

# Big Victory for Wesley Snipes' Attorneys in Nader Open Ballot Appellate Ruling

Thu Jul 10, 2008 6:59pm EDT

SAN FRANCISCO--(Business Wire)--

In a move heralded by election reform advocates, the U.S. Court of Appeals for the Ninth Circuit ruled unanimously Wednesday that an Arizona election law requiring that independent presidential candidates register earlier than those affiliated with political parties was unconstitutional.

Presidential candidate Ralph Nader, represented by Robert Barnes of the Milwaukee law firm Bernhoft Law, had filed a challenge to the deadline, arguing that it violated his rights to free speech under the First Amendment. Arizona officials had argued that the early registration requirement was necessary to give the state time to print accurate ballots, but the court ruled that the same deadline should be imposed on all candidates. The appellate court also struck down an Arizona requirement for residency to circulate petitions for presidential candidates, a decision that may have nation-wide impact.

"This extraordinary win for the free speech and open ballot rights of every American justifies the four years of legal work in this case," said attorney Barnes. "This exceptional victory in the Ninth Circuit establishes a precedent setting case to guarantee American democracy remains open to all regardless of their beliefs or ideals."

Oliver Hall, founder of the Washington, D.C. group Center for Competitive Democracy, said, "The appellate court decision is groundbreaking because the court applied strict scrutiny, which happens all too rarely in ballot access cases."

Theresa Amato, the national campaign manager for Nader in 2004, said, "Yesterday's ruling has knocked down one of the many barriers to free competition in the electoral arena and is a blow to severe state ballot access burdens heaped on third party and independent candidates."

The case, originally argued in Arizona federal district court, stems from Nader's 2004 presidency bid.

## ABOUT ROBERT BARNES OF BERNHOFT LAW

Robert Barnes is a partner in Bernhoft Law, one of the nation's leading boutique law firms specializing in complex litigation in federal criminal and civil courts and asset fraud recovery. Barnes and his partner Robert Bernhoft were lead attorneys for the actor Wesley Snipes in Snipes' 2008 conspiracy and tax fraud federal trial in Florida, a trial that resulted in Snipes being acquitted on all felony counts. (Snipes was found guilty of three of six misdemeanor counts for willfully failing to file a tax return).

Bernhoft Law has offices in Milwaukee, Wisconsin, and Malibu, California.

Sitrick and Company  
Ross Johnson, 310-788-2850  
ross\_johnson@sitrick.com

Copyright Business Wire 2008