



Written by [Joe Wolverton, II, J.D.](#) on September 6, 2012

GOP Suing to Keep Third Parties Off Ballot in November

Around the country, the Republican Party is mounting legal challenges to keep third-party candidates off the ballot in November.

Writer Karl Dickey [reports in the Examiner](#) that “in recent weeks, with the full support and legal assistance of the [Republican Party](#), [Gary] Johnson’s ballot status has been challenged in Michigan, Pennsylvania, the District of Columbia, Iowa and now Ohio.” Gary Johnson (pictured) is the former governor of New Mexico and the [Libertarian Party’s candidate](#) for president of the United States. As of this writing, Johnson is on the ballot in 43 states.



On September 1 the Ohio voters challenging Johnson’s appearance on the November ballot [officially withdrew their opposition](#). In the one-page notice filed with the office of Ohio’s secretary of state, Kelly Mills and Cynthia Rees did not explain their decision to drop their protest.

It could be related to the decision of the [Sixth Circuit Court of Appeals decision handed down on August 31](#) dismissing the Ohio state legislature’s appeal of a U.S. district court ruling putting the Libertarian Party on the ballot for 2012.

On August 31, a senior advisor to Johnson [released a statement regarding the various efforts to block Libertarian ballot access](#):

The national Republican Party may not want to publicly acknowledge the presence of a true fiscal conservative in this race, but they are certainly taking Gov. Johnson seriously enough to engage in a concerted campaign to get his name off ballots in key states before voters even get a chance to vote.

In states across the nation, Republican operatives, lawyers, and in some cases, elected officials, are filing frivolous challenges to Governor Johnson’s ballot status. They know that even if their challenges fail, fending them off is a drain on our resources and a distraction from the real issues in this campaign. We don’t have hundreds of millions of dollars to throw around, nor do we have the Republicans’ endless supply of lawyers.

We have dealt with many challenges in this campaign from the major parties, who clearly don’t want voters to have a viable third option in this election, but this attack on voting rights and democracy is over the top.

Governor Johnson has made it clear that we will fight every one of these challenges and do everything in our power to be on the ballot in all 50 states and the District of Columbia. The prospect of a successful two-term governor who is a proven fiscal conservative and champion of social tolerance may be a thorn in the sides of the two so-called major parties, but Governor Johnson will not be deterred in his effort to give voters a real choice in November.

Despite the frustration such legal wrangling must cause the Johnson campaign, they were likely pleased



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by the decision announced late last week to allow Johnson's name to appear on the ballot in Iowa.

As [reported by the Washington Times](#):

Two Iowa voters had challenged his candidacy last week and Jay Kramer, a Romney campaign staffer, signed as a witness the challenge that Libertarians' convention at the Iowa State Fair wasn't real.

Republican Secretary of State Matt Schultz, Democratic Attorney General Tom Miller, and Warren Jenkins, the chief deputy for Republican Auditor David Vautt, said Iowa's law on holding conventions to get on the ballot is vague and they opted to err on the side of open ballot access, the AP reported.

Johnson reportedly told the *Washington Times* that he will be the only third-party candidate whose name will appear on the ballot in all 50 states.

Remarkably, this may be the case.

On August 21, [the Constitution Party](#) withdrew their petition to get on the ballot in Pennsylvania. According to [a story published online by Philadelphia Weekly](#), "the decision came after multiple warnings of the court costs by attorneys for the Republican Party, who have challenged the Constitution and Libertarian parties' ballot petitions."

Former Virginia Congressman Virgil Goode is joined on the [Constitution Party's presidential ticket](#) by Pennsylvania attorney James Clymer.

"The challenge represented a monolithic establishment party which is intent on denying people the opportunity to vote for anyone who might criticize it from a limited government, non-interventionist perspective," Clymer told *Philadelphia Weekly*. "It used its almost limitless resources to take advantage of laws designed by Republicans and Democrats to make sure no other party has a place at the election table and court decisions that have supported raising the hurdles a third party has to jump over to get to a general election," he added.

The *Philadelphia Weekly* story reports that the Constitution Party presented 35,000 signatures to Pennsylvania state election authorities on August 1, more than the minimum number needed to qualify for ballot inclusion.

"This means yet another voice in Pennsylvania is stilled," said Bob Small, facilitator for the [Pennsylvania Ballot Access Coalition](#), the blog reports.

Despite the setback in the Keystone State, [the Washington Post reports](#) that Goode's name will appear on the ballot in his home state in November.

According to the story in the *Washington Post*, the Virginia State Board of Elections ruled September 4 that Goode has qualified for the presidential ballot in Virginia.

The story indicated that the opportunity for Virginians to vote for a third-party candidate could be "a [potential obstacle](#) to Republican Mitt Romney's hopes of winning the pivotal state."

Republicans in the Old Dominion are desperate to keep their state in the Romney tally, however, and are continuing to challenge the board's decision. The *Washington Post* reports that the Virginia GOP is alleging petition fraud on the part of the Constitution Party in the hopes of keeping Goode's name off the ballot. They are afraid the former congressman could "siphon votes from Romney."



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If the last presidential election is any guide, Romney may have reason to fight for every vote. In 2008 Barack Obama won the state, the first time the Democratic candidate had done so in over 40 years.

Recent polls have Romney and Obama running neck and neck in Virginia.

Results of [a survey conducted by Public Policy Polling](#) in July show Goode receiving nine percent of the vote, up from five percent in May.

Finally, although many hoped that Ron Paul would have announced a third-party run during [his appearance Tuesday on the Tonight Show with Jay Leno](#), the good doctor [made no such declaration](#).

Paul's apparent absence on the ballot leaves many wondering where to look for relief from the rule of the two major parties, both of which seem to be controlled by the same small coterie of Establishment insiders.

For their part, the Libertarian Party and the Constitution Party are promoting their candidates as attractive alternatives, at least in those states where the Republican Party isn't threatening them with expensive and protracted legal battles.

Photo of Gary Johnson: AP Images

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