

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

LIBERTARIAN PARTY OF ILLINOIS,)	
STEVE SUESS, JUSTIN TUCKER, ADAM)	
BALLING, STEVE DUTNER, JAMES HUMAY,)	
JASON ROSS DECKER, BRANDON)	
SIZELove, DANIEL E. VAN GINDER,)	
DAVID JOSEPHS, and LINDA CERVA,)	No. 2022-cv-0578
)	
Plaintiffs,)	
v.)	
)	Honorable Robert W. Gettleman
KAREN YARBROUGH, in her capacity as the)	
COOK COUNTY CLERK, CHICAGO)	Magistrate Judge
BOARD OF ELECTION COMMISSIONERS,)	Honorable Jeffrey Cole
and MARISEL A. HERNANDEZ, Chair, and)	
WILLIAM J. KRESSE, Commissioner, and)	
JUNE A. BROWN, Commissioner, and each in)	
their capacities as members of the CHICAGO)	
BOARD OF ELECTION COMMISSIONERS,)	
)	
Defendants.)	

Order

This matter having coming to be heard before the Court on Plaintiffs’ emergency motion for preliminary injunction and/or temporary restraining order, the parties having submitted their respective memoranda and presented oral argument, due notice given, and this honorable Court being fully advised in the premises;

IT IS ACCORDINGLY ORDERED:

1. The court finds that it has subject matter jurisdiction and personal jurisdiction over this matter, and makes the following findings of facts and applications of law:

(a) Within the territorial boundaries of Cook County, the Libertarian Party of Illinois has attained established political party status through application of the Illinois Election Code, 10 ILCS 5/10-

2, when its candidate for Cook County State's Attorney received more than 5% of the vote at last general election held on November 3, 2020;

(b) Defendant, Cook County Clerk Karen Yarbrough, has acknowledged and recognized that the Libertarian Party of Illinois is an established political party within Cook County, IL but only for the purpose of nominating county-wide officers;

(c) Based upon application of the Election Code, 10 ILCS 5/10-2, 10 ILCS 5/7-2, and 10 ILCS 5/7-4(6), Plaintiffs are likely to prevail on the assertions in their Complaint that the Libertarian Party of Illinois is a duly established political party within Cook County, IL for all county officers including nomination of Cook County Board commissioners, Board of Review commissioners, and for purposes of electing its committeepersons at the June 28, 2022 primary election;

(d) Plaintiffs have no adequate remedy at law since Defendant, Yarbrough, is currently denying Plaintiffs' First Amendment rights to associate as a political party, to nominate the candidates of their choice, to promote the political party and its platform for Cook County elected offices, and to vote for candidates and committeepersons of their choice at the June 28, 2022 primary election;

(e) Since the Defendants are already preparing for a primary election, and the cost associated with implementing the relief requested in Plaintiffs' complaint is negligible, and other good cause exists to waive posting bond, no bond will be required.

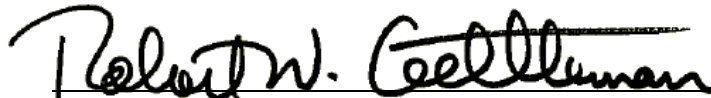
2. Based upon the circumstances and facts set forth in the Plaintiff's Complaint and their emergency motion, and for the reasons contained in the parties' briefs and as stated on the record, a preliminary injunction is proper and necessary to preserve the rights of the Plaintiffs, and their motion is granted.

3. Defendant, Karen Yarbrough as the Cook County Clerk, and to the extent necessary to enforce this order, Defendant, Chicago Board of Election Commissioners, are directed as follows:

- (a) to amend Clerk Yarbrough's "General Information" disclosure to identify the Libertarian Party as an established political party for all Cook County officers, including Cook County Board and Board of Review commissioners, and for township committeepersons;
- (b) to prominently notify the public at Clerk Yarbrough's website and at all physical office locations of the foregoing amendment to the "General Information" disclosure;
- (c) to direct Defendants, upon receipt of the requisite number of signatures for established party candidates, to place the names of Plaintiffs, James Humay, Jason Ross Decker, and Brandon Sizelove upon the June 28, 2022, primary election ballot as candidates of the Libertarian Party for Cook County Board commissioners for Districts 1, 5, and 11, respectively,
- (d) to accept nomination papers from candidates of the Libertarian Party for the offices of Cook County Board and Board of Review commissioners and township committeeperson for the June 28, 2022 primary election;
- (e) to commence all preparations for a Libertarian Party Primary election on June 28, 2022 to include Libertarian Party candidates for Cook County Board and Board of Review, and for its party committeepersons; and
- (f) to thereafter, in accordance with the Illinois Election Code, accept certifications to fill vacancies for the November 8, 2022 general election from the Libertarian Party seeking to fill vacancies in nomination from the primary election.

4. The court retains jurisdiction to enforce this order, and enter further relief as necessary, and this order shall remain in effect until further order.

So ordered.


Honorable Robert W. Gettleman

Date: March 4, 2022