



**House  
Legislative  
Analysis  
Section**

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**BALLOT ACCESS REQUIREMENTS  
FOR POLITICAL PARTIES**

**House Bill 5237 as introduced  
First Analysis (2-26-02)**

**Sponsor: Rep. Leon Drolet  
Committee: Redistricting and Elections**

***THE APPARENT PROBLEM:***

For a political party to have its candidates appear on the ballot automatically at the general November election, under the Michigan Election Law, the party's principal candidate must have received a specified number of votes at the previous election. The principal candidate's vote total must equal at least one percent of the total number of votes cast for the successful candidate for the office of secretary of state at the most recent election for that office. (That meant 20,255 votes in the 2000 election.) The term "principal candidate" refers to the candidate whose name appeared nearest the top of the party column on the ballot. If a political party does not meet that threshold, it can only get on the ballot by filing petitions, a time-consuming and expensive process that takes resources away from the job of promoting candidates and ideas. (See Background Information.) Advocates for the so-called minor parties say the number of votes cast for the candidate at the top of the ticket is not typically a good indicator of party support, and they point to several anomalies from the 2000 election. Many minor party supporters are susceptible to the argument that to vote at the top of the ticket for other than a Democrat or a Republican is to "waste" a vote. They might even worry that a vote cast for their true favorite will result in the election of the most objectionable, from their point of view, of the two major candidates. Minor party advocates also point out that the ballot access requirement, in and of itself, affects campaign strategy for the minor parties.

At the 2000 election, for example, the Libertarian Party did not qualify to appear automatically on the 2002 ballot because its candidate for president, Harry Browne, did not get sufficient votes. The Reform Party did qualify because its leading candidate did get enough votes. The Reform Party, however, did not have a candidate for president on the Michigan ballot, and its top-of-the-ticket candidate was the candidate for U.S. Senate. (Pat Buchanan was the Reform Party candidate for President in many states but was only allowed on the Michigan ballot as an

independent candidate.) And yet, Libertarian Party representatives point out, the Libertarian Party outdrew the Reform Party elsewhere on the ticket, and garnered a large number of votes for state board of education and for university boards. They say it is unfair that the Reform Party should qualify for the 2002 automatically but not the Libertarian Party (which has since qualified by submitting petition signatures).

The Green Party also qualified automatically for the 2002 ballot by virtue of the vote for its candidate for President, Ralph Nader, a candidate with high name recognition after more than 35 years on the national scene as a consumer advocate. But Green Party spokespersons note that in determining its strategy for the 2002 election, it must consider whether to run candidates for the highest offices, such as governor and attorney general, and risk losing automatic ballot access for 2004 or emphasize offices lower on the ballot, such as the university boards, where the party is likely to receive the most votes. Michigan's ballot access requirements forces a minor party to choose between gaining automatic ballot access and contesting high profile races as a legitimate political party should. This has an effect on candidate recruitment and on the ability of parties to get their messages across as alternatives to the ideas of the two major parties that dominate American politics. How can these minor parties grow, some people ask, if they avoid top-of-the-ticket races just to maintain ballot access? And if the struggle becomes too much and these parties give up, won't our political conversation be impoverished by the disappearance of their voices?

Legislation has been introduced that would maintain the current ballot access vote requirement but make it apply to whichever party candidate receives the most votes.

**House Bill 5237 (2-26-02)**

***THE CONTENT OF THE BILL:***

The bill would amend the Michigan Election Law so that the "principal candidate" of a political party, for purposes of gaining automatic access to the ballot, would be the candidate who received the greatest number of votes of all candidates of that political party for that election. (That would be the candidate that would need to receive at least one percent of the total vote for the winning candidate for secretary of state at the most recent election at which that office was contested.)

MCL 168.685

***BACKGROUND INFORMATION:***

Under the Michigan Election Law, a party that failed to receive a vote equal to at least one percent of the votes cast for the successful candidate for secretary of state at the last election is known as a "new party", and it must meet petition requirements in order to appear on the ballot at the next election. (This means a "new" party can have a long history.) To get on the ballot, a new party must submit petition signatures equal in number to one percent of the votes cast for all candidates for governor at the last gubernatorial election. Petitions must be signed by 100 residents in each of at least one-half of the state's congressional districts. To be valid, signatures must be collected within 180 days of the date of filing.

***FISCAL IMPLICATIONS:***

The House Fiscal Agency reports that the bill would have no fiscal impact on the state or local governments. (HFA fiscal note dated 2-21-02)

***ARGUMENTS:******For:***

The bill will ease ballot access requirements for minor parties and make them more reasonable. Minor parties play an important role in American political life by generating new or different ideas, some of which later gain wider acceptance or, at least, force the mainstream parties to inquire more deeply into their own beliefs and positions. Many minor parties in the state have long histories and deeply held convictions, and when new parties emerge they typically are addressing pressing contemporary political issues from new and intense perspectives. At a time when our political system is criticized for low voter turnout and citizen apathy, it makes little sense to impose onerous ballot access

requirements on parties that are able to attract dedicated activists and garner significant support for some of their candidates, even if those candidates are not the ones at the top of the ticket. It is difficult to build a party when leaders must be concerned in every election that their top-of-the-ticket candidate will fare so poorly that the party will need to gather a large number of petition signatures just to get its candidates back on the ballot two years later. A democracy should not put up such barriers to political participation and should not stifle political debate and dissension. To do so only encourages the growth of disenchanting and disaffected citizens. Proponents of the bill say that if fewer and fewer people participate in elections, it will call the legitimacy of the elected governments, and the principle of a government operating by consent of the governed, into question. They also say that states with more open ballot access have not seen an excessive number of parties or candidates on the ballot. Several states with relatively open access have seen only six or seven candidates for president on the ballot and three to five candidates for U.S. Senate.

Moreover, as mentioned earlier in the analysis, the current ballot access voting requirement produces unfair and inaccurate results, since the top-of-the-ticket candidate in a given election year may not be an accurate reflection of the popularity of a political party or its ideas. (Just as one of the major parties can suffer a landslide loss without any overall loss of commitment from voters.) Many people will vote for a minor party candidate for offices lower on the ballot but fear "wasting" their vote if they do not vote for a Democrat or a Republican at the top of the ballot. This is particularly true in Michigan where the two major parties are fairly even in strength and the top-of-the-ticket races sometimes closely contested.

***Against:***

The standard concern with liberalizing ballot access laws is that the ballot, which in Michigan is already unusually long, will become unwieldy, as the number of parties and candidates proliferate. Ballot access laws are aimed at establishing the legitimacy of political parties and candidates. Some people are concerned that if ballot access is too easy, it will encourage frivolous candidacies.

***POSITIONS:***

Representatives of the Libertarian Party, the Green Party, the Reform Party and the Constitution Party testified in support of the bill before the House Committee on Redistricting and Elections. (2-7-02)

The League of Women Voters supports the bill. (2-21-02)

The Department of State is neutral on the bill. (2-22-02)

Analyst: C. Couch

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.