

BALLOT ACCESS NEWS

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TWO STATE LEGISLATURES PASS BALLOT REFORM

NEW YORK BILL SIGNED; MISSOURI BILL PASSES LEGISLATURE

NEW YORK: On May 8, New York Governor Mario Cuomo signed SB 7922 and AB 11505 into law. These identical bills had passed the legislature on May 4, and make significant ballot access improvements.

MISSOURI: On May 15, the Missouri legislature passed HB 1736, which makes great improvements in Missouri ballot access. The bill makes many other election law changes which are unrelated to ballot access. The Governor has until July 15 to either sign or veto the bill. This year, no one expects the Governor to veto the bill, as he did last year. Last year, the Governor vetoed the bill containing the ballot access improvements because that same bill changed the method for electing the St. Louis School Board, a change the Governor didn't like. This time, the bill contains nothing about that issue.

The New York ballot access improvements include: (1) the statewide petition is lowered from 20,000 signatures to 15,000 signatures (this change takes effect this year for presidential candidates, but not until next year for other candidates); (2) petitions for citywide city office are lowered from 10,000 to 7,500 signatures; (3) petition circulators no longer need to swear to the accuracy of the blank on the petition which shows the circulator's precinct number and legislative district; (4) the cover sheet for petitions is simplified, and courts are instructed to construe the law on cover sheets liberally; (5) the State Board of Elections must publish sample forms of petitions; (6) customary abbreviations of addresses are now permitted; (7) space may be provided on petitions for signers to print their names, so that people with illegible signatures can still be identified; (8) alterations to addresses of signers no longer need be initialed.

The Missouri improvements are: (1) the number of signatures for statewide petitions for both third party and independent candidates is lowered from 1% (about 22,000 signatures) to exactly 10,000 signatures; (2) there is no more requirement that statewide petitions contain thousands of signatures from at least five different congressional districts; (3) parties can circulate a petition before they have chosen their candidates. The petition for parties need not contain the names of the candidates; instead, after the petition has been circulated, the party chooses its candidates by convention.

Governor Mario Cuomo and the *The New York Times* deserve much credit for the New York bill's success.

Senator Frank Flotron, Representatives Sheila Lumpe and Robert Quinn, and volunteer lobbyist Ken Bush, deserve much credit for the Missouri bill's success. For a more detailed account of the bill's precarious and entertaining history, call the "hot-line" of the Missouri Coalition for Fair and Democratic Elections: (314) 997-9876.

The Missouri legislature has no control over its adjournment date; it was required to quit for the year at 6 p.m. on May 15. HB 1736 was the last bill to pass, and it did so with only 30 seconds to spare. During the session's last week, the bill almost died several times because of disagreements about other, unrelated sections of the bill.

The only drawback to the Missouri bill is that it doesn't take effect until next year. A proposal to provide that the bill take effect immediately was squelched after Representative Katie Steele, a Democrat, demanded to know if the bill would help Ross Perot.

LOUISIANA BILL LOSES

On May 13, the Louisiana House Governmental Affairs Committee refused to pass HB 754, a bill which would have made it much easier for a third party to appear on the ballot (for office other than president). However, a majority of the committee expressed the opinion that the existing law should be reformed, and promised to study the issue and consider it again next year.

Existing law requires a new party to register 5% of the voters into the party, before it can appear on the ballot (for office other than president). Independent candidates for any office can appear on the ballot simply by paying a fee, but if the independent candidate is actually a candidate of a small party, the party label cannot appear. The bill, initiated by the Libertarian Party, would have permitted party labels for any group which submits a list of officers.

CALIF. SENATE HELPS INDEPENDENTS

SB 1460, which makes it somewhat easier for independent candidates to get on the ballot, passed the California Senate on May 7. The bill repeals two restrictions which were created last year: (1) a law that says independent candidates must file a declaration of candidacy in February of the election year; (2) a law that says independent candidates for president and vice-president must not have been registered members of a qualified party during the 13 months before the election.

The bill needed 21 "Yes" votes and received 24. Voting "No" were Republican Senators Davis, Leonard, Leslie, Rogers, Maddy and Russell, and Democratic Senators Mello and Presley. Abstaining were Democratic Senators Cecil Green, Bill Greene, Roberti, Rosenthal, Thompson and Watson, and Republican Senator Royce. An abstention has the same effect as a "No" vote. The bill now goes to the Assembly.

POLITICAL PARTY RIGHTS LOSE IN THE 9th CIRCUIT. See page 8.

