

FILED  
3/12/2020 3:53 PM  
DOROTHY BROWN  
CIRCUIT CLERK  
COOK COUNTY, IL  
2020COEL000011  
Sullivan, Sharon

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT, COUNTY DIVISION**

IN RE: )  
)  
PETITION OF THE COOK COUNTY )  
CLERK FOR AN ORDER OF COURT ) Case No. 2020COEL000011  
ALLOWING FOR RELOCATION OF )  
PRECINCT POLLING PLACES WITH )  
ALTERNATIVE FORMS OF NOTICE )  
OF CHANGE )

**NOTICE OF EMERGENCY MOTION**

TO: Attached Service List

**PLEASE TAKE NOTICE** that on March 13, 2020, at 9:30 a.m. or as soon thereafter as counsel may be heard, I shall appear before the Honorable Judge Sharon M. Sullivan or whomever is sitting in her stead in Room 1703 of the Richard J. Daley Center and then and there present the attached *Verified Complaint for Declaratory and Injunctive Relief and Temporary Restraining Order*, a copy of which is hereby served upon you.

KIMBERLY M. FOXX  
State's Attorney of Cook County

By: Marie D. Spicuzza  
Marie D. Spicuzza  
Assistant State's Attorney  
500 Richard J. Daley Center  
Chicago, Illinois 60602  
Tel.: (312) 603-5489  
Fax: (312) 603-3000  
Attorney No. 10295

**CERTIFICATE OF SERVICE**

I, Marie D. Spicuzza, Assistant State's Attorney, hereby certify that I caused to be served this Notice and Petition to those persons listed on the attached Service List by the emails listed on the attached service list and by depositing the same in the U.S. Mail at the Richard J. Daley Center, Chicago, Illinois 60602, postage prepaid, at or before 5:00 p.m. on March 12, 2020.

Marie D. Spicuzza  
Marie D. Spicuzza, A.S.A.

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT, COUNTY DIVISION**

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**VERIFIED COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF AND  
FOR TEMPORARY RESTRAINING ORDER**

Plaintiff/Petitioner, KAREN A. YARBROUGH, Cook County Clerk (the “Clerk”), by KIMBERLY FOXX, Cook County States Attorney, through her assistant, Marie D. Spicuzza, pursuant to the Illinois Code of Civil Procedure 735 ILCS 5/11-101 et seq. and 735 ILCS 2–701, and the Illinois Election Code, 10 ILCS 5/1 –1 et seq., seeks declaratory and injunctive relief, and a Temporary Restraining Order, in relation to relocation of precinct polling places with alternative forms of notice. In support of this Complaint it is stated as follows:

1. Jurisdiction of this Court is invoked pursuant to Section 11-101 et seq. and Section 2 – 701 of the Illinois Code of Civil Procedure, as well as the Illinois Election Code. Specifically, this Complaint seeks to change the notice requirements for the relocation of precinct polling places for voting for the March 17, 2020 Presidential Primary Election.

2. Pursuant to Section 6 5/1 – 3 (8) of the Election Code the Cook County Clerk is the election authority having charge of conducting all elections in Cook County outside the boundaries of the City of Chicago.

3. Pursuant to 10 ILCS 5/24B – 3.1 , “Except in the event of a fire, flood or total loss of heat... no election authority shall change the location of a polling place established for

any precinct after notice of the place of holding the election for their precinct has been given, unless the election authority notifies all registered voters in the precinct of the change in location by first class mail in sufficient time for the notice to be received by the registered voters in the precinct at least one day prior to the date of the election.” As of March 12, 2020, at least 43 polling places have been relocated as a result of the Public Health Emergency related to the Covid 19 virus.

4. On March 9, 2020, the Hon. JB Pritzker, Governor of the State of Illinois, issued a Disaster Proclamation as a result of the rapid spread of the Covid 19 (Corona) virus. The Disaster Proclamation proclaimed that Covid 19 virus constitutes a “public health emergency under Section 4 of the Illinois Emergency Management Agency Act”. (Exhibit attached)

5. The Governor’s Office further advised the conduct of elections and polling in places which are nursing homes or senior care facilities should be discouraged as a result of the known health risks associated with the populations residing in such facilities. Several Election Day polling places are located in nursing and senior care facilities, as well as other private property where the property owner has notified the Clerk that they will not allow use of their premises as a polling place as a result of the coronavirus pandemic.

