

## MISSOURI GOVERNOR VETOES HB 1736

### REPUBLICAN GOVERNOR HAS RUINED REFORM EFFORTS TWICE

On July 9, Missouri Governor John Ashcroft vetoed HB 1736, which would have made these improvements:

1. A party could have circulated petitions before it had chosen its candidates. Missouri is one of only 14 states with no procedure for a party to get on the ballot for any office, until after it has chosen its candidates (others are Colorado, Connecticut, Illinois, Indiana, Kentucky, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, Washington and West Virginia.). Furthermore, unlike some of these states, Missouri has no procedure for a party to replace someone on the petition who dies or resigns, with a new nominee.

2. The number of signatures needed for statewide ballot access would have dropped from over 20,000, to 10,000.

3. The number needed for non-statewide independents would have gone from 5% of the last vote cast, to 2%.

4. Statewide petitions would no longer have needed thousands of signatures from five congressional districts.

This is the second year in a row that Ashcroft has vetoed the bill. Each time, he denies that he opposes easier ballot access. Instead, each time, he claims that his veto is due to unrelated parts of the same bill. This time he said he didn't like a provision in the bill which would end a Kansas City rule prohibiting off-duty policemen from engaging in political activity. This objection seems odd, since it is already possible for off-duty policemen elsewhere in Missouri to engage in political activity.

An attempt will be made to override the veto. Ashcroft is a "lame duck". Republican legislators in Missouri have always prevented any veto by a Republican Governor from being overridden. If they stick together, they can prevent an override. Therefore, it isn't likely that the veto will be overridden, but it is possible. Contact the Missouri Coalition for Fair & Democratic Elections for updated information at (314) 997-9876. The legislature won't reconvene until September.

### FIRST PEROT BALLOT ACCESS LAWSUIT

On July 2, Ross Perot filed his first lawsuit relating to ballot access. He sued Hawaii, one of only two or three states which refuses to let him substitute his actual vice-presidential candidates for his stand-in vice-presidential candidate. *Perot v Cayetano*, no. civ-92-00419HMF.

The case was assigned to Judge Harold Fong, the same judge who ruled that Hawaii's ban on write-in votes violated the First Amendment (unfortunately, Judge Fong was overruled by the U.S. Supreme Court).

There will be a hearing in late July. A similar suit will soon be filed by Perot against Illinois.

### ARIZONA EASES INDEPENDENT PETITION

On July 13, the Governor of Arizona signed SB 1118 into law. It ends the restriction that only people who didn't vote in the primary, may sign an independent candidate petition. Unfortunately, the bill only applies to presidential independent candidates; independent candidates for other office still can only obtain signatures from people who didn't vote in the primary.

The bill in its earlier form had also provided that independent candidates could have several months in which to circulate the petition, but that was deleted. The old 10-day petitioning period in September still applies.

The only states which still provide no means for a third party or independent presidential candidate to get on the ballot, other than a petition that can't be signed by primary voters, are Illinois, New York, Texas and West Virginia. The Illinois provision is considered toothless, since petitions aren't checked by the government and private individuals who challenge petitions don't have the ability to know who voted in the primary.

### NORTH CAROLINA BILL PASSES

HB 1649 passed the House on June 17, and passed the Senate on June 24. The bill is now law (North Carolina is the only state in which the Governor does not sign or veto bills). HB 1649 provides that independent presidential candidates may choose candidates for presidential elector.

The old law contained a flaw; it only provided for political parties to name candidates for presidential elector. The flaw was only discovered after Ross Perot became the first independent candidate in the state's history to qualify for the ballot (in 1980, John Anderson had formed a party within North Carolina; he did not use the independent candidate procedures).

### NEW YORK PASSES NAME PROTECTION

On July 9, the New York legislature sent S8816A to Governor Mario Cuomo. He is expected to sign the bill before July 20. It provides that an independent presidential candidate has exclusive rights to his or her party label, and no petitioning candidates for other office can use that label without the permission of the presidential candidate. The bill was prompted by concerns that people unassociated with Ross Perot would nevertheless petition to get on the ballot, for other office, using whatever party label he chooses. Perot won't reveal his choice of a party label until after the bill is signed.

All three of the bills above (in NY, Az, NC) would not have passed if it had not been for the Perot candidacy.

## AIRPORT DECISION IS MUDDLED

On June 26, the U.S. Supreme Court released its opinion in *Lee v International Society for Krishna Consciousness*, numbers 91-339 and 91-155. The issue is whether publicly-owned airports must permit people to hand out leaflets and ask for donations, inside terminals.

