

Election, and to suppress and not count any votes cast for her, if this Court suspends her license to practice law, or otherwise finds her not qualified to be a candidate for Judge.” Pet. Mot., at 1.

Petitioner’s request for relief varies in other portions of her motion. For example, at page 2 of her motion, Petitioner seeks either removal of Crawford from the ballot, *or*, “in the alternative, to suppress and not count any votes cast for her through early voting or on election day” (see Pet. Mot., at 2; see also, Pet. Mot., at 6, 8). However, Petitioner’s prayer for relief clearly requests a supervisory order seeking *both* that “Rhonda 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”. (Italics added) Pet. Mot., at 10.

The Chicago Board takes absolutely no position whatsoever regarding Rhonda Crawford’s continued right to have her name printed on the ballot or to Petitioner’s claims regarding Crawford’s qualifications to be a Judge. The Chicago Board merely wants to suggest to the Court that if the Court is inclined to grant any relief requested in Petitioner’s motion, that such relief be limited to ordering that the Chicago Board, the County Clerk and the State Board of Elections disregard and not report any votes cast for Crawford in determining the winner of the November 8, 2016 general election for the office of Judge of the Circuit Court, 1st Judicial Subcircuit, Hopkins Vacancy.

For the reasons set forth in the Affidavit of Lance Gough, attached hereto as Exhibit A, any attempt at this late date to remove Rhonda Crawford’s name from the November 8, 2016 general election ballot and to reprint paper ballots and reprogram touchscreen ballots will most likely disrupt the orderly conduct of the election in that additional time will be consumed in reprinting and reprogramming ballots, distribution of vote by mail ballots will need to be suspended until corrected ballots can be produced, the late delivery of corrected vote by mail

ballots may result in possible disenfranchisement of voters, and a vote by mail voter who has already received or returned ballots may be confused if he receives a second, corrected ballot.

This Court has previously ordered or affirmed relief that requires election authorities to disregard votes cast for a candidate deemed to be unqualified to be on the ballot if removal of the candidate's name from the ballot cannot be accomplished prior to election day. See, *Cinkus v. Village of Stickney Municipal Officers Electoral Board*, 373 Ill.App.3d 866 (2007), affirmed, 228 Ill.2d 200 (2008); *Delgado v. Board of Election Commissioners of the City of Chicago*, 224 Ill.2d 481, 489 (2007); *Jackson-Hicks v. East St. Louis Board of Election Commissioners*, 2015 IL 118929, ¶ 15 (2015). And, with the advent of new voting equipment and voting processes, especially regarding early voting and vote by mail, “ ‘election day’ is now a month long.” *Lenahan v. Township Officers Electoral Board of Schaumburg Township*, 2013 IL App. (1st) 130619, ¶ 34.

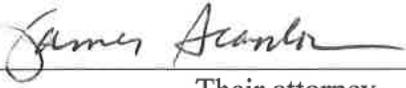
The Chicago Board respectfully submits that this is a case where, if the Court determines before the election that Rhonda Crawford is not qualified to be a candidate, the Court should find that it is too late to remove her name from the ballot and that the appropriate relief is to order the affected election authorities to disregard any votes cast for Crawford in determining the winner of the November 8, 2016 general election for the office of Judge of the Circuit Court, 1st Judicial Subcircuit, Hopkins Vacancy.

If deemed appropriate by the Court, a notice could also be provided to all future voters requesting a ballot in the 1st Judicial Subcircuit that votes cast for Crawford will not be counted and will be disregarded in determining the winner of the election for Judge, 1st Judicial Subcircuit, Hopkins Vacancy.

The Chicago Board will, of course, comply with any order the Court deems appropriate.

Respectfully submitted,

Board of Election Commissioners for the City of Chicago
and its Members, Marisel A. Hernandez, William J. Kresse
and Jonathan T. Swain, Respondents

By:  _____
Their attorney

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IN THE
SUPREME COURT OF ILLINOIS

MARYAM AHMAD,)
)
 Petitioner,)
)
 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.)

