

# ACLU Challenges Unconstitutional Arkansas Ballot Access Rule In Federal Court

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State Illegally Barring Green Party Access To Ballot  
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LITTLE ROCK, AR – The American Civil Liberties Union and the ACLU of Arkansas filed a lawsuit today in a federal court in Arkansas challenging Arkansas Secretary of State Charlie Daniels' decertification of the Green Party of Arkansas as a political party.

The lawsuit, filed on behalf of Arkansas voters and the Green Party, charges that the decision violates state law and the free speech rights of third parties.

"The First Amendment protects not only the right of third parties to compete in the political arena but also the right of individual voters to support the candidates who best reflect their political views," said Bryan Sells, a senior staff attorney with the ACLU Voting Rights Project. "A lot of voters are dissatisfied with the choices offered by the major parties, and Secretary Daniels' decision means that the voters of Arkansas could have even fewer choices on the ballot when they go to the polls in the next election."

Daniels' decision to decertify the Green Party stems from a state law requiring a political party's candidates to earn at least 3% of the total votes cast in gubernatorial or presidential elections in order to retain access to the ballot in the next election cycle.

In the 2008 election, the Green Party's candidates received hundreds of thousands of votes, far surpassing the 3 percent threshold. Green Party candidate Richard Carroll won a seat in the State House of Representatives, and several other Green Party candidates for the U.S. House and Senate earned over 20 percent of the vote. Daniels nonetheless decertified the Green Party because its candidate for president, Cynthia McKinney, did not earn more than 3 percent of the vote in the presidential race.

"The Green Party clearly represents the interests of a large number of Arkansans," said Rita Sklar, Executive Director of the ACLU of Arkansas. "But the Democratic and Republican parties have set up an unconstitutional system to deny ballot access to legitimate third parties that have substantial voter support in order to shield themselves from competition. That's just not the way democracy is supposed to work."

According to the ACLU, Arkansas' party-recognition regulation also illegally forces political parties to compete in gubernatorial and presidential elections. Third parties like the Green Party do not always have gubernatorial or presidential candidates, making it impossible to earn 3 percent of the vote for candidates in those elections.

The ACLU of Arkansas has urged lawmakers to pass legislation that would bring Arkansas law in line with the U.S. Constitution, because without a legislative cure, parties and persons wishing to exercise their First Amendment rights are forced to file lawsuits to have those rights respected.

Attorneys on the case are Sells and Laughlin McDonald of the national ACLU Voting Rights Project and Holly Dickson of

the ACLU of Arkansas.

The complaint in the case, Green Party of Arkansas et al. v. Daniels, is available online at:  
<http://www.aclu.org/votingrights/access/40856lgj20090827.html>

More information on the work of the ACLU Voting Rights Project is available at: [www.votingrights.org](http://www.votingrights.org)

More information about the ACLU of Arkansas is available at: [www.acluarkansas.org/](http://www.acluarkansas.org/)