Chicago teachers, parents challenge ballot amendment in court
Amendment 1 conflicts with federal law, violates the U.S. Constitution

SPRINGFIELD, Ill. (April 21, 2022) – Chicago Public Schools teachers and parents joined together today to file a petition to challenge a state constitutional amendment on the ballot that contradicts federal law governing labor relations and violates the U.S. Constitution.

The case, *Sachen v. the Illinois State Board of Elections, et al.,* seeks to prevent state leaders from placing the "Illinois Right to Collective Bargaining Amendment," also known as Amendment 1, on the Nov. 8 general election ballot because it is preempted by federal law, which makes it unconstitutional.

The plaintiffs are represented by counsel from the Liberty Justice Center, a national nonprofit law firm, and the Illinois Policy Institute, a nonpartisan research organization. The case marks the first litigation partnership between the Liberty Justice Center and Illinois Policy Institute since *Janus v. AFSCME,* the 2018 landmark U.S. Supreme Court victory for workers' rights.

Amendment 1 claims to give any employee – from either private businesses or government – a "fundamental right" to engage in collective bargaining for various reasons. But the National Labor Relations Act governs private-sector collective bargaining nationwide – and preempts state laws that would attempt to do so. Plaintiffs argue Amendment 1 is unconstitutional. They are seeking a court order directing state leaders to keep it off the ballot.

Of particular concern to the plaintiffs is that the NLRA limits the subjects of mandatory collective bargaining to wages, hours, and other terms and conditions of employment. In the past 10 years, the Chicago Teachers Union has walked out five times over affordable housing, mental health and other bargaining terms that were not wages and hours.

Statement from Jacob Huebert, president of the Liberty Justice Center:

"Amendment 1 violates the U.S. Constitution and must be taken off the ballot. Federal law protects and regulates collective bargaining in the private sector. This attempt to create a state-law right to private-sector collective bargaining on top of that violates federal law and the Supremacy Clause of the U.S. Constitution. The Illinois Supreme Court has repeatedly ruled that unconstitutional

proposals cannot go before the voters, so the courts should order state officials to remove Amendment 1 from the ballot."

Statement from Mailee Smith, director of labor policy and staff attorney at the Illinois Policy Institute:

"The language as written in Amendment 1 is too broad. If Illinois were seeking solely to make right-to-work unconstitutional in Illinois, the phrasing would have reflected that, as it did in a previous version of this amendment filed in 2019. Instead, the current phrasing creates a litany of problems, could lead to unparalleled power by a special interest group and most importantly, is unconstitutional."

Sachen v. Illinois State Board of Elections **was filed April 21, 2022, in the Seventh Judicial Circuit Court in Sangamon County. Case filings are available here: https://libertyjusticecenter.org/media/illinois-amendment-1**

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The Liberty Justice Center is a nonprofit, public-interest litigation center that fights to protect Americans' fundamental constitutional rights. Its team of expert constitutional attorneys fight to protect workers' rights and free speech, combat cancel culture and government overreach and improve the lives of everyday Americans. The Liberty Justice Center is best known for its 2018 U.S. Supreme Court victory in *Janus v. AFSCME.* Learn more about the Liberty Justice Center at **LibertyJusticeCenter.org.**

The Illinois Policy Institute is a nonpartisan research organization that promotes responsible government and free market principles.