The decision is important for any group which must secure thousands of signatures on petitions, because this case was expected to clarify the law on First Amendment activity on government property. Of course, such groups have no interest in petitioning in airports, since people found in airport terminals are mostly not registered voters in any single jurisdiction; but the principles in this case should apply to other public property.

The Court ruled 5-4 that the First Amendment protects the right of people to hand out leaflets in publicly-owned airports, but 6-3 that it does not protect their right to ask for donations.

Four justices, Clarence Thomas, Antonin Scalia, William Rehnquist, and Byron White, felt that leafletting can be banned, because publicly-owned airports aren't traditional places for First Amendment activity. This is, of course, because there were no airport terminals during most of the nation's history. Also, they felt that airport terminals are too crowded to accommodate anyone but travelers.

One justice, Sandra O'Connor, agreed that publicly-owned airports aren't public fora, because they aren't traditional places for First Amendment activity and because the government has never given its permission for them to be used for First Amendment activity. She still voted that leafletting should be permitted, because she couldn't see any rational reason to ban it (First Amendment activity must be permitted on government-owned property, even if it isn't a "Public Forum", if there is no reasonable basis for banning it). She said that airport terminals generally have wide walkways and many stores. Since they permit stores, she couldn't understand why they should refuse to let people hand out literature.

Anthony Kennedy, David Souter, John Stevens and Harry Blackmun argued that an airport terminal should be considered a public forum. It has been established since 1939 that streets and parks are public forums, and that government must permit First Amendment activity there. These justices wrote that society has changed, and streets and parks don't have as much pedestrian traffic as they did in the past. If newer places in which people congregate, such as airports, are excluded from "public forum" protection, because they aren't "traditional", people will lose the ability to reach each other.

If Justice Thurgood Marshall, rather than Justice Clarence Thomas, were still on the court, there would have been a majority vote that an airport terminal is a public forum.

Justice Kennedy still felt that airports have a compelling interest in banning requests for donations, although he would let people sell literature, as well as give it away. Justice Souter, Blackmun and Stevens provided the three votes for letting people ask for donations.

What this means for petitioning on government property, such as post office sidewalks, is not clear. The Justices in the middle, the "swing votes", frown on asking for money because they assume that this causes more disruption than accepting a leaflet. They worry that the person giving money must stop, find his or her wallet or purse, and that this creates more congestion than just accepting a leaflet.

In a previous case in the Supreme Court involving asking for donations on post office sidewalks, *U.S. v Kokinda*, the post office said that petitioning is not a problem (even now, the post office says that petitioning for initiatives is permitted, whereas petitioning for candidates is not).

Since the Supreme Court seems to evaluate these cases on so-called "practical" criteria, such as worrying about congestion, it is likely that the post office will now change its line of defense, and will say that petitioning causes congestion, just as asking for money supposedly does. The Post Office theory that petitioning for candidates must not be permitted because it will confuse passers-by into thinking that the post office supports such candidates, is likely to be dropped.

## HIGH COURT ASKED TO HEAR P.O. CASE

On June 8, Frank Longo, who was prevented from circulating a ballot access petition on a post office sidewalk, asked the U.S. Supreme Court to hear his appeal. *Longo v Postal Service*, no. 91-1988.

The court will not announce whether it will hear the case until October 5 or later. The Post Office has already asked for an extension of time in which to file its response.

## OHIO LABEL HEARING GOES WELL

On June 18, the 6th circuit held a hearing in *Rosen v Brown*, no. 90-4100, over whether Ohio may refuse to print any partisan label on the ballot whatsoever, for candidates who get on the November ballot by petition. Ohio law provides party labels on the November ballot by candidates of fully-qualified parties, but no label, not even the word "Independent", for anyone else.

The three judges seemed to be leaning heavily on the side of the independent candidate who brought the case, and against the state law. The judges wanted to know if the state had any evidence to counter the plaintiff's evidence. The state had to admit that it had no evidence. The judges then wanted to know why the state even brought the appeal (Rosen had also won in the U.S. District Court).

A decision is expected in a few months. The case is important for third parties. In Ohio, every third party uses the independent petition method to get its candidates on the ballot, since it is so much easier for an independent candidate to get on the ballot, than a third party. Only twice in the past twenty years has a third party been on the Ohio ballot, but independents are on the ballot in every Ohio election. If Rosen wins, the legislature will be forced to pass some law on the subject, and perhaps it will follow the lead of 25 other states, and permit an independent candidate to choose any ballot label (such as "Green" or "Libertarian"), rather than just "Independent".

## FLORIDA 10¢ HEARING GOES WELL

On June 29, a hearing was held in the 11th circuit in *Fulani v Krivanek*, the case over whether Florida can constitutionally require new parties to pay the counties for checking their ballot access petitions. The law requires new parties to pay 10¢ for each signature submitted.

