

BALLOT ACCESS NEWS

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NEVADA

Assembly Bill 184 was signed into law on June 16, 1987. It lowers all third party and independent candidate petitions from 5% of the last vote cast, to 3%. It also lowers the vote requirement to remain on from 5% to 3%, and provides that small qualified parties nominate by convention instead of by primary. Finally, it improves the filing deadline for new parties, from April to August of the election year.

Nevada joins the ranks of other states which have lowered the petition requirements for new parties during the 1980's: Alaska (3% to 1%), Georgia (2.5% to 1%), Idaho (3% to 2%), Kansas (3% to 2%), Maine (5% to a flat 4,000 signatures), New Mexico (for office other than president, 3% to one-half of 1%), Oklahoma (president only, from 5% to 3%), South Dakota (10% to 2.5%), and Wyoming (from having no procedure, to a flat 8,000 signatures). In addition, the number of signatures required in Pennsylvania in some years also decreased substantially due to an indirect 1986 law change, and a revived Maryland Attorney General's Opinion had the result of decreasing the Maryland petition for president only, from 3%, to a flat 10,000 signatures.

In contrast to the twelve states listed above which have decreased their signature requirements, 3 states have increased the number of signatures during the 1980's: Indiana (one-half of 1% to 2%), North Carolina (5,000 signatures to 2%), and North Dakota (from 300 signatures to 4,000 for president and to 1,000 for other office). The bills which made these increases, in all three cases, zipped through the state legislatures before third party activists knew about them. The bad change in Indiana was made in early 1980; the North Carolina change in 1983; the North Dakota changes were made in 1981 and 1985 and are somewhat offset by the fact that the full party procedure was eased in 1981 from 15,000 signatures to 7,000 signatures.

SOVIET UNION

On July 21, the U.S.S.R. conducted elections for local officials; for the first time some races gave the voters a choice between candidates. Also for the first time, it was possible for a voter to cast a blank ballot in secrecy.

BALLOT ACCESS STUDY

The Federal Election Commission recently awarded a \$30,000 contract for the study of ballot access laws to a private company, D. T. Skelton Services Associates of Bloomington, Indiana. The FEC sponsored a similar study ten years ago, written by the Library of Congress. That study was murky, difficult to use, and contained significant errors. Perhaps the new study will be better.

HR 1582

Congressman Richard A. Gephardt, one of the leading candidates for the Democratic presidential nomination, responded to Gene Armistead about HR 1582, the Conyers bill to require fairly easy ballot access for third party and independent candidates for federal office. He said, "Thank you for contacting me regarding HR 1582. As you know, this bill deals with improving the fairness of the current election system. I can assure you that I always have and always will support free and fair elections. This is a fundamental part of our democratic system of government." He then gave the status of the bill and said that if the bill reaches the floor, he would consider Armistead's arguments.

This is a vague letter with no commitment, but it's better than many members of Congress will do. Many members of Congress this year simply will not even acknowledge letters about HR 1582, even from their constituents.

Ohio Libertarians continue getting letters to the editor published in major newspapers, in support of HR 1582.

Rainbow Lobbyists Nancy Ross and Cheryl Shelton continue working very hard to get new co-sponsors for HR 1582. They can be reached at 236 Massachusetts Ave., NE, Rm 409, Washington DC 20002, tel. (202) 543-8324.

PETITIONING IN PUBLIC PLACES

On June 15, 1987, the Supreme Court unanimously struck down a Los Angeles Airport Commission resolution banning all "First Amendment activities" within the central terminal area of the Los Angeles International Airport. The case was *Board of Airport Commissioners v. Jews for Jesus*, no. 86-104. The decision did not settle whether airports are public forums, however, so there will be little impact from this decision on case law concerning petitioning and other First Amendment activity in airports and on other public property.

North Dakota Libertarian Party petitioners have been told recently that they cannot petition on various publicly-owned fairgrounds, even though the fairgrounds in question are not congested. Access to good petitioning spots is increasingly a major problem for ballot access efforts.

COLORADO

Successful lobbying by the Prohibition Party and the ACLU eliminated a provision from SB 101 which would have required a third party to submit a separate petition for each statewide candidate, instead of permitting a single petition to nominate all of them.

ALASKA

On May 27, 1987, the Attorney General of Alaska issued an extraordinarily hostile ruling, that the Libertarian Party of Alaska is not a qualified party for the presidential ballot.

Alaska defines "political party" as one which polled at least 3% for Governor. A separate section of the law defines "limited political party" as one which is only qualified for the presidential portion of the ballot. A "limited political party" obtains this status either by submitting a petition signed by 1% of the last presidential vote cast, or by having polled 3% of the last presidential vote.

The Libertarian Party became a "limited political party" in 1980, by virtue of its high vote for Ed Clark. In 1982 it became a full-fledged political party because of its good vote for Governor. In 1984 it again polled over 3% of the vote for president. However, in 1986 it failed to poll 3% for Governor, so it obviously lost its status as a full-fledged political party.

