

BALLOT ACCESS NEWS

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CONYERS PLEDGE

ON MARCH 12, 1987, CONGRESSMAN JOHN CONYERS RE-INTRODUCED the congressional bill on ballot access. Last session, it was HR 2320; now it is HR 1582.

Conyers did more than re-introduce the bill. He, his staff, and the Rainbow Alliance, organized a press conference to launch HR 1582. Speaking strongly in favor of the bill were Ralph Nader, a representative of the ACLU, a representative of the Rainbow Coalition, and a representative of the League of United Latin American Citizens (LULAC). Conyers also spoke. He told the press that he didn't work very hard for HR 2320, but that he would work hard for HR 1582. He also announced a meeting in his office on April 22, at 3 pm, for all those who wish to work for the bill. His phone number is 202-225-5126. I urge everyone who can attend this meeting, to do so. The bigger the attendance, the better.

HR 1582, almost identical to last session's HR 2320, would not supplant state election law, but it would ban all devices used to keep third party and independent candidates for federal office off the ballot, except that it would allow a petition. However, the petition could not exceed a number of signatures equal to one-tenth of 1% of the number of registered voters, or 1,000 signatures, whichever is greater.

WRITE-INS

Last year, U. S. District Court judge Harold Fong ruled that it is unconstitutional for Hawaii to ban write-in votes. HB 1266 has been introduced to permit write-in voting in primaries only. Write-ins in general elections would still be banned. In the meantime, Hawaii's Attorney General has appealed to the U. S. Court of Appeals, 9th circuit, to reverse Judge Fong.

OREGON

The Libertarian Party lawsuit against the 5% petition is scheduled for a hearing on March 18 in the State Court of Appeals in Salem.

STATE LEGISLATURES

ARKANSAS: The legislature has passed SB 4, and the Governor has signed the bill. It changes the 1988 petition deadline for independent candidates (for office other than president) to January 5, 1988. Back in 1977 the U. S. Supreme Court summarily affirmed a lower federal court ruling, holding that Arkansas' independent candidate deadline of April was unconstitutionally early.

This type of irresponsible action by state legislatures is yet one more example of why we need HR 1582. HR 1582 would outlaw deadlines that were earlier than mid-August.

ARIZONA: A bill has been introduced to ease the number of signatures for a new party to get on the ballot, and to provide that new parties nominate by convention, rather than by primary. Existing law now requires 17,340 signatures (2% of the last vote cast). The bill would require a flat 10,000. In Arizona, bills do not receive a bill number until a committee chairman has agreed to hold hearings on the bill. This has not yet happened, and it is probably too late in the session to expect this bill to pass. However, getting it introduced this year substantially enhances its chances for action in the 1988 session.

CALIFORNIA: Assemblywoman Gwen Moore has introduced AB 2570. Although it is not in print yet, I believe it eases the requirements for new parties to get on the ballot and provides that new parties nominate by convention, rather than by primary, until after they have polled 5% of the vote for president or governor. The bill also should provide that existing qualified parties who have polled less than 5% of the vote for president or governor, may choose whether to nominate by convention or by primary. The bill changes the filing deadline for new parties to qualify from January to June 30. The County Clerks Association is backing the bill.

CONNECTICUT: Representative Joseph Ruwet, a Republican from northwest Connecticut, introduced HB 5766 to lower the petition requirement for third party and independent candidates from 1% to one-half of 1%. The bill was introduced too late in the session to be heard without special permission, so it died. However, Rep. Ruwet is trying to get the proposal amended into another bill.

This state only required a petition of one-half of 1% of the last vote cast, between 1891 and 1969. In 1969, the requirement was arbitrarily doubled, even though only one statewide petition had succeeded during the entire decade of the 1960's.

FLORIDA: The Jan. 21, 1987 issue of *Ballot Access News* erroneously stated that a bill had been introduced in the Florida legislature to ease ballot access. This was not true.

IDAHO: HB 302, the bill introduced by Representative Liz Allen to make it easier for new parties to get on the ballot, passed its first hurdle on March 2. The House State Affairs passed it out unanimously. The bill's biggest hurdle will be the clock; only two weeks remain in the legislative session.

