



**TO:** Interested Parties

**FROM:** Fair Election Fund

**RE:** The Left's Massive Failure to Block Third Party Candidates from the Ballot in Battleground States

**DATE:** October 4, 2024

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In March, Democrats were fretting about Joe Biden's reelection prospects and were willing to stoop to the lowest of lows in order to give him the slightest possible advantage. This included devising a [massive communications and legal effort](#) to be run by the [DNC and aligned outside organizations](#) to block third party candidates from the ballot in key swing states to prevent them from pulling votes from Biden.

It didn't matter that Democrats had just spent the last four years trying to claim they were the party of democracy and voting rights. It didn't matter that tens of thousands of voters were already signing petitions so the third party candidates they supported could achieve ballot access. And it didn't matter that many of these voters whose voices Democrats were trying to silence were Black. Biden was in trouble, so for the next several months the DNC, Clear Choice, American Bridge, the Third Way and a host of other groups in the Democrat ecosystem went about trying to prevent third party candidates like Cornel West and Jill Stein from gaining ballot access. After the Democrats launched their coup against Biden and coronated Kamala Harris in late July, they only turbocharged their war on third party candidates.

Thankfully, Democrats were not able to pursue their voter suppression efforts uncontested. Over the last few months, the Fair Election Fund – [a national election integrity watchdog group](#) that is engaged in [a number of different initiatives](#) to [ensure fairness](#) in the 2024 election – stepped up as the leading voice fighting back against the Democrats' push to squash third party candidates. The organization spent over \$750,000 on paid media campaigns that targeted the ballot access decision making bodies in various battleground states and encouraged them to protect voting rights and the democratic process by allowing third party candidates on the ballot.

Now that ballots have officially been finalized in nearly every battleground state, it's clear the Democrat effort to block Biden's (and then Harris') competition from the ballot was a massive failure and that the Fair Election Fund achieved a historic success. Either Jill Stein or Cornel West have been granted ballot access in eight battleground states. This memo outlines how the Fair Election Fund fought back against and beat the Democrats and their voter suppression scheme.



## BALLOT ACCESS SUMMARY

Despite their best efforts, Democrats failed miserably to stop the candidacies of Stein and West. Their leading election lawyer, Marc Elias, had his butt kicked up and down the field in court by the legal apparatuses of the Stein and West teams. Elias' embarrassing showing over the last few months ensures that the Harris campaign will face formidable third party competition in almost every key state. Here is a rundown of all the battleground states where both Stein and West achieved ballot access.

1. Arizona *\*Stein only\**
2. Georgia
3. Maine
4. Michigan
5. North Carolina
6. Pennsylvania *\*Stein only\**
7. Virginia
8. Wisconsin

*\*Whether Cornel West appears on the ballot in Pennsylvania is still an open question, as the Democrat-controlled Pennsylvania state Supreme Court played politics over the issue and subjected West to unfair requirements that suppress the voting rights of thousands of Pennsylvanians. West is currently challenging those requirements in Federal Court in the Western District of Pennsylvania. The Fair Election Fund recently ran [television ads](#) holding the Pennsylvania state Supreme Court accountable for blocking West.\**

## FAIR ELECTION FUND ADVERTISING

As Democrats started to mount legal challenges in battleground states across the country related to the ballot access of third party candidates, the Fair Election Fund countered with multiple paid media campaigns urging decision makers to uphold voting rights. Knowing that Jill Stein had a more sophisticated operation, the Fair Election Fund focused most of its advertising efforts on aiding Cornel West's quest for ballot access.

### North Carolina

Democrats made a significant push to block Cornel West from the ballot in North Carolina. Clear Choice Action [filed a complaint](#) against the [West campaign](#), which resulted in Democrats on the North Carolina State Board of Elections [voting to block](#) Cornel West from the ballot. The Fair Election Fund stepped in with a paid media campaign to advocate for the thousands of voters who had signed petitions to have Cornel West on the ballot.



