

Unsuccessful Challenge to Straight-Ticket Voting

Meyer v. Texas (Kenneth M. Hoyt, S.D. Tex. 4:10-cv-3860)

An independent write-in candidate for Congress filed a pro se federal complaint challenging the constitutionality of state election laws favoring party candidates, including straight-ticket voting. The district judge concluded that the complaint did not allege a constitutional violation, and the state laws served the state's interest in regulating elections.

Subject: Voting procedures. *Topics:* Pro se party; write-in candidate.

On Friday, October 15, 2010, an independent write-in candidate for Congress filed a pro se federal complaint in the Southern District of Texas challenging the constitutionality of state election laws favoring party candidates.¹ The complaint included a prayer for a temporary restraining order against straight-ticket voting.² The plaintiff filed an amended complaint and request for a temporary restraining order on Monday.³ The court set the case for a telephone conference on Wednesday.⁴

Judge Kenneth M. Hoyt denied the plaintiff immediate relief on October 22.⁵ “The fact that early voters would be disenfranchised were an injunction or restraining order to issue is sufficient cause to deny the plaintiff’s request.”⁶ On May 11, 2011, Judge Hoyt dismissed the complaint.⁷

The Texas Election Code does not prevent the plaintiff from being placed on the ballot, nor does it unconstitutionally burden him. The contested laws merely serve to: (1) cause the plaintiff’s supporters to write his name on the ballot rather than to check a box beside his name; (2) prevent him from being the first candidate listed on the ballot; and (3) require that he obtain petition signatures from non-primary voters. None of these facts amount to constitutional violations. Furthermore, even if he had properly alleged any constitutional burden, that slight burden would be outweighed by the state’s important interests in regulating elections.⁸

An appeal was dismissed for lack of prosecution.⁹

1. Complaint, *Meyer v. Texas*, No. 4:10-cv-3860 (S.D. Tex. Oct. 15, 2010), D.E. 1; *see* Temporary-Restraining-Order Denial at 1, *id.* (Oct. 20, 2010), D.E. 10.

2. Complaint, *supra* note 1, at 5.

3. Amended Complaint, *Meyer*, No. 4:10-cv-3860 (S.D. Tex. Oct. 18, 2010), D.E. 4; *see* Order, *id.* (Oct. 20, 2010), D.E. 6 (granting permission for an amended complaint).

4. Notice, *id.* (Oct. 18, 2010), D.E. 2.

5. Temporary-Restraining-Order Denial, *supra* note 1.

6. *Id.* at 3; *see also id.* at 1 (observing that “ballots for the November 2 election have been printed and early voting commenced on October 18. As well, ballots have been mailed to military personnel serving overseas and locally to citizens who desire to vote by mail.”).

7. Opinion, *Meyer*, No. 4:10-cv-3860 (S.D. Tex. May 11, 2011), D.E. 16, 2011 WL 1806524.

8. *Id.* at 4.

9. Order, *Meyer v. Texas*, No. 11-20512 (5th Cir. Aug. 1, 2011); *see* Order, *id.* (Jan. 6, 2012) (denying a motion to reopen the appeal).