

FAQs FOR NO LABELS PRESS CONFERENCE

- ***Why are efforts to limit ballot access so serious and egregious, based on the evidence No Labels has presented to the U.S. Department of Justice?***
 - The right to obtain a ballot line is just as protected by the U.S. Constitution as the right to register to vote. One is useless without the other, and that's why the acts of obtaining a ballot line and running for office are protected civil rights and why the clear, repeated and coordinated threats of intimidation engineered against the act of even getting a blank ballot line are illegal.
- ***Why isn't the allegedly unlawful conduct that you outlined in your letter protected by the First Amendment?***
 - Not all speech is protected. The U.S. Supreme Court has held repeatedly that acts of harassment and intimidation – whether through speech or conduct – are *not* covered by the First Amendment. This is particularly true when an individual is attempting to harass or intimidate another person in the context of voting, which is one of America's most cherished rights and the foundation of many of our other most sacred constitutional protections. Based on the evidence presented to DOJ, nefarious actors cannot employ these tactics of intimidation and then seek to use the First Amendment as a shield to undermine democracy.
 - To be clear, No Labels embraces robust debate on the many issues confronting our country. We are vigorous supporters of the First Amendment and believers in the principle of free expression. In our democracy, everyone should be comfortable with ideas that make us uncomfortable. But the conspiracy against us goes well beyond this. Denying No Labels access to the ballot and harassing our supporters is both un-American and illegal.
- ***What federal laws have been violated by the individuals and organizations against whom you have leveled these allegations?***
 - Based on the evidence No Labels has presented to DOJ, a variety of criminal and civil statutes, as outlined in the letter:
 - The criminal laws implicated run the gamut from traditional extortion and racketeering statutes (often applied to the mafia)

to (criminal) civil rights statutes that were first passed to combat the evils of the Ku Klux Klan (enacted by Congress in 1871) and later expanded as part of the Civil Rights Act of 1968.

- The criminal civil rights statutes, in particular, prohibit individuals from attempting to intimidate, harass, or otherwise interfere with individuals from voting or enjoying any other federal protected activity, benefit, service or privilege.
- There are also non-criminal civil rights statutes implicated. These provisions prohibit anyone from, *inter alia*, intimidating, threatening, or coercing, (or attempting to intimidate, threaten, or coerce) another person from voting, attempting to vote or urging any person to vote or attempt to vote. These prohibitions also extend to harassing and intimidating individuals and organizations seeking to access a ballot line and/or run candidates in an election.
- With few exceptions, these laws apply irrespective of whether the actor is a government official or acting under color of law.
- ***Are the organizations and actors you are accusing of this illegal conduct all in the private sector or are some in government, as well?***
 - Based on the evidence we have presented to DOJ, we believe that individuals both inside and outside government have been part of this conspiracy of harassment and intimidation. Indeed, the individuals and organizations who have led the charge on this unlawful behavior have brazenly involved chiefs of staff on Capitol Hill, state secretaries of state, and even a U.S. Ambassador. According to press reports, senior officials in the White House have directed, promoted, or tacitly approved this undemocratic and illegal conduct.
- ***What progress has No Labels made to secure ballot access for the 2024 election?***
 - Despite the alleged unlawful conspiracy to subvert No Labels' ballot access based on the evidence it presented to DOJ, it continues to meet and exceed all of its ballot access goals. Over one million voters have signed petitions to get No Labels on the ballot in their states in 2024 and No Labels is now on the ballot in 14 states. A total of 32 states allow ballot access without naming a candidate, and No Labels is in the process of securing access in those states. No Labels will decide in the coming months whether to offer its ballot line to a Unity presidential ticket. If it does, the Unity ticket

presidential campaign will be responsible for securing ballot access in the final 18 states plus District of Columbia.

- **Why does No Labels have the right, as a 501(c)(4) nonprofit organization, to secure ballot access?**
 - On March 2, 2010, the U.S. Court of Appeals for the District of Columbia Circuit [ruled](#) in the case of *Unity08 v. FEC* (Case No. 08-5526), stating that a nonprofit organization, Unity08, was "not subject to regulation," under the Federal Election Campaign Act, "as a political committee unless and until it selects a 'clearly identified' candidate," [according to the Federal Elections Commission](#).

No Labels is working to secure nationwide ballot access under the precedent set by the Unity08 case. No Labels, similar to Unity08, is not required to register as a political committee under the Federal Election Campaign Act, because it is not actively supporting a specific candidate.

No Labels is a longstanding 501(c)(4) social welfare organization that has spent and will always spend the majority of its time and resources on issue-related efforts, rather than on elections. No Labels is only doing ballot access work for one office and for one election in 2024. If No Labels does end up offering its ballot line to an independent Unity ticket, it will not help fund or run that campaign. This is fundamentally and legally different than what a political party does.

As part of its ballot access work across the country, No Labels funds petition and registration drives, facilitates the completion of paperwork and recruits state leaders to organize state-level affiliates. In some places, the leadership of state-level affiliates register with state election officials as political party committees (e.g., No Labels Party of Maine), but No Labels itself does not and is not required to do so.