Since the law says a "limited political party" is one which polled 3% for president in the last presidential election, and since the Libertarian Party polled over 3% for president in Alaska in 1984, one might think that it is obvious that the Libertarian Party of Alaska is a "limited political party". However, the Attorney General said that since the Libertarian Party was recently a full-fledged political party, it can't be a limited political party, and since it is no longer a full-fledged political party, it isn't any kind of party.

The decision cites no cases or any other authority for its conclusion. It erroneously states that the Libertarian Party has never been a "limited political party". It also lacks logic. Under the ruling, the Libertarian Party is being punished for having polled a high vote for Governor in 1982. Under the terms of the ruling, if the Libertarian Party had polled a low vote for Governor in 1982, it would now be qualified for the presidential ballot! The purpose of election laws defining "political party" is to insure that parties with substantial voting strength will be on the ballot. The ruling turns this concept upside-down, removing a party from the presidential ballot because of its voting success.

The Alaska Libertarian Party has not decided whether to go to court against this ruling, or simply to go out and collect the needed 2,068 valid signatures to restore its status. If they don't sue, a bad precedent will have been created.

POPULIST PARTY

The Populist Party will hold its national convention at the Hollodome Holiday Inn, St. Louis Mo, Sept. 4-7, 1987, the same weekend that the Libertarian Party will be holding its national convention in Seattle. It is possible that former Congressman George Hansen will be nominated and that he will accept the nomination.

POLITICAL PRIVACY DECISIONS

Recently, two decisions upholding political privacy were handed down. In *Federal Election Commission v LaRouche Campaign*, 817 F 2d 233 (1987), the U. S. Court of Appeals, 2nd circuit, overturned a lower court ruling and stated that the FEC cannot require the LaRouche campaign to reveal the names of all its campaign workers who solicited telephone donations. In *People v White*, 506 NE 2d 1284 (1987), the Illinois Supreme Court struck down a law banning the circulation of anonymous campaign leaflets. The U. S. Supreme Court has never definitively settled the constitutionality of anonymous campaign literature, but most lower courts have held that such bans violate the First Amendment. Many of the nation's founding fathers circulated anonymous political circulars, not only before and during the Revolutionary War, but afterwards, during the debate on the constitution.

KANSAS

The Kansas Secretary of State, Bill Graves, on June 17 ruled that political parties must complete their petition drives within 90 days. He relied on a Kansas statute, K.S.A. 25-3602, which seems to apply only to initiative petitions. Kansas currently requires 16,813 signatures on a petition to qualify a new party. No party has ever qualified in Kansas by petition. The petition is due in April, a deadline which is almost certainly unconstitutionally early.

MICHIGAN

The existing requirement for a new party is 16,313 signatures. HB 4090 would raise that to 23,593 signatures. However, HB 4090 cannot possibly pass the legislature until October 1987, and is extremely likely not to pass until spring 1988. Even though it passed the House of Representatives months ago, there are no hearings scheduled in the Senate, and the legislature has recessed until late September. Senators are planning to amend the bill to add on many unrelated election law changes. These amendments will make the bill controversial and require that it be sent back to the House.

The Michigan Secretary of State's office says that any party which submits its 1988 petition before HB 4090 passes, will only need 16,313 valid signatures to be on the 1988 ballot. However, a party which submits its petition after the bill has been signed into law will need 23,593.

Therefore, it's only common sense that any party which wants to be on the Michigan 1988 ballot, ought to do its petition drive this year. At this time, only the Libertarian Party is circulating a Michigan petition.

CONGRESS

The Elections Subcommittee of the U. S. House of Representatives has only held hearings this year on campaign finance bills. It also passed the bill to standardize poll-closing hours in presidential elections without any hearings. The Subcommittee doesn't expect to hold hearings on anything else until August at the earliest, when it may or may not take up bills dealing with voter registration. The poll-closing bill is currently stalled in the House Transportation Committee.

PETITIONING

The chart below shows the progress of various Libertarian and New Alliance petition drives. In addition, the Socialist Party is currently petitioning in Nebraska and is about to start in Iowa; the Populist Party has 2,300 signatures on its North Carolina petition; and the American Party has a few hundred signatures on its Wyoming petition.

STATE	SIGNATURES REQUIRED	SIGNATURES COLLECTED	
		New Alliance	Libertarians
Alabama	12,345	0	8,500
Alaska	2,068	0	0
Arizona	17,340	20,500	finished
Delaware	(reg.) 145	33	already on
Georgia	25,759	10,000	0
Hawaii	4,198	0	already on
Kansas	16,813	0	0
Maryland	10,000	3,500	already on
Michigan	16,313	0	6,000
Miss.	be organized	proceeding	already on
Montana	13,329	9,300	already on
Nebraska	5,635	2,400	4,800
Nevada	7,717	7,500	already on
New Mexico	500	already on	already on
North Carolina	44,535	5,500	700
North Dakota	7,000	0	2,500
Oklahoma	45,497	0	0
Oregon	51,578	0	1,300
South Carolina	10,000	already on	already on
South Dakota	7,362	0	0
Utah	500	0	300
Vermont	be organized	proceeding	already on
Wyoming	8,000	0	100

In the last two months, the Libertarian Party has collected 36,000 signatures and the New Alliance Party has collected 37,000. Both parties have hopes of being on the ballot in all 50 states, but neither one is working yet at a sufficient pace to achieve that goal. The rate will need to be quadrupled.

