

H.F. 2802, {Author, Rep. L. Frederick} Definition of Major Political Party

Statement of Oliver Steinberg to House of Representatives Committee on Elections Policy and Finance Committee, 3/17/2023.

Submitted by: Oliver Steinberg, 1503 Branston Street, St. Paul, MN 55108, email: vonlogau@gmail.com

Thank you for the opportunity to present my viewpoint on the topic this bill refers to. I'm Oliver Steinberg, founder of the Grassroots Party. My statement expresses my own opinion as a citizen advocate, not as the party spokesman.

The existing statute provides three ways that a minor party can be elevated to major party status. This bill, HF 2802, addresses two of them: the 5% statewide vote threshold, and the 5% party-status petition method, which is so onerous that I think it's never been successfully used.

I support the 10% threshold for Section 200.02, Subd. 7(a), clause (2), but not for Subd. 7(c), where it would be excessive and punitive.

The United States typically and traditionally maintains a two-party political structure, which has arisen - despite the Founding Fathers aversion to "factions" --because of our electoral structure and because of the basic psychological division among the populace, between those who defend, and those who challenge, the status quo.

The two-party system usually serves to sustain stability and enable progress and compromise, but sometimes it fosters complacency and corruption, and other times it can degenerate into partisan gridlock. We are presently caught in a gridlock pattern, the worst since the mid-19th century. You all know that there are two separate copies of our original State Constitution, since in 1858 the Democrats and Republicans would not agree to sign the same sheet of paper, when we were applying for statehood. Not long afterwards, the slave states resorted to violence, starting the Civil War with the attack on Fort Sumter.

Third parties have functioned historically to inject ideas into the political arena that have been thought to be radical or unconventional, and therefore rejected or suppressed by the power structure and by the professional politicians who direct the political apparatus of elections and government. Allowing third parties to participate gives them the chance to test-drive their demands with the electorate. If enough voters begin to cast protest votes for the "outsiders," then the regular politicians will decide to co-opt the dissenting ideas and bring them into the mainstream.

Therefore, ballot access laws should not be so rigid and restrictive that they exclude all third-party or independent candidates. Minnesota's laws are already difficult--but not insurmountable. And in fact our state has one of the strongest third-party records, reflected to this day in the name of the Democratic-Farmer-Labor Party, which dates to the 1944 merger between the state's second-largest party, the Farmer-Labor Party, and the old "Bourbon"-styled Democrats, who lagged a distant third place here for more than two decades.

Our laws, strict as they are, still do not stifle Minnesota third parties even now. I launched the Grassroots Party in 1986, and between 1986 and 2018, the Grassroots Party and its spin-off, the Legal Marijuana Now Party, successfully filed 52 nominating petitions, placing 64 candidates onto 13 general election ballots and one special election.

The Grassroots candidate for State Treasurer came within a whisker of polling 5% in 1990, so the legislature removed that office from the ballot. Then in 1992, the insurgent presidential candidacy of Texas businessman Ross Perot attracted nearly a quarter of Minnesota's votes--his best showing in the 50 states--and the Reform Party [later the Independence Party] won Major Party status, which lasted until 2016, and was highlighted by the election of Jesse Ventura as Governor in 1998.

Even if the Major Party qualification had been 10% in 1998, candidate Jesse Ventura would have been able to be on the ballot for the Reform Party, as a major party contender, since the Reform Party's Ross Perot had received over 11% of the vote in 1996, on his second Presidential run.

In 2000, the Green Party ticket of Ralph Nader and Winona LaDuke polled about 6% in Minnesota, lifting the Green Party to Major Party status. They couldn't repeat that mark, and dropped back to Minor Party subsequently--but not before having had an interloper defeat their endorsed candidate in a primary.

When the Grassroots and the Legal Marijuana Now Parties both achieved major party status--on paper--in 2018, neither group was "ready for prime time." Both were immediately victimized by deliberate, fraudulent

disruption by Republican party supporters, who had two objectives: to try to distract votes they thought might otherwise go to DFL candidates, and to try to discredit the two anti-prohibition "major Parties."

This was accomplished by filing false affidavits of candidacy.

