

Senate State, Veterans, & Military Affairs
 02/16/2023 01:30 PM
 SB23-101 Candidate Ballot Access For Primary Elections
 Typed Text of Testimony Submitted

Name, Position, Representing	Typed Text of Testimony
<p>Gary Swing Against Best Democracy</p>	<p>This bill would kill all minor political parties in Colorado. Both major parties try to exclude independent and alternative party candidates from participating in the political process.</p> <p>Corrupt, dishonest legislators led by Senate Majority Leader Stephen Fenberg already destroyed ballot access for independent candidates. They embedded independent candidate suppression provisions in HB 19-1278 and SB 21-250.</p> <p>The US uses extreme ballot access laws to block candidates from running.</p> <p>Before 2019, Colorado had better ballot access laws.</p> <p>Section 13 of HB 19-1278 was designed to keep independent candidates off Colorado's ballot.</p> <p>Two words on the 63rd page of SB 21-250 sneakily repealed ballot access for independent presidential candidates. There was zero media coverage of this corrupt maneuver to keep independent presidential candidates off Colorado's ballot.</p> <p>The current effort to eliminate all alternative political parties looks like a scorched earth tactic to burn any remaining shred of democratic process to the ground.</p> <p>For legitimate elections, the General Assembly should be elected by Hybrid Proportional Representation. This combines a single transferable vote in 7 member districts with a compensatory party list system, empowering 98% of voters to elect representatives of their choice.</p> <p>See https://www.bestdemocracy.org/proportional-representation/hybrid.html for details.</p> <p>Everyone should have fair representation in government.</p> <p>Under any voting system, reasonable ballot access laws are essential. Current petition signature requirements are absurd. They are designed to ensure that only political campaigns backed by big money are able to get off the ground.</p>

	<p>Ballot access requirements for candidates of any affiliation should be vastly reduced. I suggest giving candidates the option of either submitting a reasonable number of petition signatures or paying a nominal fee for ballot access. The existing option of nomination by party assembly should also be continued.</p>
<p>Richard Winger Against Coalition for Free & Open Elections (COFOE), established 1985</p>	<p>The portion of SB23-101 that eliminates the ability of qualified minor parties to nominate by party meeting would reverse an excellent reform the Colorado legislature passed in 1998. The 1998 bill first created the category of a qualified minor party in Colorado, HB 1110, followed the recommendations of Dr. Joseph P. Harris, a political scientist at UC Berkeley who was recognized as the nation's leading expert on election administration from the 1920's until his death in the 1980's. His recommendations were adopted by the National Municipal League in their 1951 publication, "A Model Direct Primary Law." They said small parties be allowed to nominate by convention, not primary, and that it was a waste of public funds to provide primaries for small parties. Also primaries are not the best method for members of small parties to choose nominees, because major news media typically didn't cover the candidates in minor party primaries, and minor party voters were ill-equipped to select nominees. HB 1110 from the 1998 session has made Colorado a model state for minor party participation in elections, and it would be a step backwards to eliminate it.</p>
<p>Frank Atwood Against Approval Voting Party</p>	<p>Senators, my name is Frank Atwood and I am Chair of the Approval Voting Party, which advocates for the adoption of Approval Voting as another alternative voting method. Simply: pick all you like, the candidate with the most votes wins. When friends want to stay friends and are deciding on a movie or restaurant, often they use a show of hands – which is Approval Voting. I hope and urge you to defeat this bill; it places the bar far too high and would be onerous. The source of Senator Kirkmeyer's pain is not the spoilers, but the frustration, documented by Gallup, of 70% of voters who want to see more third parties. Yet our antiquated voting system perpetuates two party dominance. Additional evidence that our system is antiquated is your use of quadratic cost voting.</p> <p>State Senator Kirkmeyer has succeeded in getting minor parties in the same room! You've successfully herded the cats better than any of us, you are the reconciliatory force among us, thank you. Thanks to your effort, there is an obvious revival of COFOE – Colorado Coalition for Fair and Open Elections, mentioned in the Westword article by Gary Swing. I hope you'll join us at Steuben's after this hearing for COFOE's revival. As part of the beer diplomacy, I'll help buy, within the limits of campaign donations, you and others a beer.</p>

