April 2, 1990

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### PANEL FAVORS FREE TV FOR DEMS, REPS

On March 6, 1990, the Campaign Finance Reform Panel issued a report to U.S. Senators George Mitchell and Bob Dole, Majority and Minority Leaders in the Senate. The panel recommended that the law be amended to require every television and radio station, and every cable network, to give four hours of free time to the Democratic Party, and four hours of free time to the Republican Party, for political advertising every year, election years and non-election years alike.

New parties would be excluded from the plan. However, any third party which had polled 5% or more of the vote for president in the preceding election, would be entitled to a "proportionate" amount of free time. The only third party which has polled as much of 5% of the presidential vote in the last 65 years is the American/American Independent Party formed by George Wallace in 1968.

The panel was composed of 6 men:

- 1. Dr. Herbert E. Alexander, a professor of political science at the University of Southern California and the leading authority on campaign finance in the U.S.
- 2. Jan Baran, former General Counsel of the Republican National Committee, the National Republican Senatorial Committee, the National Republican Congressional Committee, and the Bush for President campaign.
- 3. Robert F. Bauer, a former member of the American Bar Association Committee on Election Law.
- 4. Dr. David B. Magleby, an associate professor of political science at Brigham Young University.
- 5. Richard Moe, former chairman of the Minnesota Democratic-Farmer-Labor Party, and former chief of staff to Vice-President Walter Mondale.
- 6. Dr. Larry J. Sabato, a professor of Government at the University of Virginia, and author of *The Party's Just Begun: Shaping Political Parties for America's Future.* The 1988 book criticizes the Supreme Court for ruling that the U.S. Constitution protects the right of voters to vote for new political parties and independent candidates.

The panel was asked to suggest improvements in the campaign finance laws, relating to elections for U.S. Senators. The panel was not recruited until February 8, and it was given less than four weeks to finish its report. There are many other ideas in the report, including a recommendation that voluntary campaign spending limits be calculated (if the candidate agrees to the limits, he or she would receive preferential broadcast advertising rates, reduced postal rates or a free mailing, and tax credits for small in-state contributors).

The free-time proposal can be criticized because it ignores history. The voters have <u>elected</u> third party or independent candidates to the U.S. Senate twelve times since 1920:

1. Minnesota 1922, Farmer-Labor Party, Henrik Shipstead

- 2. Minnesota 1923, Farmer-Labor Party, Magnus Johnson
- 3. Minnesota 1928, Farmer-Labor Party, Henrik Shipstead
- 4. Wisconsin 1934, Progressive Party, Robert LaFollette
- 5. Minnesota 1934, Farmer-Labor Party, Henrik Shipstead
- 6. Minnesota 1936, Farmer-Labor Party, Ernest Lundeen
- 7. Nebraska 1936, independent candidate George Norris
- 8. Wisconsin 1940, Progressive Party, Robert LaFollette
- 9. South Carolina 1954, independent write-in candidate Strom Thurmond
- 10. New York 1970, Conservative Party, James Buckley
- 11. Virginia 1970, independent candidate Harry F. Byrd
- 12. Virginia 1976, independent candidate Harry F. Byrd

If the panel's recommendations had been in effect, the major parties opposing these Senators would have received free broadcast time, while these Senators and their parties would not have received free broadcast time.

Furthermore, there have been 16 other U.S. Senate elections since 1920 in which a third party or independent candidate placed second, behind one of the major party nominees but ahead of the other major party nominee: Idaho 1926, Minnesota 1924, 1940, 1942 (two elections), Nebraska 1942, North Dakota 1926 (two elections), 1938, 1940, 1946, South Dakota 1920, Washington 1920, Wisconsin 1920, 1926, 1938. If the panel's recommendations had been in effect for these elections, the political parties running the first-ranked candidates and the third-ranked candidates would have received free time, whereas the parties running the second-ranked candidates would not have received any (or, in the Idaho case, much less time).

Also, if the panel's recommendations had been in effect in 1914 and 1916, the two parties which would have received the most free time would have been the Democratic and Progressive Parties, since those were the two which received the highest votes in the 1912 presidential election. The Republican Party during the period 1913-1916 would only have been entitled to a lesser amount of time, since it polled 23% of the 1912 presidential vote. Yet in actual history in 1914, the Progressive Party candidates for U.S. Senate were not elected in any state, and placed second only in two states, California and Pennsylvania. And in 1916, no Progressive Party candidate for the U.S. Senate polled as much as 5%.

The panel's free time idea may violate the First and Fifth Amendment rights of broadcasters. The panel surely believes that its idea is constitutional. If the panel wished to be fair to all voters, it could have suggested equal time for all candidates; or free time proportionate to the number of campaign contributors of a party or a candidate.

Please write both of your U.S. Senators and tell them your opinion of the panel's idea. The address is (name of Senator), U.S. Senate, Washington D.C. 20510.

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### GOOD BILL PASSES IN NEW MEXICO

On March 1, 1990, Governor Garrey Carruthers signed HB 482, which improves the wording on the petition which third party candidates must circulate in order to appear on the ballot. The old law required that the petition state that the signers endorse the principles of the political party which nominated the candidate, or that the signers would change their registration to join that party. The new law deletes all of this language.

