintiffs' harm.

WHEREFORE, and that there is sought injunctive relief enabling plaintiffs names to appear on the February 22, 2011 ballot; a ruling that the 12,500 requirement is unconstitutional; and judgment against defendants, jointly and severally for costs of this action, including attorney's fees, and such other relief deemed to be just and equitable.

COUNT IV: ABRIDGEMENT OF RIGHT TO PETITION THE GOVERNMENT

(1) Plaintiffs repeat, re-allege and incorporate by reference, all aforementioned and forthcoming paragraphs, specifically the statements in the FACTS section of this Complaint, with the same force and effect as if herein set forth. Having said this, the Facts section is to be read as a paragraph in plaintiffs' Count IV.

(2) Defendants, under color of law, intended to, and did deprive plaintiffs of their Right To Petition the Government.

(3) If it were the intention if the Chicago Board of Elections to allow the names of Plaintiffs' White, Stone and Coconate to appear on the February 22, 2011 ballot, then they (plaintiffs) would have be availed the best possible platform to communicate to Chicago residents their candidacy, ideas and plans for governance of Chicago.

(4) By denying plaintiffs access to the ballot, the plaintiffs are unable to petition the government in the manner in which they selected (and for which they have a First Amendment right): that of a candidate for public office verses acting merely as an individual.

(5) Defendants, by imposing on plaintiffs a restrictive and onerous requirement that they file 12,500 Chicago resident signatures in order for their names to appear on the February 22, 2011 ballot, did impair (and continue to impair) the right of plaintiffs to petition the government in the role of a candidate on a ballot for a political office.

(6) Defendants did harm plaintiffs and that such harm includes losses of monies, resources and time attempting to, and securing signatures.[10] That Plaintiffs' White, Coconate and Stone were unable to collect 12,500 signatures and that they are not permitted to have their names on the February 22 ballot. Plaintiffs' Wall and Denison are harmed by being deprived of their right to see on the ballot, the names of candidates for whom registered voters have already indicated (by their signatures) should be on the ballot.

(7) Plaintiffs' injuries were caused by a policy-level decision (includes custom and practice) of the Board of Elections for the City of Chicago and that defendants' actions are the result of deliberate indifference to the rights of the plaintiffs.

(8) Defendants are the proximate cause of plaintiffs' harm.

WHEREFORE, and that there is sought injunctive relief enabling plaintiffs names to appear on the February 22, 2011 ballot; a ruling that the 12,500 requirement is unconstitutional; and judgment against defendants, jointly and severally for costs of this action, including attorney's fees, and such other relief deemed to be just and equitable.

[10] Does apply to Plaintiffs' Walls, Stone, White and Coconate.

COUNT V: ABRIDGEMENT OF FIRST AMENDMENT (Not a 1983 claim)

(1) Plaintiffs repeat, re-allege and incorporate by reference, all aforementioned paragraphs, specifically the statements in the FACTS section of this Complaint, with the same force and effect as if herein set forth. Having said this, the Facts section is to be read as a paragraph in plaintiffs' Count V.

(2) Defendants did deprive plaintiffs of the First Amendment rights to which plaintiffs are entitled.

(3) Defendants enforce 60 ILSC 20/ and such legislation imposes on plaintiffs a restrictive and onerous requirement that they file 12,500 Chicago resident signatures in order for their names to appear on the ballot for the 2011 Chicago mayoral election and in the case of Plaintiff Coconate, for his name to appear on the 2011 election ballot for Chicago city clerk.

(4) The signature requirement unconstitutionally impairs the First Amendment rights of candidates. In the instant case, the rights of Plaintiffs' Stone, White and Coconate who were unable to secure 12,500 signatures.

(5) The enforcement by the Board of Elections for the City of Chicago of a requirement for 12,500 signatures, unconstitutionally abridges the plaintiffs' First Amendment rights by erecting substantial impediments to the development of candidacies of those residents (e.g., plaintiffs) who lack the financial solvency or infrastructure (e.g., unknown candidate) to secure 12,500 signatures.[11]

[11]Financial solvency is relevant, since common practice is that of paying individuals or companies to circulate petitions for candidates. Plaintiffs are informed and believe based on such information that the average amount of money charged per signature is $2.00 to $4.00.

The reference to infra-structure is germane to pre-existing history and relationships in the jurisdiction that often lead to election success; however, that such pre-determinants should not impede an unknown from

(6) The statute's 12,500 signature requirement is not justified by any compelling state interest.

(7) The requirement of 12,500 signatures is so high that it effectively bars the development of candidacies of unknown persons.

(8) The challenged ballot access law is unconstitutional because it substantially impairs Chicago voters' core First Amendment right without any offsetting benefit to a "Compelling State Interest." Chicago voters have a right to express and to expect that their expressions to the Board of Elections for the City of Chicago, through petition signatures, will translate to the Board of Elections placing the names of candidates of their choice on election ballots.

Sixty-one people expressed and expect that Plaintiff Coconate will be on the February 22nd ballot; 10,200 people expressed and expect that Plaintiff White will be on the February 22nd ballot; and 250 people expressed and expect that Plaintiff Stone will be on the February 22nd ballot.

(9) 65 ILCS 20/ does impair Plaintiff Denison's right and the right of Plaintiff Walls to have the name of their candidate of choice (who has satisfied reasonable criteria set forth by the Board of Elections) appear on the February 22nd ballot.

(10) Defendants did harm plaintiffs and that such harm includes losses of monies, resources and time attempting to, and securing signatures.[12] That

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running for elected office in Chicago, especially when being permitted to appear on the ballot can result in increased name recognition. By the state giving a candidate access to the ballot, his\her opportunities to participate in government and to express ideas and intentions and even charisma if he or she has it, increase the likelihood of his\her formation of infrastructure for what would have been the once unknown candidate.

[12] Does apply to Plaintiffs' Walls, Stone, White and Coconate.

Plaintiffs' White, Coconate and Stone were unable to collect 12,500 signatures and that they are not permitted to have their names on the February 22 ballot. Plaintiffs' Wall and Denison are harmed by being deprived of their right to see on the ballot, the names of candidates for whom registered voters have already indicated (by their signatures) should be on the ballot.

(11) Plaintiff Walls' right to free speech was impaired by the onerous and restrictive 12,500 signature requirement (for the run for mayor) since, he had to expend "more" resources, time and money than should have been needed to enable an individual to qualify for the February 22, 2011 ballot.

(12) Defendants are the proximate cause of plaintiffs' harm.

WHEREFORE, and that there is sought injunctive relief enabling plaintiffs names to appear on the February 22, 2011 ballot; a ruling that the 12,500 requirement is unconstitutional; and judgment against defendants, jointly and severally for costs of this action, including attorney's fees, and such other relief deemed to be just and equitable.

Respectfully Submitted, December 6, 2010
s\Christopher Cooper, ESQ., PHD.
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Plaintiffs by their signatures below, swear that they have read the foregoing Complaint; have understood it to the best of their ability. They state that they are not lawyers. They agree, under penalty of law, that based on their understanding of the Complaint, the contents are truthful, accurate and are based on their best recollection of the events described.

Plaintiff's Signature: s\Jay Stone, December 6, 2010
Plaintiff's Signature: s\Fredrick K. White, December 6, 2010
Plaintiff's Signature: s\Frank L. Coconate, December 6, 2010
Plaintiff's Signature: s\Denise Denison, December 6, 2010
Plaintiff's Signature: s\Bill "Doc" Walls, December 6, 2010