

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

LATONYA RUFFIN,)
Plaintiff,)
vs.)
)
TOM DART, individually and as Cook County Sheriff;)
IAN K. LINNABARY, as Chair of Illinois State Board of)
Elections; KAREN YARBOROUGH, individually, as Cook)
County Clerk, and as Cook County Officers Electoral Board)
“CCOEB” member; KIMBERLY FOXX individually and)
as CCOEB member; and IRIS MARTINEZ, individually)
and as CCOEB member,)
Defendants.)

VERIFIED COMPLAINT

Plaintiff LATONYA RUFFIN through her counsel, Atty. Edward A. Voci, complains of the Defendants as follows:

Jurisdiction

1. This Court has subject matter jurisdiction over this case as follows:

A. Federal Question Jurisdiction pursuant to 42 USC §1983 and 28 USC §1331.

B. Supplemental Jurisdiction pursuant to 28 USC §1367(a) over Plaintiff’s

Illinois law claims, which are so related to Plaintiff’s federal law claims that Plaintiff’s

Illinois law claims form part of the same case or controversy pursuant to Article III of

the United States Constitution.

Venue

2. Venue is appropriate in this District as Plaintiff and all Defendants reside within this District and the Defendants’ actions complained of below occurred within this District.

Parties

3. Plaintiff LATONYA RUFFIN is a resident of this District and former candidate for the Office of Cook County Sheriff who, after timely filing nomination papers, was to appear on

and was subsequently removed from the ballot for the June 28, 2022 Primary Election and therefore prohibited from appearing on the ballot for the November 8, 2022 General Election on her own or as a write-in candidate.

4. Defendant TOM DART is sued individually and in his official capacity as the elected holder of The Office of Cook County Sheriff. Defendant DART ran as incumbent Sheriff to which position he has been re-elected over the past sixteen years.

5. Defendant IAN K. LINNABARY is sued in his official capacity as the appointed Chair of Illinois State Board of Elections (“ISBE”) which has Illinois Executive Branch administrative supervisory authority over all elections and subordinate election agencies, such as the Cook County Offices Electoral Board, in the State of Illinois pursuant to 10 ILCS 5 *et seq.* and 26 Ill. Admin. Code Title §100.10 *et seq.*

6. Defendant KAREN YARBOROUGH is sued individually, in her official capacity as Cook County Clerk, and in her official capacity as Cook County Officers Electoral Board (“CCOEB”) member.

7. Defendant KIMBERLY FOXX is sued individually and in her official capacity as CCOEB member.

8. Defendant IRIS MARTINEZ is sued individually and in her official capacity as CCOEB member.

9. CCOEB is an Illinois Executive Branch administrative agency that has supervisory authority over Cook County, Illinois elections pursuant to 55 ILCS 5/2-6001 *et seq.*

Facts

10. The tax payer supported budget for the Office of the Cook County Sheriff (“Sheriff”) is \$631,500,000.00.

11. The Sheriff employs approximately 5,800 people.

12. The Sheriff operates Cook County Jail, one of the largest jail facilities located at a single site in the United States, that incarcerates a daily average of approximately 9,000 people and approximately 100,000 people annually.

13. The Sheriff also provides security for all Cook County court facilities and provides police services to the unincorporated areas of Cook County and certain municipalities.

14. The Sheriff's employment position annual salary is approximately \$175,000.00.

15. The Sheriff is elected every four years. The next scheduled election for Sheriff is November 8, 2022.

16. An Illinois statute, "10 ILCS 5/7-10.2 [Designation of name]," provides as follows:

In the designation of the name of a candidate on a petition for nomination or certificate of nomination the candidate's given name or names, initial or initials, a nickname by which the candidate is commonly known, or a combination thereof, may be used in addition to the candidate's surname. **If a candidate has changed his or her name, whether by a statutory or common law procedure in Illinois or any other jurisdiction, within 3 years before the last day for filing the petition or certificate for that office, whichever is applicable, then (i) the candidate's name on the petition or certificate must be followed by "formerly known as (list all prior names during the 3-year period) until name changed on (list date of each such name change)" and (ii) the petition or certificate must be accompanied by the candidate's affidavit stating the candidate's previous names during the period specified in (i) and the date or dates each of those names was changed; failure to meet these requirements shall be grounds for denying certification of the candidate's name for the ballot or removing the candidate's name from the ballot,** as appropriate, but these requirements do not apply to name changes resulting from adoption to assume an adoptive parent's or parents' surname, marriage or civil union to assume a spouse's surname, or dissolution of marriage or civil union or declaration of invalidity of marriage or civil union to assume a former surname or a name change that conforms the candidate's name to his or her gender identity. No other designation such as a political slogan, as defined by Section 7-17 [10 ILCS 5/7-17], title or degree, or nickname suggesting or implying possession of a title, degree or professional status, or similar information may be used in connection with the candidate's surname. **[Emphasis added]**

17. All Defendants have applied to Plaintiff and in the future will apply to Plaintiff ILCS 5/7-10.2 ("Name Designation Statute") in determining ballot eligibility for the elections for Office of Cook County Sheriff or other elective offices.

