

RECEIVED

No. 121472

**IN THE SUPREME COURT
OF THE STATE OF ILLINOIS**

OCT 28 2016

CLERK
SUPREME COURT
CHICAGO

MARYAM AHMAD,

Petitioner,

v.

**ILLINOIS STATE BOARD OF
ELECTIONS, et al.,**

Respondents.

FILED

OCT 28 2016

CHICAGO
SUPREME COURT CLERK

**COOK COUNTY CLERK DAVID ORR'S RESPONSE TO EMERGENCY MOTION
FOR SUPERVISORY ORDER OR FOR LEAVE TO FILE WRIT OF PROHIBITION
OR MANDAMUS**

Respondent David Orr, in his official capacity as Cook County Clerk ("Cook County Clerk Orr"), by and through his attorney Anita Alvarez, Cook County State's Attorney, through her assistant Marie D. Spicuzza, hereby files this Response to Petitioner Maryam Ahmad's ("Ms. Ahmad") Emergency Motion for Supervisory Order or for Leave to File Writ of Prohibition or Mandamus. ("Motion") In support of his Response, County Clerk Orr states:

1. Cook County Clerk Orr responds only as to the remedy requested in Petitioner's Motion - that Respondent Crawford be removed, as a legally qualified candidate, from the November 8, 2016 election ballot, and any votes cast for Rhonda Crawford be suppressed and not counted.
2. Cook County Clerk Orr takes no position as to the underlying allegations against Respondent Rhonda Crawford.

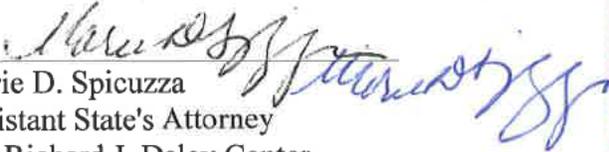
3. Cook County Clerk Orr offers the attached affidavit of Noah Praetz, Cook County Clerk Orr's Director of Elections, to advise the Court regarding the ballot should the Court decide to grant the relief requested in *Maryam Ahmad v. Illinois State Board of Elections, et al.*, No. 121472.
4. It is too late to physically or electronically remove any candidate's name from the ballots to be used for mail voting, for early voting or in the election precincts on election day.
5. In previous instances when the determination of a court that a candidate is not eligible to be on the ballot has been made this late in the election cycle, the Cook County Clerk's office has provided paper notifications to the voters that the candidate is not eligible to receive votes, despite the appearance of the candidate's name on the voters' ballots.
6. Paper notifications for any late in the election cycle Court-ordered changes to the ballot are required to allow Cook County Clerk David Orr to properly and efficiently administer the November 8, 2016 election in Suburban Cook County.
7. In addition to providing all of the voters with a notice for any late in the election cycle Court ordered changes, the Clerk's office suppresses any results for the candidate in question from its election results.

CONCLUSION

For all of the above reasons, Respondent, Cook County Clerk David Orr, requests that this Honorable Court deny Petitioner's request: (a) for a Supervisory Order that Rhonda Crawford be removed, as a legally qualified candidate, from the November 8, 2016 election ballot, and (b) for leave to file a Complaint for Writ of Prohibition or *Mandamus*.

Respectfully submitted,

ANITA ALVAREZ
State's Attorney of Cook County

By: 

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AFFIDAVIT OF NOAH PRAETZ

I, Noah T. Praetz, being first duly sworn on oath do state and depose as follows:

1. I am over 18 years of age, a member of the bar of the Supreme Court of Illinois and I reside in Indian Head Park, Illinois. As to each of the statements herein, I have personal knowledge of the information provided except where otherwise stated. If deposed on these issues, I would testify as stated herein.
2. I became employed by the Office of Cook County Clerk, David Orr in the Elections Department in August, 2000. I was a temporary Data Entry Clerk and my duties included entering voter registration data into a database. Between 2000 and 2007, I rose through the elections division, performing a wide variety of division duties including: developing quality control mechanisms for election equipment production and deployment, assisting with the production of judge training materials, assisting with the assignment of election judges, selecting and surveying polling place locations, developing, coding and maintaining our award-winning web sites, insourcing our ballot production systems,

managing the twenty-five million dollar transition from punch card to electronic voting and managing the County Officers Electoral Board, which adjudicates ballot-access cases. I became Deputy Director of Election in 2007, assisting the Director with all aspects of division management. I became Director of Elections in May 2013. Over the years, I have attended various election administration courses and seminars. I have conducted training sessions and presentations for colleagues around the country. I am Certified in Election Registration Administration by the Election Center. I am a member of the Board of Directors of the International Association of Government Officials.

3. As a result of my duties and responsibilities in each of these positions, as well as training and certifications in election administration over the last sixteen years, I have obtained and possess personal knowledge of all aspects of administering an election in suburban Cook County, including the preparation and use of ballots in the November 8, 2016 General Election.
4. I am offering this affidavit to advise the Court regarding the ballot should the Court decide to grant the relief requested in *Maryam Ahmad v. Illinois State Board of Elections, et al.*, No. 121472.
5. It is too late to physically or electronically remove any candidate's name from the ballots or machines to be used for mail voting, for early voting or in the election precincts on election day.
6. In previous instances when the determination of a court that a candidate is not eligible to be on the ballot has been made this late in the election cycle, the Cook County Clerk's office has provided paper notifications to the voters that the candidate is not eligible to receive votes, despite the appearance of the candidate's name on the voters' ballots.

7. Paper notifications for any late in the election cycle Court-ordered changes to the ballot are required to allow Cook County Clerk David Orr to properly and efficiently administer the November 8, 2016 election in Suburban Cook County.
8. In addition to providing all of the voters with a notice for any late in the election cycle Court-ordered changes, the Clerk's office suppresses any results for the candidate in question from its election results.

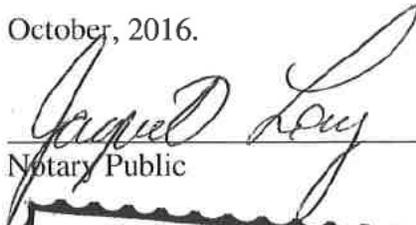


Noah T. Praetz, Director of Elections
for Cook County Clerk David Orr

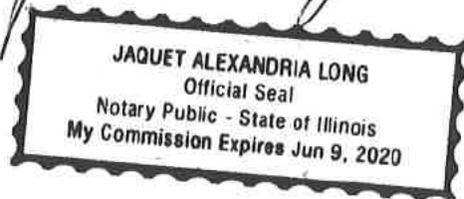
Subscribed and sworn to

before me this 27th day of

October, 2016.



Notary Public



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NOTICE OF FILING BY MAIL MMS

TO: Attached Service List

eight PLEASE TAKE NOTICE that, on October 28, 2016, I caused to be filed an original and one copy of the attached *Cook County Clerk David Orr's 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 depositing said document in the United States mail, with first class prepaid postage affixed, before 5:00 p.m. A copy of this document is attached hereto and hereby served upon you. *MMS*

ANITA ALVAREZ
State's Attorney of Cook County

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CERTIFICATE OF SERVICE

I, Marie D. Spicuzza, Assistant State's Attorney, certify that I caused to have this Notice and attachment served on the parties listed above via email and first class mail on October 28, 2016 before 5:00 p.m.

Marie D. Spicuzza

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