Last year the legislature passed another bill which removed similar wording from the petition to qualify a new party, in response to a Workers World Party lawsuit. It would have been more efficient if last year's bill had removed the unconstitutional wording from both petitions, but in any event the problem is now solved.

Last year's bill also imposed a vote requirement of one-half of 1% which a party must meet, in order to remain qualified. HB 482, the new bill, clarifies that the vote test won't be used to remove any already-existing party until after the 1992 election.

### ALASKA IMPROVES DEADLINE

Ballot Access News has just learned that the Alaska legislature passed SB 43 last year, changing the deadline for non-presidential third party and independent candidate petitions from June 1, to August 1. In 1988, an Alaska State Superior Court in had declared the June 1 deadline to be unconstitutionally early, and the state had appealed to the State Supreme Court. Sigler v McAlpine. On February 28, 1990, the State Supreme Court dismissed the appeal as moot, in view of the legislature's action.

### **NEW HAMPSHIRE BACKS DOWN?**

On January 9, the New Hampshire House approved HB 575, which eases the tough 1989 ballot access law for Democrats and Republicans seeking a place on the primary ballot. On January 30, the Senate passed it, with amendments. The bill is expected to pass a conference committee during the first week in April. The 1989 restrictions only applied to candidates who refused to "voluntarily" restrict their campaign spending. The 1989 restrictions included both a huge filing fee and extraordinarily difficult petition requirements. For example, to run for statewide office, a candidate who refused to abide by the spending limits had to pay a filing fee of \$5,000 and collect 2,000 signatures from registered party members, each signature individually notarized!

HB 575 changes the law to provide that the candidate who refuses to limit his or her spending need not obtain both the signatures and pay the filing fee. Instead, he or she can choose one of these. Clearly, any candidate with so much money to spend that he or she desires to spend in excess of the voluntary limit, can afford to pay the filing fee without undue hardship. It's obvious that such candidates will pay the filing fee and not bother with the petition. HB 575 was passed because, without it, the New Hampshire Republican Party would have filed a lawsuit against the restrictions.

### RESTRICTIVE MAINE RULING

There are two methods to qualify new party candidates for the ballot in Maine, both of which permit the party label to be printed on the ballot. The first is a candidate petition, which requires 4,000 signatures for statewide office, and lesser amounts for other office. The disadvantage of this method is that a new or third party must complete a separate petition for each of its candidates. If a candidate for President or Governor who got on the ballot by this method polls 5% of the vote, his or her group becomes a fully-qualified party with its own primary.

The second method is a petition to qualify the party. No candidates' names are shown on this petition. If it is completed, the party named on the petition becomes a fully-qualified party, with its own primary. The disadvantage of this method is that the petition requires the signatures of 5% of the last gubernatorial vote (now 21,343 signatures) and the deadline is in December of the year before the election. No group has ever used this method.

On March 21, the Maine Attorney General ruled that the 5% petition described in the second paragraph can only be signed by registered members of the party which is attempting to qualify! The ruling changes an almost impossibly-difficult requirement into a truly impossible one. The ruling was obtained by the Secretary of State, after the Green Party made inquiries about the procedure.

There are six court precedents which hold that it is unconstitutional to force people who merely desire that a new party appear on the ballot, to join that new party. The Attorney General failed to mention any of them, but a letter pointing out these precedents has been sent to the Attorney General, and perhaps he will reverse the ruling.

### **BAD BILL PASSES IN KENTUCKY**

HB 453 passed the legislature and was sent to the Governor on March 20. It says that registered Democrats and Republicans can no longer sign the petition of a third party or independent candidate for county office.

The bill is surely unconstitutional, under a 1974 U.S. Supreme Court decision, Storer v Brown, 415 US 724, which stated that petition requirements must be judged by calculating the number of signatures required, divided by the number of eligible signers. If the result is much over 5%, the requirement is unconstitutional. In Kentucky, third party and independent candidates for county office need 100 signatures, and in 75 counties of Kentucky, there are fewer than 100 registered voters who are not registered as Republicans or Democrats. Therefore, it's impossible to complete the petition in those counties. In almost all of the remaining 45 counties, the number of eligible signers far exceeds 5% of the eligible signers.

The bill's author was Democrat Billy Ray Smith of Bowling Green, and it passed 66-25 in the House, and 29-7 in the Senate. The bill as originally introduced did not contain the restriction; instead the original purpose was simply to provide that registered Republicans and Democrats cannot qualify to be independent candidates.

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### **OTHER STATE LEGISLATIVE NEWS**

<u>California</u>: AB 368, which would establish a March presidential primary but retain the June primary for other office, is now endorsed by most State Senators. Since the Assembly has already voted for the bill in this form, it seems likely that this version of the bill will pass. The Senate had earlier passed another version of the bill which would have provided for a primary for all office in March, but that version will be scrapped.

Kentucky: On March 21, the Senate approved HB 14. It changes the date of the presidential primary from March to May. In 1988, Kentucky held its presidential primary in March ("Super Tuesday") but held its primary for other offices in May. Assuming the Governor signs the bill, Kentucky will only hold one primary from now on. The bill also provides that a major party may decide to skip the presidential primary if it wishes, and nominate delegates to the national convention by caucus.

