# Unsuccessful Attempt to Block State-Court Removal of a Candidate from a Ballot

## *Libertarian Party of Maryland v. Maryland State Board of Elections (George L. Russell III, D. Md. 1:18-cv-2825)*

A federal district judge declined to block a state court's removal of a minor political party's nomination because the nomination violated party rules against nominating members of other parties.
*Subject:* Getting on the ballot. *Topics:* Getting on the ballot; matters for state courts; party procedures.

A minor political party was unsuccessful in its effort to get a federal court to overturn a state court's removal of the party's candidate for a state judge position from the general-election ballot.[1] The party filed its federal complaint against Maryland election officials in the District of Maryland on September 11, 2018.[2]

A state judge determined on August 24 that the candidate's nomination violated party rules because the candidate was a member of a different party, so the state judge issued a preliminary injunction against inclusion of the candidate on the general-election ballot.[3] On September 7, state election officials certified a general-election ballot with the candidate omitted.[4]

With its federal complaint, the party filed a motion to stay state-court proceedings and stay the preliminary injunction.[5] The next day, in a motion to amend the stay motion, the party informed the court, "Today in the state court proceedings, Assistant Attorney General Andrea Trento stated to the Circuit Court that the final day for the State Board of Elections to restore Plaintiff's nominee to the general election ballot is close of business Friday, September 14, 2018."[6]

Election officials responded on September 14 that as compliance with the preliminary injunction was already complete it could not be stayed, and the party's request for additional interference with state-court proceedings was not justified.[7] Two days later, the party filed a federal motion for a temporary restraining order restoring its candidate to the general-election ballot.[8]

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1. Order, Libertarian Party of Md. v. Md. State Bd. of Elections, No. 1:18-cv-2825 (D. Md. Sept. 20, 2018), D.E. 14; Docket Sheet, *id.* (Sept. 11, 2018); Complaint, *id.* (Sept. 11, 2018), D.E. 1.

2. Complaint, *supra* note 1.

3. *See* Complaint, *supra* note 1, at 5; Defendants' Brief at 4–5, *Libertarian Party of Md.*, No. 1:18-cv-2825 (Sept. 14, 2018), D.E. 8.

4. *See* Complaint, *supra* note 1, at 5; Defendants' Brief, *supra* note 3, at 5.

5. Stay Motion, *Libertarian Party of Md.*, No. 1:18-cv-2825 (Sept. 11, 2018), D.E. 2.

6. Amendment Motion at 2, *id.* (Sept. 12, 2018), D.E. 6.

7. Defendants' Brief, *supra* note 3.

8. Temporary-Restraining-Order Motion, *Libertarian Party of Md.*, No. 1:18-cv-2825 (Sept. 16, 2018), D.E. 9.

On a Monday, September 17, telephone conference, Judge George L. Russell III and the litigants agreed to schedule a hearing three days later.[9] Following the hearing, Judge Russell denied the plaintiff party immediate relief "for reasons stated on the record, including but not limited to that the Party fails to demonstrate a clear likelihood of success on the merits."[10]

The case was dismissed voluntarily on November 5.[11]

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9. Memorandum, *id.* (Sept. 17, 2018), D.E. 10.

10. Order, *supra* note 1.

11. Dismissal, *Libertarian Party of Md.*, No. 1:18-cv-2825 (Nov. 5, 2018), D.E. 19; Dismissal Notice, *id.* (Nov. 5, 2018), D.E. 18.