

Title: Libertarian Party and Green Party Intervene in Kennedy Lawsuit Challenging New York State Ballot Laws

On August 5, 2024, a motion to intervene was filed by the Libertarian Party of New York (LPNY) and Green Party of New York (GPNY) in *Team Kennedy v. Berger et al* (1:24-cv-03897-ALC), the lawsuit brought by Robert F. Kennedy Jr. against the New York State Board of Elections, in the United States District Court for the Southern District of New York. Team Kennedy filed a lawsuit on May 21, 2024 challenging numerous aspects of New York's independent petitioning laws.

The LPNY and GPNY seek to join the lawsuit as plaintiffs. Both were unable to maintain their ballot line in 2020 after then-Governor Andrew Cuomo used the COVID emergency state budget to boost the required number of votes to be a ballot status political party from 50,000 for the gubernatorial ticket to 130,000 votes for the top of the ticket every 2 years. A further obstacle to providing New York voters with more choice was put in place by requiring parties seeking ballot status to collect 45,000 valid signatures, up from 15,000, in the same 6-week period. New York is now one of the most difficult states for political parties to obtain and maintain a ballot line, among those with the highest signature per day requirement.

“This is a clear attempt at voter suppression which is happening around the country, mostly initiated by the DNC as they continue to deal with their party in disarray no matter who they place at the top of the ticket while Republicans threaten to curtail civil liberties and cater to the rich. Now is the time that this country needs independent voices and choices,” said Gloria Mattera, Co-chair of the Green Party of New York.“

The LPNY and GPNY sued the New York State Board of Elections in 2020 (1:20-cv-05820-JGK) after the thresholds were increased. This turned into a three-year court battle that ended in 2023 after going all the way to the Supreme Court of the United States (22-893), which declined to hear the case.

The current lawsuit includes challenging the draconian and frivolous requirements demanded of smaller parties and independents to meet in order to place a candidate on the ballot and secure a ballot line, including the high number of signatures in a very short time period, the high cost of collecting those signatures, the laborious work of identifying towns/cities in each Congressional District that has no bearing or connection to a voter's registration, and the requirement to name a slate of presidential electors that must be placed on the independent nominating petition even though political parties with ballot status submit their slate of electors after their nominating convention.

Notably, the high cost of running a petition drive is noted in the lawsuit, with the Libertarian Party spending nearly \$300,000 in 2022 and failing to get Larry Sharpe, their candidate for Governor, on the ballot. In 2024, the GPNY and Jill Stein campaign spent about \$368,000 to get Stein on the ballot, and also fell short. Kennedy, on the other hand, spent \$1.1 million to get on the ballot and was successful.

“The laws put in place by the major parties force minor parties and independent candidates to spend enormous amounts of money just to get on the ballot. The major parties enjoy automatic ballot access, whereas we must allocate significant resources just to compete,” said Andrew Kolstee, Chair of the Libertarian Party of New York. “Republicans and Democrats are essentially using this tactic: eliminate the competition by making it too costly for them to run. As the popularity of the two major parties declines, they continue to implement these barriers, preventing third parties and independents from gaining traction. Challenging these ballot access laws is essential to give voters more choices.”

Co-plaintiffs joining the LPNY and GPNY include the Jill Stein Presidential campaign; Andrew Kolstee, LPNY Chair; Rich Purtell, LPNY 2nd Vice-Chair, who also stood in on the Libertarian Party petition as the Vice-Presidential candidate until the Libertarian National Convention selected their candidate; and Mark Braiman, Secretary of the LPNY, all New York. Voters who feel they will be harmed by not having their choice for president on the ballot. Howie Hawkins, Green Party presidential candidate in 2020 stated as his reason that “I spent 40 hours securing 972 signatures for Jill Stein’s independent nominating petition. I know from talking to several thousand voters that most people believe all serious candidates should be on the ballot, that they want more choices than the two major party candidates, and that many of them want a more progressive option to vote for. These people and the over 42,000 people who signed the Jill Stein petition ought to have the right to vote for who and what they want.”