Maryland: On March 19, House Bill 98, which would have changed the primary (in presidential election years) from March to May, lost 13-5 in the House Constitutional & Administrative Law committee.

Massachusetts: On April 9, there will be a legislative hearing on HB 5419, which contains the contents of the initiative which improves ballot access laws. If the legislature passes it in a form acceptable to the sponsors of the initiative, there will be no popular vote. If the legislature does not, the initiative needs another 8,421 signatures, between May 8 and June 21, and then the voters will vote in November on whether to ease the ballot access laws.

<u>Missouri</u>: The House vote on HB 1417, the bill which improves ballot access, will be in the first week of April.

New York: AB 8959 by Assemblyman John Faso, and AB 8422 by Assemblyman Steven Sanders, have been introduced. They would give candidates a 10-day period in which to correct technical errors on their petitions. No action has been taken on these bills so far.

### POLITICAL PARTY PRIVACY LOSS

On March 15, the Second Circuit upheld New York state law which requires certain officers of qualified political parties to reveal information about their personal finances. *Igneri v Moore*, no. 89-7730. The vote was 3-0. The judges stated that the law was necessary because In New York, officers of political parties have a great deal of influence over governmental decisions. Therefore, such officers are not entitled to privacy.

However, the 2nd circuit remanded the case back to the U.S. District Court in Utica for a ruling as to whether the law may be invalid on equal protection grounds (only party officers in large counties are covered by the law). The lower court had not previously addressed the equal protection argument, since it had held that the law was invalid on First Amendment privacy grounds. It is possible that the plaintiffs will ask for U.S. Supreme Court review, either before additional hearings in the U.S. District Court, or afterwards.

### OTHER LAWSUIT NEWS

- 1.On March 11, the Illinois Circuit Court, Sangamon County, rejected the lawsuit filed to place five Lyndon LaRouche supporters on the Democratic primary ballot for statewide office. Judge Simon Friedman merely ruled that the case had been filed too late to be heard. Fairchild v State Election Board, 90 MR 46.
- 2. The Eighth circuit granted the request of the Arkansas Democratic Party for a rehearing in Whitfield v Democratic Party of Arkansas, no. 88-1953. It will be on April 10. The issue is whether the party may conduct a run-off primary in Phillips County. The original panel had ruled 2-1 that it may not, since the results tend to favor white candidates in that county.
- 3. U.S. District Court Judge Sarah Evans Barker, who has the case over whether Indiana is constitutionally required to provide write-in space on ballots, has indicated she will rule by May 31. *Paul v State Election Board*, no. 88-982.
- 4. There will be a hearing in U.S. District Court in Hawaii sometime in May in *Burdick v Takushi*, no. 86-0582, the case over whether Hawaii is constitutionally required to provide write-in space on ballots. The hearing will be before Judge Harold Fong, who ruled in 1986 that the First Amendment requires such space. The issue is before him again because the 9th circuit had sent the case to state court, but not it's back in federal court.
- 5. On March 27, the U.S. Supreme Court ruled that corporations have no First Amendment right to spend corporate funds on independent expenditures for or against a candidate for office, unless the corporation is completely divorced from economic activity. Austin v Michigan State Chamber of Commerce, no. 88-1569. The vote was 6-3. All Supreme Court decisions which uphold restrictions on political speech are dangerous for political parties, including this one. However, there is probably no direct impact on the rights of parties from this decision.
- 5. The Socialist Workers Party and the ACLU filed a brief with the U.S. Supreme Court on March 28, asking the Court to hear *S.W.P. v Hechler*, the challenge to West Virginia ballot access law. A Washington, D.C. press conference to announce the filing was well attended.
- 6. The hearing in *Iowa Socialist Party v Nelson* on March 14 in the 8th circuit went well. The issue is whether people have a right to register as members of political parties, other than Democratic or Republican. At the hearing, the state couldn't seem to give any convincing reason why voters should be restricted.

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# Unthinkable: Is America really the world's freest country?

### **Andy Barniskis**

Several commentators have pointed out the irony that while the rest of the world is making a desperate and often heroic rush toward democracy, Americans are becoming more and more apathetic about their own right to vote. A young man in China faced down a tank, in the name of democracy, only weeks after Americans had responded to their primary elections by staying home in droves.

Today, the United States reportedly has the world's lowest percentage turnout of eligible voters. In the 1988 presidential election, at least half of eligible voters didn't vote, and George Bush was elected by less than 27 percent of the voting age population.

To remedy this, the U.S. House of Representatives recently passed legislation to ease voter registration. It appears likely that legislation to restructure campaign financing soon will follow. More radical proposals include having the United States follow the examples of countries which impose mandatory democracy, making non-voting a crime punishable by fine and possible imprisonment.

In spite of proposed remedies, nonvoting appears to be a symptom of a more profound, underlying malaise, and treating a symptom never has cured an illness. But what is the political disease whose symptoms include complacency, apathy and non-participation?

