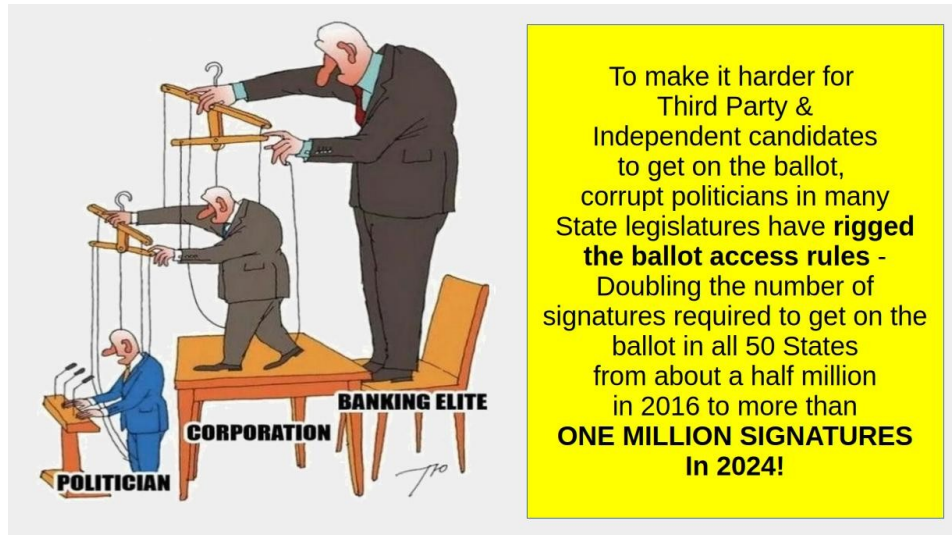


Ballot Access Obstacles for Independent or Third Party Candidates

There will be many challenges to Kennedy winning as an Independent or Third Party candidate. In this article, we will review the dramatic increase in difficulty in Ballot Access for Independent and Third Party candidates during the past 8 years – where the **number of signatures required for Independent and Third Party candidates has nearly doubled since 2016.**



In order to get on the ballot, a candidate for president of the United States must meet a variety of complex, state-specific filing requirements and deadlines. These regulations, known as ballot access laws, determine whether a candidate or party will appear on an election ballot. These laws are set at the state level. A presidential candidate must prepare to meet ballot access requirements well in advance of primaries, caucuses, and the general election.

Sadly, the United States is the only nation in the world, other than Switzerland, that does not have uniform national laws on ballot access. Bills to provide simple uniform rules for ballot access have been introduced in Congress more than a dozen times. Ron Paul proposed that a 1,000 signature cap be placed on State Ballot access for Congressional Races. But since imposing a 1,000 signature cap would benefit Third Party candidates and the 2 Party monopoly does not like competition, his bills were never brought up for a vote.

The failure to have reasonable and uniform ballot access rules has led to a series of disasters over the years. In 1999, John McCain had to sue to even have his name appear on the New York Republican Party Presidential Primary ballot alongside George W. Bush because the Republican state party chair and his committee had decided that Bush would be their nominee without putting it to a vote.

Between 2010 and 2012, businessman Peter Ackerman attempted to pay professional petition-gatherers to qualify a new party called “Americans Elect” on state ballots. He hoped to set up a national online primary and lure someone famous—like former New York City Mayor Mike Bloomberg—into seeking its nomination.

Despite spending \$35 million, Americans Elect had a ballot line in just 29 states and a paltry turnout for its national primary. But the real problem to third parties is that state laws have been enacted to make it increasingly difficult for Third Party or Independent candidates to even get on the ballot.

The two most common ways for a candidate to get on the Presidential Ballot are nomination of a political party or running as an Independent. The most recent example of a Democrat leaving the Democratic Party to run as an Independent was Rocky Anderson in 2011. Rocky Anderson was the former Democratic Party Mayor of Salt Lake City who left the Democratic Party in 2011 to form the Justice Party (not to be confused with Justice Democrats).

