



SB 193 Sponsor Testimony
Senator Bill Seitz
Senate Government Oversight and Reform Committee
September 25, 2013

Thank you, Mr. Chairman, and members of the committee, for the opportunity to present Senate Bill 193 today.

The primary purpose of this legislation is to redefine the qualifications for a “Major Political Party” and “Minor Political Party” in Ohio in light of the 6th Circuit decision from 2006 in *Libertarian Party of Ohio v. Blackwell* (*Libertarian Party of Ohio v. Blackwell*, 462 F.3d 579 (2006)). That case declared Ohio statutes on minor party formation to be unconstitutional principally because they required party formation petitions to be filed so far in advance of the major party primary election as to effectively preclude the formation of minor parties. The General Assembly has not acted to fix this problem since *Blackwell* was decided. As a result, the past two Secretaries of State have had no law to enforce, so they simply have given automatic recognition to minor parties, by directive. It is past time for us to fix this legislative negligence on our part, and that is what SB 193 does. I was first introduced to this issue and its possible fixes back in 2010 when I was negotiating a comprehensive election reform bill with the House Democrats and with Secretary Brunner, so that is the genesis of my interest in this issue.

Under Senate Bill 193, in order to qualify as a Minor Political Party a party must submit a petition to the Secretary of State no later than 125 days prior to the general election. This is the most vital change made by the bill, going directly to the reason why the court invalidated current law, which required submission of the petition 120 days prior to the primary election. We will now be giving minor parties far more time to submit their formation petitions—indeed, they may do so after the major party nominees are decided in the primary.

That petition must meet three requirements: the signatures total 1% or more of the total votes cast at the most recent gubernatorial or presidential election; the petition is signed by at least 500 electors from at least 8 of the 16 congressional districts in Ohio; and must include the names of the candidates the party wishes to nominate in the upcoming general election. The 1% threshold is unchanged from prior law, but is equal to or less than the requirements currently in place in Alabama, Alaska, Arizona, California, Georgia, Idaho, Kansas, Maine, Massachusetts, Michigan, Minnesota, Montana, Nebraska, Nevada, New Hampshire, North Carolina, Oklahoma, Oregon, Pennsylvania, Rhode Island, South

Dakota, Tennessee, Texas, West Virginia and Wyoming. This works out to be about 56,000 signatures in Ohio, and this threshold was not challenged in *Blackwell*. The requirement that 500 signatures come from at least half of Ohio's Congressional districts is new in SB 193, but similar requirements exist in Arizona, Michigan, Montana, Nebraska, New York, North Carolina, Virginia and Wisconsin. This means that approximately 4,000 of the 56,000 signatures must come from half of the Congressional districts—not a very burdensome price to pay for ensuring that minor parties show some degree of statewide support and not represent only a narrow, parochialized geographic sector of the state.

In order to continue to qualify as a minor party for future elections a party must be organized and its candidate for Governor or President must have received at least 3%, but less than 20%, of the total vote cast in the most recent gubernatorial or presidential election. The 3% threshold in SB 193 differs from the more burdensome 5% threshold in current law, and the new threshold is also more generous to minor parties than current law because it may be met either at the most recent presidential election or at the most recent gubernatorial election, and turnout is historically appreciably lower in the gubernatorial than in the presidential election. The 3% threshold is equal to or less than the continued-existence thresholds in Alabama, Alaska, Arizona, Arkansas, Illinois, Maine, Massachusetts, Montana, Nebraska, New Hampshire, New Jersey, North Dakota, Oklahoma, Rhode Island, Tennessee, Vermont, Virginia and Washington.

Further to the petition requirements, the candidate listed on the new minor party's petition for a particular race is required to submit a separate nominating petition that meets all of the following requirements: for statewide candidates, 500 signatures required from electors who have not voted as a member of a different political party during the last 2 primary elections; for district candidates, 25 signatures required from electors who have not voted as a member of a different political party during the last 2 primary elections; and the candidate chosen by the newly formed minor party cannot be someone who ran in the primary earlier that year. Each of these requirements is exactly half of the candidate petition requirements applicable to major party candidates.

SB 193 also eliminates code provisions addressing “intermediate parties.” If you don't know what they are, don't feel bad. None have ever existed in Ohio, so this language is outdated and serves no purpose, hence, its repeal.

Passage of Senate Bill 193 would allow for a more balanced process by which minor party candidates would be ballot-eligible.

I urge your favorable consideration of the bill. At this time I would be happy to entertain questions from the committee. Thank you, Mr. Chairman.