I suspect that to make a diagnosis, Americans will need to begin asking the same kind of hard questions Soviet leaders had to ask themselves when they first realized that a moribund economy and increasingly severe shortages of nearly everything were symptoms of something more than could be solved by the next Five-Year Plan. The hardest is: Does our system really work the way we say it does?

Just as hard-line communists had to think the unthinkable, and admit that the dogma upon which they had built their world was invalid, it may be time for we Americans to ask ourselves: Despite the quasi-religious fervor with which we were taught, from pre-school on, that "America is the freest country in the world," is it possible that many Americans are turning away from our system of nominally representative government because they've recognized, at least at a visceral level, that it really isn't all that democratic?

World opinion can be an unflattering mirror, and the images it reflects are most painful when held up by our traditional enemies - enemies whose

systems we were taught to ridicule at the same time we were taught to hold our own in reverence. Thus, many would be discomforted by the suggestion made by one member of the Soviet Communist Party, who suggested that a compromise approach to demands for democracy in the Soviet Union would be simply to split the Communist Party in two, creating two parties with identical platforms. His model, he said, was the United States, which has a twoparty system where "nobody can differentiate the essence of their platforms."

Those who are infuriated by such a statement would do well to consider that the Soviet Politburo probably has become more knowledgeable about the workings of the American political system than are most Americans. Perhaps the Soviets looked into our system and discovered things to which we've become blind, such as:

■ That it takes 675,000 petition signatures for an independent or minor party presidential candidate to get on the ballot in all 50 states — 26 times as many for a Democrat or Republican.

■ That ballot signature requirements for minor party candidates increased 10-fold between 1930 and 1980. while the population only doubled.

181.421 ballot signatures and pay a 10 percent filing fee for each, for a total of \$18,142 - while Republicans and Democrats don't pay a single penny.

That the media-owned News Election Service (NES) has refused to report minor party vote totals - including an election where a minor party candidate received 42 percent of the

And, while the Russian political scientists were studying our system, they probably noticed that the longevity in office of our congressmen now exceeds that of most self-proclaimed "presidents for life" in Marxist dictatorships. After studying such a system, is it any wonder the once "masters of deceit" become envious and suggest emulating it? They must regard it as quite a coup, for our powers-that-be to have centralized political control in a ruling elite, while remaining able to pontificate about "western style democracy.'

What makes it all possible, of course, is that voters don't demand anything different. When independent or minor party candidates do fight their way onto the ballot, they rarely poll more than single-digit percentages. A student poll several years ago ■ That Florida requires a minor found that a large majority of our town.

party presidential candidate to get 13-year-olds thought third parties were illegal in the United States - and presumably, saw nothing wrong with that.

> In that light, the communists' turn to "democracy" becomes another unflattering mirror, considering that in the Soviet Union and many of its satellites, an entire generation was born, lived and died without mounting significant ideological criticism of the existing system. The current demands for "democracy" were born less from philosophical reflections on human rights than from equal parts of ethnic fervor and a 70-year shortage of toilet paper.

> This is a mirror we should look into. as our deficit soars, inflation reignites, banks fail, racial strife resurfaces and our leadership proves unwilling and unable to deal with any portion of our national problems. As long as our homes remain warm and the products in our supermarkets remain plentiful and affordable, the Eastern Europe experience suggests that dissidents those individuals who stand outside the mainstream and question the fundamentals of a failing system - will remain locked out of the democratic process and studiously ignored by its few remaining participants.