18. The Name Designation Statute literally consists of a two-hundred-seven word run-on sentence with intricate and vague requirements that allows for both spurious challenges to a

candidates placement on the ballot and CCOEB interpretations that are arbitrary, capricious, partial, and anti-democracy. As such, the Name Designation Statute with its three-year window of name change possibilities is a trap that unnecessarily denies candidates placement on election ballots and thereby undermines democracy.

19. The Name Change Statute requires the listing of names changed by “common law.” In Illinois, the “common law” allows any person to change her, his, or their name at will at anytime without resort to legal process of any kind and, further, the changed names are the same as the birth name for any and all legal purposes. This common law principle was set forth by the Illinois Supreme Court in *Reinken v. Reinken*, 351 Ill. 409, 413 (1933) and remains in force today.

20. The Internet phenomenon has spawned an extraordinary proliferation of common law name changes such as the use of aliases, pseudonyms, and nicknames that widens and deepens the trap set by the Name Designation Statute. Email traffic, Facebook and Twitter posts, podcasts, chat lists, websites, and other electronic fora constitute a new age of local and global speech expression in both democracies and authoritarian societies, much or most of which is conducted by pseudonyms. For example, “QAnon” is one of the most well-known and controversial of such Internet speech forums whose author or authors use a pseudonym. If a candidate should fail to list one such changed name, a ballot bump could result.

21. The use of pseudonyms in First Amendment Speech, such as today’s controversial “QAnon,” dates back to James Madison, Alexander Hamilton, and John Jay’s use of “Publius” for *The Federalist Papers*. The First Amendment protects pseudonym and anonymous political speech to shield political dissidents like Plaintiff from harassment, discrimination, and possible

physical harm, such as the recent political violence on January 6th and on U.S. Speaker of House Nancy Pelosi's spouse and home.

22. Forcing disclosure of pseudonyms chills speech and has been consistently held violative of the First Amendment by the Federal and State courts in cases such as *Talley v. California*, 362 U.S. 60 (1960) and *People v. White*, 116 Ill. 2d 171 (1987).

23. Illinois Constitution, Article I, §4 provides:

Freedom of Speech. All persons may speak, write and publish freely, being responsible for the abuse of that liberty. In trials for libel, both civil and criminal, the truth, when published with good motives and for justifiable ends, shall be a sufficient defense.

24. The Illinois Supreme Court has doubled-down on preserving the right to anonymous political speech against compelled government disclosure, and particularly speech related to elections. The Illinois Supreme Court is quoted here at length due to the significance and importance of anonymous speech and pseudonyms to American democracy:

The State maintains that because the prohibition on anonymous literature soliciting votes for or against candidates or public questions does not by its terms prohibit any speech, but only requires the speaker to own up his views, the statute places only a "negligible restraint" on free expression. The reason this position fails is that it is precisely the one the Supreme Court rejected in *Talley*. "There can be no doubt that such an identification requirement would tend to restrict freedom to distribute information and thereby freedom of expression." (*Talley v. California* (1960), 362 U.S. 60, 64, 4 L. Ed. 2d 559, 563, 80 S. Ct. 536, 538.) Although the ordinance at issue in *Talley* was not limited to banning anonymous political expression, the court specifically relied on the historical importance of such expression in striking it down:

"Anonymous pamphlets, leaflets, brochures and even books have played an important role in the progress of mankind. Persecuted groups and sects from time to time throughout history have been able to criticize oppressive practices and laws either anonymously or not at all." (362 U.S. 60, 64, 4 L. Ed. 2d 559, 563, 80 S. Ct. 536, 538.)

Anonymous political literature was a key weapon in the arsenal of colonial patriots, and "[e]ven the *Federalist Papers*, written in favor of the adoption of our Constitution, were published under fictitious names." 362 U.S. 60, 65, 4 L. Ed. 2d 559, 563, 80 S. Ct. 536, 539.

