

BALLOT ACCESS NEWS

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STATE LEGISLATURES

Arkansas: A bill to lower the number of signatures needed to qualify a new party from 3% of the last vote, to 1%, should be introduced soon.

Florida: The Libertarian Party has established a committee to work for a bill to reduce the requirements. No bill can be introduced until the fall of 1989.

Georgia: Activist Jim Yarbrough is seeking a sponsor for a bill which would lower the petition requirement for third party and independent candidates for district and county office. Although the 1986 session of the legislature lowered the signature requirements for statewide office, the district and county offices still require 5% petitions.

Kansas: Senate Bill 59, introduced by Senator Don Saltee, would lower the number of signatures needed for a new party from 2% of the last gubernatorial vote, to 1,000 signatures. Representative Henry Halberson is planning to introduce a similar bill in the House. The bill has already received editorial support from the *Wichita Eagle-Beacon*, one of the largest newspapers in Kansas.

Massachusetts: Four bills to improve ballot access procedures have been pre-filed. They would lower the number of signatures needed to get on; lower the requirements for a party to remain qualified from 3% for Governor, to 2% for any statewide race; provide that signatures could be submitted centrally rather than to each town clerk; and permit voters to sign more than one petition.

Missouri: Representative Sheila Lumpe has introduced House Bill 632, which lowers the number of signatures needed for a statewide petition from 1% of the last gubernatorial vote (currently about 22,000 signatures) to a flat 10,000 signatures. The bill also deletes the distribution requirement. There may be a hearing on February 8.

Montana: The Secretary of State has ruled that the vote test that any party must meet to retain status, does not apply in 1990, and therefore all parties now on the ballot, will automatically be on for 1992.

Nevada: Libertarians are vigorously lobbying for a bill to make it easier for a party to remain qualified, and to make sure that the state no longer posts signs telling voters that they may register as "Republican, Democratic, or Independent". Nevada voters can also register as members of other parties, but last year the state's official literature seemed to indicate that they couldn't.

New Mexico: The Secretary of State is drafting bills to make it more difficult for parties to remain on the ballot, and perhaps also to make it more difficult to get on the ballot. Specific details are not being released to the public. The Secretary of State won't even divulge which legislators will introduce the bills.

New York: State Attorney General Robert Abrams has said that he is drafting legislation to permit candidates to get on the ballot without any petition, if the candidate has raised a certain number of campaign contributions. It isn't clear if the procedure will apply to the general election, or just to primary elections.

Oregon: Libertarians are seeking a sponsor for a bill to lower the number of signatures needed for ballot access.

Wyoming: House Bill 76, which would have reduced the number of signatures needed for a new party from 8,000 signatures, to 1,000 signatures, has already been defeated in committee. However, Kathy Karpan, Secretary of State, plans to work for a comprehensive revision of the election code, and she plans to include a provision making it much easier for a party to remain qualified. Currently, a party must poll 10% for Congress in order to remain qualified.

CONGRESS

Election bills already introduced into the House of Representatives are:

1. HR 13, by Al Swift, would require that the post office give cheaper rates for political campaign mail, and would require broadcasters to give cheaper rates for political advertising (but only for candidates for Congress who agreed to abide by spending limitations);
2. HR 14, by Tony Coelho, would provide for public financing for candidates for Congress. In order to qualify, the candidate would need to first raise \$40,000 from his or her own district, from individuals, in donations under \$250.
3. HR 17, by John Conyers, is the voter registration reform bill.
4. HR 18, by Al Swift, would close polls all across the 48 contiguous states at the same moment in presidential elections.

Congressman Conyers still has not introduced the ballot access bill. Some activists believe he is being pressured not to introduce it. It would be helpful for supporters of the bill to write to Conyers, House Office Buildings, Washington D.C. 20515, and encourage him to go ahead.

INITIATIVES

The New Hampshire legislature is considering a proposal to create a state initiative procedure. Also, there is agitation in Australia to create a national initiative there. Currently, the only nation which has procedures for national initiatives is Switzerland. Plebiscites exist in many countries, but they are initiated by the government; by contrast, initiatives are initiated by the people.

