

**IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
MOULTRIE COUNTY, ILLINIOS**

IN RE:)
)
PETITION OF THE MOULTRIE)
COUNTY CLERK FOR AN ORDER OF)
COURT ALLOWING FOR THE)
CLUSTERING OF CONTIGUOUS)
PRECINCTS TO CONSTITUTE A)
CLUSTERED VOTING ZONE)

Case No. 2020 MR 23

FILED
SIXTH JUDICIAL CIRCUIT
MAR 16 2020
Christa S. Helmuth
CIRCUIT COURT
MOULTRIE COUNTY, ILLINOIS

TEMPORARY RESTRAINING ORDER

This case coming to be heard on Moultrie County Clerk & Recorder ~~Judi Pollock's~~ *Georgia England's gr*
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 that fundamental right, this Court finds that action must be taken in order to protect that right; and
2. On March 9, 2020, there was 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 COVID-19 coronavirus is a "global pandemic" and presents known health risks for older adults and people who have serious chronic medical conditions. Due to concerns for the spread of the virus, older adults and people with serious chronic medical conditions have been advised to self-quarantine themselves at home and to avoid large public gatherings. The County Clerk has been notified that a

signification number of the election judges in Moultrie County would fall under the self-quarantine advisement and may not be able to serve as an election judge; and

3. The Moultrie County Clerk has been notified that numerous election judges have already or will notify the Clerk that they will not be able to serve as an election judge or simply will not show up to his or her assigned precincts due to the above proclamation at their precinct polling places on March 17, 2020; and
4. Pursuant to 10 ILCS 5/11-7 the Election Code provides that precincts established by county boards and used by the election authorities for the federal, state and county elections of even-numbered years will be the precincts for the consolidated primary, and consolidated elections. However, the election authority may cluster up to four contiguous precincts which shall constitute a clustered voting zone during a consolidated primary election; and
5. The clustering of up to four contiguous precincts to constitute a clustered voting zone will be necessary for the upcoming March 17, 2020 Presidential Primary Election, due to the limited number of election judges available to serve, as a consequence of the coronavirus global pandemic; and
6. As required by statute, the common polling place for the clustered voting zone shall be located within the territory comprising the clustered precincts. Only one election judge shall be appointed for each of the precincts in each clustered voting zone. The judges so appointed may not all be affiliated with the same political party. The conduct of an election in a clustered voting zone shall be under the general supervision of all the judges of election designated to serve in the clustered voting zone. The designated judges may perform the duties of election judges for the entire clustered voting zone. However,

under the Election Code, the requirements of Section 17-14 shall apply to voter assistance, the requirements of Section 24-10 shall apply to voter instruction, the requirement of Section 24A-10 shall apply to examination of vote by mail ballots, and any disputes as to entitlement to vote, challenges, counting of ballots or other matters pertaining directly to voting shall be decided by those designated judges appointed for the precinct in which the affected voter resides or the disputed vote is to be counted; and

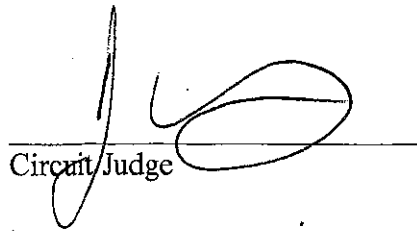
7. The County Clerk and the affected voters have clearly ascertainable rights and duties to participate in the electoral process, to preserve the fundamental right to vote, and to safeguard the integrity of the electoral process. The County Clerk has demonstrated a likelihood of success on the merits of the claim; and
8. The County Clerk and the voters of the affected precincts, will have no adequate remedy at law to preserve their fundamental right 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 should the Court not grant this Temporary Restraining Order as it pertains to the clustering of up to four contiguous precincts to constitute a clustered voting zone.