> Andy Barniskis is a resident of Levit-

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## 1990 PETITIONING

| Alabama  | COD A COD    | DEOLUBED. | GIONATURES COLLECTED DEAD |             |             |                 |             |         |                 |
|--|--------------|-----------|---------------------------|-------------|-------------|-----------------|-------------|---------|-----------------|
| Alabama  | <u>STATE</u> | REQUIRED  |                           | S.          | GNATURES    |                 |             |         | <u>DEADLINE</u> |
| Alaska   |              |           | <b>LIBT</b>               | <u>NAP</u>  | SOC WRKR    | <u>POPULIST</u> | WKR WORLD   | OTHER O | <u>N</u>        |
| Alaska   2,032   | Alabama      | 12,345    | too late                  | too late    | too late    | too late        | too late    |         | Apr 6           |
| Arizona 23,438   | Alaska       |           | 0                         | 0           | 0           | 0               | 0           | AK IN   | Aug 1           |
| Arkansas         24,833         0         0         0         0         0         0         0         -         May I Jan 2 Colorado         1,000 can't start         can't start         too late and start         too late start start         can't s   | Arizona      |           | 2,000                     | 0           | 0           | 0               | 0           | -       | <b>May</b> 19   |
| California   (reg) 76,172   already on   can't start   c | Arkansas     |           |                           | 0           | 0           | 0               | 0           | _       | May 1           |
| Colorado   |              |           | already on                | too late    | too late    | too late        | too late    | PFP,AIP | Jan 2           |
| Connecticut   9,937  | Colorado     |           | -                         | can't start | can't start | can't start     | can't start | _       | Aug 7           |
| Delaware   Creg.   146   | Connecticut  |           | 0                         | 0           | 0           | 0               | 0           |         | Aug 10          |
| D.C.   3,000   can't start   | Delaware     |           | already on                | 143         | 0           | (est.) 10       | 0           | _       | Aug 18          |
| Florida  | D.C.         |           | •                         | can't start | can't start | can't start     | can't start | STATEH  | Aug 29          |
| Ceorgia   29,414   already on   3,800   0   2,639   0   - Ang 7  |              |           | 0                         | 0           | 0           | 0               | 0           | -       | Jul 17          |
| Hawaiii  |              |           | already on                | 3,800       | 0           | 2,639           | 0           | _       | Aug 7           |
| Idaho  | _            |           | -                         |             | 0           | 0               | 0           |         | Apr 25          |
| Illinois   25,000  |              |           | -                         | 0           | 0           | 0               | 0           | _       | Aug 30          |
| Indiana   30,950   1,408   0   0   0   0   0   -   Jul 15     Iowa   1,000   0   0   0   0   0   0   0     Kansas   16,813   0   too late   t |              |           | •                         | already on  | 0           | 0               | 0           |         | Aug 6           |
| Nome   |              |           | 1.408                     | •           | 0           | 0               | 0           |         |                 |
| Kansas         16,813         0         too late         lang         20           |              |           | _                         | 0           | 0           | 0               | 0           | -       | Aug 17          |
| Kentucky   3,000   too late   too late   too late   too late   Louisiana   (reg) 108,000   200   0   0   0   0   0   0   0   |              | •         | _                         | too late    | too late    | too late        | too late    |         |                 |
| Louisiana  |              |           | -                         |             |             |                 | too late    |         |                 |
| Maine         4,000         0         0         0         0         0         0         Jun 5           Maryland         (est) 69,500         0         0         0         0         0         0         -         Jul 13           Mississuper         33,682         0         0         0         0         0         0         -         Jul 19           Minnesota         2,000         can't start         can't start         can't start         can't start         can't start         can't start         -         Apr 1           Mississippi         just be org.         already on         too late         too late         -         Apr 1           Missouri         21,083         0         0         0         0         0         0         -         Aug 6           Montana         9,531         already on         0         0         0         0         0         -         Aug 1           Newada         10,326         finished         0         0         0         0         0         -         Aug 1           New Jersey         800         finished         too late         finished         finished         finished         folate <td>•</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td>   | •            |           |                           |             |             |                 |             |         |                 |
| Maryland         (est) 69,500         0         0         0         0         0         0         -         Aug 6           Massachusetts         33,682         0         0         0         0         0         already on already on already on can't start can't start         0         0         0         already on can't start can't start can't start         can't start can't start can't start can't start         can't start can't start can't start can't start can't start         can't start can't start can't start can't start can't start         can't start can't start can't start can't start can't start         can't start can't start can't start can't start can't start         can't start can't   |              |           |                           | _           |             |                 |             |         |                 |
| Massachusetts         33,682         0         0         0         0         daready on dinnesota         23,953         already on can't start can't start can't start can't start can't start can't start dississippi just be org. already on dissouri         21,083         0         0         0         0         0         0         0         0         1  |              |           |                           | ő           | Ö           | -               | 0           |         | Aug 6           |
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| Minnesota         2,000         can't start         c  |              | •         | •                         | •           | •           | -               | already on  | TISCH   |                 |
| Mississippi         just be org.         already on Missouri         too late         Apr 16           Momotana         9,531         already on         0         0         0         0         0         -         Apr 16           Newada         10,326         finished         0         0         0         0         0         -         Aug 1           New Jersey         800         finished         too late         finished         too late         finished         too late         too late         -         Apr 12           New York         20,000         can't start   | _            |           | •                         | •           | •           | =               | •           |         |                 |
| Missouri         21,083         0         0         0         0         0         -         Aug 6           Montana         9,531         already on         0         0         0         0         -         Apr 16           Nebraska         5,635         0         0         0         0         0         -         Aug 1           Newada         10,326         finished         0         0         0         0         -         Aug 14           New Hampshire         3,000         0         0         0         0         0         -         Aug 8           New Mexico         2,475         already on 0         0         0         0         0         0         -         Apr 12           North Carolina         43,601         0         4,800         0         0         0         0         0         -         Apr 13           Ohio         43,934         too late self too late coor in too late late too late too late too late too late late doo late late doo late late  |              | •         |                           |             |             |                 |             |         |                 |
| Montana         9,531         already on         0         0         0         0         -         Apr 16           Nebraska         5,635         0         0         0         0         0         -         Aug 1           New Ada         10,326         finished         0         0         0         0         0         -         Aug 14           New Hampshire         3,000         0         0         0         0         0         0         -         Aug 18           New Jersey         800         finished         too late         finished         finished         finished         too late         -         Apr 12           New Mexico         2,475         already on         already on         already on         0         0         already on         PROH         Jul 10           New York         20,000         can't start         can't st   |              |           | -                         |             |             |                 |             |         |                 |
