

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT  
ADAMS COUNTY, ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS, EX REL )  
CONNIE HORNSEY, )

V. )

CHUCK VENVERTLOH, )  
ADAMS COUNTY CLERK, )

) NO: 16-CH- 24  
)  
)  
)  
)  
)

**FILED**

MAR 16 2016

*Abri A. J. ...*  
Clerk Circuit Court of the Eighth Judicial Circuit  
ILLINOIS, ADAMS CO.

**PETITION FOR MANDATORY INJUNCTION**

Now comes the Petitioner, Jonathan H. Barnard, State's Attorney for Adams County, in his official capacity, and on relation of facts asserted under oath by Connie Hornsey, and petitions this Court for the issuance of a Mandatory Injunction against Chuck Venvertloh, County Clerk for Adams County, and in support thereof states the following:

1. That Petitioner is the duly elected State's Attorney for Adams County, and further, upon information and belief, I am aware that a number of Precincts within Adams County were without ballots due to a high volume of voters, for extended periods of time for the March 15, 2016 Primary Election, and further, despite the entry of an Emergency Order extending polling place hours to 8:30 p.m., a number of voters who appeared at polling places to vote were prevented from doing so because of unavailability of ballots at their polling places.
2. That Connie Hornsey, whose affidavit is attached as Exhibit A, is one such affected voter, having been prevented the right to vote by the unavailability of ballots at Adams County Precinct #8.
3. That Chuck Venvertloh is the duly elected County Clerk for Adams County, and has statutory responsibility to manage and implement the voting process for all Adams County elections, including the March 15, 2016 Primary Election.
4. That the right to vote is a vital, essential and substantive right, guaranteed by the Constitution of The United States, and the Constitution of the State of Illinois.
5. That upon information and belief, Petitioner believes that a large number of voters who appeared at the polls on March 15, 2016 were turned away, and were deprived of their right to vote through no fault of their own, due to widespread shortages of ballots at a number of precincts within Adams County.
6. That there exists a means to remedy the abridgement of the right to vote in this particular circumstance, that being the "Early Voting" mechanism.
7. That Respondent has advised Petitioner that the "Early Voting" mechanism can be employed to accommodate voters who were deprived of the right to vote as set forth above without delaying the Certification of Election Results by him, which date is March 29, 2016, and further, that the Office of County Clerk can and will be open for extended hours during the week of March 21-25 for that purpose, provided that affected voters are given adequate notice of the hours, dates and purpose of extended voting.

8. That as contemplated, affected voters will be required to execute an affidavit, in the form attached hereto as Exhibit B, affirming their appearance at their respective polling place, their attempt to vote, and their inability to cast their vote due to unavailability of ballots.

9. That Respondent has advised Petitioner that, as contemplated, extended voting will be available only for voters in precincts where ballot shortages occurred, and upon execution of an affidavit by the affected voter as necessary.

10. That no adequate remedy at law exists to remedy the abridgement of the fundamental constitutional right to vote, and further, that the relief prayed for is necessary to implement and protect said right of those affected.

Wherefore, Petitioner prays as follows:

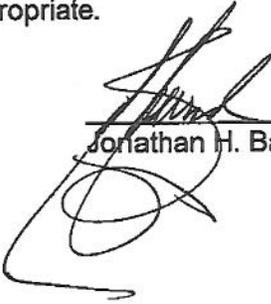
A. That Respondent be ordered to open the Office of the County Clerk for extended voting, beginning on March 21, 2016, through and including March 25, 2016, employing the mechanism already in place for "Early Voting", and further, that the hours for such extended voting be from 7:30 a.m. to 5:30 p.m. on such dates.

B. That such voting be available only to affected voters in precincts which experienced ballot shortages, and further, that absent evidence in the form of a signature of an affected voter at the registry at the polling place, signed on March 15, 2016, any claimed affected voter shall be required to execute an affidavit swearing under oath and penalties of perjury that he or she was denied the right to vote due to ballot shortages in his or her precinct, as a condition for participating in extended voting.

C. That Respondent be ordered to immediately provide public notice to all affected voters, advising of the times and dates for extended voting.

D. That Respondent tabulate and count the votes cast in extended voting prior to March 29, 2015.

E. For other and further relief as may be appropriate.

  
Jonathan H. Barnard

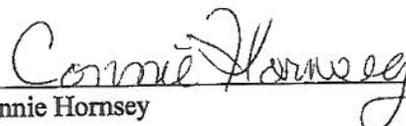
AFFIDAVIT

I, Connie Hornsey, having been duly sworn, state the following:

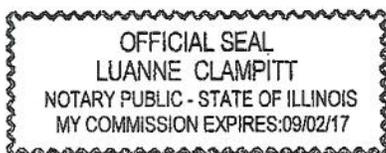
1. I am a registered voter in Adams County.
2. That I reside at [REDACTED] Quincy, Illinois 62305, and that the polling place where I am assigned to vote is the Illinois Veterans Home.
3. On March 15, both I and my husband appeared and signed in to vote in Precinct #8, and were advised that our precinct had run out of ballots. We waited until 8:30 p.m. for additional ballots to arrive, but left when the polls closed at 8:30 p.m., having been deprived our right to vote because there were no ballots available for our precinct.
4. I wish to exercise my right to vote, having appeared at the appropriate time and place to do so. I also observed that other voters in Precinct #8 were unable to vote for the reasons I expressed above.

