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2nd Judicial Circuit
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**IN THE CIRCUIT COURT FOR THE SECOND JUDICIAL CIRCUIT
HARDIN COUNTY, ILLINOIS**

ROBERT WINCHESTER,

Plaintiff,

v.

Case No. 2018-CH-000004

ILLINOIS REPUBLICAN PARTY, an Illinois
not for profit corporation, SHAUN MURPHY,
JUDY DIEKELMAN, JAY REYES, JACK
DORGAN, BOB GROGAN, MARK HOSTY,
RYAN HIGGINS, CHAR FOSS-EGGEMANN,
ROGER CLAAR, BARBARA VIVIANC,
FRED FLORETH, STANTON BOND, JOHN
McGLASSON, JAN WEBER, MICHAEL
BIGGER, ILLINOIS STATE BOARD OF
ELECTIONS, WILLIAM J. CADIGAN, JOHN
R. KEITH, WILLIAM M. McGUFFAGE,
KATHERINE S. O'BRIEN, ANDREW K.
CARRUTHERS, CASSANDRA B. WATSON,
CHARLES W. SCHOLZ, IAN K. LINNABARY
and CHAPIN ROSE,

Defendants.

COMPLAINT

NOW COMES Plaintiff, ROBERT WINCHESTER, by and through his attorneys, and for his Complaint against Defendants, ILLINOIS REPUBLICAN PARTY, SHAUN MURPHY, JUDY DIEKELMAN, JAY REYES, JACK DORGAN, BOB GROGAN, MARK HOSTY, RYAN HIGGINS, CHAR FOSS-EGGEMANN, ROGER CLAAR, BARBARA VIVIANO, FRED FLORETH, STANTON BOND, JOHN McGLASSON, JAN WEBER, MICHAEL BIGGER, ILLINOIS STATE BOARD OF ELECTIONS, WILLIAM J. CADIGAN, JOHN R. KEITH, WILLIAM M. McGUFFAGE, KATHERINE S. O'BRIEN, ANDREW K. CARRUTHERS, CASSANDRA B. WATSON, CHARLES W. SCHOLZ, IAN K. LINNABARY and CHAPIN ROSE (collectively, "Defendants") states as follows:

PARTIES

1. Plaintiff ROBERT WINCHESTER (hereinafter "WINCHESTER") is a resident of Hardin County, Illinois.

2. Defendant ILLINOIS REPUBLICAN PARTY (hereinafter "IRP") is an Illinois not- for-profit corporation incorporated on May 20, 2010 operating as an Illinois statewide political party.

3. Defendants SHAWN MURPHY, JUDY DIEKELMAN, JAY REYES, JACK DORGAN, BOB GROGAN, MARK HOSTY, RYAN HIGGINS, CHAR FOSS-EGGEMANN, ROGER CLAAR, BARBARA VIVIANO, FRED FLORETH, STANTON BOND, JOHN McGLASSON, JAN WEBER and MICHAEL BIGGER are Members (hereinafter "COMMITTEE MEMBERS") of the State Central Committee of the Republican Party (hereinafter "COMMITTEE") as authorized by 10 ILCS 5/7-8(a) (2018) and are named solely in that capacity. The Members of the Committee exercise the power of Directors of the IRP under 805 ILCS 105/108.05(a)(2018).

4. Defendant ILLINOIS STATE BOARD OF ELECTIONS (hereinafter "BOARD") is an agency of the State of Illinois.

5. Defendants WILLIAM J. CADIGAN, JOHN R. KEITH, WILLIAM M. McGUFFAGE, KAHTERINE S. O'BRIEN, ANDREW K. CARRUTHERS, CASSANDRA K. WATSON, CHARLES W. SCHOLZ and IAN K. LINNABARY (hereinafter "BOARD MEMBERS") are the Members of the BOARD and are named only in their official capacity.

6. Defendant CHAPIN ROSE ("ROSE") is a citizen of the state of Illinois.

JURISDICTION

7. This Honorable Court has jurisdiction over this action pursuant to 735 ILCS 5/2-701(b) (2018). Disputes arising from the seating of directors of an Illinois not-for-profit corporation are a proper subject for declaratory relief. *Westlake Hosp. Ass'n v. Blix*, 13 Ill. 2d 183, 184, 148 N.E.2d 471, 473 (1958). This Honorable Court has the power to issue emergency injunctive relief. 735 ILCS 5/11-101 (2018).

