

Title: Libertarian Party and Green Party File Petition to Appeal to U.S. Supreme Court in Ballot Access Case

The Libertarian Party of New York and the Green Party of New York have filed a petition for an appeal in their ballot access lawsuit to the Supreme Court of the United States.

The petition challenges the increase of New York State's ballot access thresholds instituted in 2020 as part of then Governor Andrew Cuomo's emergency COVID budget. The threshold for a party to maintain recognized party status and ballot access was increased from 50,000 votes to 130,000 votes or 2% of the vote in the previous gubernatorial or presidential election, whichever is higher. In addition, the signature threshold for getting an independent candidate on the ballot was increased from 15,000 signatures to 45,000 signatures.

In 2020, four parties lost ballot access: the Libertarian Party, whose candidate Jo Jorgensen received over 60,000 votes; the Green Party, whose candidate Howie Hawkins received over 32,000 votes; the Independence Party, whose candidate Brock Pierce received over 22,000 votes; and the SAM Party, which did not run a candidate for President. In this election, only the Libertarian Party received over 50,000 votes, which was enough to maintain ballot access under the old thresholds.

However, as a result of the new thresholds, these four parties lost ballot access and only four political parties remained recognized: The Democrat and Republican Parties, along with their respective fusion parties which endorse the major party candidates, the Working Families Party and the Conservative Party. Due to the nature of fusion, essentially New York State became a 2-party state for the first time in decades.

The difficulty of getting on the ballot was proven in 2022, when there were only two candidates on the ballot for the office of Governor, the first time since 1946 and only the second time since 1872. Seven independent petitions were filed for the office of Governor in this election. Larry Sharpe, the Libertarian Party's candidate, filed over 42,000 signatures and was less than 3,000 votes shy of the threshold. Republican nominee Lee Zeldin—a sitting Congressman—petitioned for the Independence Party line and did not have enough signatures, after subtracting 11,000 fraudulent signatures, and Harry Wilson, who lost the Republican primary, failed to reach even 30,000 petition signatures in his quest to appear on the ballot as an independent candidate, despite a personal fortune in the millions. As a result, Larry Sharpe's gubernatorial candidate petition actually got more signatures than any other candidate, and yet he was denied a ballot spot due to the increased thresholds for ballot access.

“The lower courts have denied our case and our appeals while ignoring and disregarding several of our arguments,” said Andrew Kolstee, Chair of the Libertarian Party of New York. “This

includes the fact that the signature-per-day count is the highest in the nation, making New York the most difficult state for a third party to get on the ballot. The court also failed to address why using taxpayer money to fund campaigns required killing off third parties is a legitimate state interest and they also failed to understand that the Conservative and Working Families Party, while they retained ballot access, are not true third parties because they endorse major party candidates. The court basically told us we need to nominate the Democrat or Republican in order to get ballot access, which defeats the purpose of third parties altogether.”

“The right to choice of parties and candidates is as important to voting rights as being able to cast a ballot,” said Green Party of New York Co-Chair Gloria Mattera. “It is our hope that the Supreme Court will restore the ability of smaller parties to run candidates, so that New York voters will have true freedom to choose candidates that best represent their political ideals.”

“Competitive elections are a cornerstone of democracy,” said Green Co-Chair Peter LaVenia, “and ballot access laws are a crucial component in electoral competitiveness. New York State went from having moderately restrictive laws to one of the strictest ballot access requirements in the nation. We want the Supreme Court to reverse that.”

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