

MAR 19 2021

#1 *Kristy Masching*  
CIRCUIT CLERK

**IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT  
LIVINGSTON COUNTY, ILLINOIS**

IN RE: )  
 )  
PETITION OF THE LIVINGSTON COUNTY ) 21 MR 32  
CLERK FOR AN ORDER ALLOWING FOR )  
A CHANGE OF BALLOTING PROCEDURES )  
FOR RESIDENTS OF NURSING HOMES )  
AND LONG CARE FACILITIES IN )  
LIVINGSTON COUNTY )

**ORDER FOR INJUNCTIVE RELIEF ALLOW FOR A CHANGE  
IN THE BALLOTING PROCEDURES FOR RESIDENTS OF  
NURSING HOME AND LONG-TERM CARE FACILITIES**

This cause coming to be heard on Livingston County Clerk Kristy Masching'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 the 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, proclaiming that the COVID-19 coronavirus presents "known health risks for older adults and people who have sever chronic medical conditions."
3. That due to the global pandemic posed by the virus, the Governor's proclaiming a state of emergency, and the threat the virus poses to older adults and people who have severe and chronic medical conditions—these individuals may not be able to otherwise participate in the electoral process without a change in the balloting procedures. Furthermore, absent the grant of equitable relief, the voters in the affected facilities will suffer irreparable harm;

Based upon the foregoing findings, **IT IS HEREBY ORDERED THAT:**

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

- B. That for the safety of the residents of these facilities, the Clerk will supply ballots to residents of these facilities who have requested ballots for the April 6, 2021, Consolidated Election rather than conduct on premises voting at these facilities; and
- C. The Clerk will deliver ballots to each of these facilities through its administrator of the facility no earlier than April 1, 2021 and no later than April 5, 2021;
- 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 provide the ballot back to the administrator. The administrator of the facility will be advised to sign an affidavit 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 delivered back to the Livingston County Clerk. Ballots must be delivered and be present in the Livingston County Clerk's Office by 7:00 p.m. on April 5, 2021 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 to the Livingston County Clerk;
- E. All ballots cast pursuant to this Order will be processed upon receipt of the ballot but held for tabulation until after the poles close on April 6, 2021;
- F. A copy of this Verified Complaint and Temporary Restraining Order will be posted on the Livingston County Clerk's website through April 6, 2021;
- G. The Court reserves ruling on any other requests for relief necessary to afford effective relieve in this matter;
- H. The Livingston County Clerk's request for a preliminary injunction is continued generally for further hearing to be held upon motion of any party with standing to do so;
- F. Good cause exists to waive the posting of bond, therefore the posting of bond is hereby waived;

Dated: March 19, 2021

  
\_\_\_\_\_  
Judge of the Circuit Court

*This Order prepared and submitted by:*  
Randy A. Yedinak  
State's Attorney  
Livingston County, Illinois