6. At the present time an additional 4 – 6 precinct polling locations have notified the Cook County Clerk that they will not be able to serve as polling places on March 17, 2020. On information and belief, the Cook County Clerk anticipates several additional polling places notifying the Clerk that they will not be able to serve as precinct polling places on March 17, 2020. At this point in time if a precinct polling place must be changed, the Cook County Clerk will not have sufficient time to notify all the registered voters in the precinct of the change in location by first class mail prior to the day before the March 17, 2020 Election. As a result of this

Public Health Emergency, numerous polling place locations have and will have contacted the office of the Clerk and informed the Clerk that they cannot accommodate on-site voting. On information and belief, the Clerk believes that relocation of precinct polling places will be necessary up to and including March 17, 2020, with the total number of precincts needing to be relocated unknown. The Cook County Clerk will endeavor to find alternative polling place locations, and has identified sites including but not limited to Cook County Courthouse buildings, as possible alternatives, but will not be able to notify voters in affected precincts by first class mail in sufficient time as required by the statute.

7. As a result of the Public Health Emergency, the Clerk requests that this Honorable Court enter an order allowing the Clerk to relocate precinct polling places as necessary, and provide notice of these relocations on the Cook County Clerk Website, by posting notices at the location of the original polling place directing voters to the alternative relocated polling place, and through contacting local press, community groups and other forms of media, to inform voters of the new location of their polling places for the March 17, 2020 Presidential Primary Election .

8. The Clerk and the affected voters have a clearly ascertainable rights and duties to participate in the electoral process, to preserve the right to vote, and in the integrity of the election process, and have a likelihood of success on the merits of the claim.

9. The Plaintiff/Petitioner herein, and the voters of the affected precincts, will have no adequate remedy of law to preserve their rights to vote, and the integrity of the election process, and there is no legal remedy which will adequately provide voters their right to cast their ballot.

WHEREFORE, Plaintiff/Petitioner prays that the Court enter a Temporary Restraining Order declaring the due to the Public Health Emergency, the Cook County Clerk may use alternative methods of providing public notice of the relocation of precinct polling places, including posting of this information on the Cook County Clerk Website, posting notices at the location of the original polling places directing voters to the alternative relocated polling places, and through contacting local press, community groups and other forms of media, to inform voters of the new location of their polling places for the March 17, 2020 Presidential Primary Election, and for such other relief as this Court deems appropriate for the March, 17, 2020 Presidential Primary Election.

Respectfully submitted,

KIMBERLY M. FOXX  
State's Attorney of Cook County

**By:** /s/ Marie D. Spicuzza  
Marie D. Spicuzza  
Assistant State's Attorney  
[Marie.spicuzza@cookcountyil.gov](mailto:Marie.spicuzza@cookcountyil.gov)

Atty. No. 10295  
KIMBERLY M. FOXX  
State's Attorney of Cook County  
Marie D. Spicuzza  
Assistant State's Attorney  
500 Richard J. Daley Center  
Chicago, Illinois 60602  
(312)603-5489

### VERIFICATION BY CERTIFICATION

Under penalties provided by Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in the attached instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.