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

1. Due the global pandemic posed by the COVID-19 coronavirus, the Governor's proclamation a state of emergency, the last-minute and ongoing withdrawal of election judges, the uncertainty of how many elections judges will be able to serve and in order to protect the fundamental right to vote, the Moultrie County Clerk & Recorder shall have the authority to cluster up to four contiguous precincts to constitute a clustered voting zone for the upcoming March 17, 2020 Presidential Primary Election; and

2. As required by statute, the common polling place for the clustered voting zone shall be located within the territory comprising the clustered precincts. Only one election judge shall be appointed for each of the precincts in each clustered voting zone. The judges so appointed may not all be affiliated with the same political party. The conduct of an election in a clustered voting zone shall be under the general supervision of all the judges of election designated to serve in the clustered voting zone. The designated judges may perform the duties of election judges for the entire clustered voting zone. However, under the Election Code, the requirements of Section 17-14 shall apply to voter assistance, the requirements of Section 24-10 shall apply to voter instruction, the requirement of Section 24A-10 shall apply to examination of vote by mail ballots, and any disputes as to entitlement to vote, challenges, counting of ballots or other matters pertaining directly to voting shall be decided by those designated judges appointed for the precinct in which the affected voter resides or the disputed vote is to be counted; and
3. A copy of the Verified Complaint and this Temporary Restraining Order shall be posted on the Moultrie County Clerk's website through March 24, 2020; and
4. The Court reserves ruling on any other requests for relief necessary to afford effective relief in this matter; and
5. The TRO remains in effect until the hearing on the preliminary injunction which is set for **March 27, 2020 at 9:30 a.m., in the Sixth Judicial Circuit, Moultrie County, Illinois;** and
6. Good cause exists to waive the posting of any bond, therefore the requirement of posting a bond is hereby waived.

3/14/2020
Date


Circuit Judge

Order Prepared by:

Moultrie County State's Attorney
Tracy Weaver --Attorney Number 6290325
10 S. Main, Suite 13, Sullivan, Illinois 61951
217 728-4353 / tweaver@moultrieco.org

- View up to date information on how Illinois is handling the Coronavirus Disease 2019 (COVID-19) from the Illinois Department of Public Health (<http://www.dph.illinois.gov/topics-services/diseases-and-conditions/diseases-a-z-list/coronavirus>)



(/idol/)

IMPORTANT COVID-19 INFORMATION

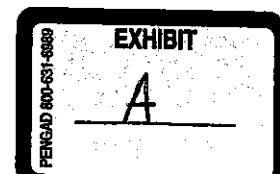
The Illinois Department of Public Health, local health departments, and public health partners throughout Illinois, and federal agencies, including the Centers for Disease Control and Prevention (CDC), are responding to an outbreak of respiratory illness caused by a novel coronavirus called COVID-19 that was first identified in December 2019 during an outbreak in Wuhan, China. COVID-19 has spread throughout the world, including the United States and Illinois. The World Health Organization announced March 11, 2020 that the spread of coronavirus qualifies as a global pandemic.

In addition, Gov. JB Pritzker issued a disaster proclamation March 9, 2020 regarding COVID-19 that gives the state access to federal and state resources to combat the spread of this newly emerged virus.

This is a rapidly evolving situation and information will be updated as needed at <http://www.dph.illinois.gov/topics-services/diseases-and-conditions/diseases-a-z-list/coronavirus> (<http://www.dph.illinois.gov/topics-services/diseases-and-conditions/diseases-a-z-list/coronavirus>) and on the CDC website at cdc.gov/coronavirus/2019-ncov/index.html. (<http://cdc.gov/coronavirus/2019-ncov/index.html>.)

For general questions about COVID-19 and Illinois' response and guidance, call 1-800-889-3931 or email DPH.SICK@ILLINOIS.GOV (<mailto:DPH.SICK@ILLINOIS.GOV>).

