

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

Libertarian Party of Illinois, *et al.*,

Plaintiffs,

v.

Karen A. Yarbrough, *et al.*,

Defendants.

Case No.: 1:22-cv-0578

Judge Robert W. Gettleman

Consent Judgment Order

This matter coming to be heard by the Court on the agreement of Plaintiffs and Defendant Karen Yarbrough, Cook County Clerk (collectively, the “Parties”), to consent to the following judgment entered in favor of Plaintiffs and against Defendants, this Honorable Court having jurisdiction and being duly advised in the premises,

Background

1. Plaintiffs filed the instant action seeking declaratory judgment that the Libertarian Party of Illinois (the “Libertarian Party”) be deemed an established party under the Illinois Election Code for the primary election to be held on June 28, 2022 for all races in Cook County, including Cook County Commissioner candidates and township committeeperson candidates. The Libertarian Party candidate for Cook County State’s Attorney received more than five percent (5%) of the vote in the November 3, 2020 general election.

2. Plaintiffs filed an Emergency Motion for Preliminary Injunction and/or Temporary Restraining Order seeking to direct Karen Yarbrough, Cook County Clerk (the “County Clerk”) to take certain actions including acknowledging the Libertarian Party as an established party in the General Information disclosures issued by her office; accepting nomination petitions from certain Libertarian Party candidates; placing certain candidates’ names on the ballot for the primary election; and accepting 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.

3. The County Clerk opposed the Plaintiffs’ Motion for Preliminary Injunction, arguing that under the Illinois Election Code, Article 10-2, the Libertarian Party was an established party only as to countywide races in Cook County and not an established party as to races within political subdivisions of Cook County.

4. After briefing and an oral argument, on March 4, 2022, this Court granted the Preliminary Injunction and ordered the County Clerk to take certain actions with respect to the Libertarian Party and its candidates in advance of the primary election. (ECF No. 33).

5. As Ordered on March 4, 2022, the County Clerk amended her General Information disclosure to reflect the Libertarian Party's signature requirements for various races; accepted nomination petitions from Libertarian Party candidates during the period of March 7 to 14, 2022; and commenced preparations for the primary election on June 28, 2022 to include Libertarian Party candidates that receive the requisite number of signatures.

6. The parties agree that the Plaintiffs have prevailed on the merits of their claims and seek to resolve this matter without further litigation and agree this Consent Judgment Order being entered against Defendants.

IT IS HEREBY ORDERED:

7. Based upon application of the Election Code, 10 ILCS 5/10-2, 10 ILCS 5/7-2, and 10 ILCS 5/7-4(6), Plaintiff, Libertarian Party of Illinois, is a duly established political party within Cook County, IL for all "county offices" including nomination of Cook County Board commissioners and Cook County Board of Review commissioners, and for purposes of electing its committeepersons for the 2022 election cycle;

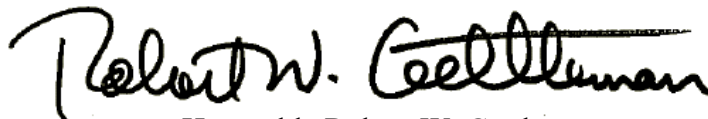
8. Upon receipt of the requisite number of signatures for established party candidates, subject to any proceedings before the Cook County Officers Electoral Board, the County Clerk shall place the name of any Libertarian Party candidate upon the June 28, 2022 primary election ballot for all county officers, including Cook County Board commissioners, Board of Review commissioners, and committeepersons, but this Order in no way instructs the Cook County Officers Electoral Board as to whom is eligible to be placed on the ballot; and

9. The Libertarian Party of Illinois' established political party status shall continue until the November 8, 2022 general election by operation of the Election Code.

10. In accordance with the Illinois Election Code and its provisions, the County Clerk shall 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, and other vacancies that an established political party may fill through operation of the Election Code.

11. Defendants acknowledge that Plaintiffs are the prevailing parties in this litigation and are entitled to attorney fees and costs pursuant to 42 U.S.C. § 1988(b) as determined by the Court, and leave is given to Plaintiffs to submit their petition for costs and fees within 14 days.

So ordered:

A handwritten signature in black ink, reading "Robert W. Gettleman". The signature is fluid and cursive, with a horizontal line extending from the end of the name.

Honorable Robert W. Gettleman

Dated: May 19, 2022