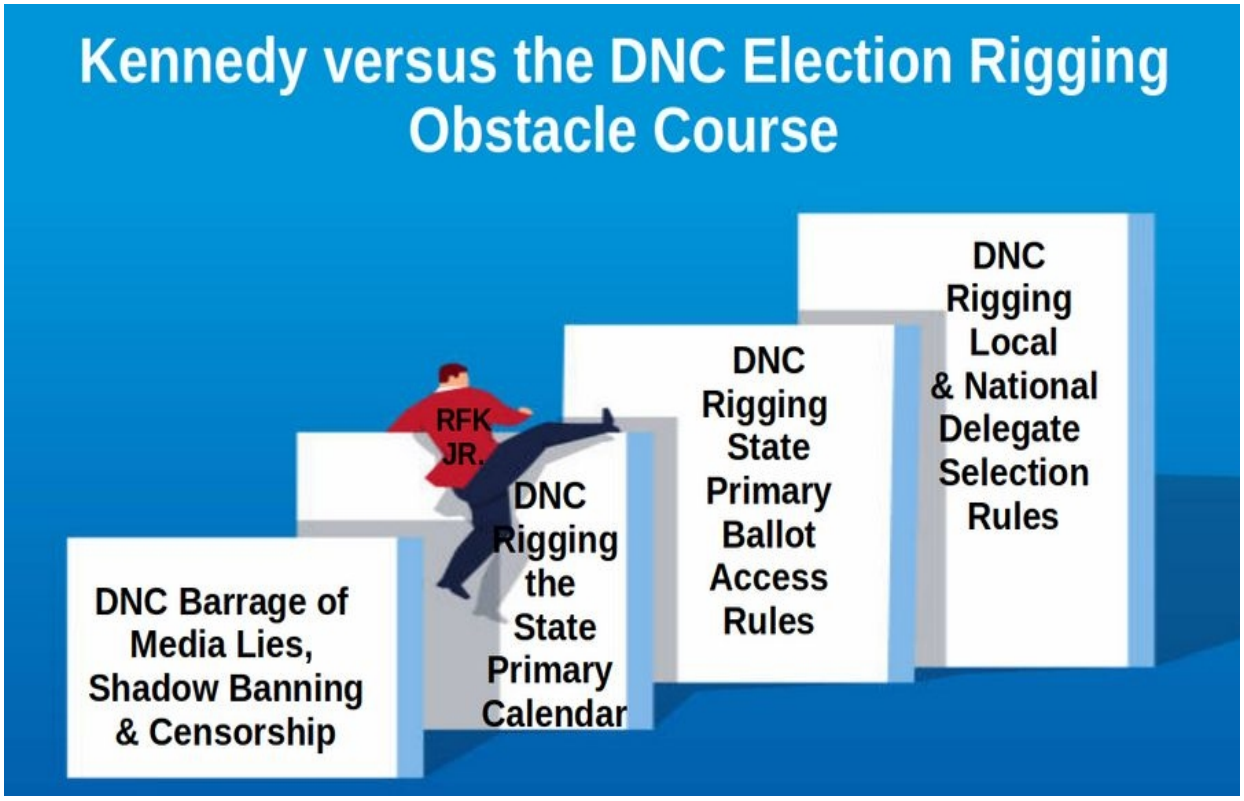
Exposing the DNC Plan

to Rig the 2024 Election

Part 3 -

DNC Ballot Access Obstacles



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Exposing the DNC Plan to Rig the 2024 Election:

DNC Ballot Access Obstacles

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Disclaimer

The opinions expressed in this article - and all of my other articles on DNC rigging of the 2024 election - are strictly my own. While I am not an attorney, I believe that the US Constitution is plainly written and should be read and defended by all Americans. In addition, Supreme Court rulings that interpret the US Constitution are publicly posted online and are available for anyone to read.

The issues of DNC rigging Presidential Candidate Ballot Access and DNC rigging National Delegate Selection and DNC rigging of the State Primary calendar are not merely about the Kennedy campaign. DNC rules that disenfranchise millions of voters must be opposed by all of us who care about the future of our democracy.

Elections that are free and fair and fully open to all candidates and all voters are the foundation of our democracy.

DNC Rigging the 2024 Election – Part 3 Background

In June 2023, the Democratic National Committee approved 50 State Plans which describe the process for determining the 2024 Democratic Party Presidential Nominee. Many plans include rule changes that have the effect of rigging the 2024 election in favor of the DNC preferred candidate over any potential Reform candidates.