The effect of broadly compelling disclosure of the identities of persons expressing political views is "unconstitutional intimidation of the free exercise of the right to advocate" (*NAACP v. Alabama* (1958), 357 U.S. 449, 461, 2 L. Ed. 2d 1488, 1499, 78 S. Ct. 1163, 1171). Persons harboring dissenting or unpopular political views, or even those merely advocating a quixotic write-in campaign, may risk economic reprisal, loss of employment, or other "manifestations of public hostility" (*NAACP v. Alabama* (1958), 357 U.S. 449, 462, 2 L. Ed. 2d 1488, 1500, 78 S. Ct. 1163, 1172) if required to identify themselves. "[F]ear of reprisal might deter perfectly peaceful discussions of public matters of importance." *Talley v. California* (1960), 362 U.S. 60, 65, 4 L. Ed. 2d 559, 563, 80 S. Ct. 536, 539.

By requiring identification of the speaker, section 29 -- 14 plainly imposes a substantial restriction on the right to express political views. Under this statute even pure political advocacy, such as urging the public to "vote for Smith," is banned unless the author is identified. The State apparently regards the impairment as a minor one because it applies only to certain political literature, not to anonymous literature in general. This argument, though, overlooks the rationale for striking down the broader law in *Talley*, which was the importance of anonymous political speech. "[S]peech concerning public affairs is more than self-expression; it is the essence of self-government." (*Garrison v. Louisiana* (1964), 379 U.S. 64, 74-75, 13 L. Ed. 2d 125, 133, 85 S. Ct. 209, 216.) In attempting to regulate political speech, this statute touches the core of first amendment values. (*Brown v. Hartlage* (1982), 456 U.S. 45, 52, 71 L. Ed. 2d 732, 740, 102 S. Ct. 1523, 1528.) The concerns expressed by the Supreme Court in *Talley* cannot be avoided by the expedient of banning only the most important type of anonymous speech and leaving untouched other forms of expression less central to the purposes of the first amendment. See *State v. North Dakota Education Association* (N.D. 1978), 262 N.W.2d 731, 735.

People v. White, 116 Ill. 2d 171, 176-78 (1987).

25. In addition to its free speech defect, the Name Designation Statute operates as an unnecessary candidate trap that allows spurious nomination paper challenges that unfairly deny candidates election ballot placement. For example, one such election board ruling the bumped a candidate from a ballot turned on the use of a single hyphen. *Shannon-DiCianni v. DuPage County Officers Electoral Board*, 2020 IL APP (2d) 200027. Illinois can achieve verification of candidate identity and name through less restrictive means, such as, in addition to Voter Registration Records, Illinois Identification Cards (including photo identification), U.S. Passports, and birth certificates.

26. On April 29, 2022 CCOEB issued a Decision that removed Plaintiff from the ballot for the Sheriff's election. The CCOEB Decision turned on Plaintiff's "Statement of Candidacy" filed on March 13, 2022 that used her pre-marriage and birth name "Latonya Ruffin" which differed from her marriage name and voter registration name, "Latonya Stanford" which Plaintiff later, on March 26, 2022, re-registered as "Latonya Stanford-Ruffin." The CCOEB perpetrated this ballot bumping despite Plaintiff's Dissolution of Marriage Decree that formally returned her

from her married name, “Latonya Stanford,” to her pre-marriage and birth name, “Latonya Ruffin.”¹

27. The April 28, 2022 CCOEB Decision refused to adopt a Hearing Officer’s recommendation that applied common sense and fairness in rejecting the spurious name-change-game challenge to Plaintiff’s candidacy. Plaintiff urgently pursued an expedited and successful challenge of the CCOEB decision with the Circuit Court of Cook County (filed on May 3, 2022 with the Primary Election looming on June 28, 2022), an expedited and unsuccessful defense to the CCOEB’s successful appeal to the Illinois Appellate Court (decided on August 2, 2022 and after the Primary Election), and subsequently an expedited and unsuccessful request for review by the Illinois Supreme Court. Therefore, Plaintiff’s hurried, urgent, and expedited Illinois court litigation ultimately resulted in her name not appearing on the Sheriff’s Primary Election ballot. The urgent and expedited nature of and resources demanded by the Illinois court litigation did not allow time for the investigation, research, and bringing of the claims in the Circuit Court of Cook County that are alleged in this VERIFIED COMPLAINT. Furthermore, the facts underlying the conspiracy claims (Claims Nine and Ten, below) were not apparent at the time of the initial May 3, 2022 Circuit Court of Cook County filing and required further investigation.

28. Defendants YARBOROUGH, FOXX, and MARTINEZ supported the Sheriff’s election campaign of Defendant DART, who prevailed in the Primary Election. DART is now on the ballot for the November 8, 2022 General Election, which he is expected to win because Cook County is essentially a one-party Illinois county.

