No. 24-684

IN THE

Supreme Court of the United States

CARLANDA D. MEADORS, et al.,

Petitioners,

v.

ERIE COUNTY BOARD OF ELECTIONS, et al.,

Respondents.

On Petition for Writ of Certiorari to the
United States Court of Appeals for the Second Circuit

BRIEF IN OPPOSITION

CHARLES GERSTEIN
Counsel of Record
JASON HARROW
GERSTEIN HARROW LLP
1001 G Street NW, Suite 400E
Washington, DC 20001
charlie@gerstein-harrow.com
(202) 670-4809
Counsel for Respondents

QUESTION PRESENTED

Respondents Erie County Board of Elections and its two members agreed with Petitioners in proceedings below that this election-related dispute was not moot after the conclusion of the relevant local election because, like many election cases, the case was capable of repetition yet evading review. Instead, Respondents, along with New York State as *amicus*, urged the Second Circuit to affirm the grant of summary judgment for Respondents on the grounds that Petitioners had not been injured by the particular statutory deadline, and anyway that New York's deadlines for submitting nominating petitions and holding primary elections is constitutional.

Despite the parties' lack of adversity on mootness, the Second Circuit dismissed the case as moot in an unpublished opinion, and Petitioners ask this Court to grant certiorari on the mootness issue only. The question presented is:

Should this Court grant certiorari on a threshold question of mootness, where there is no adversity on that question, where the decision below is unpublished, where there is an independent problem with Petitioners' alleged injury, and where Petitioners are nearly certain to lose on the merits anyway?

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PRELIMINARY STATEMENT

Petitioners are supporters of former Mayor Byron Brown of Buffalo, New York. In June 2021, Brown unexpectedly lost the Democratic primary for Mayor. About two months later, he nonetheless filed a petition to appear on the general-election ballot as an independent. Respondents Erie County Board of Elections and its members properly rejected Brown's petition because it was filed well past the statutory deadline. Brown's supporters then brought emergency litigation to have his name appear on the ballot. When that litigation was unsuccessful, Brown ran as a write-in candidate and won. Petitioners continued to press this litigation, contending that the initial decision to keep Brown off the ballot was incorrect because New York's election calendar, which requires independent candidates to petition for a place on the ballot before they know the outcome of the major-party primaries, is unconstitutionally burdensome on independent candidates.

In the District Court, Respondents agreed that the case was not mooted by the election. In their view, it was "in Defendants' interest to resolve the merits of this dispute so that Defendants and all other government officials have notice if the deadlines are, in fact, unconstitutional as applied to this situation." D. Ct. Dkt. No. 76 at 3. Respondents instead moved for summary judgment on the grounds that the Petitioners had not been injured by a deadline that disfavored late-breaking independent candidacies because their candidate was not an independent candidate, but rather a sore-loser—that is, he lost a major party primary and wanted to appear on the ballot anyway. And regardless New York's deadlines

were not unconstitutionally burdensome on independent candidates. The District Court agreed the case was not moot and granted summary judgment on the merits for Respondents.

Petitioners appealed. On appeal, the issue of mootness was not briefed by either party and not contested by New York State, which filed a brief as *amicus curiae* to defend the constitutionality of the statutes that specify the relevant election deadlines. In an unpublished opinion, the Second Circuit nonetheless dismissed the appeal as moot and remanded for the district court to dismiss the case.

Petitioners now ask this Court to reopen the case by granting certiorari, hearing the case on the merits, and reversing the Second Circuit's decision on mootness. This Court should deny the Petition. Although Respondents argued in District Court that the case was not moot and did not contest that issue in the Second Circuit, this Court should not take the highly unusual step of granting certiorari to review an unpublished decision with no acknowledged circuit split and no adversity on this threshold issue. Moreover, although Respondents do not contest mootness, they do (vigorously) contest Petitioners' injury and arguments on the merits. And on those issues this case is a sure loser for Petitioners: the Court has repeatedly affirmed that states may bar from the ballot candidates who have run in and lost a major-party primary, *e.g.*, *Storer v Brown*, 415 U.S. 724, 737 (1974) (so holding), and that is the only aspect of New York's scheme at issue here. Moreover, even if this Court were inclined to (again) address the "capable of repetition yet evading review" doctrine, that issue is a common one that will surely return to

this Court in a dispute with both adversity and a cert.-worthy dispute on the merits. This is not one of those cases.

