LIBERTARIAN PARTY BALLOT ACCESS COMMITTEE REPORT

Libertarian National Committee meeting

Alexandria, Virginia

March 9-10, 2019

Dear Colleagues:

The following memo addresses ongoing petition drives and petitioning opportunities for the LNC in 2019 and 2020.

The Ballot Access Committee (“BAC”) currently consists of Dustin Nanna, John Phillips, Richard Winger, Christopher Thrasher and me. We had a telephone conference call on Fri, Mar 1, in preparation of this report.

I may have an oral update at this LNC meeting.

We currently have presidential ballot access for 2020 in the following 34 states: AZ, CA, CO, CT, DE, DC, FL, GA, HI, ID, IN, KS, KY, LA, MA, MI, MS, MO, MT, NE, NV, NM, NY, NC, OH, OK, OR, SC, SD, TX, UT, VT (assuming town meetings occur on a timely basis), WV & WY.

**AL**: A party petition would require 51,416 net sigs. Ballot access reform looks difficult to accomplish; the Alabama House Speaker said ballot access reform would happen “over his dead body.” 5,000 net sigs for an Independent Presidential petition in 2020 that will very likely require LNC help.

Paul Frankel plans to form a group in AL to lobby for better ballot access laws. It would not be an LP group, per se, but Libertarians will certainly be involved.

Litigation is ongoing re: extremely high cost to non-qualified parties to get voter lists, while it is given free to qualified parties.

**AK**: The LPAK needs more voter registrations to maintain party status. Scott Kohlhaas says that 2,000-3,000 voter regs will be needed to maintain party status. This was the only ballot access action budgeted for in the 2019 budget that was passed at the Dec 1-2 LNC meeting.

**AR**: From ballot-access.org: On February 19, Arkansas Governor Asa Hutchinson signed SB 163, the bill that increases the petition requirement for newly-qualifying parties from 10,000 signatures to 3% of the last gubernatorial vote, almost 27,000 signatures.

The LPAR has informally been told that Sen. Tom Cotton and Republican Party “higher-ups” are behind this legislation. The sponsor of the bill, State Sen. Trent Garner was an intern for Cotton when he was in the US House.

The LPAR plans to litigate this new law. It has lined up Jim Linger, long time ballot access attorney from Tulsa, to file suit and is seeking local counsel.

I received permission to paste the (slightly edited) content of a February 26 email to me from LPAR Chair Michael Pakko:

Bill,

Here are my current thoughts on our ballot access plans.

GOAL:  10,000 valid signatures, minimum raw signatures 13,500.

VOLUNTEERS:  We will push the idea of individual commitment contracts, along with group objectives (I think it can be helpful for people to work in groups, even when their results are individually recognized).  Volunteers from other states would also be helpful.  I'd like to see us get 2,000 volunteer signatures.  Given our past record, I don't know if we can realistically count on more than 1,000 to 1,500.

PAID CANVASSERS:  With 1,500 volunteer signatures, we still need to pay for 12,000.  At $2 per sig, that would be $24,000. At $2.50 per sig, that would be $30,000 for paid sigs.

LEGAL EXPENSES:  Jim Linger requires a $5,000 retainer.  That's an additional cost of doing business in the present environment.  Now we're up to $35,000 max, although if we win the lawsuit, nearly all of that will be refunded.

RESOURCES:  Our post-election bank balance was approximately $10,000.  Michael Chastain pledged $5,000 in matching funds, a goal that we have now met (as of this moment, we have raised $5,426).  So we now have over $20,000 ready to go.  We have contracted with Scott Kohlhaas to raise an additional $20,000 net (after commissions).  His fundraising will be completed by the end of June.  That gives us a grand total of expected funding of just over $40,000.

TIMING:  We would like to begin signature gathering by the end of March.  Our lawsuit could be initiated as soon as March 15th, or we could postpone it to coincide with the launch of the petition campaign (for maximum media).  Our state convention is April 13th, another date that figures into the mix.