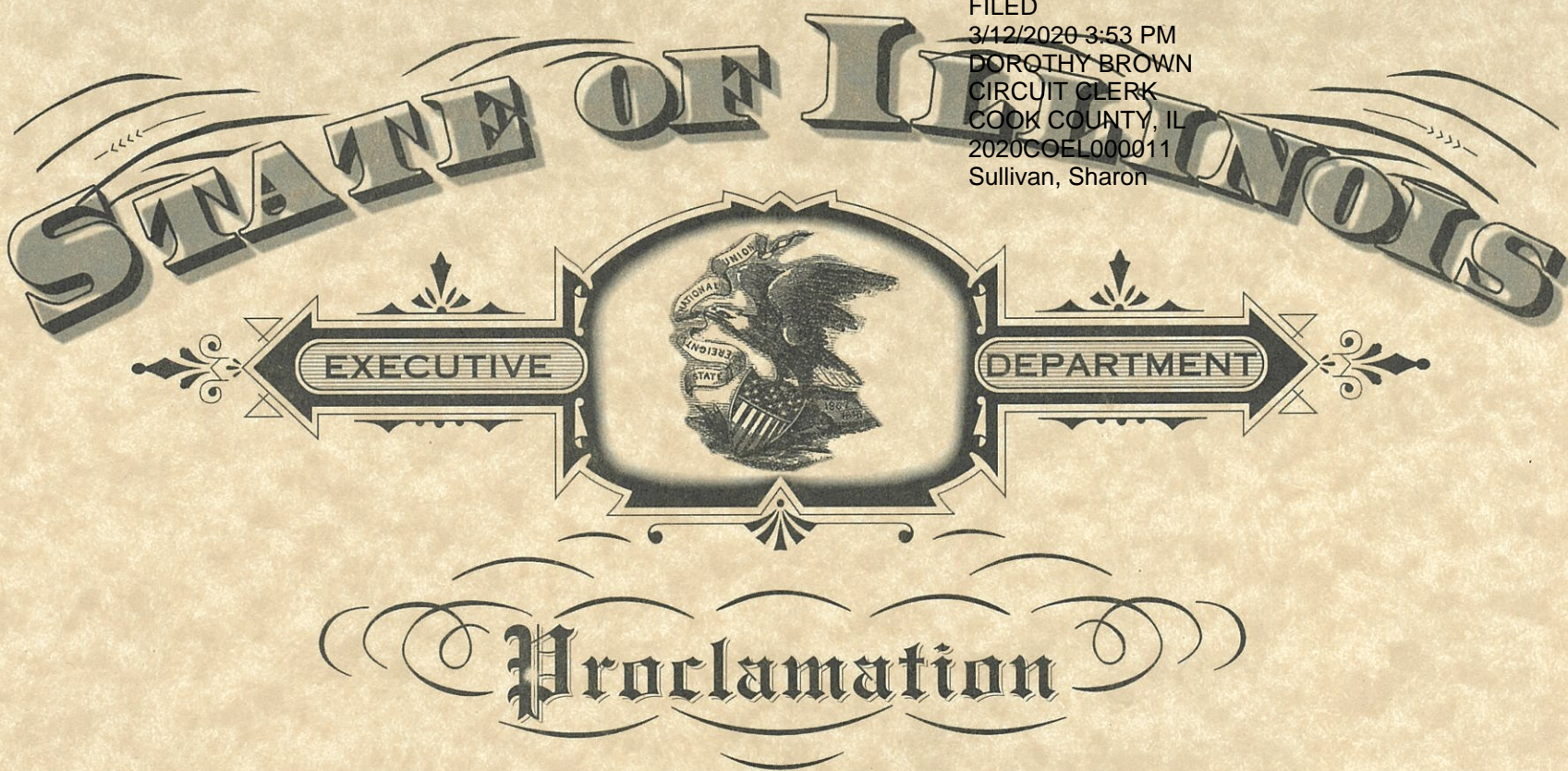
A handwritten signature in black ink, appearing to read 'Edmund Michalowski', written over a horizontal line.

Edmund Michalowski, Deputy Clerk Elections  
Cook County Clerk

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# Exhibit A





WHEREAS, in late 2019, a new and significant outbreak of Coronavirus Disease 2019 (COVID-19) emerged in China; and,

WHEREAS, COVID-19 is a novel severe acute respiratory illness that can spread among people through respiratory transmissions and present with symptoms similar to those of influenza; and,

WHEREAS, certain populations are at higher risk of experiencing more severe illness as a result of COVID-19, including older adults and people who have serious chronic medical conditions such as heart disease, diabetes, or lung disease; and,

WHEREAS, we are continuing our efforts to prepare for any eventuality given that this is a novel illness and given the known health risks it poses for the elderly and those with serious chronic medical conditions; and,

WHEREAS, the World Health Organization declared COVID-19 a Public Health Emergency of International Concern on January 30, 2020, and the United States Secretary of Health and Human Services declared that COVID-19 presents a public health emergency on January 27, 2020; and,

WHEREAS, the World Health Organization has reported 109,578 confirmed cases of COVID-19 and 3,809 deaths attributable to COVID-19 globally as of March 9, 2020; and,

WHEREAS, in response to the recent COVID-19 outbreaks in China, Iran, Italy and South Korea, the Centers for Disease Control and Prevention ("CDC") has deemed it necessary to prohibit or restrict non-essential travel to or from those countries; and,

WHEREAS, the CDC has advised older travelers and those with chronic medical conditions to avoid nonessential travel, and has advised all travelers to exercise enhanced precautions; and,

WHEREAS, the CDC currently recommends community preparedness and everyday prevention measures be taken by all individuals and families in the United States, including voluntary home isolation when individuals are sick with respiratory symptoms, covering coughs and sneezes with a tissue, washing hands often with soap and water for at least 20 seconds, use of alcohol-based hand sanitizers with at least 60% alcohol if soap and water are not readily available, and routinely cleaning frequently touched surfaces and objects to increase community resilience and readiness for responding to an outbreak; and,

WHEREAS, a vaccine or drug is currently not available for COVID-19; and,

WHEREAS, in communities with confirmed COVID-19 cases, the CDC currently recommends mitigation measures, including staying at home when sick, when a household member is sick with respiratory disease symptoms or when instructed to do so by public health officials or a health care provider and keeping away from others who are sick; and,

