

## **Libertarian Party of New York Wins Injunction To Allow Out-Of-State Petitioners**

On Tuesday, the Libertarian Party of New York (LPNY) won a preliminary injunction in its Federal lawsuit against the New York State Board of Elections to once again have restrictions on out-of-state petitioners declared unconstitutional. Long Island attorney Gary Donoyan filed the suit in the Eastern District of New York on behalf of Cody Anderson, Chair of the Libertarian Party of New York (LPNY), Libertarian state comptroller candidate William Schmidt, independent US Senate candidate Diane Sare, and out-of-state petitioner Samuel Scott Erickson. Judge Brian M. Cogan of the EDNY signed the order. The index number is 22-CV-2210.

The case was filed to challenge a requirement under election law that petition signatures must be witnessed by either a registered New York voter, or a New York Notary Public or Commissioner of Deeds. Since petitioners residing out-of-state are not permitted to witness petitions under Election Law, they must pass petitions accompanied by a duly qualified New York voter, who must then sign the applicable witness statement. Donoyan's motion argues:

1. The requirement that non-residents be accompanied by duly qualified New York voters in order to collect signatures reduces their ability to work efficiently to gather signatures;
2. The LPNY and other independent bodies and candidates are effectively prohibited from contracting with out-of-state paid witnesses;
3. Limiting the pool of professional witnesses to in-state professionals creates a monopoly for New York professional witnesses, thereby decreasing the ability of the LPNY and other independent bodies and candidates to negotiate favorable contract terms, with the effect of dramatically increasing the cost of independent nominating petition signature drives;
4. The prohibition on out-of-state witnesses reduces the quality of witnesses that the LPNY and other independent bodies and candidates may use, which in turn reduces the percentage of valid signatures and increases the cost of securing sufficient valid signatures to place the LPNY's and other independent candidates on the State's general election ballot;
5. The plaintiffs' First Amendment rights have been violated.

Mr. Donoyan filed an identical civil rights case in 2016, in which he prevailed in his claims against the New York State Board of Elections (NYSBOE). The decision was appealed by the NYSBOE to the Second Circuit, and mooted by that court as the Libertarian gubernatorial candidate, Larry Sharpe, had exceeded the requisite number of votes to win the LPNY recognized party status. The case is being tried again since in 2020 the LPNY and other third parties in New York State lost automatic ballot access due to the legislature's tripling of vote thresholds required to maintain recognized party status. As a result, they have also been forced to gather three times as many independent nominating petition signatures in half the time.

The Chair of the Libertarian Party of New York, Cody Anderson, applauded the court's decision.

“Judge Cogan clearly agreed that yet another of the state’s blatant acts of active voter disenfranchisement has caused the LPNY, independent candidates, and out-of-state petitioners irreparable harm and violation of their First Amendment rights, and that an immediate injunction was warranted. We are grateful to Mr. Donoyan for once again litigating this case on behalf of the LPNY and the other aggrieved parties, and expect his previous victory will be duplicated in due course.

“As I have said before: voter choice and free speech are non-partisan issues, and Judge Cogan made a just and right decision today in support of both.”

For more information about the Libertarian Party of New York, please visit <https://lpny.org>. You may also visit Facebook at [www.facebook.com/LPNYOfficial](http://www.facebook.com/LPNYOfficial), Twitter [@LPNYOfficial](https://twitter.com/LPNYOfficial), or Instagram [@LPNYOfficial](https://www.instagram.com/LPNYOfficial).