Break the Germ Cycle - English: <https://vimeo.com/397526386/23f114c27b> (https://secure-web.cisco.com/1kM2IwQNhKuO51InrulxPM2bvCxxZDxfFqt42bg_17MpPCSYrIik-yaLs528_AkVA7noidg1QBubE5_mfX9W6FhLkrAyIOHKWwzmgoAvvnzZC9PC_ubEcZzIDWtXZbILgrOQNdiVhbViIPb_etLQcPKNH5PXubtnDwdRVYY4tftpWkIJSNvsoxtSjhxctICwowHml1qybqwmVvHlqADIFWxNDNQpfour3Wt2HMEkI8XaCCwKmqVok0uwaQe6Ex8mN8wwippkQIHPhV-yMg6xQ6DO45HKHbwcpbq1SoR938rDINLmJY436GvCQ21wmUKbXLUQhZfkrnVWjytXXXHI7ONB1sVcLgMZMaM9yNcivWMad1MM61fvaUtcZlf34gwnzxjeY98S65xeW5GcDZaVI4JduoJ2ID1JeZ96cVgQkuCyHur_ToMpDV5_IZ-cDeT/https://vimeo.com/397526386/23f114c27b)



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Christa S. Helmuth
CIRCUIT COURT
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**MOULTRIE COUNTY CLERK AND RECORDER'S
COMPLAINT FOR A TEMPORARY RESTRAINING ORDER TO ALLOW THE
ELECTION AUTHORITY TO CLUSTER CONTIGUOUS PRECINCTS TO
CONSTITUTE A CLUSTERED VOTING ZONE FOR THE PRIMARY ELECTION**

Georgia England, Complaint, now appears before the undersigned and requests Declaratory and Injunctive Relief and Temporary Restraining Order to allow the election authority to cluster contiguous precincts into a clustered voting zone for the upcoming March 17, 2020 Presidential Primary Election, and, after being duly sworn upon oath, state as follows:

1. That the right to vote is a fundamental right and in keeping with protecting that fundamental right, this Complainant is seeking an Order to allow the election authority to cluster contiguous precincts to constitute a clustered voting zone; and
2. That this Complainant is the duly elected County Clerk & Recorder for the County of Moultrie, State of Illinois; and
3. On March 9, 2020, there was 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 COVID-19 coronavirus is a "global pandemic" and presents known health risks for older adults and

people who have serious chronic medical conditions. Due to concerns for the spread of the virus, older adults and people with serious chronic medical conditions have been advised to self-quarantine themselves at home and to avoid large public gatherings. The County Clerk has been notified that a significant number of the election judges in Moultrie County would fall under the self-quarantine advisement and may not be able to serve as an election judge; and

4. Complainant has also been notified that that numerous election judges have already or will notify the Clerk that they will not be able to serve as an election judge or simply will not show up to his or her assigned precincts due to the above proclamation at their precinct polling places on March 17, 2020; and

5. Pursuant to 10 ILCS 5/11-7 the Election Code provides that precincts established by county boards and used by the election authorities for the federal, state and county elections of even-numbered years will be the precincts for the consolidated primary, and consolidated elections. However, under the Election Code, Complainant may cluster up to four contiguous precincts which could constitute a clustered voting zone during a consolidated primary election; and

6. The County Clerk believes that clustering of up to four contiguous precincts to constitute a clustered voting zone will be necessary for the upcoming March 17, 2020 Presidential Primary Election, due to the limited number of election judges available to serve, as a consequence of the coronavirus global pandemic; and

7. As required by statute, the Complainant would maintain a common polling place for the clustered voting zone that is located within the territory comprising the clustered precincts. Only one election judge would be appointed for each of the precincts in each

clustered voting zone. The judges so appointed would not all be affiliated with the same political party. The conduct of an election in a clustered voting zone would be under the general supervision of all the judges of election designated to serve in the clustered voting zone. The designated judges may perform the duties of election judges for the entire clustered voting zone. However, under the Election Code, the requirements of Section 17-14 shall apply to voter assistance, the requirements of Section 24-10 shall apply to voter instruction, the requirement of Section 24A-10 shall apply to examination of vote by mail ballots, and any disputes as to entitlement to vote, challenges, counting of ballots or other matters pertaining directly to voting shall be decided by those designated judges appointed for the precinct in which the affected voter resides or the disputed vote is to be counted; and

