Secretary of State, Attorney General Oppose Freedom of Choice for GA Voters

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EI Series #16

October 14th, 2021

It wasn't enough for Georgia Secretary of State Brad Raffensperger and Attorney General Chris Carr to place the state on record as **opposing election transparency.** That happened when they filed their April 2nd amicus brief attempting to stop the Fulton County ballot inspection. We explained that back in the 7th and 10th installments of our Georgia Election Integrity Series. This month, Secretary Raffensperger and Attorney General Carr put the state on record as **opposing freedom of choice for Georgia voters.** On September 17th**,** they appealed a recent U.S. District Court decision that reduces Georgia's severe restrictions imposed on independent and third-party candidates who wish to have their name placed on a ballot to run for public office.

BACKGROUND:
Georgia has long been ranked by watchdogs like Ballot Access News as having the most restrictive ballot access laws in the country for independents and third parties. For example, those U. S. Congressional or Georgia General Assembly candidates who want to run for office must obtain signatures from 5% of the registered voters in their district just to get their name placed on a ballot. That requirement is roughly ten times more restrictive than the national average of all other states combined. No third-party candidate has ever met that requirement since 1943 when the Georgia ballot access laws were passed.

News articles from that World War II year quoting Secretary of State John B. Wilson show that that the ballot access laws were admittedly implemented to prevent Communists from having their name on the ballots. Thus, the intent was never to prevent ballot overcrowding or ballot confusion as modern-day Secretaries of State have claimed.

On September 3rd, U.S. District Court Judge Leigh Martin May ended what may be the worst ballot restrictions in the country by granting a Summary Judgement motion brought by Libertarian candidates in a case known as *Cowen et al v. Raffensperger*. Judge May reduced the 5% requirement to 1% of the registered voters thus, bringing Georgia's ballot access laws more into line with other states. The decision promises to provide Georgia voters with more qualified candidates on the ballot and more freedom of choice especially since about half of Georgia's General Assembly races are uncontested.

THE LATEST DISGRACE:
You would expect acceptance of the decision from a Secretary of State or Attorney General who claims to be *"Upholding the Constitution,", "Defending all Georgians,"* and *"Fighting injustice".* However, two weeks later, they appealed the court's decision that permanently enjoined Raffensperger from enforcing the requirement. That plea will now be heard by the 11th Circuit Court of Appeals.

But it gets worse. The Secretary of State and Attorney General not only appealed the U.S. District Court decision to provide more freedom of choice for Georgia voters, they actually filed an *"emergency motion"* to immediately stop the decision. Raffensperger and Carr asked the U.S. District Court to stay the decision to permanently enjoin Raffensperger from enforcing the 5% restriction so that **Raffensperger can continue imposing what is likely the most restrictive ballot access requirement in the country on Georgia voters and candidates.**

The U.S. District Court decision has no impact on Secretary of State's procedures and significantly lessens the signature verification efforts of the counties. Obviously, there is no "emergency". But Carr's ***"emergency motion"*** **makes the laughable claim that Raffensperger would be** ***"irreparably harmed"*** **by republishing the new requirements if the number of petition signatures required for a candidate to have ballot access is reduced from 5% of registered voters to 1%.**

WHAT NEXT?

The Cowen v. Raffensperger pleadings are one more example of how **Brad Raffensperger and Chris Carr are working in tandem to undermine election integrity and transparency in Georgia.** Carr was not truly obligated to appeal the court's decision to provide more freedom of choice for Georgia voters. He was not obligated to file an "emergency" stay in an attempt to delay the new order from being implemented when there was no real emergency. He was not obligated to falsely claim the Secretary of State would be "irreparably harmed" by an order that had no significant impact on him.

Carr was also not obligated to file an amicus brief with provably false claims in the Fulton Co. ballot inspection case since Raffensperger was not a party to the case. In addition, Carr signed the settlement agreement Raffensperger entered into that circumvented Georgia law by allowing signatures on ballot envelopes to be matched to applications instead of the signature on file. That change reduced the signature rejection rate by roughly 90% in Fulton County alone from about 3.5% to about .3% for the 147,000 mail-in ballots cast.

Raffensperger is so unpopular now he may decide against running for re-election next year. But Carr, who could face one of two strong Democratic Party candidates, is still unopposed in the Republican primary even after getting roundly booed at the Republican state convention. Republican counties have passed resolutions opposing him and the Constitution Party of Georgia has already gotten thousands of signatures on their *"vote no confidence petition"*.

Raffensperger and Carr have relied almost exclusively on Carr's Assistant Attorney General, Charlene McGowan, to write, sign or argue the deceitful pleadings. Recently, McGowan has added another deceitful brief in the VoterGA lawsuit to ban the Dominion voting system in Georgia. That suit was filed on grounds the U.S. District Court has already found the system's unverifiability to be in violation of multiple Georgia statutes. We will similarly analyze that brief in an upcoming installment of our Georgia Election Integrity Series.

- **It saves money –** The legislation can be enacted with no cost to the citizens of Georgia other than republishing the law. It also reduces state and county expenses since they would no longer have to verify petition signatures
- **It is understandable –** The legislation is incredibly simple. It eliminates all of the convoluted petitioning language that was implemented in 1943.
- **It is politically expedient –** This bill is true non-partisan legislation that benefits the 25+% voters who are not registered as Democrats or Republicans. Freer ballot access also encourages Democrats and Republicans to keep their party platforms and issue positions more in line with constituent perspectives so that they can maintain their political advantage
- **It can be passed –** There is almost no public opposition to this bill because of its non-partisan nature and widespread public support. Legislators who are fearful of increased competition should understand that Florida removed their petitioning requirements in 1999 without any significant impact or threat to existing incumbents.
- **It is the right thing to do –** Georgians are entitled to more freedom of choice among candidates and those candidates are entitled to have reasonable access to the ballot. Legislators are elected to represent Georgians, not their own interests or the interests of their political party. Their support will demonstrate a commitment to open and honest government for all Georgians regardless of political party;

- **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 (Illinois) 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;
- **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 (Illinois) 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;
- **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 (Illinois) 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;
- **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;