

“ALL ELECTIONS SHALL BE FREE & EQUAL”

-Excerpt from State Constitutions Nationwide

The Free & Equal Elections Foundation is a dynamic new non-partisan organization dedicated to reforming ballot access laws across the United States.

Free & Equal will challenge these laws through the lobbying of state legislators, court challenges, and ballot initiatives.



THE FREE & EQUAL ELECTIONS FOUNDATION
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WWW.FREEANDEQUAL.ORG

ABOUT THE FOUNDATION

FREE & EQUAL IS A NON-PARTISAN 501C(4)NON-PROFIT ELECTION REFORM ORGANIZATION DEDICATED TO IMPROVING BALLOT ACCESS LAWS IN THE UNITED STATES.

MANY STATES HAVE RESTRICTIVE REQUIREMENTS THAT MAKE IT DIFFICULT FOR INDEPENDENT AND THIRD PARTY CANDIDATES TO PLACE THEIR NAMES ON THE BALLOT.

FREE & EQUAL WILL CHALLENGE THESE LAWS, THROUGH LOBBYING OF STATE LEGISLATORS, COURT CHALLENGES, AND INITIATIVES.

FREE & EQUAL WILL ALSO ENGAGE IN ACTIVISM FOR CAUSES INDEPENDENT OF THE CURRENT TWO-PARTY DUOPOLY.



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A large, stylized graphic of the American flag, showing the stars and stripes, positioned in the upper left and right corners of the page.

STATEMENT OF PRINCIPLES

THE FREE & EQUAL ELECTIONS FOUNDATION BELIEVES THAT ALL CITIZENS SHOULD ENJOY AN EQUAL SHARE OF THE RIGHTS AND RESPONSIBILITIES OF OUR NATION'S GOVERNANCE.

WE ARISE NOW, AS THE STATUS QUO IN BALLOT ACCESS IS ONE SET OF LAWS WITH SPECIAL BENEFITS FOR DEMOCRATS AND REPUBLICANS, AND ANOTHER WITH SPECIAL BURDENS FOR THIRD PARTIES AND INDEPENDENTS.

WE WILL STRIVE TO CREATE A SYSTEM WHERE ALL ELECTIONS ARE FREE AND ALL CITIZENS ARE EQUAL IN THEIR ABILITY TO PARTICIPATE IN ELECTIONS.



A large, stylized American flag is positioned in the upper left corner of the page, with its stars and stripes extending across the top and right sides. The flag is rendered in a light, semi-transparent style, allowing the text to be clearly visible over it.

MISSION STATEMENT

THE FREE & EQUAL ELECTIONS FOUNDATION EDUCATES ABOUT AND, WHEN NECESSARY, REFORMS LOCAL, STATE, AND NATIONAL BALLOT ACCESS LAWS TO ENSURE THAT ALL CITIZENS HAVE FREE AND EQUAL ACCESS TO CONTROL THEIR OWN GOVERNANCE.



A stylized American flag with a blue field of white stars in the upper left and red and white stripes flowing across the page. The text is overlaid on this background.

GOALS OF THE FOUNDATION

WE WILL LOBBY STATE AND NATIONAL LEGISLATURES TO REMOVE AND/OR REFORM BALLOT ACCESS LAWS.

WE WILL PUBLISH AND UPDATE EDUCATIONAL MATERIALS, INCLUDING A BALLOT ACCESS GUIDE, AND LOBBYING GUIDE.

WE WILL FOSTER ONLINE SOCIAL NETWORKING TO EDUCATE ABOUT RESTRICTIVE BALLOT ACCESS LAWS.

WE ENGAGE IN ACTIVISM FOR CAUSES INDEPENDENT OF THE CURRENT TWO-PARTY DUOPOLY.





TARGETS FOR 2009-2010

HELP REFORMED BALLOT ACCESS BILLS GET PASSED IN NORTH CAROLINA, OKLAHOMA, TEXAS.

HELP DEFEAT THE “TOP TWO” PRIMARY IN CALIFORNIA, AND STOP THE SPREAD NATIONWIDE.

