

## Wrongfully Requiring Photo Identification for Voter Registration

*Pakosz v. Orr (John W. Darrah, N.D. Ill. 1:06-cv-5992)*

On the Thursday before the 2006 general election, a pro se plaintiff filed a federal complaint alleging that he was wrongfully prevented from registering to vote. The complaint was docketed on Monday, and the federal judge issued a temporary restraining order that day requiring the defendants to issue the plaintiff a voter-registration card. The defendants had wrongfully required the plaintiff to present photo identification, which was not required by the voter-registration statute.

*Subject:* Registration procedures. *Topics:* Voter identification; registration procedures; pro se party.

On the Thursday before the 2006 general election, a pro se plaintiff filed a federal complaint in the Northern District of Illinois alleging that he was wrongfully prevented from registering to vote.<sup>1</sup>

The complaint was docketed on Monday,<sup>2</sup> and Judge John W. Darrah heard the matter at 9:00 a.m. that day.<sup>3</sup> He granted the plaintiff a temporary restraining order: “I take judicial notice of the fact that today is November 6th and that tomorrow is November 7th. I find, therefore, that if a court in equity does not act to protect this right that the right will be lost. Therefore, I’m going to grant the relief sought.”<sup>4</sup>

As forms of identification, the plaintiff had provided “two utility bills, a library card, and a letter from U.S. Senator Richard Durbin.”<sup>5</sup> He was denied registration because he did not provide state-issued photo identification.<sup>6</sup> Illinois law required “two forms of identification, and except in the case of a homeless individual, one of which must include his or her residence address.”<sup>7</sup> The voter-registration statute did not require photo identification.<sup>8</sup> Judge Darrah ruled, “Defendants are ordered to accept Plaintiff’s voter registration application and issue a voter’s registration card so that Plaintiff may vote on a provisional ballot in the election on November 7, 2006.”<sup>9</sup>

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1. Minutes, *Pakosz v. Orr*, No. 1:06-cv-5992 (N.D. Ill. Nov. 6, 2006), D.E. 6 [hereinafter Nov. 6, 2006, Minutes]; Docket Sheet, *id.* (Nov. 2, 2006) (D.E. 1).

2. Docket Sheet, *supra* note 1.

3. Transcript, *Pakosz*, No. 1:06-cv-5992 (N.D. Ill. Nov. 6, 2006, filed July 13, 2007), D.E. 12; Nov. 6, 2006, Minutes, *supra* note 1.

Judge Darrah died on March 23, 2017. Federal Judicial Center Biographical Directory of Article III Federal Judges, [www.fjc.gov/history/judges](http://www.fjc.gov/history/judges).

4. Transcript, *supra* note 3, at 7.

5. Nov. 6, 2006, Minutes, *supra* note 1.

6. *Id.*

7. 10 Ill. Comp. Stat. 5/4-10; *see* Minutes, *supra* note 1.

8. 10 Ill. Comp. Stat. 5/4-10; *see* Minutes, *supra* note 1.

9. Nov. 6, 2006, Minutes, *supra* note 1.

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At a November 28 status conference, Judge Darrah closed the case as resolved.<sup>10</sup>

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10. Minutes, Pakosz v. Orr, No. 1:06-cv-5992 (N.D. Ill. Nov. 28, 2006), D.E. 11.