In 2020, at least eight Republicans exploited Minnesota's malfunctioning election law by dishonestly filing on the Grassroots and Legal Marijuana ballot lines in several anticipated swing districts. These bogus candidates had no background with either of these two parties, no credentials as cannabis advocates--and several of them actually had connections to the Republican State Senate caucus.

Patrick Coolican and the *Minnesota Reformer* deserve credit for exposing this flagrant Election Fraud.

Since there's no penalty for lying on the Affidavit of Candidacy, the legalization parties had no legal leverage to repel those political poachers.

The Republican dirty tricks were repeated in 2022, again running WINO or "Weed In Name Only" candidates.

Also in 2022, a cabal of DFL-ers blocked the Grassroots Party from filing its preferred candidates. Even worse, some numbskull with a personal grudge against Governor Walz deliberately filed for Governor on the Grassroots line--a guy who told me point-blank that his intent was to "hijack the party."

By raising automatic ballot status from 5% to 10% of the vote, unprepared minor parties would be shielded from these types of fraud, treachery, and sabotage.

Unfortunately, HF 2802 doesn't fix the basic problem, namely, there's no recourse when a spoiler candidate files a dishonest affidavit of candidacy.

Because ballot access laws vary from state to state, and because court decisions interpreting those laws are notoriously conflicting, confusing, and frequently contradictory, it's uncertain and perhaps unlikely that any attempt to put teeth into the language of the Affidavit of Candidacy could resolve the problem of counterfeit or malicious candidates buying their way onto the ballot as Major Party candidates.

The solution I recommend is to require ALL candidates, in the major parties and the minor parties as well, to circulate nominating petitions.

That simple task would help keep nuisance candidates out of every party's primaries and to deter crackpots from filing in districts where a party's presence or support is minimal; it would be a refreshing exercise of direct communication with your constituents; and since this would apply equally to all, it's probably the only way to make ballot access more restrictive without its being seen as a DFL maneuver for their own political purposes.

Minnesota's ballot access petition procedure for all offices except that of President and Vice-President is extremely difficult, being compressed into a two-week time window, and specifying an antiquated, arcane signers' oath. Those parts of the statute could and should be modified, I think.

Note on sources: *MN Reformer* story reported b. P. Coolican, 6/15/2020; other follow-up stories; Hamline U. professor David Schultz' article in *Capitol Report*, 10/20/2014; personal telephone conversations with Steve Patterson, 6/1/2022 and 6/2/2022; Peter Callaghan story, *MN Post* 3/12/2021; Bill Salisbury story, *Pioneer Press*, 6/27/2012; B. Bierschbach story, *Star Tribune*, 10/28/2020 "Pot party candidate a spoiler?"; J. Van Berkel story "Candidate's death delays House race," *Star Tribune* 9/25/2020; Assoc. Press story "Pot candidate alleges GOP deceived him into running," *StarTribune* 5/25/21; *MN Reformer* story "Pot party candidate has GOP ties" reported by Michelle Griffith 9/9/2022; J. Van Berkel story, "Third party candidates . . .," *Star Tribune* 11/1/2022. [The story **incorrectly reported the name** of the Grassroots - Legalize Cannabis party.]

Additional sources and personal notes were consulted while this was being composed. March 14, 2023

2020

Some legalize cannabis candidates are giving off very MAGA vibes (From the *Minnesota Reformer*.)

By **J. Patrick Coolican** June 15, 2020 *Several candidates running as Grassroots-Legalize Cannabis Party or Legal Marijuana Now Party candidates for state Senate seats also appear to be enthusiastic Republicans, which in the end could imperil efforts to legalize.*

In a contested state Senate race in northeast Minnesota, Robyn Smith is the candidate for the Legal Marijuana Now Party, but most of her political energy on social media is devoted to supporting President Donald Trump, gun rights and other right wing causes. Although Smith said in a *Reformer* interview that she thinks cannabis should be legal, she also acknowledged she had been recruited to run on the marijuana ticket by a Republican, though she declined to name the person. She also said she's happy to help the GOP retain its state Senate majority by siphoning votes away from DFL challenger Rita Albrecht, who is running against state Sen. Justin Eichorn, R-Grand Rapids. "I'm not going to lie about it. I'm not a politician," she said. And she's not alone. A number of Republican-seeming Minnesotans are running as Grassroots-Legalize Cannabis Party or Legal Marijuana Now Party candidates, which could shift votes away from the DFL and help Republicans in November in races that could be decided by a few hundred votes or fewer.