In our first article on DNC rigging, we exposed the DNC rule change which eliminated the Precinct Caucuses in Washington State. In 2016, these local caucuses were used to elect delegates for Bernie Sanders. Eliminating precinct caucuses effectively disenfranchises millions of Democratic voters in the Delegate Selection process.

In our second article, we exposed the DNC rigging of the Primary calendar which ignored long standing election laws of New Hampshire and Iowa. This rule change effectively disenfranchises millions of Democratic voters in Iowa and New Hampshire. Our second article included a summary of the Supreme Court ruling called **Democratic Party v Wisconsin.** We explained that this ruling merely applied to the DNC right to restrict cross over voting. It did not give the DNC a blank check to disenfranchise millions of voters.

In this article, we will examine arbitrary and draconian ballot access restrictions imposed by many of the DNC State Plans. These restrictions disenfranchise millions of voters by preventing their preferred “reform” candidate from even appearing on the Presidential Primary ballot. We contend that DNC rigging of Precinct caucuses, rigging of the Primary Calendar and rigging of Ballot access are all violations of the rights of voters and rights of candidates guaranteed by the First, Fourteenth and Twenty Fourth Amendments. We will therefore begin with a review of these voting rights as outlined in the **1966 Harper v. Virginia** Supreme Court decision and the **2020 Yang c Kellner** Ballot Access ruling. We will then take a close look at how some DNC State Ballot Access restrictions violate the rights of voters, as well as the rights of Presidential and Delegate candidates.

1966 Harper v. Virginia… Protecting the right to Free and Fair Elections

A fundamental right of any democracy is the civil right of each citizzen to participate equally and fully in free and fair elections. Participation includes not only actually voting but also the right to Free and Fair Ballot Access rules for Presidential Candidates and Convention Delegates. After all, the right to vote does not do much good if the process for placing candidates on the ballot has already been rigged to the point where your preferred candidate is not even on the ballot.

The US Constitution includes many provisions protecting the rights of voters and candidates. This includes the First Amendment Right to Freedom of Speech. It also includes the Fourteenth Amendment right to Equal Protection and the Twenty Fourt Amendment “Civil Rights” Act.

The Fourteen Amendment, commonly called the “Equal Protection” Amendment, was ratified on June 9, 1868. Section 1 states that “no State shall make or enforce any law that abridges the privileges of citizens of the United States, nor shall any State deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.” In plain English, all US citizens have a right to equal treatment.

Section 2 further states that **this right to equal treatment includes the right to vote** in certain elections including: “the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the executive and judicial officers of a state, or the members of the legislature thereof.” This means that the Fourteenth Amendment applies equal treatment in voting specifically to all Presidential Elections which affect the choice of electors. **Clearly, State Primaries and Delegate Selection elections are elections that have a direct effect on the choice of Presidential electors.**

The Twenty-Fourth Amendment commonly called the Voting Rights Act, ratified in 1964, banned poll taxes in federal elections. A poll tax is a tax imposed on anybody who votes at a polling place. Poll taxes discouraged poorer citizens from voting, disproportionately affecting minorities. As such, poll taxes interfere with the civil right of voting.

But the Voting Rights Act does not apply merely to Poll Taxes. It **outlaws the use of any "tests or devices"** as a prerequisite to voting.

Section 2 prohibits state and local governments from structuring elections "in a manner which results" in members of a group defined by race or color "hav[ing] less opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice."

Section 2 includes not only protection for minority voters but also for low income voters as there is a strong correlation between minority status and poverty.

In plain English, state and local governments are prohibited from rigging elections against minority candidates and minority voters. We contend that this prohibition against rigging elections also applies to political parties as these **political party elections have a direct effect on the choice of Presidential electors. In short, the entire process leading to choosing Presidential electors needs to be free and fair.**

Placing unreasonable and arbitrary obstacles in the path of minority and low income voters and candidates results in a government "of the rich, by the rich and for the rich."

Numerous studies have shown that our current Congress consists almost entirely of millionaires who are much more responsive to thier wealthy campaign donors and much less responsive to the interests of the poor and middle class. This in turn as resulting in an ever increase concentration of wealth and power in the hands of a tiny fraction of the population.

John F. Kennedy's Role in Passage of the Voting Rights Act

From the beginning of his Administration in 1960, President John F. Kennedy urged Congress to adopt and send the Voting Rights Act amendment to the US Constitution to the states for ratification. This Act has been proposed years earlier and had been blocked in the Senate with filibusters.

Kennedy believed that a constitutional amendment was the best way to avoid a filibuster. Spessard Holland, a conservative Democrat from Florida, introduced the amendment to the Senate. Holland had tried several times ever since he entered the US Senate in 1946 to ban the poll tax but was unsuccessful. Kennedy's support of Holland was the key to breaking Southern opposition to the amendment. Ratification of the amendment was relatively quick. It was rapidly ratified by state legislatures across the country from August 1962 to January 1964.

