

APPELLATE COURT OF ILLINOIS, SECOND DISTRICT

Colatorti v. Republican Legislative Committee for the Twenty-Sixth
Legislative District

2026 IL App (2d) 250230 · No. 2-25-0230 · Decided April 17, 2026

SUMMARY

The Illinois Appellate Court, Second District, affirmed dismissal with prejudice of Brittany Colatorti’s declaratory judgment action challenging the appointment of Darby Hills to fill a state senate vacancy. The court held that, under section 25-6 of the Illinois Election Code, the appointee was required to be a member of the relevant political party when appointed, not when the vacancy was announced or occurred. The court also rejected the constitutional challenge to the statute and concluded that dismissal was proper under section 2-615, with additional section 2-619 arguments addressed in the opinion.

CASE DETAILS

COURT	Appellate Court of Illinois, Second District
WRITING FOR THE COURT	Justice Birkett; Presiding Justice Kennedy; Justice McLaren
JURISDICTION	Illinois Appellate Court, Second District
DECIDED	April 17, 2026
DOCKET	2-25-0230
DISPOSITION	affirmed
PROCEDURAL POSTURE	Plaintiff appealed the McHenry County circuit court's dismissal with prejudice of her first amended complaint for declaratory judgment under sections 2-615 and 2-619 of the Illinois Code of Civil Procedure.
STANDARD OF REVIEW	De novo review applies to dismissal under section 2-615, and to the extent relevant, section 2-619. Statutory interpretation is also reviewed de novo.
PRECEDENTIAL VALUE	Published appellate opinion
PARTIES	Brittany Colatorti v. Republican Legislative Committee for the Twenty-Sixth Legislative District, Darby Hills

TOPICS

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether section 25-6(a) of the Illinois Election Code requires an appointee filling a legislative vacancy to have been a member of the relevant political party when the vacancy was announced, when it occurred, or before applying for appointment.
2. Whether the declaratory judgment complaint failed to state a claim because Hills was a member of the Republican Party when she was appointed on February 28, 2025.
3. Whether the action presented a nonjusticiable political question committed to the Illinois Senate.
4. Whether Colatorti had standing to challenge the statutory interpretation governing Hills's appointment.
5. Whether section 25-6(a) of the Election Code was unconstitutional because it did not require party affiliation before or contemporaneously with public announcement of the vacancy.
6. Whether section 25-6(c)'s 23-month political-party-affiliation rule violated the First Amendment.

HOLDINGS

1. Section 25-6(a) requires that the appointee be a member of the relevant political party when the appointment is made; it does not require party membership when the vacancy is publicly announced, when the vacancy occurs, or for any minimum period before appointment.
2. Dismissal under section 2-615 was proper because the complaint's claim rested on the legally incorrect premise that Hills had to qualify as a Republican before the February 28 appointment.
3. Section 25-6(a) does not conflict with article IV, section 2(d) of the Illinois Constitution because both require only that the appointee be a member of the same political party as the legislator succeeded, without imposing an earlier affiliation date.
4. The action did not present a nonjusticiable political question because it required judicial interpretation of a statute and could be resolved using judicially manageable standards.
5. Colatorti had standing to seek judicial interpretation of the statute governing Hills's appointment because her asserted right to representation was personal and the alleged injury was traceable to the appointment.

KEY QUOTATIONS

“There is no requirement that the appointee be a member of the relevant political party (1) when the vacancy is made public, (2) when the vacancy occurs, or (3) for a minimum amount of time prior to being appointed.” (¶ 39)

“The mere fact that political rights and questions are involved does not create immunity from judicial review.” (¶ 56)

FACTUAL BACKGROUND

Dan McConchie, the Republican state senator for Illinois's Twenty-Sixth Legislative District, resigned effective February 2, 2025. A Republican legislative committee initially voted to appoint Darby Hills, but after Colatorti filed suit and the parties agreed to an order requiring renewed public notice and a new meeting, Hills was appointed as a Republican precinct committeeperson on February 18. The committee met again on February 28, appointed Hills to the Senate vacancy, and she was sworn into office. Colatorti claimed that Hills had to be a Republican when the vacancy was announced, when it occurred, or when she first applied for appointment.

PROCEDURAL HISTORY

After State Senator Dan McConchie resigned, the Republican Legislative Committee appointed Darby Hills to fill the vacancy. Colatorti challenged the appointment, alleging inadequate notice and that Hills was not a qualified Republican when the vacancy was announced, when the vacancy occurred, or when she was initially considered. Following an agreed order requiring renewed notice and a new meeting, Hills was appointed as a precinct committeeperson and was again appointed to the Senate vacancy. The circuit court dismissed the amended complaint with prejudice, and the appellate court affirmed.

DISPOSITION

affirmed

CASES CITED

- Aurelius v. State Farm Fire & Casualty Co., 384 Ill. App. 3d 969, 972-73 (2008)
- Wilson v. County of Cook, 2012 IL 112026, ¶ 14
- Doe-3 v. McLean County Unit District No. 5 Board of Directors, 2012 IL 112479, ¶ 16
- Marshall v. Burger King Corp., 222 Ill. 2d 422, 429 (2006)
- McLean v. Rockford County Club, 352 Ill. App. 3d 229, 232 (2004)
- Northwestern Illinois Area Agency on Aging v. Basta, 2022 IL App (2d) 210234, ¶¶ 33, 89
- Illinois Gaming Machine Operators Ass'n v. City of Waukegan, 2025 IL App (2d) 230431, ¶¶ 113-14
- Dew-Becker v. Wu, 2020 IL 124472, ¶¶ 12, 14
- Goodman v. Ward, 241 Ill. 2d 398, 408 (2011)
- Cinkus v. Village of Stickney Municipal Officers Electoral Board, 228 Ill. 2d 200, 219 (2008)
- Schumann v. Fleming, 261 Ill. App. 3d 1062, 1066 (1994)
- Baker v. Carr, 369 U.S. 186, 209, 217 (1962)
- In re M.W., 232 Ill. 2d 408, 424 (2009)
- Moore v. Grafton Township Board of Trustees, 2011 IL App (2d) 110499, ¶ 5
- In re Estate of Shelton, 2017 IL 121199, ¶ 43
- Kluk v. Lang, 125 Ill. 2d 306, 309-23 (1988)
- The Carle Foundation v. Cunningham Township, 2017 IL 120427, ¶ 34
- In re E.H., 224 Ill. 2d 172, 178 (2006)

- People v. Hampton, 225 Ill. 2d 238, 244 (2007)

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