

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

| | | |
|---|---|-------------------------------|
| LIBERTARIAN PARTY OF ILLINOIS, et al., |) | |
| |) | No. 2022-cv-0578 |
| Plaintiffs, |) | |
| v. |) | |
| |) | Honorable Robert W. Gettleman |
| KAREN YARBROUGH, in her capacity as the |) | |
| COOK COUNTY CLERK, et al., |) | Honorable Jeffrey Cole, |
| |) | Magistrate |
| Defendants. |) | |
| |) | |
| |) | |
| and |) | |
| |) | |
| ILLINOIS GREEN PARTY, RICHARD GIOVANNI, |) | |
| AND RITA MANIOTIS, |) | |
| |) | |
| Proposed Intervenors. |) | |

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

MEMORANDUM OF LAW IN SUPPORT

1. Defendants effectively are asserting that the established party status afforded to the Illinois Green Party ("Green Party," "Greens") within the boundaries of the Metropolitan Water Reclamation District of Greater Chicago ("MWRDGC") for 2022 elections does not extend in "umbrella" fashion to all governmental entities that lie within the boundaries of the District. The Greens beg to differ.
2. Specifically, Karen Yarbrough (in her official capacity as Cook County Clerk) has, for purposes of the June 28, 2022 primary, determined that the Greens may run township committeeperson candidates only in those townships where individuals were elected directly in 2018. On this basis, she has deemed that only six of the thirty townships that lie within the MWRDGC are established as to the Green Party; the other twenty-four, from which no Green candidates ran in 2018, are in her view not established and, hence, precluded from consideration for purposes of the 2022 general election.

3. Greens in the other twenty-four townships are thereby frustrated – to the point of apparent preclusion and exclusion – in their attempts to run for committeepersons in 2022. As described in the proposed complaint, the Clerk’s stance is thought by the prospective intervenors to infringe on the equal protection and due process rights that are to be afforded to potential Green Party candidates by the Fourteenth Amendment.

4. There is another theory at law which is thought to render as moot the Clerk’s groundless and unsubstantiated position on the Green Party’s establishment of townships: the doctrine of equitable estoppel.

5. It should be noted that in Illinois, “estoppel against municipalities is disfavored.” *Corbin v. Schroeder*, 2021 IL 127052, at ¶ 40. The *Corbin* court then went on to quote, favorably, from *Patrick Engineering, Inc. v. City of Naperville*, 2012 IL 113148, ¶ 40:

“(A) plaintiff seeking to invoke equitable estoppel against a municipality must plead specific facts that show (1) an affirmative act by either the municipality itself or an official with express authority to bind the municipality; and (2) reasonable reliance upon that act by the plaintiff that induces the plaintiff to detrimentally change its position.”

6. In past years, the Clerk has published certain voting summaries from primary elections. Two are illustrative. In 2014, Republican committeeperson races from Stickney and Calumet Townships were reported as “no candidate”. No votes – not even write-ins – were cast for these positions. Yet by publishing null results in the election summary, the Clerk implicitly (yet effectively) continued to recognize the two townships as established. Please see Exhibit A.

7. Similarly, in 2018, the Republican committeeperson contest in Calumet Township had no candidates and no votes. By dint of the summary, however, the Clerk continued to implicitly deem Calumet Township as established. Please see Exhibit B.

8. It is suggested that given the disparate treatments of recognizing “no candidate” townships as remaining established for Republicans while asserting that the Green Party is summarily precluded from running committeepersons due to “no candidate” status in the election immediately prior is inherently contradictory and, once again, represents denials of due process and equal protection by the Clerk.

9. In short, the Greens have relied on the Clerk’s practice of maintaining some townships (in these two instances, Republicans) in recognized status despite their “no candidate” committeeperson races. Accordingly, the Clerk now, as a matter of equity, must be deemed estopped from refusing Green Party petitions in townships that previously had no Green candidates.

