

## LIBERTARIAN PARTY BALLOT ACCESS COMMITTEE REPORT

Libertarian National Committee meeting

Phoenix, Arizona

February 20-21, 2016

Dear Colleagues:

The following memo addresses petitioning opportunities for the LNC in 2016.

I want to thank Richard Winger and Bob Johnston, LP of Maryland Chair and an Independent Contractor to the LNC, for their assistance in updating this report.

I will have an oral update at the LNC meeting in Phoenix, if I have any additional data.

We currently have ballot access for our 2016 Presidential ticket in the following 31 states: AK, AR, AZ, CA, CO, DE, FL, GA, HI, ID, IN, KS, LA, MD, MI, MS, MO, MT, NE, NV, NM, NC, ND, OR, SC, TX, UT, VT, WV, WI & WY.

I will now address the other 19 states and DC:

AL: The LP can start a party petition anytime (39,975 valid sigs), but I presume that we will do an Independent petition for 5,000 valid sigs in 2016 after the Presidential nomination. I budget \$15,000.

CT: The Executive Committee approved a \$25,000 encumbrance for CT on 2/1/2016. The petition drive will start ASAP, likely by the time of this LNC meeting. 7,500 valid sigs in 2016 for President. In the LPCT lawsuit, we got injunctive relief from US District Court to be able to use out-of-state petitioners.

DC: I estimate a 4,600 valid sig petition drive for President in 2016. I budget \$15,000 from the LNC.

IL: 25,000 valid sig petition drive for President & US Senate in 2016. Attached is the LPIL petition drive plan, in which the LPIL is requesting \$50,000 from the LNC. This less than the \$66,500 spent by the LNC in 2014.

I have committed to personal responsibility for 500 gross sigs for this petition drive. I am planning to be in Illinois from Tue, March 29 (the first day of the 90 day petition drive) to Sat, April 2 to gather volunteer signatures.

IA: 1,500 valid sig petition drive for President. This required subsidization in 2012 from the LNC. Hopefully not in 2016, and LPIA Chair Keith Laube knows that and is working to prevent that.

KY: One of only two states that depends only on the vote for President to remain on the ballot (KY 5%, WA 1%). The LPKY has filed a lawsuit that argues that because the

LPKY has almost 5,000 voter registrations, it should not have to do a 5,000 valid sig petition drive to qualify for the ballot. Injunctive relief has been requested and there may be a ruling on that by March. Nonetheless, we should plan for a possible 5,000 valid sig petition drive, starting Memorial Day 2016. I budget \$15,000 in 2016.

ME: The LPME is suing several state officials and the Secretary of State's office because they ruled that the LPME did not gather the requisite 5,000 voter registrations needed by December 1, 2015, to get party status in Maine. The LPME disagrees. We think we have a strong case to prevail in court.

But, to stay on the ballot after the 2016 election, the LPME needs to have 10,000 registered voters by November 8, 2016, who also vote in the 2016 General Election, to maintain party ballot status after the 2016 General Election.

If we get party recognition, then the LP will be listed on the voter registration forms. When the Green Party got their name on the voter registration form, their registration shot up six-fold! In other words, once our name is listed on the form, we will get the 10,000 without doing any work at all.

Green Party registration in Maine in November 2000 was 2,152 (which was just after they were recognized as a party but before their name had been put on the voter registration form). By November 2002 it was 13,272. Now it's 40,005. Pretty impressive for a small population state.

If the litigation fails, and the LPME does not qualify as a political party through the registration process, we would need to do a 4,000 valid sig petition drive starting Memorial Day, with an August 1 deadline.

MA: We will need to do a 10,000 valid sig petition drive for President after Memorial Day 2016. Deadline: August 1, 2016. Budget: \$25,000. I am working with Christina Crawford of the LPMA, who is working diligently to maximize the number of volunteer signatures and financial donations from LPMA members.

Please note that if we had party status in MA, we would not have to petition at all to get our Presidential ticket on the ballot there.

MN: A 2,000 valid sig petition drive for President after the Memorial Day 2016 weekend convention. I will plan on this being done by the LPMN.

NH: 1,500 valid sigs in each of two congressional districts (3,000 valid sigs total). I think this is going to need LNC subsidization for a drive starting Memorial Day 2016. I budget \$15,000 in 2016.

NJ: 800 valid sigs after Memorial Day 2016. Although the LNC needed to subsidize in 2012, I would hope they could do this on their own in 2016.

NY: We will need 15,000 valid sigs from early July to mid-August for our Presidential ticket in 2016. I have budgeted \$30,000 from the LNC.

However, there is a bill that would move the deadline forward to June 7 that has passed the NY Assembly (House). It would be the second earliest petitioning deadline (Texas) and would be likely be held unconstitutional. The LPNY has denounced that legislation. The NY Senate has a bill that would set the deadline at July 26. We would have the ability to substitute candidates with the earlier deadlines.

OH: The LPOH is still in court regarding Ohio's ballot access laws. There are lawsuits in both federal and state courts as the LPOH attempts to regain ballot status in OH.

