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Mariyana T. Spyropoulos
CIRCUIT CLERK
COOK COUNTY, IL
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**IN THE CIRCUIT COURT OF COOK COUNTY
COUNTY DEPARTMENT, COUNTY DIVISION**

TIFFANY HENYARD, as Supervisor of the
Township of Thornton, and as the Mayor of
the Village of Dolton, *and*
FITZGERALD ROBERTS, as Mayor of the
Village of Dixmoor,

Plaintiffs

v.

NAPOLEON B. HARRIS, III, as
Committeeperson of the Democrat Party for
the Township of Thornton, *and*
**DEMOCRATS OF
THORNTON TOWNSHIP**,
an Illinois Political Party Committee, ID 38658

Defendants,

No. 2024COMS000061

**VERIFIED COMPLAINT
FOR DECLARATORY JUDGMENT AND INJUNCTION**

NOW COMES Plaintiffs, **TIFFANY HENYARD**, as and in her capacity as Supervisor of the Township of Thornton, Cook County, Illinois, and as and in her capacity as Mayor of the Village of Dolton, Cook County, Illinois; and **FITZGERALD ROBERTS**, as and in his capacity as Mayor of the Village of Dixmoor, Cook County, Illinois, by and through their undersigned counsel, pursuant to the Illinois Code of Civil Procedure, 735 ILCS 5/2-701 and 5/11-101, *et seq*, and pursuant to the Illinois Township Code, 60 ILCS 1/45-5, *et seq*, and hereby file this complaint for declaratory judgment and injunction against the named Defendants. As grounds, Plaintiffs state as follows:

PARTIES AND JURISDICTION

1. Plaintiff TIFFANY HENYARD is the Supervisor of the Township of Thornton, a unit of (township) government organized under the laws of the State of Illinois in Cook County, State of Illinois.
2. Plaintiff FITZGERALD ROBERTS is the Mayor of the Village of Dixmoor – a unit of (municipal) government incorporated under the laws of the State of Illinois and wholly located inside the Township of Thornton, Cook County, State of Illinois.
3. Defendant NAPOLEON B. HARRIS, III, is the duly elected Committeeperson of the Democrat Party in the Township of Thornton, Cook County, State of Illinois; and the Chairman of the “Democrats of Thornton Township.”
4. Defendant, NAPOLEON B. HARRIS, III, in his capacity as the duly elected committeeperson, is also, by statute, the “township central committee,” therefore, also the “chairman” of the “township central committee” of the Democrat party for the Township of Thornton.
5. Defendant “Democrat of Thornton Township” is an Illinois Political Party Committee of the Democrat Party registered with the Illinois State Board of Elections under Committee ID # 38658. Its Chairman is Defendant NAPOLEON B. HARRIS, III.

APPLICABLE LAW

6. The Illinois Township Code, 60 ILCS 1/1-1, *et seq*, and specifically, 60 ILCS 1/45-10, provides for nomination of candidates by established political parties for township offices by caucus. Further, Section 1/45-50 provides for caucus

procedures and sets forth prescriptive and proscriptive rules that are to be followed according to law.

BACKGROUND FACTS

7. On December 3, 2024, pursuant to the provisions of Section 45-10 of the Illinois Township Code, a caucus of the Democrat party was held for the Township of Thornton for the purpose of nominating candidates of the Democrat party for the various township offices to be voted upon at the consolidated general election to be held on April 1, 2025.
8. The caucus was held at the Homewood/Flossmoor Park District Auditorium located at 2010 Chestnut Road, Homewood, Illinois 60430.
9. The caucus was scheduled to commence at 7pm.
10. The caucus commenced at approximately 7pm.
11. The caucus was concluded at approximately 7:10pm

ALLEGATIONS

12. Pursuant to the Illinois Township Code, Section 45-15, the township central committee “shall promulgate rules of procedures under Section 45-50.” 60 ILCS 1/45-15.
13. Thus, Defendant NAPOLEON B. HARRIS, III, in his capacity as the Committeeperson of the Democrat Party for the Township of Thornton, therefore, township central committee, therefore, chair of the township central committee, was tasked with the duty to promulgate rules of procedures under Section 45-50.
14. Section 45-50, in its entirety, provides that:

"(a) The rules of procedure for conducting a township or multi-township caucus must be approved and may be amended by a majority vote of the qualified participants attending the caucus. No participant shall be able to participate or vote at any township or multi-township caucus if the person is or was at anytime during the 12 months before the caucus any of the following:

(1) An elected or appointed public official of another established political party.