The panel was composed of Judges Thomas A. Clark of Georgia, Phyllis Kravitch of Georgia, and Virgil Pittman of Alabama. Clark and Kravitch are Carter appointees; Pittman is a Johnson appointee. Clark voted in 1990 to admit the Libertarian candidate for Governor into a debate broadcast on public TV, and also voted in 1982 to extend the Georgia petition deadline for third party candidates. Pittman voted in 1985 to force the state of Georgia to justify its old petition requirement of 2.5% of the number of registered voters, or face having that requirement invalidated. Kravitch voted early this year to let David Duke onto the Georgia Republican presidential primary ballot. Based on past behavior, this is a good panel.

At the hearing, Judges Kravitz and Pittman seemed especially suspicious of the Florida law, because it exempts every other possible petitioning group except minor parties. Judge Clark didn't seem as supportive. He seemed to feel that a 1983 opinion by the 11th circuit, *Libertarian Party v State of Florida*, supported the constitutionality of the 10¢ fee. That decision did say, "That minor parties must incur some expenses in accumulating the necessary signatures to qualify for the ballot does not constitute an equal protection violation". However, in that case, the Libertarian Party was not challenging the fee, so that sentence is "dicta" (a legal term meaning that it is just comment by a judge, not part of the holding).

Meanwhile, a U.S. District Court judge refused to grant a temporary injunction against the 10¢ checking fee in another case, filed by the Socialist Workers and Green Parties. *Socialist Workers Party, et al v Leahy*, no. 92-1451-civ, southern district.

The Socialist Workers and Green Parties are not petitioning for statewide office, but each is trying to qualify a U.S. House candidate. Each party then paid the fees.

The SWP-Green case also challenges another Florida law which says that parties must file a bond of \$10,000 with the state, and another bond of \$1,000 for each county they are recognized in. The denial of the injunction did not relate to that part of the case. No other state requires political parties to file bonds. The judge in this case is K. Michael Moore, a recent Bush appointee.

## HIGH COURT REJECTS WISCONSIN CASE

On June 22, the U.S. Supreme Court refused to hear *Swamp v Kennedy*, no. 91-1589, over whether a party has the right to nominate someone who is also the nominee of another party. The Labor-Farm Party, a qualified party in Wisconsin, had filed the case, but it had lost in the lower courts. The New York Conservative and Liberal Parties had filed an *amicus* brief with the Supreme Court, asking it to hear the case.

## HELPFUL RULINGS

1. California: On May 15, the Secretary of State ruled that she would not enforce a law that voters cannot sign more than one independent candidate petition for the same office. This helps John Hagelin (Natural Law Party presidential candidate), since people who signed for Perot can also sign for him.

2. Georgia: The Secretary of State ruled in June that declared write-in candidates for statewide office need not run a legal notice in a newspaper in every county. Instead, they need only run one in the *Atlanta Constitution*.

3. Illinois: In June, the state ruled that a new party is free to omit a presidential candidate from its statewide slate, if it doesn't wish to run anyone for president. The ruling was made for the Conservative Party, which supports Bush for president but which wishes to have its own slate for U.S. Senate and Trustee of the University of Illinois. Illinois law says new parties must nominate a full slate, but the law is of doubtful constitutionality.

4. Massachusetts: On June 5, the Secretary of State ruled that candidates for U.S. House may circulate their petitions anywhere in the state; and voters may sign as many petitions for such candidates as they wish. The ruling is because the state's reapportionment was so late.

## UNHELPFUL RULINGS

1. Kentucky: The Secretary of State recently ruled that the old petition forms are no longer valid, and any group which collected signatures on them this year, but which hadn't handed them in by July 13, must start all over. The U.S. Taxpayers Party plans to file a lawsuit to get the ruling reversed.

2. Ohio: Unlike Massachusetts, the Ohio Secretary of State has refused to ease the petitioning burden for independent candidates for the U.S. House, even though Ohio was so late to reapportion those districts, petitioners only had 45 days to collect signatures after the districts became known. The Socialist Workers Party, which petitioned for a candidate for Congress but which was told it didn't have enough valid signatures, may file a lawsuit seeking to reverse this policy.

3. Oregon: the Secretary of State ruled this month that a petitioning party may not hold its state nominating convention until after it has been certified for the ballot. There is no such requirement in the law. New parties in Oregon nominate by convention, and it had previously been thought that a new party was free to hold its convention whenever it wished, as long as the nominees were certified by August 25.

The effect of the ruling is to force new parties to submit their petitions far in advance of the legal petition deadline, since a party which waits until the deadline to submit its petition, would have no time in which to hold a convention. Not only must the signatures be submitted before the convention is held; they must have been checked.

