

Presidential Candidate Ryan Binkley Sues Minnesota to Appear on Primary Ballot

Binkley is officially on 23 state primary ballots and is on pace to appear on 26 additional state ballots

MINNEAPOLIS, MINNESOTA, USA, December 20, 2023 /EINPresswire.com/ -- Presidential

“

It's wrong for judges and political parties to decide who's on a ballot, whether it's the Colorado Supreme Court ruling on Donald Trump or a similar battle I'm fighting in the Minnesota Supreme Court.”

Presidential Candidate Ryan Binkley

candidate Ryan Binkley filed a lawsuit in the Minnesota Supreme Court to gain access to the GOP presidential primary ballot, after previous attempts proved unsuccessful.

Binkley is currently devoting the time, money and resources to appear on the primary ballot in all 50 states. [The campaign](#) has successfully completed the process in 23 states without court action. Binkley's attempts to access the primary ballot in Minnesota have been blocked by the Minnesota State Republican Party.

“The political parties should not reduce voters' choices in the presidential primaries,” Binkley said. “We've been working hard to be on the ballot all over the country, and I'm excited about that. We're on track to be on every single one, except the state where we're having difficulty. Minnesota, believe it or not, doesn't want grassroots candidates.”

The Minnesota Supreme Court will hear Binkley's case #A23-1900

(<https://macsnc.courts.state.mn.us/ctrack/view/publicCaseMaintenance.do?csNameID=103346&csInstanceID=119579>) on January 11, 2023, at 10 a.m.

“The Minnesota state legislature has made a constitutional mistake under the Electors Clause by delegating presidential candidate selection for the presidential primary ballot to the political parties and their chairs,” said the petitioner's attorney, Erick Kaardal. “The state GOP and the Secretary of State are moving to exclude Binkley from the GOP presidential primary ballot on March 5, 2024. The bottom line is people need choices on the presidential primary ballot. Binkley should be on the GOP presidential primary ballot. The current system isn't working to produce that democratic result. There are unconstitutional shortcomings here.”

Binkley for President 2024 had been notified of the following Republican Party of Minnesota thresholds for getting on the presidential primary ballot: (1) Met the threshold to appear in the first RNC debate in Milwaukee or (2) Previously held or currently held at least one of these offices: President or Vice President of the United States, United States Senator or Congressman, Governor in any state, or mayor of a United States City with a population of more than 250,000.

The Republican Party of Minnesota's thresholds mean that Binkley will not be on Minnesota's GOP presidential primary ballot because Binkley does not meet the thresholds.

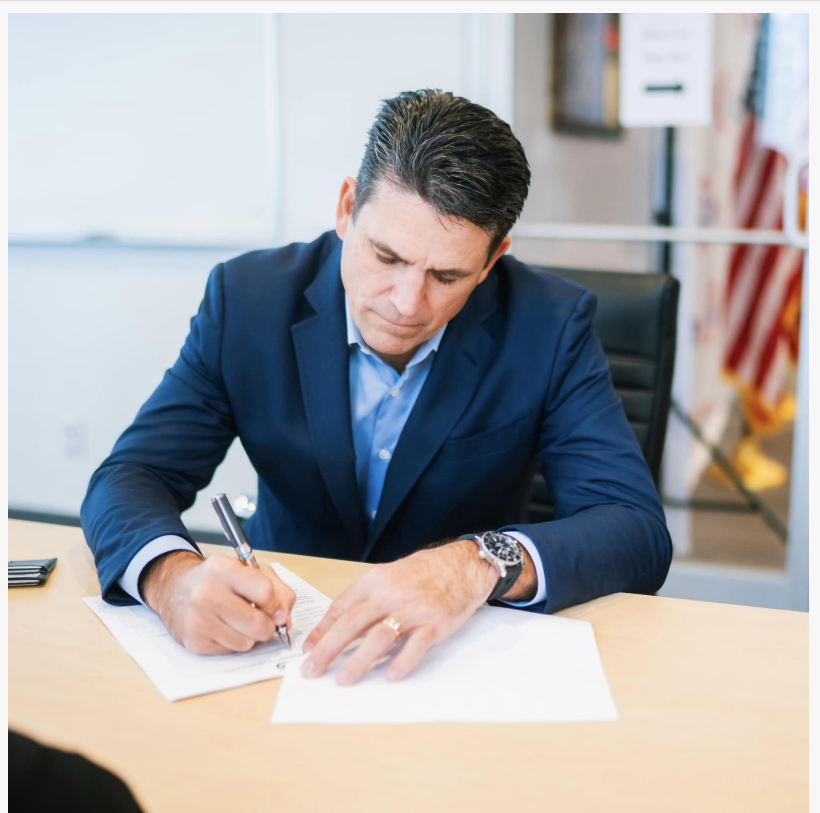
Two of Binkley's opponents who appeared in the first Republican

