R.F.K. Jr.’s Battle to Get on the Ballot

0:01

from New York Times I'm Michael babbaro

0:03

this is the

0:06

[Music]

0:10

daily

0:12

today as Robert F Kennedy Jr tries to

0:15

get on the presidential ballot in all 50

0:18

states he's confronting Fierce

0:20

resistance from his

0:22

Rivals my colleague Rebecca Davis

0:25

O'Brien has been reporting on the high

0:27

stakes battle playing out behind the

0:31

[Music]

0:34

scenes it's Monday May

0:37

[Music]

Whats Become Your Beat

0:44

6th Rebecca when we last spoke with you

0:46

which was in the fall about what's

0:49

really become your beat these days

0:50

Robert F Kennedy Jr's presidential

0:52

campaign he had just made this very

0:54

important decision to drop out of the

0:56

Democratic primary which he decided he

0:57

couldn't win and run as an independent

1:01

but very much unresolved at that moment

1:03

was whether as an independent candidate

1:06

without the infrastructure of a major

1:08

party he could really mount a serious

1:11

campaign so what has happened since then

1:14

right so you might remember that when

1:15

Kennedy began his campaign I've come

1:18

here today to announce my candidacy for

1:21

the Democratic nomination for president

1:23

of the United

1:24

States back in April of 2023 he was

1:28

really sort of a protest candidate they

1:31

close every business in this country for

1:33

a year who was still really within the

1:35

Democratic party but was pointing out as

1:37

he had been during the pandemic some of

1:39

the problems with the pandemic response

1:41

as we all now recognize the covid

1:44

vaccines were neither safe nor effective

1:47

his skepticism of the covid vaccine his

1:50

skepticism about childhood vaccination

1:52

schedules I can make the argument that

1:56

President Biden is a much worse threat

1:58

to democracy and

2:00

dissatisfaction with how President Biden

2:03

had done his job but it was really more

2:05

of a niche audience and when he left the

2:09

Democratic party and decided to run as

2:11

an independent in October he had to

2:14

create a bigger audience for himself a

2:17

bigger platform and stake out kind of a

2:19

broader claim on the American electorate

2:21

and how did he do that well you could

2:23

hear it immediately in his speech back

2:25

in October I'm here to declare myself an

2:27

independent candidate

2:30

when he was saying I declare my

2:32

Independence I hope to be at the

2:34

Forefront of a movement of the

2:36

independent voter in the United States

2:38

this country is ready for a history

2:40

making change the broad thrust of his

2:42

argument is that the current political

2:44

system dominated by the Republican the

2:47

Democratic party is no longer working

2:50

for Americans we've seen the Democrat

2:53

both the Democratic and the Republican

2:54

party turn against the values that they

2:57

traditionally represented for our

2:59

country

3:00

and so many of us feel homeless today so

3:04

he started that really in October and

3:06

since then he's been taking this message

3:09

of declaring independence for himself

3:11

and trying to scoop up draw in as many

3:15

voters from across the country who also

3:17

like him feel disaffected or not

3:20

represented by either the Democratic or

3:23

Republican parties that he sees as a

3:25

kind of corrupt stale duopoly let's go

3:29

take back our country God bless you and

3:34

God bless the United States of America

3:37

mhm so ky's very much taking this

3:40

identity it sounds like as an

3:42

independent which was in a way a

3:43

political necessity and he's turning it

3:45

into an animating identity for his

3:48

campaign and one that he hopes will be

3:51

appealing to people across the political

3:53

Spectrum not just Independents but

3:55

Democrats and Republicans that's exactly

3:57

right and part of that effort is staying

4:00

in the new cycle and staying relevant so

4:03

we saw that earlier this year when there

4:05

was this big $7 million ad paid for by a

4:09

super pack supporting Kennedy $7 million

4:12

$7 million a huge expenditure on a

4:15

single a huge expenditure for a 302nd

4:19

spot during the Super Bowl

4:22

and what was interesting about this ad

4:24

and caught a lot of viewers attention do

4:27

you want a man for president

4:32

was that it was a repurposed

4:34

presidential campaign ad from 1960 for

4:37

John F Kennedy who was of course his

4:39

uncle

4:44

right and they kind of swapped out some

4:46

of the images in there that had been of

4:49

JFK's

4:51

face right he used the famous jingle

4:54

that I think all of us know even if we

4:55

weren't born in the 1960s which is the

4:57

Kennedy Kennedy Kennedy Kennedy Kennedy

4:59

Ken k mhm mm I'm glad you saying

5:05

that is responsible for the content of

5:07

this advertising the ad was successful

Getting on the Ballot

5:10

in generating a lot of news coverage and

5:12

keeping Kennedy in the news for another

5:15

few days after the Super Bowl at the

5:17

time the head of the Super PAC that

5:19

bought it explained that the idea behind

5:21

it was to get more people to realize

5:24

that he was still running for president

5:26

mhm which it did it did right and he

5:29

follows that add up a month later with

5:31

