

# BALLOT ACCESS NEWS

San Francisco, California

January 21, 1987

Volume 2 Number 7

## OREGON EMERGENCY

Senate Bill 78, sponsored by the Oregon Secretary of State, Democrat Barbara Roberts, has been introduced. It would more than double the number of signatures needed for a new party to get on the ballot. The existing petition, 5% of the last congressional vote, requires 51,578 signatures for 1988. If enacted, SB 78 would require 120,350 signatures. With one exception, no third party in any state in the entire history of the U. S. has ever managed to meet a petition requirement that high. In 1984, under the existing requirement, Oregon was one of only 4 states in which Mondale and Reagan were the only names on the presidential ballot.

I telephoned the Oregon Secretary of State's office and talked to Patricia McKay, an assistant to the Secretary of State. She said that the former Director of Elections, Ray Phelps, persuaded the Secretary of State to submit the same bill two years ago. It passed the legislature, but Republican Governor Victor Atiyeh vetoed it. Since it was considered sound policy then by the Secretary of State, she resubmitted it this year without thinking much more about it. Patricia McKay said that they would take another look at the advisability of the bill.

I urge everyone, whether you live in Oregon or not, to write a letter to Barbara Roberts, Secretary of State, State Capitol, Salem Or 97310, and politely advise her that her bill is harming voting rights, not just in Oregon, but for the entire nation. When a third party presidential candidate cannot get on the ballot in one particular state, that hurts his or her supporters wherever they live. Point out that the last national Democratic Party convention passed a resolution saying, "The Democratic Party of the U. S. recognizes the right to vote as the most fundamental of all rights in our democracy. And no duty of the Party is more important than protecting the sanctity of this right." (As noted above, Barbara Roberts is a Democrat).

## CONGRESS

On January 27, Congressman John Conyers plans to introduce the same bill that he introduced last year as HR 2320. New Alliance Party lobbyist Nancy Ross spoke with him on January 20. She says that he plans to hold ad hoc hearings on the problem of ballot access, if Chairman Al Swift of the Elections Subcommittee again refuses to hold hearings.

## STATE LEGISLATURES

Lobbying for better ballot access laws is underway in these states:

**FLORIDA:** the Libertarian Party has already succeeded in getting its 1985 proposal re-introduced into the 1987 legislature. The bill is Senate Bill 75, introduced on December 29, 1986. If you wish to help, contact John Wayne Smith, PO Box 3973, Ocala FL 32678, phone (904) 368-2688. Existing law requires a new party to

status. In 1985 this bill passed the House Committee but not the Senate Committee. One of the Senate committee members who refused to support the bill in 1985, Roberta Fox of Dade County, was defeated in the November 1986 election, so chances in 1987 are better.

**OHIO:** Senator Gary Suhadolnik, who introduced a bill in the 1985 legislature to make it substantially easier for third parties to qualify for the ballot, has promised to re-introduce it in 1987. Existing Ohio law requires a new party to submit 30,667 signatures by the first week in January. That early deadline is almost surely unconstitutional, so we have some leverage over the Ohio legislature. Contact Milt Norris, 2076 Lamberton Rd., Cleveland Heights, Ohio 44118, phone (216) 371-0000, if you wish to help.

**WYOMING:** Larry Gray and David Dawson are working to persuade their state legislature to lower the number of signatures needed to qualify a new party, currently 8,000 due May 1. Wyoming has the smallest population of any state, and in the low-interest period in odd years, there are only about 200,000 registered voters, so it's very difficult for any party to qualify. If you wish to help, contact Dave Dawson, 5010 S. David, Casper Wy 82601.