ILLINOIS: State Senator Vince DeMuzio, who is also state chairman of the Democratic Party, has introduced SB 10, to allow fully-qualified parties to merge with each other. This bill is motivated by the Democrats' desire to rid the state of the Illinois Solidarity Party, the first fully qualified statewide third party in Illinois since 1926. The bill will be heard in April. The hearing may provide an excellent forum for activists to raise the issue of Illinois ballot access, which is very bad in some ways. For example, a new party which wanted to run candidates for Congress in all Illinois districts would need to submit 175,881 valid signatures on 23 different petitions. In most states, a new party could get a full slate of candidates for Congress on the November ballot with a single petition.

INDIANA: SB 293, the revision of the Indiana election code, does not contain any improvements in ballot access for third parties or independent candidates, with the sole exception that the petition deadline is being moved from July 1 to August 1. SB 293 passed the State Senate on March 6 and is now in the House Elections Committee.

It is still possible that the bill could be improved. Indiana arbitrarily quadrupled the petition requirement in 1980, although this change was not effective until 1984. The 1980 bill also quadrupled the requirements to remain qualified, although that change was not effective until 1986. The 1980 bill has made the requirements so difficult that no third party has been able to comply with either the requirements to get on, or to stay on. In addition, Indiana bans write-in votes. Also, Indiana has no procedure for a new party to qualify before it has chosen its candidates.

KANSAS: Despite the best lobbying efforts of the Libertarian, Conservative and Prohibition Parties, the House version of SB 46 failed to pass the House Elections Committee. SB 46 would have lowered the petition requirement for new parties from 2% of the last gubernatorial vote (16,813 signatures) to one-half of 1%.

Part of the problem in Kansas may be that no third party has ever qualified by petition, and furthermore no third party has ever even *attempted* to qualify by petition. Therefore, no one can really speak from experience. I hope that third parties organized in Kansas will begin to circulate a petition so that they can return to the legislature with a report on the reality of the process. Kansas law forbids anyone from circulating a petition to qualify a new party, outside of his or her home county. In metropolitan Kansas City, where county boundaries cross built-up areas, this will probably act as a substantial barrier. On the other hand, there is no language on the petition which makes it difficult to get signatures, and there are no limits on when a group can begin to circulate the petition. It is due in April 1988, a deadline which is almost certainly unconstitutionally early.

MASSACHUSETTS: H 1290, which would substantially ease the requirements for third party and independent candidates, and which would make it possible for a party to circulate the petition before it knows who its candidates will be, is set for a hearing on March 23, 1987.

MICHIGAN: The House Government Operations Committee held another hearing on HB 4090 (the bill to create procedures for independent candidates, and to raise the number of signatures needed for new parties) on February 25, and passed it. A Republican representative, David Honigman, moved to amend the bill so that it would no longer increase the number of signatures needed for a new party. But the amendment was defeated on a straight party-line vote, with all Democrats voting against the amendment.

Michigan (continued)

The full Michigan house passed the bill on March 5, after defeating several amendments to delete the provision which raise the number of signatures needed for a new party.

The bill sets a May 31 deadline for independent candidates and third parties to submit their petitions. This is virtually certain to be held unconstitutional. Chris Thomas, head of the Elections Division of the Secretary of State's office, said that he would seek to have the bill amended in the State Senate so that the deadline will be later. However, he refuses to discuss how much later the deadline should be. It will be interesting to see what he says about the deadline when the bill receives a hearing in the State Senate, probably in early April.

I urge everyone to write a letter to Senator John Engler, State House, Lansing Mi 48909, and tell him that HB 4090, by increasing the number of signatures needed for a third party, hurts voting rights, not only in Michigan, but throughout the United States, since the bill affects the presidential election. Ask him to amend the bill so that it has a better filing deadline and so that it doesn't increase the number of signatures needed for new parties. In 1986, under the existing law, only one third party in Michigan submitted a petition; there is no technical reason to increase the requirement.

MONTANA: The Socialist Party is organized in Montana and is seeking to ease the ballot access law. For president in 1988, Montana requires a higher number of signatures, as a percentage of the number of registered voters, than any other state except Wyoming (this is when the easier of the two methods, independent or new party, are compared for each state). Montana requires a petition signed by 5% of the winning candidate for Governor's vote. Since the winner of the last gubernatorial election scored a 70% landslide victory, 13,329 signatures are needed, which is 3% of the number of registered voters. Contact William A. Arensmyer, 248 Eureka #13, Wolf Point Mt 59201, if you wish to help.