VENUE

8. Venue is proper in this Honorable Court pursuant to 735 ILCS 5/2-101(1) (2018) and 2-101(2) (2018), and 2-103(a) (2018), respectively, in that WINCHESTER is a resident of Hardin County, at least one of the defendants, IRP, is "doing business" in Hardin County and, therefore, is a resident of Hardin County pursuant to 735 ILCS 5/2-102(a) (2018), and this is a county in which the transaction or some part thereof occurred out of which the cause of action arose, respectively.

STATEMENT OF FACTS

A. The Process of Election of Republican State Central Committeemen.

9. The IRP is governed by the COMMITTEE, made up of one member from each Congressional District in the state. 10 ILCS 5/7-8(a) (2018). As of 2018 there are eighteen Congressional Districts in the state of Illinois, and in turn eighteen members of the Committee. Central functions of the Committee are the election of the State Chairman of the IRP for a four-year term, together with general oversight and operation of the IRP. Accordingly, Members of the Committee exercise the role of Directors of the IRP under the Illinois General Not-For-Profit Corporations Act and Section 108.05(a) thereof, 805 ILCS 105/108.05(a)(2018).

10. WINCHESTER has served as the Republican State Central Committeeman for the

congressional district encompassing Hardin County since 1992. He is currently the longest serving State Central Committeeman on the State Central Committee.

11. State Central Committeemen serve four-year terms upon receiving the most votes for the position in quadrennial elections. 10 ILCS 5/7-8(b) (2018). For election of State Central Committeemen, the Illinois Republican Primary has operated under an alternative election provision in Alternative A of said provision, under which:

In the case of a congressional district which encompasses more than one county, each ward, township or precinct committeeman residing within the congressional district shall cast as his vote one vote for each ballot voted in his ward, township, part of a township or precinct in the last preceding primary election of his political party for one candidate of his party for member of the State central committee for the congressional district in which he resides and the Chairman of the county central committee shall report the results of the election to the State Board of Elections. The State Board of Elections shall certify the candidate receiving the highest number of votes elected State central committeeman for that congressional district.

10 ILCS 5/7-8(a)(2018).

12. Under Section 7-8(a) a new Republican State Central Committee was up for election in 2018 after Precinct and Township Committeeman were elected in the Republican Primary Election of March 2018. The election of Republican State Central Committeeman was set for conventions of Republican County Central Committees meeting across Illinois in conventions on April 18, 2018.

13. The Chairman of the Illinois Republican Party is elected by the State Central Committee every four years. That election occurs in the weeks after election of State Central Committeemen at County Central Committee conventions:

The members of the State central committee shall, within 41 days after each quadrennial election of the full committee, meet in the city of Springfield and organize by electing a chairman, and may at such time elect such officers from among their own number (or otherwise), as they may deem necessary or

expedient.

10 ILCS 5/7-8 (2018). The election of the Chairman of the IRP is conducted by a weighted vote, in which each State Central Committeeman casts as many votes as there were votes cast in that Committeeman's Congressional District in the preceding Republican Primary Election.

14. The election of a Chairman of the IRP for the term beginning in 2018 will occur at the organizational meeting of the new State Central Committee scheduled for May 19, 2018 in Springfield, Illinois. The current Chairman is running for re-election in a contested election.

15. Multiple staff members currently employed or otherwise contracted for services with the IRP are selected or appointed by the Chairman and hold their positions at the pleasure of the Chairman (hereinafter "Staff Members"). Based upon prior practice in the IRP, Staff Members had a strong likelihood of losing their positions if the present Chairman is not re-elected on May 19, 2018. On WINCHESTER's information and belief, the Staff Members oppose the election of WINCHESTER as State Central Committeeman for the 15th Congressional District.