**CALIFORNIA:** The County Clerks Association has found a sponsor, Assemblywoman Gwen Moore (Dem-Los Angeles), for a proposed bill which would give the existing smaller qualified parties the choice to nominate by convention instead of by primary. The proposal, as submitted by the County Clerks, would also make it substantially easier for new parties to qualify for the ballot (a petition signed by 65,000 voters, compared to the existing choice of approximately 800,000 signatures or 80,000 registrants) and change the deadline for new parties to qualify from early January to late June. New parties which qualify after the bill takes effect would automatically nominate by convention. They would not get their own primary until after they had polled 5% for Governor or President. In California, it costs approximately \$1,000,000 for each additional party for which primary ballots must be printed. The Libertarian Party of California will probably choose to nominate by convention instead of by primary if it gets the choice.

**MASSACHUSETTS:** The Socialist Party has drafted a bill to ease ballot access requirements for new parties and independent candidates, and it has been filed in the legislature by Representative John Businger, chair of the House Election Law Committee. The bill has no number yet. A coalition is being formed to work for the bill. Contact William Shakalis, Bx 774, Cambridge Ma 02139, phone (617) 661-1143.

**NEVADA:** The new chair of the Assembly Elections Committee, Courtney Swain, a Democrat, and the new Secretary of State, Frankie Sue Delpapa, also a Democrat, plan to work for a bill (to be introduced soon) lowering the petition to form a new party from 5% of the last vote, to 2% of the last vote. If this proposal becomes law, Oregon will be the only state which requires a 5% or higher petition in order for a

no third party in any state in the entire history of the U. S. has ever managed to meet a petition requirement that high. In 1984, under the existing requirement, Oregon was one of only 4 states in which Mondale and Reagan were the only names on the presidential ballot.

I telephoned the Oregon Secretary of State's office and talked to Patricia McKay, an assistant to the Secretary of State. She said that the former Director of Elections, Ray Phelps, persuaded the Secretary of State to submit the same bill two years ago. It passed the legislature, but Republican Governor Victor Atiyeh vetoed it. Since it was considered sound policy then by the Secretary of State, she resubmitted it this year without thinking much more about it. Patricia McKay said that they would take another look at the advisability of the bill.

I urge everyone, whether you live in Oregon or not, to write a letter to Barbara Roberts, Secretary of State, State Capitol, Salem Or 97310, and politely advise her that her bill is harming voting rights, not just in Oregon, but for the entire nation. When a third party presidential candidate cannot get on the ballot in one particular state, that hurts his or her supporters wherever they live. Point out that the last national Democratic Party convention passed a resolution saying, "The Democratic Party of the U. S. recognizes the right to vote as the most fundamental of all rights in our democracy. And no duty of the Party is more important than protecting the sanctity of this right." (As noted above, Barbara Roberts is a Democrat).

## CONGRESS

On January 27, Congressman John Conyers plans to introduce the same bill that he introduced last year as HR 2320. New Alliance Party lobbyist Nancy Ross spoke with him on January 20. She says that he plans to hold ad hoc hearings on the problem of ballot access, if Chairman Al Swift of the Elections Subcommittee again refuses to hold hearings.

## STATE LEGISLATURES

Lobbying for better ballot access laws is underway in these states:

**FLORIDA:** the Libertarian Party has already succeeded in getting its 1985 proposal re-introduced into the 1987 legislature. The bill is Senate Bill 75, introduced on December 29, 1986. If you wish to help, contact John Wayne Smith, PO Box 3973, Ocala Fl 32678, phone (904) 368-2688. Existing law requires a new party to submit 168,936 valid signatures by mid-July (although if a party only wants to place its presidential candidate on the ballot, the requirement is 56,312 signatures). No matter how many votes a new party might poll if it did get on the ballot, it wouldn't give the new party permanent ballot status, and the whole petition would need to be repeated over and over. No relief from this petitioning is obtained until after the new party persuades 5% of Florida voters to list themselves as members, on their voter registration records. No third party in any state has persuaded 5% of the voters to enroll in it, since the 1910 decade.

Senate Bill 75 sets the petition at 50,000 signatures, with a 3% vote threshold to obtain permanent ballot

new party to submit 30,667 signatures by the first week in January. That early deadline is almost surely unconstitutional, so we have some leverage over the Ohio legislature. Contact Milt Norris, 2076 Lamberton Rd., Cleveland Heights, Ohio 44118, phone (216) 371-0000, if you wish to help.

