

## **Testimony Before The PA Senate**

**State Government Committee On 09/22/15**

**By Roy A. Minet, PA Ballot Access Coalition**

Good morning Chairman Folmer and members of The Senate State Government Committee. My name is Roy Minet. I have been a libertarian for a few years – since I was 16 or 17. I have served in several capacities with the Pennsylvania and national Libertarian Party. However, today I speak as a representative of the Pennsylvania Ballot Access Coalition, or PBAC.

PBAC was formed in 2005 by the Libertarian, Green and Constitution Parties. PBAC also welcomes to its membership independents and the members of several other political parties, as well as Republicans and Democrats. One would expect an organization comprised of such strange political bedfellows to explode immediately. Yet, it has not. PBAC members very strongly disagree about many things, but we are held together by the overriding need to improve Pennsylvania election law, to bring it more in line with the vast majority of other states, and indeed, to bring it into compliance with Pennsylvania's own constitution.

Article I, Section 5, of the Pennsylvania Constitution mandates that "Elections shall be free and equal." No reasonable person who understands current election law and its ramifications can honestly think that our arcane, complex and difficult set of ballot access hurdles meets that simple standard.

The vast majority of states have fairly reasonable ballot access. Only three stand out with extremely unreasonable requirements and Pennsylvania is the worst. If all fifty states had Pennsylvania's election laws, Democrats would not qualify for routine ballot access in Idaho and Utah, while Republicans simply wouldn't make it in Massachusetts, Rhode Island and DC. They do not satisfy Pennsylvania's ridiculously high 15% registration requirement in those states.

Indeed, state and federal courts have been busy invalidating both major and minor aspects of our election law and procedures. Most recently and most sweepingly, Federal Court Judge Lawrence Stengle ruled that the overall impact of PA election law as applied to non-major party candidates is unconstitutional.

Across the nation, there seems to be a growing recognition that some election laws violate the freedom of speech requirement of the US Constitution's Bill of Rights. It is a very bad idea to restrict freedom of political speech, either that of citizens and supporters, or that of political parties and candidates. We desperately need a vibrant free marketplace of new ideas and new candidates. Whether or not some candidates actually win elections, they can still have a very significant impact upon public opinion, as well as the thinking, actions and policies of the candidates who do win.

Through the cumulative effect of its complex election laws and procedures, Pennsylvania is in the business of fairly ruthlessly suppressing political free speech. I'm sure you will hear plenty of testimony today from others giving detailed examples of how this has happened in their specific cases. In his opinion, Judge Stengle cited evidence that political free speech is, in fact, being suppressed. He did not prescribe a specific remedy, but made it abundantly clear that things must change in Pennsylvania.

Fortunately, a great solution is readily at hand. Unfortunately, it has been languishing in committee for some years now. As you know, it is called the Voters' Choice Act and in the current session, it is SB 495. On behalf the PA Ballot Access Coalition and all its members, I urge in the strongest possible way, that The Voters' Choice Act be made Pennsylvania law as soon as possible.

In support of our request, I would like to present the pros and cons. I'll talk about the cons first because I have yet to hear even a single valid reason for not enacting the VCA.

The only objection to the VCA that I've heard is that it might increase "ballot clutter." The word "clutter" is used to avoid having to use the correct word. For a voter, it is "choices" that are being eliminated, not "clutter." For a politician, it is "competition" that is being eliminated, not "clutter." This is a very feeble objection at best. In Pennsylvania, we have suppressed voter choices to the point where there is only one name on the ballot in about half of the races for State Representative. That offers the voter no choice at all. It is obvious that we desperately need more "clutter" on our ballots, not less.

On the pro side, there are several important ones.

The VCA would substantially level the playing field, thus remedying the constitutional and other problems being cited by various courts. Since a federal court has tossed PA election law up into the air, perhaps the VCA's time has come. The Department of State needs some clear direction from the legislative branch.

The VCA would considerably simplify PA election laws and procedures. This would save money for everybody – taxpayers, political parties and candidates. The continuing and significant waste of money and/or resources cannot possibly be an overall benefit.

There is no risk. The VCA is as close as you can get to a brand new idea that has been thoroughly tested. It is modeled after the system that has been running smoothly in our neighboring state of Delaware. By the way, ballot "clutter" has not been a problem in Delaware.

And most importantly, the VCA is the right thing to do. The current arrangement is patently unfair. After enacting the VCA, the variety and vibrancy of political discourse will increase. Competition will increase. Fair and open competition is always good; it always drives improvement. Over time, the quality of government will be improved.

In summary, there are strong benefits and no downside to passing the VCA; so please, let's get it done.

Thank you for inviting me to address the committee today.