NORTH CAROLINA: This state requires a petition signed by voters equal to 2% of the last gubernatorial vote (now 44,535 signatures) for a new party to get on the ballot, due June 1. No party has ever qualified under this law, which was passed in 1983. The independent candidate procedure is even more difficult.

Representative Brad Ligon is sympathetic to moderating this requirement, but he said any bill to do this "won't fly". Since he considers it hopeless, he isn't introducing any bill on the subject. North Carolina also refuses to count write-in votes for president. I hope that some group will sue North Carolina to at least obtain write-in voting for president. North Carolina is in the 4th circuit, which stated in 1983, "The Constitution protects the right of qualified citizens to vote and to have their votes counted as cast." *Hendon v North Carolina Board of Elections*, 710 F 2d 177.

OHIO: Senator Gary Suhadolnik and several co-sponsors have introduced SB 116, which makes it easier for a new party to get on the Ohio ballot. Under the existing law, which requires a petition signed by 1% of the last vote cast, due in January, only two parties have ever qualified (American in 1976 and Libertarian in 1982). Contact Milt Norris, 2076 Lamberton Rd, Cleveland Heights Oh 44118, if you wish to help.

SERENDIPITY IN PA.

In Pennsylvania, the number of signatures required for third party and independent statewide candidates is equal to 2% of the vote cast for the highest vote-getting candidate for statewide judge, in November of the odd year before the election. In the past, some candidates for judge have received the nomination of both the Democratic and Republican Party; these lucky candidates then poll a huge vote in November of the odd year. This, in turn, almost doubles the number of signatures needed on the petition.

In 1986 the Pennsylvania legislature prohibited the practice of candidates for statewide judge from filing in both the Democratic and Republican primaries. They can now only run in their own party's primary. This is good news, because it means that from now on, the winning candidate for state judge is not likely to poll more than 60% of the total vote cast, so the statewide petition will no longer be as high as 50,000 signatures (which it was in 1980 and again in 1984). It is more likely to be about 35,000.

HAWAII LIBERTARIANS ON BALLOT

In 1986, the Hawaii Libertarian Party successfully lobbied for a bill to provide that any party which qualified for the ballot for three elections in a row, should automatically be on the ballot for another ten years. This law has just been applied for the first time, with a ruling issued in early March 1987 that the Libertarian Party meets the conditions of the new law, and will be on the ballot automatically in 1988 and beyond.

VIRGINIA WRITE-IN LAWSUIT

The Libertarian Party of Virginia plans to file a lawsuit in the next few months to force the state to permit, and count, write-in votes for president, just in case the party is unable to qualify for the 1988 ballot. The Virginia Constitution says that the voters retain the right to case write-in votes in all general elections. Notwithstanding the state Constitution, the Virginia Board of Elections won't permit write-ins for president. Lawsuits to defeat the Board's ruling were filed in 1976 by Eugene McCarthy, and in 1984 by the Libertarian Party. Each time, the courts felt the lawsuit had been filed too soon before the election, so nothing was accomplished. This time it won't be possible for the state to duck the issue.

CLARIFICATION

The Oct. 10, 1987 *Ballot Access News* said that Anthony Harp, a member of the Libertarian Party, had won both the Democratic and Republican primaries for a seat in the New Hampshire House of Representatives, and that his election was assured. Although it is true that he won both major party primaries, he was defeated in November. It was a multi-member district, to elect 6. Mr. Harp came in 7th, only 92 votes behind one of the winners.

PLEASE WRITE YOUR MEMBER OF CONGRESS as soon as possible, to ask him or her to co-sponsor HR 1582. Anyone who sends me a copy of such a letter, and a copy of the response from the member of Congress, will get a free two-month extension of his or her subscription to *Ballot Access News*. Remember, the bill can't get a hearing unless it is co-sponsored by a substantial number of members of Congress. Write me if you wish more information about the bill, or arguments in favor of the bill.

THANK YOU, Phyllis Avery, Kurt Germann, Si Gerson, and Jeff Smith, for contributions beyond the subscription price.

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