1966 Harper v. Virginia

While the Twenty-Fourth Amendment banned poll taxes and other obstacles to voting in federal elections, obstacles to voting still occurred in State elections. In 1966, some voters in Virginia sued the State of Virginia for imposing a poll tax in a state election on the grounds that these obstacles violated the Fourteen Amendment. By a vote of 6 to 3, the US Supreme Court agreed with the voters.

Harper v. Virginia State Board of Elections

Supreme Court of the United States

Argued January 25–26, 1966
Decided March 24, 1966

In a landmark Voters Rights decision, Justice William O. Douglas, explained that voting rights were the foundation of democracy and needed to be protected in ALL elections. Here is a link where you can read the entire decision:
https://supreme.justia.com/cases/federal/us/383/663/

Here are some quotes from this historic decision:

“A State's conditioning of the right to vote on the payment of a fee or tax violates the Equal Protection Clause of the Fourteenth Amendment… Fee payments or wealth, like race, creed, or color, are unrelated to the citizen's ability to participate intelligently in the electoral process.”

“The interest of the State, when it comes to voting registration, is limited to the fixing of standards related to the applicant's qualifications as a voter… Lines drawn on the basis of wealth or property, like those of race, are traditionally disfavored... Classifications which might impinge on fundamental rights and liberties -- such as the franchise -- must be closely scrutinized.”

“While the right to vote in federal elections is conferred by Art. I, § 2, of the Constitution, the right to vote in state elections is not expressly mentioned. It is argued that the right to vote in state elections is implicit, by reason of the First Amendment, and that it may not constitutionally be conditioned upon the payment of a tax or fee. *Cf. Murdock v. Pennsylvania,* 319 U. S. 105, 319 U. S. 113. [Footnote 2]

We conclude that **a State violates the Equal Protection Clause of the Fourteenth Amendment whenever it makes the affluence of the voter or payment of any fee an electoral standard**. Voter qualifications have no relation to wealth nor to paying or not paying this or any other tax. [Footnote 4]

Long ago, in *Yick Wo v. Hopkins,* 118 U. S. 356, 118 U. S. 370, the Court referred to "the political franchise of voting" as a "fundamental political right, because it is preservative of all rights." Recently, in *Reynolds v. Sims,* 377 U. S. 533, 377 U. S. 561-562, we said,

"Undoubtedly, the right of suffrage is a fundamental matter in a free and democratic society. Especially since the right to exercise the franchise in a free and unimpaired manner is preservative of other basic civil and political rights, any alleged infringement of the right of citizens to vote must be carefully and meticulously scrutinized."

"A citizen, a qualified voter, is no more nor no less so because he lives in the city or on the farm. This is the clear and strong command of our Constitution's Equal Protection Clause. This is an essential part of the concept of a government of laws, and not men. “

“This is at the heart of Lincoln's vision of 'government of the people, by the people, [and] for the people.' The Equal Protection Clause demands no less than substantially equal state legislative representation for all citizens, of all places as well as of all races."

“We say the same whether the citizen, otherwise qualified to vote, has $1.50 in his pocket or nothing at all, pays the fee or fails to pay it. The principle that denies the State the right to dilute a citizen's vote on account of his economic status or other such factors, by analogy, bars a system which excludes those unable to pay a fee to vote or who fail to pay… the interest of the State, when it comes to voting, is limited to the power to fix qualifications. Wealth, like race, creed, or color, is not germane to one's ability to participate intelligently in the electoral process. “

“Lines drawn on the basis of wealth or property, like those of race (*Korematsu v. United States,* 323 U. S. 214, 323 U. S. 216), are traditionally disfavored. *See Edwards v. California,* 314 U. S. 160, 314 U. S. 184-185 (Jackson, J., concurring); *Griffin v. Illinois,* 351 U. S. 12; *Douglas v. California,* 372 U. S. 353. “

“To introduce wealth or payment of a fee as a measure of a voter's qualifications is to introduce **a capricious or irrelevant factor**. The degree of the discrimination is irrelevant. In this context -- that is, as a condition of obtaining a ballot -- the requirement of fee paying causes an "invidious" discrimination (*Skinner v. Oklahoma,* 316 U. S. 535, 316 U. S. 541) that runs afoul of the Equal Protection Clause.

