

## PRIMARIES PUT BALLOT ACCESS ON FRONT PAGES

### BUCHANAN OFF IN KY. & N.M.; TSONGAS OFF IN OKLA.; N.Y. IN DOUBT

Even some of the leading Democratic and Republican presidential candidates are having trouble getting on some presidential primary ballots this year. The novelty of having front-running candidates from the major parties off the ballot is finally stirring some interest from the news media on the subject of U.S. ballot access laws.

Paul Tsongas, who won the New Hampshire Democratic primary and the Maine Democratic caucuses, has failed to qualify for the March 10 Oklahoma primary, and probably will be disqualified from the April 7 New York primary. Jerry Brown may also be disqualified in New York. Pat Buchanan, who polled 37% of the vote in the New Hampshire Republican primary, couldn't get on the ballot in the February 25 South Dakota Republican primary and has also been barred from the Kentucky May 26 primary and the New Mexico June 2 primary, although courts may put him on in those states. See page 2.

### GREEN PARTY VICTORY

On February 10, the Green Party of California won a stunning victory in Superior Court, Sacramento County. Judge James T. Ford ruled that the state must accept Green Party bylaws which provide that if the party doesn't want to run a candidate in a particular district, the state must not hold a primary for it in that district (in California, all political parties which appear on the general election ballot, must nominate by primary).

Also, if the party wants to have "None of the above" on its own primary ballot, the state must print it on Green Party primary ballots. Furthermore, if "None of the above" gets more votes than any candidate in that race, the party will be deemed to have no candidate. Actually, the party hadn't asked for "None of the above"; it had asked that blank votes in its primary be counted, and that if blanks outnumber votes for an unopposed candidate, the candidate would not be considered nominated. Judge Ford altered this bylaw, with the party's permission.

California elections officials are appealing the decision, but in the meantime, the ruling will take effect for the 1992 Green Party primary, held on June 2. The party has already submitted its list of which offices it wishes to contest. They include 10 congressional races, and 15 legislative seats (out of 52 total congressional races in the state and 100 total legislative races in the state).

Even before the court hearing, the Secretary of State had already agreed not to hold a presidential primary for the Green Party, since the party doesn't want one. The party is still free to nominate a presidential candidate for the November 1992 ballot, however, if it holds a state convention for this purpose before September 1.

### SURPRISE PETITIONING VICTORY

On February 5, federal judge Edward Nottingham issued an injunction against a Colorado law which requires initiative circulators to be registered voters in the state. *American Constitutional Law Foundation v Meyer*, no. 92-N-69. The decision is unprecedented. The closest precedent was from a federal court in Illinois in 1982 which struck down an Illinois law which said that no one can circulate an initiative outside his home county, when circulating an initiative petition.

Judge Nottingham, a Bush appointee, ruled that circulating a petition is First Amendment activity, and that the government cannot withhold the right to circulate a petition to any class of citizens. It isn't surprising that this decision appeared in Colorado. The U.S. Supreme Court struck down a Colorado law in 1988 which prohibited paying circulators, under the same constitutional theory. *Meyer v Grant*, 486 US 414. U.S. Supreme Court decisions always carry more psychological weight in the states in which the case arose, than elsewhere.

Over half the states require ballot access petitioners to be registered voters. Some states, such as Nebraska and Kansas, won't even let petitioners circulate outside their home counties. Virginia won't let petitioners circulate outside their home congressional districts. Illinois won't let anyone circulate a petition for a new party or independent candidate if he or she had already circulated a petition for someone in that year's primary. West Virginia won't let anyone circulate a petition until he or she gets "credentials" from a county clerk. All of these restrictions could be challenged. Colorado has not yet decided whether to appeal. The case is still before Nottingham, since he has only issued an injunction against enforcement of the law; he hasn't yet issued declaratory relief.

### DEBATE BILL INTRODUCED IN SENATE!

On February 7, U.S. Senator Paul Wellstone of Minnesota introduced the "Democracy in Debates" bill in the U.S. Senate. It is SB 2213. This is the first time any bill has ever been introduced in the U.S. Senate specifically to help third political parties. The bill was introduced in the House last year by Congressman Timothy Penny as HR 791.

SB 2213 was assigned to the Rules Committee, chaired by Senator Wendell Ford of Kentucky. It provides that general election presidential debates must include third party and independent presidential candidates who have raised at least \$500,000 and will appear on the ballot in at least 40 states.

## LaROUCHE WINS 2 BALLOT LAWSUITS

Lyndon LaRouche, running for the Democratic presidential nomination, has won lawsuits against state elections officials in Texas and Michigan, and will appear on primary ballots there.

Texas: LaRouche was kept off the ballot because he is in jail. On January 23, the Texas Supreme Court put him on the ballot, ruling that the U.S. Constitution sets forth the requirements to qualify as president and that no state may add to them. Also, presidential candidates in the past have been in jail and been on the ballot (Eugene Debs in 1920, Vincent Hallinan in 1952). *LaRouche v Sec. of State*, no. D-1988.

