

LIBERTY PLEDGE

NEWSLETTER

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Ballot laws mean only half of Assembly races are contested, Libertarian says

By Dave Umhoefer

Excerpted from the *Milwaukee Journal Sentinel*

Published as their *PolitiFact* feature on June 3, 2015

When state Assembly seats are on the ballot, Wisconsin voters have far fewer candidates to choose from than residents of neighboring Minnesota and Michigan [do], a group called Competitive Elections Wisconsin claims.

In a May 11, 2015 letter to Assembly Speaker Robin Vos (R-Rochester), a leader of the group who is also an official with the Libertarian Party of Wisconsin took the claim a step further.

“The problem is simple. For all offices in Wisconsin, the number of signatures required for nomination petitions is too high,” Andy Craig wrote in the letter. “These levels are set such that incumbents and candidates with party backing can meet them with ease, but upstart challengers are often scared off from even attempting it.”

The result, Craig contends, is that nearly half of the candidates elected to the Wisconsin Assembly in November 2014 were alone on the general-election ballot.

By contrast, he continued, “just 9 out of 134 Representatives ran unopposed in Minnesota. In Michigan all 110 State Representative elections were contested by both major parties.”

“It is hard to believe that people in Wisconsin are that much more disinterested in deciding who their legislators are,” Craig wrote.

Craig’s letter caught our attention.

Wisconsin historically has high voter turnout.

Can our legislative races be so uncompetitive — and is it due to unusually high hurdles to candidacy?

The evidence

When we asked Craig, a 2014 Libertarian candidate for secretary of state, to back up his claim, he pointed to *Ballotpedia* and *Ballot Access News*. [Their] websites include tallies of contested races and state-by-state comparisons of candidacy requirements.

Regarding the contention that lower ballot access hurdles result in more candidates and fewer uncontested elections, Craig told us, “that seems self-evident, primarily in the comparison to other states that make it easier.”

He also cited his experiences recruiting and assisting candidate, some of whom...couldn’t get enough signatures in time.

We checked with election experts and compiled our own tallies of contested races from state election websites.

Here’s what we found:

Michigan and Minnesota did have at least two candidates fac-

ing off in the 2014 general elections in virtually all cases cited. And Wisconsin’s Assembly candidates were unopposed in nearly half the races.

That gap between those states is longstanding, according to research by the National Institute on Money in State Politics. And mirroring a national trend, Wisconsin has seen the number of uncontested Assembly races double since the mid-1970s, *Ballotpedia* reported.

Why is there a gap?

Craig points out, correctly, that Michigan and Minnesota allow candidates to pay \$100 filing fees to secure a ballot spot if they don’t want to collect signatures from residents. Wisconsin does not allow the filing fee option.

Two other states with a lot of uncontested 2014 races — neighboring Illinois and Iowa — similarly have no option to forgo signature collection.

Richard Winger, editor of *Ballot Access News*, said he thinks relatively more difficult ballot access rules explain the differences in those states.

“Asking strangers for signatures is somewhat like hitchhiking,” Winger said. “It is psychologically difficult for most people to ask for favors from strangers.”

Winger advocates for fairness in allowing minor party candidates on ballots.

Democrats and Republicans qualify for ballot lines pretty easily in all three states, and there is little doubt that any of them would lose their status as major parties, Burden said. He added that it can be harder for minor party candidates to get on ballots.

But the claim rests on what individuals have to do to get on ballots.

The fee option might attract more candidates, Burden said, because it is low and, since it can be paid at the last moment, requires little organization or planning.

But the signature requirements are also low, he said.

“Any candidate who has at least a skeletal organization or a little free time should be able to scoop up a couple hundred signatures without much trouble,” Burden said.

Burden and others suggest that other factors are at play.

For the last two election cycles in Wisconsin, the redrawing of legislative district lines has helped to squelch competition, Burden said.

As the *Milwaukee Journal Sentinel*’s Craig Gilbert reported in “Dividing Lines,” that redistricting and the ultra-polarized geography of southeastern Wisconsin mean that “there are practically no competitive seats in the most populous part of this

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For Fargo City Commission, a shift in the balance of power

Excerpted from *Inforum*
By Tu-Uyen Tran
Published on April 30, 2015

FARGO — City Commissioner Dave Piepkorn is ecstatic about the results of Tuesday's [April 28] special election and he wasn't even running.

"This is a seismic election," he said Wednesday. "I'm so happy. I've been on the minority ever since I've been on the commission."

The balance of power may be about to change with the election of Tony Gehrig, a Libertarian who has promised to rein in spending and cut taxes. He was the frontrunner in a pack of six candidates, receiving 22.3 percent of the vote.

Gehrig and Piepkorn said they think they have a lot in common, even if they won't always vote exactly alike. Of the four commissioners, Gehrig said he agrees most often with Piepkorn followed by Mike Williams.

