

# 50 Reasons to Eliminate Georgia’s Unfair Candidate Petitioning Requirements

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## **50 Reasons to Eliminate Georgia's Unfair Candidate Petitioning Requirements**

### **A. Unequal Candidate Treatment**

1. Georgia has most restrictive petitioning requirements in the country according to Ballot Access News which stated in May, 2003: "Georgia is the showcase example of why the Voter Freedom Act [H.R. 2268] is needed."
2. Petitioning requirements are 10 times more restrictive than the national average of all other states combined for certain offices such as U.S. House
3. Georgians cannot run as local candidates for a partisan office in any standard election unless they gather petitions or run as a Democrat or Republican
4. Georgia currently requires roughly 20,000 signatures for an independent candidate to place their name on the ballot for a U.S Congressional race
5. Georgia currently requires roughly 60,000 signatures for an independent candidate to place their name on the ballot for a statewide race
6. As a result of Georgia's overly restrictive ballot access laws, nearly 70% of all state legislature races have only one candidate

### **B. Historical Inability of Candidates to Gain Ballot Access**

7. In 1996, the U.S. Taxpayers Party, collected nearly 65,000 signatures for Presidential candidate, Howard Phillips, to be on the November election ballot, however, the state denied him ballot access and invalidated many signatures citing an unstated requirement prohibiting the notary from collecting any of the signatures;
8. No Congressional candidate has ever qualified for ballot in a regular Georgia election since ballot access laws were last changed in 1964
9. All other states except Georgia have had U.S. Congressional candidates since 2000
10. Although Chuck Baldwin, Cynthia McKinney and Ralph Nader were on enough state ballots to hypothetically win the presidency in 2008 none were allowed on the Georgia ballot
11. In 2012, Constitution Party presidential candidate was denied access to the Georgia ballot even though Constitution Party Presidential candidates had been on the ballot in 41, 42, 34 and 37 states in the previous four Presidential election cycles
12. Dozens of candidates have tried and failed to collect enough verified petition signatures to have their name placed on the ballot so that Georgia voters have the opportunity to elect them
13. The small handful of candidates who have succeeded in collecting enough signatures to gain ballot access were unable to be fully competitive in their elections due to the amount of time and money expended simply to get their name on the ballot

### **C. Excessive Barriers Compared to Other States**

14. Georgia has the worst state ballot accessibility for political parties
  - The barrier required by Georgia (AL and CT) that a party must receive 20% of votes cast in the previous gubernatorial or presidential race to run a full slate of candidates **is ten times the national median of about 2% ;**
  - Georgia is **worst in the nation at political party qualification** (w/ N.J. and TN) having no parties qualify in last 25 years;
  - Georgia is one of only two states (with IL) that does not qualify all of the party nominees in the next election when a candidate of a party meets vote ballot access requirements;
15. Georgia has the worst state ballot accessibility for U.S. House races
  - The barrier requiring signed petitions equaling at least 5% of previous votes cast **is ten times higher than the average requirements in all states;**
  - The barrier is about 50% higher than that of the next most restrictive state (IL) and 250% higher than the third worst states;
  - No third party U.S. House candidate has ever met the 5% requirement since 1943 when laws were passed;
16. Georgia has the second state worst ballot accessibility for State House races
  - The barrier requiring signed petitions equaling at least 5% of registered voters is only exceeded by one state (IL) if its total votes cast are more than half the number of registered voters;
  - The barrier resulted in only 39% of all State House races being contested by both a Republican and a Democrat;
  - The barrier resulted in only 44% of legislative races contested by both a Democrat and Republican in 2004, 17 points below the 61% national average;
17. Georgia has the second state worst ballot accessibility for State Senate races
  - The barrier requiring signed petitions equaling at least 5% of registered voters is only exceeded by one state (IL) if its total votes cast are more than half the number of registered voters;
  - The barrier resulted in only 59% of all State Senate races being contested by both a Republican and a Democrat;
  - The barrier resulted in only 44% of legislative races contested by both Democrats and Republicans in 2004, 17 points below the 61% national average;
18. Georgia has the fourth worst state ballot accessibility for U.S. Senate races
  - The barrier requiring signed petitions equaling at least 1% of registered voters is only exceeded by NC, WY and AL;
  - Georgia is **worst in the nation for political party senatorial qualification** (w/ Ark.) having only one party qualify for Senate races in the last 50 years;
  - Georgia received this low national ranking even though U.S. Senate races have some of the most lenient restrictions in Georgia;
19. Georgia has the fourth worst ballot accessibility for U.S. President races
  - The barrier requiring signed petitions equaling at least 1% of registered voters is only exceeded by NC, WY and OK;