the announcement of his vice

5:32

presidential running mate and she is a

5:35

pretty unknown figure she's Silicon

5:38

Valley lawyer and investor um her name

5:40

is Nicole Shanahan and why does he pick

5:42

her well in addition to sharing some of

5:44

his political views he picks her because

5:47

she has a lot of money she used to be

5:49

married to sge Brin the co-founder of

5:52

Google some estimates out there that

5:54

she's worth billions of dollars and she

5:57

can help fund this campaign campign H

6:00

this is all happening as his campaign

6:03

and its allies are mounting this huge

6:05

concerted effort That's essential to the

6:07

survival of his candidacy which is

6:09

getting on the ballot in all 50 states

6:11

you now they've been working on this

6:12

behind the scenes since the moment he

6:15

left the Democratic party but it's not

6:17

until early 2024 that a legal effort a

6:21

signature Gathering effort all these

6:23

things that have to happen and which

6:25

cost a lot of money start to really come

6:28

together and that's happening as he's

6:31

making this big public Splash okay so

6:33

how does it go trying to get actually on

6:38

the ballot so let me just start by

6:39

saying getting on the ballot is a

6:41

state-by-state scramble and critical to

6:43

these efforts in basically every state

6:46

is getting thousands of signatures if

6:48

you're an independent candidate you have

6:50

to get in some cases tens of thousands

6:52

of signatures from voters under very

6:54

specific circumstances each state has

6:57

its own specific rules for Gathering

7:00

signatures it's deadlines deadlines and

7:03

there are certain Windows you can use to

7:05

gather signatures There are rules about

7:07

who can gather the signatures and where

7:09

so it's very complicated and timec

7:11

consuming and expensive process but here

7:15

is where Kennedy has had success so far

7:17

he got on the ballot in Utah he got on

7:20

the ballot in Hawaii and a big moment

7:23

happened a few weeks ago when he

7:25

announced that he was on the ballot in

7:26

Michigan and Michigan really matters

7:28

because it's it's a critical swing state

7:30

in this election it went for Trump in

7:32

2016 it went for Biden in 2020 and both

7:36

of the campaigns see this as a must-win

7:39

for their success this fall and so for

7:42

the Biden and Trump campaigns Kennedy

7:45

getting on the ballot in Michigan is the

7:47

moment when they see the threat of a

7:49

spoiler because all of a sudden they see

7:52

that even if he doesn't win if he's able

7:54

to draw enough voters from either of

7:56

them to tip the balance in the favor of

7:58

the other that kind of margin could

8:00

really make an impact on the whole

8:02

election right and RFK if we're being

8:04

honest is unlikely to tip the scales in

8:06

the two previous States you mentioned

8:08

Utah and Hawaii Utah is a bright red

8:11

state Hawaii is a bright blue State

8:13

Michigan would be the place where if he

8:16

were going to play the spoiler he would

8:19

play the spoiler right and the story of

8:21

how he got on the ballot in Michigan is

8:23

kind of a fascinating one please tell us

8:25

so rather than go through this whole

8:26

arduous process of gathering thousands

8:28

of signatures

8:29

the campaign found a kind of back door

8:32

to getting on the ballot line through a

8:34

very obscure party called the natural

8:36

law party never heard of it it is

8:38

essentially a twom member party based

8:42

only in Michigan sustained truly by this

8:45

guy who has a small Law Firm an hour

8:48

west of Detroit he is the chairman of

8:50

the natural law party and back in

8:52

January he happened to be watching TV

8:55

and saw RFK and he thought to himself

8:57

now that's a guy who would be a natural

8:59

candidate for the natural law party the

9:01

natural law party has kind of a varied

9:03

platform that includes supporting

9:05

transcendental medication and

9:07

environmental stewardship and the very

9:10

next day he got an email from the

9:13

Kennedy campaigns ballot access director

9:16

expressing interest in being the party's

9:18

nominee and fast forward to April he is

9:22

having a terson convention in his

9:25

offices in our west of Detroit and they

9:27

nominate Kennedy to be the natural law

9:30

Party candidate okay I just want to make

9:31

sure I have this all correct Robert F

9:34

Kennedy Jr gets onto the ballot in this

9:38

key swing state of Michigan by a

9:40

Convention of two people in a law office

9:45

and that's it that's it that's the back

9:47

door that's the back door no signatures

9:49

no

9:51

fuss and Michigan's really a watershed

9:54

moment for Kennedy and for the rest of

9:56

the political establishment because it's

9:59

the moment when his candidacy goes from

10:01

being an abstract threat to a concrete

10:03

one so as Kennedy tries to replicate

10:06

that success across the rest of the

10:08

country and get on other states ballots

10:10

the Republican and Democratic parties

10:12

realize that they have to deal with him

10:14

there's no avoiding him and so Kennedy's

10:17

effort to get on the ballot in every

10:19

state is turning into a pitched

10:21

[Music]

10:27

battle we'll be right

10:30

[Music]