AFFIDAVIT OF LANCE GOUGH

I, LANCE GOUGH, being duly sworn and upon oath, state as follows:

1. I presently serve as the Executive Director to the Chicago Board of Election Commissioners and am responsible for the day-to-day operations of the Board. These duties include the overall supervision of the preparation and conduct of elections in the city of Chicago, including the preparation and production of ballots for use in such elections. I have served as Executive Director for the Board since 1988.
2. In my present capacity, I have personal knowledge of the facts stated herein.
3. This affidavit is being made in connection with the above-captioned litigation.
4. The Chicago Board of Election Commissioners is one of 109 local election jurisdictions in the State of Illinois that are responsible for conducting elections throughout the State.
5. The Chicago Board of Election Commissioners is charged with conducting all



elections in the city of Chicago, including the November 8, 2016 General Election.

6. On August 26, 2016, the State Board of Elections certified to county clerks and boards of election commissioners the names of all candidates' whose names are entitled to be on the November 8, 2016 general election ballot.

7. Respondent Rhonda Crawford is a candidate whose name was certified by the State Board of Elections on August 26, 2016, to be printed on the November 8, 2016 general election ballot for the office of Judge, 1st Judicial Subcircuit, Vanessa Hopkins Vacancy, and, pursuant to the State Board of Elections' certification, Crawford's name has been printed on such ballot. No other candidate's name is printed on the ballot for that office. A blank line has been reserved for a write-in candidate.

8. The 1st Judicial Subcircuit extends across two election jurisdictions and is located in both the city of Chicago and in suburban Cook County. The city of Chicago portion of the district includes 202 whole precincts and 24 "split" (i.e., contains two or more districts of the same type, whether congressional, legislative, judicial or county board districts) precincts. In the Chicago portion of the 1st Judicial Subcircuit, there are approximately 180,000 registered voters.

9. The Chicago Board of Election Commissioners uses two different voting methods: optical scan and touchscreen.

10. Optical scan voting is done on paper with the voter marking the ballot with an ink pen to indicate his or her choice of candidates or referenda. If the ballot is cast by a voter in the precinct polling place on election day, the ballot is fed through an electronic optical scanner located in each precinct that reads and records the voter's choices, and then tabulates the results of all ballots cast after the polls close at 7:00 p.m.

11. If the ballot is cast by an absentee or vote by mail voter, the ballot is returned by

mail to the Board and is tabulated after the polls close at 7:00 p.m. on election night by a high-speed optical scanner located in the central office of the Board.

12. Touchscreen voting is conducted on a device similar to a computer screen whereby the voter touches the screen to make candidate and/or referenda selections. There is a paper tape attached to each device that allows the voter to review his or her selections and to confirm that the device has properly recorded the selections made by the voter. Touchscreen voting devices are designed so that voters who have disabilities and voters who are not proficient in English can vote independently and without assistance. In city-wide elections, there is at least one touchscreen voting device in each of the city of Chicago's 2,069 precinct polling places.

13. In addition, touchscreen voting devices are used in Early Voting, which is now being conducted at 51 locations in the city of Chicago. During Early Voting, any voter in the city of Chicago can go to any Early Voting site anywhere in the city to vote. Therefore, each touchscreen voting device is loaded and programmed so that every possible ballot style can be made available to every voter, regardless of where they live and what ballot style they are entitled to vote upon. On average, there are 10 touchscreen devices assigned to each of the 50 remote Early Voting sites and for the November 8 election approximately 150 touchscreen devices have been assigned to the Board's annex Early Voting site at 150 W. Washington Street.

14. Under federal law, all ballots and election information in the City of Chicago must be prepared and printed in four languages. In addition to English, ballots must be translated and printed in Spanish, Chinese and Hindi. All ballots, including paper optical scan and touchscreen ballots, are printed in English/Spanish. Paper optical scan ballots are printed in Chinese in roughly 103 targeted precincts where there are concentrations of Chinese speaking voters who have limited proficiency in the English language. Paper optical scan ballots are

printed in Hindi in 45 targeted precincts where there are concentrations of Asian-Indian voters who have limited proficiency in the English language.