Respectfully submitted,

/s/ *Scott K. Summers*

Attorney for Proposed Intervenors

Scott K. Summers, Attorney at Law
P.O. Box 430
Harvard, IL 60033
Voice: 815-345-5200
Email: ScottSummersLaw@gmail.com
Fax: 815-986-1333
ARDC No. 6192355

General Primary Election**Cook County and The City of Chicago**

<https://www.cookcountyclerk.kil.gov/sites/default/files/Combined%20Summary%20Report%2031814.pdf>
 Tuesday, March 18th, 2014

Combined Summary

| | Cook County | City of Chicago | Combined Total |
|--------------|-------------|-----------------|----------------|
| Ballots Cast | 232,088 | 226,308 | 458,396 |

Senator, U.S. - DEM

Richard J. Durbin

| | Cook County | City of Chicago | Combined Total | Percentage |
|--|-------------|-----------------|----------------|------------|
| | 92,355 | 154,650 | 247,005 | 100.00% |
| | 92,355 | 154,650 | 247,005 | |

Governor & Lieutenant Governor, Illinois - DEM

Tio Hardiman & Brunell Donald

Pat Quinn & Paul Vallas

| | Cook County | City of Chicago | Combined Total | Percentage |
|--|-------------|-----------------|----------------|------------|
| | 19,442 | 34,590 | 54,032 | 20.74% |
| | 76,263 | 130,215 | 206,478 | 79.26% |
| | 95,705 | 164,805 | 260,510 | |

Attorney General, State of Illinois - DEM

Lisa Madigan

| | Cook County | City of Chicago | Combined Total | Percentage |
|--|-------------|-----------------|----------------|------------|
| | 91,610 | 156,786 | 248,396 | 100.00% |
| | 91,610 | 156,786 | 248,396 | |

Secretary of State, State of Illinois - DEM

Jesse White

| | Cook County | City of Chicago | Combined Total | Percentage |
|--|-------------|-----------------|----------------|------------|
| | 94,631 | 165,581 | 260,212 | 100.00% |
| | 94,631 | 165,581 | 260,212 | |

Comptroller, State of Illinois - DEM

Sheila Simon

| | Cook County | City of Chicago | Combined Total | Percentage |
|--|-------------|-----------------|----------------|------------|
| | 88,065 | 148,319 | 236,384 | 100.00% |
| | 88,065 | 148,319 | 236,384 | |

Treasurer, State of Illinois - DEM

Michael W. Frerichs

| | Cook County | City of Chicago | Combined Total | Percentage |
|--|-------------|-----------------|----------------|------------|
| | 82,679 | 136,861 | 219,540 | 100.00% |
| | 82,679 | 136,861 | 219,540 | |

Exhibit A

Rep Committeeman, Palos Township - REP

Sean M. Morrison

| Cook County | City of Chicago | Combined Total | Percentage |
|-------------|-----------------|----------------|------------|
| 3,318 | | 3,318 | 100.00% |
| 3,318 | | 3,318 | |

Rep Committeeman, Proviso Township - REP

Michael A. Corrigan

| Cook County | City of Chicago | Combined Total | Percentage |
|-------------|-----------------|----------------|------------|
| 3,449 | | 3,449 | 100.00% |
| 3,449 | | 3,449 | |

Rep Committeeman, Rich Township - REP

Israel J. Smith

| Cook County | City of Chicago | Combined Total | Percentage |
|-------------|-----------------|----------------|------------|
| 1,396 | | 1,396 | 100.00% |
| 1,396 | | 1,396 | |

Rep Committeeman, River Forest Township - REP

Thomas C. Cronin

| Cook County | City of Chicago | Combined Total | Percentage |
|-------------|-----------------|----------------|------------|
| 663 | | 663 | 100.00% |
| 663 | | 663 | |

Rep Committeeman, Riverside Township - REP

Judy Baar Topinka

| Cook County | City of Chicago | Combined Total | Percentage |
|-------------|-----------------|----------------|------------|
| 1,128 | | 1,128 | 100.00% |
| 1,128 | | 1,128 | |

Rep Committeeman, Schaumburg Township - REP

Ryan Higgins

| Cook County | City of Chicago | Combined Total | Percentage |
|-------------|-----------------|----------------|------------|
| 5,880 | | 5,880 | 100.00% |
| 5,880 | | 5,880 | |