(2) An elected or appointed officer, director, precinct committeeman or representative of the township committeeman of another established political party.

(3) A judge of election under Article 13 or 14 of the Election Code for another statewide established political party.

(4) A voter who voted in the primary election of another statewide established political party different from the party holding the caucus.

(b) The rules of procedure shall include the following:

(1) No caucus shall commence earlier than 6:00 p.m.

(2) The caucus shall commence at the place specified in the notice of caucus.

(3) Procedures by which qualified caucus participants determine by a majority vote the duties of caucus judges of election. Caucus judges of election shall be appointed by a majority vote of the township or multi-township central committee. No judge of the Supreme Court, appellate court, or circuit court or associate judge shall serve as a caucus judge of election.

(4) Nominations for selection as a candidate shall be accepted from any qualified participant of the caucus.

(5) The method of voting (i.e., written ballot, voice vote, show of hands, standing vote) for determining the candidate or candidates selected for nomination.

(6) Whether candidates will be selected as a slate or as individual nominees for each office.

(7) Whether written notice of intent to be a caucus nominee is required.

(8) Other rules deemed necessary by the central committee at the time the rules are promulgated or by the majority of the qualified caucus participants when the rules are being considered at their meeting.

(9) A participant in a caucus shall be entitled to only one vote for each office for which he or she is voting. A participant's vote shall not be weighted to be equal to more than one vote.

(c) Individuals participating at an established political party township or multi-township caucus shall comply with each of the following:

(1) A participant shall be registered under Article 4, 5, or 6 of the Election Code.

(2) A participant shall be registered within the territory for which the nomination is made.

(3) A participant shall sign an affidavit that he or

she is a registered voter and affiliated with the established political party holding the caucus.

(4) A participant shall not take part in the proceedings of more than one established political party township and multi-township caucus for the same election. This requirement also applies to the township and multi-township clerks.

(5) A participant shall not sign a petition of nomination for an independent or new political party candidate for the same election.

(6) A participant shall not become an independent candidate or a candidate of another established political party or a new political party for the same election.

(d) The voters participating at an established political party township or multi-township caucus shall not select for nomination more candidates than there are to be elected for each office.

(e) No candidate for nomination at a township or multi-township caucus shall be required to do either of the following:

(1) Circulate and file nominating petitions to become a candidate at the caucus.

(2) File a fee to become a candidate at the caucus."

60 ILCS 1/45-50.

15. On December 3, 2024, Defendant NAPOLEON B. HARRIS, III, exercised his statutorily bestowed right and authority upon all the processes and procedures of the caucus, including the promulgation of rules as required by law. A copy of the "Rules of Procedure" adopted at and for the caucus is attached hereto and identified as Exhibit A.

16. Plaintiff, TIFFANY HENYARD, the current Supervisor of the Township of Thornton, seeking to participate and to be nominated at the caucus for the office of Supervisor, arrived at the location of the caucus with hundreds of her supporters at about 4pm on that December 3, 2024.

17. Upon arrival at the location, it was discovered that hundreds of people were already inside the auditorium attending what was described by people being let

into the building as a “private party,” or “private event.” Neither Henyard nor any of her supporters were allowed in.