“the Equal Protection Clause is not shackled to the political theory of a particular era. In determining what lines are unconstitutionally discriminatory, we have never been confined to historic notions of equality, any more than we have restricted due process to a fixed catalogue of what was at a given time deemed to be the limits of fundamental rights. *See Malloy v. Hogan,* 378 U. S. 1, 378 U. S. 5-6. Notions of what constitutes equal treatment for purposes of the Equal Protection Clause do change. “

“The right to vote is too precious, too fundamental to be so burdened or conditioned.”

[Footnote 2]

Judge Thornberry, speaking for the three-judge court which recently declared the Texas poll tax unconstitutional, said: "If the State of Texas placed a tax on the right to speak at the rate of one dollar and seventy-five cents per year, no court would hesitate to strike it down as a blatant infringement of the freedom of speech. Yet **the poll tax as enforced in Texas is a tax on the equally important right to vote."** 252 F. Supp. 234, 254 (decided February 9, 1966).

My Notes: If States are not allowed to place obstacles to voting, then clearly political parties – which have fewer rights than States – are also prohibited from placing unreasonable obstacles to voting. Therefore many of the obstacles to Ballot Access imposed by the DNC in their State Plans are in violation of the Fourteenth amendment as well as the Voting Rights Act. As a further example of why this it true, we will next look at a 2020 decision dealing directly with ballot access.

2020 Yang v Kellner… Candidates have a right to ballot access

In April 2020, the New York Democratic Party attempted to cancel the 2020 Presidential Primary – which had already been moved to June 23 – despite the fact that State primaries were occurring that day, and that mail in ballots were allowed and that no other state had attempted to cancel the primary. The New York legislature passed a law allowing the state to take the names of all but one candidate (Biden) from the ballot. Then because there was only one candidate left, the Primary would simply be canceled.

Presidential candidate Andrew Yang along with his supporters and some Bernie Sanders supporters sued New York for taking their names off the ballot and then canceling the election.

On May 5, 2020 US District Court judge Analisa Torres issued a lengthy decision in which she summarized why candidates have a right to ballot access. Here is a link to this ruling:

https://storage.courtlistener.com/recap/gov.uscourts.nysd.536316/gov.uscourts.nysd.536316.43.0.pdf

Here are some quotes from this ruling:

“Removing Plaintiffs from the ballot and canceling the presidential primary denied them the chance to run, and denied voters the right to cast ballots for their candidate and their political beliefs.”

“Plaintiffs have shown irreparable injury because they face a violation of their constitutional rights. “All election laws necessarily implicate the First and Fourteenth Amendments.” And where a challenged regulation “governs the registration and qualification of voters, the selection and **eligibility of candidates**, or the voting process itself, [it] inevitably affects—at least to some degree—the individual’s right to vote and his right to associate with others for political ends.” Price v. New York State Bd. of Elections, 540 F.3d 101, 107–08 (2d Cir. 2008)”

“It is well-settled that an alleged constitutional violation constitutes irreparable harm. See, e.g., Connecticut Dep’t of Envtl. Prot. v. O.S.H.A., 356 F.3d 226, 231 (2d Cir. 2004) (“[W]e have held that the alleged violation of a constitutional right triggers a finding of irreparable injury... “it is the alleged violation of a constitutional right that triggers a finding of irreparable harm” and a substantial likelihood of success on the merits of a constitutional violation is not necessary.

Courts have consistently found irreparable injury in matters where voters have alleged constitutional violations of their right to vote. See, e.g., Green Party of New York State, 267 F. Supp. 2d at 351 (“The plaintiffs have satisfied the [irreparable harm] prong of the test by alleging” that certain aspects of New York’s voter enrollment scheme violated “their First and Fourteenth Amendment rights to express their political beliefs, to associate with one another as a political party, and to equal protection of the law.”); Credico v. New York State Bd. Of Elections, 751 F. Supp. 2d 417, 420 (E.D.N.Y. 2010) (finding irreparable injury where plaintiffs alleged that the [BOE’s] **refusal to place a candidate’s name on the ballot violated plaintiffs’ First and Fourteenth Amendment rights to “fully express their political association with the parties or candidates of their choice”**); Dillon v. New York State Bd. of Elections, No. 05 Civ. 4766, 2005 WL 2847465, at *3 (E.D.N.Y. Oct. 31, 2005) (finding irreparable harm where “plaintiffs allege[d] violations of their First and Fourteenth Amendment rights of expression and association and equal protection of the law”).

