

April 11, 2019

To All Member of the Way & Means Committee:

I (Chris Holbrook) contacted you yesterday to share a widely supported request from all of the 'other' political parties in Minnesota to amend the wording of one line in statute 204.B09, which will be up for discussion at your hearing on HF1487 on April 12.

This is a simple technical change to detach the minor party petition window for state candidates away from the major party primary election day, which it is currently tied to. It would instead attach the minor party petition window for state candidates to the general election day, in harmony with the window allowed for minor party presidential candidates here in Minnesota.

This is a fair, equitable, inclusive, and reasonable request. This would give minor party state candidates up to 88 days (from the current 14) to collect signatures to appear on ballots, which is the only way that minor parties can appear on ballots. Major party candidates do not need to bother with signature collections for ballot access. They may simply pay a filing fee.

My plea comes on behalf of a coalition of the Libertarian Party, the Green Party, the Independence Party, and both of the newly recognized major marijuana parties. This is a single item, possibly the most important to us all, that stems from an original fourteen section proposal that all parties agreed to. For context, that effort was drafted into a bill in both chambers with bi-partisan authors over the winter, however it had some controversial points redefining parties, quotas, and special elections and thus did not 'make the cut' for a stand alone discussion by the initial committee hearing deadline. (If you'd like the full history and full original documents they exist at <https://www.lpmn.org/ballot-inclusiveness/>. You may or may not have noted the press conference about it on February 7, 2019 as well as some newspaper articles.)

That being said, this single-issue ask for more time to petition is all that we currently request. We see it as a harmless and non-controversial amendment. It will help and engage multitudes.

In addition we met with SOS Steve Simon and staff on February 5 who agreed with this suggestion of detaching the minor party petitioning from the major party primary to allow an expanded window. He further added that there is no specification at all for direct petitioning deadlines should a minor party try that route to become a major party however today's request does not address that. Today's request simply seeks to expand the current 'time allowed' for nominating petition signature collection mandated for us 'others' parties. Thank you.

Today's current HF1475 amendment request, affected excerpted section only:

14.22 Sec. 20. Minnesota Statutes 2018, section 204B.09, subdivision 1, is amended to read:

14.23 Subdivision 1. Candidates in state and county general elections.(a) Except as

14.24 otherwise provided by this subdivision, affidavits of candidacy and nominating petitions

14.25 for **MAJOR PARTY CANDIDATES FOR** county, state, and federal offices filled at the state general election shall be filed not

14.26 more than 84 days nor less than 70 days before the state primary. **OTHER CANDIDATES MAY FILE PETITIONS AT LEAST 77 DAYS BEFORE THE GENERAL ELECTION DAY.** The affidavit may be

14.27 prepared and signed at any time between 60 days before the filing period opens and the last  
14.28 day of the filing period.  
14.29 (b) Notwithstanding other law to the contrary, the affidavit of candidacy must be signed  
14.30 in the presence of a notarial officer or an individual authorized to administer oaths under  
14.31 section 358.10.  
15.1 (c) This provision does not apply to candidates for presidential elector nominated by  
15.2 major political parties. Major party candidates for presidential elector are certified under  
15.3 section 208.03. Other candidates for presidential electors may file petitions at least 77 days  
15.4 before the general election day pursuant to section 204B.07. Nominating petitions to fill  
15.5 vacancies in nominations shall be filed as provided in section 204B.13. No affidavit or  
15.6 petition shall be accepted later than 5:00 p.m. on the last day for filing.  
15.7 (d) Affidavits and petitions for county offices must be filed with the county auditor of  
15.8 that county. Affidavits and petitions for federal offices must be filed with the secretary of  
15.9 state. Affidavits and petitions for state offices must be filed with the secretary of state or  
15.10 with the county auditor of the county in which the candidate **RESIDES MAINTAINS RESIDENCE**.  
15.11 (e) Affidavits other than those filed pursuant to subdivision 1a must be submitted by  
15.12 mail or by hand, notwithstanding chapter 325L, or any other law to the contrary and must  
15.13 be received by 5:00 p.m. on the last day for filing.

#### Addendum A:

*Partial February HF708 original wording amendment request, affected excerpted section only:*

4.19 Sec. 7. Minnesota Statutes 2018, section 204B.09, subdivision 1, is amended to read:  
4.20 Subdivision 1. Candidates in state and county general elections. (a) Except as  
4.21 otherwise provided by this subdivision, affidavits of candidacy and nominating petitions  
4.22 for county, **offices and major party candidates for** state, and federal offices filed at the state  
4.23 general election shall be filed not more than 84 days nor less than 70 days before the state  
4.24 primary. **For candidates that are not major party candidates, affidavits of candidacy and**  
4.25 **nominating petitions for state and federal offices to be filled at the state general election**  
4.26 **shall be filed not more than 99 days nor less than 71 days before the state general election.**  
4.27 The affidavit **of candidacy and nominating petition** may be prepared and signed at any time  
4.28 between 60 days before the filing period opens and the last day of the filing period.  
4.29 (b) Notwithstanding other law to the contrary, the affidavit of candidacy must be signed  
4.30 in the presence of a notarial officer or an individual authorized to administer oaths under  
4.31 section 358.10.  
5.1 (c) This provision does not apply to candidates for presidential elector nominated by  
5.2 major political parties. Major party candidates for presidential elector are certified under  
5.3 section 208.03. Other candidates for presidential electors may file petitions at least 77 71  
5.4 days before the general election day pursuant to section 204B.07. Nominating petitions to  
5.5 fill vacancies in nominations shall be filed as provided in section 204B.13. No affidavit or  
5.6 petition shall be accepted later than 5:00 p.m. on the last day for filing.  
5.7 (d) Affidavits and petitions for county offices must be filed with the county auditor of  
5.8 that county. Affidavits and petitions for federal offices must be filed with the secretary of  
5.9 state. Affidavits and petitions for state offices must be filed with the secretary of state or  
5.10 with the county auditor of the county in which the candidate resides.  
5.11 (e) Affidavits other than those filed pursuant to subdivision 1a must be submitted by  
5.12 mail or by hand, notwithstanding chapter 325L, or any other law to the contrary and must  
5.13 be received by 5:00 p.m. on the last day for filing.

#### Addendum B:

Other background notes:

- Minnesota currently has the narrowest petitioning period that can be found for state candidate ballot access, limited to 14 days. By comparison in just our neighboring states Wisconsin allows 10 weeks, North Dakota allows 12 weeks, South Dakota allows 16 weeks, and Iowa allows 20 weeks.
- The original stand alone effort HF708 that included non-controversial and controversial provisions was sent to all members of the Minnesota House over the winter. 15 responded favorably, 3 responded un-favorably, the rest did not respond. Those who did respond were a bi-partisan mix of both urban and rural representatives.
- Recent related legal precedence can be found in a February 2018 ruling by US District Court Judge Piersol who found similar South Dakota ballot access laws at the time "unconstitutional in violation of the First and Fourteenth Amendments, imposing unreasonable restrictions on new political parties seeking to participate in elections, creating disadvantage". This resulted in their new law HB1286.