

121472

No. 121472

10/28/2016

Supreme Court Clerk

IN THE  
SUPREME COURT OF ILLINOIS

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MARYAM AHMAD,	)	On Emergency Motion
	)	for Supervisory Order or
Petitioner,	)	for Leave to File Writ of
	)	Prohibition or <i>Mandamus</i>
v.	)	
	)	
ILLINOIS STATE BOARD OF	)	
ELECTIONS, and CHICAGO BOARD OF	)	
ELECTION COMMISSIONERS, and its	)	
Members, MARISEL A. HERNANDEZ,	)	
Chairwoman, WILLIAM J. KRESSE, &	)	
JONATHAN T. SWAIN, and DAVID ORR,	)	
in his official capacity as COOK COUNTY	)	
CLERK, and RHONDA CRAWFORD,	)	
	)	
Respondents.	)	

**MOTION FOR LEAVE TO FILE PETITIONER’S REPLY, *INSTANTER*, TO THE ILLINOIS STATE BOARD OF ELECTIONS’ RESPONSE TO THE PETITIONER’S EMERGENCY MOTION FOR SUPERVISORY ORDER OR FOR LEAVE TO FILE WRIT OF PROHIBITION OR *MANDAMUS***

MARYAM AHMAD, Petitioner, by and through her attorneys, Odelson & Sterk, Ltd, and pursuant to Article VI § 4(a) of the Illinois Constitution, Illinois Supreme Court Rules 383 and 381(a), respectfully moves this Court to grant the Petitioner leave to file Petitioner’s Reply, *Instanter*, to the Illinois State Board of Elections Response to the Petitioner’s Emergency Motion for Supervisory Order or for Leave to File Writ of Prohibition or *Mandamus*. In support of her motion, the Petitioner states as follows:

1. On October 21, 2016, the Petitioner filed an Emergency Motion for Supervisory Order or for Leave to File Writ of Prohibition or *Mandamus* asking this Honorable Court to remove Rhonda Crawford from the November 8, 2016 ballot or suppress any votes cast for her if this Court

suspends her law license or otherwise finds her ineligible to be a judge. Petitioner's Motion relied on an October 13, 2016 filing by the Illinois Attorney Registration and Disciplinary Commission ("ARDC") with this Court entitled "*Petition for Interim Suspension*" ("Petition") with this Court in the case of *In the Matter of Rhonda Crawford*, Supreme Court No. M.R. 28341. In that petition, the ARDC asked this Court to immediately suspend Crawford's license to practice law while the disciplinary action is pending, and to "restrain and enjoin (Crawford) from taking the judicial oath of office or assuming the office of judge, or take such other action as this Court deems just." Neither the ARDC's Petition nor the Petitioner's Emergency Motion has been ruled upon by this Court.

2. On October 28, 2016, Respondent Illinois State Board of Elections ("SBOE") filed a Response to the Petitioner's Emergency Motion asking this Court to deny the Motion. SBOE argues that "doctrine of ripeness does not permit this Court to award the relief on the basis of hypothetical facts," sought in the Petitioner's Motion, and because, "voting in the November 8, 2016 general election already is underway." (See, SBOE Response ¶¶ 8,9).

3. It is Petitioner's position that, based on the filing by the ARDC, the admissions by Rhonda Crawford in her sworn testimony, and in her pleadings in this Court, as well as the impending election, this case is indeed ripe for consideration. There is no "hypothetical" in this matter. The facts are admitted. The election is now. It is within this Court's authority to remove Rhonda Crawford from the November 8, 2016 election ballot if she is suspended, and to suppress and not count any votes cast for her.

WHEREFORE, for the foregoing reasons, Petitioner respectfully prays that she be granted Leave to Reply, *Instantly*, to the Illinois State Board of Elections' Response to the Petitioner's Emergency Motion for Supervisory Order or for Leave to File Writ of Prohibition or *Mandamus*.

Dated this 28<sup>th</sup> day of October, 2016.

Respectfully submitted,

MARYAM AHMAD, Petitioner

By: /s/Burton S. Odelson  
Burton S. Odelson, one of her Attorneys

Burton S. Odelson, #2090457  
Mary Ryan Norwell, #6186978  
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**VERIFICATION**

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that he has read MOTION FOR LEAVE TO FILE PETITIONER'S REPLY, *INSTANTER*, TO THE ILLINOIS STATE BOARD OF ELECTIONS' RESPONSE TO THE PETITIONER'S EMERGENCY MOTION FOR SUPERVISORY ORDER OR FOR LEAVE TO FILE WRIT OF PROHIBITION OR *MANDAMUS* and the statements set forth therein are true and correct, except as to matter therein stated to be on information and belief, and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.



Burton S. Odelson

Subscribed and Sworn to before me  
this 28<sup>th</sup> day of October, 2016.

  
NOTARY PUBLIC

Burton S. Odelson, #2090457  
Mary Ryan Norwell, #6186978  
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MARYAM AHMAD,	)	On Emergency Motion
	)	for Supervisory Order or
Petitioner,	)	for Leave to File Writ of
	)	Prohibition or <i>Mandamus</i>
v.	)	
	)	
ILLINOIS STATE BOARD OF	)	
ELECTIONS, et al.,	)	
	)	
Respondents.	)	

**NOTICE OF FILING AND SERVICE**

TO: See attached Service List

PLEASE TAKE NOTICE that on **October 28, 2016**, the undersigned electronically filed with the Clerk of the Illinois Supreme Court, **MOTION FOR LEAVE TO FILE PETITIONER’S REPLY, INSTANTER, TO THE ILLINOIS STATE BOARD OF ELECTIONS’ RESPONSE TO THE PETITIONER’S EMERGENCY MOTION FOR SUPERVISORY ORDER OR FOR LEAVE TO FILE WRIT OF PROHIBITION OR MANDAMUS, and PETITIONER’S REPLY TO THE ILLINOIS STATE BOARD OF ELECTIONS’ RESPONSE TO THE PETITIONER’S EMERGENCY MOTION FOR SUPERVISORY ORDER OR FOR LEAVE TO FILE WRIT OF PROHIBITION OR MANDAMUS**, a copy of which is hereby served upon you.