Rocky stated in his letter explaining why he was leaving the Democratic Party that: "How dare you send an email with the subject line 'Standing strong. You didn't stand strong on Iraq, you didn't stand strong on torture, you didn't stand strong on Afghanistan, you haven't done it on defense spending, you haven't done it on real health care reform, you haven't done it on energy policy and the climate crisis... Those who have stood strong in Congress can be counted on one hand — and they have faced nothing but opposition by Nancy Pelosi and the rest of the so-called Democrats."

One of the major goals of the Justice Party was removing corporate domination and other concentrated wealth from politics.

Due to Ballot Access obstacles, the Justice Party was only able to put Rocky Anderson on the ballot in 15 states for the 2012 Presidential Election. The Justice Party did not run a candidate in either the 2016 or 2020 election. **In order to allow members to join and still remain in the Democratic Party, the Justice Party transformed itself into the Justice Movement in 2022.** Although the Justice Movement appears to have thousands of supporters, it has no State or Congressional District chapters. It is therefore not likely to be an effective national campaign.

Since Rocky ran in 2012, there has been a dramatic increase in Ballot Access obstacles in many states.

In the past 8 years, many states have passed laws making it much more difficult for third party and Independent candidates to get on the Presidential ballot. Some states have extended the amount of time required while others have doubled the amount of petitions required. For information about these rule changes and related lawsuits, see the website **ballot-access.org**.

Even worse, the cost of gathering these signatures has skyrocketed, from less than \$1 million dollars in 2016, to more than \$10 million today. These new laws make it **10 times more difficult for a Third Party or Independent candidate to qualify for the 2024 Presidential Ballot in all 50 States.**



Here is a table of Ballot Access Signature requirements as of the summer of 2023:

State	Signatures or Fee	2024 Filing Deadline	Notes compared to 2020
AL	5000	08/15/24	
AK	4000	08/07/24	
AR	5000	08/01/24	
AZ	40K	09/04/24	
CT	6K	08/07/24	
CA	220K	08/09/24	WAS 200K
CO	12000	07/11/24	Petitions must be submitted to the secretary of state by 7/11/24, while the statement of intent and list of presidential electors must be submitted on 8/7 WAS 5K
DE	8K	09/03/24	Deadline to circulate and execute nomination petitions is 7/15/24, while the deadline to submit petitions is 9/3/24.
FL	150K	07/15/24	
GA	6K	08/14/24	
HI	6000	08/07/24	
ID	1K	08/30/24	
IL	25000	06/24/24	Affirmed by an August 2023 ruling
IN	45K	07/01/24	Cost estimate is \$600,000
IA	3500	08/16/24	
KS	5000	08/03/24	
KY	5000	09/06/24	
LA	5K or pay \$500	08/23/24	

ME	4K	07/25/24	
MD	10K	08/05/24	Was 5k judge reversed?
MA	10K	08/27/24	
MI	12K	07/01/24	
MN	2K	08/20/24	
MS	1K and \$2500	?	
MO	10K	07/29/24	
MT	5K	06/03/24	
NE	3K	08/03/24	
NC	71K	?	
NV	11K and \$250	07/05/24	
NH	3K and \$250	06/14/24	Declaration of intent due 6/14/24, nomination papers due Wednesday before primary election date.
NJ	1K	07/27/24	
NM	4K	06/25/23	
NY	45K	07/30/24	LP estimated this will cost \$250K or \$5 per signature.
ND	4K	09/03/24	
OH	5K	08/07/24	
OK	Pay \$35,000	07/15/24	
OR	24K	08/13/24	
PA	5K	08/03/24	
RI	1K	09/04/24	
SC	10K	07/15/24	
SD	4K	08/06/24	
TN	300	08/15/24	

TX	114K	05/13/24	
UT	1K and \$500	?	
VT	1K	08/01/24	
VA	3K	08/21/24	
WA	1K	08/02/24	
WV	8K	08/01/24	
WI	2K	08/04/24	
WY	4K	08/25/24	
TOTAL	934K PLUS 20% =	1.2 MILLION	X \$10 EQUALS \$12 MILLION