Michigan: LaRouche was kept off the ballot because the law requires all candidates covered by the media to be on the ballot automatically, and the Secretary of State ruled that the media don't mention LaRouche. On January 28 Judge Peter Houk of Ingham Circuit Court disagreed, and ordered LaRouche on the ballot. The state court of appeals refused to disturb the decision. *LaRouche v Austin*, 92-70938-AW.

## OTHER PRESIDENTIAL PRIMARY CASES

1. Connecticut: On February 6, a lawsuit was filed in federal court against a law which says that candidates covered in the media should be on primary ballots automatically, and others must submit petitions signed by 1% of their own party's enrollment. *LaRouche v Kezer*, no. 2:92-cv00095. On February 18, Judge Peter Dorsey issued an order that the ballots not be printed until he rules. The primary is March 24 and there is no ruling yet.

2. Georgia: On February 11, David Duke lost in the 11th circuit. He is trying to overturn a Georgia law which says that a party can decide for itself whom to place on its presidential primary ballot. The decision is made for the party by its state chairman and its two legislative leaders. The three Republican leaders kept Duke off the ballot.

On February 23, a Sunday, the U.S. Supreme Court refused to disturb the decision of the 11th circuit. *Duke v Cleland*, no. 92-8048 in the 11th circuit, no. A-615 in the U.S. Supreme Court. Justices John Paul Stevens and Harry Blackmun voted to grant the injunction.

In the 11th circuit, Judges Emmett Cox (a Bush appointee) and Lanier Anderson (a Carter appointee) formed the majority; Phyllis Kravitch (another Carter appointee) dissented.

3. Florida: The last *B.A.N.* reported that Duke had lost his Florida lawsuit in District Court. Duke is appealing this loss also, but the case is not being expedited. Florida, like Georgia, lets a party decide for itself who should be on its presidential primary ballot. The Florida case in the 11th circuit is *Duke v Smith*, no. 92-4093.

4. Maryland: There is still no decision in *McCarthy v Kelly*, the challenge to the law which requires candidates not covered by the media to submit 400 signatures from each congressional district.

5. Kentucky: Pat Buchanan was excluded from the Republican primary because he wasn't certified for federal matching funds until January 27. The Kentucky primary is May 26. The law says that anyone who has "qualified" for matching funds by 140 days prior to the primary is on the ballot automatically. Others must collect 5,000 signatures. Buchanan had raised enough money to qualify for matching funds by the January 7 deadline, but the FEC didn't certify him until later. He tried to collect the 5,000 signatures, but only turned in 4,500. *Buchanan v Babbage*, no. 92-ci-00275, Franklin Circuit Court. There was a hearing on February 28 but no decision yet.

6. New York: all presidential primary candidates must submit petitions, to be on the ballot. Democrats need 10,000; Republicans need 1,250 per congressional district.

Pat Buchanan tried, but failed to qualify in any district. Democrats who submitted at least 10,000 signatures were Tsongas, Bill Clinton, Jerry Brown, Bob Kerrey, Tom Harkin, Larry Agran and Eugene McCarthy. The Agran and McCarthy campaigns were not capable of completing the petitions by themselves, and had substantial help from the New Alliance Party, which aided them to thank them for supporting Lenora Fulani's fight to be included in the New Hampshire Democratic debates.

Tsongas' and Brown's petitions were challenged. New York law assumes that all petitions are o.k. unless any individual shows them to be deficient. The State Board of Elections will rule on the challenges no later than Saturday, Feb. 29. No matter what the decision there, the matter will then go to court on March 6. Petitions filed by Tsongas and Brown appear not to live up to New York state's strict technical requirements. Tsongas petitions were partly circulated by out-of-state supporters, and Brown petitions have incomplete cover sheets.

One of the challengers to the Tsongas and Brown petitions was Lenora Fulani, who did it partly to show how bad New York state ballot access laws are, and partly because Tsongas and Brown (like Clinton, Kerry and Harkin) refused to help her get into the New Hampshire debates.

7. New Mexico: Pat Buchanan was kept off the June 2 ballot because the state ruled that he is not generally discussed as a presidential candidate in the media. Buchanan will probably sue, but has not done so yet.

8. Oklahoma: Paul Tsongas submitted a declaration of candidacy by fax. Oklahoma election officials ruled that a faxed signature is not a real signature, so he was kept off the ballot in the March 10 primary, since there was no time for Tsongas to get his actual signature in on time. He brought a lawsuit, but then withdrew it on February 24, saying he didn't want to cost the taxpayers the money it would take the reprint the ballots, should he win.

9. Wisconsin: A hearing was held in State Supreme Court on February 28, over Wisconsin's presidential primary law, which says that candidates mentioned in the media should be on the ballot automatically and others must submit 1,000 signatures from each congressional district in the state. A decision is expected within a week. *McCarthy v State Election Board*, no. 92-0348-0a.

