

Challenging the Invalidation of Ballot-Access Signatures

Van Auken v. Blackwell

(Gregory L. Frost, S.D. Ohio 2:04-cv-891)

On September 15, 2004, the Socialist Equality Party candidates for President and Vice President and a Dayton voter filed a federal complaint in the Southern District of Ohio alleging unreasonable invalidation of 4,172 of the 7,983 signatures the candidates submitted for ballot qualification, leaving fewer than the 5,000 required.¹ On the following day, the plaintiffs filed a motion for a temporary restraining order or a preliminary injunction.²

Judge Gregory L. Frost held a teleconference with the parties and, on September 17, denied injunctive relief.³ Judge Frost determined that he could resolve the motion on the briefs, without a hearing.⁴ The plaintiffs had not shown that Ohio's secretary of state had failed to provide a legally required review of their case or that they could not obtain mandamus relief from Ohio's state courts if merited.⁵

On November 22, the parties stipulated to a dismissal of the action.⁶

1. [Complaint](#), *Van Auken v. Blackwell*, No. 2:04-cv-891 (S.D. Ohio Sept. 15, 2004), D.E. 1.

2. [Motion](#), *id.* (Sept. 16, 2004), D.E. 3.

3. [Opinion](#), *id.* (Sept. 17, 2004), D.E. 4.

Tim Reagan interviewed Judge Frost for this report by telephone on June 1, 2012.

4. Interview with Hon. Gregory L. Frost, June 1, 2012.

5. [Opinion](#), *supra* note 3, at 5–7.

6. [Stipulation](#), *Van Auken*, No. 2:04-cv-891 (S.D. Ohio Nov. 22, 2004), D.E. 10.