WHEREAS, despite efforts to contain COVID-19, the World Health Organization and the CDC indicate that it is expected to spread; and,

WHEREAS, there are currently 11 confirmed cases of COVID-19 and an additional 260 persons under investigation in Illinois; and,

WHEREAS, one of the confirmed cases of COVID-19 in Illinois has not been linked to any travel activity or to an already-confirmed COVID-19 case, which indicates community transmission in Illinois; and,

WHEREAS, based on the foregoing, the circumstances surrounding COVID-19 constitute a public health emergency under Section 4 of the Illinois Emergency Management Agency Act; and,

WHEREAS, it is the policy of the State of Illinois that the State will be prepared to address any disasters and, therefore, it is necessary and appropriate to make additional State resources available to ensure that the effects of COVID-19 are mitigated and minimized and that residents and visitors in the State remain safe and secure; and,

WHEREAS, this proclamation will assist Illinois agencies in coordinating State and Federal resources, including the Strategic National Stockpile of medicines and protective equipment, to support local governments in preparation for any action that may be necessary related to the potential impact of COVID-19 in the State of Illinois; and,

WHEREAS, these conditions provide legal justification under Section 7 of the Illinois Emergency Management Agency Act for the issuance of a proclamation of disaster:

NOW, THEREFORE, in the interest of aiding the people of Illinois and the local governments responsible for ensuring public health and safety, I, JB Pritzker, Governor of the State of Illinois, hereby proclaim as follows:

Section 1. Pursuant to the provisions of Section 7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7, I find that a disaster exists within the State of Illinois and specifically declare all counties in the State of Illinois as a disaster area.

Section 2. The Illinois Department of Public Health and the Illinois Emergency Management Agency are directed to coordinate with each other with respect to planning for and responding to the present public health emergency.

Section 3. The Illinois Department of Public Health is further directed to cooperate with the Governor, other State agencies and local authorities, including local public health authorities, in the development of strategies and plans to protect the public health in connection with the present public health emergency.

Section 4. The Illinois Emergency Management Agency is directed to implement the State Emergency Operations Plan to coordinate State resources to support local governments in disaster response and recovery operations.

Section 5. To aid with emergency purchases necessary for response and other emergency powers as authorized by the Illinois Emergency Management Agency Act, the provisions of the Illinois Procurement Code that would in any way prevent, hinder or delay necessary action in coping with the disaster are suspended to the extent they are not required by federal law. If necessary, and in accordance with Section 7(1) of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7(1), the Governor may take appropriate executive action to suspend additional statutes, orders, rules, and regulations.

Section 6. Pursuant to Section 7(3) of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7(3), this proclamation activates the Governor's authority, as necessary, to transfer the direction, personnel or functions of State departments and agencies or units thereof for the purpose of performing or facilitating emergency response programs.

Section 7. The Illinois Department of Public Health, Illinois Department of Insurance and the Illinois Department of Healthcare and Family Services are directed to recommend, and, as appropriate, take necessary actions to ensure consumers do not face financial barriers in accessing diagnostic testing and treatment services for COVID-19.

Section 8. The Illinois State Board of Education is directed to recommend, and, as appropriate, take necessary actions to address chronic absenteeism due to transmission of COVID-19 and to alleviate any barriers to the use of e-learning during the effect of this proclamation that exist in the Illinois School Code, 105 ILCS 5/1-1 et. seq.

Section 9. Pursuant to Section 7(14) of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7(14), increases in the selling price of goods or services, including medical supplies, protective equipment, medications and other commodities intended to assist in the prevention of or treatment and recovery of COVID-19, shall be prohibited in the State of Illinois while this proclamation is in effect.

Section 10. This proclamation can facilitate a request for Federal emergency and/or disaster assistance if a complete and comprehensive assessment of damage indicates that effective recovery is beyond the capabilities of the State and affected local governments.

Section 11. This proclamation shall be effective immediately and remain in effect for 30 days.

In Witness Whereof, I have hereunto set my hand and caused the Great Seal of the State of Illinois to be affixed.

Done at the Capitol in the City of Springfield,  
this NINTH day of MARCH, in  
the Year of Our Lord, two thousand and  
TWENTY, and of the State of Illinois,  
two hundred and SECOND.



