



Georgia Ballot Access

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Introduction

- The Libertarian Party of Georgia is a non-profit political organization incorporated in 1972 for the purpose of extending individual human freedom
- Georgia's current ballot access laws make it practically impossible for third party and independent candidates to qualify for most partisan elections
- A legislative remedy is both simple and necessary to remove a permanent injunction currently in place

Georgia's Ballot Access Laws

- Political parties are defined as political organizations which received at least 20% of the vote for Governor or President in the previous election¹
- Political parties have ballot access for all elections with candidates submitting a filing fee or pauper's affidavit
- All other political organizations are classified as political bodies
- Ballot access requirements for political body and independent candidates vary by election type

Georgia's Ballot Access Laws

- Non-statewide races require a petition signed by 5% of registered voters²
- Statewide races require a petition signed by 1% of registered voters or to have received a number of votes equal to at least 1% of registered voters in the last general election³
 - Political bodies can submit petitions or candidates can submit petitions directly

Georgia's Ballot Access Laws

- Due to a permanent injunction, petitioning for presidential elector ballot access requires 7,500 signatures from registered voters⁴
- Alternatively, political bodies can qualify presidential electors by having ballot access in at least 20 other states (SB 189 Section 3.1 from 2024)⁵
- Presidential electors qualify for the ballot rather than the presidential candidates themselves*

Georgia's Ballot Access Laws

- There are two types of elections which have no petitioning requirement:⁶
 - Nonpartisan elections
 - Special elections which are not preceded by special primaries*
- All elections require either paying a filing fee or submitting a pauper's affidavit
- Alternative to obtaining ballot access is to qualify as a write-in candidate

Fulton County 2025 Municipal Election Sample Ballot

<p align="center">Statewide Special Election</p>	<p align="center">For City Council Post 2 (Vote for One)</p>	<p align="center">For City Council President (Vote for One)</p>
<p align="center">For Public Service Commission - District 2 For Term Ending December 31, 2030 (Vote for One)</p> <p><input type="radio"/> Tim Echols (Incumbent) Republican</p> <p><input type="radio"/> Alicia M. Johnson Democrat</p> <p><input type="radio"/> _____ Write-in</p>	<p><input type="radio"/> Bart Dean</p> <p><input type="radio"/> Donna Shaw Murphy</p> <p><input type="radio"/> Katie Reeves</p> <p><input type="radio"/> _____ Write-in</p>	<p><input type="radio"/> Rohit Malhotra</p> <p><input type="radio"/> Marci Collier Overstreet</p> <p><input type="radio"/> _____ Write-in</p>
<p align="center">For Public Service Commission - District 3 For Term Ending December 31, 2026 (Vote for One)</p> <p><input type="radio"/> Fitz Johnson (Incumbent) Republican</p> <p><input type="radio"/> Peter Hubbard Democrat</p> <p><input type="radio"/> _____ Write-in</p>	<p align="center">For City Council Post 3 (Vote for One)</p> <p><input type="radio"/> Douglas J. DeRito (Incumbent)</p> <p><input type="radio"/> Tate Holcombe</p> <p><input type="radio"/> _____ Write-in</p>	<p align="center">For City Council Member Post 1 At Large (Vote for One)</p> <p><input type="radio"/> Michael Julian Bond (Incumbent)</p> <p><input type="radio"/> Juan Mendoza</p> <p><input type="radio"/> Matt Rinker</p> <p><input type="radio"/> _____ Write-in</p>
<p align="center">City of Alpharetta</p>	<p align="center">City of Atlanta</p>	
<p align="center">For City Council Post 1 (Vote for One)</p> <p><input type="radio"/> Kirk Driskell</p> <p><input type="radio"/> _____ Write-in</p>	<p align="center">For Mayor (Vote for One)</p> <p><input type="radio"/> Andre Dickens (Incumbent)</p> <p><input type="radio"/> Helmut "Love" Domagalski</p> <p><input type="radio"/> Kalema Jackson</p> <p><input type="radio"/> Eddie Meredith</p> <p><input type="radio"/> _____ Write-in</p>	<p align="center">For City Council Member Post 2 At Large (Vote for One)</p> <p><input type="radio"/> Matt Westmoreland (Incumbent)</p> <p><input type="radio"/> _____ Write-in</p>
		<p align="center">For City Council Member Post 3 At Large (Vote for One)</p> <p><input type="radio"/> Eshé Collins (Incumbent)</p> <p><input type="radio"/> _____ Write-in</p>

