

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)

Filed on the day before a presidential primary election, a federal complaint sought to open the parties' primary elections to voters of all parties as a remedy for allegedly improper purging of party registrations. The district judge on miscellaneous duty denied immediate relief. Following their filing of an amended complaint after the election, the plaintiffs declined to respond to a motion to dismiss the case, and so the assigned judge dismissed the case.

Subject: Nullifying registrations. *Topics:* Registration procedures; matters for state courts; primary election; National Voter Registration Act; case assignment; class action; ballot segregation; provisional ballots.

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 disfranchise 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 She denied the plaintiffs immediate relief,⁵ observing 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

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.

Judge Feuerstein died on April 9, 2021. Federal Judicial Center Biographical Directory of Article III Federal Judges, www.fjc.gov/history/judges.

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

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

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

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.