## LEAGUE ESCAPES ON A TECHNICALITY

On February 13, federal Judge John Sprizzo of New York, a Reagan appointee, refused to order the Treasury Department to deprive the League of Women Voters of tax-exempt status. *Fulani v Brady*, no. 92-civ-0998, Southern Dist. of New York (not to be confused with a case of the same name which was filed in 1988 in Washington, D.C.). On February 14, a panel of the U.S. Court of Appeals also refused to issue an order.

Lenora Fulani had filed this new lawsuit against the Treasury Department and against the League of Women Voters on February 7. Tax-exempt organizations are not supposed to show favoritism, but the League invited all Democratic candidates who have qualified for matching funds to debate, except for Fulani.

A previous opinion of the 2nd circuit (the circuit New York is in) had determined that someone in Fulani's shoes does have standing to challenge the tax-exempt status of the League. However, the League still escaped losing its tax-exempt status, at least for the time being, on the technicality that the debate in question is jointly sponsored with CNN TV. FEC regulations provide that candidate debates can be sponsored either by tax-exempt organizations or by broadcasters. Judge Sprizzo ruled that since CNN would have been free to sponsor the debate all by itself, the League's role isn't the reason Fulani is being injured and therefore Fulani still doesn't have standing.

The debate was the February 16 Democratic one, in which only the "Big Five" Democrats were invited.

## OTHER LAWSUIT NEWS

**California (1):** The hearing in *LaRiva v Wong*, the case over a law which makes it illegal for parties to endorse candidates for non-partisan office, has been postponed at the government's request. The hearing had been scheduled for February 7. No new date has been set yet.

**California (2):** A hearing was held in *Lightfoot v Eu* on February 11 in the 9th circuit. This is the Libertarian Party lawsuit to get its bylaws recognized by the state. Party bylaws permit the party to nominate by write-in at its own primary and also permit the party to nominate by convention (but only when no one was nominated at the primary for that office). California elections officials won't acknowledge either bylaw. The hearing was before Judges Charles Wiggins, Cynthia Holcomb Hall (both Reagan appointees) and James M. Burns (a Nixon appointee). Judge Burns, a retired visiting U.S. District Judge from Oregon, seemed very hostile to the Libertarian Party position, but the other two judges seemed sympathetic. A decision is expected in a few months.

**California (3):** At any time, the U.S. Supreme Court may announce whether it will hear the Legislature's appeal of the term limits law passed by the voters. *Legislature v Eu*, no. 91-1113.

**Colorado:** On February 6, the Colorado Libertarian Party appealed to the U.S. Supreme Court in its lawsuit to win the right to nominate a non-member of the party.

**Connecticut:** On January 27, Frank Longo asked the 2nd circuit to rehear *Longo v U.S. Postal Service*, the case over a post office regulation which bars petitioning for candidates on post office sidewalks.

**Florida:** A hearing was held on February 27 in *Republican Party of Florida v State of Florida*, the case over whether a Florida law which taxes political party receipts violates the U.S. and Florida Constitutions. A decision is probably several months away.

**Maine:** Judge Bruce Chandler of Kennebec Superior Court dismissed *Libertarian Party v State of Maine* on January 28, on the grounds that it is moot. This was the case to stop the state from printing state income tax forms which provide an easy method for taxpayers to make a donation to the Democratic or Republican Parties, but no other parties, even though the Libertarian Party is also a qualified party in Maine.

The judge's action is wrong, but the party won't appeal. Although it's true the 1991 tax forms are already printed, the same problem can occur in future years, and lawsuits on subjects "capable of repetition, but avoiding review" are not supposed to be dismissed for mootness; otherwise such issues can never be settled in court.

**Ohio:** a hearing in the 6th circuit was scheduled for March 30 in *Rosen v Brown*, the case on whether Ohio must print "Independent" on the ballot next to the names of independent candidates. However, the state postponed the hearing. A new date has not been set. The state lost this case in District Court in 1990 and appealed, but then got an extension of one year before filing its appeal brief. Now the state is delaying even further.

**Oklahoma:** On February 14, a lesser-known Democratic presidential candidate named Jim Boren filed a lawsuit against Oklahoma's write-in ban, in state court. COFOE is planning a similar lawsuit in federal court, on behalf of several third party presidential candidates.

**Virginia:** On January 17, federal judge James Spencer upheld the law requiring voters to tell their Social Security number when they register to vote. The federal Privacy Act forbids a state to require S.S. numbers unless the state has been doing so since before 1975. In this case, Virginia started requiring the number since before 1975. However, Judge Spender ruled that the state must not let the public see the number in the voter registration records, and also that the voter registration forms must explain why the number is needed. *Greidinger v Davis*, no. 91CV00476, Eastern District.

