

Changing Party Affiliation for a Primary

Van Wie v. Pataki

(*David N. Hurd, N.D.N.Y. 1:00-cv-322*)

Two weeks in advance of New York's March 7, 2000, presidential primary, two voters filed a federal complaint in the Northern District of New York challenging New York law that allowed new voter registrants to enroll in a political party up to 25 days before a primary but did not allow a change in party enrollment for already-registered voters to go into effect until after the next general election.¹ Two days later, Judge David N. Hurd issued an order to show cause why New York should give effect to recent party enrollment changes.²

Judge Hurd held oral argument in Utica on February 29, one week before the election.³ He denied a motion by the Independence Party to intervene as a defendant, but permitted the party to participate as an amicus curiae.⁴ That day, he also dismissed the complaint, finding compelling New York's interest in providing an incentive for new voters to register.⁵

An appeal was heard on January 23, 2001; on October 4, the court of appeals determined that the case was moot.⁶ The court vacated the district court's ruling.⁷

1. [Docket Sheet](#), *Van Wie v. Pataki*, No. 1:00-cv-322 (N.D.N.Y. Feb. 22, 2000); [Van Wie v. Pataki](#), 267 F.3d 109, 112 (2d Cir. 2001); [VanWie v. Pataki](#), 87 F. Supp. 2d 148, 150 (N.D.N.Y. 2000); see Tom Precious, *Suit Filed to Open State's Primary to Independents*, Buffalo News, Feb. 25, 2000, at A11 (suggesting that the suit's success would benefit John McCain's candidacy against George Bush).

2. [Docket Sheet](#), *supra* note 1 (D.E. 4); [VanWie](#), 87 F. Supp. 2d at 150; see Lara Jakes, *Non-Affiliated Voters Take Heart in Court Victory*, Albany Times Union, Feb. 25, 2000, at B2.

3. [Docket Sheet](#), *supra* note 1 (D.E. 8); [VanWie](#), 87 F. Supp. 2d at 150; [Van Wie](#), 267 F.3d at 112.

4. [VanWie](#), 87 F. Supp. 2d at 150.

5. *Id.* at 152–53; [Van Wie](#), 267 F.3d at 112; see Lara Jakes, *Independent Voters Lose Fight for Primary Rights*, Albany Times Union, Mar. 1, 2000, at B2; Tom Precious, *Judge Rejects Effort to Allow Independents to Vote in New York Primary*, Buffalo News, Mar. 1, 2000, at A5.

6. [Van Wie](#), 267 F.3d 109.

7. *Id.* at 116.