

Ballot Access: Not all it's cracked up to be

by Krysta Walker

While the pundits have been focused on the 2016 presidential elections for some time now, as we enter the new year, more and more people will be thinking about local and statewide elections too. We learn as a child that in America "anyone can grow up to be president" ... and while on the surface that's an inspirational message, what our parents and school teachers forget to tell us -- or perhaps they don't know themselves -- is that the cards are stacked against those who think outside the box, those who aren't the status quo ... the independent thinkers ... those third party and independent candidates trying to give voters another option ... another choice. We've talked about this often on the pages of the Owl Creek Gazette and on "the air" on Creekside with Don and Jan, but the sad story that every person choosing to run for office has the same opportunity to be a candidate and the same access to being on the ballot is a falsehood -- the sad reality can't be told too often and so we've invited Krysta Walker to share the details in this issue. We ask you to consider, once again, the unfairness of the current system and ponder why, in America, our election process is stacked against candidates and voters looking for options!

-- Jan Stover

My family arrived here last summer, after a detour on our Roadschool America adventure. Our experience as transplants here in the Midwest has come with a learning curve, but that didn't stop me from jumping into the fray and getting involved with issues about which I am passionate. For example, in preparation for one event the Metro East Libertarians were organizing this past fall, I called the county elections office to get some information on voter registration procedure. In my home state of Oregon you can go into any public library and grab a big stack of voter registration cards to hand out. We register by political party there, and getting Libertarians registered is an important outreach. After checking the library and city hall, I realized this must not be the case here in Illinois. In fact, there are several hoops you must jump through in order to become a certified registrar. There was another catch, the group you represent must also jump through some hoops as well. No rogue voter outreach here in Illinois.

"So, what about the Libertarian Party?" I asked the clerk. "Are they set up for that already?"

"There is no Libertarian Party in Illinois." She informed me.

Wait, what?

Owl Creek Gazette readers may be familiar with the history of the Libertarian Party. Illinois was among the first in the nation to have a Libertarian Party. In fact, according to founding member Fran Holt in a moving speech at the 2015 Libertarian Party state convention, DuPage County didn't even want to wait on the national party to finish the by laws in 1970 to start getting to work, and so they created the DuPage Libertarian Club. Knowing this, I was a

little perplexed to be told there were no Libertarians in Illinois. Of course, since I had attended the state convention and accepted the position of ballot access director, I had a faint idea of what the county clerk was actually referring to.

An established party in Illinois has met all the requirements of the elections department, and is officially recognized by the state as a political party. The only two parties currently recognized as established in Illinois are the Republican and Democrat parties. The Libertarian Party is not “established” according to Illinois law, and therefore in the eyes of the state we simply do not exist.

When I, still a bit dumbfounded, relayed this information to a couple people the response I got was “Alright! We’re under their radar.” I have to admit, as a libertarian I echoed that sentiment. Generally, off the state’s radar is where we want to be. If they don’t notice us, they won’t be telling us what to do, how to run our party. Being off the state’s radar affords us autonomy. Libertarians like autonomy. Unfortunately, if we want to be a part of the system... the state’s electoral system...we have to not only be on the state’s radar, but we have to have their recognition. I know. It sounds awful to me too. But if we want to get Libertarians into office, we have to get them on the ballot.

Especially in Illinois, as you’re about to find out, getting candidates on the ballot is no small task. There are laws and procedures that must be followed. We call that process ballot access, because you have to gain access to the ballot through the state’s election department. Every state has its own set of laws regarding ballot access. Think of it like a set of security measures in a Mission Impossible film. If you do everything right, dodge the laser beams, hack the lock, you get in and on the ballot. It’s harder than it sounds though. In 2012, a Republican candidate was removed (because two numbers were transposed on his petition), added (after appeal), and finally removed from the ballot a second time. Despite his efforts, the state of Illinois ultimately decided he hadn’t done it right, and he wouldn’t be allowed access to the ballot.

In their October 2015 issue, Ballot Access News (a national publication which covers all things ballot access related), refers to Illinois as one of the hardest states for ballot access in the nation. Second only behind Georgia for how stringent the laws are. The article goes on to say that these laws are a “severe burden” on the voters. Illinois has three sets of procedures for candidates to get on the ballot; one for “established” parties, one for independent candidates, and one for “new” parties. The Libertarian Party of Illinois would fall under the latter. There are also a different set of dates for filing petitions and other paperwork. I will let you guess which one is the easiest. Who does this benefit?

The disparity is so enormous that there are currently three lawsuits in progress. One by the Libertarian Party and two by the Green Party. A similar lawsuit was ruled on in Indiana.

