

Election Law Issues *for State Court Judges*

Pre-Election Issues

ELECTION LAW PROGRAM

A JOINT VENTURE BY THE COLLEGE OF WILLIAM & MARY SCHOOL OF LAW
& THE NATIONAL CENTER FOR STATE COURTS

Outline of this unit

- Benefits and Costs of Pre-Election Review
- Procedural Concerns Related to Pre-Election Review
- Substantive Concerns Related to Pre-Election Litigation

Pre-election Issues

Outline of this section

- Benefits
 - Keeps courts less involved in political thicket
 - Pre-election as sole remedy in some cases
 - Avoids “option”
- Costs
 - Voter confusion
 - Ripeness issues

Costs & Benefits

Benefits

1. Minimizes court forays into the political thicket

Costs & Benefits

2. Sometimes pre-election review presents only possibility of effective remedy (Butterfly ballot example)

1 OFFICIAL BALLOT, GENERAL ELECTION
PALM BEACH COUNTY, FLORIDA
NOVEMBER 7, 2000

ELECTORS FOR PRESIDENT AND VICE PRESIDENT
(A vote for the candidates will actually be a vote for their electors.)
(Vote for Group)

(REPUBLICAN) GEORGE W. BUSH - PRESIDENT DICK CHENEY - VICE PRESIDENT	3 →
(DEMOCRATIC) AL GORE - PRESIDENT JOE LIEBERMAN - VICE PRESIDENT	5 →
(LIBERTARIAN) HARRY BROWNE - PRESIDENT ART OLIVIER - VICE PRESIDENT	7 →
(GREEN) RALPH NADER - PRESIDENT WINONA LaDUKE - VICE PRESIDENT	9 →
(SOCIALIST WORKERS) JAMES HARRIS - PRESIDENT MARGARET TROWE - VICE PRESIDENT	11 →
(NATURAL LAW) JOHN HAGELIN - PRESIDENT NAT GOLDHABER - VICE PRESIDENT	13 →

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OFFICIAL BALLOT, GENERAL ELECTION
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← 4	(REFORM) PAT BUCHANAN - PRESIDENT EZOLA FOSTER - VICE PRESIDENT
← 6	(SOCIALIST) DAVID McREYNOLDS - PRESIDENT MARY CAL HOLLIS - VICE PRESIDENT
← 8	(CONSTITUTION) HOWARD PHILLIPS - PRESIDENT J. CURTIS FRAZIER - VICE PRESIDENT
← 10	(WORKERS WORLD) MONICA MOOREHEAD - PRESIDENT GLORIA La RIVA - VICE PRESIDENT

WRITE-IN CANDIDATE
To vote for a write-in candidate, follow the directions on the long stub of your ballot card.

Costs & Benefits

3. Prevents plaintiffs from having an “option” on litigation

Costs & Benefits

Costs

1. Possibility of confusion as election draws near (noted in Supreme Court's recent case of *Purcell v. Gonzalez*)
2. Ripeness issues (*Pugh* case example)

Costs & Benefits

Summary

- Benefits
 - Keeps courts less involved in political thicket
 - Pre-election as sole remedy in some cases
 - Avoids “option”
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Costs & Benefits