



HAMLIN

UNIVERSITY

David Schultz, Distinguished University Professor

Department of Political Science

Department of Legal Studies

Department of Environmental Studies

MS B 1805

1536 Hewitt Ave

St Paul, MN 55104

Testimony of David Schultz in Opposition to SF 1827

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Introduction

My name is David Schultz and I am currently a Distinguished University Professor of Political Science at Hamline University and a Professor of Law at the University of Minnesota.

This is my written testimony in opposition to SF 1827, which would raise the threshold for major party status from five to ten percent.

I am speaking on my own and not in any representational capacity for anyone else. My views are my own and do not necessarily represent any employer of mine.

Credentials

I have a Ph.D. in political science and an JD and LLM (master's degree) in law. I have taught for more than thirty years. Among the classes I teach is a course on "Election Law." I am the author of more than 45 books and 200 articles on various aspects of American politics and law. I have authored many books and articles on election law and am considered a national expert.

I am a former Executive Director for Common Cause Minnesota.

I have testified before the Minnesota Legislature many times on election law matters.

I have served several times as an expert witness on election law matters for the Minnesota Attorney General's Office.

As an attorney I have represented both the Independence Party and the Green Party of Minnesota as well as served as legal counsel for Ralph Nader in his 2000 presidential campaign.

Argument

According to Minnesota exit polls in the 2020 presidential race, 31% of voters identified themselves as independents, compared to 35% who identified as Democrats and 34% as Republicans.

Nationally, a February 15, 2021 Gallup poll indicated that 62% of the US public believe there is a need for a viable third party. This was an all-time high for such a sentiment.

A July 27, 2022, Suffolk University/USA TODAY poll indicated that “Sixty percent of voters say the nation’s two major political parties are doing a poor job representing their views, and believe a third political party or multiple political parties are necessary in the US. Just 25% said that the two major parties were adequate.”

Nationally and in Minnesota, voters would like to see more options beyond the two major parties. This in part explains why nearly one-third of Minnesotans declare themselves as independent. They may believe this because they do not see the current two parties as representing their views or perhaps they do not like the political polarization the two parties represent.

Whatever the reason, voting patterns and survey research indicate voters want a wider choice of parties, and not less.

SF 1827 will restrict voter choice. If adopted into law this bill will make it harder for third parties to form, secure ballot access, and qualify for public or matching funding as a major political party. It will make it difficult for third party candidates to qualify for the ballot.

The bill, if adopted, will in general simply serve to entrench the current monopoly the two major parties have at the expense of making it more difficult for third parties to form and become viable.

If this bill were simply about defining ballot access for a third party, the ten-percent threshold would be a clear violation of the Constitution in that courts have rejected such a high percentage of voter support to qualify for the ballot. This ten percent threshold to qualify as a major party should be viewed the same way.

Conclusion

I oppose SF 1827. There is no rational basis to restrict the ability of third parties to qualify as major parties and there is no rational basis to contract voter choice. Thank you.