

Too-Early Ballot Access Requirement for New Political Parties

California Justice Committee v. Bowen
(*Percy Anderson, C.D. Cal. 2:12-cv-3956*)

On May 7, 2012, a month in advance of California's primary election and six months in advance of the general election, the Justice Party and the Constitution Party filed a federal complaint in the Central District of California challenging California's ballot-access law for new political parties.¹ With their complaint, the plaintiffs filed an unopposed ex parte application for a preliminary injunction hearing only two weeks later.²

Judge Percy Anderson agreed to hear the case on May 21 at 1:30 p.m.³ On that day, however, Judge Anderson issued a preliminary injunction without argument.⁴ California's elections code requires petition signatures or voter registrations supporting certification of a new party be submitted 135 days in advance of the primary election.⁵ Judge Anderson concluded, however, that "the Secretary of State has failed to explain why it is reasonable for that deadline to be 135 days prior to the primary election for a party that seeks only to appear on the general election ballot."⁶

On October 18, following a bench trial, Judge Anderson permanently enjoined the 135-day requirement.⁷ Neither party qualified a candidate for the 2012 general election.⁸

1. Complaint, [California Justice Comm. v. Bowen](#), No. 2:12-cv-3956 (C.D. Cal. May 7, 2012), D.E. 1.

2. Ex Parte Application, *id.* (May 7, 2012), D.E. 2; *see* Preliminary Injunction Motion, *id.* (May 7, 2012), D.E. 16.

3. Order, *id.* (May 7, 2012), D.E. 13.

4. Minute Opinion, *id.* (May 21, 2012), D.E. 19, *available at* [2012 WL 2861349](#).

5. [Cal. Elec. Code § 5100](#).

6. Minute Opinion, *supra* note 4, at 5.

7. Judgment, [California Justice Comm.](#), No. 2:12-cv-3956 (C.D. Cal. Oct. 18, 2012), D.E. 50; Findings of Fact and Conclusions of Law, *id.* (Oct. 18, 2012), D.E. 49, *available at* [2012 WL 5057625](#); *see* Amended Judgment, *id.* (Nov. 29, 2012), D.E. 58.

8. California Secretary of State, [Certified List of Candidates for the November 6, 2012, General Election](#) (Aug. 30, 2012).