

Request to Be on the Ballot on the Eve of a Presidential Election

Germalic v. Bullock

(Richard G. Andrews, D. Del. 1:12-cv-1347)

Approximately two weeks before the 2012 presidential election, a plaintiff filed a pro se federal complaint that the state's requirements for being a presidential candidate were too onerous. Three days after the complaint was filed, the district court denied the plaintiff injunctive relief for failure to show any effort to meet ballot qualifications and for seeking relief after the ballots had been printed.

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

Approximately two weeks before the 2012 presidential election, a plaintiff filed a pro se federal complaint in the District of Delaware, alleging that Delaware's requirements for being a presidential candidate were too onerous.¹ With his complaint, the plaintiff filed a letter request to proceed in forma pauperis.²

Three days after the complaint was filed, Judge Richard G. Andrews denied the plaintiff injunctive relief for failure to show any effort to meet Delaware's ballot qualifications and for seeking relief after the ballots had been printed.³ Judge Andrews denied without prejudice the plaintiff in forma pauperis status for failure to properly seek it.⁴ Upon the plaintiff's failure to pay the filing fee or properly seek in forma pauperis status, Judge Andrews dismissed the action on November 27 without prejudice.⁵

1. Complaint, *Germalic v. Bullock*, No. 1:12-cv-1347 (D. Del. Oct. 22, 2012), D.E. 2.

2. In Forma Pauperis Request, *id.* (Oct. 22, 2012), D.E. 1.

3. Opinion, *id.* (Oct. 25, 2012), D.E. 4, 2012 WL 5336214.

4. *Id.*; Order, *id.* (Oct. 25, 2012), D.E. 5.

5. Order, *id.* (Nov. 27, 2012), D.E. 7.