

BALLOT ACCESS NEWS

San Francisco, California

April 20, 1987

Volume 2 Number 10

HR 1582

HR 1582, the bill to protect ballot access for third party and independent candidates for federal office, already has 20 co-sponsors in addition to chief sponsor John Conyers. Last session, the same bill, HR 2320, never had more than 17 co-sponsors.

One co-sponsor from 1985, Congressman George Crockett, Jr., of Michigan, has not yet co-sponsored HR 1582. Another co-sponsor from 1985, Barbara Mikulski of Maryland, is now a Senator. A third co-sponsor from 1985, Parren Mitchell, also of Maryland, retired.

The new co-sponsors are Julian Dixon of California, Mike Espy of Mississippi, Floyd Flake of New York, John Lewis of Georgia, Mickey Leland of Texas, and Kweisi Mfume of Maryland. Espy, Flake, Lewis and Mfume are new congressmen. All of the co-sponsors are Democrats.

As you probably recall, last session's bill never received a hearing from the Elections Subcommittee, chaired by Democrat Al Swift of Washington state. The Libertarian Party of Washington informs me that Swift's probable Republican opponent for 1988 has already announced his candidacy. He is Mark Nelson, chair of the Whatcom County Republican Committee, and his address is 3817 Taylor, Bellingham Wa 98226. Activists in that congressional district have already asked Mr. Nelson to make Swift's refusal to hold hearings on the bill a campaign issue in 1988.

Meanwhile, Swift has already responded to Gene Armistead, an active supporter of fair ballot access who lives in Escondido, California. Swift's letter of April 2 says, "I tend to agree with the first point you made regarding the LaRouche Party in Illinois. If there had been easier access to the ballot, the Democrats might not have had to contend with LaRouche supporters on the Democratic ticket. However, that does not change the belief held by many in Congress that states have a right to determine their own elections laws, provided they are not too restrictive or in violation of any current Federal laws. In any case, I will keep your views in mind when our schedule allows us to consider this issue. The Subcommittee is currently very busy on a number of other matters, especially campaign finance reform, which preclude scheduling hearings on HR 12582 in the near future."

I know that many of you have written Congressman Swift at least once in the past, and you may feel that it's a waste of time to write him again. But I urge you to write him again. When you do, send a copy to Mark Nelson at the address shown above. If Nelson gets enough mail on this, he is more likely to raise the issue in his campaign against Swift. He needs to know that hundreds, even thousands, of people care about HR 1582 and are incensed with Swift.

Gene Armistead, in addition to writing Swift himself, has already stimulated letters to congress from a dozen other people about HR 1582. If he can do that, surely

GOOD BILLS PASS

The Governor of Utah has signed SB 6, which improves the filing deadline for independent presidential candidates, from April 16 to September 1.

The Governor of Idaho has signed HB 302. This bill, initiated by the Idaho Libertarian Party, changes the wording on the petition to qualify a new party, so that it no longer states that people who sign are "affiliating, one with another, to form" the new party. HB 302 also improves the filing deadline for independent presidential candidates.

VOTER REGISTRATION REFORM

Senator Alan Cranston has announced that he will introduce a series of bills to force states to permit easier procedures for voter registration. He hopes to provide that registration may not close earlier than 7 days before an election, that registration by mail be permitted, and that change of address forms sent to a post office be automatically used to change a voter's address in the registration records also. These provisions would only apply to elections for federal office.

VIETNAM V. FLORIDA

Vietnam elected a new legislature on April 19, 1987. Voters were given a choice of 829 candidates to fill 496 seats, or an average of 1.67 candidates per seat.

Florida elected a new legislature on November 4, 1986. Voters were given a choice of 220 candidates to fill 140 seats, or an average of 1.57 candidates per district.

SERENDIPITY IN TEXAS

Late in 1986, the Texas legislature moved the primary from May to March. Since the petition to qualify a new party or independent candidate in Texas cannot be circulated until the day after the primary, this move had the unintended result of expanding the number of days in which the petitions can be circulated, from 75 days, to approximately 135 days.

PETITIONING AT THE POST OFFICE

In March, the US Court of Appeals, 9th circuit, issued two decisions bearing on what kind of activity can be carried on in front of post offices. One decision is helpful; another is not. The helpful decision, *Jacobsen v US Postal Service*, no. 86-1533, ordered the post office to permit newspaper racks on post office sidewalks if they do not obstruct access.

The unfavorable decision, *Monterey County Democratic Central Committee v US Postal Service*, no. 85-1685, issued 4 days after the other decision by a different panel, upheld a postal regulation banning any

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The San Diego Union of April 1, 1987 carried a commentary about HR 1582, written by Phyllis Avery. The Libertarian Party national committee has already endorsed HR 1582 and an article about it will appear in the party's national newspaper. The *People's Daily World* has already carried two articles about the bill.

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The unfavorable decision, *Monterey County Democratic Central Committee v US Postal Service*, no. 85-1685, issued 4 days after the other decision by a different panel, upheld a postal regulation banning any partisan activity on post office sidewalks, if the sidewalks are enclosed within the postal service premises and clearly separated from the municipal sidewalks in the area. This means that a "non-partisan" organization like the League of Women Voters may set up a card table to register voters on post office sidewalks, but the Democratic Party may not set up a card table in the same place to do the same activity.

Obviously, the same regulation is used to prevent petitioning on post office sidewalks. Neither of the cases involved petitioning directly, but the principles apply to petitioning.

There are fewer and fewer good places to petition. This is partly because of restrictions at government-owned property, such as post offices and public colleges, and partly because more and more shopping area sidewalks are now in privately-owned malls. In most states, shopping center mall owners are free to ban petitioning from their sidewalks if they wish.

