

LIBERTY PLEDGE

NEWSLETTER

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www.LP.org August 2014

The Libertarian Policeman Who Could Upend Kentucky's Senate Race

David Patterson is not on the ballot, but in one of the nation's tightest and most closely-watched contests, he garnered 7 percent in a poll this week.

By Shane Goldmacher
From the *National Journal*
Published on July 31, 2014

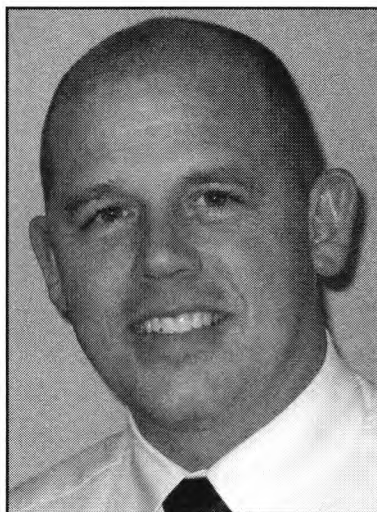
David Patterson is driving around the small town he patrols as a cop, when he veers off a main road into a small lot in front of a building labeled "GUNS." He slows the car to a roll as he points out one of the few yard signs anywhere in Kentucky with his name on it.

"In front of the gun shop," he chuckles. "Of course."

The sign itself is the obligatory red, white, and blue, and with miniature stars and text so small it almost requires a squint to read. Below his name is the office Patterson seeks: the United States Senate.

Patterson is off-duty and in shorts and sneakers, but there's still a handgun holstered to his hip. It presses visibly against his tee shirt. "I'm a big Second Amendment guy," he says.

David Patterson is unlikely to be the next senator from Kentucky. He has little money, next to no campaign infrastructure, and is trying to take on Republican Senate Minority Leader Mitch McConnell and his well-funded Democratic challenger, Alison Lundergan Grimes. But his shoestring Libertarian candidacy could still shake up one of the nation's most



David Patterson

expensive and consequential races.

Patterson is more than a little aware that being a libertarian cop—"kind of an oxymoron, right?" he says—is unusual. The first thing he tells me when we meet in Harrodsburg is that he prefers the term "peace" officer to "police" officer. "Police is really synonymous with..." he says before cutting himself off. "Well, it's got a negative tone to it."

He jaywalks twice across one of Harrodsburg's busier thoroughfares in the course of a 20-minute walk, as he explains the advantages of libertarian policing. "Wouldn't it be better to have a police officer who's a libertarian than a police officer that's not?" he says. For instance, Patterson says he's less likely than some to dish out a speeding ticket, so long as the offender isn't drinking or clearly endangering the public. "Wouldn't you rather not get a \$200-and-something ticket?"

"I try really hard in my work to not cite people," he says, before adding, "Does that mean I don't write tickets? No. I still write tickets."

In the coming weeks, Patterson must turn in 5,000 signatures to get on the November ballot. He and Libertarian Party officials are confident they'll hit the mark. They've raised enough money that, as of two weeks ago, they began deploying paid signature-gatherers.

Beyond that, Patterson's got a Facebook page, 40 lawn signs, 100 bumper stickers, a website, and that's about it. "It may not be the most professional looking thing, but when you have people who are willing to do it for free, you don't get all the bells and whistles," he says of david4senate.com. What little he campaigns, he does between shifts in his full-time job as a cop. "I try

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Libertarians challenge Dem, GOP ballot grip

By William Westhoven

From the *Daily Record* (Morristown, NJ)

Published on August 12, 2014

Libertarian Party members attended general-election ballot drawings in several New Jersey counties Monday to observe a process they say unfairly favors Democrats and Republicans.

This year, according to party officials, they won't stand idly by while majority parties are handed the top two lines on this year's ballot, and the law should back them up.

Among the Libertarians attending ballot drawings around the state was Parsippany resident Kenneth Kaplan, a two-time Libertarian nominee for governor, who represented the party at the Morris County Clerk's office. Clerk Ann Grossi, citing regulations from the state, denied his request to read a statement into the official record of the drawing.

Grossi, however, permitted Kaplan and others into the conference room where the names were picked, and read into the record his presence and the fact that he had an objection.

According to a press release from the New Jersey Libertarian Party, New Jersey law requires that to have a party column, a political party must "poll at any primary election for a general election of at least 10 percent of the votes cast in the state for members of the General Assembly at the next preceding general election."

Otherwise, candidate positions on the ballot are chosen essentially by lot.

"It is our belief the state of New Jersey via the lieutenant governor (Kim Guadagno, in her capacity as secretary of state and chief election official) was incorrect in certifying that the two establishment parties polled at 10 percent in the 2014 Primary," Kaplan said. "The New Jersey Division of Elections reports their official primary voter turnouts to be well below the 372,197 each needed to reach 10 percent. Only 240,749 Democrats and 175,316 Republicans cast primary ballots in 2014."

A total of 3,721,971 votes were cast for assembly candidates in the 2013 general election, according to voter records. But with voters instructed to vote for two assembly candidates, Guadagno used the total votes cast, rather than the number of voters, to certify that on Aug. 8 that the Democratic and Republican



Morris County Clerk Ann Grossi, standing, slips a candidate name into a black vial as part of the general election ballot selection process Monday in Morristown.

parties had achieved the "10 percentum of the votes cast in the state for members of the General Assembly" in the June 3 primary.

"We are operating under the direction of the secretary of state, who has certified the elections, and how the proceedings are supposed to be," Grossi said. "Mr. Kaplan has raised an objection to the manner in which the drawing is going to be done, and his objection is based on what he perceives a different interpretation of NJSA 19:5-1."