HOLD AND ELECTION REFORM CONFERENCE TO EDUCATE ABOUT, AND DISCUSS BALLOT ACCESS REFORM.

PUBLISH A STATE-BY-STATE BALLOT ACCESS GUIDE, AND A LOBBYING GUIDE FOR REFORMING BALLOT ACCESS LAWS.



BOARD OF DIRECTORS

Christina M. Tobin

Christina Tobin is the Founder and Chairman of the Board of the Free and Equal Elections Foundation. She has helped secure ballot lines for numerous independent candidates and alternative political parties including the Constitution, Green, Libertarian, Republican and Socialist Equality parties. As Ralph Nader's National Ballot Access Coordinator in 2008, she helped collect more than 300,000 signatures to put Nader on 45 state Presidential ballots and the District of Columbia, more than any other third party or independent candidate.

Michael Jingoian

Michael Jingoian is the Vice-Chair of the Libertarian National Committee and was a candidate for the 2008 Libertarian Presidential Nomination. Jingoian, of Portland, Oregon, is the founder and C.E.O. of Angelvision Technologies, a marketing firm based in Portland, and online at www.angelvisiontech.com.

Randal Stufflebeam

Randy Stufflebeam has been the Chairman for the Constitution Party of Illinois since January, 2005. He is also the Midwestern United States Regional Chairman for the Constitution Party as well. In 2006, Randy ran as a Constitution Party write-in Candidate for Governor, receiving nearly 20,000 votes. While Randy certainly has a bias for the Constitution Party, he strongly believes that all citizens within the United States of America should be able to have a turn at the bat, regardless of the particular party affiliation and will do everything within his power to see this dream become a reality.

Richard Winger

Richard Winger is the leading advocate for reforming restrictive ballot access laws across the nation. Winger is the editor and publisher of Ballot Access News, a newsletter covering Independent and Third Parties, as well as developments in election law reform. Ballot Access News is published monthly and is available online at www.ballot-access.org.



EDUCATION

As a 501c4, The Free & Equal Elections Foundation will seek to educate the American people about the undue burdens placed upon Third Party and Independent candidates with regard to ballot access.

Free & Equal will raise public awareness of the onerous restrictions placed on those who fall outside of the current two party duopoly through online social networking outreach, nation-wide activism, and online information dissemination.



ONLINE SOCIAL NETWORKING OUTREACH

The Free & Equal Elections Foundation has already begun to reach out to the American people through use of online social networking. As of this publication, Free & Equal has an online home at www.FreeAndEqual.org, as well as pages on Facebook®, Myspace®, and Twitter.

Free & Equal will continue to expand our online presence through associations with other websites, e-mail campaigns, and viral video.

Free & Equal is in the process of producing a viral video-based online education program. The videos will identify states with particularly egregious ballot access laws, and further educate the public on the history and future of Independent and Third Party and political movements.

Coupled with an e-mail marketing campaign, we expect the videos to increase awareness of the repression of Independent and Third Party ballot access, as well as driving the foundation's fundraising.



BALLOT ACCESS STRATEGIES

- I. LOBBYING FOR BALLOT ACCESS**
- II. CURRENT LOBBYING ENDEAVORS**
- III. FUTURE LOBBYING**
- IV. LEGAL CHALLENGES**
- V. FUTURE LAWSUITS**
- VI. TOP-TWO PRIMARY LAWSUIT**
- VII. 2009 ELECTION REFORM CONFERENCE**



LOBBYING FOR BALLOT ACCESS

The Free & Equal Elections Foundation will help parties and individuals create grassroots movements in their state to successfully lobby their state legislatures to reform ballot access and election law.

One thing we have learned through past efforts is that most state legislators are completely unaware of ballot access issues and intend to remain so unless given a reason to consider them by their constituents.

Through all of our ballot access efforts, we will educate legislators about this issue and make them conscious of the need for them to take action to reform their state's laws.



