

Disqualification of a Candidate for Failure to Properly File Papers of Candidacy

Lawrence v. Board of Election Commissioners
(*Elaine E. Bucklo, N.D. Ill. 1:07-cv-566*)

A would-be candidate filed a federal complaint challenging a requirement that he file with his nomination papers the receipt he received for filing his statement of economic interest. The district judge granted summary judgment to the defendants. The claims were barred by res judicata because they were not raised in an unsuccessful state-court proceeding on the same matter. Nor was it unconstitutional to disqualify as a candidate someone who failed to properly file papers of candidacy.

Subject: Getting on the ballot. *Topic:* Getting on the ballot.

On January 30, 2007, a would-be candidate for Chicago alderman in the February 27 election, his campaign committee, and three voters filed a federal complaint in the Northern District of Illinois, challenging on its face and as applied the constitutionality of a requirement that he file with his nomination papers the receipt he received for filing his statement of economic interest.¹

On February 6, Judge Elaine E. Bucklo granted a three-week extension request by Illinois’s attorney general to accommodate the attorney general’s convenience.² On February 8, the plaintiffs filed motions for an expedited hearing, acknowledging that it was too late to restore the would-be candidate’s name to the February 27 ballot but arguing that he could be added to an April 17 runoff election.³ Judge Bucklo granted the motions and set the matter for hearing on February 23.⁴

On February 27, Judge Bucklo granted summary judgment to the defendants.⁵ The plaintiffs’ claims were barred by res judicata, because they failed to raise them in a state-court proceeding on the same matter in which they lost.⁶ Judge Bucklo also found that it was not unconstitutional for Illi-

1. Complaint, *Lawrence v. Bd. of Election Comm’rs*, No. 1:07-cv-566 (N.D. Ill. Jan. 30, 2007), D.E. 1; *Lawrence v. Bd. of Election Comm’rs*, 524 F. Supp. 2d 1011, 1013–15 (N.D. Ill. 2007); see Amended Complaint, *Lawrence*, No. 1:07-cv-566 (N.D. Ill. Feb. 13, 2007), D.E. 19; Amended Complaint, *id.* (Feb. 12, 2007), D.E. 21; see also Mark Brown, *Just Getting on the Ballot Is More Than Half the Battle*, Chi. Sun-Times, Jan. 11, 2007, at 2.

2. Minutes, *Lawrence*, No. 1:07-cv-566 (N.D. Ill. Feb. 6, 2007), D.E. 13; see Extension Motion, *id.* (Feb. 6, 2007), D.E. 11.

3. Expedited-Hearing Motion, *id.* (Feb. 8, 2007), D.E. 16; Expedited-Hearing Motion, *id.* (Feb. 8, 2007), D.E. 14.

4. Minutes, *id.* (Feb. 23, 2007), D.E. 55; Minutes, *id.* (Feb. 22, 2007), D.E. 43.

5. *Lawrence*, 524 F. Supp. 2d 1011; Minutes, *Lawrence*, No. 1:07-cv-566 (N.D. Ill. Feb. 27, 2007), D.E. 52.

6. *Lawrence*, 524 F. Supp. 2d at 1018–23.

nois to disqualify as a candidate someone who failed to properly file papers of candidacy.⁷

⁷. *Id.* at 1023–27.