Rep Committeeman, Stickney Township - REP

No Candidate

| Cook County | City of Chicago | Combined Total | Percentage |
|-------------|-----------------|----------------|------------|
| 0 | | 0 | 0.00% |
| 0 | | 0 | |

Rep Committeeman, Thornton Township - REP

Judy A. Diekelman

Tim DeYoung

write-in

| Cook County | City of Chicago | Combined Total | Percentage |
|-------------|-----------------|----------------|------------|
| 965 | | 965 | 38.29% |
| 1,533 | | 1,533 | 60.83% |
| 22 | | 22 | 0.87% |
| 2,520 | | 2,520 | |

Exhibit A

Rep Committeeman, Calumet Township - REP

No Candidate

| Cook County | City of Chicago | Combined Total | Percentage |
|-------------|-----------------|----------------|------------|
| 0 | | 0 | 0.00% |
| 0 | | 0 | |

Rep Committeeman, Cicero Township - REP

Maria C. Medina

| Cook County | City of Chicago | Combined Total | Percentage |
|-------------|-----------------|----------------|------------|
| 884 | | 884 | 100.00% |
| 884 | | 884 | |

Rep Committeeman, Elk Grove Township - REP

Scott Lietzow

Arthur Niewiadowski

| Cook County | City of Chicago | Combined Total | Percentage |
|-------------|-----------------|----------------|------------|
| 2,203 | | 2,203 | 46.39% |
| 2,546 | | 2,546 | 53.61% |
| 4,749 | | 4,749 | |

Rep Committeeman, Evanston Township - REP

J. Blair Garber

| Cook County | City of Chicago | Combined Total | Percentage |
|-------------|-----------------|----------------|------------|
| 1,202 | | 1,202 | 100.00% |
| 1,202 | | 1,202 | |

Rep Committeeman, Hanover Township - REP

Mary Alice Benoit

| Cook County | City of Chicago | Combined Total | Percentage |
|-------------|-----------------|----------------|------------|
| 3,002 | | 3,002 | 100.00% |
| 3,002 | | 3,002 | |

Rep Committeeman, Lemont Township - REP

Sigitas "Sig" Vaznelis

| Cook County | City of Chicago | Combined Total | Percentage |
|-------------|-----------------|----------------|------------|
| 1,642 | | 1,642 | 100.00% |
| 1,642 | | 1,642 | |

Rep Committeeman, Leyden Township - REP

Bradley A. Stephens

| Cook County | City of Chicago | Combined Total | Percentage |
|-------------|-----------------|----------------|------------|
| 3,299 | | 3,299 | 100.00% |
| 3,299 | | 3,299 | |

Rep Committeeman, Lyons Township - REP

James M. Falvey

| Cook County | City of Chicago | Combined Total | Percentage |
|-------------|-----------------|----------------|------------|
| 5,403 | | 5,403 | 100.00% |
| 5,403 | | 5,403 | |

Exhibit A

Cook County and The City of Chicago**Primary Election**<https://www.cookcountyclerk.kil.gov/sites/default/files/Combined%20Summary032018.pdf>**March 20, 2018****Combined Summary**

| | Cook County | The City of Chicago | Combined Total |
|--------------|--------------------|----------------------------|-----------------------|
| Ballots Cast | 450,143 | 488,496 | 938,639 |

| Governor & Lieutenant Governor, Illinois - DEM | Cook County | The City of Chicago | Combined Total | Percentage |
|---|--------------------|----------------------------|-----------------------|-------------------|
| JB Pritzker & Juliana Stratton | 142,297 | 199,581 | 341,878 | 43.83% |
| Chris Kennedy & Ra Joy | 90,803 | 104,571 | 195,374 | 25.05% |
| Daniel Biss & Litesa E. Wallace | 94,299 | 119,982 | 214,281 | 27.47% |
| Bob Daiber & Jonathan W. Todd | 2,276 | 3,130 | 5,406 | 0.69% |
| Tio Hardiman & Patricia Avery | 4,839 | 10,304 | 15,143 | 1.94% |
| Robert Marshall & Dennis Cole | 3,470 | 4,519 | 7,989 | 1.02% |
| | 337,984 | 442,087 | 780,071 | |

