BALLOT ACCESS NEWS

San Francisco, California July 7, 1989 Volume 5 Number 2

HR 1582 HEARINGS LIKELY

Herb Stone, counsel to the Elections Subcommittee of the U. S. House of Representatives, has told the Rainbow Lobby that hearings on HR 1582, the Conyers' ballot access bill, are likely this fall. He asked the Rainbow Lobby to begin preparing a list of witnesses. Stone said that the Elections Committee has time available to hold the hearings, and that therefore they will be held, barring any unforeseen events. This will be the first time that Conyers' ballot access bills will have received a hearing.

Congressman Jim Bates, Democrat of San Diego, California, has become a co-sponsor of HR 1582. Congressman Conyers is now finally sending a letter to other members of Congress who co-sponsored HR 1582 in the past, urging them to again become co-sponsors. Conyers had originally said he would not do this until after the House had voted on HR 2190, the voter registration bill. However, that vote has been postponed again, until late July, so he decided not to wait any longer.

It will be easier for supporters of HR 1582 to gain support for the bill after HR 2190 has cleared the House. Some members of Congress are responding to letters about HR 1582, by announcing that they are supporting HR 2190. Both Sidney R. Yates, Democrat of Illinois, and Richard Ray, Democrat of Georgia, have used this approach, which provides yet another means for them to avoid saying anything about HR 1582. It would be good strategy for supporters of HR 1582 to write letters to Congress, supporting HR 2190. If HR 2190 cannot pass the full House, there won't be much hope for HR 1582.

Even when a member of Congress won't support HR 1582, he or she sometimes states things which are useful. Congressman John J. Rhodes, Republican of Phoenix, Arizona, has written that he doesn't support HR 1582 because he believes that states should have control over their own ballot access laws. However, he also said that he believes that small political parties should be able to get on the ballot without undue difficulty. Such a letter could help an attempt to persuade the Arizona legislature to modify the existing restrictive law.

GREEN PARTY

On June 25, national representatives of the Greens environmental movement, meeting in Eugene, Oregon, decided not to try to form a national "Green" political party. A resolution was passed that local governments are the most effective levels for Green political activity in the United States.

However, in Europe, Green Parties continue to grow. In the June elections for European Parliament, Greens gained 19 seats, more than any other partisan grouoping. The party gained significantly in Great Britain, France, West Germany, Italy, Spain and Belgium.

LANDMARK WRITE-IN VICTORY

On June 28, 1989, the U.S. Court of Appeals, 4th circuit, ruled that Maryland's filing fee cannot be applied to write-in candidates. Maryland had been the only state which forced write-in candidates to pay a filing fee, just to have their write-ins canvassed. A similar California requirement had been declared unconstitutional in the California Supreme Court in 1974, but the California case had not been much of a precedent, since the Court didn't explain why it was ruling as it did; instead, it stated that the reasons would be set forth in a later decision...but then it never mentioned the issue in that later decision!

The Maryland decision, unlike the 1974 California decision, explains the rationale for forbidding filing fees for write-in candidates. Moderate filing fees for non-indigent candidates seeking a place on the ballot were upheld by the U.S. Supreme Court in 1972 and 1974, because the Court was persuaded that without filing fees, ballots would become crowded with too many candidates' names. But when the candidate is a write-in candidate, the problem of an overcrowded ballot doesn't exist, since, obviously, the names of write-in candidates don't appear on the ballot.

The Maryland decision was written by Judge Harrison L. Winter and signed by the other members of the panel, Kenneth K. Hall and James D. Phillips. Winter is a Johnson appointee; Phillips is a Carter appointee; Hall is a Ford appointee. Winter has written favorable ballot access decisions in the past, including decisions putting John B. Anderson on the Maryland and North Carolina ballots in 1980. The current decision is based on the voter's right to vote for whomever he or she wishes, and the corresponding right to have that voted counted. The decision also states that the costs of counting votes must be shouldered by the taxpayers, not by the candidates. Finally, the decision states that it is unconstitutional for the state to refuse to canvass *any* write-in votes, whether the votes are for a declared write-in candidate or not, and refers to the practice of failing to count write-in votes as "censorship".

