

No. 121472

121472

IN THE
SUPREME COURT OF ILLINOIS

10/28/2016

Supreme Court Clerk

MARYAM AHMAD,)	On Emergency Motion
)	for Supervisory Order or
Petitioner,)	for Leave to File Writ of
)	Prohibition or Mandamus
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.)	

RESPONSE TO EMERGENCY MOTION FOR SUPERVISORY ORDER OR FOR LEAVE TO FILE WRIT OF PROHIBITION OR MANDAMUS

The Attorney General of the State of Illinois, Lisa Madigan, on behalf of the Illinois State Board of Elections (“Board”), hereby responds to the emergency motion for supervisory order or for leave to file writ of prohibition or mandamus filed in this Court on October 21, 2016, by Maryam Ahmad.

BACKGROUND

1. The Board has general supervision over administering the election laws in this State. *See* 10 ILCS 5/1A-1 (2014).

2. The Board has certified Rhonda Crawford to appear on the ballot as the Democratic candidate for judge for the Vanessa Hopkins vacancy in the First Judicial

Subcircuit for the Circuit Court of Cook County, Illinois, in the November 8, 2016 general election.

3. Ahmad has filed the requisite declaration to be a write-in candidate for the same vacancy.

4. In her motion, Ahmad asks this Court to issue an order compelling the Board, among others, to either (1) remove Crawford from the ballot or (2) suppress any votes cast for her, but only “*if*” this Court suspends her law license or otherwise finds her ineligible to be a judge. *See* Mtn. at 1 (emphasis added); *see also id.* at 2, 4, 6, 8, 10.

5. As Ahmad acknowledges, the election now is less than two weeks away and early voting already has begun. *See* Mtn. at 2, 6.

DISCUSSION

6. Ahmad’s motion should be denied outright because the issue it presents is not ripe for this Court’s consideration.

7. To be eligible to be a judge in Illinois, a person must be a United States citizen, licensed to practice law in this State, and a resident of the unit that selects him. *See* Ill. Const. art VI, § 11.

8. As of now, Crawford meets those requirements. Currently, then, there is no legal basis for Crawford to be removed from the ballot or for any votes cast for her to be suppressed. The doctrine of ripeness does not permit this Court to award relief on the basis of hypothetical facts. *See Simcox v. Simcox*, 131 Ill. 2d 491, 498

(1989) (“a hypothetical case or controversy does not satisfy the requirements of the ripeness doctrine”); *Ferguson v. Patton*, 2013 IL 112488, ¶ 23 (“overarching purpose of the doctrine” of justiciability, which includes “ripeness,” “is to reserve the exercise of judicial authority for situations where an actual controversy exists”); *Palm v. 2800 Lake Shore Drive Condo. Ass’n*, 2014 IL App (1st) 111290, ¶ 45 (if “complaint does not state facts sufficient to show ripeness, dismissal is proper”); *Powers v. Rosine*, 2011 IL App (3d) 100070, ¶ 19 (if “question is not ripe,” then court “may not now consider it”).

9. In any event, voting in the November 8, 2016 general election already is underway. It would be difficult, if not impossible, to remove Crawford from the ballot at this late stage. At of now, the Board merely has the authority to certify the person with the most votes as the winner for this vacancy. If Crawford receives the most votes in the election, and becomes ineligible to be a judge at some point in the future, then a vacancy would be created. At that point, this Court may fill the vacancy in the same manner as it fills other judicial vacancies until such time as the vacancy could be filled pursuant to the regular election process in 2018. *See* Ill. Const. art. VI, § 12; 705 ILCS 40/2 (2014).

10. Therefore, the extraordinary relief that Ahmad seeks should be denied. Contrary to Ahmad’s view, *see* Mtn. at 7-8, intervention by this Court in this election at this time would be premature.

WHEREFORE, this Court should deny Ahmad’s motion because the issue

presented is not ripe for this Court's consideration.

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned, an attorney, hereby certifies that the foregoing Response to Emergency Motion for Supervisory Order or for Leave to File Writ of Prohibition or Mandamus was served on each person named below by either transmitting a copy to all primary and secondary e-mail addresses of record, or placing a copy in an envelope with proper prepaid postage affixed, directed to the address indicated, and depositing the envelope in the United States mail at 100 West Randolph Street, Chicago, Illinois 60601, on October 28, 2016, before 5:00 p.m.

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NOTICE OF FILING

To: See Service List

PLEASE TAKE NOTICE that the undersigned filed an original and one copy of the attached Response to Emergency Motion for Supervisory Order or for Leave to File Writ of Prohibition or Mandamus with the Clerk of the Supreme Court of Illinois, Supreme Court Building, 200 E. Capitol Avenue, Springfield, Illinois 62701, by electronically filing it on October 28, 2016. A copy of said document is hereby served on you.

***** Electronically Filed *****

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Supreme Court Clerk

Respectfully submitted,

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