15. For voters who are illiterate or who are vision-impaired, an audio ballot is also available on all touchscreen voting devices. Because touchscreen voting devices are used in 51 locations in the City of Chicago during Early Voting and because any voter in the City can go to any Early Voting site, all ballots on all touchscreen voting devices, even those used on Election Day, are translated and programmed in English, Spanish, Chinese and Hindi. This requires that all ballots be audio recorded in English, Spanish, Mandarin and Hindi. Programming, preparation and proofing of the audio ballots to be used in touchscreen voting devices for use by vision-impaired voters, which took approximately 5 days, has already been completed. If ordered to remove Respondent Crawford from the ballot, audio ballots for touchscreen devices in all 226 precincts in the 1st Judicial Subcircuit and in 51 Early Voting sites would have to be re-programmed, prepared and proofed.

16. The programming of memory chips to be used for in-precinct touchscreen voting devices and containing all offices and candidates, which took approximately 7 to 9 days, has been completed. If ordered to remove Respondent Crawford from the ballot, memory chips for touchscreen devices in all 226 precincts and 51 Early Voting sites would have to be re-programmed.

17. Pre-election Logic and Accuracy Testing (or “Pre-LAT”) for all touchscreen voting devices for Grace Period and Early Voting, which began on September 26, 2016, and was completed on September 29, 2016, would have to be repeated.

18. The Pre-LAT testing of voting equipment to be used in precinct polling places citywide, normally takes approximately 17 to 21 days on average. Over 2,000 optical scan voting

devices (“Insight”), 2,000 touch screen voting devices (“Edge 2 Plus”) and 2,000 hybrid accumulator and transmission devices (“HAAT”) were tested during this process. Such Pre-LAT testing began on October 10, 2016, and ended October 21, 2016. Pre-LAT testing of precinct voting equipment in the 1st Judicial Subcircuit would have to be repeated should the Court order that Respondent Crawford be removed from the ballot.

19. Following Pre-LAT, all voting equipment and all supplies must be loaded into Election Supply Carriers (“ESC’s”) for delivery to 2,069 precinct polling places. Delivery of ESC’s began on October 24, 2016. Any equipment already delivered in the 226 precincts located in the 1st Judicial Subcircuit would have to be returned to the Board’s warehouse to conduct the remedial steps outlined above and then re-delivered to the precinct polling places.

20. The Board is under contract with Lake County Press for the paper and the printing of optical scan ballots for the November 8, 2016 General Election. Cutting, printing, drying and packaging of paper optical scan ballots citywide takes at least 14 days. All ballots to be used in the November 8th election, including regular ballots, specimen ballots, test deck ballots, and provisional ballots, have already been printed and delivered to the Board’s warehouse. If the Court ordered that Respondent Crawford be removed from the November 8, 2016 general election ballot, the Board would have to reprint 135,500 ballots for precinct use. Such reprinting would take approximately 3-4 days and would cost approximately \$21,000. The direct cost of \$21,000 for printing does not include other direct and indirect costs such as staff overtime, computer reprogramming, re-testing, cartage of equipment, additional movers, etc.

21. The Board began transmitting paper absentee ballots to military and overseas civilian voters under the Uniformed and Overseas Civilians Absentee Voting Act and under Illinois law on Saturday, September 24, 2016. As of October 27, 2016, the Board has

transmitted 96 absentee ballots to military and overseas civilian voters from the 1st Judicial Subcircuit and 33 marked ballots have been returned to the Board. If the Court ordered that Respondent Crawford's name be removed from the ballot, corrected ballots would have to be printed. In the meantime, and with less than two weeks before election day, requests from military and overseas civilian citizens in the 1st Judicial Subcircuit would have to be held and transmission of ballots suspended until the corrected ballots become available. In addition, the Board would have to transmit corrected ballots to military and overseas civilian voters who have already received or returned their ballots.

22. In addition to military and overseas civilians, the Board has, as of October 27, 2016, received and processed 7,704 vote by mail ballot applications from regular voters in the 1st Judicial Subcircuit and 2,414 marked vote by mail ballots have been returned to the Board. If Respondent Crawford's name is removed from the ballot, vote by mail applications from voters in the 1st Judicial Subcircuit would have to be held and transmission of vote by mail ballots suspended until the corrected ballots become available. In addition, the Board would have to transmit corrected ballots to voters who have already received or returned their ballots.

