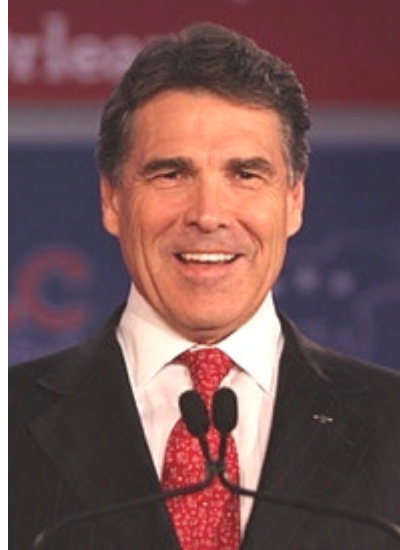




Written by [Raven Clabough](#) on January 2, 2012

GOP Candidates Sue Va. Board of Elections Over Ballot Issues

Five Republican candidates are angry that their names will not be appearing on the ballot in Virginia because of their failure to acquire enough petition signatures in a timely fashion. Now, they are suing the Virginia Board of Elections over the primary dispute, prompting Virginia's Attorney General Ken Cuccinelli to intervene.



Texas Governor Rick Perry (left) was the first to launch the lawsuit against the Board of Elections, but his suit has now been joined by four other GOP candidates: Michele Bachmann, Newt Gingrich, Rick Santorum, and Jon Huntsman. The suit seeks to have the Board allow the candidates back on the ballot or refrain from taking any action until a January 13 court hearing, when a district court judge will hear Perry's challenge.

Virginia is set to print out its ballots by January 9; however, the district judge asserts that if necessary, the state will have to print ballots twice.

Perry's office slammed the state of Virginia for what he calls its "onerous" requirements.

"We believe that the Virginia provisions unconstitutionally restrict the rights of candidates and voters by severely restricting access to the ballot, and we hope to have those provisions overturned or modified to provide greater ballot access to Virginia voters and the candidates seeking to earn their support," Perry's communications director Ray Sullivan said in a statement last week.

Now the state's Attorney General has weighed in on the action. Fox News [reports](#), "Virginia Attorney General Ken Cuccinelli is intervening in his state's presidential primary dispute and plans to file emergency legislation to address the inability of most Republican presidential candidates to get their name on the ballot."

The only two candidates who have managed to get their names on the ballot in Virginia are former Massachusetts Governor Mitt Romney and Texas Congressman Ron Paul. Virginia's primary is a significant one, as the state has the 12th largest population in the country, and therefore has a significant number of delegates to offer a candidate on March 6.

Gingrich is particularly upset at having missed the ballot, as he had performed well in polls there. Virginia is one of 10 states which will be hosting primary votes on March 6, known as Super Tuesday.

The state of Virginia requires that a candidate submit 10,000 signatures from voters registered in the state, and those signatures must include at least 400 from each of the state's 11 congressional districts.



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The deadline to gather the required number of signatures was Thursday, December 22 at 5 p.m.

ABC News reports:

After [a scramble to gather the requisite number of signatures](#) in his homestate, Newt Gingrich failed to make it on the ballot in the state of Virginia.

Texas Governor Rick Perry also failed to submit enough signatures to qualify for the Virginia ballot. Perry's spokesman Ray Sullivan released a statement indicating that the campaign plans to review Virginia state law and decide whether or not to challenge the Virginia GOP's ruling.

"Voters deserve the right to vote for any top contender," reads the statement put forth by Gingrich campaign director Michael Krull. "We will work with the Republican Party of Virginia to pursue an aggressive write-in campaign to make sure that all of the voters of Virginia are able to vote for the candidate of their choice."

However the campaign later learned that write-in campaigns are not permitted for presidential primaries in the state of Virginia.

Now the candidates are asserting that Virginia's 10,000-signature mandate is too strict. And Virginia's Attorney General agrees. "Recent events have underscored that our system is deficient," he said in a statement Saturday. "Virginia owes her citizens a better process. We can do it in time for the March primary if we resolve to do so quickly."

Cucinelli is proposing a plan that will state if the Virginia Board of Elections certifies a candidate that is receiving matching federal funds, or is qualified to receive them, that candidate will automatically appear on the ballot.

The proposal has the backing of two former Democratic attorneys general, as well as former Democratic state party chairman and former Republican state party chairman.

According to former Virginia Attorney General Tony Troy, the Virginia process is a "legal and constitutional embarrassment." Likewise, former Virginia prosecutor Steve Rosenthal declared, "This is not a Democratic or Republican issue. If it takes emergency legislation, then we need to do it."

Perry's office has praised Cuccinelli's involvement in the process. Perry's campaign said, "Virginia's onerous and restrictive ballot access rules do create serious constitutional problems and undermine the rights of citizens and candidates."

But the office of Virginia Governor Bob McDonnell has defended the state's ballot rules, even as it has left the door open for revision. "Virginia's laws regarding ballot access are well known and have been in place for many years," said Tucker Martin, spokesman for McDonnell. "All candidates seeking to be listed on the Virginia primary ballot in a statewide race have known the requirements well in advance. ... It is unfortunate that this year, for whatever reasons, some Republican candidates did not even attempt to make the Virginia ballot, while others fell short of submitting the required number of valid signatures."

Martin adds, "That leaves Virginia voters with only two Republican choices in the March primary, and the governor certainly would have preferred a broader field. He is always open to reviewing how Virginia's primary system can be improved to provide voters with more choices."

He contends that if the legislature does in fact take action, "the governor would review those changes thoroughly."



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The Republican Party of Virginia has adamantly defended its rules, however, asserting that the candidates were well aware of the rules and had significant notice. The State's GOP even suggested that candidates collect 15,000 signatures to be safe.

"The rule was no surprise to any candidate -- and indeed, no candidate or campaign offered any complaints until after the Dec. 23 validation process had concluded," the party said. "The party will discuss the specific nature of their shortfalls if necessary. But the failure of (Perry and Gingrich) to meet the state requirements does not call into question the accuracy of the Party's certification of the two candidates who are duly qualified to appear on the ballot."

It's worth noting that several of the GOP candidates never even bothered to file the paperwork to appear on the ballot. *The Hill* reports, "Santorum, Huntsman, and Bachmann did not file paperwork to be included on the ballot. Santorum slammed Virginia's strict rules as favoring the richest presidential candidates."

Romney said Gingrich's failure to get on the ballot is like an episode of the old sitcom, *I Love Lucy*. He later attempted to backtrack from the insult by saying he simply meant that campaigns are "not always as organized as you'd like to be."

Similarly, the *New York Times* notes that the most recent blunder for the Gingrich campaign highlights "the organizational challenges to his campaign and rais[es] questions about his prospects in a drawn-out nominating fight."

Voting for the Virginia primary is set to take place on March 6.



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