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APPEALS COURT UPHOLDS ND ELECTION LAW

BISMARCK – The Eighth Circuit Court of Appeals today issued its opinion affirming a district court ruling that a North Dakota election law is constitutional.

“I am pleased the court recognized that the state has a legitimate interest in reducing ballot congestion and avoiding voter confusion by requiring potential candidates to demonstrate they have at least a modicum of public support before having their names printed on the general election ballot,” said Attorney General Wayne Stenehjem.

“This office followed the law as it has existed since 1981. Therefore, I am pleased with the ruling of the court supporting our action, the rationale for the law, and that it has not been an undue burden for people wanting to run for public office,” said Secretary of State Al Jaeger.

In September 2010, the Libertarian Party of North Dakota sued Secretary of State Al Jaeger after he refused to place the names of three Libertarian Party candidates on the general election ballot. State law requires a candidate to obtain a minimum number of votes in the primary election in order to be placed on the ballot for the general election. A candidate in the primary election must receive the lesser of one percent of the district population or 300 votes in order to be placed on the ballot for the general election.

The three candidates, Thommy Passa, Anthony Stewart, and Richard Ames, received four, six and eight votes, respectively, in the primary election. Based on the district populations, they needed 132 votes, 130 votes, and 142 votes to meet the minimum required by law and be placed on the November general election ballot. The candidates then sued, claiming the minimum vote requirement was unconstitutional, unduly burdensome, and in violation of the First and Fourteenth Amendment and the Equal Protection Clause.

The Appeals court upheld the requirements of state law. It held the burden created by the law was reasonable and necessary to serve the State’s interest of preventing ballot overcrowding and voter confusion by eliminating frivolous candidates.

Solicitor General Doug Bahr represented the state.

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