

BALLOT ACCESS NEWS

San Francisco, California

December 23, 1987

Volume 3 Number 6

HR 1582

Congress has finally gone home. If your member of Congress makes himself or herself available for meetings in the district, try to see him or her and ask for co-sponsorship of HR 1582. Members of Congress who already are co-sponsors are John Conyers and George Crockett of Michigan, Cardiss Collins, Gus Savage and Charles Hayes of Illinois, Ronald Dellums, Julian Dixon, Edward Roybal, and Mervyn Dymally of California, Wayne Dowdy and Mike Espy of Mississippi, Floyd Flake, Major Owens, Edolphus Towns, Charles Rangel, and Matthew McHugh of New York, Louis Stokes of Ohio, Kweisi Mfume of Maryland, Mickey Leland of Texas, John Lewis of Georgia, Robert Kastenmeier of Wisconsin, and Walter Fauntroy of the District of Columbia.

The Rainbow Lobby expects to be much more active on behalf of HR 1582 starting in January 1988. Also, the Libertarian Party is moving its national headquarters to Washington, D. C., which may mean increased Libertarian activity for the bill. The new address is 1528 Pennsylvania Ave., SE, Washington DC 20003.

OKLAHOMA

The U. S. Court of Appeals, 10th circuit, has granted plaintiff Libertarian and Populist Parties' request for expedited hearing of the ballot access case *Libertarian Party v State Board of Elections*, no. 87-2360. The hearing will be January 12, at the University of Denver Law School. The issues are the number of signatures, the early deadline, and whether voters can register as members of unqualified parties. Jim Linger is attorney for the plaintiffs. It would be helpful if Denver-area people attend. Call the Clerk of the 10th circuit at (303) 844-3157 to learn the exact address and the time of the hearing.

DEBATES

The League of Women Voters has issued criteria for its own general election presidential debates for 1988, relating to how a third party or independent candidate can appear. Such a candidate must be on the ballot in states containing a majority of electoral votes, and must have "stimulated significant public interest in his or her candidacy." While this is vague, it is far better than past criteria, which were that the candidate show 15% support in national public opinion polls.

The rival commission set up by the Democratic and Republican Parties to sponsor general election debates has said nothing in writing about its criteria. However, it is rumored that it will require a 3% showing in national public opinion polls.

COMMUNIST PARTY

The Communist Party got the best publicity about unfair ballot access laws of the year on November 19, 1987, when it held a press conference and was asked about its plans for the presidential election. Gus Hall and James Steele said the party probably wouldn't run anyone because some ballot access laws are so unfair. They specifically named California, which requires 128,000 signatures for an independent, and either 800,000 signatures or 80,000 registrants for a party. Their comments were carried in many newspapers. Even the weekly *Human Events*, voice of conservatives (President Reagan once said it was his favorite publication) carried the story, although *Human Events* said "supposedly" it is difficult for third parties to get on the ballot.

The Communist Party has not officially released any final decision about whether it will run a presidential candidate. It has said that it hopes to run 100 candidates for congress, state legislature, county and city office. The Socialist Workers Party has also not send anything about whether it will run a presidential candidate.

FULANI FILES FOR FEDERAL FUNDS

Lenori Fulani, the only announced candidate for the New Alliance Party nomination, and an independent presidential candidate as well, has raised \$160,000 in donations and has asked the Federal Election Commission to match this amount. She is the only third party or independent presidential candidate who has tried to qualify for matching funds this year. In the past, Sonia Johnson of the Citizens Party received matching funds, and John Anderson received "party" funds after the election was over. No third party can ever qualify for federal funds until it polls 5% of the vote, but individual candidates who are seeking the nomination of a third party can qualify.

ALASKA

On December 9, the Alaska Attorney General reversed herself, and ruled that the Libertarian Party of Alaska is a "limited political party" (which means that it is automatically qualified to be on the ballot for president and vice-president). Since the law defines a "limited political party" as one which polled more than 3% for president in the last presidential election, and since the Libertarian Party polled 3.1% in 1984, it always seemed obvious that the Libertarian Party was a "limited political party" in Alaska. However, on May 27, 1987, the Alaska Attorney General had ruled that it wasn't, since it had lost its status as a regular political party because of its low vote for Governor in 1986. Credit for the revised ruling goes to Donniss Thompson of the Alaska Libertarian Party, and Sandra J. Stout, Alaska Director of Elections, who persuaded the Attorney General to revise her opinion.

