

Membership in the Constitution Party in Ohio
According to Current and Pending Election Laws
April 2014

It is important that voters in Ohio understand how Ohio currently determines Party membership and the constraints that this places on voters.

First of all, unlike some other states, one does not register in Ohio with the Board of Elections or the Secretary of State as a member of a political party. When one registers to vote in Ohio there is no place to register for party membership or affiliation.

While a person can affiliate with any political party based upon that party's bylaws for membership, joining or affiliating with a party does not make one a recognized member of that party by the state. The only way a voter becomes a formal member of a political party in Ohio is by voting in that party's primary elections. When you go to the polls to do your civic duty (as we older persons were taught in school) and vote in the primary elections, you state to the election officials in which party primary you are voting. That registers you as a member of that party for at least the next two years. (Note the radio advertisements now being broadcast in Ohio trying to make everyone feel guilty about NOT voting in the upcoming Primaries and trying to convince you [falsely in my estimation] that to not vote negates your freedom of choice. Read on to learn how voting in the Primaries is what negates your right to choose.)

To become a "member" of the Constitution Party in Ohio, one needs to:

1. Go to the State Party website (www.cpofohio.org)
2. Click on the "Join Us" tab at the top and
3. Either:
 - a. Fill out the form online and submit it electronically, or
 - b. Download / print the mail-in form, fill it out, and mail it to the Party Headquarters at P.O. Box 5, Eaton, OH 45320.

This will notify the Party leadership of your joining. (I suggest that before joining you read the State Party platform on the state website to ensure you are in at least general agreement with our political positions.)

While filling out the membership application makes your interest known to the Party leadership, NOTE that it DOES NOT make you an official member of the Party with the Ohio Secretary of State's Office. That can only be done by "pulling" a Constitution Party ballot during the Ohio State primary elections.

This is unfortunate in that we do not currently have that many people running for elective office and therefore one cannot pull a Constitution Party Primary Ballot anywhere for the 2014 election except for Congressional District #8 (please vote for Jim Condit, Jr) or in Ohio Legislative District #85 where Dave Easton is the CP candidate for now. (I admit that we – or I – made a mistake in the 2014 elections in that the rules were changed by the Republican Controlled legislature and State Administration to require that to be in the general election we must run candidates in the May Primary Elections, and candidate petitions had to be submitted to the Board of Elections in February. We should have run someone for Secretary of State which would have then had a Constitution Party primary ballot available in every precinct in the state. This is part of our learning curve as we rebuild the Party in Ohio which we began doing in May of 2012.)

Currently, if a person votes in a political party's primary, as noted, they are then considered by the Secretary of State's Office to be a member of that Party. As such, for two-years following that vote, the voter cannot sign a petition of someone running as a candidate in a different party. Thus, if a Constitution Party candidate is running for a political office, it requires that he or she obtain the required number of VALID signatures from those who did NOT vote in another party's primary within the past two years. The same applies to other parties and independent candidates.

The Constitution Party is currently a recognized minor party in Ohio by the Secretary of State's Office, along with the Libertarian, Green, and Socialist Parties. This holds a tremendous advantage in that for most elective offices, minor party candidates only need 25 valid signatures of registered voters who have not voted in another party's primary in the last two years. However, for everyone that did their civic duty of voting in a primary election, either as conscience citizens and/or to typically try to get the best Republican or Democratic candidate on the ballot, they are now unable to sign a nominating petition of a Constitution Party or other party candidate for a period of two years and then by NOT VOTING in any Party's primary, or voting only in the Primary of the political party they are certain to endorse in the future. A candidate can change his or her Party affiliation by filing a valid election petition for another Party and thereby run as a different Party's candidate in future elections but the voter cannot change parties via notification.

In Ohio, if there are no Constitution Party candidates on the primary ballot, the only way a voter can sign a Constitution Party candidate's nominating petition two years hence is by NOT VOTING in another Party's upcoming Primary. If there are issues for which one wishes to vote, the voter can obtain an "Issues Only" ballot.

The above processes could all be severely affected IF Senate Bill 193 is allowed by the courts to stand for the 2016 election and beyond. The Republican Legislature and Governor tried to use the emergency legislation clause to get it passed in time to impact the 2014 elections but the courts issued and upheld an injunction for the 2014 elections. While the minor parties are trying to get the courts to rule SB 193 wholly invalid, that is not a given at this time.

So, what does it mean to you if Senate Bill 193 (SB 193) is allowed to stand for the 2016 elections? For many, it won't mean a thing because they will go through the motions of voting as they always have without any care or understanding as to how their rights and privileges in voting have been taken away from them. But for all who care and want to know, here is what SB 193 means to you:

1. All currently recognized minor parties will be declared null and void.
2. At that point, the only way a minor party will be able to regain recognition as a political party by the Secretary of State's Office will be by obtaining the valid signatures of qualified electors equal to one per cent (1%) of the votes cast in the 2014 gubernatorial race, or approximately 40,000 signatures, based upon past gubernatorial elections, beginning 12 months prior to the 2016 general election with the petitions submitted to the Secretary of State no later than 125 days before the general election, or around July 4th.