AMERICAN PARTY

On June 27, 1987, the American Party held its national convention in Salt Lake City and nominated Delmar Dennis of Tennessee for president, and Earl Jeppson of Utah for vice-president. Dennis is a former FBI agent, now a clergyman, and he was the American Party's presidential candidate in 1984. The American Party is now a qualified party in Delaware and South Carolina. It can be reached at Bx 22382, Lexington Ky 40522. The convention delegates defeated a motion to nominate former Congressman Hansen of Idaho, because of his perceived too-close links with the Republican Party and the Populist Party.

PROHIBITION PARTY

On June 25, 1987, the Prohibition Party national convention in Springfield, Illinois, nominated Earl Dodge for president and George Ormsby for vice-president. Dodge, 52, of Denver, Colorado, is a long-time activist in the party and in other anti-alcohol organizations. Ormsby lives in Pennsylvania and is president of the Good Templars. The Prohibition Party is a qualified party in New Mexico. The campaign address is Box 2635, Denver Co 80201.

The Prohibition Party recently joined the Coalition for Free & Open Elections.

DEBATES

The Joint Commission on Presidential Debates, a tax-exempt organization established by leaders of the Democratic and Republican Parties to sponsor general election presidential debates, recently named 23 members to its advisory body. All are activists in the Democratic or Republican Parties. The Commission has already announced the proposed four dates (in September and October 1988) to hold presidential debates, and has cleared the dates with the fifteen most prominent candidates for the Democratic and Republican nominations.

Paul Kirk, chairman of the Democratic Party and a co-founder of the Commission, was quoted as saying that "if a viable third party candidate should enter the race", then the Commission would set up criteria to determine eligibility for such a candidate to appear in the debates.

Attorney Gary Sinawski, vice-chairman of the Coalition for Free & Open Elections, has written the Commission, asking it to clarify what it means by "viable". Under the law governing tax-exempt organizations, the Joint Commission must be non-partisan. An organization which enhances the campaigns of two political parties against all other political parties cannot logically be considered "non-partisan". In the meantime, the recent debate among seven Democratic presidential contenders on William F. Buckley's *Firing Line* shows once again that a debate with as many as seven candidates can succeed.

FULANI

Lenora Fulani has announced her candidacy for the presidential nomination of the New Alliance Party, and she also announced her candidacy as an independent candidate for president. Fulani was born in 1950 and holds a PhD in psychology. She is director of seven community clinics in New York city, and has been a candidate of the New Alliance Party for city and state office in New York. She is the first black woman to run for president since the Peoples Party ran Margaret Wright for president in 1976. Her campaign address is 216 W. 102nd St., #2C, New York NY 10025.

The New Alliance Party will not hold its national nominating convention until August 1988. This means that Fulani and any other candidate for the party's nomination will have over a year in which to raise campaign funds which may be matched by the federal government. Third party presidential candidates can receive federal matching funds in the period before they are nominated. However, no party (other than the Democratic or Republican Parties) is eligible for federal matching funds. Therefore, the only possible means for any other political party to participate in federal funding is to delay its presidential nominating convention as long as possible.

PROPORTIONAL REPRESENTATION

The June 29, 1987 issue of *New Republic* magazine carried an article by Hendrik Hertzberg, advocating proportional representation for elections to the Congress. The article advocated the Hare System for half of the U. S. Senate (the other 50 seats would continue to represent each state). The Hare System is the system used in Australia in which the voter indicates his first choice, second choice, third choice, etc. The article advocated that the List system be used for the House of Representatives. This is the system used in West Germany, Switzerland, and many other countries in which the voter merely indicates a political party choice, and the party then receives seats in proportion to its vote. Each party submits a list of candidates before the election with the candidates at the top being the party's first choices to hold office.

Of course, such a system could only be instituted with a constitutional amendment. As to the point that proportional representation would permit third parties to gain seats in Congress, Hertzberg asked what was so terrible about that. He praised the West German example, in which the Green Party participates in the nation's political process, thereby bringing in voters who would otherwise be alienated from the system.

RENEWALS

If your mailing label indicates that your subscription to *Ballot Access News* expires on August 1, 1987, there should be an envelope enclosed to make it easier for you to renew your subscription. Remember, you can get a free 3-month extension if you send me a copy of a 1987 letter from a member of Congress, commenting on HR 1582.

THANK YOU, Tim Brace, for over a year of helping me to prepare the newsletter and for letting your Macintosh be used for that purpose. Also, thank you for contributions beyond the subscription price, James Hills, Bert Ely, Jim Tucker, Gerry Walsh, Chris Hrivnak, Kenneth Smith, Randy Ver Hagen, Karen Huffman, David Macko, Gail Lightfoot, Mike Holmes, Perr Cardestam, John McDivitt, Lew McCammon, Margaret Werry, Maggie Feigin, Ted McAnlis.

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