By: /s/Burton S. Odelson  
One of Petitioner’s Attorneys

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\*\*\*\*\* Electronically Filed \*\*\*\*\*

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Supreme Court Clerk

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**CERTIFICATE OF SERVICE**

I, Burton S. Odelson, an attorney, certify that on October 28, 2016, I caused a true and correct copy of **MOTION FOR LEAVE TO FILE PETITIONER'S REPLY, INSTANTER, TO THE ILLINOIS STATE BOARD OF ELECTIONS' RESPONSE TO THE PETITIONER'S EMERGENCY MOTION FOR SUPERVISORY ORDER OR FOR LEAVE TO FILE WRIT OF PROHIBITION OR MANDAMUS, and PETITIONER'S REPLY TO THE ILLINOIS STATE BOARD OF ELECTIONS' RESPONSE TO THE PETITIONER'S EMERGENCY MOTION FOR SUPERVISORY ORDER OR FOR LEAVE TO FILE WRIT OF PROHIBITION OR MANDAMUS** to be served upon the parties, *via e-mail*, at the e-mail addresses indicated in the below Service List.

/s/Burton S. Odelson

Burton S. Odelson

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 Mary Ryan Norwell, #6186978  
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**SERVICE LIST**

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ILLINOIS STATE BOARD OF	)	
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in his official capacity as COOK COUNTY	)	
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**PETITIONER’S REPLY TO THE ILLINOIS STATE BOARD OF ELECTIONS’  
RESPONSE TO THE PETITIONER’S EMERGENCY MOTION FOR SUPERVISORY  
ORDER OR FOR LEAVE TO FILE WRIT OF PROHIBITION OR *MANDAMUS***

NOW COMES, Petitioner, MARYAM AHMAD, by and through her attorneys, Odelson & Sterk, Ltd, and in Reply to the Illinois State Board of Elections’ (“SBOE”) Response to the Petitioner’s Emergency Motion for Supervisory Order or for Leave to File Writ of Prohibition or *Mandamus*, states as follows:

1. The SBOE raises “ripeness” as a reason to deny the relief requested.
2. This matter became “ripe” upon the Attorney Registration and Disciplinary Commission’s (“ARDC”) filing of their request for an Interim Suspension of the Respondent, Rhonda Crawford (“Crawford”). (*See, In the matter of Rhonda Crawford*, S. Ct. No. M.R. 28341).
3. This matter is, and will be “ripe” for consideration, if this Court grants the relief

requested by the ARDC. In fact, if Crawford is suspended by this Court, she no longer is qualified to be a candidate and judge.

4. To wait until after the election on November 8, 2016, for relief as requested in this action, would possibly render moot the suppression of votes, and would deprive the voters of the 1<sup>st</sup> Judicial Subcircuit the opportunity to cast a ballot for a legally qualified candidate.

5. The SBOE discusses “hypothetical facts” at paragraph 8 of their Response. The pertinent facts have already been admitted by Crawford. (*See*, Respondent Rhonda Crawford’s Motion for Extension of Time to Respond to Administrator’s Petition for Interim Suspension Pursuant to Supreme Court Rule 774(a)(2) or for Denial of Interim Suspension with the Clerk of the Attorney Registration and Disciplinary Commission in Chicago, Illinois, *In the matter of Rhonda Crawford*, S. Ct. No. M.R. 28341, ¶12). There is nothing hypothetical about this serious matter.

6. SBOE’s reliance on this Court’s holding in *Simcox v. Simcox*, 131 Ill. 2d 491. 298 (1998) is misplaced. In that case, the Court found the existence of a hypothetical case where issues were prematurely addressed prior to the establishment of a defendant’s status. However, in this case, Petitioner is not asking this Court to prematurely address the issues of Crawford’s candidacy on the November 8, 2016 ballot. The Petitioner is clearly seeking her requested relief, “if this Court suspends Crawford’s license to practice law pursuant to the request by the ARDC.” Thus, the SBOE’s argument of ripeness or this being a hypothetical case should be disregarded by this Court.

7. The SBOE is correct that it would be very difficult to remove Crawford’s name from the ballot at this late date. It is not a difficult task to suppress and not count votes for Crawford. The Chicago Board of Election Commissioners and Cook County Clerk can suppress

and not count votes without burdensome costs and effort. The SBOE is the certifying authority and not the election authority who is responsible for counting – or suppressing votes at the November 8, 2016 election. Those tasks are within the authority of the Chicago Board of Election Commissioners and the Cook County Clerk.

8. The SBOE is an administrative agency of the State and should not be taking a position or advocating for – or against any candidate. *Kozenczak v. DuPage County Officers Electoral Board*, 299 Ill.App.3d 205, 700 N.E.2d 1073, 233 Ill.Dec. 365 (2d Dist. 1998).

WHEREFORE, Petitioner respectfully requests her Petition for Supervisory Order be granted.

Dated this 28<sup>st</sup> day of October, 2016.

Respectfully submitted,

MARYAM AHMAD, Petitioner

By: /s/Burton S. Odelson  
Burton S. Odelson, one of her Attorneys

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**VERIFICATION**

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\_\_\_\_\_  
Burton S. Odelson

Subscribed and Sworn to before me  
this 28<sup>th</sup> day of October, 2016.

  
\_\_\_\_\_  
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