

Threats to Cancel Voter Registrations

Chatman v. Delaney (Clifford J. Proud, S.D. Ill. 3:09-cv-259)

Voters filed a federal complaint because of notices they received that their voter registrations might be canceled before an April 7, 2009, election and absentee ballots they might have cast might not be counted. The county had identified the voters' village as one with a high rate of voter fraud, so it sent registration-challenge letters to 558 of its residents. The parties consented to a decision by a magistrate judge who was available and local; the assigned district judge was 110 miles away. The case was resolved by a consent order issued after a conference with the judge.

Subject: Nullifying registrations. *Topics:* Registration challenges; case assignment.

On April 3, 2009, four voters in Alorton, Illinois, filed a federal complaint against St. Clair County—the county across the river from St. Louis, Missouri—and its clerk because of notices they received that their voter registrations might be canceled before an April 7 election, and absentee ballots they might have cast might not be counted.¹ With their complaint, the plaintiffs filed a motion for a temporary restraining order.²

The county identified Alorton as a village with a high rate of voter fraud, so it sent registration challenge letters to 558 of its residents.³

The case was randomly assigned to a judge whose chambers were 110 miles away.⁴ One of the district's only judges in the district that Friday was Magistrate Judge Clifford J. Proud, whose chambers were in East St. Louis, which is located in St. Clair County.⁵ Judge Proud was familiar with the plaintiffs' attorney, and he also knew the state attorneys who would be representing the defendants.⁶ He told the parties that if they consented to his presiding over the case he could hear it that afternoon.⁷ Both sides consented to a magistrate judge's hearing the case.⁸

1. Complaint, *Chatman v. Delaney*, No. 3:09-cv-259 (S.D. Ill. Apr. 3, 2009), D.E. 2.

2. Motion, *id.* (Apr. 3, 2009), D.E. 3.

3. See George Pawlaczyk, *Alorton Protests County's Plan Requiring Voters to Prove Their Legal Address*, Belleville News-Democrat, Mar. 31, 2009; George Pawlaczyk, "Return to Sender"; *St. Clair County Leaders Sort for Voter Fraud in Unopened Letters*, Belleville News-Democrat, Apr. 2, 2009.

4. Interview with Hon. Clifford J. Proud, Mar. 12, 2013.

Tim Reagan interviewed Judge Proud for this report by telephone.

5. *Id.*

6. *Id.*

7. *Id.*

8. Consent, *Chatman v. Delaney*, No. 3:09-cv-259 (S.D. Ill. Apr. 3, 2009), D.E. 5; see Notice, *id.* (Apr. 3, 2009), D.E. 1 (form notice informing the parties, "In all likelihood, a consent will mean that this civil case will be resolved sooner and at less expense to the parties.").

The parties met with Judge Proud in his conference room at approximately 2:00 p.m.,⁹ and within approximately one hour they had agreed to a consent order.¹⁰ According to the order, the clerk would notify voters who received the earlier letter that they had the right to vote on April 7 if they were qualified to do so.¹¹ The order did not prevent the county from challenging voters whose letters were returned as undeliverable.¹²

Judge Proud dismissed the action on the day after the election.¹³

9. Docket Sheet, *id.* (Apr. 3, 2009); Interview with Hon. Clifford J. Proud, Mar. 12, 2013.

10. Consent Order, *Chatman*, No. 3:09-cv-259 (S.D. Ill. Apr. 3, 2009), D.E. 10; Interview with Hon. Clifford J. Proud, Mar. 12, 2013.

11. Consent Order, *supra* note 10.

12. See George Pawlaczyk, *Judge Allows Alorton Residents to Cast Votes*, *Belleville News-Democrat*, Apr. 4, 2009, at A1.

13. Order, *Chatman*, No. 3:09-cv-259 (S.D. Ill. Apr. 8, 2009), D.E. 11.