## BUSH VETOES REGISTRATION BILL

On July 2, President George Bush vetoed S. 250, the bill to force the states to make it easier for voters to register to vote. The bill had passed the House on June 16 by a vote of 268-153, and had passed the Senate on May 21 by 61-38. Although an attempt will be made to override the veto, the previous vote indicates that the required two-thirds vote is not within reach in either house.

The vote was almost a party line vote. In the Senate, one Democrat, Ernest Hollings of South Carolina, voted against the bill; only 6 Republicans voted for it (David Durenberger of Minnesota, Arlen Specter of Pennsylvania, Mark Hatfield and Bob Packwood of Oregon, Robert Kasten of Wisconsin, and James Jeffords of Vermont). In the House, only 18 Democrats voted against the bill, and only 28 Republicans voted for it. Last year, when a similar bill passed the House, it had a great deal more Republican support; it passed last year by 289-132.

Congressman Al Swift, chair of the House Elections Subcommittee, said on July 6: "The federal government has not only the right, but the duty, to facilitate voting in federal elections". The bill only pertained to elections for federal office, and is authorized by Art. I, Sec. 4 of the Constitution, which says, "The times, places and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof; but the Congress may ... make or alter such regulations."

Swift's comment is ironic, since he was the chief reason the federal Ballot Access bill never progressed. He consistently refused to hold a hearing on the bill during the period 1985-1990. After he promised to hold such a hearing during 1991, no member of Congress could then be found to re-introduce the bill.

## CALIF. INDEPENDENT BILL REVIVED

On June 30, the California Assembly Elections Committee voted to pass SB 1460 after all, even though it had lost on June 9. However, the bill was amended so that it isn't as helpful as it had been. It now repeals the law that independent candidates for federal office must file a declaration of intent in February. Candidates for state office must still file such a form. The requirement that independent candidates file such a form in February was passed last year.

SB 1460 also repeals the restriction, passed last year, that independent candidates for presidential elector must not have been members of a political party for a year.

## ALASKA PRIMARY SETTLED

On July 9, the Republican complaint against Alaska's open primary was settled out of court. There will be two primary ballots printed this year, one containing only Republican candidates; another containing only candidates of the other 3 qualified parties. Members of parties other than the Republican Party will not be permitted to vote on the ballot containing Republican candidates, so the Republican Party now has its desired closed primary.

## ILLINOIS SOLIDARITY RULING

U.S. District Judge George Lindberg ruled on June 16 that the Illinois Solidarity Party should have gone to state, not federal, court, over whether it is a qualified party for statewide office. *ISP v Neal*, no. 92-C-1655, Northern dist. The party will file a new lawsuit in state court soon.

## OHIO REPUBLICANS SUE

The Republican Party filed a lawsuit in Ohio Supreme Court on July 10, seeking to nominate a candidate after the primary is over. No Republican was nominated at the June primary for a House seat in Cincinnati, but the party wasn't distressed by this development until the incumbent Democratic congressman, Charles Luken, withdrew from the race, after winning the Democratic primary. Under Ohio law, the party whose nominee withdrew is free to nominate a new candidate, but no other party may do so. *State ex rel Ruehlmann v Luken*, 92-1343.

## PHILLIPS SUES FLORIDA OVER DEADLINE

On July 15, the U.S. Taxpayers Party filed a lawsuit challenging the Florida deadline for turning in petitions for third party candidates. *U.S. Taxpayers Party v Smith*, federal district court, Northern District. The lawsuit challenges not only the presidential petition of July 15, but the July 10 deadline for third party petitions for other office. The party feels that it can complete its presidential and congressional petitions by August 1.

Texas has the earliest deadline for independent presidential petitions. Its May deadline was challenged in 1988 by Lenora Fulani in state court, but the judge, Scott McCown of Travis County District Court, has inexplicably never issued a ruling.

## FULANI PLANS EQUAL TIME CHALLENGE

Lenora Fulani has complained to the FCC that ABC-TV violated the "Equal time" law when it gave Ross Perot an hour of TV time on June 29 to answer call-in questions. Although the Equal Time Rule doesn't apply to news events, Fulani argues this program was not a news event.

ABC's initial defense was that Perot is not a declared candidate. However, Fulani attorneys presented copies of declarations of candidacy that Perot signed in ten states. ABC hasn't responded yet to this evidence.

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## GOOD N.C. BILL TO BE INTRODUCED

Joe Mavretic, a Democratic member of the North Carolina House and a former speaker, says he will introduce a bill next year to lower the number of signatures needed for third party and independent candidates ballot access. Probably the bill will lower them to one-half of 1% of the last vote cast. Currently, statewide independents need 2% of the number of registered voters, and new parties need 2% of the last gubernatorial vote cast.