¹ These Defendants found that “there was no registered voter at the address given by the name of Latonya Ruffin” and therefore Plaintiff’s nomination papers were invalid. In fact Plaintiff was registered as a voter at her home address under her married name “Latonya Stanford” which Plaintiff’s Dissolution of Marriage decree had changed back to her birth name “Latonya Ruffin.” These Defendants ignored the Designated Name Statute’s clear language exempting from its disclosure requirements those name changes occasioned by Dissolution of Marriage decrees, presumably because such decrees are of public record unlike common law name changes.

29. On information and belief there exists among the Defendants DART, YARBOROUGH, FOXX, and MARTINEZ an agreement, an incumbent conspiracy, based on their entrenchment as Democratic Party committee chairs and incumbent public office holders to support one another's incumbent candidacies and respective election campaigns. For example, Defendant DART has donated to Defendant YARBOROUGH's campaign as long ago as 2006 ("\$1,000.00") and as recently as June 6, 2022 ("\$1,500.00"). Discovery is required in this case to uncover other facts that may underly the "incumbent conspiracy" which at this point are only inferential in the essentially one-party Cook County such as:

A. Alleged ghost-payrolling in Defendant and Sheriff DART's office which is being investigated by the FBI according to a March 31, 2022 *Chicago Tribune* article;

B. A multitude of alleged payroll irregularities in Defendant and County Clerk YARBOROUGH's office and alleged retaliation by Defendant YARBOROUGH against the whistle-blower, according to an April 26, 2022 *Cook County Record* news article.

30. As backers of Defendant DART, Defendants YARBOROUGH, FOXX, and MARTINEZ acted intentionally, willfully, and partially in jointly ballot bumping Plaintiff. These actions under color of Illinois law violated these Defendants' obligations to be impartial pursuant to the Illinois Constitution Article XIII, Section 3 and their ethical judicial duty to avoid the appearance of bias or prejudice that damages public confidence in the law, whether such damage is inflicted by judges, administrative agents, commissioners, referees, masters in chancery, or other arbiters of questions of law or fact not holding actual judicial office as required by *Business & Professional People v. Barnich*, 244 Ill. App. 3d 291, 296-97 (1993).

31. In exchange for the donation, Defendant YARBOROUGH enlisted Defendants FOXX, and MARTINEZ who, with knowledge of Defendant DART's donation to Defendant

YARBOROUGH's campaign and in furtherance of the incumbent conspiracy generally, issued the CCOEB ruling to ballot bump Plaintiff from the Primary Election for Sheriff.

32. Plaintiff is one of Defendant DART's outspoken opponents and critics. Plaintiff has published her positions and proposed policies, many of which are at odds with Defendant DART's practices and policies.

A. On June 6, 2022 she appeared at a press conference with Rev. Jesse Jackson at her side and made remarks critical of Defendant DART, which appearance and critical remarks were reported by at least one Chicago television station news report.

B. On December 20, 2021 *The Southland Journal* reported Plaintiff stating on the issue of neighborhood associations hiring private security patrols: "The Cook County Sheriff has failed us. [...] With Tom Dart as Sheriff, Cook County has degenerated into a lawless society. We deserve better. We must do better."

33. The Name Designation Statute has chilled Plaintiff's use of certain speech content that she would have expressed with a pseudonym in opposing Defendant DART's reelection. Plaintiff's chilled speech content contains information important for voters to know, but in Plaintiff's judgment is not appropriate for an opposing candidate to express.

34. The acts and omissions of the Defendants proximately caused Plaintiff to suffer the following injuries: economic loss, emotional suffering, mental suffering, loss of free speech rights, loss of democratic association rights, loss of participation in the Sheriff's primary and general elections, loss of Procedural Due Process of Law, and loss of Substantive Due Process of Law.

Claims

Claim One: 42 USC 1983; vs. All Defendants In Official Capacities; Designated Name Statute On Its Face Violates First Amendment to U.S. Constitution's Guarantee of Free Speech

35. - 68. Plaintiff re-alleges and incorporates paragraphs 1 through 34 above as if fully set forth as paragraphs 35 through 68 of this Claim One.

Claim Two: vs. All Defendants in Official Capacities; Designated Name Statute On Its Face Violates Article XIII Section 4 of the Illinois Constitution's Guarantee of Free Speech

69. - 102. Plaintiff re-alleges and incorporates paragraphs 1 through 34 above as if fully set forth as paragraphs 69 through 102 of this Claim Two.