But it's the latter whom Gehrig said he thinks will have the most influence. "There's going to be a lot of times where Mike Williams is going to be the swing vote," he said.

Mayor Mahoney, Commissioner Sobolik tended to vote together with

former Mayor Walaker, while Piepkorn and Williams have more often been dissenters.

Broad consensus

From his campaign rhetoric, it's clear that Gehrig expects to make a splash. Time and again, he's railed against the commission's priorities. Why, he asked, are commissioners talking about a new taxpayer-funded convention center when the city still needs a new south-end fire station? Why are they putting the new City Hall building on valuable downtown land that could be used for private development?

But the Commission has been a model of consensus. Of the nearly 2,000 votes it has taken since the start of 2012, it has voted unanimously 97 percent of the time.

The maverick of the bunch was Williams, who was the lone dissenting vote 19 times during those nearly 2,000 votes, which is less than 1 percent of the votes he's taken.

Piepkorn was the lone dissenting vote 10 times out of more than 750 votes, less than 2 percent of the votes he's taken. He had fewer votes because he was off the commission for

two years after losing to Sobolik and Williams.

The commission's amicable record suggests that Williams' swing votes won't happen that often. He was the swing vote four times and paired up with Piepkorn against the other commissioners five times.

Critical votes

Still, when that swing vote does happen, it could be a critical vote.

Earlier this week, Williams might have been the swing vote if Gehrig had been on the commission. Williams pushed his colleagues to vote again on a controversial special assessment for the proposed Fargo-Moorhead flood diversion because he felt the votes of property owners would be drowned out by the millions of votes the city and county had. Piepkorn agreed with him, but it would have been a tied vote and gotten nowhere.

Gehrig said he would have sided with Williams and Piepkorn. With popular sentiment against the assessment, that might have been enough to sink it.

Williams said he can see himself voting with Gehrig on issues such as cutting the cost of city services.

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competitive swing state."

Burden said party strategy differences can determine whether parties field candidates in "lost causes" areas.

In Minnesota, Burden noted, public funding of elections there is more likely to enhance competition by luring in candidates who might otherwise believe they would be unable to compete financially.

In Michigan, some have suggested that the state's term limits enhance competition. Burden disagreed, saying that by creating automatic openings every six to eight years, term limits actually reduce competition in other years. Strong candidates, he said, typically wait to run until the incumbent is forced from office.

Our rating

Andy Craig of Competitive Elections Wisconsin claimed:

"Thanks to restrictive and anticompetitive ballot laws," candidates in November 2014 ran unopposed in nearly half of Wisconsin's state legislative races but in Michigan and Minnesota were challenged in nearly all races.

There's no dispute that Wisconsin dramatically lags those states in competitive races, and ballot access rule differences are one possible factor in that gap. But it's clear that other factors are at play as well.

We rate his claim Half True.

Liberty Pledge invited Andy Craig to respond to the "half true" rating by PolitiFact. Here's what he told us:

While the rating doesn't make sense, this is still important coverage in the state's largest newspaper, of an issue I consider very important, not just to Libertarians but to all voters.

Richard Winger says he doesn't recall ballot access getting even the slightest coverage in Wisconsin major media before, so that's a big win. Highlighting uncontested races would benefit many of our state parties, to use as a lever to demand substantive ballot-access bills.

LP of Ohio opposes Responsible Ohio cannabis initiative

This press release from the LP of Ohio was picked up by Americans for Cannabis, who published it at their web site on May 24.

Mount Sterling, OH, May 2 — The Executive Committee of the Libertarian Party of Ohio (LPO) voted unanimously to oppose the initiative to re-legalize cannabis for all purposes being launched by the group known as Responsible Ohio. The group is currently petitioning to place an initiative on the Ohio ballot which would create a closed system of 10 growing sites for the cultivation of cannabis in the state, a strictly-limited network of vendors and suppliers, and a provision for users to grow only a very small amount of cannabis for their own use.

Because the LP has supported re-legalizing cannabis since the party's inception in 1971, the LPO's decision to oppose this particular measure is very significant. The party's objection to the proposal stems from the crony-capitalist nature of the proposed legislation. The Responsible Ohio initiative would lock in the 10 particular growing sites, granting an effective monopoly to the investors who control those sites. Since the initiative is being offered as an amendment to the Ohio Constitution, any future change would also have to be done by means of a constitutional amendment, which would likely face well-financed opposition from the beneficiaries of this proposal.

"There is nothing 'responsible' about Responsible Ohio," said LPO Political Director Tricia Sprankle. "This isn't a proposal to restore rights to Ohioans. It's a crony scheme to line the pockets of a few wealthy investors."

Sprankle pointed out that the Responsible Ohio cannabis initiative parallels the casino gambling amendment that Ohioans were gulled into passing in 2009. That amendment granted a monopoly to a handful of large corporations to operate full casinos at just four sites in Ohio.