## REPUBLICANS WIN \$ CASE

On June 12, the Republican Senatorial Committee won in the D.C. Circuit over whether it broke the law in 1986 when it contributed over \$2,000,000 toward its U.S. Senate candidates. *FEC v Nat. Rep. Senatorial Com.*, no. 91-5176. Unfortunately, the constitutional question of whether a political party can give substantial amounts of money to its own candidates wasn't reached. Instead, the Court held that the party wasn't the true contributor of the funds; instead the individual donors to the party mailing were held to be the actual donors.

## CALIFORNIA GREEN PARTY

The Green Party elected county councils in 35 of California's 58 counties, at its June 2 primary. The party also nominated 8 candidates for House, and 7 for legislature. One candidate for a Green Party nomination, Roger Donaldson of Manhattan Beach, was defeated by "None of the above" (which is printed on the Green Party primary). Donaldson had decided not to run and had written every Green in the district, asking them to vote against him.

## AMERICAN PARTY

On June 20, the Utah American Party held its state convention and voted not to have any presidential candidate on the ballot. This is a blow to the candidacy of Robert Smith, chosen last December by the national convention of the American Party as its presidential candidate.

The American Party is qualified in South Carolina and Utah, and neither state party will put Smith on the ballot.

The Utah American Party has candidates for other office. The Utah party is also engaged in a lawsuit over whether a breakaway group called the Independent American Party should be on the ballot or not. The American Party claims that the Independent American Party is infringing on its name. *American Party v Oveson*, 920400320, 4th district, Utah County.

## LaROUCHE-ITES WIN DEM NOMINATIONS

Supporters of Lyndon LaRouche continue to win Democratic nominations, as they have across the nation since 1980. This year, Marcella Franklin will be the Democratic nominee for State Senate in the First District in St. Louis, Missouri; Alice Robb is the Democratic nominee for Assembly, California 65th district (San Bernardino County); Eliot Graham is the Democratic nominee for Assembly, California 43rd district (Glendale).

## COMMUNIST CONGRESS CANDIDATES

The Communist Party recently announced that it will run candidates for the U.S. House from New Jersey, Massachusetts, Colorado and Pennsylvania. The party also intends to run candidates for state legislature in Ohio, New York, Illinois, California and Connecticut.

This will be the first year the Communist Party has had any candidates for federal office since 1988, when it ran 5 candidates for the U.S. House. They polled 63,653 votes.

## PEROT WON DAKOTA PRIMARY

The June 15 *Ballot Access News* reported that Lyndon LaRouche had won the North Dakota Democratic presidential primary, but final figures, released June 25, show that Ross Perot outpolled LaRouche, even though Perot was not on the ballot. The final figures are:

Ross Perot (write-in)	9,516	29.0%
Lyndon LaRouche	7,003	21.4%
Charles Woods	6,641	20.3%
Tom Shiekman	4,866	14.8%
Bill Clinton (write-in)	4,760	14.5%

Major Democratic candidates don't enter this primary because it violates party rules--any voter may vote in it, not just enrolled Democrats. Democrats choose North Dakota delegates by caucus.

## BRISBEN GETS LIBERTY UNION NOD

J. Quinn Brisben, Socialist Party presidential candidate, is also the nominee of the Liberty Union Party of Vermont. He was chosen July 4 at the Liberty Union convention. The Liberty Union Party also nominated the Socialist Party presidential candidate in 1988.

## RON DANIELS CAMPAIGN

Ron Daniels, independent presidential candidate, and the National Committee for Independent Political Action (NCIPA), along with other groups and individuals, are sponsoring a national meeting August 21-23 in Ypsilanti, Michigan. The meeting is intended for people who favor a new political party to the left of the Democratic Party, yet who are dissatisfied with already-existing nationally-organized "left" political parties.

On August 9, the Labor-Farm Party of Wisconsin will hold its state convention, and expects to nominate Ron Daniels for president, and Asiba Tupahache of Great Neck, New York for vice-president. Tupahache is Daniels' vice-presidential running mate in other states as well. She is a Native American writer.

## 21st CENTURY PARTY

The National Organization for Women re-affirmed its support for its new party, the Twentyfirst Century Party, at its national convention in Chicago recently. However, the party does not expect to nominate any candidates for any office until next year at the earliest.

## PETITION RECORD BREAKER

Ross Perot turned in 1,400,000 signatures to be on the California ballot. Never before had any petition in a single state (for a new party or a candidate) been signed by as many as one million people. State officials can't verify this figure because most signatures weren't even counted, much less checked.