| Nebraska         5,635         0         0         0         0         0         0         -         Aug 1           Nevada         10,326         finished         0         0         0         0         0         -         Aug 14           New Hampshire         3,000         0         0         0         0         0         -         Aug 14           New Jersey         800         finished         too late         finished         finished         too late         -         Apr 12           New Mexico         2,475         already on         already on         0         already on         0         already on         PROH         Jul 10           New York         20,000         can't start  |              |           |                           |             |             | -               |             |         |                 |
| Nevada         10,326         finished         0         0         0         0         0         -         Aug 14           New Hampshire         3,000         0         0         0         0         0         -         Aug 8           New Jersey         800         finished         too late         finished         finished         too late         -         Apr 12           New Mexico         2,475         already on         already on         already on         already on         PROH         Jul 10           New York         20,000         can't start  |              |           | •                         | •           | _           | <u> </u>        | Ī           | -       |                 |
| New Hampshire         3,000         0         0         0         0         0         0         -         Aug 8           New Jersey         800         finished         too late         finished         finished         too late         -         Apr 12           New Mexico         2,475         already on         already on         0         already on         0         already on         PROH         Jul 10           New York         20,000         can't start         can't start         can't start         can't start         can't start         can't start         C,L,RTL         Aug 21           North Carolina         43,661         0         4,800         0         0         0         0         -         May 17           Ohio         43,934         too late         too late         too late         too late         too late         -         Jan 8           Oklahoma         58,552         0         0         0         0         0         0         -         May 31           Oregon         (est) 35,000         already on         0         0         0         0         0         -         Aug 28           Pennsylvania         24,858         0 </td <td></td> <td></td> <td>•</td> <td></td> <td>Õ</td> <td>Ŏ</td> <td>•</td> <td>_</td> <td></td>  |              |           | •                         |             | Õ           | Ŏ               | •           | _       |                 |
| New Jersey         800         finished New Mexico         too late already on already on already on already on already on already on  |              |           |                           | -           | 0           | 0               | •           |         |                 |
| New Mexico         2,475         already on can't start         0         already on can't start         PROH CL, L, RTL         Jul 10           New York         20,000         can't start  |              |           | •                         | . •         | •           | •               | •           |         |                 |
| New York         20,000         can't start         c  | •            |           |                           |             |             |                 |             | PROH    |                 |
| North Carolina         43,601         0         4,800         0         0         0         —         May 17           North Dakota         7,000         0         0         0         0         0         —         Apr 13           Ohio         43,934         too late         too late         too late         too late         —         Apr 13           Oklahoma         58,552         0         0         0         0         0         —         May 31           Oregon         (est) 35,000         already on         0         0         0         0         —         Aug 28           Pennsylvania         24,858         0         0         0         0         0         —         Aug 28           Pennsylvania         24,858         0         0         0         0         0         —         Aug 28           Pennsylvania         24,858         0         0         0         0         0         —         Aug 1           Rhode Island         1,000         already on         already on         0         0         0         AMER         May 6           South Carolina         10,000         already on         0  |              |           |                           |             | -           | •               | •           |         |                 |
| North Dakota         7,000         0         0         0         0         0         0         -         Apr 13           Ohio         43,934         too late         too late         too late         too late         too late         -         Jan 8           Oklahoma         58,552         0         0         0         0         0         -         May 31           Oregon         (est) 35,000         already on         0         0         0         0         -         Aug 28           Pennsylvania         24,858         0         0         0         0         0         -         Aug 18           Rhode Island         1,000         can't start         can't start         can't start         can't start         can't start         can't start         -         Jul 19           South Carolina         10,000         already on         already on         0         0         0         AMER         May 6           South Dakota         2,945         0         0         0         0         0         -         Aug 7           Tennessee         30,259         0         0         0         0         0         -         May 7  |              |           |                           |             |             |                 |             | , ,     |                 |
| Ohio         43,934         too late         too late         too late         too late         too late         — Jan 8           Oklahoma         58,552         0         0         0         0         0         — May 31           Oregon         (est) 35,000         already on         0         0         0         0         — Aug 28           Pennsylvania         24,858         0         0         0         0         0         — Aug 1           Rhode Island         1,000         can't start         can't start         can't start         can't start         can't start         — Aug 1           South Carolina         10,000         already on         already on         0         0         0         AMER         May 6           South Dakota         2,945         0         0         0         0         0         — Aug 7           Tennessee         30,259         0         0         0         4,000         0         — May 1           Texas         34,424         already on         0         0         0         0         INDP         Mar 15           Vermont         1,000         already on         0         0         0         0   |              |           |                           | •           |             |                 | -           | _       |                 |
| Oklahoma         58,552         0         0         0         0         0         0         —         May 31           Oregon         (est) 35,000         already on         0         0         0         0         0         —         Aug 28           Pennsylvania         24,858         0         0         0         0         0         0         —         Aug 1           Rhode Island         1,000         can't start         can't start         can't start         can't start         can't start         can't start         —         Jul 19           South Carolina         10,000         already on         already on         0         0         0         AMER         May 6           South Dakota         2,945         0         0         0         0         0         —         Aug 7           Tennessee         30,259         0         0         0         4,000         0         —         May 1           Texas         34,424         already on         0         0         0         0         INDP         Mar 15           Vermont         1,000         already on         already on         0         0         0         INDP   |              |           | -                         | •           |             | •               | -           | _       |                 |
