

Direct-Mail Campaigning to Absentee Voters

Sheldon v. Grimes

(David L. Bunning, E.D. Ky. 2:14-cv-60)

A candidate in a May 20, 2014, primary election for state senate filed a federal complaint in the Eastern District of Kentucky on April 3 challenging the constitutionality of local election officials' refusal, pursuant to a new statute, to provide the candidate with mailing addresses for voters who had requested absentee ballots so that the candidate could inform the voters "about her background as a veteran, mother, and lifelong Republican."¹ With her complaint, the candidate filed a motion for a temporary restraining order.²

On April 4, Judge David L. Bunning set a telephonic status conference for April 7.³ At the conference, Judge Bunning ordered briefing, including on legislative history, to be completed on April 16.⁴ At an April 18 teleconference, Judge Bunning set the case for hearing on April 28.⁵

At the April 28 hearing, Judge Bunning denied the candidate immediate relief,⁶ and he issued an opinion with his reasons on May 1.⁷ "At the heart of this case lies one simple question: Under the First Amendment, does the government have a duty to disclose information to candidates in order to facilitate their campaign efforts? The Court thinks not."⁸

Following additional briefing, Judge Bunning granted the defendants' motion to dismiss the case on August 26.⁹ An appeal was dismissed as settled on November 13.¹⁰

1. Complaint, *Sheldon v. Grimes*, No. 2:14-cv-60 (E.D. Ky. Apr. 3, 2014), D.E. 1; *see* Amended Complaint, *id.* (Apr. 11, 2014), D.E. 13.

2. Temporary Restraining Order Motion, *id.* (Apr. 3, 2014), D.E. 5.

3. Order, *id.* (Apr. 4, 2014), D.E. 7.

4. Order, *id.* (Apr. 7, 2014), D.E. 8.

5. Order, *id.* (Apr. 18, 2014), D.E. 23; *see* Order, *id.* (Apr. 16, 2014), D.E. 21 (setting a teleconference for April 18, 2014).

6. Minutes, *id.* (Apr. 28, 2014), D.E. 25.

7. *Sheldon v. Grimes*, 18 F. Supp. 3d 854 (E.D. Ky. 2014).

8. *Id.* at 856.

9. Opinion, *Sheldon*, No. 2:14-cv-60 (E.D. Ky. Aug. 26, 2014), D.E. 46.

10. Order, *Sheldon v. Kentucky*, No. 14-6192 (6th Cir. Nov. 13, 2014), D.E. 13.