The LPOH is starting a party petition that is due in July 2016. I have told the LPOH that I will assume responsibility for 750 gross sigs, that either I gather or give money for, if I think there is a credible plan for getting a party petition done. The problem is that I do not think that the LPOH has a credible plan for completing the party petition, which requires 30,560 valid signatures by July 5, 2016. Currently, the LPOH has about 2,000 gross sigs, with about \$2,000 in the bank for this petition drive. While various people have pledged to gather about 40,000 gross sigs by July 5, I think these pledges are not credible.

I have asked the LPOH to start an Independent petition drive, as we have slotted \$10,000 in 2016 to assist the LPOH. But, that money would go to waste with a party petition, as much as I would like to see a party petition happen, without a realistic plan. Ohio permits substitution on an Independent petition, so an Independent petition can be started now.

OK: The LPOK has at least 40,593 gross sigs, and probably 1,000 to 2,000 more. 24,712 valid sigs are needed with a Tue, March 1 deadline.

On Mon, Feb 22, our only sig turn-in is scheduled to occur. LNC Chairman Nick Sarwark and Executive Director Wes Benedict will travel from Phoenix to Oklahoma City after the LNC meeting to be present for the turn-in.

PA: We are looking at a 21,775 valid sig petition drive in PA starting in February 2016. We are probably looking at an expenditure of \$70,000. The petition drive will start on Sat, March 19, which is the date of the LPPA convention, at which they will nominate several candidates for public office this year.

There may be a conference call on the evening of Tue, Feb 16 with several members of the LPPA to put a petitioning plan together to bring to the Executive Committee.

I have committed to personal responsibility for 500 gross sigs on this petition drive (I will collect sigs or donate money to the LPPA for 500 gross sigs). Roy Minet of the LPPA has agreed to match my commitment, and I am attempting to recruit others in the LPPA to match our commitments to reduce the LNC funds needed for this petition drive.

There is a ballot access bill (SB 495) in a PA Senate Committee that would base party ballot access on the number of party voter registrations. The LPPA would qualify for the ballot based on the criteria in this bill. The bill's chief sponsor, Sen. Mike Fulmer, is Chair of that committee.

RI: A 1,000 valid sig petition drive. I don't think the LPRI can do this themselves. We are probably looking at an LNC expenditure of \$2,500.

SD: A party petition for 6,936 valid sigs would get us two elections (2016 & 2018), with a possibility of retaining ballot status if we get 2.5% for Governor in 2018.

Currently, the LP National office possesses 3,733 gross sigs possessed by Wes, with 151 more on the way, equals 3,884 gross sigs. Probably about 200 more gross sigs exist.

Our first petitioning contractor, Charles Tuttle, has informed us that he cannot complete the petition drive. He did not get paid for more than he collected. He collected about one-third of what he was supposed to collect and got paid about one-third of what he was supposed to be paid.

We are currently working with Lori Stacey of the SD Constitution Party, who knows several people in SD willing to petition. We are closely monitoring the situation, and we may have to have other petitioners go to SD to wrap this up

The deadline is Tuesday, March 29, although there may be a court ruling very soon that that deadline is unconstitutionally early, so that deadline may get pushed back.

We get multiple petition turn-in opportunities, and the first batch of sigs is about to be submitted to the SD Secretary of State for validation.

TN: 275 valid sig petition drive for President in 2016. The LPTN should handle this itself. The LPTN needs to work to get this done well ahead of the deadline in 2016, and not let it go to a last day fire drill, as in 2012.

The US Sixth Circuit Court of Appeals recently agreed with the US District Court that the TN law on how a party stays on the ballot is unconstitutional. The LPTN has a lawsuit pending in TN, and it seems likely (in Richard Winger's opinion) that it will win. The LPTN might then get on as a party in TN with no petition, something the Green Party and the Constitution Party have done in both 2012 and 2014.

Lawsuit Update from Richard Winger: "The judge has put the lawsuit on hold to see if the legislature does anything helpful. The bill would only reduce the party petition from 2.5% of the last gub vote to 1.5% of the last gub vote, but it also would let candidates who use the independent procedure have a partisan label ("Libertarian"). So we would still need to do the 275-signature petition but we would at least have the Libertarian label on the ballot. Of course if the bill doesn't pass, then it goes into court again."

VA: 5,000 valid sig petition drive for President in 2016 should have started on January 2 and ends at Noon on Friday, August 26. The LPVA should handle this itself, but it has been slowed down due a problem not of its own making. The LPVA needs to list its 13 electors on the presidential petition, with at least one elector from each congressional district. There is ongoing litigation over the majority minority 3<sup>rd</sup> Congressional District that affects the boundaries of that and four other congressional districts. The LPVA is in the process of getting the drive going and hopes to do so no later than Tue, Mar 1, which is presidential primary day in VA, with great petitioning potential that day. The LPVA is going to commence litigation against the Commonwealth of Virginia to gain the right to substitute electors, which we can legally do for any other office in Virginia.

WA: 1,000 valid sig petition drive for President in 2016. The LPWA should handle this itself.

Total: Sum of 2016 petition drive expenditures: \$272,500. LNC 2016 budget has \$272,500 for ballot access expense.

The other committee members are Richard Winger, Paul Frankel, Ed Marsh, Gary Johnson & me. The Ballot Access Committee will be on a call regarding the LPPA petition drive on Wed, Feb 17.

Bill Redpath  
Chair  
Ballot Access Committee