

In a significant move for open-election laws, the U.S. Supreme Court today rejected an attempt to overturn a federal Ninth Circuit Court of Appeals' decision that the state of Arizona could not require independent presidential candidates to register earlier than candidates affiliated with major political parties.

Arizona's petition for certiorari to the Supreme Court had been closely watched after 13 other states supported Arizona's bid to have the High Court hear the case. The federal civil rights case, originally filed in Arizona federal district court, stems from Nader's 2004 presidency bid.

Ralph Nader had challenged the deadline, contending it violated his First Amendment rights to free speech and political association. Lead Attorney Robert Barnes of the Bernhoft Law Firm represented Nader before the Ninth Circuit, which overturned the district court and unanimously declared the Arizona law unconstitutional. Nader's Bernhoft Law legal team successfully argued that requiring independent candidates to register by June was unfair when the two major political parties did not hold their conventions until the fall.

"By letting that decision stand, the U.S. Supreme Court has affirmed that American democracy hinges on giving people a voice and a choice," says Robert Bernhoft, founding partner of Bernhoft Law. "Today's decision is not only a victory for Ralph Nader, but a seminal victory for all who care about free speech, free and open elections, and a more participatory democracy."

In addition to the earlier deadline for independent candidates, the Arizona law also required that petition circulators be registered to vote in the state. "What makes this case unusually significant is that it involved two distinct, important issues, and liberalized ballot access prevailed on both," says Richard Winger, editor of the influential Ballot Access News. Winger also noted that this development could have "immediate repercussions," since ballot access cases are currently pending in 15 other states.