

COPY

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
DOUGLAS COUNTY, STATE OF ILLINOIS

IN RE:

PETITION OF THE DOUGLAS COUNTY CLERK
FOR AN ORDER ALLOWING FOR A CHANGE OF
BALLOTING PROCEDURES FOR RESIDENTS OF
NURSING HOMES AND LONG CARE FACILITIES
IN DOUGLAS COUNTY,

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FILED

JUN 22 2022

Nathan Brattain
CLERK OF THE CIRCUIT COURT
DOUGLAS COUNTY, ILLINOIS

DOUGLAS COUNTY CLERK AND RECORDER'S VERIFIED COMPLAINT FOR
EMERGENCY INJUNCTIVE RELIEF TO ALLOW A CHANGE IN THE
BALLOTING PROCEDURES FOR RESIDENTS OF NURSING HOMES AND
LONG CARE FACILITIES

Judi Pollock, Complainant, now appears before the undersigned and requests Declaratory and Injunctive Relief and Temporary Restraining Order to allow for a change of balloting procedures for residents of nursing homes and long care facilities for the upcoming 2022 Illinois Primary Election on June 28, 2022 and, after being duly sworn upon oath states as follows:

1. That this Complainant is the duly elected County Clerk & Recorder for the County of Douglas, State of Illinois; and
2. That the right to vote is a fundamental right and in keeping with protecting that fundamental right, this Complainant is seeking an Order for a change of balloting procedures for residents of nursing homes and long care facilities for the upcoming 2022 Illinois Primary Election on June 28, 2022; and
3. The Complainant and the voters of the affected facilities have a clearly ascertainable right to participate in the electoral process, to preserve their rights to vote and in the integrity of the electoral process, and they have a

likelihood of success on the merits of their claim. The Complainant and the voters of the affected facilities do not have an adequate legal remedy which would protect their right to cast their ballots for the 2022 Illinois Primary Election on June 28, 2022, which necessitates the granting of equitable relief. Finally, absent the grant of equitable relief, the voters of the affected facilities will suffer irreparable harm; and

4. There is a "public health emergency under Section 4 of the Illinois Emergency Management Agency Act" as proclaimed by the Governor of the State of Illinois, proclaims that the virus presents "known health risks for older adults and people who have severe chronic medical conditions."
5. There is an outbreak of COVID-19 coronavirus in the local, Douglas County area and such an outbreak presents a health risk to the residents of nursing homes and long care facilities.

WHEREFORE, THE COMPLAINANT REQUESTS THIS COURT TO FIND AND ORDER AS FOLLOWS, AND ANY OTHER RELIEF THE COURT DEEMS APPROPRIATE:

A. Due the global pandemic posed by the COVID-19 coronavirus, the Governor's proclamation a state of emergency, and the threat the virus presents to older adults and people who have severe and chronic medical conditions, the Douglas County Clerk & Recorder requests the authority to change the balloting procedures for residents of nursing homes and long care facilities for the upcoming 2022 Illinois Primary Election on June 28, 2022;

and

B. That alternative balloting procedures set forth in the Clerk's Verified Complaint may be employed by the Douglas County Clerk to allow residents of nursing homes and long-term care facilities to cast ballots as requested. The Complainant seeks to distribute the ballots, and the administrators of the facilities to provide the certifications, as set forth herein; and

C. That, for the safety of residents of these facilities, the Clerk will supply ballots to residents of these facilities who have requested ballots for the 2022 Illinois Primary Election on June 28, 2022, rather than conduct on premises voting at these facilities; and

D. The Clerk will deliver ballots to each of these facilities through its authorized agents to the administrator of the facility on June 23, 2022; and

E. The administrator of the facility will be instructed to provide these ballots to the voters who have requested them. The voter will be allowed to vote on the ballot and will be provided a postage-paid return envelope to mail the ballot back to the Clerk. The administrator of the facility will be advised to sign a certification that the ballot was provided to the resident, that the resident was allowed to vote the ballot in private, and that, upon completion of the voting, the ballot was sealed in the return envelope and mailed to the Clerk. Ballots must be postmarked on or before June 28,

2022 in order to be counted under this Order. In the event that the voter requested assistance, the normal certification of assistance to a voter would be completed by the person chosen by the voter to assist them and this certification would be returned along with the ballot in the postage-paid envelope; and

F. All ballots cast pursuant to this Order will be held for tabulation until 7 p.m. on June 28, 2022; and

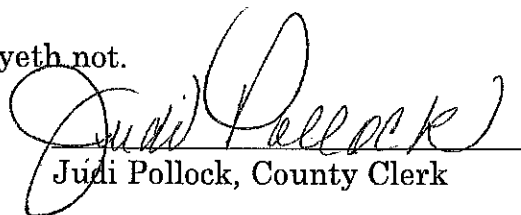
G. A copy of the Verified Complaint and this Temporary Restraining Order will be posted on the Douglas County Clerk's website through June 28, 2022; and

H. The Court reserves ruling on any other requests for relief necessary to afford effective relief in this matter; and

I. The Douglas County Clerk's request for a preliminary injunction is continued for further hearing to a date beyond June 28, 2022; and

J. Good cause exists to waive the posting of any bond, therefore the requirement of posting a bond is hereby waived. hereby waived.

