

Right to Form a Third Party

Public Interest v. Armstrong County Board of Elections (Donald E. Ziegler, W.D. Pa. 2:01-cv-1616)

A voter, a candidate, and a political organization filed a federal complaint challenging exclusion of the candidate from the ballot for a school board. The candidate nominated by the Democratic and the Republican Party was a suspect in jewelry thefts that included the voter as a victim. The voter and others tried to launch a new political party with the candidate as its nominee. The candidate was disqualified because he was a registered Democrat. After a hearing, the court granted judgment to the plaintiffs.

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

On August 24, 2001, a voter, a candidate, and a political organization filed a federal complaint in the Western District of Pennsylvania challenging the exclusion of the candidate from the ballot for the Leechburg Area's school board.¹ According to the *Pittsburgh Post-Gazette*, the candidate nominated by the Democratic and the Republican Party was a suspect in jewelry thefts that included the voter as a victim.² The voter and others tried to launch a new political party with the plaintiff candidate as its nominee.³ The candidate was disqualified because he was a registered Democrat.⁴ With their complaint, the plaintiffs filed a motion for a temporary restraining order or a preliminary injunction.⁵

Judge Donald E. Ziegler held a status conference on August 24 and a hearing on August 30.⁶ On August 30, he granted judgment to the plaintiffs.⁷

1. Docket Sheet, *Public Interest v. Armstrong Cty. Bd. of Elections*, No. 2:01-cv-1616 (W.D. Pa. Aug. 24, 2001) (D.E. 1); see Torsten Ove, *Third Party Seeks Ballot Spot in School Board Race*, *Pittsburgh Post-Gazette*, Aug. 25, 2001, at D4.

2. Ove, *supra* note 1.

3. *See id.*

4. *See id.*

5. Docket Sheet, *supra* note 1 (D.E. 2).

6. *Id.* (D.E. 5, 6).

Judge Ziegler retired on May 31, 2003, and died on September 21, 2019. Federal Judicial Center Biographical Directory of Article III Federal Judges, www.fjc.gov/history/judges.

7. Docket Sheet, *supra* note 1 (D.E. 8); see Torsten Ove, *Ballot Opened to 3rd-Party Nominees*, *Pittsburgh Post-Gazette*, Aug. 31, 2001, at B18 (“A Federal judge declared unconstitutional a state law that prohibits candidates representing small, unrecognized political parties from running for certain public offices unless they are registered as independents.”).