In 2016, only 570K signatures were required for an Independent Presidential Candidate to get on the ballot in all 50 states. **So the number of signatures has nearly doubled in the past 8 years.**

In addition to ballot access signature requirements being about 5 times greater than running in a Democratic Primary, the cost of gathering each signature is about 4 times more than the cost of gathering a normal signature (\$10 per signature instead of \$2 per signature... See Indiana case below) as the signatures are limited to people who have not voted in either the Republican or Democratic Party Presidential Primary and do not intend to vote in either major party primary.

Thus, while the cost of getting signatures for the Democratic Party Primaries might be under \$500,000, the cost of getting signatures to run as an Independent or Third Party candidate could be more than \$12 million. This number can be cut in half if Kennedy is able to organize a national movement by May 2024.

Here is some recent 2023 Litigation on Ballot Access Laws

<https://www.theindianalawyer.com/articles/judge-uphold-petition-requirement-for-independent-minor-party-ballot-access-in-indiana>

Indiana's requirement for political independents and minor-party candidates to obtain ballot access via petition — a process estimated to cost roughly \$500,000 — is not unconstitutional, a federal judge has ruled. Judge James Sweeney of the United States District Court for the Southern District of Indiana granted the state of Indiana's cross-motion for summary judgment in his [Monday order](#) denying summary judgment to a group of Indiana political third-parties and independent candidates.

“For now, under the Supreme Court’s lenient standard for state burdens on minor-party ballot access, a 2% petition requirement, even accompanied by tedious procedural burdens, is constitutionally permissible,” Sweeney wrote.

According to Sweeney's order, in Indiana, ballot access is indexed to the latest secretary of state election. Parties whose candidate receives 10% or more of the vote in that election must nominate candidates by primary elections, which are publicly funded. Parties whose candidate receives between 2% and 10% of the vote nominate their candidates by party convention. All those parties above 2% retain ballot access automatically.

Everybody else — parties whose candidate receives less than 2% of the vote, new parties and all independents, regardless of how they performed in the previous election — must qualify for ballot access by petition. That requires getting hand-signed petitions amounting to 2% of the vote total from the previous secretary of state election — about 40,000 in recent years, according to Sweeney — and submitting those petitions, divided up by county of voter registration, to each of the 92 county election boards by June 30 of the election year.

The Libertarian Party has retained ballot access by winning 2% or better of the vote in the secretary of state elections. But other minor parties, including the Green Party, and various independent candidates have chosen not to attempt petitions based on costs.

According to Sweeney, the Libertarian Party claims it must devote undue attention to non-presidential-year races because it is convinced that it could not regain ballot access by nomination petition were it to fall off the ballot.

Current estimates reflect that a nomination petition for the State of Indiana would cost roughly \$500,000 and would require gathering 50,000 signatures — allowing a 20% overage for those signatures later found invalid — to have a fair chance of succeeding.

https://ecf.insd.uscourts.gov/cgi-bin/show_public_doc?12022cv0518-70

Sore Loser Laws

According to a 2011 Georgetown Law Review [article](#) (link broken but I was able to download the 63 page PDF from Archive.org) by Emory associate law professor Michael Kang, all but three states have Sore Loser laws on the books. The three states with the most restrictive sore loser laws for Presidential candidates are Ohio, Texas and South Dakota. If one files in any of these three states for either the Republican or Democratic Primaries, then the sore loser laws would apply and they would no longer be able to run in those states for the General Elections should they decide to leave their political party and run as an Independent or Third Party candidate.

Conclusion

Kennedy can run as an Independent candidate and qualify in all 50 states. However, it will cost about \$12 million. **This cost can be reduced greatly if Kennedy is able to build a national political movement by May 2024. In fact, the cost can likely be cut in half to about \$6 million.**

Regards, David Spring

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