Note also that the signatures, to be valid by the current rules from the Secretary of State's Office, have to be by registered voters who did not vote in the 2014 Primary Elections of another political party.

3. Also, nominating petition solicitors/signature gatherers for a candidate must be in-state registered voters who did not vote in another Party's primary within the last 2 years (i.e. the 2014 primary elections). Minor Party candidates in Ohio, except for Presidential/ Vice

Presidential candidates – if I am not mistaken, are prohibited from using non-Ohio residents as solicitors. This is the law that the Ohio Secretary of State used to remove Libertarian Gubernatorial candidate, Charlie Earl, and his running mate from the 2014 elections unless their status is reversed by the courts, which is still pending with the Primary elections looming. It is also interesting that the Republican controlled legislature and Republican Governor exempted themselves and their Democratic colleagues from this requirement.

4. Finally, it should be noted that historically, candidates need to collect a minimum of 30% more signatures than the required minimum because at least 25% of the signatures will be declared invalid for one reason or another. So, for 2016, to obtain 40,000 valid signatures will require that each minor party collect at least $40,000 \times 1.3 = 52,000$ signatures from those who are registered voters but who did not vote in another Party's upcoming 2014 Primary Elections. Of course, a voter may sign only one petition for the same office or Party.

In accordance with SB 193, any minor Party, like the Constitution Party or Libertarian Party, that is able to collect the necessary 52,000 signatures, will then need to poll 3% of the votes cast in the 2016 presidential race, or receive approximately 162,000 votes, for them to remain a State recognized minor political party (based upon the 2012 Presidential voting numbers). None of the minor parties will be able to meet this threshold based upon historical figures, as those Republican legislators knew full well when drafting the legislation. The Libertarians did get just over 2% of the vote in the 2010 gubernatorial race and the Green Party got 1.6%. In 2012 no minor party candidate received even 1% - Libertarian Gary Johnson received 0.89% and no one else was close to that number.

If any minor Party did receive 3% or more of the vote, then that Party would remain ballot qualified for 4 years. Any minor Party that did not retain party status in 2016, in order to be recertified as a ballot eligible party in 2018 will have to gather 1% of approximately 5,500,000 votes cast (based upon the 2012 elections) = $55,000 \times 1.3 = 71,500$ signatures of registered voters who did not vote in another Party's Primary election in 2014.

Even if a party obtains the required number of signatures and submits its party formation signatures, the election law goes on to state, "Any qualified elector may file a written protest against the petition with the secretary of state..." (You think the duopoly [Republicans and Democrats] is not going to take full advantage of this statement!? Just ask Charlie Earl and the Libertarians!)

Ohio Election Rules state that at least ninety-five (95) days before the general election, the "secretary of state shall determine whether the party formation petition is sufficient and shall notify the designated committee." (Do you believe that any minor party will receive notification any earlier than 95 days before the general election?)

It goes on to state, "If a party formation petition is insufficient, no candidate shall appear on the ballot in the general election as that political party's nominee, regardless of whether any candidate's nominating petition is sufficient." What this effectively means is that potential candidates for parties being formed or re-formed or reconstituted cannot confidently begin campaigning for office until 3 months before the election (until after the Party receives notice from the Secretary of State's Office that they have met the qualifications to be a recognized Political Party for the upcoming election).

This also means that they are prevented from running in the Primary elections, which would allow them the opportunity to gain name recognition. In addition, Ohio Election Laws currently state they must run in the Primary Elections in order to be on the ballot in the general election. (Before the recent change,

minor party candidates did not have to run candidates in the primary elections to be on the ballot; they could just submit names and the required number of signatures for the general election with candidates chosen by the Party in accord with their Party rules filed with the Secretary of State's Office.

What the Republican controlled legislature is proposing to do via SB 193 (and the Democrats passed a similar measure when they were in power which was struck down by the courts also as unconstitutional) is not unlike what is in place in many other states. To the good, according to the latest edition of *Ballot Access News*, the courts just struck down the egregious ballot access election laws in Tennessee, which will hopefully portend well for other states.

What we need are uniform ballot access rules/laws that are reasonable and apply to all Parties as well as to independents. Rules that allow a new Party to build from the ground up, county by county and precinct by precinct, rather than be required to maintain ballot access by running candidates only in expensive and difficult races for state offices wherein they must then receive a minimum percentage of the vote to remain ballot qualified. Stay tuned as I will be proposing such in the near future.

Don Shrader, Chairman
Constitution Party of Ohio

They that can give up essential liberty to obtain a little temporary safety deserve neither liberty nor safety. Ben Franklin