# Election Law Issues for State Court Judges

#### Pre-Election Issues

#### **ELECTION LAW PROGRAM**

A JOINT VENTURE BY THE COLLEGE OF WILLIAM & MARY SCHOOL OF LAW & THE NATIONAL CENTER FOR STATE COURTS

#### Outline of this unit

- Benefits and Costs of Pre-Election Review
- Procedural Concerns Related to Pre-Election Review
- Substantive Concerns Related to Pre-Election Litigation

Pre-election Issues

#### Outline of this section

- Benefits
  - Keeps courts less involved in political thicket
  - Pre-election as sole remedy in some cases
  - Avoids "option"
- Costs
  - Voter confusion
  - Ripeness issues

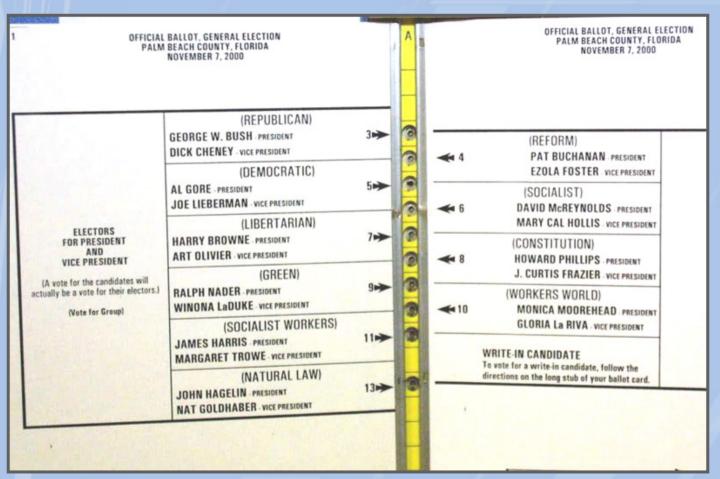
Costs & Benefits

#### Benefits

1. Minimizes court forays into the political thicket

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## 2. Sometimes pre-election review presents only possibility of effective remedy (Butterfly ballot example)



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3. Prevents plaintiffs from having an "option" on litigation

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#### Costs

- 1. Possibility of confusion as election draws near (noted in Supreme Court's recent case of *Purcell v. Gonzalez*)
- 2. Ripeness issues (*Pugh* case example)

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### Summary

- Benefits
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