18. It appeared as if only people with a certain identifiable tag or badge and people that were hand-picked by recognition were allowed into the building for the “private party” or “private event.” The tag or badge clearly reads: “THORNTON TOWNSHIP DEMOCRATIC CAUCUS DELEGATE COMMITTEEMAN NAPOLEON B. HARRIS, III 2024.” A copy of a picture showing the tag or badge hanging on a lanyard worn by one of the actual participants of the “private party” or “private event” is attached and identified as Exhibit B.
19. At about 6:30pm, a lot of people had gathered outside of the auditorium in the freezing cold weather, waiting in line to be let into the building. Many others were in buses and cars waiting to be let in.
20. At about 6:40pm, the doors were open for people to start coming inside. However, the people who were already inside the auditorium for the “private event” or “private party” never exited the building, and the auditorium was never emptied out to begin the process of allowing only qualified caucus participants in the auditorium.
21. At about 6:50pm, HENYARD was helped to the front of the line in order to enter the building.
22. At approximately 7:00pm, Defendant HARRIS began to preside over the caucus.

23. Plaintiff HENYARD attempted to address Defendant HARRIS, but was told that she was out of order and not recognized, wherein HARRIS then ordered for her to be removed. That order was never carried out.
24. Plaintiff FITZGERALD ROBERTS had arrived at approximately 6:30pm with many of his residents and constituents for the purpose of participating, nominating candidates, and voting in the caucus. ROBERTS, and all of his residents and constituents too, waited in line outside of the building in the freezing weather.
25. At about 7:10pm, it was announced that the caucus was over and that Defendant NAPOLEON B. HARRIS, III and his slate had been nominated unopposed.
26. Plaintiff, TIFFANY HENYARD, never got the opportunity to exercise her right to participate, nominate and/or be nominated, and to vote in the caucus.
27. Plaintiff, FITZGERALD ROBERTS, never got the opportunity to exercise his right to participate, nominate and/or be nominated, and to vote in the caucus.
28. Hundreds of people who were waiting outside, in line, in the freezing cold weather, were turned away after waiting for several hours.
29. Hundreds of people who were waiting outside, in line, in the freezing cold weather, never got the opportunity to exercise their rights to participate, nominate and/or be nominated, and to vote in the caucus.
30. At about 7:15pm on that December 3, 2024, Counsel for the Plaintiffs arrived at the caucus location and was briefed on the events.

31. Counsel there and then inquired about the rules of procedures that were adopted for the caucus from one of the attorneys for Defendant HARRIS who was present and had counseled HARRIS at and through the caucus.
32. That attorney then handed Counsel for the Plaintiffs a copy of the rules and verbally confirmed to Counsel that it was the rules of procedure adopted for the caucus. See Exhibit A.¹

RULES VIOLATION

33. It was then gathered that copies of the rules of procedures promulgated and adopted by Defendant NAPOLEON B. HARRIS, III, were never provided to the caucus participants, either in advance of the caucus, or at the caucus, or during the caucus, in violation of Section 45-50(a) of the Illinois Township Code, which provides that “[T]he rules of procedure for conducting a ... caucus must be approved and may be amended by a majority vote of the qualified participants attending the caucus.” 60 ILCS 1/45-50(a).
34. It was then gathered that the rules of procedures promulgated and adopted by Defendant NAPOLEON B. HARRIS, III, imposed additional and unlawful qualifications upon the would-be participants in that:

“Nominations can only be made by individuals who are Members in Good Standing. To be considered in good standing, the individual must have participated, assisted, or otherwise supported the Democratic Party of Thornton Township in the last six months by attending or participating in at least five (5)

¹ The actual copy of the rules of procedure physically handed to attorney Max Solomon is the copy of which is attached and identified as Exhibit A.

of the Democratic Party of Thornton Township supported or sponsored events, functions, or meetings.”

See Exhibit A, Art. V, Section C(3).

This is in violation of Section 45-50(b)(4) of the Illinois Township Code, which provides that “[N]ominations for selection as a candidate shall be accepted from any qualified participant of the caucus.” 60 ILCS 1/45-50(b)(4).