Claim Three : 42 USC 1983; vs. All Defendants in Official Capacities; Designated Name Statute On its Face Violates U.S. Constitution 14th Amendment Substantive Due Process of Law.

103. - 136. Plaintiff re-alleges and incorporates paragraphs 1 through 34 above as if fully set forth as paragraphs 103 through 136 of this Claim Three.

Claim Four : vs. All Defendants in Official Capacities; Designated Name Statute on its Face Violates Illinois Constitution Article One Section 2 Substantive Due Process of Law

137. - 170. Plaintiff re-alleges and incorporates paragraphs 1 through 34 above as if fully set forth as paragraphs 137 through 170 of this Claim Four.

Claim Five : 42 USC 1983; vs. Defendants YARBOROUGH, FOXX, and MARTINEZ in Individual Capcities; Violated 14th Amendment to U.S. Constitution's Guarantee of Substantive Due Process of Law by Applying Designated Name Statute Against Plaintiff

171. - 204. Plaintiff re-alleges and incorporates paragraphs 1 through 34 above as if fully set forth as paragraphs 171 through 204 of this Claim Five.

Claim Six : 42 USC 1983; vs. Defendants YARBOROUGH, FOXX, and MARTINEZ in Individual Capacities; Violation of First Amendment to U.S. Constitution's Guarantee of Free Speech and Association Rights by Applying Designated Name Statute and Removing Plaintiff From the Primary Election Ballot.

205. - 238. Plaintiff re-alleges and incorporates paragraphs 1 through 34 above as if fully set forth as paragraphs 205 through 238 of this Claim Six.

Claim Seven : 42 USC 1983; vs. Defendants YARBOROUGH, FOXX, and MARTINEZ in Individual Capacities; Violation of First Amendment to U.S. Constitution's Guarantee of Free Speech and Association Rights by Applying Designated Name Statute and Removing Plaintiff From the Primary Election Ballot.

239. - 272. Plaintiff re-alleges and incorporates paragraphs 1 through 34 above as if fully set forth as paragraphs 239 through 272 of this Claim Seven.

Claim Eight: 10 ILCS 5/29-17; vs. Defendants DART, YARBOROUGH, FOXX, and MARTINEZ in Individual Capacities; Deprivation of Federal and Illinois Constitutional Rights

273. - 306. Plaintiff re-alleges and incorporates paragraphs 1 through 34 above as if fully set forth as paragraphs 273 through 306 of this Claim Eight.

Claim Nine: 42 USC 1985(c); vs. Defendants DART, YARBOROUGH, FOXX, and MARTINEZ in Individual Capacities; Conspiracy to Deny Plaintiff 14th Amendment Equal Protection of the Law

307. - 340. Plaintiff re-alleges and incorporates paragraphs 1 through 34 above as if fully set forth as paragraphs 307 through 340 of this Claim Nine.

CLAIM Ten : Illinois Common Law Conspiracy; vs. Defendants DART, YARBOROUGH, FOXX, and MARTINEZ in Individual Capacities; Conspiracy to Deny Plaintiff Equal Protection of the Law under Illinois Constitution Article One Section 2 Equal Protection of the Law

341. - 374. Plaintiff re-alleges and incorporates paragraphs 1 through 34 above as if fully set forth as paragraphs 341 through 374 of this Claim Ten.

Requests for Relief

- A. Temporary, preliminary, and permanent mandatory injunctive orders preventing Defendants LINNABARY and YARBOROUGH in their official capacities from enforcing the Name Designation Statute;
- B. Temporary, preliminary and permanent mandatory injunction orders requiring Defendants LINNABARY and YARBOROUGH to invalidate the June 28, 2022 Primary Election and the November 8, 2022 General Election.
- C. Temporary, preliminary and permanent mandatory injunction orders requiring Defendants LINNABARY and YARBOROUGH to administer a special Primary Election and special General Election for the Office of Cook County Sheriff with Plaintiff appearing on ballots for both elections under the name “LATONYA RUFFIN.”
- D. Attorney fees pursuant to 42 USC 1988 and Illinois Civil Rights Act §5(c)(2).
- E. Compensatory Damages.
- F. Punitive Damages.
- G. Costs.
- H. Trial by Jury on Damages Claims.

Dated: November 6, 2022

/s/ Edward A. Voci

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VERIFICATION

I, Latonya Ruffin, affirm under penalty of perjury that the facts stated above are true and correct and that the facts alleged on information and belief are alleged based on true and correct beliefs from information received by me.

Dated: November 6, 2022

/s/ Latonya Ruffin

Latonya Ruffin