WRITE-INS

On October 1, 1987, the New Mexico Court of Appeals ruled that write-in votes must be permitted and counted in special district elections. The Court said that a ban on write-ins would "be contrary to the (state) constitutional mandate of 'free and open elections'." *Gonzales v Middle Rio Grande Conservancy District*, 744 P 2d 554.

WISCONSIN

Wisconsin has provided for public funding for all candidates for state (not federal) office who poll 6% in the primary, since the 1970's. Even independent candidates for state office are placed on the open primary ballot, just to give them a chance to poll the 6%. None of them ever do, because voters in a primary are always more interested in voting in contested races. Now Assembly Bill 299 would change this. It would lower the threshold to 1%, although candidates who poll between 1% and 6% would get proportionately less funding than candidates meeting the 6% standard. Assembly Bill 299 has passed the Assembly and is likely to pass the State Senate next year.

PETITIONING

Kenoyer campaign: has 500 signatures in Maryland, 400 in Nebraska, 200 in Iowa, and 100 in Michigan. This will be the first time the Socialist Party has been on the ballot in Nebraska since 1932, and the first time it has been on in Maryland and Michigan since 1948, if these petitions succeed.

Dodge campaign: (Prohibition Party) has 500 signatures in Colorado, and is already on in New Mexico.

Dennis campaign: (American Party) has 350 signatures on its Utah petition, and is already on in South Carolina.

Lewin campaign: (Internationalist Workers Party) has 200 signatures on its New Jersey petitions, which use the party label "Peace & Freedom Ticket" rather than "Internationalist Workers Party".

Other Parties: Although the Workers World Party has nominated Larry Holmes for president, no petitioning has been carried out for him yet. Although the Populist and Workers League have not nominated anyone for president yet and may not run anyone, each is petitioning in Michigan, and the Populist Party is also petitioning in North Carolina. The Populist petition in Michigan has 5,000 signatures.

Paul campaign. Fulani campaign: see the chart in the next column. There is a "?" next to the entry for Georgia for the Libertarian Party because the paid petitioning firm says there are 12,000 signatures, but party officials have not seen them, and they have not yet been turned over to the Georgia Libertarian Party, even though by now they should have been.

STATE	SIGNATURES		
	REQUIRED	COLLECTED	
		NAP	LIBT
Alabama	5,000	6,000	already on
Alaska	2,068	already on	already on
Arizona	17,340	already on	already on
Arkansas	0	no need	no need
California	128,340	can't start	already on
Colorado	5,000	0	0
Connecticut	14,910	can't start	can't start
Delaware	(reg.) 145	already on	130
Dist of Columbia	3,000	can't start	can't start
Florida	56,318	0	3,200
Georgia	25,759	17,500	? 12,000
Hawaii	3,493	finished	already on
Idaho	8,224	0	1,200
Illinois	25,000	can't start	can't start
Indiana	30,950	0	0
Iowa	1,000	0	350
Kansas	2,500	already on	0
Kentucky	5,000	already on	0
Louisiana	0	no need	no need
Maine	4,000	can't start	can't start
Maryland	10,000	finished	already on
Massachusetts	33,682	can't start	can't start
Michigan	16,313	135	already on
Minnesota	2,000	can't start	can't start
Mississippi	1,000	finished	already on
Missouri	21,083	0	2,500
Montana	13,329	already on	already on
Nebraska	5,635	already on	7,100
Nevada	7,717	7,500	already on
New Hampshire	3,000	finished	800
New Jersey	800	finished	0
New Mexico	(reg.) 500	already on	already on
New York	20,000	can't start	can't start
North Carolina	44,535	26,000	700
North Dakota	4,000	0	4,500
Ohio	5,000	3,125	0
Oklahoma	37,671	0	0
Oregon	51,578	0	10,700
Pennsylvania	25,000	can't start	can't start
Rhode Island	1,000	can't start	can't start
South Carolina	10,000	already on	already on
South Dakota	2,945	can't start	can't start
Tennessee	25	finished	0
Texas	34,424	can't start	already on
Utah	300	already on	already on
Vermont	1,000	finished	already on
Virginia	14,000	can't start	can't start
Washington	188	can't start	can't start
West Virginia	7,358	0	0
Wisconsin	2,000	can't start	can't start
Wyoming	8,000	already on	valid 7,500

The New Alliance Party is now finished, or certified, in 18 states. The Libertarian Party is now finished, or certified, in 15 states. This marks the first point at which the New Alliance Party is on the ballot in more states than the Libertarian Party.

