



Written by [Joe Wolverton, II, J.D.](#) on October 15, 2012

## Judge Rules Gary Johnson's Name Will Appear on Ballot in Penn.

On October 10 [a state judge in Philadelphia ruled](#) that four Libertarian Party candidates — [including presidential candidate Gary Johnson](#) — may remain on the ballot in Pennsylvania. This put an end to an attempt by the Keystone State's Republican Party to block the country's largest third party from keeping spots on the November ballot.



Prior to arriving at his decision, Commonwealth Court Senior Judge James Gardner Collins reviewed thousands of signatures one-by-one making sure that each was authentic and in conformity with applicable Pennsylvania election statutes. According to [a report in a Pennsylvania newspaper](#), Judge Collins' review of the signatures lasted more than seven weeks.

In his ruling, Judge Collins pointed out that attorneys representing both sides of the case eventually stipulated that the signatures collected by the Libertarian Party — at least 20,730 — were valid. Once that agreement was reached the decision was simple, as state law requires only 20,601 signatures in order to certify third-party candidates for inclusion on statewide ballots.

Despite the earlier acceptance by GOP lawyers of the validity of the voters' signatures collected by the Libertarians, they subsequently filed a motion to throw out 124 of the signatures, nearly enough to keep the Libertarian Party candidates off the ballot.

Judge Collins denied the motion, ruling that it was filed too late. In dictum, he stated that even if the motion had been granted, the Libertarians would still have exceeded the threshold set by statute.

As for any plans to continue preventing voters in Pennsylvania from choosing a candidate other than those selected by the two major parties, the executive director of the Pennsylvania Republican Party said he wasn't sure if he would file an appeal of the October 10 ruling.

Besides Gary Johnson, the following three candidates representing the Libertarian Party will remain on the November ballot:

[Rayburn Smith](#), "a retired postal worker" who is running for U.S. Senate against Bob Casey, the Democratic incumbent and Tom Smith, the Republican challenger.

[Marakay Rogers](#), a lawyer from York, Pennsylvania, running for an open attorney general spot against Republican David Freed and Kathleen Kane, the Democratic candidate.

[Betsy Summers](#), an entrepreneur from Wilkes-Barre running for auditor general.

On a related note, on August 21 [the Constitution Party](#) withdrew its petition to get on the ballot in



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Pennsylvania. According to [a story published online by Philadelphia Weekly](#), “the decision came after multiple warnings of the court costs by attorneys for the Republican Party, who have challenged the Constitution and Libertarian parties’ ballot petitions.”

Former Virginia Congressman Virgil Goode is joined on the [Constitution Party’s presidential ticket](#) by Pennsylvania attorney James Clymer.

“The challenge represented a monolithic establishment party which is intent on denying people the opportunity to vote for anyone who might criticize it from a limited government, non-interventionist perspective,” Clymer told *Philadelphia Weekly*. “It used its almost limitless resources to take advantage of laws designed by Republicans and Democrats to make sure no other party has a place at the election table and court decisions that have supported raising the hurdles a third party has to jump over to get to a general election,” he added.

The *Philadelphia Weekly* story reports that the Constitution Party presented a sufficient number of signatures to Pennsylvania state election officials to qualify for ballot inclusion.

“This means yet another voice in Pennsylvania is stilled,” said Bob Small, facilitator for the [Pennsylvania Ballot Access Coalition](#), the blog reports.

Despite the setback in Pennsylvania, [the Washington Post reports](#) that Goode’s name will appear on the ballot in his home state of Virginia in November.

According to the story in the *Post*, the Virginia State Board of Elections ruled September 4 that Goode has qualified for the presidential ballot in Virginia.

The story indicated that the opportunity for Virginians to vote for a third-party candidate could be “a [potential obstacle](#) to Republican Mitt Romney’s hopes of winning the pivotal state.”

Republicans in the Old Dominion are desperate to keep their state in the Romney tally, however, and are continuing to challenge the board’s decision. The *Washington Post* reports that the Virginia GOP is alleging petition fraud on the part of the Constitution Party in the hopes of keeping Goode’s name off the ballot. They are afraid the former congressman could “siphon votes from Romney.”

If the last presidential election is any guide, Romney may have reason to fight for every vote. In 2008 Barack Obama won the state — the first time the Democratic candidate had done so in over 40 years.

Recent polls have Romney and Obama running neck and neck in Virginia.

Results of [a survey conducted by Public Policy Polling](#) in July show Goode receiving nine percent of the vote, up from five percent in May.

With Ron Paul’s apparent absence on the presidential ballot, many of his millions of supporters are left looking elsewhere for relief from the rule of the two major parties, both of which seem to be controlled by the same small coterie of Establishment insiders.

Paul himself remarked on the similarities between the two major parties during a recent interview with CNBC. [On the Futures Now program](#), the retiring 12-term congressman said,

I’ve been in this business a long time and believe me, there is essentially no difference from one administration to another, no matter what the platforms [say]. The foreign policy stays the same, the monetary policy stays the same, there’s no proposal for any real cuts and both parties support it.



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Given his disdain for both major parties, it is no wonder that [in an interview with Fox Business channel](#), Paul promoted the prospects of third-party options, including an oblique reference to Libertarian Party candidate, Gary Johnson.

“There are other people who are technically capable of winning because they’re on a lot of ballots,” Paul said.

“Like Gary Johnson, for example,” the interviewer asked.

“Yeah,” Paul replied, stopping short of an express endorsement.

In 1988, Ron Paul was the name at the top of the Libertarian Party presidential ticket. In that election, Paul’s name appeared on the ballot in 46 states. He [finished third in the popular vote](#) count with 432,179 votes (0.5%).

To the dismay of many, it seems that this year Ron Paul has decided against sailing for the White House under a third-party banner.

Valiantly, the Libertarian Party and the Constitution Party continue promoting their candidates as attractive alternatives to the status quo, at least in those states where the Republican Party isn’t threatening them with expensive and protracted legal battles.

*Photo of Libertarian Party presidential candidate Gary Johnson: AP Images*



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