

# 2021 description of the “Ballot Access Inclusiveness Bill”

## HF1775-SF2167

(revisor file 21-03323)

**by Rep Elkins + Sen Koran**

*(in 2019 known as SF752-HF708a2) (a.k.a. the ‘third party’ bill, or the ‘minor party’ bill)*

**Short Description:** Major political party designation thresholds amended, nominating petition requirements amended, and political parties allowed to authorize which candidates may affiliate with the party on the ballot.

**A direct request is made to the 2021-2022 state legislature to hold committee hearings and votes.** The MN Senate committee is *State Government Finance and Policy and Elections* chaired by Sen. Mary Kiffmeyer (R-30). The MN House committee is *State Government Finance and Elections* chaired by Rep. Michael Nelson (D-40A).

### SYNOPSIS

This bill creates a comprehensive set of reforms that will improve and modernize Minnesota's outdated statutory definitions of political parties. It includes modifications to arbitrary petitioning requirements, percentages, and timelines that currently exist only to sustain two-party exclusivity in running for office.

If adopted the legislation will bring Minnesota's prohibitive ballot access standards fairly in-line with contemporary practices in neighboring states. It will eliminate unconstitutional restrictions and harmonize various statutes. It will ensure a robust system of integrity that encourages democratic participation.

### MAIN POINTS

**Section 1:** Adjusts the major political party threshold percent from 5% to 1%, for both direct petitioning and election results methods. (by comparison, WI, SD are at 1% and IA is at 2%).

**Section 2:** Revises the MN political party tiers into two categories instead of three, just major party or minor party. (no other state creates three tiers of political parties with a ‘less than minor’ category).

**Section 3:** Revises Affidavit of Candidacy filing requirements to allow minor parties to certify endorsement by internal party convention (since minor parties cannot primary their candidates and currently have no brand protection).

**Section 4:** Revises Nominating Petition filing requirements to allow minor parties to certify endorsement by internal party convention (since minor parties cannot primary their candidates and currently have no brand protection); and also allows petitions to be submitted on letter sized paper (instead of only legal-size paper).

**Section 5:** Modifies the nominating petition oath, to allow signors to participate in the major party primaries. (*Strike the middle of: “I solemnly swear that I know the contents and purpose of this NOMINATING petition, that I do not intend to vote at the primary election for the office for which this nominating petition is made, and that I signed this petition of my own free will.”*)

**Section 6:** Revises a statute to allow nominating petition signors to sign for multiple party’s candidates for a specific office.

**Section 7:** Adjusts the number of nominating petition signatures required to run for office into ratios of flat numbers based on the population of the district; for state, county, and municipal races accordingly. (400 for State Senate, 200 for State Rep, and 200 for municipals, instead of the current statutes which are set at 500 for all). This will not alter Federal and Statewide races.

**Section 8:** Expands the days allowed to collect signatures for state candidates, from 14 to 88, by properly aligning the minor party deadline to the general election (as we do for President) instead of keeping it attached to the Minnesota state primary election (which minor parties are excluded from). (by comparison, WI gives 70 days, SD 112 days, and IA 140 days).

**Sections 9-11:** Establishes the (minor) party endorsement mechanism referenced in Section 3 and Section 4.

**Sections 12-14:** Adjusts special election parameters. This adds 9 extra days to the S.O.S. schedule to conduct special elections (from 35 days to 44 days); thus adding 9 days to the filing window (increases to 15 days) while simultaneously reducing the number of nominating petition signatures required (from 500 to 250).

**Sections 15-16:** Aligns municipal filing criteria to schedules established in Section 8.

<b>State</b>	<b>Major (Recognized) Party by votes per election level</b>	<b>Major (Recognized) Party by direct petitioning level</b>	<b>Number of signatures</b>	<b>Per Capita signatures</b>	<b>Population of state</b>
<b>*Minnesota *(current)</b>	<b>5% of statewide race</b>	<b>5% of the last state-wide vote</b>	<b>130,000</b>	<b>2.3%</b>	<b>5,577,000</b>
Minnesota (proposed)	1% of statewide race	20,000 signatures (or 1% of last vote = 26,000)	20,000	0.4%	5,577,000
Wisconsin	1% of Governor or President	10,000 signatures (flat number) (<.0.1%)	10,000	0.2%	5,795,000
Iowa	2% of Governor or President	not an option (if 2% it would be 26,420)	n/a	n/a (if 2%=0.8%)	3,146,000
South Dakota	1% of Governor or President (was 2.5% prior to 2018)	1% of last state vote total (was 2.5% prior to 2018)	3392	0.4%	869,000
North Dakota	5% of Secretary of State vote	7000 signatures (flat number)	7000	0.9%	755,000