**WYOMING:** Larry Gray and David Dawson are working to persuade their state legislature to lower the number of signatures needed to qualify a new party, currently 8,000 due May 1. Wyoming has the smallest population of any state, and in the low-interest period in odd years, there are only about 200,000 registered voters, so it's very difficult for any party to qualify. If you wish to help, contact Dave Dawson, 5010 S. David, Casper Wy 82601.

**CALIFORNIA:** The County Clerks Association has found a sponsor, Assemblywoman Gwen Moore (Dem-Los Angeles), for a proposed bill which would give the existing smaller qualified parties the choice to nominate by convention instead of by primary. The proposal, as submitted by the County Clerks, would also make it substantially easier for new parties to qualify for the ballot (a petition signed by 65,000 voters, compared to the existing choice of approximately 800,000 signatures or 80,000 registrants) and change the deadline for new parties to qualify from early January to late June. New parties which qualify after the bill takes effect would automatically nominate by convention. They would not get their own primary until after they had polled 5% for Governor or President. In California, it costs approximately \$1,000,000 for each additional party for which primary ballots must be printed. The Libertarian Party of California will probably choose to nominate by convention instead of by primary if it gets the choice.

**MASSACHUSETTS:** The Socialist Party has drafted a bill to ease ballot access requirements for new parties and independent candidates, and it has been filed in the legislature by Representative John Businger, chair of the House Election Law Committee. The bill has no number yet. A coalition is being formed to work for the bill. Contact William Shakalis, Bx 774, Cambridge Ma 02139, phone (617) 661-1143.

**NEVADA:** The new chair of the Assembly Elections Committee, Courtney Swain, a Democrat, and the new Secretary of State, Frankie Sue Delpapa, also a Democrat, plan to work for a bill (to be introduced soon) lowering the petition to form a new party from 5% of the last vote, to 2% of the last vote. If this proposal becomes law, Oregon will be the only state which requires a 5% or higher petition in order for a new party to get on the ballot for all office, even president.

**ARIZONA:** The Libertarian Party is putting together a committee to lobby the legislature to reduce the number of signatures needed for a new party to get on the ballot, currently 17,340 signatures (2% of the 1986 gubernatorial vote). Contact either Matt Kesler, 1650 No. Pima Rd., Scottsdale Az 85257, phone (602) 947-8530, or Steve Clark, 7101 N. 43rd Ave., Phoenix Az 85051.

**INDIANA:** The Elections Committees of both houses of the legislature are drafting a comprehensive bill to

correct problems in the Indiana election code, and Libertarians are lobbying to see that the number of signatures needed to get on the ballot, and the number of votes needed to remain on, are lowered. Contact Steve Dasbach, 215 W. Third St., Fort Wayne In 46808, telephone (219) 422-5631.

NEW JERSEY: The Attorney General will be asking the legislature to change the filing deadline for third party and independent *presidential* candidates from April to late July or early August, according to Christine St. John, New Jersey Director of Elections. When she said this to me over the telephone, I asked her to let it be August, not July. The point of the U. S. Supreme Court decision *Anderson v Celebrezze* was that independent and third party presidential candidates should be able to declare *after* the major parties choose their tickets and platforms, and one of the major parties always holds its national convention in August (the other is in July).

## U. S. SUPREME COURT

On January 12, 1987, the U. S. Supreme Court refused to hear a case from Massachusetts, *Hopmann v Connolly*, which concerns the right of political parties to control their own nominations process. This action by the Supreme Court again affirms the principle that political parties, rather than the government, should make the rules. The U. S. Court of Appeals, First Circuit, had earlier ruled that if the Massachusetts Democratic Party wants to keep candidates off its primary ballot (for failing to show at least 15% support at the party's state endorsements convention), it can do so, even though the candidate collected 10,000 signatures to gain a place on the Democratic primary ballot, which is the election code requirement. Since the Supreme Court refused to hear this case, the U. S. Court of Appeals ruling stands.