STATEMENT OF THE CASE

I. Statutory Background

There are two ways a candidate for local office in New York can qualify for a line on the general-election ballot: the party-primary process and the independent-candidate process. To pursue the party-primary process, candidates file designating petitions signed by a fixed number of registered voters belonging to their political party, which must have already qualified as a political party under a separate process. *See* N.Y. Election Law § 6-134. To pursue the independent-candidate process, candidates file independent-nomination petitions signed by a fixed number of registered voters. *Id.* § 6-138. Independent candidates may designate an "independent body," which need not qualify as a political party, to make the nomination. *Id.* § 6-138(3). Thus, independent candidates in New York essentially run as members of political parties of their own choosing, albeit parties that are not officially recognized by the State and do not have a primary process.

In New York, unlike all other states but Connecticut and Alabama, these two paths to the general-election ballot are not mutually exclusive—candidates may run on multiple ballot lines, as many as they qualify for. And New York, unlike all other states but Connecticut and Iowa, has no explicit so-called "sore loser" law forbidding primary losers from running as independents. Thus, if candidates want to maximize the odds of appearing on the general-

election ballot, or express affiliation with multiple parties and groups, they can compete in the party primary while also seeking independent nominations, and if they lose the party primary they can still appear on the general-election ballot. All votes for candidates who appear on multiple lines are added to the candidates' totals.

Candidates can and do take advantage of the flexibility to appear on multiple ballot lines. In 2014, Governor Andrew Cuomo appeared on the ballot for the Democratic Party, a political party; the Women's Equality Party, an independent body; and several other independent bodies. *See* New York State Board of Elections, Governor/Lt. Governor Election Returns November 4, 2014, *available at* https://perma.cc/LT5M-3B62. Byron Brown, too, appeared on the ballot for multiple parties in 2017 (Democratic, Working Families, Independence, Women's Equality) and 2013 (Democratic, Conservative, Working Families, Independence). 2d Cir. App'x at 129.

To qualify for the general-election ballot as an independent for election to a political subdivision, a candidate must file a petition containing signatures equal to five percent of the number of people who voted for governor in that subdivision in the last election. *See* N.Y. Election Law § 6-142. Party candidates must file petitions containing signatures equal to five percent of the enrolled voters in their party. *Id.* § 6-136. As applied to the 2021 election, independent candidates must file their petitions no later than May 25, which is two months after candidates must petition to appear in a primary election. All in all, the deadlines in 2021 were as follows:

Date	Deadline	N.Y. Election Law
March 25, 2021	Designating petition for Democratic primary due	§ 6-158(1)
May 25, 2021	Independent nominating petition due	§ 6-158(9)
June 22, 2021	Primary election	§ 8-100(1)(a)
September 9, 2021	Certification of candidates for general election	§ 4-114
September 17, 2021	Mail ballots to overseas voters mailed	§§ 10-108(1); 11-204(4)
October 23, 2021	First day of early voting for the general election	§ 8-600(1)
November 2, 2021	General election	§ 8-100(1)(c)

These deadlines were most recently altered by a comprehensive 2019 election law, N.Y. Laws 2019, Ch. 5. The stated impetus for the 2019 changes was to "ensure that New York State's election law complies with the federal Military and Overseas Voter Empowerment (MOVE) Act." 2d Cir. App'x at 130. In particular, in 2012, New York was sued by the federal government because its timelines did not permit it to transmit general election ballots 45 days before the

election, as was required for elections for federal office. The resulting injunction meant that, beginning in 2012 until the law's passage, New York had two different primaries: a federal primary in June and a state and local primary in September. *Id.* The Legislature identified at least three clear benefits to creating earlier deadlines for all offices and "merging the federal non-presidential and state primaries": the earlier, unified primary would "[1] ensure that military personnel and New Yorkers living abroad have an opportunity to vote . . . [2] prevent New Yorkers from having to go out and vote in three separate primaries . . . and by reducing the number of primary days, county boards of elections throughout New York State will see a collective cost savings of approximately $25,000,000." *Id.* The bill received strong bipartisan support. It passed the Assembly 120–42 on January 14, 2019 and then passed the Senate 53–8 the next day. 2d Cir. App'x at 131.

