

## Challenge to Exclusion from the Ballot Orally Denied

*Abulafia v. Richman*

*(Katherine Polk Failla, S.D.N.Y. 1:20-cv-3547)*

Five candidates who challenged their exclusion from primary election ballots were denied immediate relief for reasons explained orally but not included in the publicly accessible record.

*Subject:* Getting on the ballot. *Topics:* Getting on the ballot; primary election.

Five prospective candidates and voters filed a federal complaint in the Southern District of New York on May 6, 2020, seeking reversal of what they alleged were excessively technical reasons for disqualification from the June 23 primary-election ballots.<sup>1</sup> On the following day, the plaintiffs filed a proposed order granting relief.<sup>2</sup> On that day, Judge Katherine Polk Failla set the case for a telephonic hearing at noon on May 8.<sup>3</sup>

On May 8, Judge Failla denied the plaintiffs immediate relief “[f]or the reason set forth in the oral opinion delivered by the Court this afternoon.”<sup>4</sup>

The plaintiffs voluntarily dismissed their complaint on May 20.<sup>5</sup>

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1. Complaint, *Abulafia v. Richman*, No. 1:20-cv-3547 (S.D.N.Y. May 6, 2020), D.E. 1.

2. Proposed Order, *id.* (May 7, 2020), D.E. 3, 4.

3. Order, *id.* (May 7, 2020), D.E. 6.

4. Order, *id.* (May 8, 2020), D.E. 10.

5. Notice, *id.* (May 20, 2020), D.E. 11.