Most egregiously, it was gathered that the requirement to “have participated assisted, or otherwise supported the Democratic Party of Thornton Township in the last six months by attending or participating in at least five (5) of the Democratic Party of Thornton Township supported or sponsored events, functions, or meetings” as stated in the rules, meant, amongst other things, that a participant must be a dues-paying member of, or must have donated in cash or in kind to, the “Democrats of Thornton Township” – the political party committee chaired by Defendant NAPOLEON B. HARRIS, III – including but not limited to having helped circulated petitions for and on behalf of Democrat party candidates. This is clearly an attempt to circumvent Section 45-50(e)(2), which provides that “[N]o candidate for nomination ... shall be required to ... File a fee to become a candidate at the caucus.” 60 ILCS 1/45-50(e)(2).

35. It was then gathered that the rules of procedures promulgated and adopted by Defendant NAPOLEON B. HARRIS, III, imposed additional, unlawful, and impossible requirements upon would-be nominees in that:

“[W]ritten notice of intent to be a caucus slate of nominees shall be required and shall be accepted from any qualified participant of the caucus. Such written

notices on intent must be for a complete slate of candidates and shall be delivered and/or mailed to the Central Committee Chair via e-mail: ThorntonDott@gmail.com no later than December 2, 2024 by 4:00 PM (the “Notice of Intent Due Date”).

See Exhibit A, Art. V, Section C(4).

This is egregiously violative for several reasons, including but not limited to the fact that, one, the rules of procedure were not made available to would-be participants or nominees either in advance of the caucus, or at the caucus, or during the caucus; two, emails were required to be sent to ThorntonDott@gmail.com, “Dott,” being the “Democrats of Thornton Township” – the political party committee chaired by Defendant NAPOLEON B. HARRIS, III, and that email address being the email address of the committee²; and three, the opportunity to be nominated under this rule was closed the day before the caucus. This is in violation of the spirit of democracy, inclusion, and enfranchisement, and no less in violation of Section 45-50(b)(4) of the Illinois Township Code, which provides that “[N]ominations for selection as a candidate shall be accepted from any qualified participant of the caucus.” 60 ILCS 1/45-50(b)(4).

36. It was then gathered that the rules of procedures promulgated and adopted by Defendant NAPOLEON B. HARRIS, III, imposed additional unlawful requirement and specifically-targeted-restrictions upon would-be nominees for the specific office of Township Supervisor in that:

² See <https://www.thorntondemocrats.com/>

“Candidates for Township Supervisor cannot already appear on the ballot for another office to be voted upon at the February 25, 2025 Consolidated Primary Election or for another office to be voted upon at the April 1, 2025 Consolidate Election.”

See Exhibit A, Art. V, Section C(7).

It is abundantly clear from the pointedly restrictive and exclusionary nature of this rule that it was deliberately self-serving to the Defendant NAPOLEON B. HARRIS, III. And that it was deliberately and arbitrarily designed to eliminate any chances of Plaintiff, TIFFANY HENYARD, who currently holds the office of Supervisor of Thornton Township and has publicly declared her candidacy and intention to seek nomination for the same office, and who is currently also positioned on the ballot for nomination as a Candidate of the Democrat party for the office of Mayor of the Village of Dolton at the primary election to be held on February 25, 2025, being successful even if she had been nominated, slated, or otherwise qualified. HENYARD stood no chance under this rule. Not only her, however. All Candidates on the ballot for any office at February 25, 2025 primary election are automatically excluded – and they would not know it until they have been nominated, given that the rules had not been provided or announced beforehand.

37. It was then gathered that the rules of procedures promulgated and adopted by Defendant NAPOLEON B. HARRIS, III, unlawfully required that “[C]aucus candidates shall only be nominated as a slate of candidates for all open positions for each office.” See Exhibit A, Art. V, Section C(2) and C(4).

This is in clear violation and disregard of *Libertarian Party of Ill. v. Scholz*, 872 F.3d 518 (7th Cir. Ill. 2017), which ruled that requiring a full slate of candidates for nomination purposes is unconstitutional.

