

**IN THE
 SUPREME COURT OF ILLINOIS**

BUILDING OWNERS AND MANAGERS ASSOCIATION, et al.,)	Appeal from the Appellate Court of Illinois, First Judicial District, Nos. 24-0417 & 24-0431 (consol.)
Plaintiffs-Petitioners,)	
v.)	There heard on appeal from the Circuit Court of Cook County, Illinois, County Department, County Division, No. 2024 COEL 001
COMMISSION OF THE BOARD OF ELECTIONS OF THE CITY OF CHICAGO, et al.,))
Defendants-Respondents, and)	Hon. Kathleen Burke, Circuit Court Judge Presiding.
CITY OF CHICAGO,)	
Intervenor-Respondent.)	

**RESPONSE TO EMERGENCY MOTION FOR EXPEDITED
 CONSIDERATION OF PETITION FOR LEAVE TO APPEAL**

Intervenor-Respondent, the CITY OF CHICAGO, by its attorney, Mary B. Richardson-Lowry, Corporation Counsel of the City of Chicago, hereby opposes plaintiffs’ emergency motion for expedited consideration of their petition for leave to appeal:

1. On March 11, 2024, plaintiffs filed an emergency motion for expedited consideration of their petition for leave to appeal, filed on the same day. The motion should be denied.
2. There is no emergency. In the only paragraph of their motion that purports to explain why expedited consideration is necessary, plaintiffs assert that

their challenge to a referendum concerns issues “that apply to the process itself and must be considered before the March 19 election.” Motion ¶ 5. That is not a valid reason. Plaintiffs challenge a referendum that asks whether voters approve of implementing a graduated real property transfer tax. The referendum itself will not implement any change. If the referendum passes, the City Council may then enact the amended tax. Building Owners and Managers Association v. Commission of the Board of Elections, 2024 IL App (1st) 240417, ¶ 5. There is no imminent threat of the proposed tax increase being applied to plaintiffs’ property transactions. More to the point, even if this court were to grant review and even if plaintiffs prevailed in this court, the results of the vote, and any City ordinance implementing the results of the vote, could be invalidated later.¹

3. Nor have plaintiffs conducted themselves as if there were an emergency. The appellate court’s decision was issued on March 6, 2024, 13 days before the election. Plaintiffs waited 5 of those days to file their motion and petition for leave to appeal in this court, leaving only 8 days until the election. All issues were thoroughly briefed in the appellate court. A litigant who claims to need relief so urgently that it is asking for the extraordinary relief of consideration of a petition

¹ In contrast, there was ample basis to expedite proceedings in the appellate court. The circuit court had ordered the defendant Board of Elections to “not count” and to “suppress any votes cast” on the referendum, and “not to publish any tallies or results of any votes cast.” C. 336. That harmed the voters’ ability to weigh in on this important measure. It also completely halted the City’s legislative process because the City Council could not move forward with the amended transfer tax without a vote on the referendum.

for leave to appeal, full briefing, plus a decision by this court by March 19 should not have waited 5 days to ask.

4. The referendum is on the ballot, and early voting is underway. The appellate court's decision simply allows the legislative process to proceed and the votes to be counted. That does not harm voters.

WHEREFORE, the City of Chicago respectfully requests that this court deny plaintiffs' motion for expedited consideration of their petition for leave to appeal.

Respectfully submitted,

MARY B. RICHARDSON-LOWRY
Corporation Counsel
of the City of Chicago

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NOTICE OF FILING

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PLEASE TAKE NOTICE that on the 12th day of March, 2024, I shall electronically file with the Clerk of the Illinois Supreme Court, a Response to Emergency Motion for Expedited Consideration of Petition for Leave to Appeal, a copy of which is attached hereto and herewith served upon you.

Corporation Counsel
of the City of Chicago

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CERTIFICATE OF SERVICE/CERTIFICATE OF FILING

The undersigned certifies under penalty of law as provided in 735 ILCS 5/1-109 that the statements in this instrument are true and correct, and that on March 12, 2024, the instrument was filed and served electronically via *File & Serve Illinois* at the e-mail addresses on the accompanying notice.

/s/MYRIAM ZRECZNY KASPER
MYRIAM ZRECZNY KASPER