CURRENT LOBBYING ENDEAVORS

Currently, Free & Equal is engaging in lobbying for ballot access reform in the states of Oklahoma and Texas. These states already have bills that are being debated.

Free & Equal is only starting and will have limited ability to affect legislation in 2009. However we are started early enough to be at full speed in this area in 2010 and 2011. We will have our main website be the focal point for organizing this activism.

We will also be able to acquire email lists from various sources to publicize these efforts and generate greater support for them, and media lists to generate public support for them.



FUTURE LOBBYING

As a nonpartisan organization, we are perfectly positioned to create coalitions and establish the foundation where people all across the spectrum can learn to work with each other and unite without fear of being dominated by another group or its agenda outside the narrow focus of these common issues. By doing so, we aim to establish a spirit of cooperation among all parties and give them the opportunity to expand their coalitions into other areas of common purpose.

We also will be able draft model bills and contact state legislators who would be willing to sponsor them. We would first work with local and state level parties and activists to learn about what they want and what they believe is achievable in their state's current political climate. Our aim would be to have all of these issues planned and settled a month before the opening of the next legislative session, so that our bills can be filed early and we can concentrate solely on getting them passed as soon as these state legislatures can consider them.

By building coalitions and laying the groundwork throughout 2009, Free & Equal expects to be very busy with this process starting in January 2010. By getting started early on the next sessions, we hope to see major reforms take place in time for the 2012 elections. It is unclear from this vantage point whether or not we would be able to expand these lobbying efforts to include redistricting issues which will be addressed in light of the results of the 2010 census. We do know now, however, that any efforts to create independent redistricting commissions fit in perfectly with our plans and ability to implement them.



LEGAL CHALLENGES

Free & Equal has already been extremely active in this area. One of our founding members is the lead individual plaintiff in *Libertarian Party of NC v. NC State Board of Elections*, which challenges all North Carolina election laws which give special benefits to Democrats and Republicans and place special burdens on everyone else. That case is currently before the NC Court of Appeals. Other initiated ballot access lawsuits that are still active are in Maine, New Hampshire, Connecticut, and Louisiana.

FUTURE LAWSUITS

Some of the lawsuits we have already initiated or joined will still be active in 2011. We also anticipate we will be involved in several lawsuits that arise from the conduct of the 2010 campaigns, although we cannot now predict where they will be. We will have the resources and be flexible enough to generate lawsuits wherever and whenever they are needed to follow through on ballot access efforts in 2010. We intend to build on the success of these lawsuits to export the results to other states by either influencing state legislatures to make similar reforms or, if needed, file similar lawsuits in states with like circumstances. Through our overall activity we will establish Free & Equal as a primary force for this reform and raise the issue to the level where state legislatures will pay attention to it.



TOP TWO PRIMARY LAWSUIT

Free & Equal is currently helping to organize all of the groups and individuals who are engaged in the Libertarian Party's ongoing lawsuit against the Top Two system in Washington state. We have recruited a new attorney to take over the case from past counsel and brought people together to give him all the information he needs to conduct the next round of appeals. Since that attorney does not live in Washington, we have also recruited a local attorney who can serve as the official attorney of record and file all the appropriate paperwork generated by the lead attorney.

We are building on that coalition and activity in Washington to create a similar coalition to oppose the Top Two initiative which will be placed on the ballot in California in June 2010. This also involves parties and individuals in Oregon, where a Top Two initiative was defeated in 2008 and may arise there again.

The way we see it, Top Two needs to be nipped in the bud all along the west coast. If it is allowed to take root there, it can easily spread all across the country. Free & Equal has already been successful in getting people in all three states to see the need for all of them to work together across both party and state lines.



TOP TWO PRIMARY LAWSUIT

Free & Equal will actively seek opportunities to file new lawsuits in any state which requires election law reform, including those currently discussing the use of a top – two style primary.

One blessing in this fight is that there are quite a number of excellent attorneys who have a passion for ballot access issues and are willing to work on them for free or at reduced rates. We would be able to rely on this network to provide competent and committed counsel to anyone who wants to initiate legal action in their state, and also be able to provide them with activist and media contacts to build coalitions and public support for these lawsuits.