Comparison with neighboring states

- Florida - Candidates for minor parties affiliated with FEC recognized national committees only need to pay a filing fee⁷
- Alabama - Minor parties must complete a petition signed by 3% of active voters for statewide races and receive 20% of the vote to maintain access⁸
- South Carolina - New political parties complete a petition signed by 10,000 registered voters to become certified and then run candidates to maintain certification⁹

Comparison with neighboring states

- North Carolina - Political parties must complete a petition signed by 0.25% of registered voters, receive 2% of the vote for Governor or President, or show that they are affiliated with a political party which had candidates in at least 35 states during the most recent presidential election¹⁰
- Tennessee - Minor parties complete a formation petition signed by 2.5% of votes cast during the most recent gubernatorial election and parties retain access by receiving 5% of the vote in a statewide race¹¹

North Carolina 2024 General Election Sample Ballot

PARTISAN ELECTIONS		NC Lieutenant Governor (You may vote for ONE)	NC Secretary of State (You may vote for ONE)	
President and Vice President of the United States (You may vote for ONE)		<input type="radio"/> Rachel Hunt <i>Democratic Party</i>	<input type="radio"/> Elaine Marshall <i>Democratic Party</i>	
<input type="radio"/> Kamala D. Harris Tim Walz <i>Democratic Party</i>		<input type="radio"/> Wayne Jones <i>Constitution Party</i>	<input type="radio"/> Chad Brown <i>Republican Party</i>	
<input type="radio"/> Chase Oliver Mike ter Maat <i>Libertarian Party</i>		<input type="radio"/> Hal Weatherman <i>Republican Party</i>	NC Superintendent of Public Instruction (You may vote for ONE)	
<input type="radio"/> Jill Stein Rudolph Ware <i>Green Party</i>		<input type="radio"/> Shannon W. Bray <i>Libertarian Party</i>		
<input type="radio"/> Randall Terry Stephen E. Broden <i>Constitution Party</i>		NC Attorney General (You may vote for ONE)		
<input type="radio"/> Donald J. Trump JD Vance <i>Republican Party</i>		<input type="radio"/> Jeff Jackson <i>Democratic Party</i>	<input type="radio"/> Maurice (Mo) Green <i>Democratic Party</i>	
<input type="radio"/> Cornel West Melina Abdullah <i>Justice for All Party</i>		<input type="radio"/> Dan Bishop <i>Republican Party</i>	<input type="radio"/> Michele Morrow <i>Republican Party</i>	
<input type="radio"/> ----- Write-in		NC Treasurer (You may vote for ONE)		
US House of Representatives District 11 (You may vote for ONE)		NC Auditor (You may vote for ONE)		
<input type="radio"/> Chuck Edwards <i>Republican Party</i>		<input type="radio"/> Bob Drach <i>Libertarian Party</i>	<input type="radio"/> Wesley Harris <i>Democratic Party</i>	
<input type="radio"/> Caleb Rudow <i>Democratic Party</i>		<input type="radio"/> Jessica Holmes <i>Democratic Party</i>	<input type="radio"/> Brad Briner <i>Republican Party</i>	
NC Governor (You may vote for ONE)		<input type="radio"/> Dave Boliek <i>Republican Party</i>	NC Supreme Court Associate Justice Seat 6 (You may vote for ONE)	
<input type="radio"/> Mark Robinson <i>Republican Party</i>		NC Commissioner of Agriculture (You may vote for ONE)		
<input type="radio"/> Mike Ross <i>Libertarian Party</i>		<input type="radio"/> Sean Haugh <i>Libertarian Party</i>	<input type="radio"/> Jefferson G. Griffin <i>Republican Party</i>	
<input type="radio"/> Vinny Smith <i>Constitution Party</i>		<input type="radio"/> Sarah Taber <i>Democratic Party</i>	<input type="radio"/> Allison Riggs <i>Democratic Party</i>	
<input type="radio"/> Josh Stein <i>Democratic Party</i>		<input type="radio"/> Steve Troxler <i>Republican Party</i>	NC Court of Appeals Judge Seat 12 (You may vote for ONE)	
<input type="radio"/> Wayne Turner <i>Green Party</i>		NC Commissioner of Insurance (You may vote for ONE)		
		<input type="radio"/> Natasha Marcus <i>Democratic Party</i>	<input type="radio"/> Tom Murry <i>Republican Party</i>	
		<input type="radio"/> Mike Causey <i>Republican Party</i>	<input type="radio"/> Carolyn Jennings Thompson <i>Democratic Party</i>	
		NC Commissioner of Labor (You may vote for ONE)		
		<input type="radio"/> Luke Farley <i>Republican Party</i>	NC Court of Appeals Judge Seat 14 (You may vote for ONE)	
		<input type="radio"/> Braxton Winston II <i>Democratic Party</i>	<input type="radio"/> Ed Eldred <i>Democratic Party</i>	
		<input type="radio"/> Valerie Zachary <i>Republican Party</i>		
		Continue voting next side →		