The successful [paid media campaign](#) included [television advertising](#) in Raleigh, digital ads, [2D projections](#) on the North Carolina State Board of Elections building, and [standard and mobile billboards](#) that read: “The NCSBE blocked your voting rights by blocking Harris’s competition from the ballot.” The digital ads included the words of [frustrated North Carolinians](#) who urged the NCSBE to reverse their decision and allow third party candidates to appear on the ballot. The Board of Elections’ decision was [eventually overturned](#) by the U.S. District Court for the Eastern District of North Carolina and West will be on the ballot in the Tar Heel State.

North Carolina was the opening salvo in the slew of legal battles surrounding ballot access in swing states in recent months. By running such an aggressive campaign and notching a victory against the NCSBE, the Fair Election Fund set the tone for the fights ahead and put decision makers on notice that there would be serious consequences for capitulating to the Democrats' voter suppression efforts.

### Michigan

After Michigan’s Democrat Secretary of State [disqualified Cornel West from the ballot](#), the Fair Election Fund launched another paid media campaign to encourage Michigan leaders to overturn the Secretary of State’s decision and restore Cornel West to the ballot. This six-figure campaign consisted of [television advertising](#) as well as [box trucks](#) and 2D projections in both Lansing and Detroit.

A Michigan Judge [eventually ruled](#) that state officials were “ordered to qualify” West as an independent candidate on the Michigan ballot.

### Virginia

Virginia Governor Glenn Youngkin and Attorney General Jason Miyares supported Virginians’ voting rights as the state’s Department of Elections [reversed their initial disqualification](#) of West from the ballot. Marc Elias then [threatened to sue](#) the Youngkin Administration for restoring Cornel West’s ballot access.

But the Fair Election Fund fired back and ran a [“Thank You” ad](#) campaign praising the state’s leaders for standing up for the voting rights of their citizens and framing the debate in such a way that Youngkin and Miyares were on the right side of history. This cut off Elias’ ability to file a credible lawsuit against West in Virginia.



## THE ULTIMATE SIGN OF DEMOCRAT HYPOCRISY

What is all the more embarrassing for Democrats is that they are not only coming away from their litigation efforts empty-handed and with battleground states that are now more difficult to win for Harris, but they also lost every bit of credibility they had on voting rights and “defending democracy”.

In multiple states, they twisted themselves in pretzels trying to first keep Robert F. Kennedy Jr. off the ballot only to later fight to keep him on the ballot when he had already dropped out of the race and it was politically convenient to do so.

North Carolina is the most illustrative example of this phenomenon. Clear Choice Action filed a complaint with the North Carolina State Board of Elections alleging that RFK had created a [“sham political party”](#) and should not be included on the ballot. Just two months later, Clear Choice Action [wrote a letter](#) to the same Board of Elections [to keep RFK on the ballot](#) despite the candidate suspending his campaign. The North Carolina Supreme Court ultimately [ruled to remove RFK](#) from the North Carolina ballot.

## CONCLUSION

If Kamala Harris fails to win the White House in November, the Democrats’ botched voter suppression scheme could be a major contributing factor to her loss. Despite throwing significant resources and their top staff at multiple organizations in the effort to stop third parties, they failed in almost every battleground state.

While the Fair Election Fund may have only deployed a fraction of the money the Democrats spent on this fight, our targeted spending could go down as one of the best uses of funds of any entity this cycle. Our advertising made clear right off the bat that decision makers who caved to Marc Elias’ complaints, lawsuits, and other scare tactics would suffer the consequences. **We blasted the efforts to keep West off the ballot as the racist, anti-democratic, voter suppression moves that they were. In essence, we ran the Democrats' own playbook against them and they had no answer for how to stop us.**

The worst part of the Democrats’ catastrophic defeat is that it will endure long after this election cycle. Democrats went to such absurd and hypocritical lengths to stop third party candidates that they lost any credibility they had on the issue of voting rights. Their treatment of Robert F. Kennedy in North Carolina alone will be a black eye on their party for decades to come.