Perhaps the Democrats who brought this case will now consider running as independent candidates...to *rephrase* an old saying, "If you can't join them, beat them."

Also on January 12, the Supreme Court told the U. S. Court of Appeals, 9th circuit, to rehear the case *San Francisco County Democratic Central Committee v Eu*, so as to take into account the principles set forth by the Supreme Court in December 1986 in the Connecticut Republican Party case. It is extremely likely that the 9th circuit will again find that political parties have a right to control their own structure, and that political parties have a right to endorse candidates in their own primaries, since the Supreme Court said in the Connecticut Republican case that the First Amendment protects political parties within a single state.

## ILLINOIS

The last day of the old legislature was January 13, 1987. On that day, Senate Bill 1010 failed to pass the House. It would have permitted two qualified political parties to merge with each other. Because the bill failed, the Illinois Solidarity Party created by Adlai Stevenson continues to exist as a fully-qualified party in Illinois.

The new legislature meets in March and is likely to pass such a bill, however. In the meantime, a prominent Chicago city councilman, Ed Vrodolyk, has filed to run for Mayor of Chicago in the primary of the Illinois Solidarity Party. The primary is February 24.

On January 14, a lower state court in Illinois ruled that the Illinois Solidarity Party cannot hold a primary to elect party officials until March 1988. Thus all power to make decisions for the new party will rest in the hands of its candidates for public office, until 1988, including the power to merge the party with the Democratic Party. If the new legislature does pass the bill permitting parties to merge, and if the Solidarity Party leaders (Adlai Stevenson and the party's other candidates) then vote to merge the party into the Democratic Party, there will probably be an interesting lawsuit to determine whether a fully-qualified party can "commit suicide" without any input from the rank and file of the party.

## CONNECTICUT

On November 4, 1986, the voters of Connecticut voted to delete from the state constitution a requirement that Connecticut ballots contain party levers. Party levers usually work to the detriment of third parties, particularly in states which use mechanical voting machines. All precincts in Connecticut use mechanical voting machines. With the party lever gone, it is likely that third party candidates for the less important statewide offices, such as State Treasurer, will find it easier to poll larger percentages of the vote cast.

## COALITION FOR FREE AND OPEN ELECTIONS

The Coalition for Free and Open Elections encourages individuals to join. Your ideas for building the Coalition are welcome. The Coalition address is Box 1885, Annapolis Md 21404. Dues are \$10 per year.

## 1986 ELECTION RETURNS

There were 160 statewide third party candidates on the ballots of the various states in last November's election. For a free list of all of them, how many votes they received, what percentage they received, and how the same party did in the same race four years earlier, send a stamped self-addressed envelope to Richard Winger at the address below. When you write, please tell me your opinion of HR 2320 and how the new version can be supported.

The cumulative total for statewide third party candidates in 1986 was 9,182,628 votes. This does not include independent candidates, nor third party candidates for district or local office. The biggest cumulative totals were racked up by the Libertarian Party (2,813,710 votes) and the Illinois Solidarity Party (2,259,680 votes).

THANK YOU, Irv Sutley, Kay Lawson and Robert Coolidge, for contributions beyond the subscription price.

BALLOT ACCESS NEWS IS PUBLISHED BY RICHARD WINGER, FIELD REPRESENTATIVE OF THE COALITION FOR FREE AND OPEN ELECTIONS. COPYRIGHT ©1987 Richard L. Winger. Permission is freely granted for reprinting Ballot Access News, in whole or in part.

The subscription price to Ballot Access News is \$5 per year. Ballot Access News is published at least eleven times per year.

Send subscription orders to:

other is in July).

## U. S. SUPREME COURT

On January 12, 1987, the U. S. Supreme Court refused to hear a case from Massachusetts, *Hopmann v Connolly*, which concerns the right of political parties to control their own nominations process. This action by the Supreme Court again affirms the principle that political parties, rather than the government, should make the rules. The U. S. Court of Appeals, First Circuit, had earlier ruled that if the Massachusetts Democratic Party wants to keep candidates off its primary ballot (for failing to show at least 15% support at the party's state endorsements convention), it can do so, even though the candidate collected 10,000 signatures to gain a place on the Democratic primary ballot, which is the election code requirement. Since the Supreme Court refused to hear this case, the U. S. Court of Appeals ruling stands.