B. The April 2018 Republican State Central Committeeman Election.

16. Prior to the Republican State Central Committeeman elections of April 18, 2018, the IRP through Staff Members participated in the election by affirmatively requiring candidates for various elements of paperwork including but not limited to:

- a. application with extensive background questions;
- b. Statement of Economic Interest;
- c. Notification of Candidacy form;
- d. Ethics Disclosure Form;
- e. printed copy of voting record;

- f. letter of recommendation from an elected Republican official from the respective Congressional District;
- g. a personal biography.

The only requirements for State Central Committeeman stated in the Bylaws of the IRP are that the candidate live in the respective Congressional District and have voted in the past three Republican general primaries.

17. Prior to the Republican State Central Committeeman elections of April 18, 2018, the IRP through Staff Members certified candidates for election and instructed County Chairman on the accepted and qualified candidates to be voted on at conventions.

18. On information and belief, prior to the Republican State Central Committeeman elections of April 18, 2018, the IRP through Staff Members participated in the election by affirmatively recruiting candidates to run in the election.

19. On information and belief, prior to the Republican State Central Committeeman elections of April 18, 2018, the IRP through Staff Members participated in the election by directing candidates to withdraw from the election.

20. WINCHESTER's bid for re-election in 2018 as the State Central Committeeman for the 15th Congressional District was challenged by ROSE. The and requisite and appropriate paperwork was submitted the IRP by WINCHESTER and Winchester and ROSE were both announced by the IRP to Republican County Chairman in the 15th Congressional District as candidates for State Central Committeeman.

21. On April 18, 2018, the election for State Central Committeeman for the 15th Congressional District was to be conducted at County Republican County Central Committee organizational Conventions in counties located in the 15th Congressional District (hereinafter the "County Conventions").

22. On WINCHESTER's information and belief, in at least one county, only ROSE was presented as a candidate for whom votes could be cast, even though WINCHESTER was appropriately certified as a candidate by the IRP. Further, in said County Convention, ROSE alone was nominated, and by the Chairman of the Convention, which nomination was improper and a nullity under applicable Rules of Order, creating a result in which no votes were lawfully cast for either candidate in that County Convention, but the same County Chairman reported a unanimous vote in favor of ROSE to the Staff Members.

23. At the County Conventions, WINCHESTER received the most votes across the 15th Congressional District in his election for Republican State Central Committeeman. WINCHESTER is the lawfully elected State Central Committeeman for the 15th Congressional District.

C. Events After the April 2018 Republican State Central Committeeman Election.

24. On WINCHESTER'S information and belief, after the County Conventions, County Chairmen in the 15th Congressional District did not report the vote totals of their District to the BOARD as required by Section 7-8(a) of the Election Code. Instead, at the direction of the IRP Staff Members, and contrary to law, County Chairmen tendered their respective vote totals to one or more Staff Members specifically identified by the IRP in the format directed by the IRP Staff Members. Given their relationship with the current Chairman as described in Paragraph 15 hereof, said Staff Members were acting under an obvious and substantial conflict of interest.

25. On WINCHESTER's information and belief, at certain County Conventions, Precinct Committeemen who desired to cast their weighted vote for WINCHESTER for State Central Committeeman were affirmatively prevented from doing so by County Chairmen.

26. On WINCHESTER's information and belief, after the County Conventions, several County Chairmen in the 15th Congressional District reported incorrect results of their County Conventions to the Staff Members, which incorrect results improperly favored ROSE.

27. After the County Conventions, at the direction and instruction of the IRP, a large number of County Chairmen in the 15th Congressional District did not even report the full weighted vote cast at their County Conventions – merely inaccurately reporting to the IRP the votes cast by elected Precinct Committeemen present at said County Conventions.

28. Prior to the County Conventions, Staff Members directed and instructed County Chairmen not to report the entire vote of their counties in the State Central Committeeman elections notwithstanding the directive of Section 7-8(a) that said County Chairmen are required to report the accurate results to the BOARD. The Staff Members instead directed the County Chairmen to tender to the IRP only the votes actually cast at the Convention, while the IRP would assign the weighted vote of precincts for which no elected Precinct Committeeman existed and/or was present at the County Conventions.