HEARING SET IN FLORIDA 10¢ CASE

At last, there will be a hearing in the 11th Circuit in *Fulani v Krivanek*, the case over the constitutionality of Florida law which forces petitioning parties to pay the government for checking their petitions. It will be heard in Atlanta in early July. The case is four years old. U.S. District Judge William T. Hodges denied injunctive relief on July 15, 1988, and then didn't issue a ruling on the constitutionality of the law itself until August 22, 1991, a delay of three years. Call (404) 331-3832 after June 1 to ask the Court Clerk for the exact date (case no. 91-3918).

Florida requires all parties (other than the Democratic and Republican Parties) to submit separate petitions for its statewide candidates, its candidates for Congress, its candidates for State Senate, its candidates for State House, and slates of candidates for county office. A new party which wished to have a full slate of candidates for all federal, state and county office would need 685,365 valid signatures this year. In order to guarantee that the petitions had enough valid signatures, it would be necessary to collect approximately 1,000,000 signatures.

Such a party would then be required to pay 10¢ for each name submitted, or \$100,000. This amount is separate from candidate filing fees. Furthermore, the 10¢ checking fees can never be waived for third political parties, no matter how poor the party or its supporters are. Florida does waive such checking fees for independent candidates, for Democrats, Republicans, and even committees which are circulating initiative petitions, if the candidates or groups cannot afford them. Only third parties must pay these fees in all circumstances.

The only states which force third parties to pay to have their own petitions checked are Florida and North Carolina (North Carolina charges 5¢ per name). The Florida checking fees were held unconstitutional by a 3-judge U.S. District Court in 1972 in *Jenness v Miller*, 346 F Supp 1060.

Florida election officials claim that the *Jenness* case only applies to the Socialist Workers Party and not any other party, and Judge Hodges, in the current *Fulani* case, didn't mention the *Jenness* ruling in his own ruling. Ironically, this year the Socialist Workers Party is petitioning to qualify a candidate for Congress from Miami, so it will be interesting to see how the state handles the SWP petition when it is submitted in July.

ILLINOIS HIGH COURT VICTORY

On February 19, the Illinois Supreme Court reversed the State Court of Appeals and ruled that a candidate should not be removed from the ballot, merely because he made a mistake in his campaign finance statement. *Welch v Johnson*, 588 NE 2d 1119.

The candidate had been elected Mayor of Harvey, and if he hadn't won the case, he would have been removed from office. The Supreme Court stated "We believe that access to a place on the ballot is a substantial right not lightly to be denied". The ruling was unanimous.

NEW BALLOT ACCESS LAWSUITS

1. California: On May 8, a hearing was held in Superior Court, Sacramento, in *Cross v Eu*, no. 370105, a constitutional challenge to the 3% petition requirement for independent candidates for Congress and Legislature. There is no decision yet from Judge James Morris.

4. New York: On April 1, the New Alliance Party filed a lawsuit in state court to force the State Board of Elections to apply the same tolerant rules for petition irregularities in the future, that they applied to Paul Tsongas' petition earlier this year. *Fulani v State Board of Elections*, no. 2794-92, Albany Co. Supreme Court.

ALIENS MAY RUN FOR PARTY OFFICE

On May 15, the California Secretary of State stated that non-citizen adult residents of California may run for Peace & Freedom Party County Central Committee. Non-citizens can't register to vote and can't run for public office, but since the Peace & Freedom Party bylaws recognize the right of aliens to serve as party officers, aliens can run for party office in the June 2 primary. Several are on the ballot in San Diego County and others are qualified write-in candidates in Monterey County.

"FULL SLATE" LAW TO BE TESTED

The Cook County Electoral Officers Board has asked the Illinois Supreme Court to strike down the "full slate" requirement. This law mandates that new political parties must run a full slate of candidates. If a new party presents a petition which does not contain a full slate of candidates, the entire petition is void.

Illinois is the only state which has ever had such a law. The law interferes with the right of parties to decide for themselves which offices to contest.

The opportunity to overturn this law is due to the U.S. Supreme Court having remanded part of *Norman v Reed* back to the Illinois Supreme Court. *Norman v Reed* was the case involving whether the Harold Washington Party should have been on the November, 1990 ballot in Cook County, Illinois. The U.S. Supreme Court didn't decide the "full slate" issue.

It is unusual for a board of elections to ask a court to overturn a state election law, but the Cook County Board was an original party to the case, and thus has the right to take any position it wishes (the Board had originally put the party on the ballot, and was sued by someone who wanted them kept off). The Board considers the "full slate" requirement to be a violation of the First Amendment, and also considers it an administrative headache.