38. In addition, and very worthy of note, is that the rules of procedures promulgated and adopted by Defendant NAPOLEON B. HARRIS, III, had already been adopted on November 26th, 2024. [See Exhibit A, pg. 6] – one week before the caucus date of December 3, 2024, and one week before the rules were to be approved or amended “by a majority vote of the qualified participants attending the caucus.”

60 ILCS 1/45-50(a).

39. Finally, Defendant NAPOLEON B. HARRIS, III, who declared himself winner of the caucus and the nominated candidate of the Democrat party for the office of Supervisor for the Township of Thornton at the election to be held on April 1, 2025, is not, in fact, qualified to be nominated. Neither is he qualified to be a participant of and in the caucus, much less nominated. NAPOLEON B. HARRIS, III, who is also the current State Senator of the Illinois 15th District is not, in fact, a resident of the Township of Thornton. Upon information and belief, and according to public records, HARRIS resides at the property located at 1405 Dunfries, Flossmoor, IL 60422.³ This is in violation of the rules of procedures promulgated and adopted by

³ <https://www.elections.il.gov/CampaignDisclosure/CommitteeDetail.aspx?ID=FB8IKImiCsU8iFWBsJVZKA%3d%3d>

Defendant NAPOLEON B. HARRIS, III, - his own rules – that only individuals who reside “within Thornton Township” “shall be allowed to participate in the caucus.” See Exhibit A, Art. II, Section A(2). HARRIS’ residence address is not within Thornton Township.

COUNT I: DECLARATORY JUDGMENT AND INJUNCTION
As to Plaintiff HENYARD vs. Defendant HARRIS, III

40. Plaintiff, TIFFANY HENYARD, [“HENYARD”], restates and realleges paragraphs 1-39 as if fully set forth herein.

41. HENYARD is a qualified registered and primary voter of the Democrat party, was a qualified Democrat party caucus participant on December 3, 2024, and is now still qualified as the same for the purpose of nominating, being nominated, and voting for the various offices for the Township of Thornton at the election to be held on April 1, 2025.

42. An actual controversy does now exist between Plaintiff HENYARD, and Defendant HARRIS, III, insofar as HARRIS, III, has caused HENYARD to be disenfranchised and prevented from participating in and at the caucus of the Democrat party for the purpose of nominating, being nominated, and voting for the various offices for the Township of Thornton at the election to be held on April 1, 2025.

43. Plaintiff, HENYARD, has a clearly ascertainable right to ballot access, to nominate and vote for others, and to be nominated and to be voted for.

44. Plaintiff, HENYARD, suffered, suffers, and will continue to suffer irreparable and irredeemable harm if this controversy were to continue.

45. Plaintiff, HENYARD, has no adequate remedy at law.

46. Plaintiff, HENYARD, has a likelihood of prevailing on the merits.

WHEREFORE, for all the foregoing reasons, Plaintiff, HENYARD, humbly and respectfully requests that this Honorable Court enter an order:

- A. Declaring that the caucus of the Democrat party as held, chaired, and presided over by Defendant NAPOLEON B. HARRIS, III, upon rules promulgated by Defendant NAPOLEON B. HARRIS, III, is unlawful, invalid, void and voidable, of no effect, and a nullity; and that the rules, as specified *supra*, promulgated by Defendant NAPOLEON B. HARRIS, III, at and for the purpose of the caucus of the Democrat party for the Township of Thornton, Cook County, Illinois, held on December 3, 2024, were and are in violation of the laws of the State of Illinois.
- B. Enjoining the Defendant, NAPOLEON B. HARRIS, III, from performing and performance of any act or acts as specified in the Illinois Township Code, 60 ILCS 1/45-20, as a consequence or subsequence of the caucus of the Democrat party for the Township of Thornton, Cook County, Illinois, held on December 3, 2024.
- C. Ordering that a new caucus be held in accordance and conformance with the provisions of the Illinois Township Code and the Illinois Election Code, and that public members be appointed by the court to conduct and oversee

such caucus; otherwise, that the Democrat party “shall not be permitted to nominate a candidate, either by caucus ... or as otherwise authorized by the Election Code, in the next upcoming consolidated election for any office for which a nomination could have been made at the caucus should the chairperson of the township central committee have met the requirements...” as provided in the Illinois Township Code, 60 ILCS 1/45-10.