According to the same issue of Ballot Access News, “The decision says the law removes electoral choice and denies voters any effective voice or ability to choose between candidates. The decision also says, “the Statute burdens the vote by essentially removing all competition and electoral choice before the general election.” There is hope this ruling will help with the pending Illinois lawsuits, which have not yet been ruled on. It’s imperative that these discriminatory laws are changed, but in the meantime we still need to get Libertarians on the ballot. This leaves us two options: become established or go through the petition process for “new” parties. Let’s look at the process we are currently having to undergo:

The Libertarian Party, as a “new” party in Illinois, must create a petition with a full slate of candidates. That’s right, it’s all or nothing. This is not the case for established parties. We must seek out willing and qualified candidates, and that’s no small task in itself. What constitutes a full slate varies with each election, depending on what seats are in contest, but may often include all the executive offices: Governor, Lt Governor, Comptroller, Treasurer, and Secretary of State. We can’t just run a candidate like Claire Ball who is currently seeking to be elected as Comptroller without also running candidates for the other open executive positions that election. The same process follows for county elections; if we want to run a candidate for Sheriff, we must also run candidates for all of that district’s executive offices. No other state in the nation has this requirement. **

Once we have our full slate of candidates, we must then collect 25,000 signatures. (State recognized established parties will only need to collect 5,000.) Our candidates will also have signatures to collect. The amount goes by percentage of voters in the previous election, and varies district to district: .5% for established parties and 5% for new parties. So we have to collect 10 times the amount of signature as the Republicans and Democrats. Okay, let’s get to work! But the state says we can only gather signatures between March 29th and June 27th [the absolute last day to file them with the state; we’ll be wrapping up our petitioning sooner to ensure that everything is filed on time.]

This window is punitive, and basically guarantees we will not be able to collect the necessary signatures by volunteer effort alone. The Libertarian Party of Illinois has countered this issue in the past by hiring paid petitioners to assist our volunteer efforts. As you might imagine, it’s an expensive endeavor. Another issue the party must consider in their efforts is that signatures can and will be challenged. This is another costly and time consuming step. Challenges are often done by direct opponents (for example, John Republican is running for Senate and he is going to challenge the Democrat and Libertarian Senate candidate’s petition signatures) or by representatives from the other parties themselves. Representatives from the Republican, Democrat, and Green Parties may all go through our petition signatures and challenge every single one if they so choose. This is a useful tool when fraud is considered, but it is also a convenient way to beat your opponent by technicality. Any small error on the part of the signer will render their signature void. Advancements in technology will soon allow us to verify voter registration where we are petitioning, so the signer knows they are using the right information. This will decrease the amount of signatures we will need to collect in order to offset

those lost in challenges. Historically though we've always looked to double the necessary amount. It takes a full slate of candidates, 40,000-50,000 signatures, months of planning, countless volunteer hours, and thousands of dollars to get Libertarians on the ballot.

How can we make this easier? How can we get equal access for our candidates? On the surface this is simple: just get 5% of the vote. No problem, right? The Green Party in Illinois learned the hard way in 2010 and 2012 that there was more to it. The state of Illinois thinks it knows how a political party should run, and if and when the Libertarian Party becomes recognized as established, we will have to make fundamental changes to our organization in order to retain our established status. To some of us this will be unthinkable. Remember, many of us don't even want on their radar. If we want Libertarians on the ballot, becoming established would cut cost and time, and let us get back to doing things Libertarians really love doing -- like protesting government overreach, educating the public about the constitution, fighting against invasive and unconstitutional laws, and promoting peaceful, voluntary interactions, the free market, and sound economic policies.

We don't know yet what the future will hold for ballot access in Illinois. In the meantime, efforts in the Libertarian Party are quietly underway for the 2016 elections. We have some wonderful candidates, and we want to make sure voters have real choices come November. There are many opportunities to help. You can make a donation, hold a fundraiser, help collect petition signatures (once our window opens up), and more. To learn more about how you can help, or to join the Libertarian Party of Illinois visit www.lpillinois.org and to learn more about the Libertarian Party philosophy and platform, visit www.lp.org/platform

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*** Since this article was originally published, Libertarians in Illinois won an enormous victory. On February 12, 2016 the full slate requirement originally put into law in 1931 was finally struck down as unconstitutional by Judge Andrea R. Wood of the Northern District U.S. Court.*

[Ballot Access News Article on Court Ruling](#)

[WUIS Article including interview with LPI State Party Chair Lex Green](#)