

## PRESS RELEASE

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Contact: Garland Favorito  
(404) 664-4044

# Georgia Election Ballot Law Ruled Unconstitutional

ATLANTA GA – On March 17, a U.S. District Court **struck down** the Georgia ballot access law that requires extensive petition signature collection for third parties to place the name of their Presidential candidate on a ballot. A [complaint](#) was originally filed in 2012 against Secretary of State Brian Kemp by the [Green Party of Georgia](#) and the [Constitution Party of Georgia](#) (CPGA), who were represented by Laughlin McDonald of the American Civil Liberties Union. Judge Richard Story issued his opinion after he ruled against the Plaintiffs but had his opinion [overturned](#) by the 11<sup>th</sup> Circuit Court of Appeals.

The new interim [ruling](#) will stand until the legislature implements less restrictive petitioning laws for third parties. Democrats and Republicans are not required to petition because they **are grandfathered** into the current system. The ruling enjoins Secretary Kemp from enforcing [current law](#) that would have normally required over 52,000 verified signatures for either party to place a candidate on the ballot. Current Georgia law requires a third party to gather verified signatures from 1% of the registered voters. The new ruling reduced the requirement to 7,500 signatures, or about .15% of registered voters, a dramatic 85% reduction.

Georgia has been ranked by [Ballot Access News](#) as the **most restrictive state** in the country for ballot access. Founder Richard Winger provided many of the statistics used for the court opinion. The new threshold is still restrictive compared to neighboring states. In contrast, Florida requires **no signatures** and Tennessee requires 275 signatures to place a third party candidate on the ballot in those states.

In 2012, Sen. Rusty Kidd introduced [HB494](#) to eliminate petitioning requirements altogether as Florida did decades ago. At that time, Sec. Kemp's [Election Advisory Council](#) (EAC) also recommended small, across the board reductions in signatures. Both of those efforts were thwarted by committee chairman Mark Hamilton who is no longer in the Georgia House. Hamilton denied HB494 a hearing and stripped the token ballot access reductions from a package of EAC recommendations that were passed by the Georgia General Assembly. That escalated the need for a suit.

The federal ruling may trigger a new round of lawsuits if the legislature continues its refusal to open the ballot for candidates and voters. Restrictions for local races are five times worse than the Presidential race. They may be challenged to comply with the new federal standard or be removed altogether to eliminate the possibility of further lawsuits and provide equal protection for all Georgians.