	<p>I'd like to quote from the Approval Voting Party blog titled: Frivolous vs. Reasonably Diligent Minor Parties According to the Supreme Court of the United States.</p> <p>The U.S. Supreme Court understands that minor party candidates are useful, even though neither they nor anyone else expects them to win. Quote, "All political ideas cannot and should not be channeled into the programs of two major parties. History has amply proved the virtue of political activity by minority, dissent groups, who innumerable times have been in the vanguard of democratic thought and whose programs were ultimately accepted. The absence of such voices would be a symptom of grave illness in our society." End quote.</p> <p>The Supreme Court wants to see some dissident voices.</p> <p>Thank you.</p> <p>Again, do join us for revival of COCOFOE at Steuben's. I'll help buy some beers.</p> <p>Thank you for this opportunity to speak about Supreme Court confidence in dissident voices.</p>
<p>John Lembke Against Forward Party of Colorado</p>	<p>Chair of the committee, members of the committee, I greatly appreciate the opportunity to present to you today. My name is John Lembke, representing the Forward Party of Colorado, and I am here to oppose this bill. Citizens of Colorado have a right to a well functioning government and competitive elections. Senator Kirkmeyer has presented a valid concern but I believe it is the wrong solution to address that concern. The Colorado Sun reported her stated purpose of this bill is to make it harder for minor party candidates to get onto the ballot. An unintended consequence is making it harder for major party candidates to make it onto the ballot. ONLY candidates with a highly motivated base, who often hold extreme views, and wealthy candidates will make it onto the ballot.. This bill will box out quality candidates and systematically exclude minority political views.</p> <p>Eliminating competition on the ballot so you don't lose is not democratic. Eliminating competing political parties from participating starts our state down a dangerous path of single-party rule.</p> <p>I propose to this committee and to our full legislature a better solution to Senator Kirkmeyer's concern over 'spoiled' elections. Ranked Choice Voting is a far better solution, it solves two problems.</p> <p>The first is it will stop the 'spoiling' effect of minor parties winning a small percentage of the vote, resulting in no candidate getting over 50%. We should be allowing the citizens of Colorado the opportunity to securely vote their values without fear of wasting their vote.</p> <p>Second major party incumbents fear, rightfully so, being primaried out by an extremist if they vote for legislation that helps the majority of their</p>

	<p>constituents but angers a passionate minority. We should empower our legislators to vote their conscience without fear of being primaried out.</p> <p>Thank you members of this committee.</p>
<p>Diana Bara Against themselves</p>	<p>I am opposed to SB23-101 because the main purpose and authority vested in the caucus and assembly process is to place party candidates on the primary ballot. It is the most grass roots way of selecting candidates, giving We the People a front row seat in the election process. SB-101 will eliminate all of this, requiring all candidates to petition on to the primary ballot. SB-101 will also allow unaffiliated voters to sign those petitions, further diminishing the influence of both the Republican, and Democratic voting citizens over their party's ultimate general election candidates.</p>
<p>Kristen Bara Against themselves</p>	<p>I'm opposed to SB23-101. First, it will eliminate grassroots involvement in selecting which candidates we have on the primary ballot. People outside the party will be allowed to choose our candidates further diluting our party's platform. Only candidates backed by big money will have the ability to petition on the ballot. We already have a petition process in place. We the People will ultimately have no choice in the selection of our candidates. This is a bad bill and bad for the people of Colorado. Please do not support this bill.</p>

AMERICAN SOLIDARITY PARTY OF COLORADO
(Aka, ASP Colorado)
Statement In Opposition to Senate Bill 23-101

Introduced by Sen. Kirkmeyer Gardner (Sen.Dist.23, Cong. Larimer, Weld), and sponsored by Rep. Mary Bradfield (House.Dist 21, El Paso)

ASP Colorado formally submits its strong opposition to this bill.

Political Parties in a democratic-republic exist to streamline the process of gathering like-minded citizens to chose representatives that closely resembles their interests. Parties hold conventions for these very reasons. Petition gathering is costly, cumbersome, and detrimental to full participation in a highly diverse democratic-republic. In like fashion to gerrymandering, parties which create obstacles to full representation for a population 350 million strong, are not doing America a great service, but are merely acting on partisan design to render the citizens of the republic impotent in how they may select like-minded representatives to determine the course of our Nation.

There is no legitimate health, safety, or public peace purpose for SB 23-101 as asserted in perfunctory fashion by the sponsors of this draconian, anti-Republic bill. In fact, if this legislation goes into effect, it will heighten the threat to free republican form of government by once again, in a manor reminiscent of Jim Crow, imposing on Minor Party a faux equivalency with the Major Parties which have held the public mind since the 1700s and 1860s! By use of the spellbinding phrase: "aligns", self-interested prospective candidates of the major parties, are seeking to retrograde what the Minor Parties have fought long and hard to obtain: fair access to the ballot. Since 1998 citizens of Colorado and their Minor Parties won that right to nominate by convention. Now, interested prospective Candidates of the major parties want to submit legislation to turn back the clock and impose by fiat, a renewed form of subjugation on the voters of Colorado and their minor parties. Once a minor party is certified, It is not for the Government to inform that party, or any Major or minor party, by what means they may determine who will represent them in primaries or general elections.