"The unreasonable inclusiveness of the current interpretation guarantees that two increasingly unpopular parties will retain a monopoly on the first two lines or columns in every General Election," Kaplan said. "This is an unfair and undeserved advantage."

"The position on the ballot is extremely important to us," said New Jersey Libertarian Party Chair Patrick McKnight, who attended the ballot drawing at the Somerset County Clerk's Office. "We are the third-largest party in the state and, depending on the drawing, we could be third on the ballot, or last, while the Democrats and Republicans are automatically assigned to the top."

McKnight said he was denied permission to videotape the Somerset County drawing but did attend. Grossi permitted the public and the media to videotape and photograph her drawing.

"The real story is how voter turnout is down in primaries," McKnight said. "People are just giving up on the election process and moving away from the two-party system. But we still have this antiquated method of preparing the ballot."

The process took about an hour, with Grossi placing the names of independent candidates in small black

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— Patrick McKnight, LP New Jersey Chair

Libertarians challenge Dem, GOP ballot grip

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vials, then placing them in a late 19th-century hat box held together with bands of brown tape.

Grossi shook the box over her head for every selection and read the names aloud. About six members of the public attended, including Sharif Shamsuden, a current member of the Parsippany School Board of Education who is up for re-election in November. Candidates for school board are not identified by political party.

“Good deal,” he said after receiving the third line on the ballot in a six-person race for three open seats.

Roxbury School Board Vice President Ronald Lucas also attended the drawing.

Grossi said the ballots would be posted at morriscountyclerk.org as soon as they are ready, but that several details, including ballot questions, will not be completed until next month. All registered voters will receive a paper ballot from their voting district before the November election.

New and renewing Liberty Pledgers

- | | |
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The Libertarian Policeman in Kentucky

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to answer emails and phone calls when I can,” he says, though he admits he’s stopped checking voice mails.

Nonetheless, Patterson pulled 7 percent support in a Bluegrass Poll released this week. Third-party candidates often fare best in races that are brutal and negative, as Kentucky’s Senate race has been and is expected to remain. In 2013, a Libertarian in Virginia’s sharply negative governor’s race garnered more than 6 percent of the vote. “Let’s call it what it is. It’s kind of juvenile,” Patterson said of the McConnell-Grimes race. “I’m an adult. I don’t want to see them go back and forth.”

The big question—beyond whether Patterson can, in fact, turn in 5,000 valid signatures—is whether his presence expands the pool of voters or siphons away otherwise lukewarm McConnell supporters. The McConnell-Grimes contest is within the margin of error in recent polls. And most political strategists believe Libertarian candidates are far more likely to draw support from traditional Republican voters than Democratic ones.

“We’re not taking—we hate that term—we’re not taking, we’re earning,” says Ken Moellman, chairman of the Kentucky Libertarian Party. He noted that the margin of McConnell’s lead—2 percentage points—was the same with Patterson in and out of the race in this week’s Bluegrass Poll.

Moellman is especially familiar with the vote-stealing charge. In 2011, he ran for Kentucky state treasurer as a Libertarian and received 37,261 votes—more than double the margin of the Democratic candidate’s victory. “Our goal is not to split the vote,” he says, “it’s not to dork around with the election.”

Born in Louisville in 1971, Patterson has been doing police work since 1996. The hair on his shaved head is thinning, but he still sports a boyish look. Married with two kids from two previous marriages, Patterson says he inherited his father’s political party and “blindly voted Republican down the board” until 2012.

That year, he took a liking to libertarian-leaning GOP presidential candidate Ron Paul and then soured on the Republican Party when Paul was pushed aside. He searched for alternative parties online and soon began attending local Libertarian meetings. When no one volunteered to run for Senate this year, he took up the mantle himself. (As for Ron’s son, Sen. Rand Paul of Kentucky, endorsing McConnell, Patterson says,

“I think it’s important for Libertarians to have someone running against Mitch McConnell. For a Libertarian, there’s only one way to describe Mitch McConnell’s voting record and that word is ‘ugly.’”

— Wes Benedict, LNC Executive Director

“He’s playing the game.”)

“I think it’s important for Libertarians to have someone running against Mitch McConnell,” says Wes Benedict, executive director of the national Libertarian Party, which has kicked \$7,000 into the ballot drive, according to Moellman. “For a Libertarian, there’s only one way to describe Mitch McConnell’s voting record and that word is ‘ugly.’”

Still, Benedict is readying for the blowback and accusations of vote siphoning. “I’ll start getting hate mail before long,” he predicts.

This Saturday, Patterson will make one of his biggest appearances yet at Fancy Farm in far western Kentucky, an event that marks the traditional kickoff of the fall campaign. Not that he was invited or has a speaking slot. “We’re going to stand around out in the parking lot, I guess,” he says.

Some fringe candidates try to end up in handcuffs at such events to lure TV cameras that would otherwise ignore them. “I’m definitely not going to do anything to get arrested,” Patterson says. He fully expects to be ignored by McConnell and Grimes. “They do not want to give me credibility because I’m dangerous enough as it is.”

Patterson will be driving himself more than 500 miles round-trip, including detouring through three other towns to pick up and carpool supporters there. (He expects a total of 25-30 people to join him.) Then, he’ll turn around and drive back to Harrodsburg the same day to save money on a hotel. Such is life on a campaign that’s scrapped together \$1,500. (The state Libertarian Party has raised money separately for the ballot drive.)

Patterson still hopes to win, even if he’s realistic when pressed about his chances: “I’d really like to hit the 15 percent mark.”

“Would I make a good senator? I don’t know. I have no idea,” he says. “But I know that I would follow the Constitution, and that’s something that’s been lacking.”