| Attorney General, State of Illinois - DEM | Cook County | The City of Chicago | Combined Total | Percentage |
|--|--------------------|----------------------------|-----------------------|-------------------|
| Pat Quinn | 76,999 | 100,271 | 177,270 | 23.11% |
| Renato Mariotti | 12,020 | 14,230 | 26,250 | 3.42% |
| Scott Drury | 27,091 | 21,883 | 48,974 | 6.39% |
| Nancy Rotering | 34,567 | 27,164 | 61,731 | 8.05% |
| Kwame Raoul | 107,246 | 165,425 | 272,671 | 35.55% |
| Jesse Ruiz | 16,412 | 33,028 | 49,440 | 6.45% |
| Sharon Fairley | 48,723 | 57,503 | 106,226 | 13.85% |
| Aaron Goldstein | 8,535 | 14,953 | 23,488 | 3.06% |
| Write-In | 428 | 460 | 888 | 0.12% |
| | 332,021 | 434,917 | 766,938 | |

| Secretary of State, State of Illinois - DEM | Cook County | The City of Chicago | Combined Total | Percentage |
|--|--------------------|----------------------------|-----------------------|-------------------|
| Jesse White | 304,020 | 404,930 | 708,950 | 100.00% |
| | 304,020 | 404,930 | 708,950 | |

| Comptroller, State of Illinois - DEM | Cook County | The City of Chicago | Combined Total | Percentage |
|---|--------------------|----------------------------|-----------------------|-------------------|
| Susana A. Mendoza | 290,797 | 377,604 | 668,401 | 100.00% |
| | 290,797 | 377,604 | 668,401 | |

Exhibit B

Rep Committeeman, Bremen Township - REP

Kevin Suggs

| Cook County | The City of Chicago | Combined Total | Percentage |
|-------------|---------------------|----------------|------------|
| 2,724 | | 2,724 | 100.00% |
| 2,724 | | 2,724 | |

Rep Committeeman, Calumet Township - REP

No Candidate

| Cook County | The City of Chicago | Combined Total | Percentage |
|-------------|---------------------|----------------|------------|
| 0 | | 0 | 0.00% |
| 0 | | 0 | |

Rep Committeeman, Cicero Township - REP

Maria C. Moreno

| Cook County | The City of Chicago | Combined Total | Percentage |
|-------------|---------------------|----------------|------------|
| 592 | | 592 | 100.00% |
| 592 | | 592 | |

Rep Committeeman, Elk Grove Township - REP

Russell K. Nowak

| Cook County | The City of Chicago | Combined Total | Percentage |
|-------------|---------------------|----------------|------------|
| 4,211 | | 4,211 | 100.00% |
| 4,211 | | 4,211 | |

Rep Committeeman, Evanston Township - REP

Blair Garber

| Cook County | The City of Chicago | Combined Total | Percentage |
|-------------|---------------------|----------------|------------|
| 851 | | 851 | 100.00% |
| 851 | | 851 | |

Rep Committeeman, Hanover Township - REP

Michael H Baumer

| Cook County | The City of Chicago | Combined Total | Percentage |
|-------------|---------------------|----------------|------------|
| 2,934 | | 2,934 | 100.00% |
| 2,934 | | 2,934 | |

Rep Committeeman, Lemont Township - REP

Michael G. Shackel

| Cook County | The City of Chicago | Combined Total | Percentage |
|-------------|---------------------|----------------|------------|
| 1,486 | | 1,486 | 100.00% |
| 1,486 | | 1,486 | |

Rep Committeeman, Leyden Township - REP

Bradley A. Stephens

| Cook County | The City of Chicago | Combined Total | Percentage |
|-------------|---------------------|----------------|------------|
| 2,963 | | 2,963 | 100.00% |
| 2,963 | | 2,963 | |

Exhibit B