Although “administration of the electoral process is a matter the Constitution largely entrusts to the States,” the Supreme Court has long recognized that “**unduly restrictive state election laws may so impinge upon freedom of association as to run afoul of the First and Fourteenth Amendments**.” Kusper v. Pontikes, 414 U.S. 51, 57 (1973). **That includes state laws governing which candidates may appear on the ballot.** “

“Ballot access rules implicate “two different, although overlapping, kinds of rights—the right of individuals to associate for the advancement of political beliefs, and the right of qualified voters, regardless of their political persuasion, to cast their votes effectively.” (“[T]he rights of voters and the rights of candidates do not lend themselves to neat separation… [b]ut the First Amendment requires [courts] to be vigilant in making judgments, to guard against undue hindrances to political conversations and the exchange of ideas.”

That requirement extends to primary elections like the one here. See New York State Bd. of Elections v. Lopez Torres, 552 U.S. 196, 204 (2008) (“We have . . . acknowledged **an individual’s associational right to vote in a party primary without undue state-imposed impediment.”**). “When a state-mandated primary is used to select delegates to conventions or nominees for office, the State is bound not to design its ballot or election processes in ways that impose severe burdens on First Amendment rights of expression and political participation.” Lopez Torres, 552 U.S. at 210 (Kennedy, J., concurring in the judgment). The Second Circuit has repeatedly affirmed district court orders **striking down unduly burdensome ballot access requirements in primary elections**, **including presidential primaries.** See, e.g., Lerman v. Bd. Of Elections in City of New York, 232 F.3d 135, 153 (2d Cir. 2000) (invalidating requirement that witnesses for primary ballot access petitions reside in particular congressional district); Rockefeller v. Powers (Rockefeller II), 78 F.3d 44, 45 (2d Cir. 1996) (**affirming district court order reducing number of signatures required to appear on presidential primary ballot).**

Voters “have an associational right to vote in political party elections, and that right is burdened when the state makes it more difficult for these voters to cast ballots.” Price, 540 F.3d at 108 (citations omitted).

Likewise, “candidates’ associational rights are affected, in at least some manner, when barriers are placed before the voters that would elect these candidates to party positions.”

the removal of presidential contenders from the primary ballot not only deprived those candidates of the chance to garner votes for the Democratic Party's nomination, but also deprived their pledged delegates of the opportunity to run for a position where they could influence the party platform, vote on party governance issues, pressure the eventual nominee on matters of personnel or policy, and react to unexpected developments at the Convention.

New York is the only one to have canceled its primary, casting further doubt on Defendants' contention that scrapping the primary is necessary to combat the risk posed by the virus.

There is also a strong public interest in permitting the presidential primary to proceed with the full roster of qualified candidates. "[S]ecuring First Amendment rights is in the public interest." New York Progress & Prot. PAC, 733 F.3d at 488. Specifically, **the public has an interest in being presented with several viable options in an election**. See Hirschfeld v. Bd. Of Elections in N.Y.C, 984 F.2d 35, 39 (2d Cir. 1993) ("[T]he public's interest in having [plaintiff] as an additional choice on the ballot clearly outweighed any interest the [BOE] may have had in removing [plaintiff's] name two business days before the general election.").

The above ruling makes it clear that the state may not impose unreasonable obstacles on either voters or candidates. Surely, this also means that political parties may not impose unreasonable obstacles on either voters or candidate in the process of State primaries or Delegate Selection elections.

Now that we see there are important limits on restricting ballot access, let's look at various ways that the DNC is restricting ballot access to reform candidates like Robert Kennedy Jr.

DNC Presidential Candidate Ballot Access Obstacles by State

DNC ballot access restrictions for Presidential candidates vary from State to state. Some states impose a fee of thousands of dollars (a form of poll tax preventing lower income candidates from running). Other states impose petition requirements where a candidate must submit 1000 to 5000 petitions. These petitions are obtained by paying Petition companies tens of thousands and even hundreds of thousands of dollars. So the petitions are just another form of poll tax to keep lower income candidates off the Primary ballot.

Some states impose both a fee and a pile of petitions. Meanwhile, other states do not impose either a fee or petitions. Below is a table comparing the requirements of various state plans:

State	Total Delegates	CD Pledged Delegates	Plan Posted	Fee to File and/or Minimum # of Petitions required (maximum actually needed)	Cost estimate at $2 per petition
AL	59	34	yes	At least 500 plus $2500	$2500 $1000 petitions
AR	36	20	2020	$2500 or 5000 signatures No 2024 plan email sent	$2500 fee 0 petitions
AK	19	9	yes	$2500 fee	$2500 fee 0 petitions
AZ	85	47	yes	**At least 500 dems only OR evidence already qualified to appear on ballot in two other states.**	$0 fee $1000 petitions
CA	496	277	yes	**evidence already qualified to appear on ballot in two other state or a campaign website and statement to**	$0 fee 0 petitions