**Wisconsin:** On February 11, the 7th circuit refused to grant a rehearing to the Labor-Farm Party in *Swamp v Kennedy*, the case over whether parties have a right to nominate a candidate who is seeking the nomination of another party as well. The party will appeal to the U.S. Supreme Court. Three of the 7th circuit judges (out of 10) would have granted the rehearing. They were Kenneth F. Ripple, Richard Posner and Frank Easterbrook, and they wrote their own opinion emphasizing the importance of the issue to political parties.

## LEGISLATIVE BILLS ON WRITE-INS

1. Florida: On January 30, Representative James M. Lombard introduced HB 2177, to improve the filing deadline for a write-in presidential candidate to file his or her declaration of write-in candidacy, from July, to September, of the election year. It has passed the Elections Committee and will be voted on the House floor in April.

2. Hawaii: Seven bills have been introduced this year in the legislature to permit write-in voting. Hawaii is one of only 5 states with a total ban on write-ins, and the U.S. Supreme Court will be hearing a challenge to that ban on March 24. None of the bills is likely to pass, unless the Supreme Court tells Hawaii that it must permit write-in voting.

3. Kentucky: On February 6, Representative John Harper introduced a bill to provide for presidential write-ins. The bill, HB 449, also provides that write-ins for all office should be counted if the write-in candidate has submitted a declaration of write-in candidacy shortly before the election. Kentucky currently permits write-ins in general elections, but not for president. The bill is pending in the Elections Committee.

4. Oklahoma: On February 3, two bills were introduced in the Oklahoma House to permit write-in voting, HB 2287 by Representative James Dunlap and HB 2305 by Representative Gary Taylor. Oklahoma is another of the five states with a ban on write-ins. On February 14, both bills were killed in the Rules Committee.

5. Rhode Island: Representative James Langevin has introduced HB 6659 to legalize write-ins in primaries. Currently, Rhode Island permits write-ins at general elections but not at primaries. The bill was introduced because in 1990, an incumbent Rhode Island legislator made a technical error in his candidacy papers and was omitted from the Democratic primary ballot. Because he couldn't even get the Democratic nomination by write-ins (although he was completely unopposed), he had to depend on winning by write-ins at the November election.

## LEGISLATIVE NEWS ON BALLOT ACCESS

Alaska: HB 404 was introduced on January 16 at the request of the Elections Division. It would extend the petition deadline for third party and independent candidates from August 1 to late August, to conform the state's law to a court decision last year.

Arizona: On February 4, Senator Charles Blanchard introduced SB 1118. It expands the petitioning period from 10 days to several months, and removes the restriction against primary signers signing an independent candidate petition. Unfortunately, it also changes the filing deadline from September to June. The bill passed the Senate Judiciary Committee on February 18.

California: Last year, a law was passed that independent candidates must file a declaration of candidacy in February, though the petition isn't due until August. On February 13, Legislative Counsel ruled that law unconstitutional.

In response, SB 1460 was introduced by California's two independent State Senators, Lucy Killea and Quentin Kopp, to change the deadline for the declaration (for independent candidates) from February to late June.

Colorado: On February 20, the Colorado Senate defeated SB 74, which would have raised petition requirements for third party and independent candidates. The vote on the Senate floor was not recorded. The bill also changed procedures for major party caucuses. The bill probably lost because those changes were unpopular with many legislators. A bill which contained only the ballot access changes probably would have passed.

The bill would have raised the petition requirement for third party and independent candidates for non-presidential statewide office from 1,000 signatures to 5,000. It also would have raised the petition requirement for county office from 600 signatures, to an astounding 20% of the last vote cast in that county. The bill had passed the Senate State & Veterans Committee on February 13.

Georgia: The ballot access improvement bill, which is now contained in SB 25-sub, passed the House Committee on Government Affairs on February 13, but it wasn't brought up on the floor, and now cannot make further progress without help from the Rules Committee.

The bill would (1) reduce the statewide petition for third parties and independent candidates to 10,000 signatures; (2) lower the petition for third party and independent candidates for district office from 5% of the number of registered voters, to 2.5%; (3) provide that petition forms should be postcard-sized, with room for only one signature per form, and require that they be submitted to each county in alphabetical order. The Secretary of State is eager to get provision (3) enacted.

Idaho: In February, HB 512 was killed in the House State Affairs Committee. It would have changed the deadline for non-presidential independents from June to March.

Indiana: On January 24, SB 307 was amended on the Senate floor to delete the only ballot access improvement still remaining in it, a provision which would have made it legal for a voter to sign more than one petition.

Another Indiana bill, SB 212, which contained many additional improvements, was withdrawn on February 14, after the bill's author, Senate Majority Leader Sue Landske, learned that otherwise it would be defeated. It would have lowered the petition requirement from 30,000 to 10,000, and provided that a party could petition before it knew who its nominees would be.