It is possible the Maryland Attorney General will ask for a rehearing before the entire 4th circuit; no decision has been made yet. The case was filed for the Socialist Workers Party by Frank Dunbaugh of Annapolis, Maryland, a founding member of COFOE and its first Treasurer. See page 5 for excerpts from the decision.

LYNDON LAROUCHE

Lyndon LaRouche has announced his candidacy for the Democratic Party nomination for Congress in Virginia's 10th district, in the June 1990 primary. Although the Virginia Democratic Party nominates by convention for statewide office, it usually nominates its congressional candidates by primary. LaRouche will need about 1,400 signatures to get himself on the primary ballot.

OREGON BILL PASSES LEGISLATURE

On July 1, the Oregon legislature sent HB 2830 to Governor Neil Goldschmidt. HB 2830 contains the improvements in ballot access which previously comprised HB 3230. The bill lowers the number of signatures for a new party to get on the ballot from 5% of the last vote, to 2.5% of the number of registered voters, still very difficult. It lowers the vote requirement for a party to remain qualified, from 5% of the vote, to 1%. And it provides that if a party is qualified statewide, then it is deemed to be qualified in every district and county of the state. The Governor has until July 31 to sign or veto the bill.

This is only the tenth time in the nation's history, that a state legislature has lowered the number of signatures needed to get a new party on the ballot, in the absence of any lawsuit or any threat of a lawsuit. The nine earlier instances are:

1. Nevada in 1925 lowered the petition from 10% of the last vote, to 5%. The 10% requirement had been successfully used in 1924 by the Progressive Party of Robert LaFollette (Nevada's population was so small at that time that the 1924 requirement was only 2,808 signatures). However, the 1924 experience probably made the state aware that 10% was excessive.

2. California in 1929 lowered the petition from 3% of the last vote, to 1% of the last vote cast. Unfortunately, in 1937, this good deed was undone, and the legislature raised it to 10% of the last vote cast.

3. Delaware in 1971 lowered the party petition from 950 signatures (50 from each of the 19 state senate districts) to no signatures whatsoever. A party only needed to be organized, under the new law. This change was made because the legislature was simultaneously legalizing write-in votes, and since it is more trouble to deal with write-in votes than votes cast for candidates named on the ballot, elections officials decided they'd rather have third parties *on* the ballot, than off. Unfortunately, the new liberal law was unworkable, since Delaware voting machines can't accommodate more than eight political parties and there were that many parties seeking a place on the 1976 ballot, so the 1976 legislature toughened the requirements again.

4. In 1973 Massachusetts lowered the petition from 3%, to 2%, of the last gubernatorial vote. This change was made because elections officials had so much trouble deadline with the Socialist Workers Party petition of over 100,000 signatures, submitted to meet a legal requirement of 56,038 signatures.

5. Also in 1973, the District of Columbia City Council lowered the petition for third party and independent presidential candidates from 5%, to 1%, of the number of registered voters. The change was made because elections officials had such a difficult time coping with two petitions submitted in 1972, by the Communist Party and by the Socialist Workers Party, each petition containing approximately 18,000 signatures.

6. In 1977 Vermont lowered the petition from 1% of the last vote cast (1,412 signatures in 1976) to a flat 1,000 signatures. The new law also provided that a new political party could qualify by being organized, without any signatures whatsoever. The new law was prompted by a desire to avoid the problems of petition verification in 1976, when Eugene McCarthy had successfully challenged in court procedures by which town clerks check signatures.

7. Also in 1977, Wisconsin lowered the statewide third party and independent candidate petition from 3,000 signatures, to 2,000 signatures. The legislature decided to adopt a policy that all candidates should face equal ballot access hurdles. Since Republicans and Democrats running for statewide office needed 2,000 signatures to qualify for the primary, it seemed only fair that third party and independent candidates shouldn't need any more than this.