"Hopefully, the voters of Ohio have learned, and won't be fooled a second time," Sprankle said. "The LPO understands the desire to see cannabis prohibition end. We agree. But if Responsible Ohio's initiative passes, Ohioans will still be getting busted for pot 20 years from now."

Several other groups are also pursuing cannabis re-legalization in various forms, although none are benefiting from the support of the deep-pockets supporting the Responsible Ohio amendment. The LPO is reviewing these other

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options and will address the issue again soon.

"We counsel patience right now," Sprankle concluded. "After three-quarters of a century of prohibition, it's better to wait a little longer for a better, cleaner law than to grasp at the first opportunity and pay for it later."

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USA FREEDOM Act now law with Obama signature

Excerpted from *The Examiner*
Published on June 3, 2015

[On] June 2, 2015, the United States Senate voted to pass the U.S. House version of the USA [FREEDOM] Act after proposed amendments failed. Shortly thereafter, President Obama signed the new legislation into law. The Act is the succession of the controversial [USA PATRIOT] Act, which saw three of its major sections end at the close of May. Many were surprised that proposed amendments to the Senate version failed, thereby negating the need for the bill to go back to the U.S. House or to conference. That allowed it to go straight to the president's desk for signature. One of the main issues of the Patriot Act was the mass surveillance of all Americans by their government even though they were not suspected of committing any crimes.

Many privacy advocates would like to see a more robust USA Freedom Act like the version proposed in 2013, rather than [this] watered-down 2015 version. The Electronic Frontier Foundation (EFF), which has been fighting for Americans' privacy for many years, has stated, "Congress should put back key provisions that were dropped along the way as well as remove those that were introduced at the behest of the intelligence community."

Senators, who supported the continuation of the Patriot Act [on May 31] and praised its importance, changed their tune on June 2, stating that the Patriot Act perhaps went a bit too far, but the USA Freedom Act will keep the nation secure. As 2012 Libertarian Party presidential nominee, Gary Johnson, stated in an email, "We've heard it before. If the government is forced to stop its mass surveillance of American citizens, the sky will fall and we will be put at risk of attack. That, of course, is what the defenders of allowing the NSA, the FBI and even the DEA to gather up our phone records, emails, and financial information are saying as Congress decides whether and how to extend anti-privacy provisions of the Patriot Act — provisions that thankfully expired Sunday night."

Under the Patriot Act, the FBI could not point to any serious terrorist attacks that were foiled due to the sunsetted sections of the Patriot Act. It has also been reported that the Patriot Act is rarely used for terrorism but is often used to nab suspects in other types of federal crimes — even the recent indictment of Dennis Hastert. Regardless of the sunsetted provisions, the federal government still has an arsenal of tools available to thwart terrorism and fight other

federal crimes. Section 215 had to sunset according to a federal court which found the mass surveillance of Americans to be unconstitutional, but senators were still defending it. They defended an unconstitutional law, even though they all swore in their Oaths of Office to protect and defend the Constitution. Many Libertarians feel those who have opposed the removal of Section 215 should be forced from their elective office for violating their Oath of Office.

What many Libertarians find disturbing about much of the political rhetoric coming out of D.C. is the disregard for the Constitution and more specifically the Fourth Amendment...[which] is supposed to protect citizens from unwarranted searches and seizures by the government...thereby assuring Americans their privacy. But many senators have been clearly in favor of giving up the Fourth Amendment in favor of more security. When Libertarians hear such rhetoric coming from politicians, they often quote Benjamin Franklin's famous quote on the subject: "Those who surrender freedom for security will not have, nor do they deserve, either one."

Libertarians and the EFF will continue to work to improve the 2015 version of the USA Freedom Act.

All About that Trash: Lafayette County Libertarian Party Regularly Picks up Litter on Hwy. 6

Excerpted from *HottyToddy.com*
Posted on April 15, 2015

Picking up highway trash may not seem like a political statement, but for the Lafayette County Libertarians, it is a way to demonstrate the principles of their party.

The [Mississippi] group regularly cleans up their adopted section of the Highway Six bypass. Their most recent pick-up day was April 11.

Group members were appalled at the huge amount of trash they picked up along just one mile. The Mississippi Dept. of Transportation spends a reported \$3.2 million yearly on litter.

"Highway litter is a huge problem in our state and our local

areas that costs a great deal of money to clean up," said Richard Gaines, Lafayette County Libertarian chair. "But our volunteers collect not a penny of taxpayer money.

The Libertarians wanted to demonstrate that they not only care about Oxford, but that government funds could be saved if volunteers take over such duties, Gaines said.

In his blog about the reasons for the trash pick-up, Gaines wrote, "By voluntarily cleaning up a part of Oxford, we're showing that such things can be done without the government demanding that they be done or penalizing those who don't take part. It's a small gesture on our part, but a small group of volunteers can make a lot of progress."