---

**BALLOT ACCESS NEWS** (ISSN 10436898) is published by Richard Winger, Field Representative of the Coalition for Free and Open Elections, \$6 per year, thirteen times per year, every 4 weeks, at 3201 Baker St., San Francisco CA 94123. Second class postage paid at San Francisco CA. © 1992 by Richard Winger. Permission is freely granted for reprinting *Ballot Access News*.

POSTMASTER: Send address changes to *Ballot Access News* at 3201 Baker St, San Francisco Ca 94123.

Kansas: SB 97 was killed by the Kansas Senate Elections Committee on January 29, 1992. It would have lowered the petition for a new party from 2% of the last vote (about 16,000 signatures) to 1,000 signatures. The bill had been introduced a year ago and had been dormant.

Maryland: Delegate Dana Lee Dembrow has introduced an ever better ballot access bill than he introduced last year. HB 851, introduced January 31, 1992, would decrease the number of signatures needed for a third party to run a full slate of candidates from about 70,000 signatures, to 10,000 signatures. An independent candidate for office within just part of the state would need a petition signed by one-half of 1% of the registered voters.

New York: On February 19, Assemblyman Eric Vitaliano introduced AB 9547, to delete New York state requirements which invalidate ballot access petitions for trivial errors. The bill is similar to several which were introduced earlier in this legislative session, AB 9355 by Assemblyman Steven Sanders and SB 6438 by Senator Roy Goodman. These bills have a better chance of passing than in past years, due to the furor over Paul Tsongas and Pat Buchanan being unable to appear on the New York 1992 presidential primary ballot.

On February 25, Assembly Speaker Sol Weprin introduced AB 9614, to provide that Democratic candidates in presidential primaries who receive federal matching funds may be placed on the primary ballot with no petition. Weprin will try to get the bill passed in time to affect this year's primary, but it seems almost impossible that the bill could move that fast. The primary is April 7.

Virginia: The February 2 *B.A.N.* warned of a Virginia bill which would have made ballot access more difficult for third party and independent presidential candidates. The bill was completely altered on February 10, so that it made access easier. The bill passed the House on February 10 by a vote of 83-17 but was defeated in the Senate Committee on Privileges & Elections on February 25. The Committee vote was a voice vote and was almost unanimous against the bill. Senators expressed some hostility toward third parties at the hearing.

The bill would have applied only to the 1992 election. It would have reduced the number of signatures needed for a third party presidential candidate, proportionate to the number of days in which it was impossible to petition. It wasn't possible to circulate the petition between January 1, 1992 (the legal starting date) and February 18, since no one knew what the boundaries of the Congressional Districts were (no one can circulate this petition outside of his or her home congressional district). If the bill had passed, the 1992 petition would have been under 11,000 signatures instead of 13,920.

Another Virginia bill, HB 275, passed the House on January 28 and passed the Senate Elections Committee on February 25. It decreases the number of signatures needed for candidates for the lower house of the state legislature (whether running in the primary, or independents or third parties) from 250 to 150.

Washington: HB 2943, by Representative Alex McLean and initiated by the Libertarian Party, would have extended the deadline for a minor party to choose its candidates, so that it would no longer be necessary for a minor party to choose its candidates before it knew which major party candidates were running. It died in Committee because it wasn't given a hearing by an internal legislative deadline. It might have done better if it had been introduced sooner.

## NEW HAMPSHIRE PRIMARY

There were three presidential primaries in New Hampshire on February 18, Republican, Democratic and Libertarian. The national media almost never explained this; instead there were constant references to "both" primaries.

In the Libertarian primary, Andre Marrou was the only name on the ballot. Any voter was able to choose the Libertarian ballot, except for people who registered "Democratic" or "Republican" later than November 1990. 3,554 voters chose the Libertarian primary ballot. This was 1.01% of the total number of voters who voted in any primary. Marrou received 3,219 Libertarian votes, 99 write-ins in the Republican primary and 67 write-ins in the Democratic primary.

Lenora Fulani received 402 votes in the Democratic primary and 21 Republican write-ins; Eugene McCarthy received 211 Democratic votes and 5 Republican write-ins; Lyndon LaRouche received 115 Democratic votes and 17 Republican write-ins. Any subscriber to *B.A.N.* may send a self-addressed stamped envelope to obtain the vote total for each candidate on the New Hampshire ballots.

Dixville Notch, the town which votes at one minute after midnight on election day, and closes the polls as soon as all 31 voters have voted, gave the Andre Marrou campaign the most publicity it has received so far. Even though President Bush telephoned three Dixville Notch voters to ask for their vote, and even though Pat Buchanan telephoned all the registered Republicans in town and asked for their vote, Andre Marrou received more votes than they did. Marrou received 11 votes, Bush 9, and no one else of any party received more than 3 votes. There had not been any Libertarian votes in past general elections in Dixville Notch since 1980, when Ed Clark received one vote.

Ten of Marrou's votes were on Libertarian primary ballots. The eleventh was a write-in on a Republican ballot, cast that way because the town had run out of Libertarian primary ballots.