				CA SOS	
CO	86	47	yes	$500 or 5000 dem signatures	$500
CT	63	32	yes	See note 1	0 fee 0 petitions
DE	34	11	yes	500 dems only	$1000
FL	250	146	yes	Florida Democratic Party will prepare and approve a list of recognized Democratic presidential candidates	0 fee 0 petitions
GA	124	71	yes	No petitions or filing fees. January 8, 2024 Dem Party will select names to be placed on the ballot and intends to include all widely recognized, legitimate candidates that meet the requirements of Rule 13.K see note 2	0 fee 0 petitions but 13.k
HI	31	14	yes	$2500 plus letter	$2500 fee 0 petitions
ID	24	13	yes	Reg with FEC Multi state campaign Plus $2500 fee	$2500 fee 0 petitions
IL			yes	No fee 3000 to 5000 signatures	0 fee $10,000 petitions
IN	76	44	yes	No fee 500 signed petitions from each of 9 CDs = 4500 petitions	$10,000 petitions
IA	47	26	yes	There is no specific filing requirement whereby a presidential candidate gains access to the Iowa delegate selection process	0 fee 0 petitions
KS	39	22	yes	File with FEC and $10,000 OR 5,000 dems only petitions	$10,000 fee
KY			no	?	? $5,000

LA	56	32	yes	$1,125 OR 1,000 Dem voters from each of 6 CD = 6000 Dem voters	$1125
ME	32	16	yes	**MDP must certify to the Maine Sec. of State whether to hold a presidential primary election by Oct. 1, 2023. If primary, no filing fee but 4000 to 5000 Dem voters See Note 3**	0 fee $10,000 petitions
MD	104	53	yes	two ways – by direction of the Secretary of State of Maryland, or by filing petitions with the State Board of Elections: See Note 4	0 fee 0 petitions
MA	116	60	yes	3 ways: 2500 signatures OR SOS determines if national candidate or by request of State Chair Nov 9	$5000 petitions
MI	139	77	yes	SOS issues list of national candidates OR Nov 14 State chair submits list of legitimate candidates Rule 13K applies see note 5	0 fee 0 petitions
MO	80	44	no	$1000 fee	$1000 fee 0 petitions
MN	93	49	yes	No fee. No petitions. Just a letter A plus	0 fee 0 petitions
MS	40	23	yes	Online only SOS determination see note 6	0 fee 0 petitions
MT	22	10	yes	500 petitions	$0 fee $1000
NE	34	20	yes	SOS determination or 300 petitions	0 fee
NV	48	23	yes	No fee. No petitions	0 fee 0 petitions
NH	33	15	yes	$1000 fee to SOS plus rep letter to	$1000 fee

				State chair	0 petitions
NJ	127	70	yes	rep letter to State chair plus 1000 petitions by April 1	0 fee $2000 petitions
NM	42	19	yes	Notify State chair to submit to committee	0 fee 0 petitions
NC	130	76	yes	Nomination by State Board of Elections Notify State chair to submit to Board (or 10,000 petitions)	0 fee 0 petitions
ND	17	8	yes	2500 fee	$2500 fee
NY			no	?	? $5000
OH			no	?	? $5000
OK	40	24	yes	$5000 or 1000 voters in each CD	$5000 fee
OR	68	37	yes	SOS determination or 6000 reg dems	0 fee 0 petitions
PA	127	95	yes	$200 plus 2000 signatures see note 7	$200 fee plus $4000 petitions
RI	35	18	no	?	? $5000
SC	?	63	yes	**$20,000 fee** **File forms with state party** **See Note 8 on DNC Loyalty test**	$20,000 fee 0 petitions
SD	19	9	yes	Letter of intent to SOS and copy to Dem State Chair… See note 9	0 fee 0 petitions
TN	70	41	yes	Either State chair approval or 2500 Dem voters	$5000 petitions
TX	273	159	yes	$2,500 fee or 5000 petitions	$2500 fee
UT	34	20	yes	$500 plus Requires letter from State	$500 fee

				party chair see note 10	
VT			yes	1,000 petitions plus $2000 fee	$2000 fee $2000 petitions
VA	121	65	yes	5,000 petitions	0 fee $10,000 petitions
WA	110	60	yes	$2500 plus 1000 signatures to chair of WA Dems See note 11	$2500 fee $2000 petitions
WV	25	13	yes	$2500 OR 10,000 signatures	$2500 fee
WI			yes	1000 signatures per each of 8 CD by Jan 30 (about 10,000 petitions See note 12	No fee $20,000 petitions
WY	12	10	yes	$2500 fee and letter to chair	$2500 fee

