

Voters' Right to a Completely Open Primary Election

Snellgrove v. Georgia (Hugh Lawson, M.D. Ga. 5:02-cv-288)

Four days before a primary election, independent voters filed a federal complaint complaining that the primary election prevented them from voting for a member of one party for one office and a member of a different party for another office. After an evidentiary hearing on the day before the election, the district judge declined to issue an injunction.

Subject: Voting procedures. *Topic:* Primary elections.

Four days before a primary election in Georgia, three independent voters filed a federal complaint in the Middle District of Georgia complaining that the primary election prevented them from voting for a member of one party for one office and a member of a different party for another office.¹ The court recognized the complaint as seeking a preliminary injunction.² With their complaint, the plaintiffs filed a notice that the matter would be heard on Monday, three days later.³

From 10:30 a.m. until noon, Judge Hugh Lawson held an evidentiary hearing.⁴ At 1:45 p.m., he announced his decision declining to issue an injunction.⁵ Judge Lawson's opinion issued on the following day explained,

There is not now, nor has there ever been a constitutional right to vote for the candidate of choice in the sense that Plaintiffs contend. Rather, there exists only the right to have meaningful access to the electoral process. . . .

. . . Certainly some restrictions employed by the various states have failed to withstand constitutional scrutiny. However, a state regulation, such as the one at issue here, restricting an elector from voting in the primary election of more than one political party, has never been held unconstitutional, and the Court declines to do so now.⁶

On September 3, Judge Lawson granted a voluntary dismissal.⁷

1. Complaint, *Snellgrove v. Georgia*, No. 5:02-cv-288 (M.D. Ga. Aug. 16, 2002), D.E. 1; see Travis Fain, *Lawsuit Seeking to Stop Houston Primary Elections*, Macon Telegraph, Aug. 17, 2002, at B3 ("In Georgia, voters don't have to declare a party when they register to vote and may request either a Republican or Democrat ballot on primary day.").

2. Docket Sheet, *Snellgrove*, No. 5:02-cv-288 (M.D. Ga. Aug. 16, 2002).

3. Notice, *id.* (Aug. 16, 2002), D.E. 2.

4. Minutes, *id.* (Aug. 20, 2002), D.E. 7.

5. Opinion, *id.* (Aug. 20, 2002), D.E. 8; Minutes, *supra* note 4.

6. Opinion, *supra* note 5, at 2.

7. Dismissal, *Snellgrove*, No. 5:02-cv-288 (M.D. Ga. Sept. 3, 2002), D.E. 10; see Travis Fain & Debbie Rhyne, *Men Drop Primary System Lawsuit*, Macon Telegraph, Sept. 5, 2002, at B2.