

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

ASSOCIATION OF COMMUNITY  
ORGANIZATIONS FOR REFORM NOW  
(ACORN), et al.,

Plaintiffs,

v.

JAMES R. EDGAR, et al.,

Defendants.

LEAGUE OF WOMEN VOTERS OF  
ILLINOIS, et al.,

Plaintiffs,

v.

JAMES R. EDGAR, et al.,

Defendants.

UNITED STATES OF AMERICA,

Plaintiff,

v.

STATE OF ILLINOIS, et al.,

Defendants.

LEAGUE OF UNITED LATIN AMERICAN  
CITIZENS (LULAC),

Plaintiff,

v.

STATE OF ILLINOIS, et al.,

Defendants.

DOCKETED

JUN 16 1995

No. 95 C 174

H. STUART CUNNINGHAM

No. 95 C 281

No. 95 C 433

No. 95 C 1387

MEMORANDUM OPINION AND ORDER

On June 5, 1995 our Court of Appeals affirmed this Court's

54

determinations in its March 28, 1995 memorandum opinion and order (the "Order") (1) that the National Voter Registration Act of 1993 ("Act") is constitutional, (2) that the State of Illinois and its individual codefendants in these actions are not in compliance with the Act, (3) that all provisions of Illinois law or regulations that conflict with the Act are preempted by the Act and (4) that the individual defendants, their agents and successors in office and all persons acting in concert with any of them should be enjoined from failing or refusing to comply with the Act's requirements. Our Court of Appeals accordingly affirmed those portions of the Order, and it also dissolved the stay that it had granted pending appeal.

This Court promptly arranged for a conference call among all of the litigants in the four related cases to discuss further proceedings. During that conference call counsel for the State, its Governor James Edgar and the other state codefendants advised that:

1. Defendants would not seek a further stay of the Order, but would promptly begin their compliance with the Act (although counsel indicated that no commitment was being made as to whether further review might be sought from the United States Supreme Court).

2. Defendants presently contemplate that a "two-tier" registration system will be established: one system of registration and a registration list for all elections of federal candidates and another system of registration and

registration list for elections covering state and local offices.

In the latter respect counsel for the League of Women Voters raised the question whether such a dual system might constitute a possible violation of the equal protection of the laws. This Court of course declined to express any view in that respect or as to any other matter relating to the possible establishment of a dual registration system<sup>1</sup> because:

1. No such issue is posed by the present pleadings, which raise only questions as to the enforcement of the Act (by its terms the Act relates only to federal elections). In that respect, it is not possible at this time to determine whether the establishment of such a dual system may perhaps interfere with Illinois' prompt compliance with the Act so as to constitute a possible violation of the existing injunction (Order 12 n.11 had issued a like caveat).

2. Any other argument that the maintenance of a necessarily more complicated and more expensive dual system may constitute a waste of taxpayers' funds, or may give rise to any other claim, would appear to arise under state rather than federal law. Questions of that nature, if they cannot find their way into the federal court system, may be addressed in the state courts (or perhaps even in the court

---

<sup>1</sup> Order at 11-12 & nn. 10-11 had adverted to the possibility of a dual system in the course of this Court's ruling on the constitutionality of the Act.

of public opinion).

In any event, based upon the oral report of defense counsel and the ensuing discussion during the status conference call, this Court orders that:

1. All counsel in the several actions shall immediately confer with a view toward the prompt submission of a suggested order to be entered in this case along the lines of the April 24, 1995 stipulated order that was entered in comparable litigation in ACORN v. Ridge, No. 94-CV-7671 in the United States District Court for the Eastern District of Pennsylvania.

2. On or before June 21, 1995 counsel for any plaintiffs that contemplate seeking an award of interim attorneys' fees and expenses shall file a petition in that respect in this Court's chambers. To assist in narrowing the issues, such plaintiffs' counsel and defendants' counsel shall confer in advance of that date to see which if any aspects are likely to be contested and which are likely to be uncontested.

3. On or before June 22, 1995 counsel for the State defendants shall file in this Court's chambers an interim report describing the compliance measures that have been taken to that point and the further measures that are contemplated to be taken (including a projected timetable for each of such measures) in order to bring Illinois into full compliance with the Act.

4. There will be a further status hearing in this matter at 10 a.m. June 26. If counsel for the United States prefers not to travel to Chicago for that purpose, the status hearing will be conducted telephonically--but unlike the logistics that were employed in the just-concluded telephonic status hearing, all other counsel are expected to appear in person (so that if the matter is handled telephonically, it can be done by speakerphone, with the United States' lawyer on the telephone from Washington and with all other counsel and this Court present in person). Finally, during the status hearing all counsel agreed to this Court's suggestion that substantial advantages would be provided by, and that no adverse consequences would flow from, a combination of all four of the present actions into a single action (essentially the legal equivalent of a corporate merger, rather than a consolidation within the meaning of Fed. R. Civ. P. 42(a)). Accordingly it is hereby ordered that:

1. All pleadings previously filed in each of the four pending actions will be treated as having been filed in the earliest-filed case, 95 C 174.

2. All plaintiffs in the four pending actions will be treated as plaintiffs in 95 C 174, and all defendants in the several actions will be treated as defendants in 95 C 174.

3. In all future filings, the caption that is to be employed will be the same one that appears as the first caption in this memorandum opinion and order (the same ACORN

caption that coincides with the one that appears in our Court of Appeals' opinion).

4. All future filings will be docketed only in 95 C 174.

5. Cases 95 C 281, 95 C 433 and 95 C 1387 will be treated as statistically closed, in the same fashion as if they were dismissed without prejudice and as if all prior filings in those cases were refiled in 95 C 174. Only 95 C 174 will be treated as a pending case.



Milton I. Shadur  
Senior United States District Judge

Date: June 8, 1995  
nunc pro tunc June 7, 1995