It is unlikely that the case will be decided in time for this year's election. Thus, every party which petitions for statewide office this year will surely follow the law, just to be safe. Every such party will run someone for U.S. Senate and for all three seats on the State Board of University Trustees, along with a presidential candidate (these are the only statewide races in Illinois this year).

GOOD RULINGS FROM STATE OFFICIALS

1. Indiana: On April 1, the Indiana Election Board ruled that if a presidential or vice-presidential candidate nominated by petition withdraws, the group which circulated the petition can replace him or her with someone else.

The ruling represents an improvement in Indiana procedures, compared to 1980, when Indiana was one of a few states which refused to let independent presidential candidate John B. Anderson substitute his actually vice-presidential candidate, for the stand-in.

2. Tennessee: The state recently confirmed that an independent presidential candidate may appear on the ballot even if he has only one candidate for presidential elector.

Consequently, an independent presidential candidate may appear on the ballot with a petition signed by only 25 voters. Each candidate for elector must submit his own petition, and Tennessee has eleven electors, so if a full slate were required, the number would be 275. However, a full slate is not required.

3. Texas: In May, the Texas Secretary of State ruled that a party which polled at least 2% of the gubernatorial vote, retains qualified status for four years, not two years. The ruling helps the Libertarian Party, which polled over 2% for Governor in 1990, and now is guaranteed to be on the ballot in 1994 as well as 1992.

Texas law also says that a party can retain status if it polls 5% in the last statewide election, but the new ruling means that a party which polled 2% for Governor, need not worry about polling 5% in presidential years.

4. West Virginia: The Secretary of State ruled on May 8 that he would not prosecute voters who vote in the primary, after having signed an independent or third party candidate's petition. Instead, he will merely invalidate the petition signatures of voters who voted in the May 11 primary. West Virginia is one of 5 states which doesn't permit petition signers to vote in a partisan primary. West Virginia is the only one of these states, which also says the petitions (for office other than president) must all be collected before the primary.

The ruling was made at the request of the Libertarians, who submitted 12,000 signatures on May 11 to meet a requirement of 6,534 for president and 6,496 for governor. The party feels that even after primary voters are eliminated from its petition, there will be enough signatures. Since the deadline for petitions for office (other than president) was May 11, there won't be any chance to get additional signatures for the gubernatorial candidate, if the gamble doesn't pay off. However, the deadline for presidential petitions is August 1, so if necessary the party can always get more signatures for its presidential candidate.

The Libertarian Party requested the ruling because it would have been a public relations disaster to have voters criminally prosecuted, for having signed the party's petition. Petition circulators are required to warn signers that they cannot vote in the primary if they sign the petition.

HEARING IN REPUBLICAN \$ CASE

On April 23, the D.C. Circuit heard arguments in *Federal Election Commission v National Republican Senatorial Committee*, no. 91-5176. This is the case over whether the Republican Party has a right to contribute large amounts of money to its own U.S. Senate candidates.

Federal election law treats political parties as though they were interest groups, and sharply limits how much money they can contribute to their own candidates. Proponents of First Amendment rights for political parties had hoped that this case would establish that such laws are unconstitutional.

However, from the oral argument, it appears most likely that the judges will settle the case without reference to the Constitution. The judges seemed to feel that the original FEC decision, finding that the Republican Party was not the actual donor to the candidates, should not have been disturbed by the lower court. There is an ambiguity in the case, because the donations were solicited by mail (through a party mailing) and the individual donors were given some control over which Republican candidates the money should go to.

N.C. COURT STRIKES CANDIDACY BAN

On February 24, 1992, the North Carolina Supreme Court struck down a state election law which forbids anyone from running for an elective office, unless he or she resigns any other elective office. *Moore v N.C. State Board of Elections*, no. 480PA91.

The Court depended on the North Carolina Constitution, which sets forth the requirements to be a candidate. The state Constitution does not require that a candidate first resign any other elective office. The Court held that the legislature may not add to the requirements (unless, of course, it amends the Constitution).

The case arose when two city councilmen in Knightdale wanted to run for Mayor and did not wish to resign their positions as Council members. At the time, the council members were only halfway through their terms.

The Delaware and Texas State Supreme Courts also ruled against "Resign to Run" laws, for the same reason, years ago. On the other hand, the Florida, Mississippi and Montana Supreme Courts have upheld similar "resign to run" laws on the theory that they are not limitations on candidacy, but instead are directives to resign.

