

Approving a Compressed Special Election

*Chicago Board of Election Commissioners
v. Illinois State Board of Elections
(Samuel Der-Yeghiayan, N.D. Ill. 1:09-cv-82)*

On January 7, 2009, five days after Rahm Emanuel resigned as a U.S. Representative to become President Obama's chief of staff, Chicago's election officials filed a federal complaint in the Northern District of Illinois against the state board of elections to obtain the court's blessing for a time schedule to elect Emanuel's replacement that, among other things, compressed the voting time for overseas voters.¹ The special election was set for April 7 to correspond with an already-scheduled local election, with a primary set for March 3 if necessary.²

Two days later, Judge Samuel Der-Yeghiayan held a status conference and ordered the plaintiffs to prepare a proposed order by January 12.³ On January 14, the U.S. Justice Department moved to participate as an amicus curiae to address matters concerning overseas voters.⁴ At a January 15 status conference, Judge Der-Yeghiayan granted the Justice Department's motion.⁵ Also on that day, Judge Der-Yeghiayan approved the proposed election schedule.⁶

1. [Complaint](#), Chi. Bd. of Election Comm'rs v. Ill. State Bd. of Elections, No. 1:09-cv-82 (N.D. Ill. Jan. 7, 2009), D.E. 1; *see* 2 [Election Dates Set for Emanuel Seat](#), Chi. Trib., Jan. 6, 2009, at 11 [hereinafter 2 [Election Dates](#)].

2. *See* [Complaint](#), *supra* note 1, at 1; *see* 2 [Election Dates](#), *supra* note 1; *see also* Dan Mihalopoulos, 26 *File for Emanuel's Congressional Seat*, Chi. Trib., Jan. 20, 2009, at 12 (reporting that primary elections would be held because party nominations were contested).

3. [Minutes](#), Chi. Bd. of Election Comm'rs, No. 1:09-cv-82 (N.D. Ill. Jan. 9, 2009), D.E. 7.

4. [Motion](#), *id.* (Jan. 14, 2009), D.E. 9.

5. [Minutes](#), *id.* (Jan. 15, 2009), D.E. 15.

6. [Order](#), *id.* (Jan. 15, 2009), D.E. 16.