LIBERTARIAN PARTY BALLOT ACCESS COMMITTEE REPORT

Libertarian National Committee meeting

Sparks, Nevada

February 1-2, 2020

Dear Colleagues:

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

The Ballot Access Committee (“BAC”) currently consists of Dustin Nanna, John Phillips, Richard Winger, Christopher Thrasher and me. The BAC has had one telephone conference call subsequent to the November 2019 LNC meeting and will probably have another before the February 2020 LNC meeting.

Very little has changed since the November 2019 LNC meeting.

I will likely have an oral update at this LNC meeting.

PLEASE NOTE: The cost of petition signatures this year is, as yet, unknown. The cost of signatures unknown. To achieve 50 state ballot access for our Presidential ticket might take more than currently budgeted. A long time LP petitioner essentially turned down an offer in Maryland to petition at $3 per signature. I have heard that the Bloomberg for President Campaign has been paying $15 per sig in some states. We are about to start a petitioning experiment in Maryland that will be described below. The success of that will determine how we need to move forward with petitioning. But, it is possible that per sig rates will escalate substantially in 2020. That will make volunteer efforts all the more important.

We currently have presidential ticket (but not necessarily for all offices) ballot access for 2020 in the following 36 states: AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IN, KS, KY, LA, MA, MI, MS, MO, MT, ND, NE, NV, NM, NY, NC, OH, OK, OR, SC, SD, TX, UT, VT, 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. The litigation is being handled by attorney David Schoen. Richard Winger & I are expert witnesses in the case, and we both final expert witness reports in this case in January.

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**: For this report, AK was dropped as having presidential ticket ballot access, because the State of Alaska asserts that the LP does not have limited political party status (contrary to statutory law), even though due to the Johnson/Weld ticket received over 3% of the vote in AK in 2016.

I am working to secure an attorney to file a lawsuit regarding this matter. For several months now, the LPAK Chair has not responded to any communications from me.

The LPAK might have to undertake a Limited Party petition to place the LP’s presidential ticket on the ballot, and the LPAK might need LNC financial assistance for that 3,000 net signature petition drive.

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**: 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. Oral argument before the 8th Circuit US Court of Appeals occurred on December 11, 2019. No decision has been rendered yet by that court.

**IL**: No statewide candidate received 5% of the vote in 2018, so the LPIL will need to do a 25,000 net sig petition drive between March 24 and June 22, 2020. Given the validation procedures in place in IL, no more than 40,000 gross sigs should get the job done.

I (Bill Redpath) moved to IL in October 2019, and I 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).

I am striving to maximize the number of volunteer signatures. I am asking LPIL members to make a commitment of “Personally Responsible” signatures (meaning that that person will gather or pay for, regardless of price, a certain number of signatures). My “Personally Responsible” commitment is 1,000 gross signatures for this drive.

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, although more may ultimately be needed.

**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 has filed 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, which has been filed. Even if the litigation succeeds, it will be too late to affect 2020, so the LPME will need to 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. The volunteer portion of this petition drive is underway. Bob Johnston, LPMD Chair, estimates that 500 gross sigs have been gathered to date. The paid portion of this petition drive has not started because of the inability, to date, to find paid petitioners willing and able to work for a price affordable to the LPMD.

I had hoped to complete this petition drive in 2019, but now it is my goal to complete this petition drive before the start of the Illinois petition drive on March 24, 2020.

MD petitioning plan: On January 9, 2020, the LNC Executive Committee approved an encumbrance of $15,000 for the Maryland petition drive to match the $15,000 the LPMD has available. The plan is for canvassers who work on projects for the LP directed by Apollo Pazell to do petitioning when there are no ongoing canvassing projects. We will rent an Airbnb for their lodging and rent a car for transportation. I surmise some Uber charges may be necessary for petitioners to get to better petitioning locations. We are planning to hit the paid Maryland drive hard on Tue, Feb 4 when there is a Democratic Primary election in the 7th US House District to replace the late Elijah Cummings in the US House. We are also trying to stimulate an outstanding volunteer petitioning effort that day. Total production on 2/4/2020 will obviously depend to some extent on the weather that day.

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. The LPMD appealed that decision to the 4th Circuit US Court of Appeals; oral argument is scheduled for Wed, Jan 29, 2020. If we can get the US District Court opinion overturned, we will be able to stop the petition drive in Maryland.

**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.

The LPMN filed a lawsuit against MN’s difficult ballot access laws. I have no new information beyond that.

**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.

**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. I am counting on the LPRI to get this done on their own.

**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 never succeeded since 1968 (TN was the only state in which an Americans Elect petition did not succeed). 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. I am counting on the LPVA to get this done on their own.

**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.

Start dates for these petition drives: Already started (MD), could be doing now (AK), Jan. 2 (VA), sometime in Feb. (PA), March 24 (IL), Memorial Day (after the presidential ticket is set) (AL, IA, ME, MN, NH, NJ, RI, TN, WA, WI).

Summary of estimated needed LNC financial contributions in 2019 & 2020: AL-$15,000; IL- $62,500; ME-$10,000; MD-$15,000; NH-$7,500; PA-$10,000. Sum=$120,000.

I do want to note that the above listed dollar amounts are aspirational in nature, and, because of the possibility of an AK petition drive, and the possibility that signatures will be more expensive than in the past, probably more money will be needed. Ballot Access expense in the 2020 LNC budget is $235,000. Please note that LNC Ballot Access expenditures for 2019 were $0.

Thank you.

Bill Redpath

Chair

Ballot Access Committee