## WRITE-IN VOTING

Although the U.S. Supreme Court didn't think much of write-in voting last month, the subject is still lively:

1. California: Senate Bill 1260, by Senator Milton Marks, was amended to limit write-in votes in county central committee races. Existing law provides that write-in candidates for county central committee in the Peace & Freedom, Libertarian and Green Parties, may file to have their write-ins counted, if they act at least two weeks before the primary. The bill, as amended, would have provided that no write-in candidates could file, unless the party filed a petition in each affected county, asking for write-ins, three months before the primary.

Fortunately, on June 30, the Assembly Elections Committee deleted this provision from the bill, after testimony against it from Maureen Smith, state chair of the Peace & Freedom Party.

2. Illinois, Kentucky: During April, the State Supreme Court of Kentucky and a Court of Appeals in Illinois both ruled that various write-in candidates had been elected, in cases disputing how write-ins are counted. *McIntosh v Helton* (Ky.) and *Nagel v Kindy* (Il.).

3. Indiana: the Republican legislative caucus has decided to seek repeal of write-in voting, when the legislature convenes next year. The legislature legalized write-ins in 1991 in response to a court ruling.

4. Nevada: A pending lawsuit against Nevada's write-in ban will probably be dismissed this month, since the plaintiffs who brought the case doubt they can win, in light of last month's U.S. Supreme Court decision.

5. Oklahoma: A lawsuit will go forward with its claim that write-in votes for president at the general election must be permitted. The U.S. Supreme Court ruled in *Anderson v Celebrezze* that states have a diminished interest in barriers against third party and independent presidential candidates, relative to candidates for other office, so perhaps this theory will save constitutional protection for write-in presidential candidates. The recent Hawaii write-in decision didn't mention presidential write-ins.

## MATCHING FUNDS

On July 2, the Treasury mailed checks in the following amounts to these candidates: Larry Agran \$149,758; George Bush \$841,449; Pat Buchanan \$167,148; Bill Clinton \$1,162,688; Paul Tsongas \$293,675; Jerry Brown \$381,482; Bob Kerrey \$46,648; Tom Harkin \$32,107; Lenora Fulani \$138,888.

## THIRD PARTY PRIMARY DATA

1. Maine: On June 9, for the first time since the 1910's, Maine conducted a primary for a party other than the Democratic and Republican Parties. The primary was for the Libertarian Party. The Secretary of State still doesn't know how many enrolled Libertarians there were, just prior to that primary; nor does he know yet how many people voted in that primary.

There were only two Libertarians on the primary ballot, anywhere in the state; both are legislative candidates. Maine election law requires 1,000 signatures for anyone running for Congress to get on his or her party's primary ballot, and says that only party members may sign such a petition. There aren't that many enrolled Libertarians in the state, so the party couldn't have any congressional candidates. The party is about to file a lawsuit against the rules which kept its candidates off its own primary ballot.

2. Nebraska: There were only 43 registered Libertarians in the state at the May 12 primary. 32 of them turned out and voted for Andre Marrou for president.

3. California: official totals for the various third party candidates in the presidential primary are: Howard Phillips (running unopposed in the American Independent primary) received 15,456. Andre Marrou, running unopposed in the Libertarian primary, received 15,002. Peace & Freedom results were: Lenora Fulani 4,586, Ron Daniels 2,868, and Alison Star-Martinez 1,434.

## TWO PETITIONS RULED INSUFFICIENT

1. Arizona: the Populist Party was told that its petition was 650 signatures short. The party has since turned in additional signatures, but because they were turned in after the May deadline for new parties, they were not counted. The party may file a lawsuit against the deadline.

2. Nevada: Lenora Fulani's independent petition was held to be 2,000 signatures short. Fulani contests this count, but will probably turn in additional signatures. Since these would also be beyond the deadline (which is the third earliest independent presidential deadline in the nation), she then will bring a lawsuit against the deadline.

PETITIONS NOT ON PAGE 7 CHART: Greens have 500 in Id and 10,000 in Mo. Pacific Party of Oregon has 14,000. Ron Daniels is on in Wa, done in Ia and Tn, and has 700 in DC, 300 in Ky, 700 in Md, 250 in Mn, 6,500 in Mo, 1,000 in NJ, 2,500 in Oh, and 10,000 in Pa. Socialist Worker is on in Wa, done in Il, NJ, Mn, and Oh, and has 500 in Ia, 2,500 in ND, 5,000 in Al, 2,000 in De, 200 in Ne, and 8,000 in Ma. Socialist is on in Vt, done in Ut and has 150 in Ia, 200 in NJ, 200 in RI and 300 in DC. Prohibition has 700 in Co and is finished in Tn. Workers League is finished in Mi and NJ. Grassroots is on in Mn and is finished in Ia. American Political Party has 800 in Hi. American has 100 in ND. Lyndon LaRouche is on in Washington state and has 400 in RI. Drew Bradford, an indep. pres. candidate, is finished in NJ.