| Oregon         (est) 35,000         already on         0         0         0         0         -         Aug 28           Pennsylvania         24,858         0         0         0         0         0         -         Aug 1           Rhode Island         1,000         can't start         can't start         can't start         can't start         -         Jul 19           South Carolina         10,000         already on         0         0         0         AMER         May 6           South Dakota         2,945         0         0         0         0         0         -         Aug 7           Tennessee         30,259         0         0         0         4,000         0         -         May 1           Texas         34,424         already on         0         0         0         0         -         May 27           Utah         500         already on         0         0         0         0         INDP         Mar 15           Vermont         1,000         already on         0         0         0         0         LUP         Sep 20           Virginia         13,687         0         0         0   |              |           |                           |             |             |                 |             | -       |                 |
| Pennsylvania         24,858         0         0         0         0         0         0         -         Aug 1           Rhode Island         1,000         can't start         can't start         can't start         can't start         can't start         -         Jul 19           South Carolina         10,000         already on         0         0         0         0         AMER         May 6           South Dakota         2,945         0         0         0         0         0         -         Aug 7           Tennessee         30,259         0         0         0         4,000         0         -         May 1           Texas         34,424         already on         0         0         0         0         -         May 27           Utah         500         already on         0         0         0         0         INDP         Mar 15           Vermont         1,000         already on         already on         0         0         0         0         LUP         Sep 20           Virginia         13,687         0         0         0         0         0         -         Jul 28           West Virginia<  |              |           | -                         | I           | 0           |                 |             |         |                 |
| Rhode Island         1,000         can't start         can't start <t< td=""><td></td><td></td><td></td><td>=</td><td>0</td><td>•</td><td>-</td><td></td><td></td></t<>  |              |           |                           | =           | 0           | •               | -           |         |                 |
| South Carolina         10,000         already on         already on         0         0         0         AMER         May 6           South Dakota         2,945         0         0         0         0         0         0         -         Aug 7           Tennessee         30,259         0         0         0         0         0         -         May 1           Texas         34,424         already on         0         0         0         0         -         May 27           Utah         500         already on         0         0         0         0         INDP         Mar 15           Vermont         1,000         already on         already on         0         0         0         0         LUP         Sep 20           Virginia         13,687         0         0         0         0         0         -         Jun 12           Washington         200         can't start         LFP         Jul 10  | •            | ,         | •                         | •           | 0           | •               | _           | -       |                 |
| South Dakota         2,945         0         0         0         0         0         0         -         Aug 7           Tennessee         30,259         0         0         0         4,000         0         -         May 1           Texas         34,424         already on         0         0         0         0         -         May 27           Utah         500         already on         0         0         0         0         INDP         Mar 15           Vermont         1,000         already on         0         0         0         0         LUP         Sep 20           Virginia         13,687         0         0         0         0         0         -         Jun 12           Washington         200         can't start   |              |           |                           |             |             |                 |             | AMED    |                 |
| Tennessee         30,259         0         0         0         4,000         0         -         May 1           Texas         34,424         already on         0         0         0         0         -         May 27           Utah         500         already on         0         0         0         0         INDP         Mar 15           Vermont         1,000         already on         0         0         0         0         LUP         Sep 20           Virginia         13,687         0         0         0         0         0         -         Jun 12           Washington         200         can't start         LFP         Jul 10           West Virginia         6,346         0         0         3,000         0         0         -         May 7           Wisconsin         2,000         can't start   |              |           |                           |             |             |                 | -           | AMER    |                 |
| Texas         34,424         already on 27           Utah         500         already on 3         0         0         0         0         INDP         May 27           Utah         500         already on 3         0         0         0         0         INDP         Mar 15           Vermont         1,000         already on 3         0         0         0         0         LUP         Sep 20           Virginia         13,687         0         0         0         0         0         -         Jul 12           Washington         200         can't start         LFP         Jul 10           Wisconsin         2,000         can't start  |              |           |                           | -           |             | *               | -           |         |                 |
| Utah         500         already on vermont         0         0         0         0         INDP         Mar 15           Vermont         1,000         already on already on already on         0         0         0         0         LUP         Sep 20           Virginia         13,687         0         0         0         0         0         -         Jun 12           Washington         200         can't start         can't start         can't start         can't start         can't start         can't start         -         Jul 28           West Virginia         6,346         0         0         3,000         0         0         -         May 7           Wisconsin         2,000         can't start   |              |           | -                         |             |             | • •             | -           |         |                 |
| Vermont         1,000         already on         already on         0         0         0         LUP         Sep 20           Virginia         13,687         0         0         0         0         0         0         -         Jun 12           Washington         200         can't start         can't start         can't start         can't start         can't start         -         Jul 28           West Virginia         6,346         0         0         3,000         0         0         -         May 7           Wisconsin         2,000         can't start         can't start         can't start         can't start         can't start         can't start         LFP         Jul 10   |              |           | •                         | •           | •           |                 |             | TAITOD  |                 |
| Virginia         13,687         0         0         0         0         0         0         -         Jun 12           Washington         200         can't start         can't start         can't start         can't start         can't start         can't start         -         Jul 28           West Virginia         6,346         0         0         3,000         0         0         -         May 7           Wisconsin         2,000         can't start         can't start         can't start         can't start         can't start         can't start         LFP         Jul 10  |              |           |                           | •           |             | -               |             |         |                 |
| Washington 200 can't start can't start can't start can't start can't start can't start - Jul 28 West Virginia 6,346 0 0 3,000 0 0 - May 7 Wisconsin 2,000 can't start can't start can't start can't start can't start LFP Jul 10   |              | ,         | _                         | -           |             |                 |             |         |                 |
| West Virginia 6,346 0 0 3,000 0 0 — May 7 Wisconsin 2,000 can't start can't start can't start can't start can't start LFP Jul 10   |              |           | -                         | -           | •           | •               | •           | -       |                 |
| Wisconsin 2,000 can't start can't start can't start can't start can't start LFP Jul 10   |              |           |                           |             |             |                 |             | -       |                 |
| Wisconsin 2,000 cuit built suit suit suit suit suit suit suit sui  | West Virgin  |           | =                         | =           |             | •               | •           | _       |                 |
| Wyoming 8,000 0 0 0 0 — May 1  |              |           |                           |             |             |                 |             | LFP     |                 |
|  | Wyoming      | 8,000     | 0                         | 0           | 0           | 0               | 0           | -       | May I           |

