

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

IN RE: )  
)  
PETITION OF THE BOARD OF )  
ELECTION COMMISSIONERS FOR ) Case No. 2022-COEL-000027  
THE CITY OF CHICAGO FOR AN )  
ORDER OF COURT ALLOWING FOR )  
CHANGES OF BALLOTING )  
PROCEDURES FOR RESIDENTS AND )  
JUDGES OF ELECTION IN )  
PRECINCTS WITHOUT A )  
DESIGNATED POLLING PLACE IN )  
THE CITY OF CHICAGO, COOK )  
COUNTY, ILLINOIS )

**ORDER FOR DECLARATORY JUDGEMENT AND INJUNCTIVE RELIEF**

This case coming to be heard on the Emergency Notice of presentment of Verified Complaint for Emergency Declaratory and Injunctive Relief (“Verified Complaint”) filed by the Board of Election Commissioners for the City of Chicago (“Board”), the Court being fully advised in the premises, *the Court finds and orders as follows*:

1. The Board served notice of the hearings in this matter via email transmissions to counsel for the State and Cook County Democratic Party; the State, Cook County and Chicago Republican Party; the Cook County Libertarian Party, the Illinois State Board of Elections, the U.S. Attorney’s office, the Illinois Attorney General’s office, the Cook County State’s Attorney’s office and the Cook County Clerk’s office.
2. A petitioner seeking injunctive relief must establish (1) a certain and clearly ascertained right that needs protection; (2) irreparable injury that will be suffered without injunctive protection; (3) no adequate remedy at law; and (4) probable success on the merits. *Ill. Beta Chapter of Sigma Phi Epsilon Fraternity Alumni Bd. v. Illinois Inst. of Tech.*, 409 Ill.App.3d 228, 231.
3. The Plaintiff/Petitioner Board of Election Commissioners for the City of Chicago (the

“Board”) and the voters and judges of election of the affected “Vacant Precincts,” which are defined as the 73 precincts listed in EXHIBIT 1 to this Order, have a clearly ascertainable right to participate in the electoral process, to preserve their rights to vote and the integrity of the electoral process, and they have a likelihood of success on the merits of their claim. The Board has a clearly ascertainable right to provide election procedures to those residents in a safe, secure and convenient manner, and the Board has a strong likelihood of success to preserve these rights to vote and the integrity of the election process in the manner requested in its Verified Complaint. The Board, the judges of election and the voters of the Vacant Precincts do not have an adequate legal remedy that would protect their rights to cast their ballots for the June 28, 2022, Primary Election, which necessitates the granting of equitable relief. Finally, absent the grant of equitable relief, the Board, the voters and election judges of the Vacant Precincts will suffer irreparable harm.

4. There is an ongoing public health emergency under Section 4 of the Illinois Emergency Management Agency Act as proclaimed by the Governor of the State of Illinois on a monthly basis since March of 2020.
5. This public health emergency and related health and safety concerns, coupled with the challenges related to utilizing only fully-accessible polling places under the Americans with Disabilities Act, have caused numerous polling places to cancel or to be ineligible for participation as election polling places on Election Day for the June 28, 2022, Primary Elections.

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

1. The Board shall promptly mail notices to all voter households within the Vacant Precincts informing those voters that (a) their election precinct has been closed due to lack of any viable polling place; (b) they may be temporarily reassigned to the early voting site located

within their ward, which sites shall be open for in-person voting from 6 a.m. to 7 p.m. on Election Day as Universal Vote Centers; (c) the voters remain eligible to apply for a vote-by-mail ballot; (d) the voters may vote early at any of the Board's early voting sites throughout the City of Chicago; and (e) the voters may vote in person on Election Day at any of the Board's early voting sites throughout the City, which shall be open on Election Day as Universal Vote Centers for both the casting of ballots and for same-day voter registration.