1992 PRESIDENTIAL PETITIONING

<u>STATE</u>	<u>REQUIRED</u>	<u>PEROT</u>	<u>MARROU</u>	<u>FULANI</u>	<u>PHILLIPS</u>	<u>GRITZ</u>	<u>HAGELIN</u>	<u>DUE</u>
Alabama	5,000	*already on	already on	*5,400	0	500	*1,200	Aug 31
Alaska	2,035	already on	*finished	*2,560	*1,000	*900	*750	*in doubt
Arizona	10,555	can't start	already on	*already on	0	*in doubt	can't start	Sep 18
Arkansas	0	already on	0	already on	already on	0	already on	Sep 15
California	134,781	*already on	already on	seek nom	seek nom	*300	*32,000	Aug 7
Colorado	5,000	*already on	*4,500	*already on	*2,000	1,700	*1,100	Aug 4
Connecticut	14,620	finished	*13,000	*12,300	0	*1,600	*700	Aug 12
Delaware	(reg.) 144	already on	already on	108	80	100	*60	Jul 15
D.C.	*3,072	*finished	*0	*900	*0	*0	*500	Aug 18
Florida	60,312	already on	*finished	*too late	*lawsuit	*too late	*too late	Jul 15
Georgia	26,955	finished	already on	*too late	*too late	*too late	*too late	Jul 14
Hawaii	4,177	0	already on	*370	0	*1,700	250	Sep 4
Idaho	4,090	already on	already on	0	500	already on	*850	Aug 25
Illinois	25,000	finished	*20,000	*44,500	*9,000	*8,000	*7,500	Aug 3
Indiana	29,919	finished	*already on	finished	*too late	*too late	*too late	Jul 15
Iowa	1,000	finished	*finished	*700	*500	finished	finished	Aug 14
Kansas	5,000	*already on	already on	0	*2,000	100	*1,000	Aug 3
Kentucky	5,000	already on	*already on	*0	*2,500	*1,650	*500	Aug 27
Louisiana	0	*finished	0	0	0	0	0	Sep 1
Maine	4,000	already on	already on	*already on	*already on	*too late	*lawsuit	Jun 2
Maryland	10,000	finished	already on	*finished	*1,800	1,200	*1,100	Aug 3
Massachsts.	10,000	*already on	*11,500	*11,500	already on	0	*3,000	Jul 28
Michigan	25,646	finished	already on	*too late	seek nom	*too late	*finished	Jul 16
Minnesota	2,000	*finished	*300	*100	*250	*300	*500	Sep 15
Mississippi	1,000	finished	already on	*finished	already on	900	*300	Sep 4
Missouri	20,860	*finished	*23,000	0	*3,500	500	*1,500	Aug 3
Montana	9,531	*already on	already on	*5,300	0	*6,000	*350	Jul 29
Nebraska	2,500	*already on	already on	*2,200	0	*200	*450	Aug 25
Nevada	9,392	*already on	already on	*lawsuit	finished	finished	*lawsuit	June 10
New Hamp.	3,000	*already on	already on	*4,300	*2,000	*300	0	Aug 5
New Jersey	800	already on	*finished	*200	*800	*600	125	Jul 27
New Mexico	2,069	finished	already on	already on	*finished	*0	*finished	Sep 8
New York	15,000	start Jul 16	start Jul 16	start Jul 16	start Jul 16	start Jul 16	start Jul 16	Aug 27
North Carolina	43,601	*already on	already on	*too late	*too late	*too late	*too late	Jun 26
North Dakota	4,000	finished	*200	0	0	*100	*500	Sep 4
Ohio	5,000	finished	*3,000	*2,500	*1,500	*2,400	*3,500	Aug 20
Oklahoma	35,132	*already on	*finished	*too late	*too late	*too late	*too late	July 15
Oregon	36,092	finished	already on	*31,000	*4,000	*20,000	0	Aug 25
Penn.	37,216	finished	*30,000	*61,500	*5,000	50	*300	Aug 3
Rhode Isl.	1,000	*finished	*0	*150	*x	*0	*450	Sep 4
South Carolina	10,000	finished	already on	already on	already on	0	0	Aug 3
South Dakota	2,568	finished	already on	*1,900	0	100	*450	Aug 4
Tennessee	25	already on	finished	already on	*finished	finished	finished	Aug 20
Texas	38,900	already on	already on	too late	too late	too late	too late	May 11
Utah	300	already on	already on	already on	finished	already on	*finished	Sep 1
Vermont	1,000	finished	already on	already on	0	*100	*already on	Sep 17
Virginia	13,920	finished	*10,000	*12,400	*2,000	0	0	Aug 21
Washington	200	*already on	*already on	*already on	*already on	*already on	*already on	Jul 25
West Va.	6,534	*13,000	finished	0	0	2,200	0	Aug 1
Wisconsin	2,000	start Aug 1	already on	start Aug 1	start Aug 1	start Aug 1	already on	Sep 1
Wyoming	7,903	already on	already on	*500	0	*1,000	*250	Aug 24