The town clerk, who supported Marrou, told the press afterwards that the vote was not a protest vote; rather, it was an affirmative vote for Marrou "because his policies make the most sense". Marrou campaigned personally in the town, and his campaign had been sending *Reason* Magazine to all the voters in town during 1991.

## FULANI WON'T RUN IN DEM PRIMARIES

On February 24, Lenora Fulani announced that she won't run in any more Democratic presidential primaries after all. She announced that she will be on the November ballot as the New Alliance Party candidate in forty states.

### DANIELS WINS LFP SUPPORT

On February 15, the Labor-Farm Party held a straw poll of its state committee, which showed that Ron Daniels has unanimous support for the party's presidential nomination. The Labor-Farm Party has been ballot-qualified in Wisconsin since 1982, but has never before nominated a candidate for president. Ron Daniels is running for president as an independent, although he hasn't yet begun petitioning. Daniels represents the ideas of Campaign New Tomorrow and the Rainbow Coalition, and was deputy campaign manager to Jesse Jackson in 1988.

The Labor-Farm Party will formally choose a presidential candidate at its state convention on July 4.

### GRASSROOTS PARTY

The Grassroots Party expects to nominate Ra James for president in a few months. The Grassroots Party stands for legalizing marijuana and for strengthening the Bill of Rights. It appeared on the ballot in Minnesota and Iowa in 1990. Ra James is an Illinois writer for *High Times* Magazine. His pen name is Shef Ra.

### TAXPAYERS PARTY CHOOSES VP

The U.S. Taxpayers Party has informally chosen Brig. Gen. Albion W. Knight (ret.) to be its vice-presidential candidate. Knight, 67, lives in Bethesda, Maryland. The party is petitioning in several states which require that the presidential and vice-presidential candidates be named on the petition. The choice of Knight, like the choice of Howard Phillips, is tentative.

### MICHIGAN DEMS, REPS OPEN PRIMARY

Michigan restored its presidential primary last year, but the law provided that no one could vote in it who did not enroll as a Democrat or a Republican at least a month before the primary. However, the Democratic Party of Michigan in December 1991 adopted a rule that says anyone can vote in the Democratic presidential primary merely by signing in as a Democrat on primary day. And in February, the Michigan Republican Party adopted a rule saying anyone who doesn't vote in the Democratic presidential primary is eligible to vote in the Republican presidential primary.

### MISSISSIPPI GOING NON-PARTISAN?

Mississippi's legislature has eleven bills which would change all elections in the state (except President) to non-partisan elections. The Governor, a Republican elected last year, is strongly in favor of the idea.

Mississippi enacted a similar law in the 1970's, but at that time the U.S. Department of Justice refused to let the state implement it, since the Department believed the plan would weaken the influence of Black voters. Mississippi is one of the states which must clear all its election law changes with the Justice Department, under the Voting Rights Act.

### SOUTH CAROLINA TO PAY FOR PRIMARY

On February 18, SB 362 was signed into law. It provides that the state will pay the expenses of primary elections. South Carolina has been the only state in which parties paid for their own primary elections. The bill won't take effect unless the budget appropriates money to pay for it.

### NO SUPREME COURT POLL RULING YET

The U.S. Supreme Court didn't release a decision in *Burson v Freeman* during February. It will probably be out in March; it was argued October 8. This is the case over political speech within 100 feet of a polling place.

### NEW REGISTRATION DATA

1. South Dakota: As of late January 1992, there were 78 registered Libertarians out of 402,657 registered voters in the state. This is the first time there has ever been a tally made in South Dakota for any third party. The Libertarian Party is the first recognized third party on the ballot since 1932, and back in 1932, there was no mandatory voter registration in South Dakota.

2. California: Registration tallies were held on October 12, 1991; December 31, 1991; and February 3, 1992.

	<u>October</u>	<u>December</u>	<u>February</u>
DEM	6,421,321	6,335,922	6,279,559
REP	5,149,285	5,113,326	5,070,714
AM.IN.	155,571	157,121	156,321
GREEN	39,823	100,897	103,903
P & F	54,792	55,922	55,907
LIBERTRN	52,291	53,380	53,228

The figures suggest that the growth of the Green Party was at the expense of the major parties but not the other parties. Democrats and Republicans declined during the Green registration drive, but the other parties didn't.

3. New Hamp.: There were 191 registered Libertarians just before the February 18 presidential primary, and there are now about 3,600. The increase is because voters who chose to vote in the Libertarian primary were deemed to have changed their registration to that party.

### ALASKA PARTY FAILS TO NOMINATE

The Alaska Independence Party, one of two qualified third party in the state, didn't name a candidate for president at its state convention in Fairbanks, February 14-16. The party has been qualified since 1982 but has never before run a presidential candidate.

