

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)*

Election officials sought the blessing of a federal court to compress election deadlines, including those concerning overseas voters, to accommodate a special election set for a vacancy in the U.S. House of Representatives. The district judge approved an election schedule proposed by the parties.

Topics: Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA); absentee ballots; intervention.

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 Michalopoulos, *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.

Judge Der-Yeghiayan retired on February 17, 2018. Federal Judicial Center Biographical Directory of Article III Federal Judges, www.fjc.gov/history/judges.

4. Motion, *Chi. Bd. of Election Comm'rs*, No. 1:09-cv-82 (N.D. Ill. Jan. 14, 2009), D.E. 9.

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

6. Order, *id.* (Jan. 15, 2009), D.E. 16; *see* Robert Timothy Reagan, *Overseas Voting: The Uniformed and Overseas Citizens Absentee Voting Act 3–4* (Federal Judicial Center 2016).