

# BALLOT ACCESS NEWS

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## HR 1582

Although no hearing date has been set for any hearings on HR 1582 (the bill to require the states to provide for fairly easy ballot access for third party and independent candidates in federal elections), Congressman Al Swift's letters about HR 1582 now say, "I am willing to take a look at the issue when the opportunity arises. Recently, the Elections Subcommittee has been busy on a number of other matters, including campaign finance reform, uniform poll closing legislation, and voter registration. Hopefully, when we have some of this work behind us, we will be able to focus on other bills that have been referred to us, like H. R. 1582."

Congressman Byron Dorgan of North Dakota says in a letter of February 10 that he has discussed HR 1582 with Congressman Swift and "hearings have not been ruled out."

## NORTH CAROLINA VICTORY

On April 8, the North Carolina Board of Elections voted to allow new political party petitions to be submitted as late as July 12, even though state law requires that they be submitted on May 17. The Board hopes to avoid a lawsuit, and knew that the New Alliance Party would bring such a lawsuit if the Board refused to act.

## PAID PETITIONING

The U. S. Supreme Court hearing in *Grant v Meyer* will be April 26. *Grant v Meyer* concerns whether a state may ban the practice of paying people to circulate initiative petitions. The Republican Party of California, the ACLU of Colorado, and the Washington Legal Foundation, all filed amicus briefs against the Colorado law.

## TEXAS

The Attorney General of Texas is appealing the decision in *Pilcher v Rains* to the U. S. Court of Appeals, 5th circuit. This case involves whether Texas may require petitioners to add the voter registration affidavit number of all signers of the petition, before it is submitted.

## MICHIGAN

As of April 19, the Michigan legislature still has not passed H 4090, the bill to establish procedures for independent candidates, to increase the number of signatures needed for new parties, and to give parties a later deadline to submit their petitions and to nominate.

## TOP COURT TAKES POLITICAL PARTY CASE

On April 18, 1988, the U. S. Supreme Court announced it will hear the California Attorney General's appeal in *San Francisco County Central Committee v Eu*, case no. 87-1269. The case will probably be argued in October or November 1988. Earlier the Supreme Court refused to issue a stay of the lower court decision. The lower court decision ruled that it is unconstitutional for a state to tell a political party that it may not endorse candidates in its own primaries, and ruled that it is unconstitutional for a state to dictate how a political party should be organized.

In a related case, U. S. District Court Judge Alfonso J. Zirpoli, a semi-retired Kennedy appointee, ruled on April 15 that it is unconstitutional for California to tell political parties that they may not endorse candidates in non-partisan elections, and that if a candidate wishes to mention the fact that he was endorsed in his statement of qualifications (printed in the voters handbook), the statement may not be censored out. *Geary v Renne*, #C87-4724-AJZ.

On April 13, the California Assembly Elections Committee passed AB 4187 at the request of the statewide Republican Party. It gives the state convention or state central committee of a political party to authority to adopt rules or bylaws relating to endorsements, and also gives the statewide party the authority to seek an injunction against any unit of the party which does not follow the state party rules. Currently, the statewide Republican Party does not wish to endorse candidates in most Republican primaries and doesn't want county units of the party to endorse in most primaries either.

## FINAL VICTORY IN SWP CASE

On March 17, the U. S. Attorney General announced that the government will not appeal the Socialist Workers Party's victory in *SWP v Attorney General*, 642 F Supp 1347 (1986). In that decision, U. S. District Court Judge Thomas Griesa had ruled that it is unconstitutional for agencies of the government to play dirty tricks on a political party, and to plant informers inside a political party, in the absence of firm evidence that the party in question is itself breaking the law. Griesa also awarded \$264,000 in damages to the SWP, including \$42,500 in damages caused by "dirty tricks", \$96,500 in damages for burglaries of party offices, and \$25,000 for damage caused by government informants. The SWP victory sets a precedent that will benefit all political parties in the future.

## ARIZONA

On April 12, the Arizona Supreme Court cancelled the gubernatorial recall election.