2. The Board shall provide voting and voter registration opportunities on Election Day for all eligible voters residing within the Vacant Precincts on the Board's touchscreen voting machines at each and every one of its early voting sites, which shall be open for all voting hours on Election Day as Universal Vote Centers, thus eliminating the need for paper ballots for the Vacant Precincts.
3. The Board shall promptly communicate in its customary methods with the judges of election for the Vacant Precincts to inform those judges that (a) they are relieved of their assignment and from all Election Day duties in and for their respective Vacant Precincts, including but not limited to their duty to provide a certificate of precinct results at the close of the polls on Election Day; (b) the judges may be reassigned by the Board, with their consent, to serve in other precincts or as standby or auxiliary judges; and (c) if no such reassignment is possible or agreeable, the judges shall be discharged from their current commissions with honors and shall remain eligible to reapply for future service in the July 2022 judge of election confirmation period.
4. All eligible votes contained on all ballots cast by voters of the Vacant Precincts shall be processed, tabulated, reported, canvassed and proclaimed by the Board pursuant to its

standard and routine compliance with the statutory requirements for vote-by-mail ballots, early-voting ballots and Election Day Vote Center ballots, as the case may be.

5. A copy of the Verified Complaint and this Order shall be posted on the Board's website through final proclamation of the results of the June 28, 2022 Primary Elections.
6. The TRO remains in effect until the hearing on preliminary injunction set for July 5, 2022, at 11:30 a.m., before the Hon. Judge Nichole C. Patton, via Zoom video conferencing (Zoom ID # 958 9492 1843, Zoom password 226532).
7. Good Cause exists to waive the posting of any bond, therefore the requirement of posting a bond is hereby waived.

*Prepared by:*

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*Nichole C. Patton 2211*

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TRO ORDER - EXHIBIT 1  
Chicago Vacant Precincts  
as of June 3, 2022

Ward	Pct
2	10
3	25
7	1
7	3
8	14
8	18
14	4
14	24
18	7
19	1
19	45
19	49
21	13
21	32
26	30
26	42
30	9
31	15
31	31
32	1
32	2
32	4
32	6
32	27
33	5
33	19
35	6
38	9
38	27
39	38
40	9
40	18
40	22
40	26
40	33
40	36
41	11
42	2
42	5
42	17
42	18
42	20
42	22
42	24
42	26
42	29

TRO ORDER - EXHIBIT 1  
Chicago Vacant Precincts  
as of June 3, 2022

42	32
42	33
42	36
42	38
42	39
43	6
43	13
43	27
43	34
43	36
43	42
44	4
44	5
44	6
44	18
44	21
44	22
44	23
44	28
45	15
45	17
45	19
45	20
45	30
45	35
48	32
49	16

FILED  
5/27/2022 5:10 PM  
Iris Y. Martinez  
CIRCUIT CLERK  
COOK COUNTY, IL  
2022COEL000027  
Calendar, 12  
No hearing information was found

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THE CITY OF CHICAGO, COOK )  
COUNTY, ILLINOIS )

Case No. 2022-COEL-  
2022COEL000027

**VERIFIED COMPLAINT  
FOR EMERGENCY DECLARATORY AND INJUNCTIVE RELIEF**

Plaintiff/Petitioner, BOARD OF ELECTION COMMISSIONERS FOR THE CITY OF CHICAGO and its members, Chair Marisel A. Hernandez and Commissioners William J. Kresse and June A. Brown (collectively the “Board”), by their General Counsel, Adam W. Lasker of Lasker Law LLC, 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 in relation to balloting procedures for residents and judges of election in precincts without a designated polling place in the City of Chicago, Cook County, Illinois. 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 relief to allow for a change of voting procedures for residents and judges of election in precincts without a designated polling place in the City of Chicago for the June 28, 2022, General Primary Election (the “Election”).

2. Pursuant to Article 6 of the Illinois Election Code (10 ILCS 5/6-1 *et seq*) the Board is the election authority having charge of conducting all elections in the City of Chicago.

3. Pursuant to 10 ILCS 5/2A-1.1b(k), the next general primary election shall be held on June 28, 2022 (“Election Day”). Under 10 ILCS 5/11-3, 5/11-4 and other sections of the Election Code, the Board is required to conduct in-person voting and voter registration in each of its 2,069 election precincts on Election Day.

