

Challenging Both Nominating and Voting Procedures

White-Battle v. Democratic Party of Virginia
(*Henry C. Morgan, Jr., E.D. Va. 2:03-cv-897*)

A plaintiff who had desired to be a party nominee for an election to clerk of court filed a pro se federal complaint alleging improprieties in both nomination and voting procedures. The motion was heard and denied six days later. Six months after that, the court granted summary judgment to the defendants.

Subject: Voting procedures. *Topics:* Getting on the ballot; pro se party.

A plaintiff who had desired to be a party nominee for an election to clerk of court for Virginia's circuit court in Norfolk filed a pro se federal complaint in the Eastern District of Virginia's Norfolk courthouse on December 24, 2003.¹ The complaint alleged improprieties in both nomination and voting procedures.² With her complaint, the plaintiff filed a motion for a temporary restraining order.³

Judge Henry C. Morgan, Jr., heard and denied the motion on December 30.⁴ The plaintiff filed a motion for a preliminary injunction on January 6, 2004, and Judge Morgan granted summary judgment to the defendants on June 29.⁵

1. *White-Battle v. Democratic Party of Va.*, 323 F. Supp. 2d 696, 698 (E.D. Va. 2004); see Docket Sheet, *White-Battle v. Democratic Party of Va.*, No. 2:03-cv-897 (E.D. Va. Dec. 24, 2003).

2. *White-Battle*, 323 F. Supp. 2d at 698–700.

3. *Id.* at 700; Docket Sheet, *supra* note 1.

4. *White-Battle*, 323 F. Supp. 2d at 700.

Judge Morgan died on May 1, 2022. Federal Judicial Center Biographical Directory of Article III Federal Judges, www.fjc.gov/history/judges.

5. *White-Battle*, 323 F. Supp. 2d at 700, 702–09.