8. Georgia in 1979 lowered the statewide third party and independent candidate petition from 5%, to 2.5%, of the number of registered voters, due to persistent lobbying by the American Party and the American Independent Party (in 1986, the legislature lowered the statewide petition again, to 1%, but this probably wouldn't have happened without the lawsuit *Bergland v Harris*, brought in 1984).

9. New Mexico in 1983 lowered the petition for third party candidates (other than president) to get on the ballot, from 3%, to one-half of 1%, due to Libertarian Party lobbying.

In addition to these examples, there are three instances when a third party won a lawsuit on some aspect of the ballot access laws not relating to the number of signatures. When the legislature amended the ballot access laws to comply with the court decision, they also lowered the numbered of signatures. These instances were Kansas in 1984 (from 3% to 2%), Idaho in 1985 (from 3% to 2%), and Nevada in 1987 (from 5% to 3%).

It is clear from this history, that the best way to persuade a state legislature to lower ballot access requirements, is to comply with the old requirements, if possible! Once a legislature sees that third parties are going to be there anyway, they frequently accept the idea, and lower the requirements in the interest of easier election administration.

OTHER WRITE-IN NEWS

1. U.S. District Court Judge Sarah Evans Barker has indicated she will rule on the constitutionality of Indiana's ban on write-in votes, without a hearing. She promised a decision by the end of 1989.

2. The Hawaii Supreme Court heard arguments on whether or not Hawaii law provides for write-in voting or not, on June 26. Justice Herman T. F. Lum seemed supportive of write-in voting, but Justice Frank Padgett seemed unsupportive. The other three justices did not give any clues about their attitudes.

STATE LEGISLATIVE NEWS

California: The Assembly passed AB 368 on June 30 by a vote of 50 to 12. The bill moves the presidential primary from June to March. On June 22, the Assembly passed AB 633, which expands the petitioning period for independent presidential candidates from 60 days to 105 days. Both bills now go to the Senate.

Idaho: the 1989 legislative session ended, and the bills to move the date of the presidential primary from May to March failed to pass. If Idaho had changed the date of its presidential primary to March, then Oregon and Montana would have made the same change, since many legislators in the northwest were hoping to arrange for a northwest "regional" presidential primary.

Massachusetts: no action has been taken on HB 3211 since it passed the House Committee on April 26. HB 3211 would lower the number of signatures for third party and independent candidates from 2%, to 1%, of the last vote cast. The sponsor, Representative John Businger, is not willing to bring the bill to a vote until he believes that it will pass.

House Bill 1544, sponsored by Businger and the Secretary of the Commonwealth, would change the petition deadline for third party and independent candidates from May, to late July or early August, depending on the calendar. It passed the Joint Committee on Election Laws on May 4, 1989, but has not made any further progress. Since a court order remains in effect, mandating that the May deadline is unconstitutionally early and cannot be enforced, the only effect of HB 1544 is to conform the election code to existing policy.

Minnesota: On May 30, 1989, Minnesota Governor Rudy Perpich signed House File 630, which establishes a presidential primary, to be held in late February. Minnesota was one of the first states to hold presidential primaries, but abolished its primary after 1956 and hasn't held one since. The early date violates rules of the Democratic Party, but Minnesotans don't believe that the 1992 Democratic convention will refuse to seat their delegates just because the primary date is too early.

North Carolina: Although the major ballot access reform bill, HB 1199, remains stalled, HB 1198 was enacted into law on June 21. It lowers the number of signatures needed by an independent candidate for city office from 15% of the number of registered voters, to 10%. The old requirement had been held unconstitutional in 1983. The new requirement is probably also unconstitutional.