Perhaps the Democrats who brought this case will now consider running as independent candidates...to rephrase an old saying, "If you can't join them, beat them."

Also on January 12, the Supreme Court told the U. S. Court of Appeals, 9th circuit, to rehear the case *San Francisco County Democratic Central Committee v Eu*, so as to take into account the principles set forth by the Supreme Court in December 1986 in the Connecticut Republican Party case. It is extremely likely that the 9th circuit will again find that political parties have a right to control their own structure, and that political parties have a right to endorse candidates in their own primaries, since the Supreme Court said in the Connecticut Republican case that the First Amendment protects political parties within a single state.

## ILLINOIS

The last day of the old legislature was January 13, 1987. On that day, Senate Bill 1010 failed to pass the House. It would have permitted two qualified political parties to merge with each other. Because the bill failed, the Illinois Solidarity Party created by Adlai Stevenson continues to exist as a fully-qualified party in Illinois.

The new legislature meets in March and is likely to pass such a bill, however. In the meantime, a prominent Chicago city councilman, Ed Vrodolyk, has filed to run for Mayor of Chicago in the primary of the Illinois Solidarity Party. The primary is February 24. If Mayor Harold Washington is renominated in the Democratic Party primary, it is likely that Vrodolyk, a foe of the Mayor, will run against him in the April 7 general election as the Illinois Solidarity Party candidate.

On November 4, 1986, the voters of Connecticut voted to delete from the state constitution a requirement that Connecticut ballots contain party levers. Party levers usually work to the detriment of third parties, particularly in states which use mechanical voting machines. All precincts in Connecticut use mechanical voting machines. With the party lever gone, it is likely that third party candidates for the less important statewide offices, such as State Treasurer, will find it easier to poll larger percentages of the vote cast.

## COALITION FOR FREE AND OPEN ELECTIONS

The Coalition for Free and Open Elections encourages individuals to join. Your ideas for building the Coalition are welcome. The Coalition address is Box 1885, Annapolis Md 21404. Dues are \$10 per year.

## 1986 ELECTION RETURNS

There were 160 statewide third party candidates on the ballots of the various states in last November's election. For a free list of all of them, how many votes they received, what percentage they received, and how the same party did in the same race four years earlier, send a stamped self-addressed envelope to Richard Winger at the address below. When you write, please tell me your opinion of HR 2320 and how the new version can be supported.

The cumulative total for statewide third party candidates in 1986 was 9,182,628 votes. This does not include independent candidates, nor third party candidates for district or local office. The biggest cumulative totals were racked up by the Libertarian Party (2,813,710 votes) and the Illinois Solidarity Party (2,259,680 votes).

THANK YOU, Irv Sutley, Kay Lawson and Robert Coolidge, for contributions beyond the subscription price.

BALLOT ACCESS NEWS IS PUBLISHED BY RICHARD WINGER, FIELD REPRESENTATIVE OF THE COALITION FOR FREE AND OPEN ELECTIONS. COPYRIGHT ©1987 Richard L. Winger. Permission is freely granted for reprinting Ballot Access News, in whole or in part.

The subscription price to Ballot Access News is \$5 per year. Ballot Access News is published at least eleven times per year.

Send subscription orders to:

*Ballot Access News*  
3201 Baker St.  
San Francisco Ca 94123  
(415) 922-9779

YES! I want to receive **BALLOT ACCESS NEWS**. I enclose \$5.00 for 1 year \_\_\_\_\_ or 25 22¢ stamps \_\_\_\_\_.

I want to make an additional contribution. Enclosed is \$ \_\_\_\_\_

Name \_\_\_\_\_ Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_ Phone \_\_\_\_\_