

Reasonable Ballot Access

2014 POLICY GUIDE



Federal and State Policy

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Removing unfair barriers to candidates appearing on the ballot upholds the rights of individuals and groups to organize politically and discuss their ideas with voters.

The Problem: Until the end of the 19th century, state and local governments did not print ballots for elections. Candidates did not have to earn access to a government-printed ballot – instead, they typically just filed for office and sought votes. Today, state laws governing ballot access vary widely. In some states, it is nearly impossible for an independent or minor party candidate to get on the ballot. In some states, it can be even harder to get ballot access in congressional races than in presidential races.

A candidate rarely can win an election, or even compete in a meaningful way, if not on the ballot. As a result, strict ballot access limits voter choice. Every viable candidate should be able to compete, and every election should meaningfully reflect diverse viewpoints.

The Solution: States should pass laws establishing commonsense ballot access requirements for all candidates, including major party candidates in primaries and independent and minor party candidates in general elections. Congress should pass a law establishing standards for ballot access for federal offices.

Signature requirements for new parties should not be prohibitively high. States should not impose unrealistic deadline requirements that preclude minor parties from obtaining necessary signatures. Providing minor parties with reasonable access to the ballot gives voters more of a choice and improves the quality of democracy.

Success Stories: In 2012, ballot access advocates won legal victories in several states. In Illinois, a court struck down a law requiring newly-qualifying parties to nominate a full slate of candidates, allowing Libertarians to run a candidate in one race without having to run candidates in other county offices. In 1998, Florida voters backed fair ballot access when they passed an amendment to their state constitution that eased ballot access for non-major parties.

In 2014, Tennessee changed its county ballot access laws to make new political party ballot access a more realistic possibility in counties. At the same time, it corrected a wildly impractical special election petition requirement in response to a lawsuit brought by the Libertarian Party.

Key Facts

Ohio: In 2006, the Sixth Circuit struck down Ohio's restrictive ballot access law, stating that it impermissibly restricted minor parties' First Amendment rights.

Oklahoma: For three elections in a row (2004, 2008 and 2012), Oklahoma has been the only state to only have Democratic and Republican presidential candidates on the ballot. Write-in candidates are also not allowed in Oklahoma.

Fiscal Impact

Generally, none. Requiring fewer signatures for new party petitions may actually save money by reducing administrative costs.

Related Reforms

- Ranked Choice Voting
- Debate Access

Part Two Resources

- Model Federal Uniform Ballot Access Act
- Model State Uniform Ballot Access Act
- Ballot Access News at <http://www.ballot-access.org>