- Georgia is **worst in the nation for political party presidential qualification** having an average of only 1.2 third party presidential candidates on the ballot since 1972;
- Georgia received this low national ranking even though U.S. President races have some of the most lenient restrictions in Georgia;

**D. Inconsistency with Neighboring States**

20. Legislation to remove all petitioning requirements was successfully implemented in Florida in 1999
21. Tennessee requires only a couple dozen signatures for most candidates to gain ballot access so that they can run for office
22. South Carolina limits its statewide petitioning requirements to about 15% of the number Georgia requires and it currently recognizes 11 different political parties

**E. Unnecessary Costs & Complexity**

23. Since the 1964 ballot access laws were last changed, counties must incur the costs and time to validate each petition signature against the signatures on voter rolls
24. Cost savings to the state and the counties can be achieved by completely eliminating all petitioning process requirements
25. There is no significant cost to implement the legislation other than reprinting of the code books, which is done periodically anyway
26. Removal of the petitioning requirements would greatly simplify the election code more than any other single thing that could be done

**F. Increased Petitioning Difficulties**

27. As population has increased, roughly five times more petition signatures are required now to run for office than in 1943 when the ballot access laws were first implemented
28. Citizens today fear the new threat of identity theft and are more reluctant to sign petitions
29. Counties often throw out thousands of valid petition signatures if each petition page is not notarized or differences in handwriting occur over time

**G. Lost Independent Candidate Votes**

30. In the 2006 elections, Fulton County initially lost 238 of 240 votes cast for State House 65<sup>th</sup> district candidate James “Woody” Holmes.
31. In 2008, the official Georgia Election results failed to count over 130 of the 1,300 write-in votes cast for Constitution Party Presidential candidate, Chuck Baldwin.
32. In 2008, the Georgia elections results failed to count all 75 voted certified by

Cherokee County election officials for Constitution Party Presidential candidate Chuck Baldwin.

33. The Georgia Secretary of State's office never responded to the Constitution Party complaint regarding the uncounted votes for presidential candidate Chuck Baldwin
34. From November 13<sup>th</sup> to the 14<sup>th</sup> of 2008 the official Georgia totals of all write-in candidates for U.S. President, including Cynthia McKinney and Ralph Nader, were reduced by two thirds.

#### **H. Legal Concerns**

35. On November 26, 2008, independent U.S House candidate Faye Coffield filed suit in U.S. District Court in Georgia, asking that the Georgia ballot access law for independent candidates for U.S. House of Representatives be declared unconstitutional
36. The Coalition for Free and Open Elections filed a supportive amicus brief on behalf of Ms. Coffield
37. Ms. Coffield appealed here case to the U.S. Supreme Court which declined to hear it
38. The state of Georgia has consistently incurred the expenditure of taxpayer funds to defend itself against ballot access lawsuits brought by candidates and political parties
39. As of 2014, a lawsuit by the Green Party and Constitution Party for ballot access is still pending in federal court and has received an initial favorable ruling by the U.S. Court of Appeals

#### **I. False Prosecution of Petitioners**

40. In 2002, a Green Party petitioner was falsely arrested in a park for soliciting signatures.
41. In 2010, former Chatham County Commissioner, Jeff Rayno was falsely accused without evidence of petition forgery by the Secretary of State's Inspector General, Shawn Lagrua
42. In 2010, Secretary of State Karen Handel cast the deciding vote to refer Jeff Rayno to the Attorney General's office for a petition forgery investigation despite the fact that no evidence of forgery existed

#### **J. Legislative Obstruction**

43. In 2005, Rep. David Ralston introduced H.B. 927 to reduce the petitioning requirements in Georgia but during his tenure as House Speaker he has done nothing to pass comparable legislation even though he allegedly was for reductions in 2005

44. In 2013, H.B. 494 was introduced to eliminate all petitioning requirements and move Georgia “from worst to first” in terms of ballot access restrictions nationally
45. Petitioning removal is non-partisan as exemplified by H.B. 494 which was introduced by Rusty Kidd, (I), co-sponsored by Alan Powell (R) and Stephanie Benfield (D)
46. In 2013, Brian Kemp’s Election Advisory Council (EAC) recommended reductions Georgia’s petitioning requirements
47. In spite of its benefits and the recommendations of his own Election Advisory Council, Secretary of State. Brian Kemp opposed H.B. 494
48. Speaker David Ralston & then Gov. Affairs chairman, Mark Hamilton, refused to give H.B. 494 a hearing in committee
49. Rep. Mark Hamilton instead introduced H.B. 949 with petition reductions that would have moved Georgia only from 50<sup>th</sup> to the 49<sup>th</sup> most restrictive state in the country
50. Rep. Hamilton eventually stripped that language from a substitute election bill that passed the House with nearly all other Election Advisory Council recommendations