

State's Attorney Haine Asks Supreme Court To Overturn What He Calls “Gerrymandered” Subcircuit Law

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EDWARDSVILLE - Madison County State's Attorney Tom Haine announced today that Madison County has filed a petition asking the Illinois Supreme Court to review the Fourth Appellate District's ruling on the recently passed judicial subcircuit legislation. Joining Madison County in the petition were Christina Wiley of Bethalto (pro se plaintiff), Judges Christopher Threlkeld and Amy Sholar (Represented by Attorney James Craney), and Senate Minority Leader Dan McConchie (Represented by Phillip A. Luetkehans).

“Prior to the passage of this subcircuit law, all residents of Madison County could vote for their circuit judges,” said Haine. “Now, the boundaries have been gerrymandered in such a way that only a fraction of the residents of Madison County will have the right to vote on Circuit judges, even though they will still have power to decide cases for all County residents. We think that concept is fundamentally unfair and a violation of our Constitution.”

“Also, the political chicanery in the passage of this law was obvious,” continued Haine. “It even forced two sitting Madison County Circuit judges to move from their homes just to run for the very judicial vacancies they were appointed to by the Supreme Court. Thankfully, an overwhelming bipartisan majority of the Madison County Board rejected this kind of blatant political meddling and chose to pursue legal action. We are hopeful that the Supreme Court recognizes the grave consequences of the legislature’s overreach and grants our request to bring these Constitutional concerns before it for final adjudication.”

Haine also thanked the excellent work of Assistant State’s Attorney and Civil Division Chief Emily Nielsen, who has been instrumental throughout Madison County’s litigation against the subcircuit law.

Madison County’s petition for leave to appeal highlights that if this subcircuit law is allowed, there will be no end to the political manipulation of the judiciary throughout Illinois: *“Simply put, the Act allows the General Assembly to gerrymander subcircuits to benefit a particular political party. The Fourth District Appellate Court’s interpretation of Article VI, section 7(a) of the Illinois Constitution amounts to a grant of unlimited authority to the General Assembly to gerrymander subcircuits throughout the State as it sees fit.”*

The petition also argues that *“prior to the Appellate Court’s opinion here, no Illinois court, including this Court, had addressed whether the General Assembly can eliminate all at-large judgeships in a judicial circuit.”*

Finally, the petition outlines the history of the subcircuit law, and how its design reflects a clearly partisan interest to tip the scales in an upcoming election: *“Under the Act, ‘the 3rd judicial circuit is divided into 4 subcircuits as drawn by the General Assembly.’ 705 ILCS 35/2f-13(a). Subcircuit 1 was drawn to include areas with the highest proportion of registered democrats in Madison County. The act then specifically assigns to the 1st subcircuit the first three judicial vacancies, ‘including the vacancies to be filled by election at the 2022 general election.’ 705 ILCS 35/2f-13(b). Madison County had two previously certified judicial vacancies set for at-large election in November 2022. (C 146). Sholar and Threlkeld were appointed to serve as at-large circuit judges for these vacancies, and had publicly announced their intention to run as republicans for those at-*

large vacancies months prior to the introduction of the bill. The General Assembly carved out Sholar and Threlkeld's residences when they drew the boundaries for subcircuit 1. Sholar and Threlkeld had 19 days following the passing of the Act to permanently relocate their residences in order to run for election to maintain their current appointed positions.”