

Meritless Challenge to Exclusion from an Election for County Judge

Ferone v. Board of Elections

(Andrew L. Carter, Jr., S.D.N.Y. 1:12-cv-6342)

After the district judge denied immediate relief to plaintiffs seeking by federal action to reverse the exclusion from the ballot of a prospective candidate whose ballot-application papers were defective, the plaintiffs dismissed their case voluntarily.

Subject: Getting on the ballot. *Topic:* Getting on the ballot.

An attorney, contesting his exclusion from the ballot for Bronx County surrogate judge because of a defective ballot-petition cover sheet, filed a federal complaint in the Southern District of New York on August 20, 2012, on behalf of twenty-one supporters.¹

Judge Andrew L. Carter, Jr., held a hearing on August 24,² at the end of which he denied the plaintiffs immediate relief.³ Judge Carter issued a voluntary dismissal of the case on September 12.⁴

1. Proposed Order to Show Cause, *Ferone v. Bd. of Elections*, No. 1:12-cv-6342 (S.D.N.Y. Aug. 20, 2012), D.E. 3; *see* Defendants' Brief at 1–2, *id.* (Aug. 23, 2012), D.E. 5; *see also* Joe Stepansky & Jacob Hodes, *New Surrogate Joined Old Game*, Riverdale Press, Feb. 27, 2013.

2. Docket Sheet, *Ferone*, No. 1:12-cv-6342 (S.D.N.Y. Aug. 20, 2012).

3. Transcript at 66, *id.* (Aug. 24, 2012, filed Jan. 28, 2013), D.E. 7.

4. Order, *id.* (Sept. 12, 2012), D.E. 6; *see* Stepansky & Hodes, *supra* note 1.