POLITICAL PARTY RIGHTS

California: On December 4, 1987, U. S. Supreme Court justice Sandra Day O'Connor turned down the California Attorney General's request for a stay of the decision in *San Francisco County Democratic Central Committee v Eu*, the 9th circuit decision which said that parties can organize themselves as they wish, and can endorse candidates in their own primaries. This means that the Democratic Party, meeting in Los Angeles on January 8, 1988, is likely to pass procedures for the party to make endorsements; and that the Libertarian Party, meeting in San Diego February 12-15, is likely to pass the bylaws that it has always wanted to have. Until the request for a stay had been denied, political parties were unable to do these things.

Although the California Attorney General still plans to ask the U. S. Supreme Court to overrule the 9th circuit decision, O'Connor's action is a clue that the decision will probably stand. Under Supreme Court rules, a single justice rules on requests for stays, and O'Connor handles requests from the 9th circuit.

Maryland: On December 2, 1987, the U. S. Court of Appeals, 4th circuit, heard arguments in *Bachur v Democratic National Party*. The issue is whether the Democratic Party has a right to hold a presidential primary in which the voter must vote in one area of the ballot for male delegates to the convention, and in another area of the ballot for female delegates. The plaintiff-voter wanted to vote freely among all candidates for delegate, without regard to sex. The Democratic Party wants to balance its delegations equally by sex. U. S. District Court Judge Walter E. Black, a Reagan appointee, ruled against the Democratic Party on July 29, 1987, and the Democratic Party hopes to overturn his decision in the 4th circuit.

Michigan: A majority on the Michigan Republican State Committee supports either Pat Robertson or Jack Kemp for president. Bush supporters are in the minority. The majority on the Committee has recently been changing the party rules to assist Robertson and Kemp. In response, the Bush minority has been suing the State Committee in state court, arguing that Michigan election law does not permit these types of rules changes. Michigan circuit judge George Boucher, of Kent County, ignored all precedents supporting the right of state parties to set their own rules, and ruled on December 4 that one rule change violated Michigan state law. His ruling is being appealed by the State Committee. Another rule change made more recently has also led to a lawsuit by the Bush minority, in another state court. And the State Committee has recently filed a lawsuit in federal court to overturn Michigan election laws which try to control party rules.

It may be unethical for the Michigan State Committee of the Republican Party to change the rules so late in the game, but a good set of party bylaws would provide time limits for certain kinds of by-law changes. The solution to the Michigan Republican mess lies in better party

bylaws, not resort to state courts and state laws to control the rules. *Ballot Access News* will try to provide the exact names and numbers of the various lawsuits in its next issue. Thanks to Thomas W. Jones of Detroit for help with this story.

VOTER REGISTRATION BILLS INTRODUCED

Senator Alan Cranston of California and Congressman John Conyers of Michigan (lead sponsor of HR 1582) introduced identical bills, S 1888 and H 3666, on November 20, 1987. They require the states to provide more lenient voter registration procedures in federal elections. Postcard registration forms would be required in every state. The bills are aimed at states which still make it difficult for people to register to vote. For example, some states still require new registrants to appear personally at a government office.

Supporters of HR 1582 ought to enthusiastically welcome H 3666 and S 1888. The principle of support for free elections logically leads one to support all three bills. Furthermore, hearings on the voter registration bills will expose the extent to which state legislatures have actively tried to thwart free elections, and will undermine the idea that federal elections should be regulated by state election laws.

S 1888 has no co-sponsors yet. H 3666 is co-sponsored by two Republicans from New York (Fish and Horton), and two Democrats from California (Coelho and Edwards, both very influential). Hearings are expected in 1988 on both bills.

Senator Cranston issued an unfortunate press release when he introduced S 1888. He said his bill will "eliminate the *last vestige* of post-Civil War discriminatory voting laws". (!) It might be worthwhile to send Senator Cranston a friendly reminder that the right to vote includes the right of *choice* for whom to vote, and that the Florida ballot access laws, created since the Civil War, are so restrictive that only one third party has appeared on the Florida ballot (except for president, for which the rules are different), since 1931.