Georgia History

- 1922 - The first ballot access law was passed and had no petition or fee requirements¹²
- 1940 - The Communist Party attempted to nominate candidates and was barred by the Secretary of State
- 1943 - Law enacted requiring either a 5% petition or to have received 5% of the vote in the previous election
- 1964 - The last time an independent candidate successfully completed a petition for a congressional race¹³

Georgia History

- 1972 - The Libertarian Party of Georgia was incorporated
- 1986 - The petition requirement was reduced to 1% for statewide races¹⁴
- 1988 - The Libertarian Party of Georgia successfully completed the petition and obtained statewide ballot access after gathering over 25,000 signatures
- 2000 - The last time a third party obtained ballot access under the 1% signature requirement¹⁵

Georgia History

- 2016 - Secretary of State was permanently enjoined from enforcing signature requirements against presidential candidates and a temporary 7,500 signature requirement implemented due to *Green Party of Ga. v. Kemp* lawsuit
- 2022 - Public Service Commission elections cancelled due to *Rose v. Raffensperger* lawsuit¹⁶

Georgia History

- 2024 - SB 189 was passed giving presidential candidates an alternate method of qualifying
- 2024 - Public Service Commission elections again cancelled; the Libertarian Party of Georgia lost ballot access after 36 years
- 2025 - Secretary of State's office advised that 72,679 signatures are required to regain ballot access

Green Party of Ga. v Kemp

- Green Party of Georgia and Constitution Party of Georgia challenged Georgia ballot access laws for the 2012 presidential election
- Analysis showed that a 5,000 voter signature requirement is sufficient to prevent a crowded ballot
- 1% signature requirement declared unconstitutional
- Permanent injunction imposed until General Assembly changes the requirement

Analysis

- Overcrowded ballot defined as more than 8 candidates¹⁷
- Only two instances of overcrowded presidential ballots from 1892 - 2020 with a petition requirement of 5,000 signatures
- Absolute number of signatures required is more important than percentage

Legislation passed in other states

- Montana HB 207 (2025) - Reduced petition requirements from 5% to 4%
- Idaho HB 661 (2024) - Extended deadline for presidential petitions from March 15 to August 1
- Alaska SB 161 (2022) - Reduced party membership requirements from 10,821 to 5,000
- Colorado HB 1022 (1995) - Created filing fee alternative to petition requirement for presidential candidates and changed petitions to lesser of number or percentage

Conclusion

- Recommendations:
 1. Reduce petition signature requirements
 2. Implement alternate qualifying mechanisms
- Easier ballot access does not result in crowded ballots
- Unlike other aspects of election procedure, updating ballot access doesn't require any new equipment or voter education
- Georgians deserve to have choices on the ballot

Questions?

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References

1. O.C.G.A. § 21-2-2
2. O.C.G.A. § 21-2-170
3. O.C.G.A. § 21-2-180
4. *Green Party of Ga. v. Kemp*, 171 F. Supp. 3d 1340 (N.D. Ga. 2016)
5. O.C.G.A. § 21-2-172
6. O.C.G.A. § 21-2-132
7. FL Stat. § 103.012 (2025)
8. AL Code § 17-6-22 (2024)
9. SC Code § 7-9-10 (2025)
10. NC Code § 163-96 (2025)
11. TN Code § 2-1-104 (2025)
12. Sean Callihan, Casenote, Resolving the Ambiguity: How Cowen v. Ga. Sec'y of State Helps Third Parties Climb Georgia's Steep Mountain of Ballot-Access Restrictions, 72 Mercer L. Rev. 939 (2021)
13. Milton Lent, Georgia's 1st Congressional District
14. S.B. 375, Regular Session (Ga. 1986)
15. Pat Buchanan, Reform Party
16. *Rose v. Raffensperger*, USCA11 Case: 22-12593 (2023)
17. Richard Winger, How States Can Avoid Overcrowded Ballots but Still Protect Voter Choice, 90 Fordham L. Rev. 609 (2021).