

UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

Common Cause Indiana v. Connie Lawson

No. 20-2877, United States Court of Appeals for the Seventh Circuit (October 23, 2020)

SUMMARY

The Seventh Circuit granted a stay and summarily reversed a preliminary injunction that had blocked Indiana's 2019 election code amendments restricting who may seek court-ordered extensions of polling hours. The court held the amendments did not unconstitutionally burden the right to vote under the Anderson-Burdick balancing test, did not violate the Supremacy Clause because they only created a state-law cause of action and did not limit § 1983 claims, and did not violate procedural due process. Additionally, the injunction violated the Purcell principle by altering election rules too close to Election Day, and the plaintiff's year-long delay in challenging the statutes weighed against equitable relief.

CASE DETAILS

COURT	United States Court of Appeals for the Seventh Circuit
WRITING FOR THE COURT	Per Curiam; SYKES; EASTERBROOK; BRENNAN
JURISDICTION	Federal
DECIDED	October 23, 2020
DOCKET	20-2877
DISPOSITION	reversed
PROCEDURAL POSTURE	Appeal from the grant of a preliminary injunction and motion to stay the injunction pending appeal.
STANDARD OF REVIEW	We review the district court's denial of the stay for an abuse of discretion. The district court's legal conclusions are reviewed de novo, and its findings of fact for clear error.
PRECEDENTIAL VALUE	Published
PARTIES	Connie Lawson v. Common Cause Indiana

TOPICS

- voting rights
- injunctions
- appellate procedure
- standard of review
- constitutional law

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the 2019 amendments to Indiana's election code governing extensions of poll hours unconstitutionally burden the fundamental right to vote under the Anderson-Burdick test.
2. Whether the amendments violate the Supremacy Clause by divesting state courts of jurisdiction to hear § 1983 claims.
3. Whether the amendments deprive voters of procedural due process.
4. Whether the district court's injunction was barred by the Purcell principle because it was issued too close to the election.

HOLDINGS

1. The amendments do not place a burden on the right to vote; the district court erred in concluding they do.
2. The amendments do not violate the Supremacy Clause because they are reasonably read to apply only to the state-law cause of action, not to § 1983 claims.
3. The amendments do not deprive voters of any constitutionally protected interest; even if they have a liberty interest in statutory poll hours, the amendments have not deprived them of that interest.
4. The injunction falls within Purcell's ambit because it was issued on the eve of the election, and the plaintiff waited over a year to challenge the amendments.

KEY QUOTATIONS

“So the district court incorrectly concluded that the amendments were unconstitutional under the Anderson-Burdick standard.” (at 6)

“We conclude the defendants are likely to succeed on the merits of their appeal because the plaintiff's case lacks a valid constitutional theory.” (at 9)

“These amendments do not place a burden on the right to vote, and the justifications the defendants offer in their support stand to reason.” (at 7)

“The injunction here falls within Purcell's ambit.” (at 11)

“Because there is not room for ongoing debate about the issues in this case, the preliminary injunction issued in this case is summarily reversed.” (at 12)

FACTUAL BACKGROUND

In 2019, Indiana enacted three statutes amending its election code to set standards for extending the hours polls close. The 'standing amendment' provides that only a county election board, by unanimous vote, may petition for an extension. The 'remedies amendment' requires certain findings before a court can extend poll hours, and limits the extension to the duration of the delay. More than a year later, Common Cause sued various state officials in federal court, seeking to enjoin these amendments on grounds that they unconstitutionally burden the right to

vote, violate the Supremacy Clause, and deprive voters of procedural due process. The district court granted a preliminary injunction, finding the amendments likely unconstitutional under the Anderson-Burdick test and the Supremacy Clause.

PROCEDURAL HISTORY

The district court granted plaintiff's motion for a preliminary injunction on September 22, 2020, and later supplemented its reasoning on September 29, 2020, finding the amendments unconstitutional under the Anderson-Burdick test and the Supremacy Clause. The defendants moved to stay the injunction pending appeal, and the district court denied the stay. The defendants appealed and moved this court for a stay.

DISPOSITION

reversed

CASES CITED

- Anderson v. Celebrezze, 460 U.S. 780 (1983)
- Burdick v. Takushi, 504 U.S. 428 (1992)
- Nken v. Holder, 556 U.S. 418 (2009)
- Venckiene v. United States, 929 F.3d 843 (7th Cir. 2019)
- Mays v. Dart, 974 F.3d 810 (7th Cir. 2020)
- Luft v. Evers, 963 F.3d 665 (7th Cir. 2020)
- Tully v. Okeson, 2020 WL 5905325 (7th Cir. Oct. 6, 2020)
- Henderson v. Box, 947 F.3d 482 (7th Cir. 2020)
- Beley v. City of Chicago, 901 F.3d 823 (7th Cir. 2018)
- Abbott v. Perez, 138 S. Ct. 2305 (2018)
- Purcell v. Gonzalez, 549 U.S. 1 (2006)
- Democratic Nat'l Comm. v. Bostelmann, 2020 WL 5951359 (7th Cir. Oct. 8, 2020)
- Common Cause Indiana v. Lawson, 2020 WL 6042121 (7th Cir. Oct. 13, 2020)
- Haywood v. Drown, 556 U.S. 729 (2009)