Deese White  
SECRETARY OF STATE

JB Pritzker  
GOVERNOR



## **GUBERNATORIAL DISASTER PROCLAMATION**

**WHEREAS**, in late 2019, a new and significant outbreak of Coronavirus Disease 2019 (COVID-19) emerged in China; and,

**WHEREAS**, COVID-19 is a novel severe acute respiratory illness that can spread among people through respiratory transmissions and present with symptoms similar to those of influenza; and,

**WHEREAS**, certain populations are at higher risk of experiencing more severe illness as a result of COVID-19, including older adults and people who have serious chronic medical conditions such as heart disease, diabetes, or lung disease; and,

**WHEREAS**, we are continuing our efforts to prepare for any eventuality given that this is a novel illness and given the known health risks it poses for the elderly and those with serious chronic medical conditions; and,

**WHEREAS**, the World Health Organization declared COVID-19 a Public Health Emergency of International Concern on January 30, 2020, and the United States Secretary of Health and Human Services declared that COVID-19 presents a public health emergency on January 27, 2020; and,

**WHEREAS**, the World Health Organization has reported 109,578 confirmed cases of COVID-19 and 3,809 deaths attributable to COVID-19 globally as of March 9, 2020; and,

**WHEREAS**, in response to the recent COVID-19 outbreaks in China, Iran, Italy and South Korea, the Centers for Disease Control and Prevention (“CDC”) has deemed it necessary to prohibit or restrict non-essential travel to or from those countries; and,

**WHEREAS**, the CDC has advised older travelers and those with chronic medical conditions to avoid nonessential travel, and has advised all travelers to exercise enhanced precautions; and,

**WHEREAS**, the CDC currently recommends community preparedness and everyday prevention measures be taken by all individuals and families in the United States, including voluntary home isolation when individuals are sick with respiratory symptoms, covering coughs and sneezes with a tissue, washing hands often with soap and water for at least 20 seconds, use of alcohol-based hand sanitizers with at least 60% alcohol if soap and water are not readily available, and routinely cleaning frequently touched surfaces and objects to increase community resilience and readiness for responding to an outbreak; and,

**WHEREAS**, a vaccine or drug is currently not available for COVID-19; and,

**WHEREAS**, in communities with confirmed COVID-19 cases, the CDC currently recommends mitigation measures, including staying at home when sick, when a household

member is sick with respiratory disease symptoms or when instructed to do so by public health officials or a health care provider and keeping away from others who are sick; and,

**WHEREAS**, despite efforts to contain COVID-19, the World Health Organization and the CDC indicate that it is expected to spread; and,

**WHEREAS**, there are currently 11 confirmed cases of COVID-19 and an additional 260 persons under investigation in Illinois; and,

**WHEREAS**, one of the confirmed cases of COVID-19 in Illinois has not been linked to any travel activity or to an already-confirmed COVID-19 case, which indicates community transmission in Illinois; and,

**WHEREAS**, based on the foregoing, the circumstances surrounding COVID-19 constitute a public health emergency under Section 4 of the Illinois Emergency Management Agency Act; and,

**WHEREAS**, it is the policy of the State of Illinois that the State will be prepared to address any disasters and, therefore, it is necessary and appropriate to make additional State resources available to ensure that the effects of COVID-19 are mitigated and minimized and that residents and visitors in the State remain safe and secure; and,

**WHEREAS**, this proclamation will assist Illinois agencies in coordinating State and Federal resources, including the Strategic National Stockpile of medicines and protective equipment, to support local governments in preparation for any action that may be necessary related to the potential impact of COVID-19 in the State of Illinois; and,

**WHEREAS**, these conditions provide legal justification under Section 7 of the Illinois Emergency Management Agency Act for the issuance of a proclamation of disaster;

**NOW, THEREFORE**, in the interest of aiding the people of Illinois and the local governments responsible for ensuring public health and safety, I, JB Pritzker, Governor of the State of Illinois, hereby proclaim as follows:

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**Section 4.** The Illinois Emergency Management Agency is directed to implement the State Emergency Operations Plan to coordinate State resources to support local governments in disaster response and recovery operations.

**Section 5.** To aid with emergency purchases necessary for response and other emergency powers as authorized by the Illinois Emergency Management Agency Act, the provisions of the Illinois Procurement Code that would in any way prevent, hinder or delay necessary action in coping with the disaster are suspended to the extent they are not required by federal law. If necessary, and in accordance with Section 7(1) of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7(1), the Governor may take appropriate executive action to suspend additional statutes, orders, rules, and regulations.

**Section 6.** Pursuant to Section 7(3) of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7(3), this proclamation activates the Governor's authority, as necessary, to transfer the direction, personnel or functions of State departments and agencies or units thereof for the purpose of performing or facilitating emergency response programs.

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**Section 11.** This proclamation shall be effective immediately and remain in effect for 30 days.

Issued by the Governor March 9, 2020

Filed by the Secretary of State March 9, 2020



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