San Francisco, California

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VOTER REGISTRATION BILL PASSES HOUSE BILL VERY LIKELY TO BECOME LAW: WILL AFFECT BALLOT ACCESS

On February 4, the U.S. House of Representatives passed H.R. 2, the bill to force the states to make it easier for people to register to vote. The bill is almost certain to pass the Senate and to be signed by President Clinton. The vote was 259-160.

States which permit voters to register on election day, or which don't require voter registration at all, will not be affected. Other states would be required to do these things:

1. Provide combined forms in motor vehicle offices which would permit someone to obtain a drivers license and register to vote, all on the same application;

2. Require that all other government offices which serve the public, provide voter registration forms;

3. Require that states provide a postcard registration form, so that it would no longer necessary for people to visit a government office in order to register.

The bill only pertains to federal elections, so states which do not want to provide such procedures for state and local elections would need to keep separate registration rolls for federal elections versus other elections.

States would be free to design their own postcard registration forms, although the Federal Election Commission is also authorized to design a form which the states could copy if they chose.

Implications for Ballot Access

Asuming H.R. 2 passes, it would go into effect before the 1996 election. The number of registered voters would increase sharply (currently, only about 70% of all potential voters are registered to vote).

Petition validity would be much higher than it has been in the past. The rule of thumb has been that petitioners need to gather 1.5 times the number of signatures required by law, because so many signers are not registered to vote, or they aren't registered at their current address.

On the other hand, the number of signatures required will increase sharply in the states in which the number of signatures is determined by the number of registered voters. For new political party procedures, these states are Delaware, District of Columbia, Florida, Georgia, Hawaii, Louisiana, Maryland, Oregon, and Virginia. For independent candidates, they are California, Delaware, District of Columbia, Florida, Georgia, Kansas, Maryland, North Carolina, South Carolina, and Virginia.

Another impact the bill will have is that it will be easier to pass the proposed federal Ballot Access bill. No longer will the 259 members of Congress who voted for the Voter Registration Bill be able to argue that Congress should have no role in mandating election procedures. Constitutional authority for both bills is contained in Article I of the original U.S. Constitution, which says that states may write election rules for Congress, but that Congress it self is free to supplant or alter them.

BALLOT ACCESS BILL DELAYED

Congressman Tim Penny of Minnesota has not yet introduced his proposed bill to outlaw restrictrive ballot access laws. However, he issued a press release on February 4, mentioning that he soon will introduce it. The delay is because the bill's preamble still isn't written. This version of the bill will contain all the evidence for the need for the bill, in the bill itself.

LANDMARK PETITIONING VICTORY

On January 19, the Missouri State Court of Appeals ruled that it is unconstitutional to force a new party to circulate multiple petitions, in order to get a full slate of candidates on the ballot. This is the first court decision to so hold. *State ex rel Coker-Garcia v Blunt*, no WD46977. The case had been filed last year by the Libertarian Party.

The only other case on this issue lost in 1988 in the Colorado Supreme Court. That court upheld a law requiring a separate petition for each statewide candidate of a new or unqualified party.

The vote was 10-1 in the Missouri case. All of the judges on the bench in this district participated because it was felt to be an important constitutional case. Under the ruling, a new party may place all its candidates on a single petition, and need not circulate the petition in all of the jurisdictions in which the party has candidates.

In the other issue in the Missouri case, the court felt that petitioning parties may substitute a new nominee, if a nominee listed on the petition dies during the petitioning period. However, the court also ruled that such substitutions must be made by mid-September.

POSTAL PETITIONING LOSS

On December 28, 1992, the 2nd Circuit again ruled that the post office may petitioning on its sidewalks. The same Court had come to the same conclusion a year ago, but the U.S. Supreme Court had told it to re-consider. The candidate hasn't decided whether to appeal to the U.S. Supreme Court again. *Longo v U.S.P.S.*, no. 91-6141.

WRITE-INS THREATENED IN INDIANA

Senator Richard Thompson has introduced SB 290, to abolish write-in voting. The bill also reduces the number of signatures needed for third party and independent candidates from 2% of the vote, to 1%, as compensation.

| | <u>NO. SEATS UP</u> | | <u>Indp.</u> | Green | New Al | <u>Pop.</u> | Comm. | Ind Pty | <u>Other</u> | |
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| Ariz. | 30 | 80,780 | 12,165 | 9,519 | 5,975 | ada dan galam da mataraki kupang samayi | 1,254 | | Ak IIIup 10,872 | |
| Ark. | 35 | 00,700 | 17,304 | 9,319 | 5,975 | | 1,234 | | 1.1.1.1.1.1.1.1.1.1.1.1.1.1.1.1.1.1.1. | |
| Calif. | 20 | 190,807 | 187,353 | 32,717 | | | | | PFP 163,114 | |
| Colo. | 18 | 170,007 | 107,000 | 54,111 | | | | 99999999999999999999999999999999999999 | 111 105,114 | |
| Conn. | 36 | 1,782 | 1,637 | | 654 | AFFERENCE IN MULTING AND | 473 | 1,989 | ACP 157,585 | |
| Del. | 21 | 246 | 1,057 | | | | | 1,707 | <u>ACI 157,505</u> | |
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| Hawaii | 11 | 621 | | 1,436 | | | | | | |
| daho | 35 | 1,147 | 16,814 | 1,750 | | | | | | |
| Ilinois | <u> </u> | 4,336 | 4,266 | | | | | | H Wash 18,312 | |
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| owa | 32 | anna an | 1,945 | | | | n de la companya de s | nan kana san san san kana kana kana kana | | |
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New Al = New Alliance; Comm = Communist; PFP = Peace & Freedom; H Wash = Harold Washington; ACP = A Ct Party; Cn = Consrv.; RTL = Right to Life; Lib = Liberal; Comm = Communist; IVP = Indp. Voters Party; Ind Pty = Indp. Party

