NONPRECEDENTIAL DISPOSITION
To be cited only in accordance with FED. R. APP. P. 32.1

United States Court of Appeals

For the Seventh Circuit
Chicago, Illinois 60604

Submitted March 17, 2025*
Decided March 20, 2025

Before

FRANK H. EASTERBROOK, *Circuit Judge*

THOMAS L. KIRSCH II, *Circuit Judge*

CANDACE JACKSON-AKIWUMI, *Circuit Judge*

No. 24-2746

FRANK MARSHALL and VICKI MARSHALL,
Plaintiffs-Appellants,

v.

WISCONSIN ELECTIONS COMMISSION, et al.,
Defendants-Appellees.

Appeal from the United States District Court for the Eastern District of Wisconsin.

No. 24-C-1095

William C. Griesbach,
Judge.

O R D E R

Frank and Vicki Marshall, Wisconsin voters, sued the Wisconsin Elections Commission, alleging that it violated their constitutional rights by excluding their preferred presidential candidate from the ballot in the November 2024 election. Of its own accord, the district court dismissed the complaint as frivolous. We affirm.

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* We have agreed to decide the case without oral argument because the briefs and record adequately present the facts and legal arguments, and oral argument would not significantly aid the court. FED. R. APP. P. 34(a)(2)(C).

In August 2024, the Marshalls submitted nomination papers and a declaration of candidacy for Shiva Ayyadurai to appear as an independent presidential candidate on Wisconsin's November 2024 ballot. Shortly after, another Wisconsin voter challenged the nomination, *see* WIS. ADMIN. CODE EL § 2.07(2)(a), (3)(a), alleging that Ayyadurai was not a natural-born citizen of the United States and was therefore disqualified from the presidency. The challenger relied on *Ayyadurai v. Garland*, No. CV 23-2079 (LLA), 2024 WL 2015287, at *1 (D.D.C. May 7, 2024), a case during which Ayyadurai admitted that he was born in Mumbai, India, to non-citizen parents.

After a hearing, which Frank Marshall and Ayyadurai attended, the Commission found that because Ayyadurai is not a natural-born U.S. citizen, the declaration of candidacy accompanying his nomination papers was invalid. WIS. STAT. § 8.21(2)(b). The Commission voted to reject his nomination papers, WIS. STAT. § 8.30(4), and so Ayyadurai's name did not appear on the ballot.

The Marshalls then filed the current action under 42 U.S.C. § 1983, alleging that the Commission violated their rights to ballot access and due process under the First and Fourteenth Amendments by arbitrarily excluding Ayyadurai from the ballot when it lacked the authority to do so. The Marshalls also moved for an injunction requiring the Commission to put Ayyadurai on the ballot.

The district court sua sponte dismissed the complaint, concluding that the Marshalls' claims were legally frivolous. *See* 28 U.S.C. § 1915(e)(2); *Hoskins v. Poelstra*, 320 F.3d 761, 763 (7th Cir. 2003). The court explained that Ayyadurai "is not qualified to hold the office of president of the United States and [the Commission] had all the statutory authority necessary to reject his placement on the ballot."

On appeal, the Marshalls reassert their argument that the Commission did not have the authority to prevent Ayyadurai from being on the ballot. They contend that the Constitution does not give states the authority to impose qualifications on presidential candidates and that the Commission can review the eligibility of a candidate's pledged electors, but not the candidate.

We must first address the Commission's argument that this case is moot because the election is over, and Ayyadurai is ineligible to run again. Although it is a close case, we conclude that the exception to mootness for disputes capable of repetition, yet evading review, applies here. *See Fed. Election Comm'n v. Wis. Right to Life, Inc.*, 551 U.S.

449, 462 (2007). This exception applies when "(1) the challenged action is in its duration too short to be fully litigated prior to cessation or expiration, and (2) there is a reasonable expectation that the same complaining party will be subject to the same action again." *Id*. (quoting *Spencer v. Kemna*, 523 U.S. 1, 17 (1998)). Challenges to election laws, or election-board decisions, are among the quintessential categories of cases that often fit into this exception. *Hero v. Lake Cnty. Election Bd*., 42 F.4th 768, 773 (7th Cir. 2022). Here, even though the election is over, the legal issue presented—whether the plaintiffs can pledge their electoral college votes to a presidential candidate who is ineligible—will persist when the relevant statutes are applied in future elections. *See Libertarian Party of Ill. v. Scholz*, 872 F.3d 518, 522 n.4 (7th Cir. 2017). The Marshalls intend to remain Wisconsin voters and, even if Ayyadurai does not try to run again, they will be subject to the Commission's interpretation of its authority if they support another candidate whom the Commission deems ineligible.

On the merits, the Marshalls did not state a claim that the Commission violated their federal constitutional rights by denying Ayyadurai placement on the ballot. "It is well-settled that '[t]he impact of candidate eligibility requirements on voters implicates basic constitutional rights' to associate politically with like-minded voters and to cast a meaningful vote." *Stone v. Bd. of Election Comm'rs for City of Chi*., 750 F.3d 678, 681 (7th Cir. 2014). Such rights, however, are not absolute. The Constitution confers upon the states "broad authority to regulate the conduct of elections," *Tripp v. Scholz*, 872 F.3d 857, 863 (7th Cir. 2017) (quoting *Griffin v. Roupas*, 385 F.3d 1128, 1130 (7th Cir. 2004)), such as by imposing "reasonable, nondiscriminatory restrictions on access to the ballot." *Ind. Green Party v. Morales*, 113 F.4th 739, 742 (7th Cir. 2024). Further, a state has an interest in protecting, if not a duty to protect, the integrity of its political processes from frivolous or fraudulent candidacies. *Bullock v. Carter*, 405 U.S. 134, 145 (1972); *see also Tripp*, 872 F.3d at 863.

Here, Wisconsin law guards that interest by giving state election agencies authority to refuse ballot access for a candidate if it "conclusively appears … by admission of the candidate or otherwise, that the candidate is ineligible to be nominated or elected." WIS. STAT. § 8.30(1)(b). And because Ayyadurai is not a natural-born citizen, he was not a valid candidate. U.S. CONST. art. II, § 1; WIS. STAT. § 8.21(2)(b). The Commission was required to reject his nomination papers. WIS. STAT. § 8.30(4). And given Ayyadurai's plain and admitted ineligibility, the Marshalls' complaint does not plausibly suggest that this action was an unreasonable or discriminatory restriction on ballot access. *Morales*, 113 F.4th at 742.

The Marshalls also provide no support for their argument that the Commission may review only the eligibility of the candidate's pledged presidential electors. They do not explain how determining the candidate's eligibility could violate, rather than enforce, the Constitution, which disqualifies persons who were not American citizens at birth from holding the office of president. (The argument that a state must allow someone ineligible to hold an office to run for it nonetheless is specious.) Finally, the relevant Wisconsin code provisions expressly regulate "the candidate," which further undermines the Marshalls' argument that the Commission could not review Ayyadurai's eligibility for the presidency.

AFFIRMED