29. On WINCHESTER's information and belief, as a direct result of one or more of the irregularities identified herein, the vote totals in the Republican State Central Committee elections of April 18, 2018 were changed from the true result, a majority in favor of WINCHESTER, to a false result, an alleged majority in favor of ROSE.

30. After the County Conventions, the IRP, relying on an incorrect or unlawful vote totals, and without any certification from the BOARD as called for under Section 7-8 of the Election Code, proceeded to announce ROSE as the candidate receiving the most votes in the 15th Congressional District and, therefore the new State Central Committeeman for the 15th Congressional District, when in fact WINCHESTER received the most votes.

31. On WINCHESTER's information and belief, the determination that ROSE should be declared as the State Central Committeeman for the 15th Congressional District was made by Staff Members. Said Staff Members have no authorization to determine or announce which candidate running for State Central Committeeman for the 15th Congressional District received the most voted votes, or that a candidate is the elected State Central Committeeman for the 15th Congressional District.

32. The official website of the IRP lists ROSE as the State Central Committeeman for the 15th Congressional District, when WINCHESTER is the lawfully elected State Central Committeeman for the 15th Congressional District.

33. In correspondence delivered on April 26, 2018, WINCHESTER's counsel informed the IRP of the irregularities of the incorrect nature of the votes reported for the 15th Congressional District as a part of the Republican State Central Committee elections of April 18, 2018 and asserted that WINCHESTER was the lawfully elected State Central Committeeman for the 15th Congressional District. In the letter, WINCHESTER's counsel also identified the lack of any certification of the result by the BOARD pursuant to Section 7-8(a) of the Election Code and protested the improper acts of Staff Members in determining and announcing purported results. In the letter, WINCHESTER's counsel demanded that the IRP cease and desist from acting to determine or announce the election of the State Central Committeeman for the 15th Congressional District. The IRP has refused to do so and has since reasserted publicly that ROSE was elected State Central Committeeman for the 15th Congressional District.

34. In a letter delivered to the General Counsel of the BOARD on April 26, 2018, WINCHESTER's counsel asserted that the certification process of Section 7-8 of the election Code has not been performed. In the letter WINCHESTER's counsel informed the BOARD of

the irregularities of the incorrect nature of the votes reported for the 15th Congressional District as a part of the Republican State Central Committee elections of April 18, 2018 and asserted that WINCHESTER was the lawfully elected State Central Committeeman for the 15th Congressional District. In the letter, it was demanded that proper procedures be followed, including proper procedures for certification.

35. In response to the demand of WINCHESTER's counsel, The BOARD's General Counsel informed WINCHESTER's counsel that a Special Meeting of the BOARD will be held on May 10, 2018 to certify the vote for the certification of the Republican State Central Committeeman elections of April 18, 2018. WINCHESTER was informed that the BOARD's position is that no procedures exist in the Illinois Election Code for the BOARD to canvass and/or verify the accuracy of the votes in the various County Conventions and/or to determine the accuracy of the information provided to and/or tabulated by the IRP Staff Members.

36. The General Counsel of the BOARD informed WINCHESTER's counsel on May 9, 2018 that the BOARD has received vote totals collected and submitted by Staff Members, not County Chairmen directly, but will certify said numbers as the results of Republican State Central Committeeman elections as reported to them by the IRP Staff Members.

37. The General Counsel of the BOARD informed WINCHESTER's attorney on May 9, 2018 that the BOARD's position that the Illinois Election Code does not provide an administrative procedure for challenges to vote totals received by the BOARD, so the BOARD will not hear or decide on any challenge to any of the election totals received by the BOARD for the Republican State Central Committee elections of April 18, 2018. WINCHESTER, therefore, cannot contest any certification by the BOARD for the Republican State Central Committee elections of April 18, 2018 for the 15th Congressional District.

38. In response to the demand of WINCHESTER's counsel, a Special Meeting of the Board was held on May 10, 2018 to certify the vote for the certification of the Republican State Central Committeeman elections of April 18, 2018.

39. Prior to the Special Meeting of May 10, 2018, the General Counsel of the BOARD informed Plaintiff's counsel that the BOARD had been provided with County Convention results from the IRP and had conducted no canvassing of County Chairman for the results of the County Conventions.

