

Invalid Primary Election

Young v. West Point Municipal Election Commission (*Michael P. Mills, N.D. Miss. 1:13-cv-99*)

Five voters, including an unsuccessful incumbent in a primary election, filed a federal complaint alleging that a municipal election commission conducted a sham primary election, because the municipal party executive committee was without members and therefore could not properly convey to the election commission the authority to conduct the election. The district judge determined that the plaintiffs had not made a showing sufficient to enjoin the next day's runoff election.

Subject: Voting procedures. *Topics:* Enjoining elections; primary election; party procedures; case assignment.

On Friday, May 17, 2013, five voters filed a federal complaint in the Northern District of Mississippi claiming that the West Point Municipal Election Commission conducted a sham Democratic primary election for municipal offices on May 7.¹ With their complaint, the plaintiffs filed a motion for a temporary restraining order and a preliminary injunction.²

The court originally assigned the case to Judge Sharion Aycock, but on the day that the complaint was filed, the court reassigned the case to Judge Michael P. Mills, who set the matter for hearing on Monday, the day before a scheduled runoff primary election.³

At the hearing, the plaintiffs presented evidence that the Municipal Election Democratic Executive Committee had not properly conveyed to the election commission the authority to conduct the primary election, because the party committee no longer had members.⁴ One of the plaintiffs was an unsuccessful incumbent in the primary election.⁵

At the conclusion of the hearing, Judge Mills ruled that the plaintiffs had not made a showing sufficient to enjoin the next day's election.⁶ On August 2, the parties stipulated dismissal of the action.⁷

1. Complaint, *Young v. West Point Mun. Election Comm'n*, No. 1:13-cv-99 (N.D. Miss. May 17, 2013), D.E. 1; Transcript at 25–26, *id.* (May 20, 2013, filed May 21, 2013), D.E. 12 (testimony that the five plaintiffs were voters in five West Point wards).

2. Motion, *id.* (May 17, 2013), D.E. 3.

3. Notice, *id.* (May 17, 2013), D.E. 4; Docket Sheet, *id.* (May 17, 2013); Transcript, *supra* note 1, at 43; Minutes, *Young*, No. 1:13-cv-99 (N.D. Miss. May 20, 2013), D.E. 7.

4. Transcript, *supra* note 1, at 6–20.

5. *Id.* at 21–30, 61–62.

6. *Id.* at 62–64; Order, *Young*, No. 1:13-cv-99 (N.D. Miss. May 21, 2013), D.E. 11.

7. Stipulation, *Young*, No. 1:13-cv-99 (N.D. Miss. Aug. 2, 2013), D.E. 29.