New Hampshire: On May 22, 1989, Governor Judd Gregg signed SB 178, which affects ballot access for candidates who are seeking a place on the primary ballot (currently, only Republicans or Democrats). The bill imposes very difficult ballot access requirements to get on the primary ballot, but waives them if the candidate agrees to abide by a limitation on campaign spending.

In 1976, the Supreme Court ruled that it is unconstitutional to limit any candidate's total campaign expenditures, unless a system of public financing is in place. New Hampshire's legislators don't want public campaign financing, but they do want to set a ceiling on campaign spending, so they arrived at the idea of penalizing candidates who don't submit to a "voluntary" ceiling on expenditures, by requiring such candidates to pay a large filing fee *and* to submit a large number of signatures on a petition. SB 178 requires a filing fee of $5,000, plus a petition signed by 2,000 signatures, for statewide candidates, and requires that each signature by individually notarized.

Although the Supreme Court has upheld ballot access requirements of considerable difficulty, the rationale for the decision was that severe ballot access requirements are necessary to prevent ballots from being overly crowded. Since it's obvious that the New Hampshire ballot access requirements (for primary candidates who don't abide by spending limitations) is not intended for the purpose of keeping ballots uncrowded, it will be interesting to see what the courts say about the law, assuming a Republican or Democratic candidate brings a lawsuit against it.

Washington: On March 31, 1989, the legislature approved Initiative 99, establishing a presidential primary, to be held in March. Washington has never before held a presidential primary. There are now only eleven states without presidential primaries: Alaska, Arizona, Colorado, Delaware, Hawaii, Iowa, Kansas, Maine, Nevada, Utah and Wyoming. (see Minnesota above).

POLAND

There is a detailed article about election procedures in Poland, in the June 12, 1989 issue of *Election Administration Reports.* The editor, Dr. Richard G. Smolka, a political science professor at American University, spent nine days in Poland, observing the June 4 election. He is willing to send copies of that issue to anyone, as long as supplies last. Enclose a self-addressed, stamped envelope. Write *Election Administration Reports,* 5620 33rd St., NW, Washington, D.C. 20015.

Poland required 5,000 signatures for an independent candidate to get on the ballot for the Senate. The typical Senate district had approximately 650,000 registered voters, so the ballot access petition was approximately three-fourths of 1% of the number of eligible signers. There are 13 states in the United States which require petitions of *twice* that percentage, *or greater*, in order for an independent candidate to get on the ballot for the U.S. House of Representatives: California, Florida, Georgia, Illinois, Maryland, Missouri, Montana, Nevada, New York, North Carolina, Oregon, South Carolina, and Wyoming.

MEXICO

On July 2, 1989, a party other than PRI won a governorship of a Mexican state, for the first time since PRI came to power in 1934. The winning candidate, Ernesto Ruffo Appel, was the candidate of PAN (National Action Party), in the state of Baja California Norte.

CALIFORNIA CANDIDACY DECISION

Although the U.S. Supreme Court has upheld constitutional requirements on who may be a candidate (e.g., requirements that someone must have lived in a state for a certain number of years before he can be a candidate for state office), California state courts have a tradition of holding such requirements unconstitutional, or of disregarding them. Although the California Constitution says that candidates for the legislature must live in the district for one full year before running, in 1976 the Secretary of State ruled that the provision violates the U.S. Constitution, and consequently it is not enforced.

However, on June 27, 1989, the California Court of Appeals ruled that Norman A. Tergeson, a county supervisor in Groveland, Tuolumne County, must vacate his office, since he didn't comply with a state law which requires a candidate for office to have been a registered voter in his or her district for at least 30 days before the deadline for filing a declaration of candidacy. The law is contained in the Government Code, not the Election Code, and is in addition to another law which Tergeson met, that the candidate must have *lived* in the district for thirty days prior to the deadline. Tergeson was elected in a five-person race on June 7, 1988, with 52% of the vote, and has been holding the office since January 1989, but now he must vacate it. The lower court had ruled that he had substantially complied with the law, since he had been registered for 28 days before the candidacy deadline, but the Court of Appeals ruled that the30 days requirement must be strictly enforced.. The Court of Appeals also upheld the constitutionality of the requirement. *Daniels v Tergeson,* no. F011029, Fifth Appellate District. Now that the office is vacant, the Governor can fill it, and Tergeson hopes the Governor will appoint him. Tergeson is also considering an appeal to the State Supreme Court.

