



## **Frequently Asked Questions (FAQs) about ballot-access reform**

### **1. Won't third-party ballot access create a spoiler effect?**

Any "spoiler effect" caused by third-party candidates is due to the choices of voters to support those candidates. Restricting ballot access to prevent "spoilers" is nothing more than an attempt to suppress the will of voters. No party is entitled to votes.

### **2. Shouldn't we keep the current laws in place to preserve the two-party system?**

America's supposed two-party system was not the idea of the Founding Fathers, nor was it set up by the U.S. Constitution, rather it was created by the Democrat and Republican parties. These two parties exploited a run of popular support in the early 1900s, during which time they passed stringent ballot-access requirements that apply only to third-party and independent candidates.

### **3. Won't open ballot access allow fringe extremist groups to get on the ballot, or even be elected to office?**

Under Oklahoma law, any extremist group can simply pay a filing fee and run candidates as independents for any office, except for president. In fact, independents from such fringe groups as the Southern Party and the Natural Law Party have done so. Such conditions can confuse voters, who have no party labels to guide them as to the party affiliation of an independent candidate. Recent elections show that independents usually get two to three times as many votes as candidates identified as representing a "third" party. Also, there's nothing to stop an extremist candidate from running under current law on a major party ticket, as former KKK leader David Duke did when he ran for office in Louisiana as a Republican.

### **4. Will ballot-access reform actually improve representation of the public?**

In 2002, the Oklahoma League of Political Scientists conducted a survey of its membership on ballot access reform. Fifty-nine percent of the respondents favored easing ballot access because it would ensure better representation for Oklahoma citizens, and 71 percent thought that fair ballot access laws would have a positive impact on policy deliberation and legislation.

### **5. Why shouldn't third parties have to prove that they are a "legitimate" party before being given access to the ballot?**

As the 9th Circuit, U.S. Court of Appeals, said in July 1985 (765 F.2d 1417), "A state may not require a preliminary showing of voter support as an end in itself. Denying ballot access is permissible only if and to the extent that it is necessary as a means to further other legitimate state interests, including avoidance of the voter confusion that may result from the presence on the ballot of too many frivolous candidates."

The voters should be the ones who decide what candidates are worthy of support.

### **6. Won't too many choices intimidate, deter or confuse new voters?**

When Oklahoma law required only 5,000 signatures to get a third-party candidate on the ballot (between 1924 and 1974), there were never more than four candidates on the state's election ballots.

It is a myth that having multiple candidates on the ballot will confuse voters. In the 2003 California Governor's Recall Election, Arnold Schwarzenegger won the race without a runoff, even though there were 134 names on the ballot. Also, every Democrat and Republican presidential primary features multiple candidates. Oklahomans had 11 choices for president in the 2008 Republican primary. Democrats, meanwhile, had eight.