Notes

1 Connecticut SOS determination: “nationally recognized candidates for the Democratic nomination for President will be placed on the presidential preference primary ballot by the Secretary of State at 10:00 am on January 19, 2024. Presidential candidate petition forms will be made available at 12:00 pm on January 19, 2024, to be picked up from the Office of the Secretary of the State, 165 Capitol Ave., Hartford, CT. Other prospective candidates for the presidential nomination may qualify for a place on the primary ballot by filing said petitions on or before 4:00pm on February 9, 2024, The Secretary shall place on the ballot of each party at the primary the name of each candidate whose petition has been signed by a number of enrolled members of such party equal to at least one percent of the total number of enrolled members of such party in the state, according to the most recent enrollment records on file in the office of the Secretary.

2 Georgia Candidates for Georgia's presidential primaries do not file directly for ballot access. Instead, the parties themselves provide the names of their candidates for placement on the primary ballot according to Rule 13.K which is a rule whereby the DNC chair determines whether the candidate is a Democrat and is in compliance with all DNC Rules.

3 Maine (and many other states): The campaign will need to contact the Party chair to determine the decision making process for holding a primary and or for deciding who they will be placing on the primary ballot.

4 Maryland: Two ways, SOS way: The Secretary shall place the name of a presidential candidate on the ballot when she has determined in her sole discretion that the candidate's candidacy is generally advocated or recognized in the news media throughout the United States or Maryland, in accordance with national party rules

Second Way: 400 registered voters from each of 8 congressional district (3200 total). This petition must be filed on the Wednesday that is 83 days before the day of the election. (about Feb 1)

Note 5 Several Plans refer to Rule 13.K which is described on Page 15 of the National Delegate Selection Plan. Here are some quotes:

Based on the right of the Democratic Party to freely assemble and to determine the criteria for its candidates, it is determined that all candidates for the Democratic nomination for President or Vice President shall… as determined by the National Chairperson of the Democratic National Committee, be a bona fide Democrat whose record of public service, accomplishment, public writings, and/or public statements affirmatively demonstrates that the candidate is faithful to the interests, welfare, and success of the Democratic Party of the United States at heart, who subscribes to the substance, intent, and principles of the Charter and the Bylaws of the Democratic Party of the United States, and who will participate in the Convention in good faith.

Candidates who put their name on the ballot in unsanctioned primary or caucus contests cannot win nominating delegates from those states and could face additional sanctions.

6 Mississippi: the determination of the Mississippi Secretary of State that the candidate is generally recognized as a candidate for the presidential nomination as of January 15, 2024.

7 Pennsylvania … the Party encourages all potential candidates to communicate as soon as possible to the leadership and leadership staff of the Party to **ensure compliance with the rules of the DNC**, this Plan, the Affirmative Action Plan, and local custom.

8 South Carolina Loyalty Test Page 15 states: Pursuant to Section 7-11-20 (8) (2) of the Code of Laws of South Carolina, a candidate seeking the nomination of the Democratic Party for President of the United States will be certified by the S.C. Democratic Party to the State Election Commission as a candidate for the Democratic presidential primary.

A vote of the State Party Executive Council will determine which candidates will be certified. The Executive Council will only vote to certify those candidates who are bona fide Democrats, whose record demonstrates their faithfulness to the Democratic Party, who are generally acknowledged or recognized in news media throughout the United States as viable candidates for that office, who are actively campaigning for the South Carolina Democratic presidential primary, who voted in their own states' most recent Democratic primary, and who are taking demonstrable steps to qualify for the delegate selection process in more than 6 states. The burden of proof is upon the candidate to provide said information by 5:00 PM on Friday, November 10, 2023.

9 South Dakota… Dem State Chair review: the State Democratic Chair will submit a letter of certification for **all candidates who have met the requirements set out by this plan.**

10 Utah letter from State chair… shall Provide a letter from the Utah Democratic Party **certifying that the candidate may participate as a candidate for that party in that party's presidential primary election;**

11 Washington State eligible by DNC rules: Presidential candidates, who are eligible by DNC rules to obtain delegates and who seek to participate in Washington's presidential primary will be required to submit a petition for candidacy to the Chair of the Washington State Democratic Party

12 Wisconsin: The Wisconsin state plan was just released on September 7 2023, According to the Wisconsin State plan, page 13, Historically, Wisconsin has not had a Presidential primary for the party with an Incumbent President. It appears that they intend the same this year – in which case their may not be a Democratic Party primary. Even if there is, Kennedy would need to obtain 1000 signatures in 8 Congressional Districts in only 4 weeks during January 2024.