Whats Becoming a Pitched Battle

10:40

back so Rebecca tell us about what's

10:43

becoming a pitched battle over RFK Jr's

10:46

access to the ballot and I'm curious

10:48

which of the two parties Democrats or

10:50

Republicans seems to be fighting him the

10:52

hardest the Democratic party has

10:55

definitely come out of the gates with

10:56

the most aggressive concern about

10:59

candidacy and why is that well I think

11:02

the answer to that is that third party

11:03

and independent candidates have haunted

11:05

the Democratic party in presidential

11:07

Cycles in recent years there's sort of

11:09

the ghost of Ralph nater and Jill Stein

11:12

lurking there Ralph nater of course seen

11:14

as someone who might have influenced Al

11:17

Gore's loss to George W bush right in

11:19

2000 and then Jill Stein and the green

11:22

party Drew I think more than 30,000

11:25

votes in Wisconsin in 2016 and that was

11:28

widely seen as part of the reason why

11:29

Hillary Clinton fell short there m so

11:32

this is the fear basically of Kennedy as

11:34

spoiler for the Democrats right this is

11:36

the fear that Kennedy could get just

11:38

enough votes to tip the election in

11:40

swing states to Donald Trump so that's

11:42

the broad underlying fear there's a

11:45

specific fear here which is that the

11:47

Democratic party sees that Donald

11:49

Trump's support has a high floor right

11:53

it's going to be very hard to peel

11:54

voters away from the hardcore Trump base

11:58

right on the other hand Biden has a sort

12:01

of softer base of support there's an

12:03

enthusiasm sort of deficit there

12:05

especially among young voters and the

12:07

concern is that a third party candidate

12:10

could draw people away from the margins

12:12

from him especially in swing States and

12:15

Michigan in particular is a pressure

12:16

point for the Democrats and Biden

12:18

because we saw during the Democratic

12:20

primary there there was a protest vote

12:22

stemming from disaffection over his

12:25

handling of the Israel Gaza War right

12:29

and it was a historic rebuke of Biden

12:32

from what had been traditionally a

12:34

democratic base Arab Americans in

12:37

Michigan right he and his campaign saw

12:39

the potential for a portion of his base

12:42

to kind of go Rogue and not vote for him

12:45

so Michigan encapsulates why RFK poses a

12:48

threat to Biden because the Democratic

12:51

base right now is sort of restive and in

12:54

the mind of the Biden campaign and the

12:55

Democratic party they want to keep this

12:58

election about Donald Trump versus Joe

13:00

Biden they don't want there to be an

13:02

opportunity for Democratic voters to

13:05

take somebody else's box especially not

13:07

a Kennedy not only in Michigan but in

13:09

all these other swing States in Georgia

13:11

in North Carolina in Nevada in Arizona

13:15

every single person whose name is not

13:17

Joe Biden or Donald Trump is a risk for

13:19

Joe Biden in the mind of the democratic

13:20

party right and the reason the Kennedy

13:22

name is a specific threat is it's the

13:25

most powerful name perhaps besides

13:27

Clinton in the history of a Democratic

13:30

party right and even though he's not a

13:32

Democrat up and down his policy

13:34

platforms he has a lot of positions that

13:37

would probably appeal to Democrats so

13:39

he's pro-choice he's Pro Union and he

13:42

has a long history of supporting

13:44

environmental stewardship okay so what

13:46

is Biden and the Democratic party doing

13:49

to try to fend off what they clearly see

13:52

as a threat of RFK Jr getting on all of

13:56

these swing state ballots and really all

13:58

the around the country right so heading

14:01

into this ballot access push the Biden

14:05

campaign at the Democratic party and

14:07

some of the Affiliated super packs who

14:09

are backing his reelection effort have

14:12

gone sort of in an allout legal assault

14:14

on the Kennedy campaign and on third

14:16

