

## Right to Form a Third Party

### *Public Interest v. Armstrong County Board of Elections*

(Donald E. Ziegler, W.D. Pa. 2:01-cv-1616)

On August 24, 2001, a voter, a candidate, and a political organization filed a federal complaint in the Western District of Pennsylvania challenging the exclusion of the candidate from the ballot for the Leechburg Area School Board.<sup>1</sup> According to the *Pittsburgh Post-Gazette*, the candidate nominated by the Democratic and the Republican Party was a suspect in jewelry thefts that included the voter as a victim.<sup>2</sup> The voter and others tried to launch a new political party with the candidate as its nominee.<sup>3</sup> The candidate was disqualified because he was a registered Democrat.<sup>4</sup> With their complaint, the plaintiffs filed a motion for a temporary restraining order or a preliminary injunction.<sup>5</sup>

Judge Donald E. Ziegler held a status conference on August 24 and a hearing on August 30.<sup>6</sup> On August 30, he granted judgment to the plaintiffs.<sup>7</sup>

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1. [Docket Sheet](#), Public Interest v. Armstrong Cnty. Bd. of Elections, No. 2:01-cv-1616 (W.D. Pa. Aug. 24, 2001) (D.E. 1); see Torsten Ove, *Third Party Seeks Ballot Spot in School Board Race*, *Pittsburgh Post-Gazette*, Aug. 25, 2001, at D4.

2. Ove, *supra* note 1.

3. *See id.*

4. *See id.*

5. [Docket Sheet](#), *supra* note 1 (D.E. 2).

6. *Id.* (D.E. 5, 6).

Judge Ziegler retired on May 31, 2003. Federal Judicial Center Biographical Directory of Federal Judges, <http://www.fjc.gov/history/home.nsf/page/judges.html>.

7. [Docket Sheet](#), *supra* note 1 (D.E. 8); see Torsten Ove, *Ballot Opened to 3rd-Party Nominees*, *Pittsburgh Post-Gazette*, Aug. 31, 2001, at B18 (“A Federal judge declared unconstitutional a state law that prohibits candidates representing small, unrecognized political parties from running for certain public offices unless they are registered as independents.”).