NEW YORK

On September 10, 1987, federal judge Edward Weinfeld upheld a New York law which required a candidate for the Democratic nomination for Bronx Surrogate to gather 5,000 signatures in only 15 days. Normally the law permits 37 days to collect the signatures, but this was a special election. The case is *McGee v Board of Elections*, 669 F Supp 73 (1987). No appeal was made. Judge Weinfeld is an 86-year old Truman appointee.

CUT YOUR TAXES, HELP BALLOT ACCESS

There is still time to make a donation to the Foundation for Free Campaigns and Elections, and to decrease your 1987 federal income tax. The Foundation has tax-exempt status and uses all funds to pay for legal challenges to unfair ballot access laws. Its address is 7404 Estaban, Springfield Va 22151.

FEDERAL WRITE-IN BALLOT

Last year, Congress passed legislation for a federal absentee write-in ballot. Such a ballot will be available at U. S. military bases overseas, and at U. S. embassies. It can only be used by registered voters who are out of the country, who have applied in a timely fashion for a state absentee ballot, and who didn't get it in time. A working draft of the ballot is shown on the center inset. Since the ballot is meant to be used for any state, it was impossible to print the names of candidates, so all votes cast must be write-in votes. It will be sufficient if the voter merely writes in the name of a political party.

The federal write-in ballot will help overseas citizens to vote. It will also undermine those states which still ban write-in votes on their own ballots.

POLL CLOSING HOURS

On November 10, 1987, the U. S. House of Representatives passed HR 435, to set a uniform poll-closing hour in presidential elections. In the east, it would be 9 p.m.; in the midwest, 8 p.m.; in the mountain states, 7 p.m.; and on the Pacific Coast, daylight savings time would be extended into the first week of November and it would be 7 p.m. daylight time. Alaska and Hawaii could continue to set their own poll-closing times. The rollcall vote on HR 435 is shown on the center insert.. If your member of Congress voted for it, ask him or her to co-sponsor HR 1582, since no one who voted for this bill can seriously state that he or she believes that federal elections should be run according to "states' rights" principles. HR 435 deprives the states of the right to set their own poll-closing times, of course.

FLORIDA

The Policy Studies Clinic of the College of Law at Florida State University (at Tallahassee) issued *An Analysis of Florida's Election Law* in April 1987. The author, Dr. Robert J. Kerstein, concluded, "It is clear that Florida is among the most difficult states for a third party to get on the ballot, especially when none of its candidates are running for statewide office." Also, "Lawmakers and citizens should be aware that our requirements are stringent compared with other states and discussion should proceed with this fact in mind." He recommended that the independent candidate petition be reduced from 3% of the number of registered voters, to 1%. He did not make any recommendations relative to third parties. Perhaps this analysis will help to influence the Florida legislature to improve ballot access laws.

STATE LEGISLATURES

Massachusetts: As of December 23, H 923 (the bill to improve the filing deadlines) is still on third reading in the Senate. The legislature will adjourn soon, but chances are that the bill will get through in time. H 1290, the bill to lower the number of signatures, is on third reading in the House. It doesn't have time to reach the Senate. It was re-numbered and is now H 6367. The Coalition for Ballot Access will meet on January 4, 1988, at 7 p.m. at the Oceanic Restaurant, 91 Massachusetts Ave., Boston, to plan the campaign for a similar bill in the 1988 session of the legislature.

Michigan: H 4090, the bill to provide procedures for independent candidates and to increase the number of signatures for new parties, is still sitting in the Senate Committee on Government Operations. The Secretary of State's office has said over the telephone that if the bill doesn't pass by the end of February, any independent candidate who asks to be put on the November 1988 ballot will be placed on the ballot, with no petition and no lawsuit needed.

PROPORTIONAL REPRESENTATION

Activists in the California Peace & Freedom Party, and others, are organizing a committee to get an initiative on the ballot which would provide for proportional representation elections for the California legislature. Contact C. T. Weber, 9616 Caminto Tizona, San Diego Ca 92126.

RENEWALS

If your mailing label indicates that your subscription to *Ballot Access News* expires on January 1, 1988, there is an envelope enclosed to make it easier for you to renew your subscription. Remember, you can get a free 3-month extension if you send me a copy of a 1987 or 1988 letter from a member of Congress, commenting on HR 1582.

THANK YOU, George Mason, Donnis Thompson, Irv Sutley, Mark Thornton, and M. P. Bigenho, for contributions.

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