PRESIDENTIAL VOTE ANALYZED

Third political parties who fail to appear on the ballot in many states, sometimes point out that *if* they had been on the ballot in most states, they would have polled as many votes for president as certain other third parties who *did* appear on the ballot in most states. To help evaluate these claims, below are the percentages polled by 1984 and 1988 presidential candidates ONLY in those areas in which each was on the ballot. The chart also gives data by region. "South" means the eleven states who formed the Confederacy. "Mid" means Midwest. "All Socialist parties" ("All Soc") includes the combined vote, in 1988, for the Workers League, Socialist Workers, Workers World, Internationalist Workers, and Socialist Parties. For 1984, it includes Communist, Socialist Workers, Workers World, Workers League. If a candidate was not on the ballot in any state within a region, a dash is shown. "LIBT" is Libertarian, "NAP" is New Alliance, "POP" is Populist, "CONSU" is Consumer, "PROHI" is Prohibition, "AMER" is American.

| PARTY, YR | USA | East | Mid | South | West |
|--------------|------|------|------|-------|------|
| LIBT 1988 | .51 | .40 | .37 | .44 | .89 |
| LIBT 1984 | .33 | .19 | .23 | .28 | .67 |
| LIBT 1980 | 1.06 | .78 | 1.07 | .73 | 1.89 |
| LIBT 1976 | .33 | .23 | .19 | .18 | .71 |
| | | | | | |
| NAP 1988 | .24 | .22 | .21 | .23 | .30 |
| NAP 1984 | .09 | .10 | .10 | .05 | .07 |
| | | | | | |
| All Soc 1988 | .14 | .18 | .12 | .07 | .12 |
| All Soc 1984 | .16 | .16 | .19 | .14 | .09 |
| | | | | | |
| POP 1988 | .23 | .08 | .14 | .59 | — |
| POP 1984 | .26 | .13 | .19 | .10 | .40 |
| | | | | | |
| CONSU 1988 | .23 | .30 | .14 | — | — |
| | | | | | |
| LaROUCH 1988 | .15 | .10 | .16 | .09 | .20 |
| LaROUCH 1984 | .24 | .12 | .20 | .28 | .29 |
| | | | | | |
| PROHI 1988 | .18 | — | — | .13 | .26 |
| PROHI 1984 | .11 | — | .17 | .10 | .06 |
| | | | | | |
| AMER 1988 | .13 | — | .06 | — | .33 |
| AMER 1984 | .24 | .11 | .22 | .36 | .21 |

JANUARY ELECTIONS

Two candidates linked with third parties did extraordinarily well in January 1989 special elections. On January 10, Karen Kubby, Socialist Party candidate for Iowa City city council-at-large, was elected by a margin of 51%-49%. On January 21, David Duke, 1988 Populist Party presidential candidate, placed first in a special election for the Louisiana legislature, receiving 33% in a 7-candidate field. There will be a run-off on February 18. Duke is now a registered Republican, although the local Republican Party has endorsed his run-off opponent.

U.S. SUPREME COURT

On January 17, the U.S. Supreme Court disposed of two of the oldest election cases in the nation. The Court refused to hear either *Citizens for John W. Moore Party v Board of Elections*, or *Badham v Eu*. Both cases date from 1982. The *Moore* case involved a challenge to Illinois law which makes it illegal for anyone to circulate a petition for a third party candidate, if that same person had circulated a petition to qualify anyone for the primary ballot. The lower courts had upheld the law. *Badham v Eu* was the Republican Party's challenge to the 1982 re-districting of California congressional districts. The Court's failure to hear the case suggests that the Court is not willing to deal with the gerrymandering problem.

There is still one election lawsuit pending in the nation which was filed back in 1982. It is *Thournir v Meyer*, a challenge to Colorado law which makes it illegal for anyone to run for congress who has not lived in the state a full year. The U.S. Court of Appeals remanded the case back to the U.S. District Court on October 21, 1986, and the U.S. District Judge has still not issued his opinion.

