

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

LIBERTARIAN PARTY OF ILLINOIS,)	
ET. AL,)	
PLAINTIFFS)	
)	
V.)	No. 2022-cv-0578
)	
KAREN YARBROUGH, IN HER CAPACITY)	
as the CLERK OF COOK COUNTY,)	
ET. AL,)	Honorable Robert W. Gettleman
DEFENDANTS)	
)	
AND)	Magistrate Judge:
)	Honorable Jeffrey Cole
ILLINOIS GREEN PARTY,)	
RICHARD GIOVANNI,)	
AND RITA MANIOTIS,)	
ET. AL,)	
)	
INTERVENORS,)	

EMERGENCY MOTION TO INTERVENE

In accordance with Federal Rules of Civil Procedure Rule 24, the Illinois Green Party, Richard Giovanni, and Rita Maniotis move to intervene in this action for the reasons that follow:

1. The instant action is brought by the Libertarian Party of Illinois, as well as some of its members and some of its prospective candidates for elective office, seeking a declaratory judgment and other relief.
2. As a consequence of the 2020 general election, and pursuant to the Illinois Election Code (10 ILCS 5/10-2 et. seq), the Libertarian Party has been deemed to be an established political party in Cook County, Illinois (and in other jurisdictions) for all purposes, including the nomination of candidates for all countywide offices as well as all “downballot” contests (e.g., county board commissioners, township committeepersons), for the purposes of the upcoming June 28, 2022 primary election (“primary”).

3. In accordance with paragraphs 41 and 42 of the plaintiffs' Verified Complaint, a defendant herein, Cook County Clerk Karen Yarbrough (hereafter, "Clerk" or "Yarbrough", in her capacity as the Cook County Clerk) has established certain signature requirements for candidates seeking to run as Libertarians in the Cook County primary election.

4. According to the plaintiff's complaint, the clerk has published petition signature requirements to be attained by Republican, Democratic, and Libertarian Party candidates for five countywide offices in Cook County. However, she has declined to publish Libertarian Party (only) petition signature requirements for all "downballot" offices, including, but not limited to, seventeen (17) Cook County Commissioners; further, she and/or her agents and employees indicate(s) that the Clerk will refuse to receive nominating papers for all such "downballot" offices. This is thought to be in contravention of the statutory rights and capabilities afforded to established political parties in Illinois.

5. The intervenors herein (Illinois Green Party, Richard Giovanni, and Rita Maniotis, hereafter "Greens" or "Intervenors") find themselves to be similarly situated. In the 2020 general election, the Greens gained established party status within the boundaries of the Metropolitan Water Reclamation District of Greater Chicago (only), a body corporate and politic that lies within the geographic boundaries of Cook County.

6. Based on prior oral representations to one or more of the Intervenors, the Clerk (and/or her employees and agents) has/have established certain signature requirements for the Illinois Green Party and will allow candidate filings from the Greens for districtwide positions as commissioners of the Metropolitan Water Reclamation District of Greater Chicago (hereafter, "MWRDGC") only. However, filings in "downballot" positions, including, but not limited to, township committeepersons, are to be allowed in only six (out of the thirty) Cook County townships that lie entirely within the boundaries of the MWRDGC.

7. The Intervenor, then, are confronted with the same obstacles and limitations as the Plaintiffs and, accordingly, pray for similar relief, specifically:

(a) leave to file a verified complaint herein by a date certain;

(b) consistent with the Illinois Election Code regarding established parties, a preliminary injunction or temporary restraining order or permanent injunction directing the Clerk to accept from the Intervenor and/or the Illinois Green Party nominating papers for all district-wide and all “downballot” MWRDGC offices to be voted upon in the upcoming June 28, 2022 primary election;

(c) an order directing the Clerk to accept resolutions to fill vacancies in nomination from the Illinois Green Party for the November 08, 2022 general election for positions pertaining to the MWRDGC;

(d) an order directing the Clerk to place the names of all qualifying Illinois Green Party candidates on the ballot for the June 28, 2022 primary election; and

(e) any other relief in equity that this court may deem meet and just under the circumstances.

8. Pursuant to L.R. 77.2 the Intervenor believe that this is an emergency matter because the last day for the filing of nominating petitions and papers by established political parties is imminent, i.e. March 14, 2022.

Respectfully submitted,

/s/ Scott K. Summers
Attorney for Intervenor

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**U.S. District Court for the Northern District Of Illinois
Attorney Appearance Form**

Case Title: Libertarian Party, et. al, vs. Karen Yarbrough, in her capacity as Cook County Clerk, et.al Case Number: 2022-cv-0578

An appearance is hereby filed by the undersigned as attorney for:

Intervenors: Illinois Green Party, Richard Giovanni, and Rita Maniotis

Attorney name (type or print): Scott K. Summers

Firm: Scott K. Summers, Attorney at Law

Street address: P.O. Box 430

City/State/Zip: Harvard, IL 60033

Bar ID Number: 6192355
(See item 3 in instructions)

Telephone Number: 815-345-5200

Email Address: ScottSummersLaw@gmail.com

Are you acting as lead counsel in this case? ☒ Yes ☐ No

Are you acting as local counsel in this case? ☒ Yes ☐ No

Are you a member of the court's trial bar? ☐ Yes ☒ No

If this case reaches trial, will you act as the trial attorney? ☐ Yes ☒ No

If this is a criminal case, check your status. ☐ Retained Counsel
☐ Appointed Counsel
If appointed counsel, are you
☐ Federal Defender
☐ CJA Panel Attorney

In order to appear before this Court an attorney must either be a member in good standing of this Court's general bar or be granted leave to appear *pro hac vice* as provided for by local rules 83.12 through 83.14. I declare under penalty of perjury that the foregoing is true and correct. Under 28 U.S.C. §1746, this statement under perjury has the same force and effect as a sworn statement made under oath.

Executed on February 22, 2022

Attorney signature: S/ Scott K. Summers
(Use electronic signature if the appearance form is filed electronically.)