The party's chairman, Joe Vogler, wanted to name Bo Gritz (who also expects to be the Populist Party candidate) but he failed to understand that the convention needed to nominate 3 candidates for presidential elector, in order to accomplish this. Other leaders in the party, who would rather not nominate any presidential candidate, did nothing to clarify the matter. It isn't clear whether the party will hold another state convention, and without one, it cannot nominate presidential elector candidates.

1992 PETITIONING

STATE	REQUIREMENTS		SIGNATURES COLLECTED				DEADLINES	
	FULL PARTY	CAND.	LIBT	NAP	GREEN	POPULIST	PARTY	CAND.
Alabama	12,157	5,000	already on	2,700	0	0	Aug 31	Aug 31
Alaska	2,035	2,035	*3,750	0	already on	50	Aug 24	Aug 24
Arizona	14,072	10,555	already on	*10,741	*10,500	*3,000	May 16	Sep 18
Arkansas	20,890	0	0	0	0	0	Jan. 2	Sep 15
California	(reg) 79,188	134,781	already on	0	already on	0	Dec 31, 91	Aug 7
Colorado	no procedure	5,000	1,500	0	0	*600	-	Aug 4
Connecticut	no procedure	14,620	*1,000	0	0	0	-	Aug 14
Delaware	(reg.) 144	2,879	already on	75	0	*10	Aug 22	Jul 15
D.C.	no procedure	(es) 2,600	can't start	can't start	can't start	can't start	-	Aug 18
Florida	180,935	60,312	*18,000	0	0	*4,000	Jul 10	Jul 15
Georgia	26,955	27,009	already on	0	0	*6,000	Jul 14	Jul 14
Hawaii	4,534	4,177	already on	0	4,400	*550	Apr 22	Sep 4
Idaho	8,180	4,090	already on	0	350	*1,200	Aug 31	Aug 25
Illinois	no procedure	25,000	can't start	already on	can't start	can't start	-	Aug 3
Indiana	no procedure	29,890	*need 5,000	*1,500	0	2,700	-	Jul 15
Iowa	no procedure	1,000	*50	0	0	*200	-	Aug 14
Kansas	15,661	5,000	already on	0	0	0	Apr 11	Aug 4
Kentucky	no procedure	5,000	*500	0	0	0	-	Aug 27
Louisiana	(reg) 110,000	0	approx 150	0	0	0	Jun 30	Sep 1
Maine	26,139	4,000	already on	0	0	0	Dec 12,91	Jun 2
Maryland	10,000	*63,186	already on	*12,500	0	1,200	Aug 3	Aug 3
Massachsts.	(reg) 33,000	10,000	*300	*500	*0	*0	Jul 1	Jul 28
Michigan	25,646	25,646	already on	0	0	*400	Jul 16	Jul 16
Minnesota	92,156	2,000	can't start	can't start	can't start	can't start	ap. May 1	Sep 15
Mississippi	just be org.	1,000	already on	0	0	400	ap. Jan. 2	Sep 4
Missouri	no procedure	20,860	*2,000	0	*100	*50	-	Aug 3
Montana	9,531	9,531	already on	0	0	*900	Mar 12	Jul 29
Nebraska	5,834	2,500	*finished	0	0	0	Aug 1	Aug 25
Nevada	9,392	9,392	already on	0	*50	*1,000	June 10	June 10
New Hamp.	no procedure	3,000	already on	*3,000	0	0	-	Aug 5
New Jersey	no procedure	800	*100	0	0	*25	-	Jul 27
New Mexico	2,069	12,409	already on	already on	0	0	Jul 14	Sep 8
New York	no procedure	20,000	can't start	can't start	can't start	can't start	-	Aug 18
North Carolina	43,601	(es) 65,000	*need 1,500	*1,573	0	0	Jul 9	Jun 26
North Dakota	7,000	4,000	0	0	0	0	Apr 10	Sep 4
Ohio	34,777	5,000	*500	*150	0	*300	Jan 6	Aug 20
Oklahoma	45,566	35,132	*5,000	0	0	0	Jun 1	July 15
Oregon	(es) 36,000	(att.) 1,000	already on	0	8,000	2,500	Aug 25	Aug 25
Penn.	no procedure	37,216	*0	*0	*0	*0	-	Aug 1
Rhode Isl.	no procedure	1,000	can't start	can't start	can't start	can't start	-	Sep 4
South Carolina	10,000	10,000	already on	already on	0	0	May 2	Aug 1
South Dakota	6,419	2,568	already on	0	0	0	Apr 7	Aug 4
Tennessee	19,759	25	0	*55	0	0	ap. May 1	Aug 20
Texas	38,900	54,269	already on	can't start	can't start	can't start	May 25	May 11
Utah	500	300	already on	finished	0	already on	Mar 16	Sep 1
Vermont	just be org.	1,000	already on	already on	0	0	Dec 31,91	Sep 17
Virginia	no procedure	*13,920	0	0	0	0	-	Aug 21
Washington	no procedure	200	can't start	can't start	can't start	can't start	-	Jul 25
West Va.	no procedure	6,534	0	0	0	*575	-	Aug 1
Wisconsin	10,000	2,000	already on	can't start	can't start	(pty) *300	Jun 1	Sep 1
Wyoming	8,000	7,903	already on	0	0	*200	May 1	Aug 24

