LIBERTARIAN PARTY BALLOT ACCESS COMMITTEE REPORT

Libertarian National Committee meeting

Austin, Texas

July 27-28, 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 have not had a telephone conference call since Fri, Mar 1, but we may have one before the LNC meeting in Austin.

I may have an oral update at this LNC meeting.

We currently have presidential ballot access for 2020 in the following 36 states: AZ, AR, AK, 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.

While I have not yet spoken with anyone in the LPAL about this petition drive, I estimate a $15,000 contribution from the LNC will be necessary.

**AK**: AK is listed above as having presidential ticket ballot access, because it is a limited political party due to the Johnson/Weld ticket receiving over 3% of the vote in AK in 2016.

The LPAK needs more voter registrations to regain full party status. As of July 5, 2019, the LPAK had 7,182 registered voters, while it needed 8,495 to regain party status (1,313 more regs needed).

**AR**: A hearty congratulations and THANK YOU to the LPAR for gathering over 18,667 gross signatures for 10,000 net signatures needed to regain ballot status in AR. No LNC funds were expended for this petition drive.

From ballot-access.org:

On June 28, the Arkansas Libertarian Party submitted 18,667 signatures to the Secretary of State’s office. The party’s goal is 10,000 valid signatures. The law required 10,000 signatures between 2007 and 2018, but in 2019 the number was raised to 26,745 (3% of the last gubernatorial vote). The party has a lawsuit pending against the new petition requirement. If the party wins the case, it is extremely likely that it will be recognized once again. The hearing was on June 4. The decision on whether to enjoin the new law is expected soon.

On July 3, U.S. District Court Judge Kristin G. Baker enjoined the new Arkansas petition requirement for newly-qualifying parties. Libertarian Party of Arkansas v Thurston, e.d., 4:19cv-214. Here is the [63-page order](https://www.courtlistener.com/recap/gov.uscourts.ared.116300/gov.uscourts.ared.116300.31.0.pdf).

Earlier this year, the Arkansas legislature had increased the party petition from 10,000 signatures, to 3% of the last gubernatorial vote, which is currently 26,746 signatures. The order says, on page 49, “There is no record evidence before the Court that explains the State’s interest – let alone a compelling one – in requiring new political parties to meet the 3% requirement, file a petition more than a year in advance of the general election, and collect signatures in a 90-day window.” On page 51, the order says, “There is no record evidence of ballot overcrowding. In fact, Mr. Hood, the State of Arkansas’ own expert, conceded that a ballot with only a Democrat, a Republican, and a Libertarian would not be an overcrowded ballot.”

Page 55 says, “There is no record evidence that requiring the State of Arkansas if the LPAR presents a petition with at least 10,000 signatures of registered voters would do any harm to either the Secretary of State, the State of Arkansas, or the public.”

The number of signatures is enjoined. The court did not enjoin the early petition deadline because the Libertarian Party doesn’t need relief from that deadline, having collected over 18,600 signatures during April, May, and June 2019. But the order does say that even though the September 2019 petition deadline is not being enjoined, it is likely unconstitutional also.

On July 12, attorneys for the state of Arkansas asked the Eighth Circuit to reverse the July 3 decision of a U.S. District Court in Libertarian Party v Thurston. The U.S. District Court had enjoined the 2019 law that increased the number of signatures for a newly-qualifying party from 10,000 signatures to 26,746 signatures.

**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. I (Bill Redpath) have been appointed by the LPIL to be the coordinator for its 2020 statewide petition drive that can place the LP presidential ticket and a US Senate candidate on the ballot in Illinois (both can be placed on the same petition).

LNC financial help will definitely be needed. I hope to keep the needed LNC contribution to $62,500, which would be much less than what was spent in previous IL petition drives.

Ballot access improvement bills in the IL legislature made little progress this year. I intend to work on that as much as I can after my move to 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.

The LPIA is litigating a March petition deadline for all offices other than President. West Virginia University law professor Bob Bastress, who had done great work for the LP for many years, is handling the case, with the assistance of local counsel.

**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, and he says that the suit will be filed in late July or in August 2019. If that does not succeed, the LPME can do a 4,000 net sig petition drive starting Memorial Day 2020 until late July 2020. I estimate LNC needed financial help of $10,000.

**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. Projected LNC financial help is $25,000. This petition drive can be started at any time.

The LPMD has sued MD over that sig requirement, because the LPMD has over 22,000 voter registrations and will argue that alone proves we have sufficient support and a 10,000 net sig petition is redundant. We lost that case in US District Court. While there will be an appeal to the US Court of Appeals, we cannot wait for that to play out.

**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. This law has existed since 1913, but is so difficult that it has never been used for statewide candidates. There are two pro-marijuana parties that have ballot status in MN, but neither is willing to grant its party status to the LPMN. The LPMN is considering litigation over the statewide party petition sig requirement. I have put the LPMN in contact with Jim Linger, our attorney in the Arkansas case that we just won, to discuss his possible involvement in that potential litigation.

**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. Estimated LNC needed contribution: $7,500.

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, but is funding its own party petition drive to regain party status. The LPND has sufficient funds to complete this drive on its own. As of July 19, LPND Treasurer Josh Voytek says that they have about 3,500 gross sigs. A party petition requires 7,000 valid sigs, but only about 7,500 gross sigs would have to be gathered due to no voter registration in ND. Petition drive completion about Labor Day is projected.

**PA**: 5,000 net sigs. Start Feb 2020. Deadline: 8/1/2020. Hopefully, the LPPA will be able to do this themselves, but my estimated LNC financial contribution is $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, but my estimated LNC financial contribution is $2,500.

**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 Friday that is 74 days before Election Day 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 is highly questionable that the LPVA will be able to do this themselves in 2020. Estimated LNC financial contribution: $10,000.

**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.

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

Summary of estimated needed LNC financial contributions in 2019 & 2020: AL-$15,000; IL- $62,500; ME-$10,000; MD-$25,000; NH-$7,500; PA-$10,000; RI-$2,500; VA-$10,000. Sum=$142,500.

Thank you.

Bill Redpath

Chair

Ballot Access Committee