| | Dem. | <u>Rep.</u> | Indp. & Misc. | <u>Libt</u> | Green | <u>New Al</u> | <u>oth(1)</u> | <u>oth(2)</u> | <u>oth(3)</u> | |
|-----------|-----------|-------------|---------------|-------------|--------|---------------|---------------|---------------|---------------|--|
| Alaska | 60,336 | 71,311 | 180,615 | ? | 2,150 | ? | 10,210 | | | |
| Arizona | 764,212 | 826,212 | 202,613 | 4,784 | 1,209 | 237 | | | | |
| Calif. | 7,410,914 | 5,593,355 | 1,609,741 | 71,148 | 98,724 | ? | 247,415 | 70,176 | | |
| Colorado | 680,773 | 668,051 | 652,780 | 1,660 | ? | ? | 57 | 36 | 18 | |
| Conn. | 736,914 | 506,115 | 710,469 | 29 | 42 | ? | 1,770 | ? | ? | |
| Delaware | 148,655 | 125,827 | 67,155 | 344 | 5 | 162 | 232 | 76 | 8 | |
| Dt. Col. | 265,861 | 28,640 | 45,712 | ? | ? | ? | 3,686 | | | |
| Florida | 3,318,565 | 2,672,968 | 546,078 | 2,909 | 367 | ? | 600 | 280 | 58 | |
| Iowa | 638,828 | 533,651 | 537,375 | | | | | | | |
| Kansas | 424,478 | 587,303 | 349,864 | 4,204 | ? | ? | | | | |
| Kentcky | 1,374,459 | 615,732 | 86,072 | ? | ? | ? | | | | |
| Louis'na | 1,633,254 | 438,576 | 221,063 | 325 | 38 | 0 | 25 | 6 | 1 | |
| Maine | 289,174 | 257,373 | 328,947 | 1,048 | | | | | | |
| Maryland | 1,506,184 | 717,963 | 236,113 | 2,692 | | 58 | | | | |
| Mass. | 1,346,097 | 447,181 | 1,548,634 | 204 | 22 | 13 | 9,016 | 33 | 1 | |
| Nebraska | 389,102 | 464,955 | 97,144 | 194 | | | | | | |
| Nevada | 295,111 | 255,897 | 95,888 | 2,315 | ? | ? | 485 | 164 | 5 | |
| N. Ham. | 219,773 | 257,317 | 180,268 | 3,637 | | | | | | |
| N. Jersey | 1,175,041 | 817,837 | 2,125,459 | | | | | | | |
| N. Mex. | 411,252 | 239,476 | 56,184 | ? | ? | ? | ? | ? | ? | |
| N. York | 3,814,017 | 2,622,984 | 2,546,550 | | | | 119,946 | 62,375 | 27,519 | |
| No. Car. | 2,313,520 | 1,217,114 | 286,069 | 677 | | | | | | |
| Okla. | 1,459,515 | 780,273 | 73,853 | | | | | | | |
| Oregon | 795,976 | 644,728 | 345,382 | 3,800 | ? | ? | ? | | | |
| Pennsyl. | 3,043,757 | 2,567,643 | 381,602 | ? | ? | ? | ? | ? | ? | |
| So. Dak. | 189,935 | 215,285 | 42,726 | 346 | | | | | | |
| W. Va. | 827,836 | 291,253 | 37,083 | ? | ? | ? | | | | |
| Wyo. | 83,091 | 125,363 | 25,728 | 78 | | | | | | |
| | | | | | | | | | | |

REGISTRATION TOTALS

TOTAL 35,616,630 24,590,383 13,617,167 100,394 102,557 470

The parties in the "Other(1)" column are: Alaska Independence in Alaska, American Independent in California, Populist in Colorado, A Connecticut Party in Connecticut, A Delaware Party in Delaware, Statehood in D.C., Populist in Louisiana, Independent Voters in Massachusetts, Independent American in Nevada, Taxpayers in New Mexico, Conservative in New York, Independent Initiative in Oregon, and Patriot in Pennsylvania.

The parties in the "Other(2)" column are: Peace & Freedom in California, Prohibition in Colorado, Concerned Citizens in Connecticut, Taxpayers in Delaware, American in Florida, Natural Law in Louisiana, Socialist in Massachusetts, Populist in Nevada, Natural Law in New Mexico, and Liberal in New York.

The parties in the "Other(3)" column are: Taxpayers in Colorado, Independent Party in Connecticut, Natural Law in Delaware, Socialist Workers in Florida, Taxpayers in Louisiana, Prohibition in Massachusetts, Natural Law in Nevada, and Right to Life in New York. There are 7 registered Populists in Delaware also.

States not mentioned above do not provide for voters to register into parties, when they register to vote. Rhode Island registration forms ask the voter to choose a party, but the state does not keep track of how many people join any party.

A dash means that the voters are not permitted to register into a particular party, since the particular party is not, or was not, qualified in that state, and the state won't let people register into unqualified parties.

A question mark means that voters are permitted to register into the party, but the state doesn't keep a tally of how many there are. In Pennsylvania, where the Libertarian and Patriot Parties qualified in November, 1992, there will be a tally for them in May 1993. There will be a new tally in California later this month.

The data above is the latest available from each state, ranging from June 1992 to February 1993. All figures were supplied by state elections officials, except for the Oregon Libertarian tally, which was obtained from counties. Although the Prudence, Action, Results Party is a qualified party in Louisiana, the state says it has no members.