



September 12, 2016

By First Class Mail and Email to denise.roth@gsa.gov

Denise Turner Roth
Administrator
U.S. General Services Administration
1800 F Street, NW
Washington, DC 20405

Dear Ms. Roth,

I am writing on behalf of the Libertarian National Committee, to request that you designate Governor Gary Johnson and Governor William Weld, the Libertarian Party's 2016 nominees for President and Vice-President, respectively, as "eligible candidates" for purposes of the Presidential Transition Act of 1963, as amended ("the PTA"), and issue them the required notice of their right to receive the services and facilities provided thereunder.

As you know, the PTA defines "eligible candidate" to include any candidate for President or Vice-President "who has been determined by the Administrator to be among the principal contenders for the general election to such offices."¹ It further provides that, in making such a determination, the Administrator "shall" ensure that the candidate:

- (I) meets the requirements described in Article II, Section 1, of the United States Constitution for eligibility to the office of President;
- (II) has qualified to have his or her name appear on the ballots of a sufficient number of States such that the total number of electors appointed in those States is greater than 50 percent of the total number of electors appointed in all of the States; and
- (III) has demonstrated a significant level of public support in national public opinion polls, so as to be realistically considered among the principal contenders for President or Vice-President of the United States.²

In addition, the Administrator must:

consider whether other national organizations have recognized the candidate as being among the principal contenders for the general election to such offices, including whether

1 3 U.S.C. § 102 note; PTA, § 3(h)(1)(A)(4)(A)(ii).

2 3 U.S.C. § 102 note; PTA, § 3(h)(1)(A)(4)(B)(i).

the Commission on Presidential Debates has determined that the candidate is eligible to participate in the candidate debates for the general election to such offices.³

Based on these statutory requirements, we believe that Governor Johnson and Governor Weld are in fact “eligible candidates” for purposes of the PTA. Both candidates are constitutionally qualified for the offices they seek, and the Johnson-Weld ticket is one of only three that will appear on the ballot in all 50 states and the District of Columbia. The Johnson-Weld ticket is also one of only three that is registering above 10 percent, on average, in the five polls used by the Commission on Presidential Debates (“CPD”). These facts alone establish that Governor Johnson and Governor Weld are among the “principal contenders” in this election. Indeed, the only other candidates that meet the foregoing conditions are the Republican and Democratic nominees – and they are “eligible candidates” by definition under the PTA.⁴

As for national recognition, a recent *Washington Post* poll shows the Johnson-Weld ticket at 10 percent or higher in 42 states, and 15 percent or higher in 15 states. And while the CPD – a private organization founded and controlled by Republicans and Democrats – excludes from its debates any candidate who is averaging less than 15 percent in the polls, the most recent Quinnipiac poll showed that 62 percent of Americans want Gary Johnson to be included. Among them is former Indiana Governor Mitch Daniels, who is a member of the CPD, and Mitt Romney, the 2012 Republican nominee for president. Therefore, even if the partisan CPD defies the wishes of a clear majority of Americans, the non-partisan Government Services Administration should respect the will of the people, and designate Governor Johnson and Governor Weld as eligible candidates under the PTA.

It has been reported that the Republican and Democratic nominees have already begun receiving the services and facilities available to eligible candidates under the PTA. Therefore, in view of the rapid approach of the November 8th general election, we request the courtesy of a reply at your earliest convenience, and preferably no later than September 26, 2016

Thank you for your attention to this matter.

Sincerely,



Nicholas Sarwark
Chair

3 3 U.S.C. § 102 note; PTA, § 3(h)(1)(A)(4)(B)(ii).

4 3 U.S.C. § 102 note; PTA, § 3(h)(1)(A)(4)(A)(i).