

New York judge rules Robert F. Kennedy, Jr. off state ballot

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On Monday, a judge in Albany, New York, ruled that presidential candidate Robert F. Kennedy, Jr. will not appear on the state's ballot in November on the grounds that he does not live at the address on his nominating petitions.

In handing down her reactionary and undemocratic ruling, Judge Christina Ryba is acting on behalf of the Democratic National Committee (DNC) and its super PAC (political action committee) Clear Choice, the well-funded legal operation whose sole purpose is to remove third-party and independent candidates from the November ballot. Clear Choice organized the challenge to RFK's nominating petitions.

The stated objectives of Clear Choice, according to a three-sentence description on the group's website, is to eliminate candidates who have "played a decisive role as spoilers in recent presidential elections—often helping the candidate who wins fewer votes secure victory in the electoral college."

The reference to "spoilers" is revealing. The Democrats are showing their contempt for the voting public and the fundamental right to vote for a candidate of one's choosing. Behind this language stands the financial oligarchy in the US which has no interest in democratic processes.

The billionaire elite is seeking to maintain the capitalist two-party monopoly under conditions of widespread opposition to the entire political setup and a movement to the left continues to grow by workers and young people.

The Clear Choice statement continues with the claim that third party and independent candidates have "an outsized impact" on election results and "historically receive little scrutiny." Clear Choice says it is seeking to "ensure accountability and ballot integrity for all presidential candidates in 2024."

With words that feed into Donald Trump's bogus claims of stolen elections, the Democrats are bringing their substantial legal and financial resources to bear to run roughshod over voter rights and use the courts to block alternative candidates from appearing on the ballot.

The decision to bar Kennedy from the New York ballot is the latest in the campaign mounted across the country by the Democrats to remove candidates, particularly in key battleground states. As reported previously on the WSWs, nominating petitions filed by Cornel West in Michigan have been challenged and the Democrats have previously excluded West, Green Party candidate Jill Stein and the Libertarian Party from the ballot in New York state.

West has also been barred from the ballot by the Democratic Party-controlled election board in North Carolina, where he has been forced to mount an expensive legal effort to overturn the decision. In Georgia, the Democratic Party challenged West, Stein, Kennedy and Claudia de la Cruz, candidate of the Party for Socialism and Liberation, on the grounds that separate petitions with 7,500 signatures each are required for each presidential elector, not just the candidates, and that some electors had failed to pay a nominal \$1.50 filing fee.

In her ruling, Judge Ryba wrote that the residential address Kennedy used for his ballot access submission was not "bona fide and legitimate" but "merely a 'sham' address that he assumed for the purpose of maintaining his voter registration."

Judge Ryba, who serves on the New York State Supreme Court, also wrote in her 34-page decision that Kennedy had a "long-standing pattern" of borrowing addresses from friends and relatives in New York, while he really resided in California.

Kennedy's lawyer, William F. Savino, said in an email to the *New York Times* that the candidate had "always planned to appeal any adverse ruling." The Kennedy campaign said on Monday that it would file a lawsuit in federal court in Manhattan seeking to overturn the state court ruling.

The campaign's senior counsel, Paul Rossi, said:

The 12th Amendment of the U.S. Constitution governs the residency of presidential and vice-presidential candidates, not state law. If state court judges are going to ignore the Constitution, the federal courts must step in to protect voters' rights.

The bogus residency disqualification is doubly significant for the Kennedy campaign because, if successful, it can potentially be used to remove him from the ballot in 12 other states. So far, Kennedy is on the ballot in 19 states, including the battleground states of Michigan and North Carolina, and the campaign has submitted petitions or filed for third-party status in more than 20 others, including New York.

During testimony in the Albany courtroom last week, Kennedy said he has considered New York his home since childhood. His father, Robert F. Kennedy, Sr.—who was assassinated in Los Angeles in 1968 while running for president—was a US senator from New York from 1965 until his death on June 6, 1968.

The candidate said he moved temporarily to California in 2014 to live with his wife, actress Cheryl Hines, and was planning to move back to New York. He also said that he is currently renting a room in a friend's home in the hamlet of Katonah, about 40 miles north of New York City.

The judge made the ludicrous claim that to allow Kennedy to appear on the ballot "would establish a dangerous precedent and open the door to the fraud and political mischief that the Election Law residency rules were designed to prevent."

Such language has nothing to do with protecting democratic rights. Judge Ryba's ruling takes the onerous US ballot access rules, which are designed to protect the automatic ballot status of the Democrats and Republicans, to a new level.

According to the NY.gov website, independent presidential candidates seeking ballot status in New York state must collect on nominating petitions, "45,000 signatures or one percent of the total number of votes, excluding blank and void ballots, cast for the office of Governor at the last gubernatorial election, whichever is less, with at least 500 signatures or one percent of enrolled voters, whichever is less, coming from each of one-half of the congressional districts in the state."



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