CONSUMER PARTY

The January 1, 1989 *Ballot Access News* stated that the Consumer Party had polled enough votes in Pennsylvania to regain its status as a qualified political party. This was incorrect. Although the party polled enough votes in the state, state law also requires that it poll a certain percentage of the vote in any ten counties as well. The Consumer Party vote for Auditor met that requirement in only five counties. Although the county distribution requirement is almost surely unconstitutional (it violates one-person, one-vote, since counties are not equal in population), the party doesn't plan to sue, since in Pennsylvania, even after a party wins status as a qualified party, it still must submit petitions as though it weren't qualified (unless it has registration equal to at least 15% of the state total). Therefore, it's hardly worth the bother to become a qualified political party.

MARYLAND

On January 5, 1989, the U.S. Court of Appeals, 4th circuit, denied the Libertarian Party a rehearing in *Ahmad v Maryland State Board of Elections*, the case involving ballot access procedures for third party candidates (other than president). The party has not yet decided whether to ask for U.S. Supreme Court review.

On January 11, a hearing was held in the U.S. Court of Appeals in *Dixon v Maryland State Board of Elections*, the Socialist Workers Party challenge to the Maryland law which requires write-in candidates to pay a filing fee. The judges were Harrison L. Winter, James Phillips, and Kenneth Hall. Winter and Phillips have fairly good records on voting rights; Hall does not. A decision is expected in a few months.

1988 CONGRESSIONAL VOTE

| STATE | SENATE | | | HOUSE | | | | |
|----------------|---------------|---------|--------|--------------|-----------|----------|--------|-------|
| | LIBT | NAP | SWP | LIBT | COMMUNIST | POPULIST | NAP | SWP |
| Alabama | ---- | ---- | ---- | 23,394 | 0 | 0 | 0 | * |
| Alaska | ---- | ---- | ---- | 0 | 0 | 0 | 0 | 0 |
| Arizona | 20,849 | 5,195 | 32 | 30,430 | 0 | 0 | 0 | 0 |
| Arkansas | ---- | ---- | ---- | 0 | 0 | 0 | 0 | 0 |
| California | 79,997 | 166,600 | 51 | 163,537 | 22,150 | 0 | 4,091 | * |
| Colorado | ---- | ---- | ---- | 0 | 0 | 0 | 0 | 0 |
| Connecticut | 12,409 | 4,154 | 0 | 0 | 0 | 0 | 0 | 0 |
| Delaware | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Florida | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Georgia | ---- | ---- | ---- | 0 | 0 | 0 | 0 | * |