40. At the Special Meeting of the BOARD on May 10, 2018, the BOARD moved and approved Certification of the Republican State Central Committeeman elections of April 18, 2018. Prior to the vote, the General Counsel noted that Plaintiff's counsel was present and had objections to the Certification being conducted. The General Counsel and Chairman of the BOARD instructed that such objections could be stated in the Public Comment section of the Meeting, and proceeded to a vote on the Certification, which passed.

41. In the Public Comment section of the Special Meeting of the BOARD on May 10, 2018, Plaintiff's counsel stated multiple objections to the proposed the certification of the Republican State Central Committeeman elections of April 18, 2018 including but not limited to the following:

- a. A lack of due process in that a state certification was being conducted when the voting procedures were not subject to protections of public elections such as election judges and registration of voters;
- b. A lack of due process of law in that the results were not obtained by the BOARD from the County Chairman as required by Section 7-8(a) of the Election Code, but instead were received from the Staff members of the IRP;
- c. That the results tendered by the IRP was not certified under oath as true and correct results as received by the IRP;
- d. That the IRP had admitted that the results were in part altered by the IRP;

- e. That the Staff Members of the IRP were subject to a conflict of interest in preparing and tendering results and therefor improper parties from which the BOARD could receive results;
- f. A lack of due process in that the BOARD was unable to provide any hearing on the many irregularities that occurred in the conduct and reporting of votes at the County Conventions;

Plaintiff's counsel thereafter stated the contention that the BOARD was in effect forcing Plaintiff to consider a court proceeding. The Chairman of the Board stated that the BOARD was bound by its statutory limitations, and Plaintiff was referred to the courts for any further resolution of his claims.

42. On WINCHESTER's information and belief, ROSE intends to participate in the Organizational Meeting of the Committee on May 19, 2018 and vote in the election of a Chairman for Chairman and otherwise exercise the powers of the State Central Committeeman for the 15th Congressional District, when ROSE is not the lawfully elected State Central Committeeman for the 15th Congressional District.

43. The actions of County Chairmen in preventing Precinct Committeemen who supported WINCHESTER from voting and in submitting vote totals to the Staff Members acted as agents of the IRP.

44. The actions of the Staff Members alleged herein have been undertaken as agents of the IRP.

45. On WINCHESTER's information and belief, absent immediate relief from this Court, an improper and/or illegal attempt to improperly and/or illegally recognize and seat ROSE by the IRP as the State Central Committeeman for the 15th Congressional District at the May 19, 2018 Organizational Meeting of the Committee will be made by the IRP.

COUNT I

Claim Under 42 U.S.C. § 1983 Against the IRP

46. WINCHESTER re-alleges and incorporates by reference paragraphs 1 through 45 as though fully set forth herein.

47. By accepting and exercising the implicit delegation of the BOARD's statutory duty to collect the vote totals from County Conventions of the 15th Congressional District in the Republican State Central Committeeman elections of April 18, 2018, the IRP became a "state actor".

48. The IRP, while acting under color of state law, violated WINCHESTER's rights to procedural due process of law guaranteed by the Fourteenth Amendment of the United States Constitution by unlawfully declaring ROSE to be the winner of the April 18, 2018 election for State Central Committeeman for the 15th Congressional District.

49. The IRP, while acting under color of state law violated WINCHESTER's rights to procedural due process of law guaranteed by the Fourteenth Amendment of the United States Constitution by submitting to the BOARD for Certification election results from the 15th Congressional District that falsely demonstrated that ROSE received the most votes for State Central Committeeman.

50. The IRP, while acting under color of state law, by not devising and/or properly implementing consistent and unambiguous procedures for electing State Central Committeemen, for tabulating and reporting the results of said elections, and by failing to have the tabulated results reported to the BOARD as required by the law, violated WINCHESTER's rights to procedural due process of law guaranteed by the Fourteenth Amendment of the United States Constitution.

51. By reason of the misconduct of IRP, WINCHESTER is now being deprived of rights secured to him by the Fourteenth Amendment to the Constitution of the United States and laws enacted thereunder. Therefore, IRP is liable to WINCHESTER pursuant to 42 U.S.C. §1983.

