

9/18/2015

Testimony of Steve Scheetz, Immediate Past Chair, Libertarian Party of Pennsylvania
To the Pennsylvania State Senate Committee on
September 22, 2015

Overview

Mr. Chairman, Members of the Committee, Guests:

Thank you for affording me the opportunity to speak with you today. My name is Steve Scheetz and I served as chair of the Libertarian Party of Pennsylvania, the Commonwealth's affiliate of the third largest political party in the United States. Founded in 1971. The Libertarian Party of Pennsylvania, (LPPA) works to advance the cause of smaller government and greater freedom. We do this by respecting the rights of all individuals to live their lives as they please -- as long as they don't hurt anyone. As author and activist Matt Kibbe has written, our philosophy can be summed up as "don't hurt other people and don't take their stuff." We believe that our message is one with broad appeal and that the policies we support would increase prosperity in the country and in Pennsylvania.

Ladies and Gentlemen, the way the current ballot access laws in our Commonwealth have been written and interpreted are not only unconstitutional, these laws have served to severely damage our efforts to bring our message to Pennsylvania voters. Please let me be clear, it is not only our message, but every message that is originated by a third party candidate. By using the harshest interpretation of these laws, some individuals have, in effect, been throwing their minor party competitors off of the ballot and getting away with it due to the significantly higher standard, and the fact that these minor party candidates had to validate and defend their signatures, in court, or be charged for the expenses of the challengers! In a previous sentence, I referenced the recent District Court ruling stating what I wrote earlier, that these regulations unfairly burden minor

parties and reduce voter choice. Included with this lack of choice, voters are only able to have certain specific opinions of certain specific issues addressed during election cycles. By having limited ballot choice, and only major party candidates on the ballot, these issues are, in effect, being whitewashed by the major party monopoly.

Minor party candidates, and their parties as a whole, understand that the road to elected office is long and arduous, and there is no expectation that any law would offer anything other than a level playing field. To be clear, we are asking for a fair shot and equal access to the ballot. This is why we are supporting the Voter's Choice Act as a positive first step.

It is also important to note that the Libertarian Party does not ask the state to spend taxpayer dollars on a primary election, nor would we ever ask the state to spend taxpayer dollars on our convention where we nominate our candidates. Instead, we simply wish our candidates to be able to appear on the ballot in the general election each cycle with the same requirements as every other party, including Democrats and Republicans. We became members of the PA Ballot Access Coalition and urge passage of the Voters' Choice Act in order to facilitate our goal of equal ballot access.

Today, I will speak about three topics to illustrate how the current laws have and continue to impact the Libertarian Party of Pennsylvania.

- First, I will review the onerous requirements imposed on us by the current laws of the Commonwealth and how they discourage candidates from seeking public office.
- Second, I will briefly discuss what happened with the 2012 petition drive, particularly relating to those laws impact on our efforts.

- Third, I will review how those laws impacted the 2014 gubernatorial election and kept our candidates off of the ballot in the general election.
- Finally, I will share some concluding thoughts with the members of the Committee and will be pleased to take your questions.

Current Requirements

The laws of the Commonwealth currently make it exceptionally difficult for minor parties to appear on the ballot for elected office. And, of course, if a candidate is not on the ballot, it is nearly impossible for him/her achieve a victory.

For example, in the 2012 election cycle, minor party and independent candidates needed to submit more than 20,000 signatures to appear on the ballot for state-wide office, as compared to only 2,000 signatures for candidates from the major parties -- that's an order of magnitude. This means that it takes 10 times the time, 10 times the effort, and 10 times the expense just to get on the ballot. (In some cases up to 33 times the time, effort, and expense) This serves only to discourage minor party and independent candidates from running for office -- after all, the odds are generally stacked against them from the beginning in terms of fundraising, and to have to spend so much time and effort just to appear on the ballot simply makes a minor party or independent candidacy a non-starter.

Of course, this is only part of the problem. Signatures gathered by minor party and independent candidates are frequently challenged by the major parties. While we agree that valid signatures are a reasonable requirement, we are often required to spend a great deal of time and money proving that our signatures are, indeed, valid, or provide a ludicrously large number of signatures

above and beyond the requirement. The way the laws were written, here in Pennsylvania, all challenges have been placed under the purview of the court system and the losing side can be held liable for the legal fees and expenses of the successful side! This squashes many candidates' ambitions, because they are often faced with a difficult choice: either try and fight a signature challenge in court, or, if they do not have enough money to make this happen, give up their dream of public service so that they are not bankrupted by the process. While there are many other requirements that make it more difficult for third party candidates, this particular issue alone has been most responsible for candidates giving up or watching their campaigns fail before they begin.

Simply put, the current laws unfairly burden minor party and independent candidates, effectively preventing them from appearing on the ballot. The chilling effects of the current laws ultimately reduce voter choice and unfairly favor the major parties. This is the same conclusion recently reached by U.S. District Court Judge Lawrence Stengel in *Constitution Party of Pennsylvania v Cortes, e.d., 12-cv-2726* (a case to which the Libertarian Party of Pennsylvania was a party), which found that Pennsylvania's laws place an unconstitutionally high bar on third-party political candidates seeking public office.

What is clear is that the existing rules are onerous, unfair, and unnecessary. It is time for a change -- one that will level the playing field for all candidates.

2012 Presidential Election

During the petition drive, the Libertarian Party candidates were challenged by "concerned citizens" who forced us into a 9 week court battle. We expended time, money, and thousands of volunteer hours counting signatures. In the end, we defended our candidates' petitions, and we achieved ballot access, but those 9 weeks we spent fighting cost us a great deal. The volunteers who

worked, in some cases, over 80 hours per week did so because, in some cases, they could not believe that unconstitutional laws could be used, here in Pennsylvania, in order to prevent voters from having a choice on the ballot. Their hard work, the work of the attorneys on the case, and all of the money donated to help verify that we did indeed have the appropriate number of signatures, was work and money that we should have had for the campaign. This is part of the insidious nature of these challenges. They effectively prevent candidates from ever being heard, or if they are heard, it is by the smallest audience due to the fact that there is no money left for much of anything, let alone advertising.

2014 Gubernatorial Election

During the 2014 cycle, I was Chairman of the Libertarian Party of Pennsylvania. Due to the experiences people had in 2012, many were too burnt-out by the process and the challenge to bother to become a candidate, or to volunteer to help candidates. Ken Krawchuk was our candidate for governor, and he could not gather an appropriate number of signatures due to the fact that there were limited funds. (People asked us why they should bother donating to a campaign only to have their money eaten up by a challenge, or worse yet, If Ken were to leave the race after being threatened with a lawsuit, what was the point in volunteering or sending in money?) I had a similar experience when I ran for State Representative in 2014.

Conclusion

Members, we believe that the time has come to level the playing field for all citizens of the Commonwealth by enacting Senate Bill #495 - The Voter's Choice Act. This important legislation will help to end the unfair treatment of minor party and independent candidates seeking to serve Pennsylvania by:

1. Allowing a political organization to achieve minor party status with 0.05% of registered voters;
2. Simplifying the nomination process -- minor parties must submit candidates 8 weeks prior to an election; and, perhaps most importantly,
3. Equalizing the signature requirements for major party and minor party/independent candidates.

These common-sense reforms will protect the rights of all residents of the Commonwealth, level the playing field, and bring real choice to the Pennsylvania voting booth. We urge the immediate passage of SB495.

Sincerely,

A handwritten signature in black ink, appearing to read 'Steve Scheetz', with a long horizontal flourish extending to the right.

Steve Scheetz