

Reasonable Ballot Access



MODEL STATUTORY LANGUAGE

An Act Relating to Reforming the Ballot Access Law in the State

Section 1: SHORT TITLE

This Act shall be called the “Better Ballot Access Act.”

Section 2: PURPOSE

The purpose of this Act is to regulate access to the general election ballot in a way tailored to encourage participation by diverse candidates and enhance voter choice.

Section 3: BALLOT ACCESS

A candidate shall be entitled to appear on the official ballot at the next succeeding general election if

- (1) the candidate is nominated in the primary election of a major or minor political party to appear on that party's column;
- (2) the candidate is nominated at the convention of a minor political party that has opted out of the primary election to appear on that party's column; or
- (3) the candidate qualifies as an independent candidate pursuant to Section 8.

Section 4: RECOGNITION OF NEW POLITICAL PARTIES BY REGISTRATION

(1) A new political party seeking to participate in the next ensuing regular primary election may become eligible for recognition and shall be eligible to be represented by an official party ballot at the next ensuing regular primary election and accorded a column on the official ballot at the succeeding general election if, as of the date 90 days prior to the next ensuing regular primary election, such party has registered electors in the party equal to at least one-tenth of one percent of the total registered electors in the state.

(2) A new political party which has opted out of the primary election pursuant to _____ may become eligible for recognition and shall be accorded a column on the official ballot at the succeeding general election if, as of the date 120 days prior to the next ensuing regular general election, such party has registered electors in the party equal to at least one-tenth of one percent of the total registered electors in the state.

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(3) The Secretary of State shall determine the political parties participating in the primary election qualified for recognition pursuant to this section by the date 60 days prior to the next ensuing regular primary election and the political parties not participating in the primary qualified for recognition pursuant to this section by the day 90 days prior to the next ensuing regular general election.

Section 5: RECOGNITION OF NEW POLITICAL PARTIES BY PETITION

In lieu of Section 4, a new political party may become eligible for recognition and shall be represented by an official party ballot at the next ensuing regular primary election and accorded a column on the official ballot at the succeeding general election upon filing with the Secretary of State, no later than 60 days prior to the next ensuing regular primary election, a petition signed by a number of qualified electors equal to not less than the lesser of (1) one-third of one percent of the total votes cast for governor in the last preceding general election at which a governor was elected or (2) 10,000 electors. The petition shall be substantially in the form prescribed by _____.

Section 6: INITIAL PERIOD OF RECOGNITION OF NEW POLITICAL PARTIES

Notwithstanding any other law, a new political party is entitled to representation as a political party on the official ballot through the next two regularly scheduled general elections for federal office immediately following recognition of the political party. After these two regularly scheduled general elections for federal office, the political party is ineligible for further representation on the ballot unless it qualifies for continued representation on the ballot as prescribed in Section 7 or it qualifies for recognition as a new political party pursuant to Section 4 or Section 5.

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Section 7: CONTINUING RECOGNITION OF POLITICAL PARTIES

A recognized political party shall remain eligible for recognition and shall be represented by an official party ballot at the next ensuing regular primary election and accorded a column on the official ballot at the succeeding general election if either (1) on January 1 of the year on which the general election will take place, such party has registered electors in the party equal to at least one-tenth of one percent of the total registered electors in the state; or (2) a candidate nominated for any statewide office by such party received not less than one percent of the total votes cast for that office in the last preceding general election at which a statewide office was elected. The Secretary of State shall determine the political parties qualified for continued representation on the state ballot pursuant to this section by February 1 of the appropriate year.

Section 8: BALLOT ACCESS INDEPENDENT OF POLITICAL PARTIES

A candidate shall be entitled to representation as an independent candidate on the official ballot at the next ensuing general election upon filing with the relevant state officer, no later than 60 days prior to the next ensuing general election, a petition signed by a number of qualified electors equal to not less than the lesser of (1) one-third of one percent of the total votes cast for the office sought in the last preceding general election at which such office was elected or (2) 10,000 electors. The petition shall be substantially in the form prescribed by _____.

Section 9: SEVERABILITY CLAUSE

If any part of this Act is declared unconstitutional by a court of competent jurisdiction, the remaining parts shall survive in full force and effect. If a conflict arises between this Act and any other provision of law, the policies and purposes of this Act shall govern.

Section 10: EFFECTIVE DATE

This Act shall go into effect the _____ day of _____ 20____.