And, **any scheme to help Republican candidates in November — be it coordinated or not — will badly damage the effort to legalize cannabis**, which has been gaining momentum in Minnesota since the 2018 election. *That's when the two legal marijuana parties each attained major party status by winning at least 5% in a statewide race and collecting votes in every county.* More important, a DFL majority took control of the Minnesota House. And, unlike his DFL predecessor, Gov. Tim Walz is in favor of legalization. **The only thing standing in the way: The Republican-controlled Minnesota Senate**, which held a single hearing on a legal marijuana bill in 2019 and quickly rejected it. Senate Majority Leader Paul Gazelka, R-East Gull Lake, has vowed opposition, which means it's unlikely to even reach the floor for a vote if he remains leader. Republicans hold a 35-32 majority, which means the DFL needs to flip two seats. Smith is unapologetically standing in the way in the Eichorn race in northeast Minnesota. Asked about her support for Trump, she criticized Democrats who oppose him: "Every time you turn around they're trying to criticize him or get him impeached. The Democrats are a bunch of phonies," she said. She said she believes the now fired Minneapolis Police Officer Derek Chauvin and his three fellow officers should be punished in the killing of George Floyd, but questioned why Floyd — who she called a "thug" with a criminal record — was being made into an "icon." "What about Justine?" she asked, referring to Justine Damond, the white woman killed by [Mohamed Noor, an officer of Somali descent, in 2019](#). "Why don't you make her an icon?" she asked. As for the recent unrest and rioting after Floyd's death, Smith said, "The blacks are making it worse." Marty Super, outgoing chair of Legal Marijuana Now Party, said Smith's candidacy is distressing, though not unexpected because anyone can file for office under a party's banner. "We always said, 'What if we get to be a major party status — then this is something we have to worry about,'" Super said. Major party status means the party doesn't have to go through the onerous process of collecting signatures to get on the ballot, but the downside is that it allows interlopers to file for office. Super said the party infrastructure would likely alert its supporters of the Smith situation on their social media channels, though he acknowledged that's unlikely to reach many people in the Grand Rapids district Republicans are desperately defending. In the Northfield area district currently represented by Rep. Rich Draheim, R-Madison Lake, the Grassroots-Legalize Cannabis Party candidate is Jason Hoschette, who did not respond to a text message. A Twitter search of "Jason Hoschette" revealed someone of that name has been to Twins and Vikings games with [Pat Kaluza](#), who is a Republican Senate aide and chair of his local GOP Senate district organization, according to his [Twitter profile](#). The mentions appear to have been deleted since the *Reformer* inquired about them with Kaluza, who did not reply to a Twitter direct message.



Pat Kaluza @patkaluza · Nov 7, 2013

At the Vikes game with [@alanastafford](#) [@jasonhoschette](#) and 6 others who are too cool for twitter



Pat Kaluza @patkaluza · Aug 22, 2011

At the [@MinnesotaTwins](#) game with [@jasonhoschette](#)



Ties between a GOP Senate aide and a marijuana legalization candidate were deleted after an inquiry from the Reformer.

In another state Senate race, Sen. Dan Sparks, DFL-Austin, is in a tough re-election battle with Republican Gene Dornink in a district won overwhelmingly by President Donald Trump in 2016. The Legal Marijuana Now Party candidate Tyler Becvar posted a video for his putative opponent Dornink on his Facebook page on May 25, according to a screenshot obtained by the *Reformer*. His Facebook page is filled with support for Trump and attacks on Democrats, with some George Soros conspiracy theories, as well. Becvar did not respond to a text message.