The New Alliance Party is working with the Coalition for Free & Open Elections to draft a congressional bill to require that sidewalks be opened up for petitioning, whether they are publicly or privately owned.

OTHER LEGISLATIVE NEWS

Alabama: Frank Monachelli, state chair of the Libertarian Party, testified on April 3 before the House Elections Committee, in favor of a proposal to lower the 20% vote requirement for a party to remain qualified (no other state requires more than 10% to maintain a party's status). Although good publicity was obtained, no legislator in attendance was willing to sponsor the proposed bill.

California: Assembly Bill 2570, which would vastly improve ballot access for new political parties and statewide independent candidates, is set for a hearing on May 6 in the Assembly Elections Committee.

Connecticut: There are two bills pending to improve ballot access, HB 5766 and HB 6658. Communist Party spokesperson Joelle Fishman received excellent publicity when she testified in favor of easing ballot access. However, neither bill has been acted on.

Illinois: SB 10, the bill to permit qualified parties to merge with each other, was scheduled for a hearing on April 2. However, the sponsor of the bill failed to show up, and the bill was put over until April 23. Gerry Walsh and Robert Coolidge of the Illinois Libertarian Party were permitted to testify anyway. They criticized Illinois for having no procedure to qualify a new political party before it has nominated its candidates, and they also attacked the extremely stringent requirements for a third party to qualify a congressional or legislative candidate. They asked that SB 10 be amended to correct some of these faults.

Indiana: SB 293, the comprehensive election code revision, has passed both houses of the legislature in different versions, so it goes next to a conference committee. Both versions of the bill change the filing deadline for third party and independent candidates from July 1 to August 1.

Maine: A very bad bill, HP 111, is pending. It would make it illegal for voters to sign the petition of a third party or independent candidate, if the voter were registered as a member of the Democratic or Republican Parties.

Massachusetts: On March 23, testimony was taken in support of H 1290, sponsored by the Committee for

Michigan: HB 4090, the bill to establish procedures for independent candidates, and to increase the number of signatures needed for third parties, still has no hearing date in the State Senate Elections Committee.

The Consultant to the Senate Elections Committee, Peter Kopke, has said that he is writing a memo to the chair of the committee, advising him that the filing deadline imposed by the bill, May 31, is too early. But he says that it isn't his place to recommend what the deadline should be. Chris Thomas, head of the Elections Division of the Secretary of State's office, says he hasn't begun to think about the deadline issue yet.

Since HB 4090 is moving so slowly, it might be good strategy for third parties to petition for 1988 right now, and submit the signatures before the new bill takes effect. The existing requirement is only two-thirds as difficult as the requirement that will be in effect once HB 4090 becomes law. The Michigan Libertarian Party launched its petition drive on April 15, 1988.

Nevada: AB 184 passed the Assembly unanimously, although no hearing date has been set for the Senate Elections Committee hearing. The bill reduces all petition requirements from 5% to 3%, reduces the vote requirement to remain qualified from 5% to 3%, and improves the filing deadline for new parties, from April, to August. The bill also provides that smaller parties nominate by convention instead of by primary.

New Jersey: The April filing deadline for independent and third party presidential candidates was held unconstitutional in 1984, but the legislature still hasn't changed the old deadline. Donna Kelly-Boccher and David Dembe, the two Assistant Attorneys General in charge of election law, have told me that they will draft a bill to set a new deadline of late July or early August. They have also told me that New Jersey will not try to enforce the old unconstitutional deadline, even if the legislature fails to pass the proposed new bill.

New York: AB 5869, which would curtail some of the hyper-technical rules for petition format, has passed the Assembly Elections Committee.

MARYLAND LIBERTARIANS QUALIFY

Recently the Maryland Libertarian Party submitted 14,000 signatures to qualify the party for the 1988 election. 10,000 were required. This is the first 1988 ballot access petition by any party to be submitted in any state.

NATIONAL CONVENTIONS PLANNED

Several parties have announced the places and dates of their presidential nominating convention:

1. Socialist, May 23-25, 1987, in Chicago. For further information call (312) 761-0493.
2. Prohibition, June 24-26, 1987, in Springfield, Il., at the Berean Baptist Church, 3401 S. 6th St.
3. American, June 27-28, 1987, in Salt Lake City. For further information write American Party, Bx 22382, Lexington Ky 40522.

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Maine: A very bad bill, HP 111, is pending. It would make it illegal for voters to sign the petition of a third party or independent candidate, if the voter were registered as a member of the Democratic or Republican Parties.

Massachusetts: On March 23, testimony was taken in support of H 1290, sponsored by the Committee for Fair Ballot Access. It would reduce the number of signatures, and permit a party to qualify before it knows who its candidates will be. Testimony was also received on another good bill, H 968, sponsored by the Secretary of State, which would change the filing deadline from May to August. Neither bill has received any legislative action so far. If you are interested in helping with ballot access reform in Massachusetts, write the Committee at PO Box 2557, Boston Ma 02208, or telephone (617) 661-1143. Massachusetts now has the worst ballot access laws of any northeastern state.

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4. Libertarian, Sept. 2-6, 1987, in Seattle, at the Seattle Sheraton Hotel.
5. New Alliance, sometime in September 1987, place and exact dates not announced yet.
6. Democratic, July 18-21, 1988, in Houston.
7. Republican, August 15-18, 1988, in New Orleans.

THANK YOU, J. G. Ford, Gordon Mobley, George Elkins, Mark Hinkle, Donald Wassall, Gene Armistead, Robert Coolidge, for contributions beyond the subscription price. *Ballot Access News* subscription price is \$5 per year.