Final Note: Missing states include Arkansas, Missouri, Ohio, New York and Rhode Island. The DNC must approve their revised State Plans or take other actions by September 15 2023.

Why DNC Candidate Ballot Access Obstacles are Unconstitutional

From the States Table in the previous section, we see that state fees range from $0 in 20 states to $20,000 in one state and $10,000 in 5 more states. Meanwhile petitions range from 0 in 22 states to 5000 petitions ($10,000) in three states. The total cost for filing in all 50 states is about $156,000. Given the need to obtain 50% more signatures than the minimum, the cost to get ballot access is well over $200,000. Even if one has $200,000, at least 10 states also require the approval of the Party chair.

In addition, some states impose unreasonable requirements for Delegate Candidates to run including gathering a large number of signatures before getting your name placed on the ballot.

As we explained earlier, the Voting Rights Act does not apply merely to Poll Taxes. It **outlaws the use of any "tests or devices"** as a prerequisite to voting.

In Harper v Virginia, the Supreme Court found that even a poll tax as small as $2 could not be charged as it prevented many poor people from voting. The Supreme Court concluded that imposing an aritrary obstacle to voting was not permissible:

"To introduce wealth or payment of a fee as a measure of a voter's qualifications is to introduce **a capricious or irrelevant factor**.

Given that 20 states impose no fee to be put on the ballot and 22 more impose no petition requirement, it is clear that both of these obstacles are arbitrary factors intended to keep poor people from running for the Presidency. Filing fees and petition requirements are merely hidden tests of wealth. These obstacles lead directly to a government of the rich, by the rich and for the rich.

These obstacles make a mockery of Democracy if poor people are allowed to vote – but they are only allowed to vote for rich candidates.

Many states have enacted a fairer system that relies more on polling data and news coverage. However, these systems also suffer from severe problems as the determination is left in the hands of a possibly corrupt Secretary of State or a possibly corrupt Democratic State party chair or possibly National Party chair.

The American people currently believe that the Presidential Selection process is rigged in favor of the wealthy. In fact, in 2016 and again in 2020, the approval rating of the candidates for both parties during the national elections were both below 50% - strong evidence that both political parties care much more about the opinions of their wealthy donors than about the opinions of the poor or middle class.

Why someone must file a lawsuit to remove the Candidate Poll Tax

The only way to restore the faith of the American people in Presidential elections – or in any elections – is to remove the Poll Tax (aka filing fees and petition requirements) for all elections in all 50 states – not only for voters but also for all candidates who have the courage to run for public office.

In addition, clarify that neither Party Leaders nor Secretaries of State have the right to arbitrarily and capriciously remove potential candidates from the ballot. Instead, a reliable and objective standard must be used. For example, establishing a threshold of 5% in state or national polls to be placed on all state ballots.

In addition, for candidates who wish to be on the ballot but may not be able to meet the 5% polling standard, provide more easily and reasonably obtainable standards such as 500 petitions as opposed to the current 5000 to 10,000 petitions.

Finally, DNC Rule 13K needs to be challenged. Candidates should not be punished for failing to comply with DNC rules that themselves are in violation of the State Laws of New Hampshire and Iowa.

Nor should the Delegate Selection process be rigged by placing obstacles in the way of those running to become National Delegates.

Getting rid of Precinct caucuses and adding unreasonable petitioning requirements merely to run to be a delegate need to be challenged.

In short, the entire process needs to be examined and every aspect that violates the First Amendment, the Fourteen Amendment and the Twenty Fourth Amendment needs to be struck down.

What's Next?

It has been noted that some of these DNC provisions such as Rule 13K have been in existence for 50 years or more. However, the fact that the DNC ignored State laws in February 2023 by altering the Primary calendar has created an unreasonable dilemma for candidates:

DO they violate the State laws of New Hampshire and Iowa? Or do they risk being targeted by the DNC through Rule 13K for following State laws?

It is the DNC election rigging of the Primary calendar that has made it clear that Rule 13K needs to go. In addition, the elimination of the Precinct Caucuses in Washington State have also made it clear that the DNC Rules committee can not be trusted to respect the voting rights of the American people.

In just the past year, the DNC has voted to disenfranchise millions of Democratic Party voters. Something needs to be done to protect the American people from a completely crazy DNC.

The underlying cause of all of these problems is the Super Delegate System which has been used by the DNC to allow corrupt corporate lobbyists to take over the DNC and its Rules committee.

In our next article, we will review this Super Delegate problem and explain why selling the control of Presidential elections to corporate lobbyists is itself a violation of the US Constitution.

As always, I look forward to your questions and comments.

Regards,

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