

Disqualification of a Primary Election Candidate for Previously Running as an Independent

Swanson v. Pitt

(Myron H. Thompson, M.D. Ala. 2:04-cv-534)

A would-be candidate for the United States Senate filed a pro se federal complaint in the Middle District of Alabama on June 1, 2004, claiming that it was improper to exclude him as a candidate in the Democratic primary election for having previously run as an independent.¹ In 2002, the plaintiff attempted to qualify for the ballot as an independent candidate, and failing to do so he ran as a write-in candidate.² Among the relief sought was a temporary restraining order.³

On June 2, Judge Myron H. Thompson declined to issue a temporary restraining order.⁴ On August 4, he granted the defendants summary judgment.⁵

1. [Complaint](#), *Swanson v. Pitt*, No. 2:04-cv-534 (M.D. Ala. June 1, 2004), D.E. 1; [Swanson v. Pitt](#), 330 F. Supp. 2d 1269, 1271–72 (M.D. Ala. 2004).

2. [Swanson](#), 330 F. Supp. 2d at 1273 & n.6; *see Swanson v. Worley*, 490 F.3d 894 (11th Cir. 2007) (denying relief from a signature requirement); [Swanson v. Bennett](#), 219 F. Supp. 2d 1225 (M.D. Ala. 2002) (providing relief to other candidates with sufficient signatures from a last-minute change in the due date); [Opinion](#), *Swanson v. Bennett*, No. 2:02-cv-1244 (M.D. Ala. Feb. 18, 2003), D.E. 18 (denying relief for alleged interferences with write-in votes).

3. [Complaint](#), *supra* note 1.

4. [Order](#), *Swanson*, No. 2:04-cv-534 (M.D. Ala. June 2, 2004), D.E. 14.

5. [Swanson](#), 330 F. Supp. 2d 1269.