When the revised bill hit the desk of then-Governor Andrew Cuomo, he received near-universal messages of support. The State Board of Elections, which had been asked to evaluate the legislation, submitted an 11-page report that explained, in detail, the rationale for many of the changes, including the timing changes at issue here. The memo explained that moving up the deadlines, including the deadline for an independent nominating petition, would promote (1) "political stability," because it "encourages independent nominations to be about independent ballot access and not about party candidate sore losers getting on the ballot or party candidate seeking an extra ballot position"—though, of course, candidates could still seek access on multiple lines; (2) it "promot[ed] a fair electoral process" by setting the independent-petition

deadline relatively soon after the party deadline and not allowing "independent parties to file on a considerably later date" which could "unduly give independent candidates a significant advantage"; (3) it helped support an "informed electorate" because voters would know all those with ballot access around the same time, and major party nominees would not have several months more of an advantage; and (4) it would further "administrative need" because election officials "have a strong interest in ensuring that a ballot is constructed in a timely and orderly fashion," and it would also ensure litigation is settled early. *Id.*

By contrast, the Board concluded the "burdens on independent candidates are minimal" given "(i) the proximity to the party candidate petition process, (ii) New York's six-week period to collect independent nominating signatures from a larger population of voters than party candidate have available, and (iii) the relatively low signature requirements for independent ballot access." 2d Cir. App'x at 131–32. The New York City Bar Association similarly noted that "[u]nder the reformed calendar," signature gathering "can occur at a time when people are more available and accessible." 2d Cir. App'x at 132.

There was a single dissenting voice, and it was Plaintiffs' expert, Richard Winger. Winger is a Libertarian who is among the country's leading advocates for broad ballot access for independent and minor-party candidates, and he publishes the long running newsletter and website *Ballot Access News*. He wrote to Governor Cuomo and attached an article from his newsletter arguing that the new law "injures ballot access" because the deadline would be too early for "minor party and independent candidates." *Id.*

Governor Cuomo signed the bill on January 24, 2019. *Id.* The 2021 election was the first Buffalo mayoral election conducted under the new election calendar.

II. Factual Background

On June 22, 2021, the then-sitting Mayor of Buffalo, Byron Brown, lost the primary election to be the Democratic nominee for Mayor to India B. Walton. As explained, Brown could have collected before the primary the signatures necessary to appear on the ballot in a general election on a different party line. If he had won the Democratic primary, he would have then appeared on the ballot on multiple lines, as Brown had done in years past. Or, if he lost the Democratic primary, he could have appeared on the ballot for only those other parties. But he sought the nomination of only the Democratic Party in 2021. Thus, when he lost the primary, he was faced with having to mount a write-in campaign or not pursuing a fifth term in office. Plaintiffs produced no evidence about why Brown chose to run only on the Democratic ballot line in 2021.

After his primary loss, Brown launched a write-in campaign for the general election. 2d Cir. App'x at 21. He also evidently began gathering signatures to appear as an independent candidate nominated by the "Buffalo Party," an independent body. *Id.* It is undisputed that Brown did not even consider seeking signatures for an independent petition until he lost the Democratic primary. 2d Cir. App'x at 398 (declaration of Byron Brown). Instead, on August 17, 2021, nearly two months after his primary loss, Brown filed an independent nominating petition with the Erie County Board of Elections to place him on the general election

ballot as a candidate. 2d Cir. App'x at 132. The Board of Elections duly rejected this petition because the deadline under Election Law § 6-158(9) was May 25, 2021, making the petition 84 days late. *Id.* By statute, the Board is required to "determine the candidates duly nominated for public office" in the jurisdiction, N.Y. Election Law § 4-114, and it is undisputed that Brown was not duly nominated. Because there were no other candidates, the Board of Elections prepared a general-election ballot with only Walton on it.

III. Prior Proceedings

A. Proceedings prior to the 2021 election

On August 30, 2021, several individual supporters of Brown brought this suit against the Board of Elections and two of its members and sought a temporary restraining order requiring the Board to place Brown's name on the ballot. The Complaint contained a single claim for relief: that enforcement of the deadline for independent candidates violates Petitioners' rights under the First and Fourteenth Amendment. Pet. App. at 57a (complaint). Mayor Brown also separately brought a parallel proceeding in New York state court making similar claims.