U. S. SUPREME COURT

On June 12, the Supreme Court refused to hear *Ahmad v Raynor,* the Maryland Libertarian Party's challenge to that state's ballot access law for new parties. Now that the only means remaining to reform the Maryland law is to persuade the legislature to change it, the party has set up a committee to lobby for such a change. The committee is headed by Robert E. Creager, 3819 Stepping Stone Lane, Burtonsville Md 20866, tel. (301) 890-4326. The party did persuade the Attorney General of Maryland to issue a helpful ruling on June 7, which states that candidate petitions which are found not to contain enough valid signatures, can then be supplemented.

On July 3, the Supreme Court refused to hear *Delgado v Smith,* the case over whether initiative petition forms are "private" or "governmental". The U.S. Court of Appeals, 11th circuit, had ruled in that case that they are "private", and thus need not be bi-lingual, even if they are being circulated in states which must have bi-lingual ballots.

GOVERNMENT EMPLOYEES

On April 17, 1989, the U.S. House of Representatives passed HR 20 by a vote of 297 to 90. HR 20 would amend the Hatch Act. Currently, the Hatch Act prevents federal civil service employees from participating in partisan political activity, on their own time, even while they are on a leave of absence. HR 20 would provide that government employees, on their own time, are free to engage in partisan political activity. Similar legislation has passed the House several times in the past, but never by such a large margin.

FLORIDA

The June 9 *Ballot Access News* stated that the Libertarian Party of Florida planned to sue over Florida's requirement that 5,525 valid signatures be submitted, with only 13 days in which to collect them. The signatures would be for the purpose of getting an independent candidate on the ballot for Congress in the special election to fill Claude Pepper's vacant seat.

Unfortunately, a Democratic candidate, Celeste Coonan, brought a lawsuit first, and it failed, partly because Coonan's brief didn't mention the most useful precedents, *Mathers v Morris, Blomquist v Thomson,* and *Citizens Party of Georgia v Poythress.* All three precedents require reduced signature requirements, or additional time, in the context of signature requirements imposed with no prior warning. The *Mathers* case, won by Libertarian attorneys Steve Fielder and Paul Kunberger in 1981, specifically related to special congressional elections and had been affirmed by the U.S. Supreme Court, so it would have controlled this outcome, if only it had been brought to the Florida court's attention. Although Democrats and Republicans who can afford the $2,700 filing fee need not petition in Florida, Coonan couldn't pay the filing fee and therefore was expected to obtain approximately 5,000 signatures in less than two weeks. Coonan's case was *Coonan v Smith,* no. 89-1232 in U.S. District Court in Miami, and no. 89-5577 in the 11th circuit.

The *Coonan* case is not over. Although Coonan failed to get an injunction ordering her name on the Democratic primary ballot, she plans to ask for declaratory relief after the election, and all useful precedents will be mentioned. The Libertarian Party may file its own lawsuit as well.

BALLOT ACCESS NEWS (ISSN 10436898) is published by Richard Winger, Field Representative of the Coalition for Free and Open Elections, $6 per year, thirteen times per year, every 4 weeks, at 3201 Baker St., San Francisco CA 94123. Second class postage paid at San Francisco CA.

POSTMASTER: Send address changes to *Ballot Access News* at 3201 Baker St, San Francisco Ca 94123.

