

A Campaign Manager's Suit to Get His Candidate on the Ballot

Woodard v. Allegheny County Board of Elections
(*Nora Barry Fischer, W.D. Pa. 2:12-cv-535*)

The campaign manager for a special-election candidate for the state legislature filed a pro se federal complaint seeking relief from the disqualification of the candidate's ballot-petition signatures. At 4:00 p.m. on the day that the complaint was filed, the district judge conducted a forty-five-minute telephonic hearing. The judge dismissed the complaint because of the plaintiff's lack of standing to pursue his candidate's case and because the case sought relief from disappointing rulings already issued by the commonwealth's courts in contravention of the *Rooker-Feldman* doctrine, which states that among federal courts only the Supreme Court has appellate jurisdiction over state-court proceedings.

Subject: Getting on the ballot. *Topics:* Getting on the ballot; pro se party; matters for state courts.

The campaign manager for an April 24, 2012, special-election candidate for the state legislature filed a pro se federal complaint in the Western District of Pennsylvania on April 23 seeking relief from the disqualification of the candidate's ballot-petition signatures.¹ Defendants included election officials and signature challengers.² With the complaint, the manager filed a motion for a temporary restraining order.³

At 4:00 p.m. on the day that the complaint was filed, Judge Nora Barry Fischer conducted a forty-five-minute telephonic hearing.⁴ Her chambers notified counsel for the election officials of the hearing.⁵ One attorney was not notified because his voicemail was full, but he learned of the hearing and was able to dial in before it was over.⁶ It is Judge Fischer's practice to have a court reporter record proceedings with a pro se party.⁷

1. Complaint, *Woodard v. Allegheny Cty. Bd. of Elections*, No. 2:12-cv-535 (W.D. Pa. Apr. 23, 2012), D.E. 4; see Marc Levy, *Pa. High Court Orders 6 House Elections to Be Held*, *Pittsburgh Post-Gazette*, Mar. 1, 2012, at B3; Timothy McNulty, *Two Elections Set April 24 for District Voters to Decide Who Will Replace Outgoing Rep. Chelsa Wagner*, *Pittsburgh Post-Gazette*, Apr. 9, 2012, at B1.

2. Complaint, *supra* note 1.

3. Temporary-Restraining-Order Motion, *Woodard*, No. 2:12-cv-535 (W.D. Pa. Apr. 23, 2012), D.E. 6.

4. Minutes, *id.* (Apr. 23, 2012), D.E. 2.

For this report, Tim Reagan interviewed Judge Fischer and her law clerk Tony Kovalchick by telephone on October 23, 2013.

5. Minutes, *supra* note 4.

6. Interview with Hon. Nora Barry Fischer and her law clerk Tony Kovalchick, Oct. 23, 2013; Minutes, *supra* note 4.

7. Interview with Hon. Nora Barry Fischer and her law clerk Tony Kovalchick, Oct. 23, 2013.

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8. Opinion, *Woodard*, No. 2:12-cv-535 (W.D. Pa. Apr. 23, 2012), D.E. 3; Minutes, *supra* note 4; see D.C. Ct. App. v. Feldman, 460 U.S. 462 (1983); *Rooker v. Fidelity Trust Co.*, 263 U.S. 413 (1923); Martin A. Schwartz, Section 1983 Litigation 21–24 (Federal Judicial Center 3d ed. 2014); see also Adam Brandolph, *Lunny No Longer in Race, but Name Will Be on Ballot*, Pittsburgh Trib. Rev., Apr. 14, 2012.