After emergency proceedings in both state and federal court, a motions panel of the Second Circuit ruled that Brown was not entitled to an injunction to have his name placed on the ballot. On the same day, New York's Appellate Division, Fourth Department reached the same conclusion. While the Second Circuit's emergency order was unreasoned, the Fourth Department issued a decision on the merits. It noted that a "'reasonably diligent candidate' could be expected to meet New York's requirements for

independent candidates and gain a place on the ballot," and reasoned that the "combination of rules for independent candidates in New York . . . is similar to election regulations in other states that have been found not to impose a severe burden on the constitutional rights of candidates and voters." *Matter of Brown v. Erie County Bd. of Elections*, 197 A.D.3d 1503, 1506 (4th Dept. 2021). The Fourth Department's conclusion was further supported by the fact that the constitutional challenge arose in the context of a "local election that does not implicate any national interests" and that Brown himself—the incumbent mayor who had run in but lost a Democratic primary—was "far from the archetypal 'independent candidate' whose interests [caselaw] seek[s] to protect." *Id.* Brown did not further appeal either decision, and his name did not appear on the ballot.

On election day, Brown won re-election as a write-in candidate with over 58% of the vote. 2d Cir. App'x at 133. On October 15, 2024, he resigned as Mayor to become the CEO of Western Regional Off-Track Betting.

B. District Court proceedings after 2021

In District Court following the election, Respondents moved for summary judgment, arguing, among other things, that Petitioners had produced no evidence from which a reasonable factfinder could conclude that they were burdened *at all* by the independent-petition deadline. In particular, the evidence was undisputed that Brown declared that he decided to run as an independent only "after [he] was defeated in the Democratic primary" because, at that point, he and his supporters "were left with no other choices on the general-election ballot." 2d. Cir. App'x

at 399.

After a hearing, the District Court asked the parties to brief several threshold issues, including mootness. In the supplemental briefing, both parties agreed that the case was not moot because it met the standard for being "capable of repetition yet evading review." As Respondents noted in their supplemental brief, "applying the 'capable of repetition yet evading review' doctrine makes good sense here" because "[i]t permits disputes like this to be resolved outside the specter of an imminent election while still ensuring there is a concrete case or controversy." D. Ct. Dkt. No. 76 at 4.

The District Court granted Respondents' motion for summary judgment. At the threshold, the court held that the case was capable of repetition yet evading review. In particular, the District Court found "that the facts alleged in the complaint provide a reasonable expectation, as opposed to mere speculation, that plaintiffs would encounter the same challenge in future elections." Pet. App. 31a. The court then then held that Respondents prevailed as a matter of law because the statutory scheme does not prevent "independent candidates from having access to the general election ballot." Pet. App. 35a. The court noted that the only evidence of any burden on the candidate was an affidavit from Mayor Brown stating that "after losing in the primary, the deadlines in [the relevant section] prevented him from then appearing on the ballot as an independent candidate." Pet. App. 41a. But, as the court noted, this is not a constitutionally recognized burden because "states are permitted to enact 'sore-loser' laws in order to expressly prohibit a candidate, like Brown, who loses in the primary, from

then seeking to run in the same election as an independent or minor party candidate." Pet. App. 41a (citing *Storer*, 415 U.S. at 735–36). Moreover, the court noted that the scheme did not discriminate against independent candidates in general or place any kind of undue burden on them; to the contrary, Petitioners were actually asking for "preferential treatment," so that their deadline for nominating a candidate was after that for the major parties. Pet. App. 43a. The scheme accordingly was constitutional.

C. The decision below.

Petitioners appealed to the Second Circuit. The parties maintained their positions below, and neither party addressed mootness. The State of New York also filed a brief as *amicus curiae* in support of Respondents. The State's brief argued, like Respondents, that the statutory scheme was constitutional. 2d Cir. Dkt. No. 72. Like the other parties, the State did not contend the case was moot or otherwise address the mootness doctrine. *See id.*

Even though no party addressed mootness and no supplemental briefs were filed on the issue, the Second Circuit dismissed the appeal as moot in a short unpublished opinion. Pet. App. 5a–9a. The Second Circuit placed the burden on Petitioners to show that the "capable of repetition" exception applied, and it held that Petitioners could not meet that burden. Rather, the court found that the "plaintiffs have not demonstrated a reasonable expectation that they will encounter the same issue in the future because plaintiffs have presented no reason to think that they will, in the future, favor a candidate who chooses to run as an independent after losing a primary." Pet. App. 7a–8a.

The petition followed.

