

Signature Requirements for a Ballot Question

Protect Marriage Illinois v. Orr
(Elaine E. Bucklo, N.D. Ill. 1:06-cv-3835)

On July 14, 2006, proponents of an advisory question for the 2006 general election in Illinois filed a constitutional challenge to the petition requirements for getting their question on the ballot. The plaintiffs claimed that the number of signatures required was too onerous, as was the requirement that the signatures and the signers' addresses match voter-registration cards. On August 2, the district judge granted the defendants' motion to dismiss the case. The court of appeals affirmed the dismissal.

Subject: Ballot measures. *Topics:* Getting on the ballot; ballot measure; intervention.

On July 14, 2006, proponents of an advisory question for the 2006 general election in Illinois filed a constitutional challenge to the petition requirements for getting their question on the ballot.¹ The plaintiffs claimed that the number of signatures required was too onerous, as was the requirement that the signatures and the signers' addresses match voter-registration cards.² With their complaint, the plaintiffs filed a motion for expedited hearing, seeking relief before an August 4 evaluation of their ballot petition's validity.³ On July 18, the plaintiffs filed an amended complaint and another motion to expedite consideration.⁴

Judge Elaine E. Bucklo held a conference with the parties on July 20 to determine whether matters of controversy were factual or just legal; although the plaintiffs were reluctant to waive an evidentiary hearing, the case appeared to be substantially a legal one.⁵ She granted expedition and ordered briefing on a preliminary injunction to be completed by July 31.⁶ On August 2, Judge Bucklo granted the defendants' motion to dismiss the case.⁷ She denied as moot a motion by voters to intervene in opposition to the complaint.⁸

1. Amended Complaint, *Protect Marriage Ill. v. Orr*, No. 1:06-cv-3835 (N.D. Ill. July 18, 2006), D.E. 7; Complaint, *id.* (July 14, 2006), D.E. 1; *Protect Marriage Ill. v. Orr*, 463 F.3d 604, 605–06 (7th Cir. 2006); *Protect Marriage Ill. v. Orr*, 458 F. Supp. 2d 562, 567 (N.D. Ill. 2006); *see* Second Amended Complaint, *Protect Marriage Ill.*, No. 1:06-cv-3835 (N.D. Ill. July 21, 2006), D.E. 15.

2. Amended Complaint, *supra* note 1; Complaint, *supra* note 1; *Protect Marriage Ill.*, 463 F.3d at 606, 608.

3. Expedition Motion, *Protect Marriage Ill.*, No. 1:06-cv-3835 (N.D. Ill. July 18, 2006), D.E. 4.

4. Expedition Motion, *id.* (July 18, 2006), D.E. 8; Amended Complaint, *supra* note 1.

5. Transcript, *Protect Marriage Ill.*, No. 1:06-cv-3835 (N.D. Ill. July 20, 2006, filed Oct. 17, 2006), D.E. 84.

6. Minute Entry, *id.* (July 20, 2006), D.E. 10; *see* Minute Entry, *id.* (July 27, 2006), D.E. 32 (granting permission for briefs up to thirty pages in length).

7. *Protect Marriage Ill. v. Orr*, 458 F. Supp. 2d 562 (N.D. Ill. 2006); Minute Entry, *Protect Marriage Ill.*, No. 1:06-cv-3835 (N.D. Ill. Aug. 2, 2006), D.E. 71.

8. *Protect Marriage Ill.*, 458 F. Supp. 2d at 564, 575; *see* Motion to Intervene, *Protect Mar-*

On September 6, the court of appeals affirmed the dismissal.⁹ Ballots are primarily a vehicle for candidates, not ballot questions.¹⁰ “The ballot is not a traditional public forum for the expression of ideas and opinions, like streets or parks, to which reasonable access must be given to people who want to engage in political and other protected expression.”¹¹

riage Ill., No. 1:06-cv-3835 (N.D. Ill. July 27, 2006), D.E. 38.

9. *Protect Marriage Ill. v. Orr*, 463 F.3d 604 (7th Cir. 2006), *cert denied*, 549 U.S. 1208 (2007).

10. *Id.* at 608.

11. *Id.* at 606.