

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

THE UNITED STATES OF AMERICA, )  
)  
Plaintiff, )  
)  
v. )  
)  
)  
)  
TOWN OF CICERO, ILLINOIS; )  
BETTY LOREN-MALTESE, in her )  
official capacity as town )  
president of the Town of Cicero, )  
Illinois; ROBERT ALEJANDRO, )  
ALBERTO AYALA, MICHAEL FREDERICK, )  
JOHN S. KOCIOLKO, SR., JANET )  
POROD, DENNIS RALEIGH, AND JOSEPH )  
VIRRUOSO, each in his or her )  
official capacity as trustee of )  
the Town of Cicero, Illinois; )  
DAVID ORR, in his official )  
capacity as Clerk of Cook County, )  
)  
Defendants. )  
)

Civil Action No.

~~00C~~ 1530

JUDGE NORGLE

MAGISTRATE JUDGE ROSEMOND

RECEIVED

MAR 13 2000

MICHAEL W. DOBBINS  
CLERK, U.S. DISTRICT COURT

COMPLAINT

The United States of America, plaintiff herein, alleges:

1. This action is brought by the Attorney General on behalf of the United States pursuant to Section 2 of the Voting Rights Act of 1965, as amended, 42 U.S.C. 1973, and Section 12(d) of the Voting Rights Act, 42 U.S.C. 1973j(d).

2. This Court has jurisdiction over this action pursuant to 42 U.S.C. 1973j(d), (f) and 28 U.S.C. 1345.

3. The Town of Cicero, Illinois is a political and geographical subdivision of the State of Illinois and of the County of Cook.

4. Defendant Betty Loren-Maltese is the president of the Town of Cicero and is sued in her official capacity.

5. Defendants Robert Alejandro, Alberto Ayala, Michael Frederick, John S. Kociolko, Sr., Janet Porod, Dennis Raleigh, and Joseph Virruoso are the duly elected members of the board of trustees of the Town of Cicero. Each of these defendants is sued in his or her official capacity.

6. Defendant David Orr serves as the chief election authority for Cook County, Illinois, and is responsible for the conduct and administration of elections for the Town of Cicero. Defendant Orr is sued in his official capacity.

7. Illinois law presently governing elections for the Town of Cicero provides that a candidate for elected municipal office must be a registered voter in Cicero and must have established residency in the town for at least one year prior to the date of the election. 65 ILCS 5/3.1-10-5(a).

8. Article VII, Section 6(f) of the Illinois Constitution allows the Town of Cicero to change its candidate residency requirement if that change is approved by referendum vote.

9. The next scheduled elections for citywide office in the Town of Cicero are a primary election scheduled for February 27, 2001, and a general election scheduled for April 3, 2001.

10. On January 11, 2000, Defendant trustees of the Town of Cicero unanimously adopted an ordinance calling for a referendum vote to change the candidate residency requirement from the existing 12-month period to an 18-month period. On January 11, 2000 Defendant Loren-Maltese signed this ordinance into law.

11. A referendum vote upon the candidate residency requirement specified in the January 11, 2000 ordinance is scheduled for Tuesday, March 21, 2000, within the Town of Cicero, together with other elections to be conducted by Defendant Orr.

12. In 1990 the Town of Cicero had a total population of 67,436, of whom approximately 40 percent were Hispanic.

13. It is known to town officials that the Hispanic share of the population in Cicero has increased since 1990.

14. As of January 11, 2000, Cicero town officials were aware of at least two potential Hispanic candidates for town office: Victor P. Armendariz and Joseph Mario Moreno.

15. On January 7, 2000, Cook County Commissioner Joseph Mario Moreno, who is Hispanic, became a registered voter in the Town of Cicero.

16. A spokesman for the Town of Cicero was reported in a February 18, 2000 newspaper article to have denied that the town's January 11 ordinance was enacted with the purpose of preventing Commissioner Moreno's candidacy, but to have admitted that the referendum was partially in response to the intended candidacy of Victor P. Armendariz, who, according to the town spokesman, specifically moved into town in order to run against Defendant Loren-Maltese.

17. The decision to hold a referendum vote concerning an 18-month residency requirement was intended, at least in part, specifically to prevent Hispanic citizens Victor P. Armendariz and/or Joseph Mario Moreno from running as candidates in the 2001 town elections.

18. Joseph Mario Moreno would become ineligible to run for Cicero town office in February 2001 if an 18-month residency requirement is enforced.

19. As of January 11, 2000, the defendant town president and trustees knew or had reason to know that Victor P. Armendariz and/or Joseph Mario Moreno were likely to attract strong electoral support from Hispanic citizens if they became candidates for town office.

20. An 18-month residency requirement for Cicero town office is tenuous because it is not compelled or supported by any overriding town policy or governmental interest.

21. The Town of Cicero has a history of official discrimination against its Hispanic residents.

22. Under the totality of the circumstances, the Town of Cicero's January 11, 2000 ordinance setting a March 21, 2000 referendum vote to adopt an 18-month residency requirement was adopted, at least in part, with the intent to deny Hispanic citizens an equal opportunity to participate in the political process and to elect candidates of their choice, in violation of Section 2 of the Voting Rights Act, as amended, 42 U.S.C. 1973.

23. Unless enjoined by an order of this Court, Defendants will give effect to the January 11 ordinance by conducting a March 21, 2000 referendum vote upon the measure and, if passed by referendum vote, by implementing its provisions.

WHEREFORE, the United States prays that the Court enter a judgment:

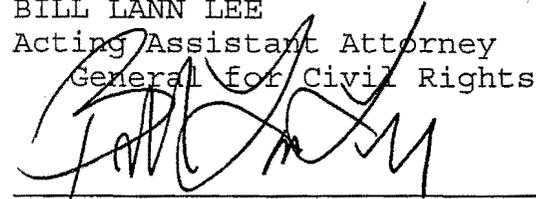
- 1) Declaring that the actions taken by Defendants, described above, violate Section 2 of the Voting Rights Act, as amended, 42 U.S.C. 1973; and
- 2) Enjoining Defendants, their successors in office, their agents and all persons acting in concert with them, from implementing or otherwise giving any force or effect to the January 11, 2000 ordinance setting a March 21, 2000 referendum vote to establish an 18-month candidate residency requirement for the Town of Cicero, or from otherwise enforcing such a residency requirement.

Plaintiff further prays that this Court grant such additional relief as the interests of justice may require, together with the costs and disbursements of this action.

JANET RENO  
Attorney General

SCOTT R. LASSAR  
United States Attorney

BILL LANN LEE  
Acting Assistant Attorney  
General for Civil Rights



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