**PETITIONING**

STATE	REQUIRED	SIGNATURES COLLECTED					DEADLINE
		NAP	LIBT	SOC	POP	WkL	
Alabama	5,000	finished	already on	0	0	finished	Aug 31
Alaska	2,068	already on	already on	0	0	0	Aug 10
Arizona	17,340	already on	already on	0	0	0	Sep 23
Arkansas	0	no need	no need	no need	no need	no need	Sep 1
California	128,340	nom	already on	nom	can't start	can't start	Aug 12
Colorado	5,000	1,400	600	0	0	0	Aug 2
Connecticut	14,910	10,400	350	0	0	100	Aug 12
Delaware	(reg.) 142	already on	117	0	0	0	Aug 20
Dist of Col.	(est.) 3,000	can't start	can't start	can't start	can't start	can't start	Aug 16
Florida	56,318	5,700	13,600	0	0	0	Jly 15
Georgia	25,759	40,000	22,000	0	0	0	Aug 2
Hawaii	3,493	finished	already on	0	0	0	Sep 9
Idaho	8,224	0	1,650	0	0	0	Aug 30
Illinois	25,000	no need	can't start	can't start	can't start	can't start	Aug 8
Indiana	30,950	0	800	0	0	0	Aug 1
Iowa	1,000	200	finished	200	0	75	Sep 2
Kansas	2,500	already on	300	0	0	0	Aug 2
Kentucky	5,000	already on	800	0	0	100	Aug 30
Louisiana	0	no need	no need	no need	no need	no need	Sep 6
Maine	4,000	1,800	1,000	0	0	0	May 14
Maryland	10,000	finished	already on	500	0	0	Aug 1
Massachusetts	33,682	9,800	3,500	100	0	0	Aug 2
Michigan	16,313	135	already on	500	6,000	already on	Jly 20
Minnesota	2,000	can't start	can't start	can't start	can't start	can't start	Sep 13
Mississippi	1,000	finished	already on	0	0	0	Sep 9
Missouri	21,083	0	4,000	0	0	0	Aug 1
Montana	13,329	already on	already on	0	0	0	Aug 3
Nebraska	5,635	already on	finished	400	0	0	Aug 30
Nevada	7,717	6,000	already on	0	0	0	Sep 1
New Hampshire	3,000	finished	2,000	0	0	0	Aug 10
New Jersey	800	finished	finished	200	600	finished	Aug 1
New Mexico	(reg.) 500	already on	already on	0	50	0	Sep 13
New York	20,000	can't start	can't start	can't start	can't start	can't start	Aug 23
North Carolina	44,535	52,000	700	0	5,000	0	Jul 12
North Dakota	4,000	0	finished	0	0	0	Sep 14
Ohio	5,000	3,125	500	0	0	6,000	Aug 25
Oklahoma	37,671	14,000	2,000	0	0	0	Jul 15
Oregon	51,578	0	27,000	0	0	0	Aug 30
Pennsylvania	25,568	5,000	4,500	0	0	8,000	Aug 1
Rhode Island	1,000	can't start	can't start	can't start	can't start	can't start	Jly 18
South Carolina	10,000	already on	already on	0	0	0	Aug 1
South Dakota	2,945	0	0	0	0	0	Aug 2
Tennessee	275	finished	0	0	30	0	Sep 1
Texas	34,424	7,000	already on	0	0	0	May 23
Utah	300	already on	already on	already on	50	0	Sep 1
Vermont	1,000	already on	already on	already on	100	0	Sep 22
Virginia	12,963	0	2,000	0	0	0	Aug 26
Washington	188	can't start	can't start	can't start	can't start	can't start	Jly 23
West Virginia	7,358	0	0	0	0	0	Aug 1
Wisconsin	2,000	can't start	can't start	can't start	can't start	can't start	Sep 6
Wyoming	8,000	already on	already on	0	0	0	Aug 30

NAP is New Alliance Party; LIBT is Libertarian; SOC is Socialist; POP is Populist; WkL is Workers League. "Nom" means that the presidential candidate is seeking the nomination of a one-state party which is already qualified for the ballot in that state. "Already on" means the state acknowledges that the party or the candidate is on the November 1988 ballot. "Finished" means that the signatures have been collected, but that they haven't been certified yet. DEADLINE refers to the latest procedure available for qualifying a third party or independent presidential candidate.