PETITIONING LAWSUIT FILED

On May 1, a lawsuit was filed in Nevada federal court to overturn a decision that initiative petitioners cannot stand on public sidewalks in front of Department of Motor Vehicles offices. *Nevadans for Lower Taxes v Secretary of State*, no. S-92-365-HDM-LRL. The hearing will be in June. The pending U.S. Supreme Court decision in *International Society for Krishna Consciousness v Lee*, which will probably be released in June, will have a great impact on this case. The *Lee* case concerns First Amendment activity in publicly-owned airports.

WRITE-IN DEADLINE UPHELD

On April 1, a Texas Court of Appeals upheld a Texas law which requires write-in candidates to file a declaration of candidacy at least 60 days before the election. Candidates who don't comply may not have their write-ins tallied. *Chavez v Hannah*, no. 3-91-182-CV. 27 states provide that write-in candidates must file a declaration of write-in candidacy, but no state (other than Florida) requires the form to be filed so soon before the election as Texas does.

The Court noted that absentee voting starts 45 days before the regular election day, and felt this justifies the deadline. The Court also noted that the 9th circuit had ruled in a Hawaii case that there's nothing unconstitutional about a complete ban on write-in voting. The Texas Court did not acknowledge that the Hawaii case, *Burdick v Takushi*, is now pending in the U.S. Supreme Court. The plaintiff in the Texas case plans to appeal.

MARROU SIDETRACKED IN NEBRASKA

Andre Marrou, Libertarian presidential candidate, entered the Libertarian presidential primary in Nebraska, with the expectation that Independent voters would be able to vote in that primary, and that he could campaign for a sizeable vote among the 71,276 independent voters registered in the state. The primary was May 12.

However, it turned out that Nebraska election law does not permit independent voters to vote in a partisan primary for president. Nebraska law does permit independent voters to vote in a partisan primary for other office, if the party tells the Secretary of State that it wishes them to. The Nebraska Libertarian Party told the Secretary of State that it wished independent voters to vote in its primary, so the Secretary of State dutifully printed up ballots for Independents who wished to vote in the Libertarian primary...with no place on the ballot to vote for president! The ballot is useless, since there were no Libertarians running for any other office besides president.

Therefore, on May 12, the only voters who were able to vote for Marrou were the 43 registered Libertarians. Until the election returns are released in June, it won't be possible to know how many of them voted for Marrou; nor is it known now how many registered independent voters chose one of the truncated "Independent-Libertarian" ballots with no place to vote for president and no candidates for any other office.

In 1986 the U.S. Supreme Court ruled that political parties have a First Amendment right to decide for themselves whether independents can vote in their primary. The Court made no exception for president. If the Libertarian Party had known about the exclusion of the presidential race from its ballots for independent voters, it could have won a lawsuit that independents be allowed to vote for Marrou. However, the party didn't learn of the problem until eight days before the primary, too late to bring a lawsuit.

The only bad consequence for Marrou was that he had no chance to receive votes from Nebraska independents. The November ballot is not affected.

FREEDOM SOCIALIST PARTY WINS

On April 27, Washington state judge Dale Ramerman ruled that Richard Snedigar was not entitled to a refund of his \$22,000 contribution to the Freedom Socialist Party, which he had made in 1979. The lawsuit had been pending since 1984. The judge ruled that the party did not defraud Snedigar because it did eventually use his donation for the purpose it was intended for, purchase of a new headquarters.

The case was noteworthy because the State Supreme Court had to enter the case, to decide the issue of whether Snedigar was entitled to demand that the party makes its minutes available to him. The party won on that issue also, setting a precedent that the First Amendment protects the privacy of political parties.

NATURAL LAW PARTY

The Natural Law Party, based (in the U.S.) at Maharishi International University in Fairfield, Iowa, was organized last month. Its presidential candidate is an MIU physics professor, John Hegelin, age 37. Its vice-presidential candidate is Michael Tompkins, who is from New York but who is now living in Fairfield. The party's chairman, Bevan Morris, was previously president of the school. The party wants to bring science into politics, and hopes to use its campaign to show the connection between physics, government and transcendental meditation. The party has suggested that presidential candidates should disclose information about their own brain waves. The party's address is 51 W. Washington Ave., Fairfield Ia 52556, (515) 472-2040. See page eight for its petitioning progress.

The party was first organized in Great Britain earlier this year. George Harrison of the Beatles performed his first concert in 23 years, to raise money for the party. It placed candidates on the ballot in over half of Britain's parliamentary districts, more than any other party except the Conservative, Labor and Social Democratic Parties. It polled 68,000 votes in Britain. The party is now organizing in 16 nations.