Adam Charles Weeks, the Legal Marijuana Now Party candidate in the 2nd Congressional District, was as recently as early May castigating “liberals” for “framing Trump” in the “shame of a Russia probe” while applauding Michael Flynn, who admitted to lying to the FBI during the investigation into the Trump campaign’s ties to Russia. His Facebook page, which has changed significantly since he filed for office, had been a stream of pro-Trump, anti-Democratic posts during the 2016 and 2018 election cycles. But he said he’s changed. “(Trump) said some stuff I wanted to hear,” said Weeks. “And I was wrong. We evolve as people. If we don’t evolve and become better people, then who are we?” Newer posts show participation in demonstrations protesting the police killing of Floyd. And, as for marijuana, Weeks said he’s both an advocate for its legalization and a regular user.

In some instances, the ties between Republicans and marijuana legalization candidates are barely concealed. Rae Hart Anderson ran for the U.S. Senate as a Republican in 2018, and her tweets from that year show a woman who was a strong supporter of Trump, a foe of abortion and an apologist for separating children from parents who try to cross the border illegally. A Rae Hart Anderson tweeting with the handle [@GodisHere2day4U](#) continues to keep the MAGA faith, including a photo of Trump and First Lady Melania Trump as her background.



Rae Hart Anderson ran for the U.S. Senate as a Republican in 2018. Now she's running on a legal marijuana ticket. What you won't find her talking about is marijuana policy, even though she's running in a primary to be the standard bearer for the Grassroots-Legalize Cannabis Party.

If she wins her primary, she can take the votes of progressives who may not know her background but are looking for an alternative to moderate DFL U.S. Rep. Collin Peterson, thus handing the election to his Republican opponent, Michelle Fischbach or Dave Hughes. **Hart Anderson did not respond to texts or emails, and it's not clear she wants anyone to inquire about her campaign. On her candidate filing with the secretary of state's office, she gives no campaign address or email. For a phone number, she lists: (999) 999-9999.** Which is not a working telephone number.

Chris Wright, a leader of the Grassroots-Legalize Cannabis Party, said the party is actively working to defeat Anderson in the primary against an authentic candidate, Kevin Shores. [NOTE, Aug. 18: Anderson won, 215-104.] The 7th Congressional District features another questionable marijuana candidate, as does a competitive state House race in the metro suburbs. Wright said votes for their candidates — no matter how specious — will help persuade Republicans that a majority of voters in their districts want legalization. In any case, he said, he has little sympathy should Democrats lose the election because of cannabis spoilers: “The establishment are rotten on both sides.”

2022

Pot party candidate for U.S. House has GOP ties; Dems allege she's a spoiler

BY: [MICHELLE GRIFFITH](#) - SEPTEMBER 9, 2022 7:24 AM

Legal Marijuana Now Party candidate Paula Overby (left), U.S. Rep. Angie Craig and Republican Tyler Kistner. U.S. Rep. Angie Craig lost her first race for Congress in 2016 to Jason Lewis by just 6,655 votes. She was hindered, Democrats say, by the strong showing of Independence Party candidate Paula Overby, who won nearly [29,000 votes](#) in the 2nd District.

Democrats fear a repeat this year — and point to close ties between Overby and a Republican activist in the camp of Tyler Kistner, the Republican challenger to Craig.

Overby, an Eagan resident, is running this year under the banner of the Legal Marijuana Now Party. Democrats believe Republicans are colluding with friendly candidates like Overby to run on the line of the state's two marijuana legalization parties — Legal Marijuana Now and Grassroots Legalize Cannabis — to pull votes from Democratic-Farmer-Labor candidates, which is the [scenario that played out](#) in 2020 races.

Overby is a longtime advocate for alternative parties, arguing that the nation's two-party system is failing, and there should be a diversity in political parties so people can choose a party aligning with their beliefs. She says the accusation that candidates like her are just running to take votes away from Democrats is an old lie.

“There's no truth to that. We represent independent voters — people that have had enough of the two-party system,” Overby told the *Reformer*. “It's a false narrative. It's a story they created to frighten people away from third parties.”