4. Pursuant to 10 ILCS 5/14-1, five election judges are charged with the duty of administering the election in each precinct on Election Day. This Circuit Court of Cook County appointed and confirmed the commissions of the current roster of election judges in or about July of 2020 pursuant to 10 ILCS 5/14-5. The judges were appointed for a two-year term of service in their respective precincts under 10 ILCS 5/14-3.1. Shortly after the court’s appointment, the Board sent notice of the assignments and commissions to each election judge pursuant to 10 ILCS 5/14-7. The judges are entitled to compensation for their services pursuant to 10 ILCS 5/14-9.

5. Pursuant to 10 ILCS 5/16-5, the Board is required to print paper ballots and to supply them to the judges of election for each precinct in a quantity equaling at least 10% more ballots of the kind to be voted in such precinct than the number of registered voters therein.

6. Upon completion of the voting on Election Day in each precinct, the judges of election are charged with the duty of certifying the election results for their respective precincts and then submitting a certificate of the results to the Board pursuant to 10 ILCS 5/18-13, 5/18-14 and other Election Code sections.

7. Pursuant to 10 ILCS 5/11-8, the Board will be operating at least 51 different universal voting locations throughout the city on Election Day, at least one per ward, where all voters of the City of Chicago are allowed to vote regardless of the precinct in which they are



registered (“Universal Vote Center” or “UVC”). These Universal Vote Centers are the same facilities that the Board uses as its early voting sites, but they may now remain open on Election Day per Section 11-8 of the Election Code.

8. On April 11, 2017, the Board entered into a settlement agreement with the U.S. Department of Justice regarding polling place accessibility under the Americans with Disabilities Act (“ADA”). Under that agreement, as amended on October 4, 2019, the Board is required to ensure the accessibility of all of its 2,069 polling places for voters with disabilities by the November 2022 general election. (See **EXHIBITS 1A and 1B.**) The Board has since been working under the DOJ’s supervision to move out of or remedy all polling places with accessibility barriers.

9. On March 9, 2020, Illinois Governor J.B. Pritzker proclaimed the existence of a disaster in all counties in the State of Illinois due to the novel coronavirus and COVID-19 pandemic.<sup>1</sup> The governor’s statewide disaster proclamations have continued every month to and including April 29, 2022, which proclamation shall remain in effect until May 29, 2022.<sup>2</sup> When the pandemic hit Illinois in 2020, it caused numerous challenges in election administration, including the need to shut down in-person voting inside nursing homes and other elder care facilities (see Cook County Circuit Court case Nos. 2020-COEL-000012 and 2020-COEL-000022) and the need to extend operation of the Board’s early voting sites for Primary Election Day in March of 2020 (see Cook County Circuit Court case No. 2020-COEL-00013). This Court’s orders in these cited cases are attached hereto for reference purposes as **EXHIBITS 2, 3 and 4.**

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<sup>1</sup> See: <https://coronavirus.illinois.gov/content/dam/soi/en/web/coronavirus/documents/coronavirus-disaster-proc-03-12-2020.pdf> (last viewed May 24, 2022).

<sup>2</sup> See: <https://coronavirus.illinois.gov/content/dam/soi/en/web/illinois/documents/government/coronavirus-disaster-proc-04-29-2022.pdf> (last viewed May 24, 2022.)

The early voting extension was needed to provide universal voting sites for voters who resided in the numerous precincts for which polling place proprietors cancelled their participation in the election due to COVID-related concerns.

10. Unfortunately, the additional burdens and difficulties in securing polling places for Election Day precincts due to lingering COVID pandemic concerns remains an ongoing problem for the Board. These COVID-related complications are coupled with the additional challenges related to the ongoing Settlement Agreement with the DOJ, as ADA-accessible locations are a requirement but can be quite difficult to find in many locations throughout the city (including accessibility issues with both public and private buildings). The Board's staff has been working diligently since December of 2020 to secure locations for all 2,069 precincts for this upcoming 2022 primary election. However, as of May 25, 2022, there were still vacancies in 73 precincts and the staff remains concerned that more vacancies may be caused in the future with last-minute withdrawals from polling place proprietors. For details about the various efforts made to secure polling places for the 2022 primary election and current vacancies, please see the affidavit of Brandon Pickens, Supervisor of the Board's Polling Places Department, attached hereto and incorporated herein as **EXHIBIT 5**.