LNC SUPPORT:  Of our four successful ballot access campaigns, the LNC has financially assisted us in two.  We appreciate that support, but recognize that we cannot expect it on a regular basis.  Having come so close to the 3% goal for ballot retention in 2018, our members felt especially bruised by the LNC decision to cut our funding completely.  After all, we've never asked for $30,000 and we didn't need that much.  Now, we've accepted the reality of the budget cuts and found a way to do it on our own.  In our present besieged state of existence, we'd still appreciate at least the moral support of the national party.  What would it cost for president-only ballot access?  Could the LNC chip in to help with our new legal expenses?  Either option, we're talking about $5,000, maybe $10,000. But quite frankly, logistics and volunteer support would be even better than cash... and right now I need all the help I can get to keep our organization optimistic and enthusiastic about the entire LP endeavor.

Yours in Liberty,

Michael Pakko

**IL**: No statewide candidate received 5% of the vote, so the LPIL will need to do a 25,000 net sig petition drive between late March and late June 2020. This will require LNC financial help in the high five figures.

From ballot-access.org: The Illinois bill to reduce the number of signatures for independent candidates and the nominees of unqualified parties, which had already been introduced in the Senate, is now also introduced in the House.  The House bill is HB 3535, introduced by Representative Anne Stava-Murray (D-Naperville).  Like SB 141, it lowers the number of general election signatures so that they match the number required for the same office in the primary. The primary petition requirements differ for each party that has a primary, so the bill makes the general election requirement the same as for the party that has the higher primary requirement.

These bills would reduce the number of net sigs needed for the statewide candidates petition from 25,000 to 5,000. This bill would also greatly reduce the number of signatures needed to get on the ballot for many offices in IL.

**IA**: 1,500 net sigs for President in 2020. The LPIA should be able to do this themselves. We lost party status due to not getting 2% for Governor.

**ME**: The LPME is going to undertake litigation regarding the Maine law that puts parties on the ballot with 5,000 voter registrations, but then requires parties to have 10,000 voter registrations (including only those who vote in the last election). Oliver Hall is representing the LPME in this litigation. If that does not succeed, the LPME can do a 4,000 net sig petition drive starting Memorial Day 2020 until late July 2020. Probably will need LNC help if we have to do that petition.

**MD**: We lost party status in MD because the LP Governor candidate did not get 1% of the vote. 10,000 net sigs needed to gain party status again. However, the LPMD has sued MD over that sig requirement, because the LPMD has over 20,000 voter registrations and will argue that alone proves we have sufficient support and a 10,000 net sig petition is redundant. We lost the preliminary injunction ruling, although the case is still alive. If we lose this case, we will need to do a petition drive in MD.

**MN**: 2,000 net sigs starting Memorial Day 2020 (due to no substitution), with a six week window for a Presidential petition. LPMN should be able to do this themselves.

A statewide party petition would require over 100,000 net sigs. There are two pro-marijuana parties that have ballot status in MN. Richard Winger suggests asking those parties to change their name to the Libertarian Party for the LP to gain party status in MN.

From ballot-access.org: Two Minnesota legislators have introduced bills in each house to ease ballot access for minor parties and independent candidates. They are Senator Scott Jensen (R-Chaska) and Representative Steve Elkins (D-Bloomington). The bills are SF 752 and HF 708.

Currently Minnesota has a party petition that is so difficult, it has existed since 1913 and yet never been used, at least for statewide party status. It requires a petition of 5% of the last vote cast, which is currently 130,500 signatures. The bill would lower that to exactly 20,000 signatures.

Currently independent candidates may choose a partisan label which will appear on the ballot. Minnesota unqualified parties always use this method to place nominees on the ballot. But except for the presidential petition, the independent petition must be completed in two weeks. The bill changes the petitioning period to 60 days. The bill retains the 2,000-signature requirement for statewide office and the 1,000-signature requirement for U.S. House. But it lowers the State Senate petition from 500 signatures to 400 signatures, and the State House petition from 500 to 200. In Minnesota, State Senate districts have twice the population of State House districts.