We, therefore, the elected State Committee of the American Solidarity Party of Colorado, express our rejection of this bill and any similar proposal. We call on the State legislature of Colorado to respect the rights of the citizens of Colorado to form like-minded political parties and devise their own means to determine who their representatives are to be in primary and general elections!

Sincerely,

Dr. Larry E. Johnson, State Party Chair

Mr. Ian Rutherford, State Party Vice-Chair and Treasurer

Mr. Grant Davis, State Party Secretary

In the year of our Lord, 14 Feb 2023.



Feb 15, 2023

Subject: **OPPOSE SB23-101** – Ballot Access bill – LWV of Colorado written testimony

Senate State, Veterans, & Military Affairs Committee
Colorado General Assembly

Dear Sen Kirkmeyer, Sen Gardner and Senate State Affairs Committee members,

I am writing as a member of the League of Women Voters of Colorado's Legislative Action Committee to testify in opposition to SB23-101, Candidate Ballot Access for Primary [sic] Elections.

First, the name of SB23-101 is misleading. This bill also impacts candidate ballot access for GENERAL elections. **SB23-101 would have two major impacts on candidate ballot access:**

- Eliminate the option of using a party's assembly process for a major-party candidate to get onto the primary ballot (i.e., designation) and for a minor-party candidate to get onto the general ballot (i.e., nomination), requiring all candidates to collect signatures to get on the ballot.
- Increase the percentage threshold for signatures required for minor-party and unaffiliated candidates for low-population COUNTY offices; this bill changes the percentage threshold for several other state and federal offices, but because the numeric threshold of signatures is low for the other offices, the numeric threshold would continue to effectively be the minimum signature requirement.

SB23-101 Section 4 would allow unaffiliated voters to sign a major-party petition. If the bill did not allow this, then a Democrat in Rio Blanco in 2020 would have had no way to access the county ballot because there weren't enough registered Democrats in the county to meet the signature requirements.

SB23-101 would apparently not eliminate party assemblies. According to Sections 12 through 14 an assembly would still have to be convened to create a vacancy committee in the case that nobody affiliated with the party gets on the ballot or in the case that the nominee steps down or becomes incapacitated before the general election.

SB23-101 Section 3 would also increase the ballot access requirements for presidential primary minor-party and unaffiliated candidates. However, most presidential candidates on the general election ballot do not go through the primary so this provision would presumably only impact the major parties that hold presidential primaries.

The League of Women Voters of Colorado **opposes** SB23-101 because it would limit the number and types of candidates who can participate in the political process:

- by requiring all candidates to petition onto the ballot. Signature gathering is an expensive and time-consuming activity which is not a viable option for many candidates who have work and family commitments, limited financial means and/or fewer political connections (which describes many minor-party and unaffiliated candidates). Down-ballot, lower-visibility statewide contests, such as State Board of Education and CU Regent, would particularly suffer.
- by imposing increased signature requirements on minor-party and unaffiliated candidates for county offices.

Once a voter has signed one candidate's petition for a seat, the voter may not sign any other candidates' petitions for the same seat. If a voter does sign more than one petition, the signature only counts for the candidate who turns in their petition first. This is an advantage to the candidate who is most organized and decides early on to run. The candidates would not all be on a level playing field.

If every candidate must collect signatures to get on the ballot, voters will likely weary of the barrage of requests for their signature. Collecting signatures will likely become more difficult, fewer candidates will get on the ballot, and voters will have fewer choices. When voters don't have choices on the ballot, then the ballot contest or the entire election may be cancelled.

LWV could be a valuable ally in any discussion or legislation about the three standard forms of ballot access – via assembly, candidate petition or paying a filing fee. We look forward to future efforts to expand ballot access, especially in conjunction with better non-plurality voting methods, but, for now, we ask the Senate State, Veterans, & Military Affairs Committee members to please **oppose SB23-101**.

Sincerely,

Celeste Landry, Volunteer Lobbyist

League of Women Voters of Colorado Legislative Action Committee

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303-863-0437 League office

303-440-4395 Celeste Landry's landline

Cc: LWVCO Legislative Liaison Andrea Wilkins

The League is a nonpartisan organization that encourages informed and active participation in government and influences public policy through education and advocacy. Our membership spans the state of Colorado with 19 local leagues operating throughout the state.