23. If all vote by mail ballots had to be replaced to reflect the removal of Respondent Crawford from the ballot, 23,000 ballots would need to be reprinted at a cost of \$3,400.

24. Additionally, if provisional ballots needed to be replaced, it would cost approximately \$2,000 to reprint 12,000 ballots.

25. Early Voting started in the central office of the Board on September 29, 2016.

26. Early Voting at 50 remote sites throughout the City of Chicago began on October 24, 2016.

27. As of October 27, 2016, 8,721 voters in the 1st Judicial Subcircuit have voted

during Early Voting. These voters would not be permitted to vote a second time.

28. I believe, for the reasons explained above and based upon my long experience as the Executive Director for the Board, that it would be impossible to remove Respondent Crawford's name from the ballot at this late stage in the electoral process without serious risk of disrupting the orderly conduct of the election, causing confusion on the part of vote by mail voters who receive a second, corrected ballot, and possibly disenfranchising voters by the late distribution of corrected ballots due to time lost in re-printing, re-programming, testing and delivery of those ballots.

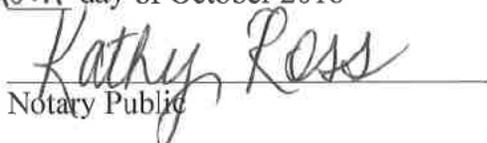
29. If the Court were to order, in lieu of removal of Respondent Crawford's name from the ballot, that any votes cast for Crawford not be counted and that the results of election returns for Crawford be suppressed and not officially reported or proclaimed, such action could be accomplished with minimal effort with a programming change in the election management software. A notice could also be provided to all future voters requesting a ballot in the 1st Judicial Subcircuit that votes cast for Crawford will not be counted and will be disregarded in determining the winner of the election for Judge, 1st Judicial Subcircuit, Hopkins Vacancy.

30. If called upon to testify, I am competent to testify and would so testify as to the facts set forth above.



Lance Gough

Subscribed and sworn to before me this
28th day of October 2016



Kathy Ross
Notary Public



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No: 121472

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IN THE
SUPREME COURT OF ILLINOIS

CLERK
SUPREME COURT
CHICAGO

MARYAM AHMAD,)
)
 Petitioner,)
)
 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.)

NOTICE OF FILING

TO: See Attached Service List

PLEASE TAKE NOTICE that on October 28, 2016 we filed with the Clerk of the Illinois Supreme Court, the APPEARANCE of the Chicago Board Of Election Commissioners, and Its Members, Marisel A. Hernandez, Chairwoman, William J. Kresse and Jonathan T. Swain, and the RESPONSE OF RESPONDENTS CHICAGO BOARD OF ELECTION COMMISSIONERS AND ITS MEMBERS TO EMERGENCY MOTION FOR SUPERVISORY ORDER OR FOR LEAVE TO FILE FOR WRIT OF PROHIBITION OR MANDAMUS, a true and correct copy of which is attached and served upon you.

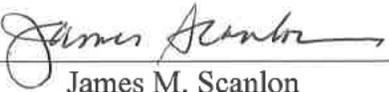


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CERTIFICATE OF SERVICE

I, James M. Scanlon, an attorney, certify that I served a copy of the attached APPEARANCE of the Chicago Board Of Election Commissioners, and Its Members, Marisel A. Hernandez, Chairwoman, William J. Kresse and Jonathan T. Swain, and the RESPONSE OF RESPONDENTS CHICAGO BOARD OF ELECTION COMMISSIONERS AND ITS MEMBERS TO EMERGENCY MOTION FOR SUPERVISORY ORDER OR FOR LEAVE TO FILE FOR WRIT OF PROHIBITION OR MANDAMUS on the persons shown on the attached Service List via electronic mail, and where available, facsimile to the email addresses and fax numbers shown on the attached Service List on October 28, 2016.


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