REASONS FOR DENYING THE WRIT

This Court should deny the petition because there is no "compelling reason[]" for this Court's review. S. Ct. R. 10. To the contrary: there is no point in keeping this case going any longer. The short, unpublished decision has no precedential value, and it identifies no circuit split. Because Respondents have previously agreed that the case is not moot, if certiorari is granted, the Court will likely wish to appoint an amicus to defend the decision below, which is unusual in any event and even more unusual where, as here, the decision below is unpublished and does not present the Court with an acknowledged circuit split or intervening change in the law to resolve.[1] And because this issue frequently recurs, the nuances of mootness as applied to post-election litigation can easily be resolved in a future case.

There are several additional problems with using this case as a vehicle to address the issue. First, in addition to mootness, there is an independent problem for Petitioners that is at least arguably jurisdictional as well: Petitioners have not suffered a cognizable injury. They bring only an as-applied challenge

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[1] As Respondents explained in District Court, the Board's job is to administer elections with as much regularity and as little disruption as possible. It is thus "in Defendants' interest to resolve the merits of this dispute" outside the context of emergency litigation "so that Defendants and all other government officials have notice if the deadlines are, in fact, unconstitutional as applied to this situation." D. Ct. Dkt. No. 76 at 3. That interest counsels in favor of finding that many election-related cases are indeed subject to an exception to mootness. Respondents would explain this position further in the unlikely event that the Court grants review and sets the case for briefing and argument.

purporting to vindicate the rights of "independent" candidates, but the candidate they supported was not an independent. Second, even if Petitioners were correct that a court should reach the question of whether New York's election calendar is constitutional for any possible candidate, the answer is an easy yes. The petition should be denied.

I. There Is No "Compelling Reason" To Review The Second Circuit's Unpublished Decision On An Issue That Frequently Recurs.

The unpublished decision reached the right outcome—judgment for Respondents—albeit for a reason that Respondents did not advocate. But this Court need not, and should not, use its limited resources to correct the error. The decision below was fact-bound, non-precedential, and did not even cite any out-of-court authority, much less identify a circuit split. Thus, even if it does reflect a slight difference of interpretation among the circuits—and Respondents take no position on that question—that is of no consequence to future litigants in the Second Circuit or elsewhere. Future judges and litigants are free to ignore the decision below if they find it unpersuasive. *Plumley v. Austin*, 574 U.S. 1127, 1131–32 (2015) (Thomas, J., dissenting from the denial of certiorari) (noting that an unpublished opinion "lacks precedential force," which "preserves [a circuit's] ability to change course in the future"). Leaving the decision below unreviewed, and the matter below settled, thus has no long term impact on the development of the law on this question.

Moreover, the Petition itself makes clear that there is no shortage of judicial discussion of this issue, since

it recurs in substantially the same form in many election disputes that continue after the challenged election. This Court has accordingly addressed the question of mootness either directly or indirectly in many election cases, and surely can do so again if it wishes, as the pace of election-related litigation is unlikely to slow. *See* Pet. 20–25 (discussing this Court's cases); *see also Republican Party of Pennsylvania v. Degraffenreid*, 141 S. Ct. 732, 737 (2021) (Thomas, J. dissenting from the denial of certiorari) (observing that the Court "routinely invokes" the capable-of-repetition doctrine "in election cases"). Far better for this Court to wait for an appropriate vehicle, with a precedential decision below, genuine adversity, and an ability to reach the merits if the case is not moot then to grant review in this case. Given the volume of election-related litigation, a better vehicle is sure to come sooner rather than later.

II. Plaintiffs Have Not Suffered From The Injury They Identify.

Even if this Court were to grant review to potentially vacate the Second Circuit's decision on mootness, there is another threshold problem for Petitioners that is at least arguably jurisdictional: they have not suffered from the supposed injury they identify. Petitioners claim they can prevail on their claim that "early filing deadlines for independent candidates [are] unconstitutional." Pet. 30. But their preferred candidate was not an independent. Rather, as the District Court found, "Brown's affidavit reflects that he did not attempt to run as an independent candidate until after losing in the Democratic Party primary election." Pet. App. 40a. Accordingly,

"Brown's independent nominating petition was not filed until . . . approximately two months after his primary loss and almost three months after the petition deadline had expired." *Id.* And "the record shows that Brown and his supporters never even tried to timely comply with the petition deadline." *Id.*

That mismatch means that Petitioners are not the right voters to litigate the issue of the constitutionality of New York's petition deadline, because they do not support the right candidate. Instead, as the operative complaint clearly states, "[t]his is an as-applied constitutional challenge to New York's petition deadline for independent candidates," Pet. App. 58a, and the relevant application is to a so-called "sore loser": a major-party candidate who loses a primary election and then decides to run as an independent. Petitioners purport to be asking that the relevant deadline be moved later in the abstract, *see* Pet. 6 ("The petition would have been timely under each of New York's petition deadlines from 1890 to 2019."), but the record is clear that a later deadline for an independent nominating petition would not have benefitted them unless the date of the primary election was also moved. Pet. App. 40a.