LIBT = Libertarian; NAP = New Alliance. Other qual. nat. parties: Amer. in S.C., Prohibition in N. M., Soc. Wrks in N.M, and Wrks. World in Mich. & N.M. "FULL PARTY REQ." means a procedure by which a new party can qualify before it nominates its candidates. Not every state has such a procedure. "CAND. REQ." means a procedure which names a candidate. \* entry has changed since last issue. The Pacific Party (Oregon) has 7,500. The Taxpayers Party has 350 in Idaho, 200 in Kentucky, 500 in Maryland, and unknown amounts in Ohio, Indiana and New Jersey. The Workers League has 4,000 in Michigan and 500 in New Jersey.

### CLINTON BAD ON BALLOT ACCESS

Arkansas Governor Bill Clinton has a bad record on ballot access. Clinton was elected Attorney General in 1976, Governor in 1978, defeated in 1980 but elected Governor again in 1982 and has been Governor ever since.

In 1977, one federal court in Arkansas struck down the independent candidate procedures and another federal court struck down the procedures for new parties. Attorney General Clinton appealed the independent case to the U.S. Supreme Court, which summarily affirmed the lower court decision. *Lendall v Jernigan*, 433 US 901.

The other case, *American Party v Jernigan*, 424 F Supp 943, was not appealed to the U.S. Supreme Court. The legislature modified both the third party and independent candidate procedures in accordance with the court ruling.

But in 1987, the legislature changed both the independent candidate and third party deadlines again, back to the way they had been before the 1977 court decision, and Governor Clinton signed the bills making the changes. The 1977 decisions had struck down too-early petition deadlines, of March. But the 1987 legislature changed both deadlines to January, even earlier than the old unconstitutional deadlines! Governor Clinton, as the Attorney General in 1977, must have known about the 1977 decisions when he signed the 1987 bills.

The new January deadline for independent candidates was declared unconstitutional again in 1988, but the new party deadline is still in January.

The Arkansas procedures for third party and independent presidential candidates are completely separate from the other procedures, and there is nothing wrong with the presidential procedures; the preceding information only relates to other office. Except for president, no third party has been on the ballot in Arkansas since 1970, the worst record in the nation. Even Florida had a third party on the ballot for non-presidential office in 1976.

**RENEWALS:** If this block is marked, your subscription is about to expire. Please renew. Post office rules do not permit inserts in second class publications, so no envelope is enclosed. Use the coupon below.

### PRESIDENTIAL ELECTOR CHANGES

Bills to change the way that presidential electors are elected, are making headway in Arizona and Virginia. Both bills would provide that each congressional district would choose its own individual presidential elector, so that a state could cast a split vote in the electoral college. HB 439 passed the Virginia House on February 11 and SB 1172 passed the Arizona Senate Judiciary Committee on February 18. Maine & Nebraska already have this policy.

### ALIENS GAIN CHANCE TO VOTE?

At its last state meeting, the Peace & Freedom Party of California amended its bylaws to provide that resident aliens may vote in its primary. This bylaw will not go into effect unless the party wins a lawsuit, and the party has no current plan to bring such a lawsuit.

The city of Takoma Park, Maryland, permits resident aliens to vote in its city elections, although there is a bill pending in the Maryland legislature to force the city to stop this practice. During the 19th century, several states permitted resident aliens to vote.

### PROPORTIONAL REP. GROUP FORMING

Matthew Cossolotto, author of *The Almanac of Transatlantic Politics*, and an aide to former Speaker Jim Wright, is forming an educational organization to win acceptance for proportional representation. It is Citizens for Proportional Representation, and can be reached at Box 11166, Alexandria Va 22312, tel. (703) 914-1024.

### PROJECT VOTE SMART

On March 15, the Center for National Independence in Politics will institute "Project Vote Smart", an 800 telephone number which anyone in the nation can use, to learn information about any candidate for federal office.

"Project Vote Smart" will accept data about any candidate for federal office, regardless of political party. It is soliciting contributions. Write CNIP, 129 NW 4th St., Ste. 204, Corvallis Or 97330, tel. (503) 754-2746.

**SECOND CLASS PAID AT SAN FRANCISCO CA**

I want to receive **BALLOT ACCESS NEWS**.  
I enclose \$7.00 for 1 year (overseas: \$12)  
Make check out to "Ballot Access News".

To receive it by First Class Mail, enclose \$9.00

I want to join COFOE. Enclosed is \$\_\_\_\_\_ (includes one-year subscription to this newsletter, or one-year renewal).  
Make check out to "COFOE". Minimum dues are \$11.

Name \_\_\_\_\_

Address \_\_\_\_\_

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