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FOR IMMEDIATE RELEASE

Title: New York Legislature Must Pass Boyle and Salka Bills to Restore Democracy Despite Zeldin's Invalid Signatures

Subtitle: Libertarian Party of New York supports Senator Myrie's complaint against Zeldin's allegedly fraudulent signatures, urges passing of bills to restore voter choice.

ALBANY, NEW YORK, August 11, 2022 - State Senator Zellnor Myrie, Chair of the Senate Elections Committee, [has filed a formal complaint](#) with Albany County District Attorney David Soares, requesting an investigation into the fraudulent petition signatures filed by the Lee Zeldin campaign in an attempt to recreate the Independence Party line.

Last month, the New York State Board of Elections issued a ruling which invalidated the Independence Party petition filed by the Zeldin campaign, after an objection initiated by Andrew Kolstee, Secretary of the Libertarian Party of New York, which found that over 900 petition sheets were photocopied duplicates and contained over 11,000 signatures. The fraudulent signatures, if unchallenged, would have brought the Zeldin campaign's Independence Party petition over the 45,000 signature threshold needed to secure a ballot line.

"The Libertarian Party of New York applauds Senator Myrie for taking action and calls on the Albany County District Attorney to initiate an investigation for the sake of election integrity in New York State," said Kolstee. "But this is just a symptom of the larger problem for ballot access and voter choice in New York."

The Independence Party petition was one of 7 petitions filed at the New York State Board of Elections for a candidate for Governor—a race that would secure recognized party status for independent bodies that reach 130,000 votes or 2%, whichever is higher, at the 2022 general election in November.

This threshold was previously 15,000 signatures to get on the ballot and 50,000 votes to secure recognized party status for parties but was [changed](#) as part of the 2020 New York State budget after former Governor Andrew Cuomo's [public campaign financing commission](#) failed to pass those changes in the law following a [ruling](#) that the commission was unconstitutional. "This goes back to Cuomo's attempt to punish the Working Families' Party who endorsed Cynthia Nixon for Governor," said Kolstee. "But since the Working Families' Party cross-endorses the Democrat and the Conservative Party cross-endorses the Republican, the new threshold makes it impossible for third parties to get on the ballot."

A July 28, 2022 [New York Times article](#) noted that this year will be the first since 1946 in which New Yorkers only have two choices on the ballot, essentially killing third parties. In the ballot access lawsuit *Libertarian Party of New York v. New York State Board of Elections*, Judge Koeltl dismissed the case, justifying his December 2021 ruling by stating that “increasing the party qualification and nominating petition thresholds are reasonable steps to take to prevent ballot overcrowding and assure that political organizations appearing on the ballot enjoy a sufficient modicum of support from the electorate.”

“The 2022 petitioning drive shows that Judge Koeltl’s argument that parties require a ‘modicum of support’ is either 1) a mistake by the judge having a naive view of the independent petitioning process and a lack of knowledge of the difficulty of third parties to challenge the two-party system or 2) a blatant attempt to continue Governor’s Cuomo’s actions to effectively kill third parties in New York State,” said Kolstee. “I would ask any judge who sees our case to ask themselves if Harry Wilson, a millionaire, lacks the modicum of support since his Unite Party petition failed to reach the threshold. I would also ask any judge to ask themselves if Lee Zeldin, the Republican nominee, and sitting Congressman, lacks a ‘modicum of support’ due to the failure of his Independence Party petition. I would furthermore ask the judge if Larry Sharpe has a modicum of support, due to the fact that his campaign had more raw signatures than both Harry Wilson and Lee Zeldin. Additionally, Governor Kathy Hochul considered but ultimately [dropped the idea](#) of pursuing a third ballot line.”

The Libertarian Party furthermore urged the New York State Assembly to pass [Assembly Bill A8683](#) introduced by Assemblyman John Salka, which restores the ballot access thresholds back to pre-2020 levels. Senator Phil Boyle introduced the companion bill in the New York State Senate as [Senate Bill S8730](#).

The Libertarian candidate for Governor of New York, Larry Sharpe said, "The ballot access system that Zeldin's team supported last year is obviously so broken that it encourages fraud. But instead of trying to follow these corrupt ballot rules, showing that the rules are unjust and then using the courts to repair them (as the Libertarian Party has done), Zeldin's team ostensibly just chose to engage in fraud. It seems like they thought that they would be above the law."

The Libertarian Party of New York has filed an appeal to the ballot access lawsuit to continue to fight for third-party voices in New York State. The fact that legislators have signed onto bills to revert to the old law, combined with the trend that Americans are now more than ever looking for more options on the ballot shows that there is momentum. According to the New York State Board of Elections [enrollment statistics](#), while there are 5.9 million Democrats and 2.6 million Republicans, a total of 2.7 million New Yorkers are not registered with a party. Ballot access for third parties has broad support. Chris Cuomo, brother of former Governor Andrew Cuomo [told Bill Mayer recently](#) that he believes that America needs more choices on the ballot. In addition, Larry Sharpe appeared on the [Majority Report](#) with former MSNBC show host Sam Seder who also expressed support for Libertarian ballot access, despite his vocal opposition to the

philosophy. In response to reverting back to a 15,000 signature requirement instead of 45,000 signatures, Seder said, "I support going back to that number."

"The only way to have third party voices in New York State is to restore the ballot access thresholds of pre-2020," said Kolstee.

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