1990 PETITIONING

The national Libertarian Party Ballot Access Committee has about 13,000 signatures on its petition to qualify the party in Maryland (10,000 are required), and expects to finish the drive in the July. Next, the Committee will begin petitioning in Nevada. The New Alliance Party has about 500 signatures on its party petition in North Carolina (about 43,000 are required). No Libertarian Party petitioning has begun in North Carolina yet, but Project 51-'92, the national Libertarian ballot access PAC responsible for the North Carolina petition drive, anticipates starting during July.

EXCERPTS FROM THE DIXON DECISION

Any write-in candidate who fails to pay Maryland's required filing fee and become certified will neither be considered an official candidate nor have reported the write-in votes cast for him. Thus, the direct impact of the fee and certification requirements falls on the candidate. It falls equally, however, on the voters who support him, because it is through their association with and their votes for the candidate that they may most effectively express their political preference. The district court concerned itself almost exclusively with the impact of the requirements on the candidate. We consider and decide the case on the basis of the effect of the regulations on the voters of Baltimore city.

The asserted injury to the right to cast an effective vote, like the asserted infringement on rights of association is, in character, of extraordinary importance. 'No right is more precious in a free country than that of having a voice in the election of those who make the laws under which, as good citizens, we must live. Other rights, even the most basic, are illusory if the right to vote is undermined (citations omitted)'. *It is apodictic that a vote does not lose its constitutional significance merely because it is cast for a candidate who has little or no chance of winning.* Nor do we think it loses this character if cast for a non-existent or fictional person, for surely the right to vote for the candidate of one's choice includes the right to say that no candidate is acceptable. The Supreme Court has repeatedly recognized that minor parties and their supporters seek 'influence, if not always electoral success.' (citations omitted). Our form of government is built upon the premise that every citizen shall have the right to engage in political expression and association...History has amply proved the virtue of political activity by minority, dissident groups, who innumerable times have been in the vanguard of democratic thought and whose programs were ultimately accepted. Mere orthodoxy or dissent from the prevailing mores is not to be condemned. The absense of such voices would be a symptom of grave illness in our society (citation omitted, emphasis added)'.

Maryland's refusal publicly to announce the vote totals of non-certified write-in candidates squarely implicates these concerns. For, almost invariably, those who cast write-in votes are expressing support for persons other than major party candidates, whose names normally appear on the ballot...The State's failure to report these votes closes off this avenue for dissident expression. Like the early filing deadline invalidated in *Anderson,* Maryland's filing fee and certification prerequesites for the reporting of write-in votes 'discriminate...against those voters whose political preferences lie outside the existing political parties...such restrictions threaten to reduce the diversity and competition in the marketplace of ideas.' In our view, this injury is of great magnitude. The refusal to report a vote because it is cast for a candidate who has not paid a filing fee and become certified, completely undermines the right to vote. Voters voicing their preference for such a candidate have this right of political expression taken away from them when the State refuses to make their votes public. This is no different in effect from refusing to allow them to cast their ballots in the first place.

As justifications for requiring that write-in candidates pay a filing fee in order to become certified and be declared official, defendants proffer two interests. First, they assert that the requirement is intended to help defray the cost of write-in candidacies. Second, they contend that the requirement helps to assure that only serious candidates are accorded official status.

Preservation of the public fisc is, undoubtably, a legitimate state objective which may, under appropriate circumstances, be achieved through the charging of fees to election candidates. The Supreme Court has suggested, for example, that a State may legitimately assess a fee of a candidate for election expenses -- such as the cost of entering a particular document into the public record -- that arise as a result of the candidate's decision to enter a race. See *Bullock,* 405 U.S. at 147-148 & n. 29. But the Court has also indicated that this legitimacy does not extend to expenses -- such as the cost of counting votes -- arising solely because the State has chosen to hold the election. Whether a given fee is a legitimate means of achieving this asserted interest thus depends upon the precise nature of the particular expense covered by the fee.

