

**04-37      CLINGMAN, ET AL. V. BEAVER, ET AL.**

Decision Below:    363 F.2d 1048 (10<sup>th</sup> Cir. 2004)

QUESTIONS PRESENTED

- I.      Whether Oklahoma's semi-closed primary election law - which allows a political party to invite non-affiliated voters but not voters registered with another political party to vote in its partisan primary but prevents a voter registered with another political party from voting in that primary - violates the First Amendment rights of a political party and its members to associate.
  
- II.     Whether the decision in *California Democratic Party v. Jones*, 530 U.S. 567 (2000) requires that a State allow a political party, at its option, to open its political party primary election to any registered voter regardless of that registered voter's political affiliation.
  
- III.    Whether the Tenth Circuit Court of Appeals erred in finding that the State of Oklahoma's restrictions constituted a severe burden on the right of association of the political party thereby requiring the regulation to be narrowly tailored to meet a compelling state interest or whether the appropriate standard is the balancing test which has been applied in election cases before this Court.

Cert. Granted 9/28/04