

Unsuccessful Effort to Open a Primary Election Because of Allegedly Purged Party Registrations

Campanello v. New York State Board of Elections
(*Joanna Seybert and Sandra J. Feuerstein,*
E.D.N.Y. 2:16-cv-1892)

Fourteen voters filed a federal class-action complaint in the Eastern District of New York’s Long Island courthouse on April 18, 2016, against the state board of elections and its officers, alleging that an improper voter registration purge would wrongfully disenfranchise voters in the presidential primary election scheduled for the following day.¹ With their complaint, at approximately five minutes before 5:00 p.m., the plaintiffs filed a proposed order to show cause why relief should not be granted, including an injunction opening the primary elections to voters of all parties.²

The court assigned the case to Judge Sandra J. Feuerstein, who was unavailable to hear it immediately.³ Judge Joanna Seybert was on miscellaneous duty, and she conducted a hearing on the following afternoon.⁴ Judge Seybert denied the plaintiffs immediate relief.⁵ Judge Seybert observed that the state courts had procedures for restoring voter registrations.⁶ “I mean there is a process. There are judges that sit in New York Supreme to issue these orders and people are advised to go to the judges”⁷ Judge Seybert also observed that relief could not be directed against local election officials because they were neither named nor served.⁸

An April 27 amended complaint included local election officials as defendants.⁹ The plaintiffs did not respond, however, to a motion to dismiss the case,¹⁰ and Judge Feuerstein dismissed the action at a June 21 conference with both sides represented.¹¹

1. Complaint, *Campanello v. N.Y. State Bd. of Elections*, No. 2:16-cv-1892 (E.D.N.Y. Apr. 18, 2016), D.E. 1.

2. Proposed Order to Show Cause, *id.* (Apr. 18, 2016), D.E. 2; Transcript at 2, *id.* (Apr. 19, 2016, filed June 7, 2016), D.E. 17-3.

3. Transcript, *supra* note 2, at 2.

4. *Id.*; Minutes, *Campanello*, No. 2:16-cv-1892 (E.D.N.Y. Apr. 19, 2016), D.E. 7; *see* Transcript, *supra* note 2, at 2–3 (noting the court’s efforts to contact the plaintiffs for an earlier hearing).

5. Minutes, *supra* note 4; Transcript, *supra* note 2, at 14.

6. Transcript, *supra* note 2, at 4.

7. *Id.* at 15.

8. *Id.*

9. Amended Complaint, *Campanello*, No. 2:16-cv-1892 (E.D.N.Y. Apr. 27, 2016), D.E. 11.

10. Letter, *id.* (June 7, 2016), D.E. 17.

11. Minutes, *id.* (June 21, 2016), D.E. 18.