

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

IN RE:)
)
) 2021MR32
PETITION OF THE LIVINGSTON COUNTY)
CLERK FOR AN ORDER ALLOWING FOR)
A CHANGE OF BALLOTING PROCEDURES)
FOR RESIDENTS OF NURSING HOMES)
AND LONG CARE FACILITIES IN)
LIVINGSTON COUNTY)

**LIVINGSTON COUNTY CLERK'S VERIFIED COMPLAINT FOR
EMERGENCY INJUNCTIVE RELIEF TO ALLOW A CHANGE IN THE BALLOTING
PROCEDURES FOR RESIDENTS OF NURSING HOME AND
LONG-TERM CARE FACILITIES**

Kristy Masching, Complainant, by Randy A. Yedinak, Livingston County State's Attorney, now appears before the undersigned and requests Declaratory Injunctive Relief and Temporary Restraining Order to allow for a change of balloting procedures for residents of nursing homes and long-term care facilities for the upcoming Consolidated Election of April 6, 2021, and, after being duly sworn upon oath, state as follows:

1. That this Complainant is duly elected County Clerk for the County Livingston, 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 in balloting procedures for residents of nursing homes and long-term care facilities for the upcoming Consolidated Election on April 6, 2021; 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 April 6, 2021 Consolidated Election 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. Further the Governor has proclaimed that the virus presents "known health risks for older adults and people who have severe chronic medical conditions."

WHEREFORE, Complainant requests this Court to FIND and ORDER as follows:

A. That due to the global pandemic posed by COVID-19 coronavirus, the Governor's proclamation that a state of emergency exists, and the threat the virus presents to older adults and people who have severe and chronic medical conditions, the Livingston County Clerk requests authority to change the balloting procedures for residents of nursing homes and long-term care facilities for the upcoming Consolidated Election on April 6, 2021. A list of these facilities is attached as Exhibit A; and

B. That alternative balloting procedures 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 as requested. The Complainant seeks to distribute the ballots, and the administrators of the facilities to provide the certifications as set forth herein; and

i. The Clerk will deliver ballots to each of these facilities through its administrator (or their authorized agent) or allow for the pickup of said ballots from the Livingston County Clerk's Office on March 23, 2021;

ii. 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 4:30 p.m. on March 31, 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;

iii. All ballots cast pursuant to this Order will be processed upon receipt of the ballot;

C. A copy of this Verified Complaint and Temporary Restraining Order will be posted on the Livingston County Clerk's website through April 6, 2021;


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

E. 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;

G. Any other relief that the Court deems appropriate;

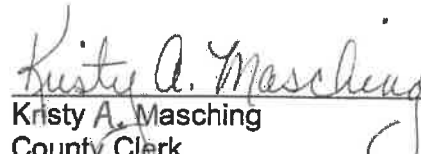
Respectfully submitted,



Randy A. Yedinak
State's Attorney
Livingston County, Illinois

STATE OF ILLINOIS)
)
COUNTY OF LIVINGSTON)


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



Kristy A. Masching
County Clerk
Livingston County Clerk

Signed and sworn to
Before me, this 9 day of March, 2021





Notary Public

Randy A. Yedinak, Livingston County State's Attorney
Livingston County Law & Justice Center
110 N. Main Street
Pontiac, Illinois 61764
(815) 844-5169

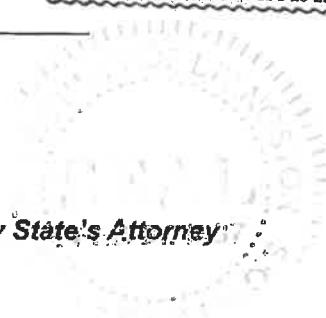


EXHIBIT A

Heritage Health Nursing Home
300 E. Mazon Avenue
Dwight, IL 60420

William Fox Center
134 W. Main Street
Dwight, IL 60420

Fairview Haven
605 N. Fourth Street
Fairbury, IL 61739

Accolade Healthcare
300 W. Lowell Avenue
Pontiac, IL 61764

Good Samaritan
1225 S. Ewing Drive
Pontiac, IL 61764

Evenglow Lodge
215 E. Washington Street
Pontiac, IL 61764

Flanagan Rehabilitation
201 E. Falcon Highway
Flanagan, IL 61740


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ALLOWING FOR CHANGE OF BALLOTING)
PROCEDURES FOR RESIDENTS OF)
NURSING HOME AND LONG-TERM CARE)
FACILITIES IN LIVINGSTON COUNTY)
ILLINOIS)

NOTICE OF EMERGENCY MOTION

TO: See Attached Service List

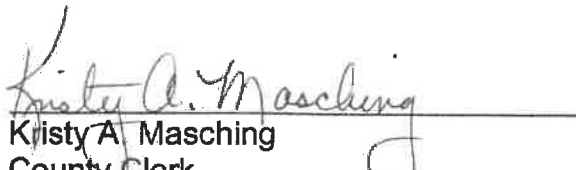
PLEASE TAKE NOTICE that on **March 19, 2021, at 11:30 a.m.**, or as soon thereafter as counsel may be heard, I shall appear before the Honorable Judge Jennifer Bauknecht or whomever is sitting in her stead in Courtroom 1 of the LIVINGSTON COUNTY LAW & JUSTICE CENTER in Pontiac, Livingston County, Illinois and then and there present the attached ***Verified Complaint for Emergency Injunctive Relief***, a copy of which is hereby served upon you.


RANDY A. YEDINAK
STATE'S ATTORNEY
LIVINGSTON COUNTY, ILLINOIS

2021MR32

CERTIFICATE OF SERVICE

I hereby certify that I caused to be served this Notice and Petition to those persons listed on the attached Service List by email and by depositing the same in the U.S. Mail at the U.S. Post Office located in Pontiac, Illinois 61764, postage prepaid, at or before 9 a.m. on March 10, 2021.


Kristy A. Masching
County Clerk
Livingston County, Illinois

SERVICE LIST

Mr. Kelly Kinate, Chairman
Livingston County Republican Central Committee
212 E. Locust Street
Fairbury, IL 61739

Mr. Daniel Hobart, Chairman
Livingston County Democratic Central Committee
704 Illini Ave.
Pontiac, IL 61764

State of Illinois Board of Elections
Attn: Chairman Charles W. Scholz
Bernadette Matthews, Asst. Executive Director
100 W. Randolph Street, Room 14-100
Chicago, IL 60601
Fax: (312) 814-6485
bmatthews@elections.il.gov

Kwame Raoul
Illinois Attorney General
100 W. Randolph Street, 12th Floor
Chicago, IL 60601
Attn: AAG David Van de Burgt
Fax: (312) 814-3589/8536
dvandeburgt@atg.state.il.us