Nevertheless, Overby acknowledged she generally leans conservative, especially on fiscal issues, and has surrounded herself with conservatives. Her campaign treasurer, Joleen Johnson, posted a photo of herself on Facebook with a flag depicting President Donald Trump photoshopped as “Rambo” holding a bazooka.

Overby posts photos and status updates tagging a man known colloquially as “Liberty Longbeard,” who in the past was a delegate for Kistner — the Republican attempting to unseat Craig.

Liberty Longbeard, a.k.a Paul Tuschy, is a longtime Republican activist and a former GOP state House candidate. Tuschy was a 2020 campaign adviser for the late Adam Weeks, another Legal Marijuana Now candidate in the 2nd District with close ties to Republicans.

Tuschy told the *Reformer* in a text message that he’s friends with Overby and has informally provided her with ideas for her campaign, but he has never done paid work or held an official position.

Overby told the *Reformer* the work he’s doing for her campaign could “qualify” him as a campaign manager.

In 2020, the Kistner campaign paid \$2,000 to a business registered by Tuschy.

When asked about this payment, Kistner’s campaign spokesperson Billy Grant said the payment to Tuschy was for “groundwork.” He denied the Kistner campaign is coordinating with Overby’s beyond trying to organize a 2nd Congressional District debate.

When pressed about the 2020 payment and connection to Tuschy, Grant responded with sarcasm.

“I congratulate you on your groundbreaking journalism,” he said. “I’m sure it’s a story that most Minnesotans are very, very concerned about. At some point some of you guys might want to write about the economy, all the lay-offs that are happening — stuff like that — but, you know, if you want to chase stuff like this I guess that’s cool.”

The 2020 2nd District election was rocked after Weeks — running as a Legal Marijuana Now candidate — died in September 2020.

The *Star Tribune* later reported that months prior to the election, Weeks admitted to a friend over voicemail that Republicans in the 2nd Congressional District recruited him to “pull votes away” from Craig.

The intrigue could have consequences.

Craig beat Kistner narrowly in 2020, winning by 9,580 votes. This year, the race for Minnesota’s 2nd District is among the 32 U.S. House seats that are the most competitive in the country, according to the *Cook Political Report*.

This race will likely be Minnesota’s closest and one that will be watched closely nationwide, as Democrats currently hold a slim majority in the U.S. House. The 2nd is a bellwether for the kind of suburban districts Democrats must defend if they are to hold on to their narrow majority.

DFL Chairman Ken Martin said in a statement to the *Reformer* that Republicans are using the same playbook they attempted in 2020.

“Given her close ties to Republican operatives who have pulled this same trick before, it is clear that Paula Overby is another Republican spoiler candidate who is running for office to get Republican Tyler Kistner elected,” Martin said. “Voters who choose Paula Overby are actively helping elect a Republican whose values are not in line with the residents of the 2nd Congressional District.”

Overby said that Democrats have always gone to extreme lengths to discredit third-party candidates.

“This is the Democrats attacking the third-party at every opportunity they can find,” Overby said.

2020

REPRINTED BELOW IS A COPY of an e-mail I sent to a reporter on 8/26/20. Although as you can see I do not offer a final conclusion regarding a purported "change of heart" by Trump adherent and Legal Marijuana Now congressional candidate Adam Weeks, I must say that everyone else who watched and listened to him and then expressed an opinion, thought that he was NOT convincing, and did not buy his line. Circumstantial evidence points powerfully towards the likelihood that Mr. Weeks is in fact a Trump-cult troll, along with these others who filed on the Legal Marijuana Now ticket: Robyn Smith, Tyler Becvar, Ryan Martin, Jaden Partlow, and Slater Johnson; and two on the Grassroots-Legalize Cannabis ballot line: Rae Hart Anderson and Jason Hoschette.

REMEMBER:

While the **primary purpose** of this deliberately instigated statewide election fraud is to help the Minnesota Republican party capture **swing-district** legislative and congressional seats, the **secondary purpose** is to **discredit the two pro-cannabis political parties** by exposing our organizational vulnerability, by misleading and confusing the voters, by diverting our energy into reacting towards their cheating, and by getting us to quarrel and argue amongst ourselves. More than that, their objective is **also** to discredit the cause of cannabis law reform in public opinion generally, which goes along with their additional specific hope of driving a **wedge of mistrust** between the various other legalization advocates like Sensible MN, MRMR, ACLU, etc., and the two political parties.

