

UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

Walden v. Kosinski

No. 25-764-cv · No. No. 25-764-cv · Decided August 21, 2025

SUMMARY

This Second Circuit opinion affirms the district court's denial of a preliminary injunction sought by a prospective mayoral candidate who wished to form an independent nominating body named the "Independence Party." The court addresses whether New York's election law naming restrictions apply to independent bodies and finds they do, based on statutory interpretation and legislative intent. Applying the Anderson-Burdick framework, the appellate court concludes the naming provisions are reasonable, viewpoint-neutral regulations that do not impose an unconstitutional burden on the plaintiff's First Amendment rights.

CASE DETAILS

COURT	United States Court of Appeals for the Second Circuit
WRITING FOR THE COURT	Lynch; Lee; Nathan
JURISDICTION	United States Court of Appeals for the Second Circuit
DECIDED	August 21, 2025
DOCKET	No. 25-764-cv
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from an interlocutory order denying a preliminary injunction entered by the United States District Court for the Eastern District of New York.
STANDARD OF REVIEW	De novo for standing and sovereign immunity; abuse of discretion for the preliminary-injunction denial.
PRECEDENTIAL VALUE	published
PARTIES	Jim Walden v. Peter S. Kosinski, as Co-Chair of the New York State Board of Elections; Henry T. Berger, as Co-Chair of the New York State Board of Elections; Essma Bagnuola, Commissioner; Anthony J. Casale, Commissioner; Kristen Zebrowski Stavisky, Co-Executive Director; Raymond J. Riley, Co-Executive Director; New York City Board of Elections

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether New York Election Law sections 2-124(2) and 6-138(3)(f) apply to independent bodies.
2. Whether the naming provisions violate the First Amendment’s free-speech and association guarantees.
3. Whether Walden has Article III standing to sue the State Board of Elections.
4. Whether the State Board is entitled to Eleventh-Amendment sovereign immunity.
5. Whether the district court abused its discretion in denying the preliminary injunction.

HOLDINGS

1. Section 2-124(2) applies to independent bodies; therefore Walden may bring an as-applied challenge.
2. The naming provisions do not impose a severe burden on core political speech and are subject to the Anderson-Burdick balancing test, not strict scrutiny; they are reasonable, viewpoint-neutral, and justified by the state’s interest in preventing voter confusion.
3. Walden has standing because the State Board’s enforcement powers have a coercive effect on the City Board, satisfying injury-in-fact, causation, and redressability.
4. The State Board is not entitled to Eleventh-Amendment sovereign immunity because it is a proper defendant under the Ex parte Young exception.
5. The district court did not abuse its discretion; the denial of the preliminary injunction is affirmed.

KEY QUOTATIONS

“We conclude that the district court did not abuse its discretion in denying the motion for a preliminary injunction.” (at end)

“Accordingly, we AFFIRM the district court’s judgment.” (at end)

FACTUAL BACKGROUND

In October 2024 Walden announced his candidacy for New York City mayor and sought to form an independent body named the “Independence Party.” He argued that New York’s naming provisions, which prohibit the use of the words “Independence” and “Independent,” violated his First Amendment rights. The State Board of Elections and the City Board of Elections moved to enforce the provisions, and the district court denied Walden’s request for a preliminary injunction.

PROCEDURAL HISTORY

Walden filed a motion for a preliminary injunction in the Eastern District of New York challenging New York election law naming provisions. The district court denied the motion, finding no likelihood of success on the

merits and no irreparable harm. Walden appealed the denial.

DISPOSITION

affirmed

CASES CITED

- *Lacewell v. Office of Comptroller of Currency*, 999 F.3d 130 (2d Cir. 2021)
- *Rogers v. Petroleo Brasileiro, S.A.*, 673 F.3d 131 (2d Cir. 2012)
- *Libertarian Party of Conn. v. Lamont*, 977 F.3d 173 (2d Cir. 2020)
- *Warren v. Pataki*, 823 F.3d 125 (2d Cir. 2016)
- *Anderson v. Celebrezze*, 460 U.S. 780 (1983)
- *Burdick v. Takushi*, 504 U.S. 428 (1992)
- *Timmons v. Twin Cities Area New Party*, 520 U.S. 351 (1997)
- *Mazer v. N.J. Sec’y of State*, 54 F.4th 124 (3d Cir. 2022)
- *Meyer v. Grant*, 486 U.S. 414 (1988)
- *Buckley v. American Constitutional Law Foundation*, 525 U.S. 182 (1999)
- *Lerman v. Bd. of Elections in N.Y.C.*, 232 F.3d 135 (2d Cir. 2000)