

Judge's Order Halts Subcircuit Law in Madison County

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EDWARDSVILLE — Madison County State's Attorney Tom Haine announced today that a Sangamon County judge has granted a temporary restraining order (TRO) halting the implementation of the recently-enacted legislation creating new judicial subcircuits in Madison County.

The TRO was in response to a lawsuit Haine filed on January 21 on behalf of Madison County which challenges the constitutionality of the subcircuit legislation. Judge Ryan Cadagin of Illinois' Seventh Judicial Circuit issued the ruling on January 24, 2022, after an in-person hearing in Springfield, and the text of the order was released today, January 25.

The four-page TRO prevents the Governor, the State Board of Elections, and the Clerk of the Supreme Court "from taking any steps to enforce or institute the Judicial Circuits Districting Act of 2022." Specifically, it orders the Clerk of Supreme Court to "recertify the original vacancies of the Honorable David Dugan and the Honorable Richard Tognarelli, as they were before the passing of the Act." The order also mandates that "Any petitions collected on or between January 22 and January 24 for a sub-circuit election shall be accepted by the State Board of Elections for the reinstated county-wide residency election." And it states that it "shall continue in full force and effect until the court conducts a hearing on Plaintiff's Motion for Preliminary Injunction."

The preliminary injunction hearing is set for February 15.

"I recommend everyone read the text of this important order, just released this morning. We are very happy that, as requested, this binding TRO preserves Madison County's at-large judicial elections for the time being," Haine said. "This is not a partisan issue, it is a Constitutional issue. I appreciate the Judge's diligent work in allowing our Madison County judicial elections to go forward without being burdened by this seriously flawed subcircuit law, which has many constitutional issues. We will formally move for a Preliminary Injunction in the coming days asking the court to continue this protection past February 15."

"This has been a true team effort," Haine added. "I'd like to especially thank the incredible legal work of ASA's John Hanson and Emily Johnson, whose legal skills have served Madison County very well in this case."