SENATE PASSES VOTER REGISTRATION

On May 20, the U.S. Senate passed S. 250, the bill to require the states to liberalize voter registration procedures. The House is likely to pass a similar bill soon.

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START DATES LISTED

In six states and the District of Columbia, it is still too early to be petitioning to get an independent presidential candidate on the ballot. Most states have no law on the subject of how soon a petition for this purpose can be circulated. The states in which petitioning still can't start, and their start dates, are:

Arizona	Sept. 9
Minnesota	July 7
New York	July 7
Rhode Island	June 8
Washington state	June 27
Wisconsin	Aug. 1
District of Columbia	June 28

PEROT PETITIONING

The campaign to get Ross Perot on the ballot of all states as an independent candidate for president continues to make swift progress. Perot is the first third party or independent presidential candidate who may be able to get on the ballot of all states, without the need for any lawsuits at all.

By contrast, in 1968, when George Wallace first ran as a third party presidential candidate, he immediately had to sue Alaska and Idaho because those states had absolutely no procedures for a third party or independent presidential candidate to get on the ballot. He also had to sue Oklahoma, which was threatening to keep him off the ballot under an anti-sedition law; and he had to sue Ohio over the high number of signatures and early deadline.

In 1980, independent presidential candidate John Anderson had to sue five states over their early deadlines; he had to sue North Carolina over its "sore losers" law; and he had to sue Georgia over its petition-checking procedures.

Also in 1980, Ed Clark, Libertarian presidential candidate, had to sue West Virginia over a law forbidding anyone from circulating a petition outside his or her own magisterial district.

In 1988, Lenora Fulani had to sue California and Michigan over their short petitioning period for independent presidential candidates.

All of the lawsuits described above won, and all of the candidates named above did get on the ballot in all states.

There are a few states which are insisting that Perot cannot substitute his real vice-presidential candidate for the stand-in vice-presidential candidate. Hawaii, Illinois and Mississippi seem especially rigid on this matter. However, attorneys for the Perot campaign hope to persuade such states to change their minds, without the need for lawsuits.

A *New York Times* story of May 14 on ballot access contained some inaccuracies. It is not true that North Carolina requires all petition signatures to be submitted in alphabetical order; and it is not true that Hawaii will invalidate any signature which is not signed in black ink.

NEW GROUP PETITIONING IN HAWAII

The American Political Party (not to be confused with the American Party) is petitioning for a spot on the Hawaii ballot for its candidates for president and vice-president, George L. Berish and Linda L. Smith. The group can be reached at 60 N. Beretania St., #3502, Honolulu HI 96817. Several hundred signatures have been collected. The party stands for a voucher system of education, replacing income taxes with consumption taxes, taking steps to slow world population growth, and taking steps in the U.S. toward minimizing cultural distinctions.

BOOK REVIEW: *MINOR PRES. CANDIDATES & PARTIES OF 1992*

Glenn Day has just published his *Minor Presidential Candidates & Parties of 1992*. It has 192 pages and is available for \$25.95 (or \$27.95 if postpaid) from McFarland & Company, Bx 611, Jefferson N.C. 28640. The book contains campaign statements from every presidential candidate who has filed with the Federal Election Commission this year, except for a few who didn't respond to the author's request for information, and for those who filed after the book went to press. Even for those who didn't respond, the book lists their name and address. The book contains pictures of 22 candidates.

The book also contains a short description of each political party which contests elections in the U.S., its officers, address and recent past presidential candidates. The book is organized according to political party, and all of the various presidential candidates seeking the nomination of a particular party are grouped together. Half of the candidates are Republicans or Democrats.

The book provides the only means known, whereby a reader can learn about all of those mysterious people who declare that they are running for president, who may even win a spot on a presidential primary ballot, yet who get no publicity at all. 54 presidential candidates are featured. The book also indicates which presidential candidates have raised at least \$5,000 in contributions.

DANIELS-FULANI DEBATE

On May 7, Lenora Fulani (presidential candidate of the New Alliance Party) and Ron Daniels (independent presidential candidate) debated each other in New York city. The debate was broadcast live, from the Apollo Theatre, on radio station WLIB. Gary Byrd moderated.

The debate was newsworthy mostly because it occurred. Ron Daniels is a spokesperson for many people on the left who are sharply critical of the New Alliance Party. At times the hostility has been so great, it was noteworthy to have Fulani and Daniels in the same forum, talking to each other. Fulani and Daniels are fiercely competing for the nomination of the California Peace and Freedom Party, which holds its primary on June 2. Although the presidential primary is not binding, at the same time county central committee members are elected, and they will nominate the presidential candidate at the party's state convention in San Diego in August.

