

**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. 2020 COEL 10  
ALLOWING FOR CHANGE OF )  
BALLOTING PROCEDURES FOR )  
RESIDENTS OF NURSING HOME )  
AND LONG-TERM CARE )  
FACILITIES IN COOK COUNTY )  
ILLINOIS )

**TEMPORARY RESTRAINING ORDER**

This case coming to be heard on Cook County Clerk Karen Yarbrough's Emergency Notice of presentment of her Verified Complaint for Declaratory and Injunctive Relief ("Verified Complaint"). The Court being fully advised in the premises, *finds as follows*:

1. The organizations, entities and individuals identified in the Verified Complaint's Service List have all received notice of a hearing in this matter via email or facsimile.
2. The Plaintiff/Petitioner 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 Plaintiff/Petitioner 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 March 17, 2020, Primary Election which necessitates the granting of equitable relief. Finally, absent the grant of equitable relief, the voters of the affected facilities will suffer irreparable.
3. 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 as set forth in Exhibit A to the Verified Complaint. Exhibit A of the Verified Complaint

proclaims that the virus presents “known health risks for older adults and people who have severe chronic medical conditions.”

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

1. The Cook County Clerk’s request to amend her Verified Complaint to include a request for a Temporary Restraining Order is granted.
2. The alternative balloting procedures set forth in the Clerk’s Verified Complaint may be employed by the Cook County Clerk to allow residents of nursing homes and long-term care facilities to cast ballots as requested. The Court directs the Cook County Clerk to distribute the ballots, and the administrators of the facilities to provide the certifications, as set forth herein.
3. For the safety of residents of these facilities, the Clerk will supply ballots to residents of these facilities who have requested ballots for the March 17, 2020 Presidential Primary rather than conduct on premises voting at these facilities.
4. The Clerk will deliver ballots to each of these facilities through its authorized agents to the administrator of the facility on March 12, 2020.
5. 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 March 17, 2020, 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.

6. All ballots cast pursuant to this Order will be held for tabulation until March 19, 2020.
7. A copy of the Verified Complaint and this Temporary Restraining Order will be posted on the Cook County Clerk's website through March 20, 2020.
8. The Court reserves ruling on any other requests for relief necessary to afford effective relief in this matter.
9. The Cook County Clerk's request for a preliminary injunction is continued for further hearing to March 23, 2020, at 9:30 a.m. in Room 1703 of the Daley Center.
10. Good cause exists to waive the posting of any bond, therefore the requirement of posting a bond is hereby waived.

Silvia Mercado Masters  
Marie D. Spicuzza  
Assistant State's Attorneys  
500 Richard J. Daley Center  
Chicago, Illinois 60602  
Tel.: (312) 603-7795/5489  
[Silvia.mercadomasters@cookcountyil.gov](mailto:Silvia.mercadomasters@cookcountyil.gov)  
[Marie.spicuzza@cookcountyil.gov](mailto:Marie.spicuzza@cookcountyil.gov)