D. And for such and other reliefs as this Honorable Court may deem just and proper.

COUNT II: DECLARATORY JUDGMENT AND INJUNCTION
As to Plaintiff ROBERTS vs. Defendant HARRIS, III

47. Plaintiff, FITZGERALD ROBERTS, [“ROBERTS”], restates and realleges paragraphs 1-39 as if fully set forth herein.

48. ROBERTS is a qualified registered and primary voter of the Democrat party, was a qualified Democrat party caucus participant on December 3, 2024, and is now still qualified as the same for the purpose of nominating, being nominated, and voting for the various offices for the Township of Thornton at the election to be held on April 1, 2024.

49. An actual controversy does now exist between Plaintiff, ROBERTS, and Defendant HARRIS, III, insofar as HARRIS, III, has caused ROBERTS to be disenfranchised and prevented from participating in and at the caucus of the Democrat party for the purpose of nominating, being nominated, and voting for

the various offices for the Township of Thornton at the election to be held on April 1, 2024.

50. Plaintiff, ROBERTS, has a clearly ascertainable right to ballot access, to nominate and vote for others, and to be nominated and to be voted for.

51. Plaintiff, ROBERTS, suffered, suffers, and will continue to suffer irreparable and irredeemable harm if this controversy were to continue.

52. Plaintiff, ROBERTS, has no adequate remedy at law.

53. Plaintiff, ROBERTS, has a likelihood of prevailing on the merits.

WHEREFORE, for all the foregoing reasons, Plaintiff, ROBERTS, humbly and respectfully request that this Honorable Court enter an order:

A. Declaring that the caucus of the Democrat party as held, chaired, and presided over by Defendant NAPOLEON B. HARRIS, III, upon rules promulgated by Defendant NAPOLEON B. HARRIS, III, is unlawful, invalid, void and voidable, of no effect, and a nullity; and that the rules, as specified *supra*, promulgated by Defendant NAPOLEON B. HARRIS, III, at and for the purpose of the caucus of the Democrat party for the Township of Thornton, Cook County, Illinois, held on December 3, 2024, were and are in violation of the laws of the State of Illinois.

B. Enjoining the Defendant, NAPOLEON B. HARRIS, III, from performing and performance of any act or acts as specified in the Illinois Township Code, 60 ILCS 1/45-20, as a consequence or subsequence of the caucus of

the Democrat party for the Township of Thornton, Cook County, Illinois, held on December 3, 2024.

- C. Ordering that a new caucus be held in accordance and conformance with the provisions of the Illinois Township Code and the Illinois Election Code, and that public members be appointed by the court to conduct and oversee such caucus; otherwise, that the Democrat party “shall not be permitted to nominate a candidate, either by caucus ... or as otherwise authorized by the Election Code, in the next upcoming consolidated election for any office for which a nomination could have been made at the caucus should the chairperson of the township central committee have met the requirements...” as provided in the Illinois Township Code, 60 ILCS 1/45-10.
- D. And for such and other reliefs as this Honorable Court may deem just and proper.

Respectfully Submitted,

**TIFFANY HENYARD
FITZGERALD ROBERTS**

By: /s/ *McStephen O. A. Solomon*
Their Attorney

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VERIFICATION BY CERTIFICATION

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certify that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certify as aforesaid that they verily believe the same to be true.

/s/ *Tiffany Henyard*
Tiffany Henyard

/s/ *Fitzgerald Roberts*
Fitzgerald Roberts