DEMOCRATIC PRES. PRIMARY TURNOUT

Shown below are the number of votes cast in the Democratic presidential primaries for the last three elections, for the states which had primaries in all three elections (excluding states which haven't voted yet: Arkansas, Idaho, Alabama, California, Montana, New Jersey, New Mexico, North Dakota)

State	1984	1988	1992
Ct	220,842	241,395	173,119
DC	102,731	86,052	61,904
Fl	1,182,190	1,273,298	1,125,653
Ga	684,541	622,752	454,631
Il	1,659,425	1,500,930	1,504,130
In	716,955	645,708	475,302
La	318,810	624,450	384,397
Md	506,886	531,335	567,224
Ma	630,962	713,447	808,920
Ne	148,855	169,008	140,972
NH	101,131	123,512	167,819
NY	1,387,950	1,575,186	1,007,726
NC	960,857	679,958	691,875
Or	399,679	388,932	350,000
Pa	1,656,294	1,507,690	1,240,339
RI	44,511	49,029	50,709
SD	52,561	71,606	59,503
Tn	322,063	576,314	318,482
WV	369,245	340,097	295,019
Wi	635,768	1,014,782	772,596
Total	12,102,256	12,735,481	10,650,320

Fewer people voted in Democratic presidential primaries in 1992 than in 1984, despite an 8% national population increase since then.

LIBERTY UNION CONVENTION JUNE 28

Liberty Union Party, which exists only in Vermont, will hold its state convention on June 28 and expects to nominate a presidential candidate then. Three presidential candidates have expressed interest in the party's nomination: Quinn Brisben (Socialist Party), Lenora Fulani (New Alliance Party), and Ron Daniels (Independent). In 1988 the Socialist Party nominee, Willa Kenoyer, received the Liberty Union nomination.

PROP. REPRESENTATION CONFERENCE

Citizens for Proportional Representation holds its first national meeting in Cincinnati, Ohio, June 20-21, at the office of the Charter Committee of Greater Cincinnati. For more about the meeting, contact Bill Collins at 707 Race St, #800, Cincinnati Oh 45202, tel. (513) 421-2050 or (513) 421-2334, ext. 319. Enid Lakeman, a leader in the British Electoral Reform Society and a veteran of Republic of Ireland politics, will be one of the speakers (the Republic of Ireland has p.r.). The meeting is sponsored by Citizens for Proportional Representation, PO Box 11166, Alexandria Va 22312, (703) 914-1024.

POPULIST NATIONAL CONVENTION

On May 2-3, the Populist Party held its presidential convention in Clark (near Newark), New Jersey. As expected, the party chose Lt. Col. (ret.) James "Bo" Gritz of Nevada for president, and Cy Minette of Texas for vice-president. The vote was unanimous.

ALASKA PARTY TO ABSTAIN

On May 1, the Alaska Independence Party State Executive Committee voted not to nominate any candidate for president this year. Supporters of Bo Gritz had been hoping that the ballot-qualified party (which has never before entered the presidential race) would nominate him. The party's chairman wanted to nominate Gritz but the other officers did not.

PHILLIPS WINS CAROLINA NOMINATION

On May 2, the American Party of South Carolina, a ballot-qualified party, named Howard Phillips its presidential candidate. Phillips is the founder of the U.S. Taxpayers Party and its presidential candidate. The vote at the state convention was Phillips 34, Bo Gritz 3, Robert Smith 1. Smith is the presidential nominee of the American Party, but in this case the South Carolina branch of the party disregarded the decision of its own national convention.

WORKERS WORLD PARTY

Last month, the Workers World Party decided not to nominate a presidential candidate this year. The party was founded in 1960 and ran presidential campaigns in 1980, 1984 and 1988.

The party is automatically qualified for the 1992 ballot in Michigan and New Mexico. In Michigan, the party plans to run candidates for statewide office, to maintain its status. In New Mexico, however, parties which fail to poll one-half of 1% of the presidential vote will lose qualified status, so the party will be disqualified there.

LYNDON LaROUCHE

The LaRouche Campaign says LaRouche will probably decide in June whether he will run for president as an independent candidate. He has been running for the 1992 Democratic nomination. In 1980, he ran for the Democratic nomination but did not then run as an independent candidate in November. However, in 1984 and 1988 he ran both for the Democratic nomination, and then again in November as an independent.