party ballot access generally so broadly

14:19

speaking this means having a legal team

14:23

based in Washington DC but with

14:25

tentacles all over the states and they

14:28

have been monitoring

14:30

aggressively the ballot access efforts

14:32

as they kind of emerge state by state so

14:35

for example one thing that emerged late

14:37

last year is that a Super PAC backing

14:40

Kennedy pledged to spend up to $15

14:43

million to help him get on the ballot in

14:44

some critical swing States and

14:47

immediately the Democratic party went

14:49

into action and filed a complaint with

14:51

the Federal Election Commission saying

14:53

you can't do that that's coordination so

14:55

they immedi illegal coordination between

14:56

the campaign and the superb right so

14:58

super Super PAC which can raise

14:59

unlimited amounts of money and spend it

15:01

at will they're not supposed to

15:02

coordinate with the campaign and the

15:04

argument of the democratic party was

15:06

there's literally no way that a Super

15:08

PAC could help a candidate get on the

15:10

ballot without coordination that's

15:11

illegal interesting and indeed that

15:13

Super PAC having announced that it had

15:16

gotten enough signatures in a number of

15:17

Swing States then backed off that effort

15:19

publicly so a successful legal

15:21

intervention by the Democrats so far yes

15:24

it seems so so that's a successful legal

15:27

intervention on a national level but

15:29

we've also seen push back against the

15:32

Kennedy campaign from democratic

15:35

secretaries of state and elections

15:37

officials in a number of states so in

15:40

Nevada for example earlier this year

15:44

they signed a petition and gathered more

15:46

than 15,000 signatures to get him on the

15:49

ballot as an independent and then the

15:53

Secretary of State who is a Democrat

15:55

said it looks like you might have done

15:56

this wrong and of course the Kennedy

15:59

campaign cried foul they're threatening

16:01

legal action and that is likely to play

16:04

out in federal court sometime soon but

16:06

clearly this is the kind of thing that

16:07

the Biden campaign and the Democrats

16:09

nationally would encourage local

16:11

Democrats to do on their behalf right

16:14

exactly I mean even without the explicit

16:16

pressure from the Democratic party this

16:18

is exactly what they're hoping will

16:19

happen is that Democratic secretaries of

16:21

state and these elections officials will

16:24

push back against efforts to get on the

16:26

ballot that are maybe not coloring

16:28

within the lines strictly by the letter

16:30

of the law so it sounds like from the

16:32

top of the democratic party all the way

16:34

down to local Democratic officials

16:37

everyone who can find a lever of power

16:40

that would throw a wrench in RFK Jr's

16:42

ballot access is doing so and I'm

16:44

curious how much of that feels like kind

16:48

of the standard Playbook that a major

16:50

party uses in a presidential race and

16:53

how much stands out is

16:55

unusually

16:57

aggressive the Dem rtic party would say

17:00

they're just enforcing the rules and

17:01

that you know local officials are doing

17:03

their job but of course the Kennedy

17:05

campaign sees this as a profoundly

17:08

anti-democratic exercise and example of

17:11

like how the party is trying to stifle

17:14

his efforts to get on the ballot

17:16

corruptly and so this would seem to

The Kennedy Campaign

17:20

explain right why the Kennedy campaign

17:23

is resorting to tactics like we saw in

17:26

Michigan where as you just told us they

17:28

get on the ballot using this obscure

17:30

party with two members the Kennedy folks

17:33

in their minds are waging kind of

17:36

electoral Guerilla Warfare to get around

17:41

these roadblocks that the Democrats are

17:44

putting up that's right okay so that's

17:46

the Democrats what are the Republicans

17:49

and former president Trump doing about

17:52

RFK Jr's efforts to get on the ballot