This problem goes to more than just the merits. In particular, this Court has been clear that candidates who wish to challenge an election law on constitutional grounds must have actually been harmed by the feature of the law that they or their supporters challenge. In *Storer*, this Court upheld particular ballot restrictions as to two candidates and then noted that there "is no need to examine the constitutionality of the other provisions of the Elections Code as they operate singly or in combination as applied to these

candidates" because "even if these statutes were wholly or partly unconstitutional, [the candidates] were still properly barred from having their names placed on the ballot." 415 U.S. at 736–37. That is, "if a candidate is absolutely and validly barred from the ballot by one provision of the laws, he cannot challenge other provisions." *Id.* at 724. So too here: Mayor Brown was "absolutely and validly barred from the ballot" by the provision that set the independent nominating deadline to be before the primary results were known, *see supra* 5–6 (relevant deadlines), so his supporters cannot claim that the entire calendar should have been moved back to the fall so that truly "independent" candidates can take more time to gather signatures and respond to issues. It would have made no difference.

This defect also presents an additional problem for Petitioners on mootness, because it undermines their argument that the case is not moot. Petitioners claim that these voters "might well vote for an independent candidate again." Pet. 28. But again, they make no distinction between a sore loser and a genuinely independent candidate, and given the facts of this case, their statement lacks credibility for the latter. These vehicle problems make the case unsuitable for this Court's review.

III. Petitioners Have No Realistic Prospect of Success On The Merits.

Finally, this case would not be a good use of this Court's limited resources because Petitioners cannot succeed on the merits. As New York State's amicus brief explained below, "New York's statutory deadline for independent nominating petitions amply satisfies" the relevant constitutional standard. 2d Cir. Dkt. No.

72 at 12. In particular, "[a]ny burdens imposed by the deadline are reasonable and amply justified by the State's important regulatory interests of ensuring the integrity and reliability of the electoral process, promoting a fair electoral process, and promoting political stability." *Id.*

Even without a decision on the merits in the Second Circuit, that conclusion is settled law in New York State. In this very electoral dispute, New York's Appellate Division, Fourth Department upheld the challenged schedule on the merits. As that court held, a "'reasonably diligent candidate' could be expected to meet New York's requirements for independent candidates and gain a place on the ballot," and it observed that the "combination of rules for independent candidates in New York . . . is similar to election regulations in other states that have been found not to impose a severe burden on the constitutional rights of candidates and voters." *Brown*, 197 A.D.3d at 1506. The Fourth Department's conclusion was further supported by the fact that the constitutional challenge arose in the context of a "local election that does not implicate any national interests." *Id.* This decision provides binding guidance for all of New York's various election agencies. To be sure, a federal court is not bound by a state court's decision on federal constitutional law, *e.g.*, *Industrial Consultants, Inc. v. H. S. Equities*, 646 F.2d 746, 749 (2d Cir. 1981), but the speculative prospect that a federal district court might disagree with this conclusion in some future election dispute would be no reason for this Court to intervene now and revive the suit to enable a merits decision in this case.

Finally on the merits, while this case appears also

to be an attempt to have this Court revisit its holding in *Storer* that bars sore losers from the ballot, that is not possible here, even if Petitioners were to eventually present this Court with that question and the merits of this dispute. Instead, since New York's unusual fusion voting system permits sore losers to appear on ballots so long as they petition for a line on another party or group's ticket prior to the qualified-party primary date, the question whether states may validly keep from the ballots sore losers of major party primaries is not presented here. This is yet another reason to deny the petition.

CONCLUSION

This Court should deny the Petition.

Respectfully submitted,

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CHARLES GERSTEIN
Counsel of Record
JASON HARROW
GERSTEIN HARROW LLP
1001 G Street NW, Ste. 400E
Washington, DC 20001
charlie@gerstein-harrow.com
(202) 670-4809
Counsel for Respondents