Furthermore, if this Republican fraud accomplishes nothing else other than its primary purpose ---to keep Republican control of the State Senate and to recapture CD 2 and CD 7 ---it would be a tremendous political defeat for legalization. The State Senate will continue to stonewall ANY proposed reform, even for the already-existing medical cannabis program. And defeating the DFL's Angie Craig in CD 2 would replace a member of Congress rated "A" by national NORML, with an inferior candidate pledged to follow the prohibitionist Republican leadership.

Regardless of whatever other actual causes there might be, if the Republicans do win in any of these swing districts, they can and will proclaim that the DFL-ers in those districts were beaten due to votes "diverted" from them by the [counterfeit] legalization candidates.

Minnesota's legalization momentum would screech to a halt.

This Republican-plotted and Republican-instigated and Republican-perpetrated lying and cheating is aimed directly at destroying what so many people spent thirty-five years of blood, sweat, and tears to bring about: Taking the campaign against prohibition from its totally taboo status as "guaranteed political suicide" and forcing it into the forefront of the mainstream political issues in our state.

For these reasons, **we can't afford to ignore this provocation, or laugh it off, or worst of all, to foolishly embrace these partisan narcs infiltrating our ranks.**

I welcome any correspondence or conversation to discuss how we can get the truth of this situation publicized, particularly how to get the information to those often-isolated or less-well-informed people who cast their votes for our candidates, based on the message of the parties' names.

Oliver Steinberg, St. Paul, MN 8/28/2020 651 247-1981 [no text]

Oliver Steinberg <vonlogau@gmail.com>

Wed, Aug 26,
12:07PM
(2 days ago)

Hi Mr. Coolican:

The Wake-N-Bake Crew invited Adam Weeks as a guest for their a.m. zoom session on Weds Aug. 26. Weeks said it was Paul Tuschy, his campaign manager, who suggested Adam should file in the 2nd CD. Tuschy was the Republican loser in the 52A state rep election in 2012 (Joe Atkins, DFL, was elected.) Tuschy is now the state of Minnesota head of GroundGameLLC, which if examined will probably turn out to be a Washington-based dark money GOP front group....although I'm just speculating about that.

Tuschy's on-line persona (Facebook?) is "Liberty Longbeard." Suffice to say that Tuschy has no known past record of support for the Legal Marijuana Now Party or any other cannabis reform group, that I'm aware of. Weeks said he thought Tuschy was acting with, or had the approval of, the LMN party.

Weeks insisted his repudiation of Trump is sincere, following Weeks' participation in street demonstrations after the murder of G. Floyd. And I don't necessarily question that. Tear gas, as we said in the 1960's, makes more radicals in one night than all our speeches and pamphlets and rhetoric can make in a month.

But if that's how Mr. Weeks really feels, then one must ask why he's waging a campaign in a swing district where the DFL incumbent has an "A" rating on marijuana issues from the national office of NORML?

In a district where either a Dem or a Rep is solidly entrenched, like CD 4, 5, 6, 8, the presence of a third party candidate is more or less educational, and unlikely to exert some uncertain effect on the election outcome. But in a swing district, or other closely-contested partisan race, where the balance of power depends on a slender margin of votes, the motives and maneuvers of the various players are subject to a greater degree of scrutiny.

In 2018, the Grassroots candidate for Attorney General, Noah Johnson, actually discontinued his own campaign and endorsed Keith Ellison. [Johnson's name stayed on the ballot, of course, and he still polled over 150,000 votes.] While no two situations are parallel, one might expect that if it's the issue—and not the ego—which inspires Mr. Weeks, then the least one would expect is that he would generously mention that one of his opponents, who stands a good chance of actually being (re-)elected, has received the highest favorable rating from NORML.

The conduct of Mr. Weeks' campaign will furnish the evidence, if his motives are other than he has mentioned, or if his political philosophy is perhaps less than logical.

Oliver Steinberg, 651 247-1981