17:54

you had told us that Democrats are the

17:57

more aggressive party in trying to

17:59

combat Kennedy's candidacy but how are

18:01

the Republicans thinking about the role

18:04

that he might play in this presidential

The Republican Party

18:07

race so the Republican party and Donald

18:10

Trump have been on a interesting Journey

18:13

with Kennedy since he became an

18:14

independent candidate on the one hand on

18:16

paper you can actually see how a

18:19

candidate like Kennedy poses a unique

18:21

threat to Trump he's sort of an

18:24

anti-establishment voice he says what's

18:26

on his mind for better or worse he's

18:29

proun rights he is antivaccine he speaks

18:32

to a certain contrarian segment of the

18:35

Republican base actually sounds a bit

18:37

like trump it sounds a bit like Trump

18:39

and yet over the past few months the

18:41

Republicans seem to have not been as

18:43

concerned as you might expect the

18:45

Republican Party actually seemed to

18:47

embrace Kennedy's candidacy for

18:50

precisely the same reasons that the

18:51

Democrats are so worried about him

18:53

they're looking at the same history of

18:55

third party candidates and saying great

18:57

it will temper the votes for Joe Biden

19:01

and pave the way for president Trump's

19:04

re-election and so various arms of their

19:07

Republican party and Trump's campaign

19:10

had devised various ways to help prop

19:12

Kennedy up and paint him as a liberal in

19:18

an effort to draw voters away from Biden

19:20

so for example some people aligned with

19:23

the Trump campaign had floated the idea

19:25

of using dark money groups to put up

19:27

Billboards in Michigan praising

19:29

Kennedy's pro-choice stance um as sort

19:32

of a way to say like oh here's another

19:34

liberal alternative Michigan voters got

19:37

it and elsewhere people who are aligned

19:41

with the Trump campaign have publicly

19:43

offered to help gather signatures for um

19:47

yes for the third party independent

19:49

candidates and this is part of like a

19:51

broad dark Ops effort to prop up these

19:54

candidates who both Democrats and

19:56

Republicans have sort of thought would

19:57

be more of a threat to Democrats right

19:59

so this is the philosophy that the enemy

20:01

of my enemy is my friend thus RFK Jr as

20:05

an enemy to Joe Biden should be a friend

20:07

to the Trump campaign exactly but then

20:09

you know as I said this has been a

20:10

journey and in the past few days we've

20:13

seen sort of a reversal into sort of

20:15

maybe Trump seeing Kennedy as a threat

20:18

to his own candidacy so on Truth social

20:22

his social media platform the other day

20:24

he described Kennedy as a Democrat plant

20:27

who has been put in place to help Joe

20:29

Biden win re-election he said voting for

20:31

quote unquote Junior would be a wasted

20:33

protest vote was that almost out of

20:35

nowhere the sort of broadside against

20:38

Kennedy H and do we know why Trump has

20:40

concluded that the previous thinking

20:44

about Kennedy as potentially an ally and

20:46

hurting Biden is no longer the right

20:49

course we don't know why I mean we can

20:52

surmise that there have been internal

20:53

polls that might have suggested that

20:55

Kennedy can draw equally from Donald

20:58

Trump Trump but the Kennedy folks are

21:00

proud of this because they say that they

21:03

do draw from both sides and you know if

21:05

you talk to Kennedy volunteers some of

21:07

them have voted for Trump in the past

21:09

interesting so I do think we're going to

21:11

likely see a rhetorical shift and sort

21:14

of a changing posture towards Kennedy in

21:17

particular because now evidently Trump

21:20

and the Republicans see his candidacy as

21:22

a threat to them as well it strikes me

21:24

Rebecca that there's some real risk for

21:28

both and Trump in going after RFK Jr

21:32

whether that's through the legal tactics

21:33

we've been talking about on the

21:34