| Hawaii | 8,948 | 0 | 0 | 21,784 | 0 | 0 | 0 | 0 |
| Idaho | ---- | ---- | ---- | 5,703 | 0 | 0 | 0 | 0 |
| Illinois | ---- | ---- | ---- | 0 | 1,937 | 0 | 2,000 | 0 |
| Indiana | * | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Iowa | ---- | ---- | ---- | 0 | 0 | 0 | 0 | * |
| Kansas | ---- | ---- | ---- | 0 | 0 | 0 | 0 | 0 |
| Kentucky | ---- | ---- | ---- | 0 | 0 | 0 | 0 | 0 |
| Louisiana | ---- | ---- | ---- | 0 | 0 | 0 | 0 | 0 |
| Maine | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Maryland | 349 | 0 | 13 | 0 | 0 | 0 | 0 | 0 |
| Massachusetts | 13,199 | 15,208 | * | 34,339 | 38,446 | 0 | 0 | * |
| Michigan | 27,116 | 0 | 4,821 | 18,006 | 0 | 0 | 0 | 0 |
| Minnesota | 4,039 | 0 | 3,105 | 0 | 0 | 0 | 0 | 2,818 |
| Mississippi | 0 | 0 | 0 | 0 | 0 | 0 | 2,446 | 0 |
| Missouri | 11,410 | 0 | * | 12,188 | 0 | 0 | 0 | * |
| Montana | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Nebraska | 0 | 10,372 | * | 0 | 0 | 0 | 0 | 0 |
| Nevada | 5,523 | 0 | 0 | 7,677 | 0 | 0 | 0 | 0 |
| New Hampshire | ---- | ---- | ---- | 0 | 0 | 0 | 0 | 0 |
| New Jersey | 11,354 | 0 | 5,192 | 9,215 | 442 | 0 | 0 | 5,573 |
| New Mexico | 0 | 0 | 0 | 3,839 | 0 | 0 | 0 | 0 |
| New York | 12,064 | 0 | 11,239 | * | 678 | 11,182 | 3,069 | 0 |
| North Carolina | ---- | ---- | ---- | 0 | 0 | 0 | 0 | 0 |
| North Dakota | 4,334 | 0 | 0 | 2,924 | 0 | 0 | 0 | 0 |
| Ohio | 0 | 0 | * | 0 | 0 | 0 | 0 | 0 |
| Oklahoma | ---- | ---- | ---- | 0 | 0 | 0 | 0 | 0 |
| Oregon | ---- | ---- | ---- | 0 | 0 | 0 | 0 | * |
| Pennsylvania | 11,822 | 4,569 | * | 3,765 | 0 | 5,098 | 0 | * |
| Rhode Island | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| South Carolina | ---- | ---- | ---- | 2,244 | 0 | 0 | 0 | 0 |
| South Dakota | ---- | ---- | ---- | 0 | 0 | 0 | 0 | 0 |
| Tennessee | 0 | 0 | 0 | 2,114 | 0 | 0 | 0 | 0 |
| Texas | 43,989 | 0 | 74 | 98,602 | 0 | 0 | 0 | 0 |
| Utah | 0 | 0 | 1,233 | 2,997 | 0 | 0 | 0 | 1,207 |
| Vermont | 0 | 0 | 0 | 3,110 | 0 | 0 | 0 | 0 |
| Virginia | * | 0 | 0 | * | 0 | 0 | 0 | 0 |
| Washington | 0 | 0 | * | 0 | 0 | 0 | 0 | 0 |
| West Virginia | 0 | 0 | * | 0 | 0 | 0 | 0 | * |
| Wisconsin | 0 | 0 | 3,026 | 0 | 0 | 0 | 0 | 0 |
| Wyoming | 0 | 0 | 0 | 1,906 | 0 | 0 | 868 | 0 |
| TOTAL | 267,402 | 206,098 | 28,786 | 447,774 | 63,653 | 16,280 | 12,474 | 9,598 |

