

Wrongfully Requiring Photo Identification for Voter Registration

Pakosz v. Orr (John W. Darrah, N.D. Ill. 1:06-cv-5992)

On the Thursday before the 2006 general election, a pro se plaintiff filed a federal complaint in the Northern District of Illinois alleging that he was wrongfully prevented from registering to vote.¹

The complaint was docketed on Monday,² and Judge John W. Darrah heard the matter at 9:00 a.m. that day.³ He granted the plaintiff a temporary restraining order: “I take judicial notice of the fact that today is November 6th and that tomorrow is November 7th. I find, therefore, that if a court in equity does not act to protect this right that the right will be lost. Therefore, I’m going to grant the relief sought.”⁴

As forms of identification, the plaintiff had provided “two utility bills, a library card, and a letter from U.S. Senator Richard Durbin.”⁵ He was denied registration because he did not provide state-issued photo identification.⁶ Illinois law requires “two forms of identification, and except in the case of a homeless individual, one of which must include his or her residence address.”⁷ The voter registration statute does not require photo identification.⁸ Judge Darrah ruled, “Defendants are ordered to accept Plaintiff’s voter registration application and issue a voter’s registration card so that Plaintiff may vote on a provisional ballot in the election on November 7, 2006.”⁹

At a November 28 status conference, Judge Darrah closed the case as resolved.¹⁰

1. [Minutes](#), Pakosz v. Orr, No. 1:06-cv-5992 (N.D. Ill. Nov. 6, 2006), D.E. 6; [Docket Sheet](#), *id.* (Nov. 2, 2006).

2. [Docket Sheet](#), *supra* note 1.

3. Transcript, Pakosz, No. 1:06-cv-5992 (N.D. Ill. Nov. 6, 2006, filed July 13, 2007), D.E. 12; [Minutes](#), *supra* note 1.

4. Transcript, *supra* note 3, at 7.

5. [Minutes](#), *supra* note 1.

6. *Id.*

7. 10 Ill. Comp. Stat. 5/4-10; *see* [Minutes](#), *supra* note 1.

8. 10 Ill. Comp. Stat. 5/4-10; *see* [Minutes](#), *supra* note 1.

9. [Minutes](#), *supra* note 1.

10. [Minutes](#), Pakosz v. Orr, No. 1:06-cv-5992 (N.D. Ill. Nov. 28, 2006), D.E. 11.