Currently a party becomes qualified, or remains qualified, if it polls at least 5% for any statewide race at either of the last two elections. The bill lowers that to 1%. If it became law, the Independence Party and the Libertarian Party would be qualified, because they each had a statewide nominee last year who got over 1%, but under 5%.

**NH**: 1,500 net sigs in each of NH’s two US House districts (3,000 net total). No substitution, so start date will be Memorial Day 2020. Deadline in August 2020. The LPNH needed LNC help to do this in 2016.

A party petition in NH would be 14,556 net sigs and could not start until 1/1/2020.

**NJ**: 800 net sigs in 2020. The LPNJ needs to and should be able to do this petition themselves.

**ND**: The LPND lost 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 was not 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 4,000 valid sigs (incorrectly stated in my September 2018 report as 1,000, which is true for all other statewide offices). No substitution in ND, therefore the petition could not start until Memorial Day 2020. Deadline: early September 2020.

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. Mr. Potter also does not respond to John Phillips, who is the LPND’s regional rep on the LNC. Based on the current non-responsive situation with the LPND, I don’t think the LNC should subsidize a party petition there.

**PA**: 5,000 net sigs. Start Feb 2020. Deadline: 8/1/2020. Hopefully, the LPPA will be able to do this themselves. If not, LNC financial help should be less than $10,000.

**RI**: 1,000 net sigs in 2020 to get the Presidential ticket on the ballot listed as Libertarian. A party petition would be 18,975 net sigs. The LPRI has not been able to do the 1,000 net sig petition on their own in the recent past. Hopefully, that will change.

**TN**: 275 net sigs after Memorial Day 2020. Deadline in August 2020. LPTN should be able to do this themselves. Party petition is now 55,965 net sigs. Party petition has been used only once since 1968. Lobbying will be encouraged. Possible litigation as TN is in 6th Circuit with Michigan, and there was a ruling that 30,000 net sigs for statewide Independent candidates in MI was too many to require, as it had only been used twice in the last 30 years.

**VA**: 5,000 net sigs and at least 200 net sigs in each of the 11 US House districts. Start: 1/2/2020. Deadline: Noon on the last Friday of August 2020. The LPVA has for the last several presidential petition drives been able to get on the ballot without LNC help. That streak may come to an end in 2020. It will be highly questionable that the LPVA will be able to do this themselves in 2020.

**WA**: 1,000 net sigs in 2020. The LPWA has done this themselves and should be able to do so again.

**WI**: 2,000 net sigs. Start: Memorial Day 2020 (due to no candidate substitution). Deadline: Not before 8/1/2020 (I don’t have the exact date). The LPWI should be able to do this themselves.

**Other News**:

**GA:** A bill to reduce ballot access barriers for non-statewide offices will apparently not get a hearing in 2019.

**MO**: From ballot-access.org: Missouri Representative Dan Stacy (R-Blue Springs) has introduced two bills to convert Missouri elections to ranked-choice systems. HB 27 applies to federal and state office. HB 28 applies to local office.

**OH**: LP candidates for two primary elections were placed on the ballot recently. Both Richard Winger and LPOH Chairman Harold Thomas think the LP has ballot access in Ohio through the 2020 General Election.

**WV**: From ballot-access.org: West Virginia Delegate Pat McGeehan has introduced HB 2169. It eases the definition of “political party.” Current law says it is a group that polled 1% for Governor. The bill changes that to any statewide state office. Also, the bill says a qualified party is also one that has at least 5,000 registered voters. Currently the Libertarian and Green Parties are on the ballot, because they both polled at least 1% for Governor in 2016 (West Virginia gubernatorial elections are only in presidential years). In West Virginia, the name of the Green Party is the Mountain Party.

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

I may request the LNC to reconsider the question of making a financial contribution to the LPAR petition drive in 2019.

Thank you.

Bill Redpath

Chair

Ballot Access Committee