1988 CONGRESSIONAL PERCENTAGES

| STATE | SENATE | | | HOUSE | | | | |
|----------------|--------|------|------|-------|-----------|----------|------|------|
| | LIBT | NAP | SWP | LIBT | COMMUNIST | POPULIST | NAP | SWP |
| Alabama | ---- | ---- | ---- | 1.99 | 0 | 0 | 0 | w-in |
| Alaska | ---- | ---- | ---- | 0 | 0 | 0 | 0 | 0 |
| Arizona | 1.82 | .45 | w-in | 12.86 | 0 | 0 | 0 | 0 |
| Arkansas | ---- | ---- | ---- | 0 | 0 | 0 | 0 | 0 |
| California | .82 | 1.71 | w-in | 2.59 | 8.72 | 0 | 2.90 | w-in |
| Colorado | ---- | ---- | ---- | 0 | 0 | 0 | 0 | 0 |
| Connecticut | .90 | .30 | 0 | 0 | 0 | 0 | 0 | 0 |
| Delaware | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Florida | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Georgia | ---- | ---- | ---- | 0 | 0 | 0 | 0 | w-in |
| Hawaii | 2.76 | 0 | 0 | 6.41 | 0 | 0 | 0 | 0 |
| Idaho | ---- | ---- | ---- | 2.82 | 0 | 0 | 0 | 0 |
| Illinois | ---- | ---- | ---- | 0 | 1.34 | 0 | .97 | 0 |
| Indiana | * | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Iowa | ---- | ---- | ---- | 0 | 0 | 0 | 0 | w-in |
| Kansas | ---- | ---- | ---- | 0 | 0 | 0 | 0 | 0 |
| Kentucky | ---- | ---- | ---- | 0 | 0 | 0 | 0 | 0 |
| Louisiana | ---- | ---- | ---- | 0 | 0 | 0 | 0 | 0 |
| Maine | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Maryland | w-in | 0 | w-in | 0 | 0 | 0 | 0 | 0 |
| Massachusetts | .51 | .58 | w-in | 15.88 | 19.75 | 0 | 0 | w-in |
| Michigan | .77 | 0 | .14 | .86 | 0 | 0 | 0 | 0 |
| Minnesota | .19 | 0 | .15 | 0 | 0 | 0 | 0 | .59 |
| Mississippi | 0 | 0 | 0 | 0 | 0 | 0 | 1.22 | 0 |
| Missouri | .55 | 0 | w-in | 1.04 | 0 | 0 | 0 | 0 |
| Montana | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Nebraska | 0 | 1.55 | w-in | 0 | 0 | 0 | 0 | 0 |
| Nevada | 1.61 | 0 | 0 | 2.23 | 0 | 0 | 0 | 0 |
| New Hampshire | ---- | ---- | ---- | 0 | 0 | 0 | 0 | 0 |
| New Jersey | .39 | 0 | .18 | .62 | .29 | 0 | 0 | 1.82 |
| New Mexico | 0 | 0 | 0 | 2.16 | 0 | 0 | 0 | 0 |
| New York | .19 | 0 | .19 | w-in | .49 | 8.12 | 1.11 | 0 |
| North Carolina | ---- | ---- | ---- | 0 | 0 | 0 | 0 | 0 |
| North Dakota | 1.50 | 0 | 0 | .97 | 0 | 0 | 0 | 0 |
| Ohio | 0 | 0 | w-in | 0 | 0 | 0 | 0 | 0 |
| Oklahoma | ---- | ---- | ---- | 0 | 0 | 0 | 0 | 0 |
| Oregon | ---- | ---- | ---- | 0 | 0 | 0 | 0 | 0 |
| Pennsylvania | .27 | .10 | w-in | 1.67 | 0 | .72 | 0 | w-in |
| Rhode Island | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| South Carolina | ---- | ---- | ---- | .65 | 0 | 0 | 0 | 0 |
| South Dakota | ---- | ---- | ---- | 0 | 0 | 0 | 0 | 0 |
| Tennessee | 0 | 0 | 0 | 1.28 | 0 | 0 | 0 | 0 |
| Texas | .83 | 0 | w-in | 4.18 | 0 | 0 | 0 | 0 |
| Utah | 0 | 0 | .19 | 1.53 | 0 | 0 | 0 | .62 |
| Vermont | 0 | 0 | 0 | 1.30 | 0 | 0 | 0 | 0 |
| Virginia | w-in | 0 | 0 | w-in | 0 | 0 | 0 | 0 |
| Washington | 0 | 0 | w-in | 0 | 0 | 0 | 0 | 0 |
| West Virginia | 0 | 0 | w-in | 0 | 0 | 0 | 0 | w-in |
| Wisconsin | 0 | 0 | .14 | 0 | 0 | 0 | 0 | 0 |
| Wyoming | 0 | 0 | 0 | 1.07 | 0 | 0 | .49 | 0 |

CHART NOTES

Explanation of the charts on pages three and four: The vote chart on page three shows the total vote for U.S. Senate, and for the U.S. House of Representatives, for each third party which had candidates in more than one state. An asterisk means that the party had a write-in candidate whose votes have not been tallied. Dashes indicate that a particular state did not have a U.S. Senate election in 1988. Zero means that the party named no candidates for that office in a particular state.

The chart on page four shows the percentage of the total vote cast for the particular party's candidates for Senate or House. When a party had candidates for the House in some districts, but not all districts in a state, the percentage is the number of votes cast for that party's candidates, divided by the number of votes cast for Congress only in the districts in which the party had candidates. Write-in candidates' vote totals were not converted to percentages; "w-in" designates such candidates.

The Libertarian totals for both U.S. Senate and House were the highest for that party since 1982. The Communist total for the House was its highest since 1942.