Democratic side and so far the

21:36

rhetorical approach that the Republicans

21:38

are taking because Kennedy is casting

21:41

himself as an alternative to the

21:45

entrenched duopoly to quote him of these

21:49

two big party machines and so attacking

21:52

him and specifically trying to keep him

21:55

off the ballot might strong

21:59

reinforce that image and potentially

22:01

Galvanize support for him right when I

22:04

speak to people inside the Kennedy

22:06

campaign they constantly Marvel at two

22:08

things like one is that the Democratic

22:10

party repeatedly makes itself look

22:12

profoundly undemocratic by in their

22:14

minds sort of corruptly blocking their

22:16

access to the ballot and the other thing

22:17

is that the Republican party just seems

22:19

to see them as a puppet right so these

22:21

kinds of attacks from the Democrats and

22:24

Republicans play right into his

22:26

narrative about how he is is rising

22:29

above the two-party system and he can

22:32

now turn to these efforts and say look

22:34

they're trying to keep me off the ballot

22:36

in these states and they're attacking me

22:38

as Super liberal but they're also

22:40

attacking me as Super conservative and

22:42

he's done exactly that he sort of

22:44

Chuckles at them and says this is why

22:47

you should come with me because I care

22:50

about the American people and these two

22:51

parties are too busy attacking me to do

22:55

what they need to do which is lead the

22:56

country

22:57

[Music]

22:59

so I think that as he continues to mount

23:03

this ballot access state byst state the

23:05

Republicans and the Democrats especially

23:07

as he sees more success which I think

23:09

will happen they have to make a decision

23:11

is it worth it for them financially or

23:15

sort of in the big picture to make it so

23:19

that voters can't vote for him or to

23:22

make a case for why they shouldn't vote

23:24

for him right I think that's sort of the

23:27

Crux here right is it like like ballot

23:29

access or is it about the issues right

23:32

do Republicans and Democrats let voters

23:34

choose Kennedy or do they say you have

23:37

no choice right and does depriving you

23:40

of the choice to vote for Kennedy make

23:42

him

23:47

stronger Rebecca thank you very much

23:51

thank

23:55

you we'll be right back

Outro

24:02

here's what else you need to day the

24:05

latest round of ceasefire negotiations

24:07

between Israel and Hamas held in Cairo

24:11

hid an impass on Sunday that prompted

24:13

the delegation from Hamas to leave the

24:16

talks meanwhile how dire is the

24:19

humanitarian crisis on the ground right

24:21

now in Gaza what I can explain to you is

24:24

is that there is famine full-blown

24:26

famine in the north and it's moving its

24:28

way South the leader of the United

24:31

Nations world food program Cindy McCain

24:34

said that parts of Gaza are experiencing

24:37

a famine that is spreading across the

24:39

territory because of the Israeli

24:41

military operation occurring

24:44

there finally Israel said that it would

24:47

shut down the Israeli operations of Al

24:50

jazer the Qatari based TV network that

24:53

is a major source of news in the Arab

24:55

world and has frequently highlighted

24:58

civilians suffering in Gaza during the

25:01

war Israel accused Al jazer of harming

25:04

its National Security and inciting

25:07

violence against its

25:09

soldiers in response Al jazer called the

25:12

shutdown order a criminal

25:18

[Music]

25:21

act today's episode was produced by Rob

25:24

zipco and Carlos prto with help from

25:27

Sydney Harper and Eric krupy it was

25:30

edited by Rachel quer contains original

25:33

music by Will Reed and Dan Powell and

25:36

was engineered by Alysa Moxley our theme

25:39

music is by Jim brunberg and Ben Lanser

25:42

of wonderly special thanks to Maggie

25:46

[Music]

25:55

[Music]

25:56

Aster that's it the daily I'm Michael B

26:00

see you tomorrow

26:05

[Music]