MATCHING FUNDS

On May 4, the Treasury mailed checks in the following amounts to these candidates: George Bush \$1,884,092; Pat Buchanan \$786,465; Bill Clinton \$1,070,846; Paul Tsongas \$349,557; Jerry Brown \$1,159,539; Bob Kerrey \$159,299; Tom Harkin \$76,088; Lenora Fulani \$141,235. Matching payments are made once per month.

1992 PRESIDENTIAL PETITIONING

STATE	REQUIRED	PEROT	MARROU	FULANI	PHILLIPS	GRITZ	(GREEN)	DUE
Alabama	5,000	*finished	already on	2,700	0	*500	0	Aug 31
Alaska	2,035	*finished	*4,200	*1,105	*800	*470	already on	Aug 24
Arizona	10,555	can't start	already on	*finished	0	*finished	*finished	Sep 18
Arkansas	0	0	0	*already on	*already on	0	0	Sep 15
California	134,781	*finished	already on	seek nom	seek nom	0	already on	Aug 7
Colorado	5,000	*finished	2,000	*7,000	*1,000	*1,700	0	Aug 4
Connecticut	14,620	*6,000	*2,500	*1,000	0	*400	0	Aug 14
Delaware	(reg.) 144	*already on	already on	75	80	10	0	Jul 15
D.C.	(es) 3,100	can't start	can't start	can't start	can't start	can't start	can't start	Aug 18
Florida	60,312	*finished	*62,000	200	*6,000	*28,000	0	Jul 15
Georgia	26,955	*finished	already on	0	0	*1,000	0	Jul 14
Hawaii	4,177	*0	already on	*210	0	*1,000	*already on	Sep 4
Idaho	4,090	*finished	already on	0	500	*already on	*500	Aug 25
Illinois	25,000	*finished	*3,635	in court	*100	*200	*0	Aug 3
Indiana	29,890	*finished	*already on	*20,700	*500	*4,000	0	Jul 15
Iowa	1,000	*finished	*1,100	200	0	*finished	0	Aug 14
Kansas	5,000	*finished	already on	0	*1,500	0	0	Aug 4
Kentucky	5,000	*finished	*finished	100	*500	*1,500	0	Aug 27
Louisiana	0	*2,000	0	0	0	0	0	Sep 1
Maine	4,000	*already on	already on	*4,600	*3,100	*100	0	Jun 2
Maryland	10,000	*finished	already on	*3,300	1,300	1,200	0	Aug 3
Massachsts.	10,000	*finished	*4,000	*6,000	already on	0	0	Jul 28
Michigan	25,646	*finished	already on	200	seek nom	*2,000	0	Jul 16
Minnesota	2,000	can't start	can't start	can't start	can't start	can't start	can't start	Sep 15
Mississippi	1,000	*finished	already on	*1,600	already on	*900	0	Sep 4
Missouri	20,860	*35,000	*5,000	0	*100	*500	*5,600	Aug 3
Montana	9,531	*finished	already on	0	0	*4,200	0	Jul 29
Nebraska	2,500	*3,000	already on	0	0	*100	0	Aug 25
Nevada	9,392	*finished	already on	*12,000	*10,000	*6,500	*3,200	June 10
New Hamp.	3,000	*finished	already on	*3,700	0	*200	0	Aug 5
New Jersey	800	*finished	*900	0	*600	50	0	Jul 27
New Mexico	2,069	*finished	already on	already on	0	50	*finished	Sep 8
New York	*15,000	can't start	can't start	can't start	seek nom	can't start	can't start	Aug 18
North Carolina	43,601	*finished	*already on	3,200	*2,000	0	0	Jun 26
North Dakota	4,000	*finished	*100	0	0	0	0	Sep 4
Ohio	5,000	*finished	*1,000	*1,200	*1,000	*1,100	0	Aug 20
Oklahoma	35,132	*finished	*32,000	2,200	*5,000	0	0	July 15
Oregon	(att) 1,000	*finished	already on	*10,000	0	2,500	*10,500	Aug 25
Penn.	37,216	*2,000	*5,000	*20,000	0	0	0	Aug 1
Rhode Isl.	1,000	can't start	can't start	can't start	can't start	can't start	can't start	Sep 4
South Carolina	10,000	*14,000	already on	already on	*already on	*0	0	Aug 1
South Dakota	2,568	*finished	already on	*270	0	0	0	Aug 4
Tennessee	25	already on	*100	*already on	0	*finished	(pty)*2,000	Aug 20
Texas	38,900	*finished	already on	0	*5,000	*4,000	0	May 11
Utah	300	*already on	already on	already on	finished	already on	0	Sep 1
Vermont	1,000	*finished	already on	already on	0	0	0	Sep 17
Virginia	13,920	*finished	*1,000	*1,050	0	0	0	Aug 21
Washington	200	can't start	can't start	can't start	can't start	can't start	can't start	Jul 25
West Va.	6,534	*5,000	*finished	0	0	*1,800	0	Aug 1
Wisconsin	2,000	can't start	already on	can't start	can't start	*0	can't start	Sep 1
Wyoming	8,000	*finished	already on	0	0	*700	0	Aug 24