If the attorney(s) we recruit are outside of the state, we can and will also recruit local counsel who can serve as the attorney of record and work closely with the lead attorney to ensure all filings are complete and made in a timely manner.



2009 ELECTION REFORM CONFERENCE

Across the United States, countless organizations exist advocating for election reform in some form or fashion.

Whereas the Free & Equal Elections Foundation recognizes that ballot access restrictions are not the only source of inequalities in our electoral process; whereas the Free & Equal Elections Foundation cannot succeed in our goals of election reform without the cooperation of other like-minded individuals and groups; and whereas there is a recognized need for greater coherence and enthusiasm within the election reform movement post-2008; The Free & Equal Elections Foundation intends to hold a National Election Reform Conference in the fall of 2009.

This conference will bring together numerous organizations, with differing viewpoints and solutions. Invitations will be sent out to several major organizations, and we will accept requests from other organizations on a case-by-case basis.

The conference itself will feature forums, panel discussions, and guest speakers, as well as exhibits from the attending organizations.

The goal of the conference will be to come up with a cohesive election reform strategy, and set the stage for more cooperation between the various reform groups in the upcoming national elections. In addition to other publications originating from the Free & Equal Elections Foundation, a report will be published detailing the proceedings and recommendations of the conference.



FREE & EQUAL FOUNDATION **PUBLICATIONS**

- I. **NATIONAL BALLOT ACCESS GUIDE**

- II. **NATIONAL BALLOT ACCESS
LOBBYING GUIDE**



NATIONAL BALLOT ACCESS GUIDE

Whereas the Ballot Access laws across the United States are at best tedious and confusing; whereas there exists no comprehensive catalog detailing the intricacies of Ballot Access law, and whereas almost all Independent and Third Party candidates encounter previously unknown complications when attempting to secure a spot on the ballot, The Free & Equal Elections Foundation intends to publish a thorough, comprehensive state-by-state guide to obtaining ballot access. The Free & Equal Elections Foundation intends to update this publication each year, detailing the changes to ballot access laws.

The first edition of this guide will focus on the requirements of new political parties to establish a ballot line, as well as the laws regulating individual Independent and Third Party candidates in state and national elections. Due to the tremendous amount of unique local regulations, the first edition of the guide will not include guides to the regulations governing local offices.

The Free & Equal Elections Foundation intends to publish this guide in print form, as well as online, in January of 2010.



NATIONAL BALLOT ACCESS LOBBYING GUIDE

In addition to the National Ballot Access Guide, The Free & Equal Elections Foundation intends to publish a state-by-state guide to lobbying for ballot access law improvements.

The publication will include state legislator timetables, lobbying requirements, and ready-to-introduce ballot access law bills. As with the Ballot Access Guide, the lobbying guide would be updated every year, detailing successes and failures of the past year's legislative sessions.

The Free & Equal Elections Foundation intends to publish the guide, in print and online, in January of 2010.



FREE & EQUAL: 2010 & BEYOND

The Free & Equal Elections Foundation will undertake these initiatives during 2009 with the goal of having a major impact on the 2010 midterm elections. In addition to the lobbying and ballot access awareness education that will take place, Free & Equal will help recruit Independent and Third Party candidates, with the goal of having an Independent and/or Third Party candidate in all 535 congressional districts for 2010.

Free & Equal will also hold multiple debates for offices nationwide. Without exception, all ballot qualified candidates will be invited to participate in the debates.

The Free & Equal Elections Foundation plans to have a substantial impact on the American electoral process. We will strive to eliminate the onerous restrictions placed on Independent and Third Party candidates at all levels. We will help organize and coordinate like-minded individuals and groups who promote free and fair elections. We will create opportunities for Independent and Third Party candidates to deliver their diverse messages to the American people.

Above all, we will endeavor to increase the voice of the people in the governance of their nation, and break once and for all the Two Party Duopoly that for far too long has had a stranglehold on every facet of our electoral process.