8. The Complainant and the affected voters have clearly ascertainable rights and duties to participate in the electoral process, to preserve the fundamental right to vote, and to safeguard the integrity of the electoral process. The Complainant has demonstrated a likelihood of success on the merits of the claim; and

9. The Complainant, and the voters of the affected precincts, will have no adequate remedy at law to preserve their fundamental right 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 should the Court not grant this Temporary Restraining Order as it pertains to the clustering of up to four contiguous precincts to constitute a clustered voting zone.

**WHEREFORE, THE COMPLAINANT REQUESTS THIS COURT TO
FIND AND ORDER AS FOLLOWS, AND ANY OTHER RELIEF THE COURT
DEEMS APPROPRIATE:**

1. Due the global pandemic posed by the COVID-19 coronavirus, the

Governor's proclamation a state of emergency, the last-minute and ongoing withdrawal of election judges, the uncertainty of how many elections judges will be able to serve and in order to protect the fundamental right to vote, the Moultrie County Clerk & Recorder requests the authority to cluster of up to four contiguous precincts into a clustered voting zone for the upcoming March 17, 2020 Presidential Primary Election; and

2. As required by statute, the County Clerk will maintain a common polling place for the clustered voting zone that is located within the territory comprising the clustered precincts. Only one election judge will be appointed for each of the precincts in each clustered voting zone. The judges so appointed will not all be affiliated with the same political party. The conduct of an election in a clustered voting zone shall be under the general supervision of all the judges of election designated to serve in the clustered voting zone. The designated judges may perform the duties of election judges for the entire clustered voting zone. However, under the Election Code, the requirements of Section 17-14 shall apply to voter assistance, the requirements of Section 24-10 shall apply to voter instruction, the requirement of Section 24A-10 shall apply to examination of vote by mail ballots; and any disputes as to entitlement to vote, challenges, counting of ballots or other matters pertaining directly to voting shall be decided by those designated judges appointed for the precinct in which the affected voter resides or the disputed vote is to be counted; and

3. A copy of the Verified Complaint and this Temporary Restraining Order will be posted on the Moultrie County Clerk's website through March 24, 2020; and

4. The Court shall reserve ruling on any other requests for relief necessary to afford effective relief in this matter; and

5. The TRO remains in effect until the hearing on the preliminary injunction at a date to be set by this Court; and

6. Good cause exists to waive the posting of any bond, therefore the requirement of posting a bond is requested to be hereby waived.

Further Complainant sayeth not.

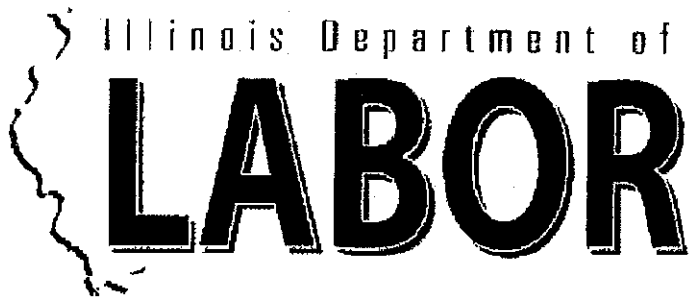
Georgia England
Georgia England, County Clerk

STATE OF ILLINOIS)
)
COUNTY OF MOULTRIE) true in substance and matter of fact.

Signed and Sworn to Before Me
3/16/2020, 2020
Circuit Judge
(Official Capacity)

Moultrie County State's Attorney
Tracy Weaver --Attorney Number 6290325
10 S. Main, Suite 13, Sullivan, Illinois 61951
217 728-4353 / tweaver@moultrieco.org

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