This chart shows petitioning progress of various third parties for 1990 ballots. LIBT is Libertarian; NAP is New Alliance. The "Other On" column lists other third parties which are already qualified statewide. "Deadline" is the deadline for submitting petitions to qualify new parties. In a few states, third party candidates must file declarations of candidacy before the petition deadline. In some states, the independent candidate deadline is later than the party deadline. In Michigan, the Green Party has 1,000 signatures and the Workers League has 5,000.

### **NEW YORK TIMES**

The New York Times ran a front-page series "The Trouble With Politics" between March 18 and March 21, designed to gain support for the proposals of the Campaign Finance Reform Panel (see page one). The series does not mention minor or new political parties, and continually refers to the Democratic and Republican Parties as "the parties", not "the major parties". The March 21 article, which purports to mention all significant congressional proposals toward reforming elections, does not mention HR 1582, the ballot access reform bill. Michael Oreskes, author of the March 21 article, said over the telephone that he is aware of HR 1582 and that the newspaper will carry a story about it "at an opportune time".

The *Times* did print a letter to the editor on March 22 from Ron Paul, 1988 Libertarian Party presidential candidate, advocating that presidential debates include third party candidates who are on the ballot of states which contain a majority of the voters.

### FEC BALLOT ACCESS STUDY OUT

The Federal Election Commission will announce a price for its long-awaited study of state ballot access laws during the first week in April. The three-volume set will then be for sale from the Government Printing Office.

### PRESIDENTIAL CAMPAIGN FUND

Nearly 25% of taxpayers are designating \$1 of their federal taxes this year to the presidential campaign fund, compared to only 20% last year.

### TENNESSEE POPULISTS

The Tennessee Populist Party decided on March 31 to abandon its petition drive to qualify the party. Instead, various Populist candidates will simply run as independents. Tennessee only requires 25 signatures for an independent candidate to get on the ballot, but a new party requires 30,259 signatures.

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### **BALLOT ACCESS GROUPS**

- 1. ACLU, American Civil Liberties Union, has been for fair ballot access ever since 1940, when it recommended that requirements be no greater than of one-tenth of 1%. 132 W. 43rd St., New York NY 10036, (212) 944-9800.
- 2. COFOE, the Coalition for Free and Open Elections. Dues of \$10 entitles one to membership with no expiration date; this also includes a one-year subscription to Ballot Access News (or a one-year renewal). Address: Box 355, Old Chelsea Sta., New York NY 10011. Membership applications can also be sent to 3201 Baker St., San Francisco Ca 94123.
- 3. FOUNDATION FOR FREE CAMPAIGNS & ELECTIONS, has non-profit status from the IRS. Consequently, it cannot lobby, but deductions to it are tax-deductible. The Foundation was organized to fund lawsuits which attack restrictive ballot access laws. 7404 Estaban Dr., Springfield VA 22151, tel. (703) 569-6782.
- 4. PROJECT 51-992, a Libertarian PAC, actively assists lobbying efforts in state legislatures (as well as organizing support for Libertarian petition drives). Contact Andre Marrou, 5143 Blanton Dr., Las Vegas Nv 89122, tel. (702) 435-3218.
- 5. RAINBOW LOBBY, organized in 1985, initiated the Conyers ballot access bill in Congress and maintains a lobbying office at 1660 L St., N.W., Suite 204, Washington, D.C. 20036, tel. (202) 457-0700.

### **OVERSEAS NEWS**

- 1. On March 24, Mongolia's parliament deleted the law which gives the Communist Party a monopoly on power.
- 2. On March 18, President Najibullah of Afghanistan, addressing the Central Committee of the ruling Communist Party, stated that the party should change the law to delete the provision giving that party a monopoly on power. Najibullah's government controls the large cities of Afghanistan, but not most of the countryside.

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