52. As a direct and proximate result of the foregoing acts and/or omissions by the IRP, WINCHESTER has suffered injuries of a personal and pecuniary nature, including emotional distress and damage to reputation.

WHEREFORE Plaintiff ROBERT WINCHESTER, demands judgment against Defendant, ILLINOIS REPUBLICAN PARTY, for compensatory and punitive damages, an award of his reasonable attorneys' fees, an award of his costs of suit, and for such other and further relief as this Honorable Court deems just and proper.

COUNT II

Injunctive Relief Against Defendants IRP, Murphy, Diekelman, Reyes, Dorgan, Grogan, Hosty, Higgins, Foss-Eggermann, Claar, Viviano, Floreth, Bond, McGlasson, Weber, Bigger

53. WINCHESTER restates and realleges paragraphs 1 through 45 as if more fully stated herein.

54. WINCHESTER has a clear and ascertainable right in assuming the duties of State Central Committeeman for the 15th Congressional District.

55. WINCHESTER has demonstrated a likelihood of success on the merits.

56. WINCHESTER will suffer irreparable harm if injunctive relief is not granted on the ground that the State Central Committee will elect a Chairman on May 19, 2018 for a four-year term without the vote by WINCHESTER, the lawfully elected State Central Committeeman for the 15th Congressional District and will thereafter take other action without the vote or

participation of WINCHESTER as State Central Committeeman for the 15th Congressional District.

57. WINCHESTER has no adequate remedy at law, in that money damages swill not compensate WINCHESTER for his right to vote and participate in the affairs of the IRP as the State Central Committeeman for the 15th Congressional District.

58. A balancing of hardships favors the granting of injunctive relief.

59. The public interest will be served by the granting of the relief requested herein on ground that the public's faith in the electoral systems of the Illinois Election Code and the political institutions of this state will be protected from harm.

WHEREFORE, Plaintiff, ROBERT WINCHESTER, respectfully requests the following relief against Defendants ILLINOIS REPUBLICAN PARTY, SHAUN MURPHY, JUDY DIEKELMAN, JAY REYES, JACK DORGAN, BOB GROGAN, MARK HOSTY, RYAN HIGGINS, CHAR FOSS-EGGEMANN, ROGER CLAAR, BARBARA VIVIANO, FRED FLORETH, STANTON BOND, CHAPIN ROSE, JOHN McGLASSON, JAN WEBER, MICHAEL BIGGER (Collectively, "Defendants"), and each of them:

- A. An order granting preliminary injunctive relief enjoining Defendants from taking any action to seek recognition of, or acting to recognize or seat CHAPIN ROSE as State Central Committeeman for the 15th Congressional District pending the outcome of this case;
- B. An order permanently enjoining Defendants from taking any action to seek recognition of, or acting to recognize or seat CHAPIN ROSE as State Central Committeeman for the 15th Congressional District for the term beginning on April 18, 2018 unless said seat shall become vacant after assumption of same by WINCHESTER;
- C. An order alternatively directing that the members of the State Central Committee as a body, cannot make any decision determining the issue on whether WINCHESTER or ROSE is properly seated on their Committee as the State Central Committeeman for the 15th Congressional District without first excluding the weighted vote totals from the 15th Congressional District in determining the

issue on whether WINCHESTER or ROSE is properly seated on their Committee as the State Central Committeeman for the 15th Congressional District; and,

- D Such other and further relief as this Honorable Court finds appropriate in the premises.

COUNT III

Declaratory Relief Against Defendants IRP, Murphy, Diekelman, Reyes, Dorgan, Grogan, Hosty, Higgins, Foss-Eggemann, Claar, Viviano, Floreth, Bond, McGlasson, Weber, Bigger, and Rose

60. WINCHESTER restates and realleges paragraphs 1 through 45 as if more fully stated herein.

61. 735 ILCS 5/2-701(2018) provides as follows:

Declarations of rights, as herein provided for, may be obtained by means of a pleading seeking that relief alone, or as incident to or part of a complaint, counterclaim or other pleading seeking other relief as well, and if a declaration of rights is the only relief asked, the case may be set for early hearing as in the case of a motion.