Other qual. nat. parties: Green in Ak, Az, Cal, Hi, \*NM; Amer in SC, Ut; Proh in NM; Soc Wkrs in NM; Wkrs World in Mi., NM. \* entry changed since last issue. "Req" column shows the easier of the two methods, party or independent. "Due" column is the Indp. deadline. "Seek nom" means a qualified third party in that state may nominate the candidate. "Finished" doesn't necessarily mean the drive isn't still proceeding! See p 6 for other petitions. La. requires \$500 OR 5,000 signatures. N.C. New Alliance pet. is for 1994. Delaware Gritz is indp. petition method; 2,879 needed.



CONGRESSIONAL TERM LIMITS

Congressional term limit initiatives will probably be on the November ballot in Arizona, Arkansas, California, Florida, Michigan, Missouri, Montana, Nebraska, Nevada, North Dakota, Ohio, Oregon, South Dakota, Washington and Wyoming (Colorado already has congressional limits).

Legislative term limits also will probably be on the ballots of all states mentioned above, except California and Colorado (which already have them) and Nevada.

Congressional term limits were defeated in Washington in 1991, on the grounds that Washington state would be disadvantaged if it were one of only two states with congressional term limits. But if the question is on the ballot in 15 states, this argument loses force.

BALLOT ACCESS GROUPS

- 1. **ACLU**, American Civil Liberties Union, has been for fair ballot access since 1940, when it recommended that requirements be no greater than of one-tenth of 1%. 132 W. 43rd St., New York NY 10036, tel. (212) 944-9800.
- 2. **CENTER FOR A NEW DEMOCRACY** works to permit different parties to nominate the same candidate. 1324 Drake St, Madison Wi 53715, tel. (608) 256-1968.
- 3. **COFOE**, Coalition for Free and Open Elections. Dues of \$11 entitles one to membership with no expiration date; this also includes a year subscription to *B.A.N.* (or a one-year renewal). Box 355, Old Chelsea Sta., New York NY 10011. Membership applications can also be sent to 3201 Baker St., San Francisco Ca 94123.
- 4. **COALITION TO END THE PERMANENT CONGRESS**, favors more competitive elections; has a platform which includes easier ballot access. Bx 7309, N. Kansas City, Mo. 64116, tel. (800) 737-0014.

**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.

5. **COMMITTEE FOR PARTY RENEWAL**, scholars and party activists who believe that strong parties are needed for popular control of government. \$10 per year. Write Dr. Gerry Pomper, Eagleton Institute of Politics, Rutgers, Woodlawn, Nielson Campus, New Brunswick NJ 08901, tel. (908) 932-9384.

6. **FOUNDATION FOR FREE CAMPAIGNS & ELECTIONS**, The Foundation funds lawsuits which attack bad ballot access laws. Donations to it are tax-deductible. 7404 Estaban Dr., Springfield VA 22151, tel. (703) 569-6782.

7. **RAINBOW LOBBY**, organized in 1985, initiated the Penny and Wellstone "Democracy in Debates" bills in Congress and maintains a lobbying office at 1660 L St., N.W., Suite 204, Washington, D.C. 20036, tel. (202) 457-0700. It also works on other issues relating to free elections. It is trying to find a new sponsor for the bill to outlaw restrictive ballot access laws in federal elections.

VOTER REGISTRATION GROUPS

- 1. **HUMAN SERVE** lobbies for laws that provide for registering people to vote whenever they apply for government services. 622 W. 113th St., #410, New York NY 10025, tel. (212) 854-4053.
- 2. **PROJECT VOTE!** shares the same goal, but brings lawsuits to accomplish this end. 1424 16th St., NW, Washington DC 20036, tel. (202) 328-1500.

PROPORTIONAL REP. GROUP

**CITIZENS FOR PROPORTIONAL REPRESENTATION**, promotes the idea of proportional representation for the U.S., for all levels of government. Box 11166, Alexandria Va 22312, (703) 914-1024 or (703) 914-0205. Dues are \$30. CPR recently held a national organization meeting and now has fulltime staff.

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