

## No Relief from a Constitutional-Amendment Waiting-Time Requirement During a Pandemic

*Fight Back Fund v. Illinois State Board of Elections*  
(Rebecca R. Pallmeyer, N.D. Ill. 1:20-cv-2791)

During a global infectious pandemic, supporters of a state constitutional amendment sought relief from a requirement that proposed amendments be passed by the legislature at least six months before an election, in light of interruptions to the legislature’s work because of the pandemic. The district judge denied immediate relief, because the legislature had not yet passed the plaintiffs’ proposal.

*Subject:* Ballot measures. *Topics:* Ballot measure; getting on the ballot; Covid-19; case assignment.

A May 8, 2020, federal complaint filed in the Northern District of Illinois sought relief from a requirement by Illinois’s constitution “that proposed amendments . . . be passed by the legislature at least six months prior to the next general election” in light of canceled general-assembly sessions because of the global Covid-19 infectious pandemic.<sup>1</sup> A week later, the plaintiffs filed a motion for a temporary restraining order or a preliminary injunction.<sup>2</sup>

Acting as an emergency judge, Judge Rebecca R. Pallmeyer set the case for a telephonic hearing on May 19.<sup>3</sup> To accommodate disruptions to court operations resulting from the pandemic, a few district judges rotated duty days for emergency matters.<sup>4</sup>

At the hearing, Judge Pallmeyer declared the motion premature because the legislature had not approved the constitutional amendment proposed by the plaintiffs.<sup>5</sup> “THE COURT: Go down there to Springfield and get this thing through. If you get it through, you come back to me and tell me I should enter a [temporary restraining order] that lifts the six-month restriction.”<sup>6</sup>

The plaintiffs dismissed their case voluntarily on June 30.<sup>7</sup>

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1. Complaint, *Fight Back Fund v. Ill. State Bd. of Elections*, No. 1:20-cv-2791 (N.D. Ill. May 8, 2020), D.E. 1.

2. Motion, *id.* (May 15, 2020), D.E. 8.

3. Minutes, *id.* (May 15, 2020), D.E. 10.

Tim Reagan interviewed Judge Pallmeyer for this report by telephone on October 7, 2020.

4. Interview with Hon. Rebecca R. Pallmeyer, Oct. 7, 2020.

5. Minutes, *Fight Back Fund*, No. 1:20-cv-2791 (N.D. Ill. May 19, 2020), D.E. 14.

6. Transcript at 12, *id.* (May 19, 2020, filed May 19, 2020), D.E. 15.

7. Voluntary Dismissal, *id.* (June 30, 2020), D.E. 26; *see* Minutes, *id.* (July 27, 2020), D.E. 28 (closing case).