62. WINCHESTER holds a legal tangible interest in that he received the most votes at the County Conventions, is therefore the lawfully elected State Central Committeeman for the 15th Congressional District and entitled to exercise the powers thereof.

63. Certain Members of the IRP's State Central Committee hold an opposing interest in that they contend that ROSE received the most votes at the County Conventions, is therefore the lawfully elected State Central Committeeman for the 15th Congressional District, and is entitled to exercise the powers thereof.

64. An actual controversy between the parties concerning such interests.

WHEREFORE, Plaintiff, ROBERT WINCHESTER, respectfully requests the following relief against Defendants ILLINOIS REPUBLICAN PARTY, SHAUN MURPHY, JUDY DIEKELMAN, JAY REYES, JACK DORGAN, BOB GROGAN, MARK HOSTY, RYAN

HIGGINS, CHAR FOSS-EGGEMANN, ROGER CLAAR, BARBARA VIVIANO, FRED FLORETH, STANTON BOND, JOHN McGLASSON, JAN WEBER, MICHAEL BIGGER, and CHAPIN ROSE, and each of them:

- A. A declaratory judgment that WINCHESTER is the duly and lawfully elected Republican State Central Committeeman for the 15th Congressional District for the term beginning in April 2018;
- B. Alternatively, a declaratory judgment declaring that the members of the State Central Committee as a body, are the sole proper body to decide the issue of whether WINCHESTER or ROSE is properly seated on their Committee as the lawfully elected State Central Committeeman for the 15th Congressional District, but without including the weighted vote totals from the 15th Congressional District in determining the issue on whether WINCHESTER or ROSE is properly seated on their Committee as the State Central Committeeman for the 15th Congressional District; and,
- C. Such other and further relief as this Honorable Court deems appropriate in the premises.

COUNT IV

**Declaratory Relief Against Defendants Illinois State Board of Election
Cadigan, Keith, McGuffage, O'Brien, Carruthers, Watson, Scholz and Linnabary**

65. WINCHESTER restates and realleges paragraphs 1 through 45 as if more fully stated herein.

66. 735 ILCS 5/ 2-701(2018) provides as follows:

Declarations of rights, as herein provided for, may be obtained by means of a pleading seeking that relief alone, or as incident to or part of a complaint, counterclaim or other pleading seeking other relief as well, and if a declaration of rights is the only relief asked, the case may be set for early hearing as in the case of a motion.

67. WINCHESTER holds a legal tangible interest in that he received the most votes at the County Conventions, is therefore the lawfully elected State Central Committeeman for the 15th Congressional District and entitled to exercise the powers thereof.

68. Defendants hold an opposing interest in that they have certified that ROSE

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received the most votes at the County Conventions, is therefore the lawfully elected State Central Committeeman for the 15th Congressional District and is entitled to exercise the powers thereof.

69. An actual controversy between the parties concerning such interests.

WHEREFORE, Plaintiff, ROBERT WINCHESTER, respectfully requests the following relief against Defendants ILLINOIS STATE BOARD OF ELECTIONS, WILLIAM J. CADIGAN, JOHN R. KEITH, WILLIAM M. McGUFFAGE, KATHERINE S. O'BRIEN, ANDREW K. CARRUTHERS, CASSANDRA B. WATSON, CHARLES W. SCHOLZ and IAN K. LINNABARY, and each of them:

- A. A declaratory judgment that WINCHESTER is the duly and lawfully elected Republican State Central Committeeman for the 15th Congressional District for the term beginning in April 2018;
- B. Alternatively, a declaratory judgment declaring that the members of the State Central Committee as a body, are the sole proper body to decide the issue of whether WINCHESTER or ROSE is properly seated on their Committee as the lawfully elected State Central Committeeman for the 15th Congressional District, but without including the weighted vote totals from the 15th Congressional District in determining the issue on whether WINCHESTER or ROSE is properly seated on their Committee as the State Central Committeeman for the 15th Congressional District; and,
- C. Such other and further relief as this Honorable Court deems appropriate in the premises.

ROBERT WINCHESTER

By: 
Stephen F. Boulton

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