LIBERTARIAN PARTY BALLOT ACCESS COMMITTEE REPORT

Libertarian National Committee meeting

Phoenix, Arizona

September 29-30, 2018

Dear Colleagues:

The following memo addresses ongoing petition drives and petitioning opportunities for the LNC in 2018.

The Ballot Access Committee (“BAC”) currently consists of Dustin Nanna, John Phillips and me. I will ask the LNC Chair to appoint Richard Winger and someone else (TBD) to the BAC.

All 2018 petition drives have been completed this year.

I may have an oral update at this LNC meeting.

There are no more petition drives before Election Day.

According to Richard Winger, we have statewide candidates on the ballot in all states, except for these states in these categories:

LP is a qualified party but cannot run statewide candidates: AZ, CA, ME, ND, WA.

Qualfied or but easy to get on the ballot but the state party did not run a statewide candidate: FL, RI, VT.

No ballot access: AL. We might want to consider hiring a lobbyist to work on AL ballot access.

Tennessee: 28 candidates for governor, including several Libertarians. In TN, it is easy to get on the ballot as an Independent but very difficult to qualify a new party. Maybe we should consider hiring a lobbyist.

Litigation hope for TN? The following is a Richard Winger blog post:

No petition to place a new party on the ballot has succeeded in Tennessee since 1968. The law requires a petition of 2.5% of the last gubernatorial vote, which is currently 33,844 signatures, and in the recent past has been over 40,000 signatures. Parties that have tried and failed to petition include the Libertarian, Green, Constitution, Americans Elect, and Reform Parties.

Tennessee is in the Sixth Circuit. As previously reported, on September 6, the Sixth Circuit ruled that Chris Graveline should be on the ballot as an independent for Michigan Attorney General, even though he failed to collect the required 30,000 signatures. The basis was that the Michigan requirement had been in effect for thirty years and had only been used successfully twice. It stands to reason that if requiring 30,000 signatures in Michigan (which is less than 1% of the last gubernatorial vote) is unconstitutional because the petition is used so seldom, it should be unconstitutional for Tennessee to require 2.5% of the last governor vote for new parties, given that the Tennessee hurdle has not been used once in the last 48 years.

More TN: The LPTN suspended its petition drive. The LPTN returned the $8,000 that the LNC had sent it to the LNC.

Additionally, Michael Chastain sent $2,500 for signatures to the LPTN. Cole Ebel states that that money was not spent, and Michael Chastain has not asked for his unspent contributions to be returned. The same is true with Bill Redpath, but for $750.

LPHQ also spent $7,250 for SMI (Sean Wilmoth) to collect signatures, but no signatures were collected and the $7,250 paid to SMI was not returned. Per the terms in our contract with SMI, SMI should return the funds minus expenses incurred attempting to collect signatures.

ND: The LPND will lose ballot access after the November 2018 election, because only one candidate ran in the LPND 2018 Primary (Roland Riemers) and he received fewer than 300 votes. Under ND law, his name will not be printed on the general election ballot. Unless lobbying succeeds, the LP will probably have to fund a petition drive in ND before the 2020 campaign. A party petition is 7,000 valid sigs, but only about 7,500 gross sigs would have to be gathered. An Independent presidential petition would be only 1,000 valid sigs.

I have tried to contact Steven Potter, the current LPND Chair, about the LPND being a plaintiff in litigation against the law requiring initiative circulators to be ND residents, but I have not been able to reach him.

PA: The LPPA is considering suing the State of Pennsylvania regarding the 15% of registered voters requirement to be major party in Pennsylvania. Paul Rossi, Esq, who is barred in PA and has been an attorney for the LNC and LP candidates in the past, is in contact with LPPA Chair Drew Bingaman.

VA: Just a side note: for US Senate and US House in Virginia this year, there are four “Other” candidates—Matt Waters for US Senate and Pete Wells, Joe Walton and Stevan Porter for US House. All four are Libertarian Party candidates. No Greens. No Independent Greens (a Virginia-only political party). No Constitutions. No Independents. Just Libertarians. As I have stated in the past, if the Libertarian Party do something to speak truth to power and stand up to the R’s & D’s, it probably won’t get done.

LNC 2018 budget has $250,000 for ballot access expense. Actual expenditures, as per Robert Kraus:

LPCT Ballot Access Petitioning Total   10,000.00
LPIL Ballot Access Petitioning Total    56,000.00
LPNY Ballot Access Petitioning Total  30,000.00
LPOH Ballot Access Petitioning Total 44,872.50
LPTN Ballot Access Petitioning Total    7,250.00
Total:                                                     148,122.50

I will allow our General Counsel to update the LNC on ongoing litigation.

Bill Redpath

Chair

Ballot Access Committee