11. Due to the ongoing challenges caused by the disastrous health and safety pandemic, numerous polling place proprietors have informed the Board that they are cancelling their participation as election precincts and the Board may not use those locations for public voting purposes. Presently, the 73 precincts without any identified or assigned polling places are those shown on the list attached hereto and incorporated herein as **EXHIBIT 6**.

12. The Board conducts elections in a total of 2,069 precincts in about 1,500 locations throughout the City of Chicago. As of May 25, 2022, a total of 73 precincts are affected by polling

place closures and vacancies. Each precinct consists of approximately 500 to 1,000 registered voters. While replacement locations are currently being sought out at this late date, it is unlikely that suitable locations will be available in time for Election Day. Even if replacement locations are located, they may not be as geographically convenient to the voters of each precinct as their regular polling place, and other Early Voting sites may be more readily available to them.

13. The voters in the precincts now known to be affected by polling place closures, and those residing in precincts that may be closed due to COVID-19 in the days and hours prior to Election Day – and even on Election Day itself – have a clearly ascertainable legal right to cast a ballot in the 2022 Primary Election. The voters will suffer irreputable harm if not provided with a convenient voting location on Election Day. There is no adequate remedy at law for the voters because money damages do not replace the important Constitutional right to vote. There also is no adequate remedy at law for the Board, because no provision of the Election Code – nor any other state or federal law – allows the Board to request that voters in precincts without a polling place be directed to vote on Election Day at a Universal Vote Center rather than their home precincts. The voters and the Board have a high likelihood of success on the merits of this claim and, as such, an injunctive remedy is the only relief that could help protect all of these important rights to participate in the electoral franchise.

14. A petitioner seeking injunctive relief must establish (1) a certain and clearly ascertained right that needs protection; (2) irreparable injury that will be suffered without injunctive protection; (3) no adequate remedy at law; and (4) probable success on the merits. *Ill. Beta Chapter of Sigma Phi Epsilon Fraternity Alumni Bd. v. Illinois Inst. of Tech.*, 409 Ill.App.3d 228, 231.

15. Based upon the foregoing facts and circumstances, the Board

16. For the above reasons, the Board requests that this court enter an order for declaratory and injunctive relief substantially similar to the proposed draft order attached hereto as **EXHIBIT 7**.

17. WHEREFORE, as a result of the ongoing public health emergency and DOJ-monitored ADA requirements, and the burdens they have placed on the Board in those precincts without assigned polling places, and for all the reasons stated above, the Board requests that this Honorable Court enter an order for declaratory and injunctive relief as follows:

- A. Relieving the Board from its duty to operate precinct polling places and to provide paper ballots for the June 28, 2022, Primary Election in the 73 election precincts identified in EXHIBIT 3, and any other precincts where the proprietors of the assigned polling places withdraw from participation in this Election from the time of the entry of this court order through and including Election Day (hereafter the “Vacant Precincts”);
- B. Authorizing the Board to temporarily reassign the affected voters of the Vacant Precincts to the Universal Vote Center located in their respective wards;
- C. Authorizing the Board to mail notices to each of the affected households within the Vacant Precincts informing the voters therein of their precinct closure, their temporary reassignment to the Universal Vote Center in their respective ward, and of their standard options to vote by mail, to vote early, or to vote on Election Day at any of the early voting sites that will remain open on Election Day as Universal Vote Centers;
- D. Relieving the Board from its duty to staff the Vacant Precincts with election judges and authorizing the Board to attempt to reassign those judges with their consent to other precincts and/or for services as standby and auxiliary judges or, if no such reassignment

agreement is reached, authorizing the Board to decommission the judge for the remainder of his or her term (which is set to expire at the end of June 2022);

- E. Relieving the judges in the Vacant Precincts from their duty to administer the election on Election Day, including but not limited to providing a certificate of results, in their respective precincts; and

For such other relief as this Court deems appropriate and just for the June 28, 2022 General Primary Election.

Respectfully submitted,

BOARD OF ELECTION  
COMMISSIONERS  
FOR THE CITY OF CHICAGO

By: /s/ Adam W. Lasker  
Its General Counsel

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As General Counsel for the Chicago Board of Election Commissioners  
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### 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.

/s/ Charles Holiday Jr.  
Charles Holiday Jr., Executive Director  
Board of Election Commissioners  
for the City of Chicago