

Including on the Ballot Nominees of a Fractured Minor Party

Watson v. Miller

(Paul V. Gadola, E.D. Mich. 4:00-cv-40336)

Supporters of a minor party's presidential nominee filed a federal complaint to require the state's secretary of state to include the nominee on the general-election ballot after being denied such relief by the state's supreme court. Two rival factions of the party had put forward separate nominees. The federal district judge ruled that the plaintiffs had not established a clear right to the requested relief, and an appeal was dismissed by stipulation.

Subject: Getting on the ballot. *Topics:* Getting on the ballot; party procedures; interlocutory appeal; matters for state courts.

Because two competing factions of the Reform Party named different presidential nominees in 2000, Michigan's secretary of state decided not to include the Reform Party on the November 7, 2000, ballot.¹ Two voters supporting the nomination of Pat Buchanan filed a federal complaint in the Eastern District of Michigan late in the afternoon of Friday, September 15, 2000, challenging the secretary's decision.² With their complaint, the plaintiffs filed a motion for a preliminary injunction.³

The court assigned the case to Judge Paul V. Gadola, who was out of state on that day, but who returned on Sunday and held a hearing first thing Monday morning.⁴

The federal complaint was filed on the day that Michigan's supreme court denied relief to the Buchanan campaign.⁵ The campaign sought a writ of mandamus in Michigan's circuit court and failed to prevail in an appeal from denial of that relief.⁶ As a result of decisions by Michigan's secretary of state and Michigan's courts, Buchanan's rival for the Reform Party nomination would appear on Michigan's ballot, because the rival was also nominated by the Natural Law Party.⁷

1. See Transcript at 5–7, *Watson v. Miller*, No. 4:00-cv-40336 (E.D. Mich. Sept. 18, 2000, filed Sept. 19, 2000), D.E. 9; see also Amy Franklin, *Buchanan Camp Works for Spot on State Ballot*, Grand Rapids Press, Sept. 1, 2000, at C4.

2. Docket Sheet, *Watson*, No. 4:00-cv-40336 (E.D. Mich. Sept. 15, 2000) [hereinafter E.D. Mich. Docket Sheet] (D.E. 1); see Transcript, *supra* note 1, at 4–5, 14–15.

3. E.D. Mich. Docket Sheet, *supra* note 2 (D.E. 2); see Transcript, *supra* note 1, at 15.

4. Transcript, *supra* note 1, at 1–4, 15 (noting that the proceeding began at 8:45 a.m.).

Judge Gadola died on December 26, 2014. Federal Judicial Center Biographical Directory of Article III Federal Judges, www.fjc.gov/history/judges.

5. *Buchanan v. Sec'y of State*, 463 Mich. 867, 616 N.W.2d 162 (2000); see Transcript, *supra* note 1, at 10; see also Amy Franklin, *Justices Block Reform Candidates*, Grand Rapids Press, Sept. 16, 2000, at A6.

6. *Buchanan*, 463 Mich. at 867, 616 N.W.2d at 162 (Justice Stephen Markman, concurring); see Transcript, *supra* note 1, at 7–9.

7. See Transcript, *supra* note 1, at 8.

After a hearing recess of fourteen minutes, Judge Gadola denied the plaintiffs relief.⁸ He saw their requested relief as a writ of mandamus, with a stricter standard than a preliminary injunction's.⁹ Under either standard, however, Judge Gadola found that the plaintiffs had not shown a clear entitlement to place Buchanan on the ballot as the Reform Party's candidate.¹⁰

An appeal was dismissed by stipulation on November 2.¹¹

8. *Id.* at 72, 89.

9. *Id.* at 77, 87–88.

10. *Id.* at 83–84, 88, 97.

11. Docket Sheet, *Watson v. Miller*, No. 00-2076 (6th Cir. Sept. 20, 2000) (D.E. 25).