

# WILLIAM REDPATH

827 Anthony Court, S.E.

Leesburg, VA 20175

703.864.2132 • [william.redpath@lp.org](mailto:william.redpath@lp.org)

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[Via E-mail to scebriefs@courts.state.tx.us](mailto:scebriefs@courts.state.tx.us)

Supreme Court of Texas  
Supreme Court Building  
201 W. 14<sup>th</sup> Street  
Austin, TX 78701

Re: *Amicus* Letter

Texas Democratic Party, et al. v. Texas Green Party, et al.

Ladies and Gentlemen:

This *amicus* letter is submitted in support of the Texas Green Party in the litigation referenced above. I was the chairman of the Libertarian National Committee (“LNC”), the principal governing body of the national Libertarian Party, for two successive terms from July 3, 2006 to May 31, 2010. I am currently an at-large member of the LNC. I am also a candidate for the U.S. House of Representatives, supported by the Libertarian Party, in Virginia’s tenth congressional district. This letter was prepared with the assistance of counsel.

I am advised that Texas law permits corporations such as Take Initiative America to make contributions to political parties such as the Texas Green Party and provides that a party which accepts such a contribution may use it “only to (1) defray normal overhead and administrative or operating costs incurred by the party; or (2) administer a primary election or convention held by the party.” Tex. Elec. Code §§ 253.104, 257.002. For the reasons outlined below, the Court can be assured that the contribution made by Take Initiative America to the Texas Green Party, and the Green Party’s use of that contribution to finance its ballot access petitioning drive, were permitted under these statutes.

The primary function of a political party, be it a major or minor party, is to field candidates for elective office. Unlike the Democratic and Republican parties,

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minor parties such as the Green and Libertarian parties are in most states required by law to collect petition signatures as a precondition for running their candidates for office. Some forty states require petition signatures. The other states condition access to the ballot on meeting alternative statutory requirements, such as paying a filing fee, registering a minimum number of individuals into the party, or achieving a minimum level of party organization. To date, the Libertarian Party has attained access to the ballot for its candidates for statewide offices in the November 2010 elections in 31 states. I understand that the Green Party has attained access in 20 states.

Securing access to the ballot by obtaining petition signatures is the lifeblood of a minor political party. In 2008, approximately 28% of the LNC's expenditures were for ballot access expenses. In 2010, my best current estimate is that about 7% of total LNC expenditures will be for ballot access expenses. And, these LNC ballot access expenditures only supplement the ballot access expenditures of our state parties, which are also substantial. As national chairman of the party, I devoted approximately 25% of my time to ballot access activities. There can be little doubt that the figures for the Green Party and its leadership are comparable.

In short, for minor parties such as the Texas Green Party, the costs associated with attaining access to the ballot are indeed "normal overhead and administrative or operating costs incurred by the party" within the meaning of Tex. Elec. Code § 257.002(a)(1) (quoted above). The Texas Green Party's use of the corporate contribution made by Take Initiative America to defray its ballot access costs was (understandably) permissible under Texas law.

Respectfully yours,

*/s/ William Redpath*

William Redpath