OTHER PARTIES: Parties not on the Senate chart because they had Senate candidates in only one state are:

| | | |
|---------------------------------------|--------|-------|
| 1. American Independent, California | 66,288 | .68% |
| 2. Workers Against Concessions, Mich. | 8,908 | .25% |
| 3. Grassroots, Minnesota | 9,016 | .43% |
| 4. Right to Life, New York | 64,845 | 1.07% |
| 5. Workers World, New York | 13,573 | .22% |
| 6. Consumer, Pennsylvania | 25,273 | .58% |
| 7. American, Utah | 6,016 | .94% |
| 8. Liberty Union, Vermont | 2,506 | 1.05% |
| 9. Socialist, Texas | 88 | w-in |

(The Peace & Freedom Party candidate in California is listed in the chart under the New Alliance Party column, since the candidate is a member of the New Alliance Party and openly campaigned that way).

FINAL PRESIDENTIAL VOTE TALLY?

There has never been any such thing as a "final, official" national vote total for a presidential candidate. This is partly because there is no official agency to prepare such totals. Each state prepares its own official totals, but there is no central authority responsible for compiling national totals. The Clerk of the U.S. House of Representatives will publish a chart showing national presidential totals in April, 1989, but this is purely informational.

Furthermore, many state official totals are erroneous or incomplete. Examples from 1988:

1. In Wood County, Texas, the county clerk says no votes were cast for Lenora Fulani for president, but the Texas official election returns show that she received 564 votes there. The Texas Secretary of State acknowledges that the county clerk is correct, but has no plans to reissue the official state returns to show the correct, lower figure.

2. In New York city, where no write-ins were tallied, the city has now agreed to count the write-ins. The city's excuse for not having done so earlier was that it was too much work to lift the heavy (40 pound) rolls of write-in paper, out of the mechanical voting machines, to examine them. Since the state has already issued its official election returns, the New York city write-ins will get very little dissemination, unless the state agrees to issue amended official returns.

3. In Boston, Massachusetts, where write-ins were also not tallied, Richard Whitney of the Prohibition Party, plans to testify before the Government Operations Committee of the city council and to ask them to order that the write-ins be counted, belatedly.

4. In Sandusky County, Ohio, Ron Paul received 63 votes and Ed Winn (Workers League) received 31 votes, according to the County Board of Elections. But the county board failed to certify these votes to the Secretary of State, so the official state returns show that each candidate received no votes in Sandusky County.

5. In North Dakota, four county auditors now admit that there were some write-in votes for Earl Dodge (Prohibition Party), but the Secretary of State is not willing to include them in the official canvass.

SANDERS ADVOCATES NEW PARTY

Bernard Sanders, Mayor of Burlington, Vermont, and a political independent, wrote an op-ed piece for the *New York Times* of January 3, 1989. His thesis was that neither the Democratic nor Republican Party represent the interests of working people, minorities, the elderly, farmers, environmentalists, or peace activists, and that therefore these people should create a new political party. On January 30, the *Times* printed a letter to the editor in response, from a reader who argues that third parties never accomplish any political objectives for their members.

LIBERTARIAN PETITIONING

There are two groups within the Libertarian Party which are raising money for ballot access petitioning: the national party's Ballot Access Committee, headed by Burt Blumert; and an independent PAC headed by Andre Marrou and Michael Emerling called Project 51-92. Blumert feels that the independent PAC should disband itself, on the grounds that having two committees for one task is confusing to donors. He also points out that PACs cannot, by law, donate more than \$17,000 to a political party. On the other hand, Project 51-92 argues that it is in a position to raise money faster (its fund-raising letter went out first), that it has different goals (it wants to petition as soon as possible in North Carolina, whereas the other committee is not ready to *begin* with such an ambitious project), and that different types of donors are more comfortable giving to different kinds of committees. Libertarian Party leaders generally are opposed to having two different committees, and the matter will be discussed at a national meeting in Las Vegas in mid-February.