## PARTIES NOT ON THE CHART

The Internationalist Workers Party has completed petitioning in New Jersey and Vermont, and is making a strong fight for the California Peace & Freedom nomination. The Workers World Party has completed petitioning in New Jersey. The Socialist Workers Party has completed petitioning in New Jersey and Utah. The American Party has been certified in Utah.

## LIBERTARIAN PETITIONING

Paul Jacob, who has been heading up the national Libertarian Party office, has been hired to work on ballot access. His first assignment takes him to Maine, which is the next deadline. Fundraising for ballot access has been going well. In the last month, petitions have been submitted in Nebraska, North Dakota and New Jersey, and completed in Iowa. The Utah Libertarian Party is making plans to assist the Idaho Libertarian petition.

## LaROUCHE

Lyndon LaRouche showings in Democratic presidential primaries since the last issue of *Ballot Access News* are: Illinois, 6,094 votes, .41%; Maryland, 2,149 votes, .41%; Virginia, 746 votes, .21%.

On March 24, the Federal Election Commission finally awarded LaRouche his first 1988 matching funds. He received \$100,000. He will probably not receive any more 1988 funds because FEC rules require a cutoff of funds 30 days after a candidate polls a vote in a primary of less than 10%. LaRouche polled less than 10% in the New York primary on April 19. His exact vote isn't known yet.

Claude Jones, a LaRouche supporter, won a two-person race for chair of the Harris County, Texas, Democratic Party, by a vote of 51%-49%. The party quickly changed its bylaws to remove all authority from the hands of its county chair, before he could take office.

LaRouche became the first person to complete the petition requirement for a Democratic candidate in the California primary, since the law was written in 1972. The California Secretary of State puts candidates on the ballot automatically if they have received matching funds, but LaRouche was forced to petition, since he hadn't received matching funds earlier in the year. As he handed in his petitions, he was greeted with an announcement that the Secretary of State was now putting him on automatically, so the signatures were never checked. California Democratic Party rules require 500 signatures from each of California's 45 congressional districts. This petition hurdle was too difficult for another group, which wanted to get Mario Cuomo's name on the California Democratic primary. The group sued, claiming the requirements were unconstitutionally difficult, but lost. *Draft Cuomo Committee v Eu*, no. 358616, Superior Court, Sacramento County.

## VOTES NEEDED IN 1988

Below is information about how many votes a third party will need in 1988 to obtain or to keep automatic ballot status:

**1%:** Connecticut, Kansas, Michigan, West Virginia, Wisconsin.

**1 1/2%:** Georgia, Pennsylvania

**2%:** Iowa, Kentucky, Missouri, Utah

**3%:** Alaska, Arkansas, Maryland, Montana, Nevada, New Hampshire

**4%:** District of Columbia

**5%:** Arizona, Louisiana, Maine, Minnesota, Nebraska, North Dakota, Ohio, Oregon, Tennessee, Texas, Vermont, Washington

**10%:** North Carolina, Oklahoma, Virginia, Wyoming

**20%:** Alabama

No vote test applies in 1988: California, Colorado, Delaware, Florida, Hawaii, Idaho, Illinois, Indiana, Massachusetts, Mississippi, New Jersey, New Mexico, New York, Rhode Island, South Carolina, South Dakota.

The percentages refer to the percentage of the total vote cast, that must be polled by the party. Some of the percentages are approximate. For example, Georgia law requires a vote equal to 1% of the number of registered voters, which is approximately 1 1/2% of the number of votes cast.

## PEACE & FREEDOM PRIMARY

There is one more candidate for president in the California Peace & Freedom Party primary on June 7. He is Al Hamburg, Rt. 2, Bx A15, Torrington Wyoming 82240. Hamburg, 56, is also running for Congress in the New Alliance Party primary. He is a longtime peace activist. The other candidates for president in the California Peace & Freedom presidential primary are Lenora Fulani, Larry Holmes, Shirley Isaacson, Willa Kenoyer, and Herb Lewin.