Further Complaint Sayeth not.

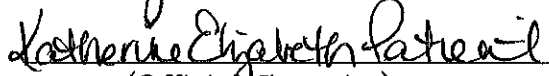

Judi Pollock, County Clerk

STATE OF ILLINOIS)
)
COUNTY OF DOUGLAS)

The undersigned, on oath, says that the facts set forth in the foregoing information are true in substance and matter of fact.




Signed and Sworn to Before Me

June 22, 2022

(Official Capacity)

Prepared by:
Douglas County State's Attorney
Kate Watson --Attorney Number 6216132
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IN RE:

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FILED

JUN 22 2022

ORDER FOR INJUNCTIVE RELIEF ALLOWING FOR A CHANGE
IN THE BALLOTING PROCEDURES FOR RESIDENTS OF
NURSING HOMES AND LONG CARE FACILITIES

Nathan Prust
CLERK OF THE CIRCUIT COURT
DOUGLAS COUNTY, ILLINOIS

This case is coming to be heard on Douglas County Clerk & Recorder Judi Pollock's Emergency Notice of presentment of her Verified Complaint for Declaratory and Injunctive Relief and Temporary Restraining Order ("Verified Complaint"). The Court being fully advised in the premises, finds as follows:

1. In recognition of the fact that the right to vote is a fundamental right and in keeping with protecting that fundamental right, this Court finds that action must be taken in order to protect that right; and

2. There is a "public health emergency under Section 4 of the Illinois Emergency Management Agency Act" as proclaimed by the Governor of the State of Illinois, proclaims that the virus presents "known health risks for older adults and people who have severe chronic medical conditions."

3. Due the global pandemic posed by the COVID-19 coronavirus, the Governor's proclamation a state of emergency, and the threat the virus presents to older adults and people who have severe and chronic medical conditions may not be able to otherwise participate in the electoral process without a change in the balloting procedures and absent the grant of equitable relief, the voters of the affected facilities will suffer irreparable harm.

Based upon the foregoing findings,

IT IS HEREBY ORDERED THAT:

A. That alternative balloting procedures set forth in the Clerk's Verified Complaint may be employed by the Douglas County Clerk to allow residents of nursing homes and long-term care facilities to cast ballots as requested. The Complainant seeks to distribute the ballots, and the administrators of the facilities to provide the certifications, as set forth herein; and

B. That for the safety of residents of these facilities, the Clerk will supply ballots to residents of these facilities who have requested ballots for the 2022 Illinois Primary Election on June 28, 2022, rather than conduct on premises voting at these facilities; and

C. The Clerk will deliver ballots to each of these facilities through its authorized agents to the administrator of the facility on June 23, 2022; and

D. The administrator of the facility will be instructed to provide these ballots to the voters who have requested them. The voter will be allowed to vote on the ballot and will be provided a postage-paid return envelope to mail the ballot back to the Clerk. The administrator of the facility will be advised to sign a certification that the ballot was provided to the resident, that the resident was allowed to vote the ballot in private, and that, upon completion of the voting, the ballot was sealed in the return envelope and mailed to the Clerk. Ballots must be postmarked on or before June 28, 2022 in order to be counted under this Order. In the event that the voter requested assistance, the normal certification of assistance to a voter would be completed by the person chosen by the voter to assist them and this certification would be returned along with the ballot in the postage-paid envelope; and

E. All ballots cast pursuant to this Order will be held for tabulation until 7 p.m. on June 28, 2022; and

F. A copy of the Verified Complaint and this Temporary Restraining Order will be posted on the Douglas County Clerk's website through June 28, 2022; and

G. The Court reserves ruling on any other requests for relief necessary to afford effective relief in this matter; and

H. This matter is continued for further hearing to June 30th, 2022; at 9am; and

I. Good cause exists to waive the posting of any bond,
therefore the requirement of posting a bond is hereby waived.

6-22-22
Date

Paul L. Bond
Circuit Judge

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