Other qual. nat. parties: Amer. in SC, Ut; Proh. in NM; Soc. Wkr in NM; Wkr. World in Mich., NM. * entry changed since last issue. "Req" column shows the easier of the two methods, party or independent (indp. pres. candidates need more sigs. than parties do, in Tex, NM, Del, Md and NC). The "Due" column is the Indp. deadline. "Seek nom" means a qualified third party in that state may nominate the candidate. "GREEN" column includes the Pacific Party. "Finished" doesn't necessarily mean the drive still isn't proceeding! See page 8 for other groups. Louisiana requires \$500 OR 5,000 signatures. Tenn. Greens are petitioning for 1994.

PARTIES NOT ON THE PAGE 7 CHART: Socialist Workers: 800 in Il, 500 in Oh. Socialist: 100 in Ia, 200 in NJ, 200 in Ut. Prohibition: 400 in Co. Workers League: 26,500 in Mi., 1,100 in NJ. American Political Party: 400 in Hi. Ron Daniels has 100 in Md, 4,000 in Mo, 300 in NJ, 4,000 in Pa, and 100 in Ut. The Natural Law Party is on in Ar, finished in Ia, and starting in Ca, De, Fl, Il, Me, Md, Mi, Mo, Mt, Nv, Ok, Ut, Vt and Wi. American has 50 in ND. Grassroots has 500 in Iowa.

PARTY RIGHTS LOSS

On May 18, the 9th circuit upheld California laws which control how parties nominate candidates, even when party bylaws conflict with state law. *Lightfoot v Eu*, no. 90-16680. The opinion was signed by Cynthia Hall and Charles Wiggins (both Reagan appointees). James Burns, a Nixon appointee, didn't sign the opinion, nor did he write anything, but he did agree with the result. Plaintiffs will ask for a rehearing.

California requires all qualified parties to nominate candidates by primary. California permits write-ins in primaries, but says that no one can be nominated by write-in in a partisan primary, unless he or she polls a number of write-ins equal to 1% of the last vote cast for that office in the general election.

Since California has a closed primary, small qualified parties cannot nominate candidates in their own primaries by write-in. There aren't enough party members to meet the threshold, which is about 1,900 in a typical Congressional district and 2,500 in a State Senate district. Even if every registered Libertarian in a district cast a write-in vote for a candidate, that candidate couldn't be nominated, because there aren't enough registered Libertarians in any district to meet the threshold. There are about 55,000 registered Libertarians in California.

By contrast, there are more than 5,000,000 registered voters in each of the two major parties, so they can easily nominate candidates by write-in vote.

The judges thought the burden on small parties is "slight". They said that any party has the right to demand that independent voters be allowed to vote in its primary. If this were done, of course, there would be more voters available to cast write-in votes.

The judges agreed that ballot access barriers are unconstitutional unless they are required for a compelling state interest. However, the only compelling interest the judges mentioned was preventing voter confusion. The judges said that if candidates were permitted to be nominated with only one write-in vote, that would mislead the public into thinking the candidate has more party support than he or she really does.

This was beside the point. The party bylaw provides that no one can be nominated by write-in vote unless the candidate receives at least 40 votes (and, of course, the candidate must also outpoll any opponent).

The judges also refused to validate a second party bylaw, which provides that when no one enters the primary, the party can nominate someone by convention, held after the primary. The judges wrote that the state has a compelling interest in taking nominations out of "smoke-filled rooms of party bosses" and in "breaking the power of bosses".

This rhetoric is unrealistic. The judges didn't mention that the procedure for nomination by convention would only go into effect if no one had run in the primary for a particular office. Obviously, if no one ran in the primary, there is no aggrieved candidate being shut out of the nomination by "bosses".

Furthermore, there was considerable evidence before the court that for small parties, nomination by convention can be more democratic and more thoughtful, than nomination by primary. Evidence that the media never cover primary contests for small parties in California was presented, but ignored. Affidavits and published "Model Election Codes" written by political scientists were also ignored.

Anyone may receive a copy of the decision by sending \$1 to *Ballot Access News*.

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