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

DAN MCCONCHIE, *et al*.,	)	
	)	
Plaintiffs,	)	Case No. 1:21-CV-3091
	)	
v.	)	Honorable Robert M. Dow
	)	
ILLINOIS STATE BOARD OF ELECTIONS, *et al*.,	)	
	)	
	)	
Defendants.	)	

DEFENDANTS ILLINOIS STATE BOARD OF ELECTIONS AND ITS MEMBERS' MOTION TO DISMISS PLAINTIFFS' COMPLAINT

Defendants, the Illinois State Board of Elections (the "Board"), Charles W. Scholz[1], Ian K. Linnabary, William M. McGuffage, William J. Cadigan, Katherine S. O'Brien, Laura K. Donahue, Cassandra B. Watson, and William R. Haine (collectively the "Board Members"), in their official capacities as members of the Illinois State Board of Elections, by their attorney, Kwame Raoul, Attorney General of Illinois, hereby move to dismiss Plaintiffs' Complaint pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6) and in support thereof state as follows:

1. Plaintiffs filed this lawsuit on June 9, 2021, alleging that the Redistricting Map signed into law on June 4, 2021, violates the Fourteenth Amendment. ECF No. 1.

2. Plaintiffs have not stated any viable claims against the Board or Board Members.

3. First, Plaintiffs' claims against the Illinois State Board of Elections are barred by the Eleventh Amendment.

[1] On July 1, 2021, Member Charles W. Scholz was replaced with Rick S. Terven and Member Katherine S. O'Brien was replaced with Catherine S. McCrory. Because Members Scholz and O'Brien were named in their official capacity, the new members were automatically substituted as the appropriate defendants pursuant to Federal Rule of Civil Procedure 25(d).

4. Second, even if Plaintiffs' claims against the Board were not barred by the Eleventh Amendment, the Board is not an individual that is subject to suit under 42 U.S.C. § 1983.

5. Third, Plaintiffs lack standing to bring their claims against the Board or the Board Members.

6. Fourth, Plaintiffs have not stated a viable equal protection claim against the Board Members.

CONCLUSION

Because Plaintiffs have not stated any viable claims against the Board or Board Members, these Defendants respectfully request that this Court dismiss Plaintiffs' claims against them.

July 16, 2021

Respectfully submitted,

KWAME RAOUL
Attorney General of Illinois

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