LaROUCHE DEMOCRATS

Below is a list of Lyndon LaRouche supporters who won Democratic primaries during 1988 for Congress or State Legislature. The list shows the percentage each LaRouche candidate polled in November, 1988, as a Democrat; and it also shows how well the ordinary, non-LaRouche Democratic nominee did in the same district in the previous election (The previous election for that office was 1986 in all cases, except 1984 for the Iowa State Senate election):

| | <u>1988</u> | <u>1986</u> |
|--------------------------------|-------------|-------------|
| California, Congress, dist. 39 | 23% | 24% |
| Georgia, St Senate, dist 41 | 28% | none |
| Georgia, St. House, dist. 61 | 23% | 38% |
| Indiana, St. House, dist. 32 | 29% | 35% |
| Iowa, St Senate, dist. 20 | 24% | 34% |
| Minnesota, St. House, dist 22B | 33% | 34% |
| Ohio, Congress, dist. 12 | 21% | 27% |
| Pennsylvania, Congress dist 5 | 22% | 34% |
| Pennsylvania, Congress dist 21 | 21% | 19% |
| Washington, St House dist 48-2 | 26% | 26% |

In all cases, the Republican candidate won the general election. Although the Democratic Party threatened to run independent candidates in some of these districts, no such action was taken. According to *New Federalist*, newspaper of the LaRouche movement, there were also 7 cases in which LaRouche supporters won Democratic legislative nominations in New Hampshire. However, the newspaper never mentioned the names of these candidates, and *Ballot Access News* has no other method of learning who they were, so they are not included in the chart above.

LIBERTY UNION PARTY

On January 24, a Vermont state court handed down an order upholding the Secretary of State's determination that no statewide candidate of the Liberty Union Party had polled as much as 5% of the vote in November 1988, and that therefore the party had lost its "major party" status. The party still qualifies as a minor party, which means that it can nominate by convention. The party has not yet decided whether to appeal. The party pointed to Associated Press reports that it had polled over 5% for both Lieutenant Governor and Treasurer, but AP sent a representative to court to testify that its returns were inaccurate. *Kay-Brooks v Douglas*, no. S-557-88-WnC.

The Coalition for Free and Open Elections works for fair election laws. Write: PO Box 355, Old Chelsea Sta., New York NY 10011. Dues are \$10 per year. Individuals who joins receive minutes of board meetings, the brochure, press releases, information about HR 1582, and a free subscription to this newsletter (or free renewal).

NEWS ELECTION SERVICE

The January 1, 1989 *Ballot Access News* story on News Election Service stated that the vote-counting organization is not an arm of the government, and therefore is protected by the First Amendment when it broadcasts incomplete and misleading election returns. However, the story should have added the complication that some state governments depend on NES for their semi-official vote canvasses, and disseminate the information under their own name; therefore, NES is intertwined with government. The lawsuit against NES is still pending.

PEACE & FREEDOM PARTY

California's Peace & Freedom Party still lacks a set of statewide officers, since the state convention last year ended inconclusively. The party is awaiting a ruling from the Secretary of State as to who the legal officers are. In the meantime, the Peace and Freedom Council, a group of "old-time regulars", has been studying the credentials of members of the State Central Committee. In January, one member of the Committee was indicted by the San Mateo County District Attorney for allegedly registering to vote at a residence to which he hadn't yet moved.

MOCK STUDENT ELECTION

High school students all across the nation participated in a mock presidential election during November. The ballots contained only two presidential candidates, Bush and Dukakis, and didn't even include a line to write in anyone else. Gloria Kirshner, President of National Student/Parent Mock Election (which sponsored the vote), wrote on October 28 in a letter to an attorney for the New Alliance Party, that it was too late to include any other candidates. In 1992, third party presidential campaigns must remember to contact the sponsors of such votes early in the year, so that the 1988 experience is not repeated.

RENEWALS: If your mailing label indicates that your subscription to *Ballot Access News* expires on February 1, 1989, there is an envelope enclosed to make it easier for you to renew your subscription.

THANK YOU! Mike D'Hooge, J. G. Ford Jr., Glenn Day, Lee Woofenden, Casey Peters, David Home, Maggie Feigin, Howard L. Wilson, Tom Goodwin, M. P. Bigenho, Charles Szychowski, Irv Sutley, C. T. Weber, James R. Hills, Michael Schaefer, Harry J. Marshall, Toni Novak, and Donnis Thompson, for contributions.

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