debate and therefore met the Minnesota primary ballot threshold actually [did not qualify](#) or [file prior](#) to the deadline to appear on several other state ballots where Binkley's name will appear. Binkley has met the qualifications to appear on the primary ballot in Iowa, New Hampshire, South Carolina, Nevada, Alabama, Georgia, Arkansas, Florida, California, District of Columbia, Hawaii, Maine, Tennessee, Idaho, North Carolina, Oklahoma, Michigan, Arizona, Colorado, Texas, Utah, Louisiana and Vermont. Binkley's campaign is in the process of completing the steps to appear on the ballot in the remaining states.

The lawsuit claims that Minnesota Statutes § 207A.13, subdivision. 2(a), under the U.S. Constitution's Electors Clause, contains an unlawful delegation to the political parties and their chairs to determine which presidential candidates are on the presidential primary ballot, including the discretion to exclude presidential candidates from the presidential primary ballot.

Binkley's lawsuit strategy based on the Electors Clause is new and based on the U.S. Court of Appeals for the Eighth Circuit in *Carson v. Simon*, a Minnesota case. In that case, the U.S. Court of Appeals opined that the Electors Clause granted states the power to enact statutes governing presidential elections:

By its plain terms, the Electors Clause vests the power to determine the manner of selecting electors exclusively in the "Legislature" of each state. U.S. Const. art. II, § 1, cl. 2; *McPherson v. Blacker*, 146 U.S. 1, 27, 13 S.Ct. 3, 36 L.Ed. 869 (1892) ("The constitution leaves it to the



Ryan Binkley Signs to Appear on Primary Ballot in Home State of Texas

legislature exclusively[.]”). And this vested authority is not just the typical legislative power exercised pursuant to a state constitution. Rather, when a state legislature enacts statutes governing presidential elections, it operates “by virtue of a direct grant of authority” under the United States Constitution. *Bush v. Palm Beach Cnty. Canvassing Bd.*, 531 U.S. 70, 76 (2000). Consequently, only the Minnesota Legislature, and not the Secretary, has plenary authority to establish the manner of conducting the presidential election in Minnesota. *Carson v. Simon*, 978 F.3d 1051, 1059–60 (8th Cir. 2020).

The lawsuit claims that with that grant of power comes the limitation that the power can’t be delegated to private entities or people, such as political parties and their chairs. One of the original purposes of the Electors Clause, adopted at the 1787 Constitutional Convention, was to minimize the political parties’ influence, cabal and intrigue. The Electors Clause is part of the reason that our states’ electoral system has evolved to include 50 states holding primaries or caucuses to improve the presidential candidate selection process.

The complaint’s simple claim is that it is an unlawful delegation of power under the U.S. Constitution’s Electors Clause for a Minnesota state law to delegate to the state political parties the choosing of presidential primary candidates for a presidential primary ballot.

Binkley has been harmed by the state law’s delegation to the Republican Party of Minnesota of the power to exclude presidential candidates from the presidential primary ballot.

Viable alternatives are available to avoid political parties choosing which candidates to exclude from a presidential primary ballot. For example, a candidate petitioning nominating process requiring a certain number of signatures by eligible voters or party members would reveal whether a candidate has sufficient support to appear on a primary ballot. Minnesota already has a 2,000 signatures requirement for non-major political party candidates to be on the presidential ballot. See Minn. Stat. § 204B.08, subd. 3(a). Such an approach could be used for a presidential primary ballot and could also help avoid a “cluttered” ballot.

Binkley is co-founder and CEO of mergers and acquisitions firm Generational Group and co-founder and lead pastor of Create Church, both in the Dallas area. As an expert in finance, Binkley is introducing a new economic approach through his campaign proposals to secure the border, balance the budget and reform healthcare.

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