...Even assuming that these costs do vary, defendants have made no effort to demonstrate any correlation between the fee charged to write-in candidates and any particular election expense. They have presented no figures detailing actual costs. Rather, they have merely asserted that numerous expenses arise because of write-in candidacies, and that the fee helps the State to meet these expenses. This bare assertion, without more, is insufficient to show that Maryland is not requiring write-in candidates to pay election expenses properly chargeable only to taxpayers generally.

POST OFFICE PETITIONING

On June 13, the U.S. Solicitor General asked the U.S. Supreme Court case to hear the federal government's appeal in *US v Kokinda*, the case over whether First Amendment activity can be carried out on post office sidewalks. On October 2, 1989, the Court will announce whether it will hear the case. It is very likely that the Court will hear the case, since there is a split in the circuits on the issue. Jay Alan Sekulow of Atlanta, Georgia, will be the attorney for Kokinda. Sekulow won a somewhat similar case before the Supreme Court in 1987, *Board of Airport Commissioners v Jews for Jesus*. The issue in that case was whether First Amendment activity could be carried out in airport terminals.

Since in many states it is difficult for petitioners to find good locations, and since post office sidewalks are frequently excellent places in which to petition, it will be important for organizations which must petition, to submit *amicus* briefs to the Supreme Court, in support of Kokinda's position (assuming the Court takes the case).

COFOE

Readers are urged to join COFOE, which works on ballot access problems. Dues of $10 entitles one to membership with no expiration date; it also includes a one-year subscription to *Ballot Access News* (or a one-year renewal). Organizations which are members of COFOE include the Libertarian, New Alliance, Communist, Socialist and Prohibition Parties, the Green Party of New York, the Peace & Freedom Party of California, Liberty Union Party of Vermont; also the Long Island Progressive Coalition. The Populist Party has also decided to join COFOE. Address: Box 355, Old Chelsea Sta., New York NY 10011. Membership applications can also be sent to 3201 Baker St., San Francisco Ca 94123. "COFOE" is an acronym which stands for "Coalition for Free and Open Elections".

LIBERAL PARTY VICTORY

On June 21, federal judge Leonard B. Sand, a Carter appointee, ruled that New York must permit independent voters to vote in the Liberal Party primary, starting this year. The party had changed its bylaws to permit this, but state law doesn't recognize a party's right to make this decision for itself, so the party filed a lawsuit on June 13. The decision came quickly because the U.S. Supreme Court had settled this identical issue in a Connecticut case in 1986. The Liberal Party's case was *Liberal Party of New York State v State Board of Elections*, no. 89-4117.

NADER ON THIRD PARTIES

Ralph Nader, consumer activist and founder of *Public Citizen*, had this to say on April 19, 1989, when he was asked about third parties: "Well, I think we need new political parties. I think these two political parties are getting to be so much alike and so much in hock to the financiers that we really do. Remember the farmers in the 1890s, they decided there was going to be the Peoples Party. It so shook up the Democratic Party and Republican Party that those two parties began to change."

PROPORTIONAL REPRESENTATION

Proponents of proportional representation hope to begin circulating an initiative petition in California on January 1, 1990. The precise wording for the proposal is almost ready. Contact C. T. Weber, 9616 Caminto Tizona, San Diego Ca 92126, tel. (619) 530-0454, for more information. Weber is especially eager to hire fundraisers. The proposal will be an amendment to the California constitution, and therefore will require 609,371 valid signatures during the period January through June 1990. *Ballot Access News* will carry the exact text of the proposal, when it becomes known.

[ ]**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.

SECOND CLASS PAID AT SAN FRANCISCO CA

TIME VALUE

[ ] I want to receive ***BALLOT ACCESS NEWS***.
I enclose $6.00 for 1 year (overseas: $10)
Make check out to "Ballot Access News".

[ ] I want to join COFOE. Enclosed is $_____
(includes one-year subscription to this newsletter, or one-year renewal). Make check out to "COFOE". Minimum dues are $10.

Name _____

Address _____

City _____ State _____ Zip _____