## DEBATE SUIT MOSTLY LOSES

On April 13, federal judge Robert W. Sweet, a Carter appointee, upheld the position of the League of Women Voters, in *Fulani v League of Women Voters Education Fund*, no. 88-Civ-1441-RWS. However, he did permit a trial to go forward on one issue of the case, the claim that the League's policy of holding debates only for Democratic and Republican presidential candidates is discriminatory against ethnic minorities and women (all Black, Hispanic, and female candidates for *president* in the *general* election have always been nominees of third parties, never nominees of the Democratic and Republican Parties.

## RHODE ISLAND

In 1987 the Rhode Island legislature changed the filing deadline for third party and independent candidate petitions from September 3 to July 18. Furthermore, they added a provision that petitioning cannot begin until July 6. Previously, petitioning could be begin in June. The new law is almost certainly unconstitutional, since in 1976 a U. S. District Court ruled that Rhode Island's deadline at that time of August 10 was unconstitutionally early. *McCarthy v Noel*, 420 F Supp 799 (1976).

## POPULIST PARTY

On March 31, "Bo" Gritz resigned from the Populist Party ticket, and announced he would instead run for Congress from southern Nevada as a Republican. The Populist Party chose as its new vice-presidential candidate, Dr. Floyd Parker, an activist in the Populist Party since it was founded in 1984. He lives in San Juan County, New Mexico.

The telephone number and address for the party's campaign is now Bx 1988, Ford City Pa 16226, tel. (412) 821-3321.

## CONGRESS

On March 30, the Senate Rules & Administration Committee heard testimony on Senator Alan Cranston's voter registration bill, now numbered S. 2061. It would require the states to provide for postcard registration, and election day registration, in federal elections. It would also toughen federal laws against voter fraud. Senator Cranston spoke in favor of his bill, but Senator Mitch McConnell, a freshman Kentucky Republican, spoke against it, arguing that voter fraud would increase. Most of the other witnesses who were able to testify were elections officials who were luke-warm, or opposed, to the bill. Additional hearings on the bill will be scheduled so that civil rights organizations will be able to testify for it. The identical House Bill, by Congressman Conyers, is now numbered H.R. 3950, and is being heard on April 19 and 20.

A bill to require that all political parties must only choose delegates to national presidential conventions between March and June of an election year, and to provide for a lottery system to determine which regions of the nation would hold their primaries and caucuses on which weeks, will receive a hearing on April 26 in the Senate Rules & Administration Committee. It is S. 1786, by Senator Alan Dixon of Illinois.

## THANK YOU!

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## COFOE OFFICIAL TO WRITE BOOK

Simon W. Gerson, Secretary of the Coalition for Free & Open Elections, has received a \$6,500 grant from the Gray Panthers to write a book about flaws in the election process of the United States. He plans to highlight unfair ballot access requirements in the book, and has been collecting information about ballot access for 15 years. In 1976 he had an op-ed piece in the *New York Times* about such laws.

The Gray Panthers made the grant through its Mahler Institute, formed to encourage teachers, writers and researchers over age 70 to continue their work. Gerson is 79, and has been a leading supporter of COFOE since its birth in 1985. Gerson represents the Communist Party on the COFOE board, and once came close to sitting on the New York city council, back in 1947 when there were two elected Communists on the council.

## NEW LAWSUITS FILED

WEST VIRGINIA: On April 12 the Socialist Workers Party filed a lawsuit in federal court, *SWP v Heckler*, no. 2:88-0499, against West Virginia law which requires signers of petitions to pledge that they will vote for the candidates named on the petition, and which requires that the petition for candidates (other than presidential candidates) be submitted in mid-May. No judge has yet been assigned to the case.

MARYLAND: On March 24 the Libertarian Party filed a lawsuit against Maryland law which requires the party to file 62,088 signatures in order to get its U. S. Senate candidate on the ballot, even though the Libertarian Party is a qualified party in Maryland. *Ahmad v Raynor*, no. Civ-R88-869. It has been assigned to Judge Ramsey, a Carter appointee whose only ballot access case involved whether the government could ban the practice of paying circulators of initiative petitions. Judge Ramsey held that the law violated the First Amendment.

CALIFORNIA: On April 5, the New Alliance Party filed a lawsuit in California state court against California law which won't let an independent presidential candidate begin to petition until mid-June. In California, independent candidates for all other office may begin in mid-April. *Fulani v Eu*, no. 890599, Superior Court, San Francisco.

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