FURTHER THAT AFFIANT SAYETH NAUGHT.

Entered: March 15, 2016

  
\_\_\_\_\_  
Connie Hornsey

Subscribed and sworn to before me this 17<sup>th</sup> day of March, 2016.



  
\_\_\_\_\_  
Notary Public

"Exhibit A"

AFFIDAVIT

"I, \_\_\_\_\_, having been first duly sworn, state under penalties of perjury that I am a registered voter in Adams County, Illinois, and am assigned, based upon my place of residence, to vote in Precinct # \_\_\_\_\_. On March 15, 2016, I appeared at my polling place for the purpose of voting in the March 15, 2016 Adams County Primary Election, but was unable to do so, having been advised by election judges that no ballots for my precinct were available at the polls. I left my assigned polling place without being afforded the right to vote, due lack of available ballots for my assigned precinct.

Further Affiant Sayeth Not.

\_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_\_ day of March, 2016.

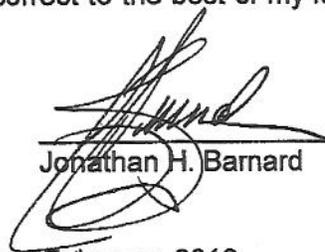
\_\_\_\_\_  
Notary Public

"Exhibit B"

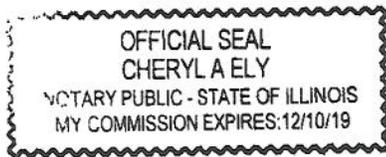
VERIFICATION

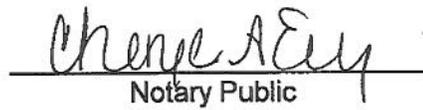
STATE OF ILLINOIS )  
                                  )  
COUNTY OF ADAMS )

The undersigned on oath says that the facts set forth in the foregoing Petition for Mandatory Injunction is true in substance and matter of fact on his information and belief do certify that the information contained in the Petition above is true and correct to the best of my knowledge and belief.

  
\_\_\_\_\_  
Jonathan H. Barnard

Subscribed and sworn to before me this 17th day of February, 2016.



  
\_\_\_\_\_  
Notary Public

**IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT  
ADAMS COUNTY, ILLINOIS**

<b>PEOPLE OF THE STATE OF ILLINOIS, EX REL CONNIE HORNSEY,</b>	)	
	)	
<b>V.</b>	)	<b>NO: 16-CH- 24</b>
	)	
<b>CHUCK VENVERTLOH, ADAMS COUNTY CLERK,</b>	)	
	)	
<b>Defendants.</b>	)	

**Order Granting Mandatory Injunction**

This cause coming on for hearing on a Petition for Mandatory Injunction, the Petitioner and Respondent appearing in person, the Court finds that it has jurisdiction over the parties and subject matter, and having considered the evidence, the Court finds that a number of voters were denied the right to vote through no fault of their own in the March 15 Adams County Primary Election due to unavailability of ballots, that the right to vote is among the most cherished and important rights guaranteed by the Constitutions of the United States of America and the State of Illinois, and that a means exists to restore the right to vote to such affected voters without otherwise delaying the required certification results by the County Clerk of Adams County, and accordingly:

IT IS HEREBY ORDERED ADJUDGED AND DECREED:

1. The respondent waives notice, and consents to the entry of a Mandatory Injunction as prayed for;
2. That there exists no adequate remedy at law for affected voters in the March 15, 2016 Adams County Primary Election, who appeared at the polls but were unable to vote due to lack of ballots;
3. That the Respondent is hereby ordered to provide extended voting at the Office of the County Clerk, employing the same procedures for distributing ballots and tabulating votes for "Early Voting", subject to the following specific conditions;
4. That extended voting shall be available only to voters in those precincts where ballot shortages occurred, and upon proof as specified below, that such voter was denied the right to vote in the March 15, 2016 Adams County Primary Election.
5. That the hours for extended voting shall be from 7:30 a.m. until 5:30 p.m. on March 21, 2016 through March 25, 2016, at the office of the County Clerk of Adams County, 507 Vermont, Quincy, Illinois.
6. That Respondent is ordered to immediately provide notice to the public of extended voting for affected voters, in a newspaper of general circulation on consecutive dates beginning on March 18, 2016 through March 25, 2016, upon the County of Adams website, and all

available electronic media, as reasonably necessary to reach all members of the public.

7. That upon proof in the form of a signature of an affected on a voter's receipt, signed by an affected voter on at his or her respective polling place on March 15, 2016, or an affidavit, in the form attached to this order, executed under oath and under penalties of perjury by a claimed affected voter that he or she was denied the right to vote on March 15, 2016 due to unavailability of ballots, such voter shall be permitted to cast a ballot for the March 15, 2016 Adams County Primary Election;

8. That Respondent, as County Clerk, shall separately maintain and tabulate any and all ballots cast in extended voting as described above, and shall include such tabulation and vote count in the total Adams County vote count to be certified by Respondent when and as required by law, *and not certify the election results before March 29, 2016, absent court order.*  
Enter this 17<sup>th</sup> day of March at 3:00 p.m.



Judge