

A New Party's Qualification for the Ballot in Texas

Natural Law Party of Texas v. Bomer
(James R. Nowlin, W.D. Tex. 1:00-cv-592)

A district judge determined that it was proper for election officials to use statistical sampling to determine that a new political party had not submitted enough signatures to qualify for a general-election ballot. Moreover, the party waited four weeks to file its complaint and then another week to seek an injunction.

Subject: Getting on the ballot. *Topics:* Getting on the ballot; laches; interlocutory appeal.

The Natural Law Party filed a federal complaint in the Western District of Texas's Austin courthouse on September 12, 2000, challenging an August 15 rejection of the party's inclusion on the November 7 general-election ballot.¹ On September 19, the party filed a motion for a preliminary injunction.²

Judge James R. Nowlin set the case for hearing on September 28.³ On September 29, he issued an opinion explaining his ruling from the bench on the previous day denying the plaintiffs immediate relief.⁴ Judge Nowlin ruled that it was proper for election officials to use statistical sampling to determine that the party had not submitted a sufficient number of valid signatures to qualify for the ballot.⁵ Moreover, the plaintiffs filed their complaint four weeks after their notice of ballot disqualification and did not seek immediate relief until a week after that.⁶

On October 6, the court of appeals denied the plaintiffs an injunction pending appeal.⁷ Two weeks later, Judge Nowlin granted the defendants' unopposed motion to dismiss the case.⁸

1. Docket Sheet, *Natural Law Party of Tex. v. Bomer*, No. 1:00-cv-592 (W.D. Tex. Sept. 12, 2000) (D.E. 1); Opinion at 1, 3, *id.* (Sept. 29, 2000), D.E. 15.

2. Docket Sheet, *supra* note 1 (D.E. 4); Opinion, *supra* note 1, at 1, 3.

3. Order, *Natural Law Party of Tex.*, No. 1:00-cv-592 (W.D. Tex. Sept. 20, 2000), D.E. 6.

4. Opinion, *supra* note 1.

5. *Id.* at 2–3.

6. *Id.* at 3–4.

7. Order, *Natural Law Party of Tex. v. Bomer*, No. 00-50972 (5th Cir. Oct. 6, 2000), *filed as* Order, *Natural Law Party of Tex.*, No. 1:00-cv-592 (W.D. Tex. Oct. 18, 2000), D.E. 19.

On October 25, 2000, the court of appeals dismissed the appeal for lack of prosecution. Order, *id.* (Oct. 25, 2000), *filed as* Order, *Natural Law Party of Tex.*, No. 1:00-cv-592 (W.D. Tex. Oct. 30, 2000), D.E. 21.

8. Order, *Natural Law Party of Tex.*, No. 1:00-cv-592 (W.D. Tex. Oct. 20, 2000), D.E. 20.