

BALLOT ACCESS NEWS

San Francisco, California

November 27, 1989

Volume 5 Number 7

NEWS ELECTION SERVICE

On November 7, 1989, one of the closer city council elections in New York city was in the 11th district, in the South Bronx. However, one would never know it from reading the daily newspapers in New York. Pedro Espada, the New Alliance Party candidate, received 12,381 votes. The only other candidates in the race were Rafael Colon, the incumbent Democrat, who received 16,469 votes, and the Conservative Party candidate, Benjamin Newmark, who didn't campaign and who received 290 votes. Both the *New York Times* and the *New York Post* reported the vote for Colon and Newmark on November 8 but failed to mention Espada or his vote. Both newspapers have refused to run any addendum or correction since their November 8 edition, even though both newspapers have received evidence of Espada's vote. A *New York Times* editor reportedly told an Espada supporter that under no circumstances would the newspaper mention his vote total, unless he won the election. However, this was an oral remark, not a written communication.

Why would the daily newspapers carry the vote for a candidate who didn't campaign and who received less than 1% of the vote (the Conservative candidate), while refusing to mention the vote for a candidate who campaigned vigorously and received 42.5% of the vote? Because the News Election Service determined before the election was ever held that it would collect information only for the candidates of the New York political parties which meet the election law definition of "political party". In New York, a political party which polled at least 50,000 votes in the last gubernatorial election is a "political party"; other parties may appear on the ballot, with the party label, but are called "Independent bodies" in the election law.

The News Election Service infuriated supporters of the various third party presidential candidates last year, by refusing to collect any election night election returns for any presidential candidates other than George Bush and Michael Dukakis. News Election Service is owned by the national broadcast networks and a few major newspapers, and is their only source for actual vote totals on election night. News Election Service is obviously biased against third parties in general, but it has a peculiar additional "New York" bias in favor of the legally established third parties of New York state. Both in 1988 and in 1989 it treated the legally-established third political parties of New York state (Conservative, Liberal and Right to Life) with as much care as it treated the Democratic and Republican Parties, yet it ignored the vote totals for legally established third political parties in other states. Thus in 1988 NES carried election returns for the Right to Life Party candidate for U.S. Senate from New York, even though she only received 1.07% of the vote. But NES refused to mention the votes cast for Libertarian Party candidates for U.S. Senator in Arizona, Hawaii, Nevada, North Dakota, or the vote cast for the New Alliance Party candidate for U.S. Senator in Nebraska, despite the fact that those par-

ties met the legal definition of "political party" in those states and did much better than the Right to Life Party of New York (the Hawaii Libertarian polled almost 3% for U.S. Senate).

NES points to its coverage of the New York established third parties whenever anyone accuses it of being biased against third parties. It's difficult to believe that NES can continue its policy, in the face of the 1989 election in which it covered the vote of a candidate who got under 1% of the vote, and ignored the vote of a candidate in the same race who got over 42%. It is possible that Espada will sue NES, the *New York Times*, and the *New York Post*, for defamation. There are legal precedents which hold that defamation can consist of omission of information.

HR 1582 GAINS 2 MORE CO-SPONSORS

HR 1582, the John Conyers' ballot access bill, has gained 2 more co-sponsors during the last month: Donald M. Payne of New Jersey, and Wayne Owens of Utah. Both are Democrats. Payne's co-sponsorship was obtained by the Rainbow Lobby's lobbying, and Owens' by the lobbying of Bob Waldrop, a Utah Libertarian. Owens promised to become a co-sponsor but has not yet completed the paperwork to be listed. Other members who are leaning toward being co-sponsors are Tom Campbell of California, and Sidney Yates and John E. Porter of Illinois.

MASSACHUSETTS INITIATIVE

The Massachusetts Committee for Fair Ballot Access submitted approximately 72,000 signatures on its initiative petition by the November 27 deadline. 50,495 are required. The signatures are being checked now, and by mid-December we will know whether the initiative qualified or not. The initiative would lower the number of signatures needed to qualify a third party or independent candidate to one-fourth of the existing level, from 2% of the last gubernatorial vote, to one-half of 1% (i.e., from about 40,000 signatures, to about 10,000).

KANSAS SECRETARY OF STATE

On November 1, Bill Graves, Secretary of State of Kansas, stated in a letter that he will support a reduction in the number of signatures needed to qualify a new party for the ballot, from 2% of the last gubernatorial vote (16,813 signatures), to 1% (8,407 signatures). No political party has ever qualified by petition in Kansas. Before 1965, no signatures were required to qualify a new party.

Graves' letter also states that he is undecided about whether to ask the legislature to raise the requirement for a statewide independent candidate, which is now 2,500 signatures. Graves is a Republican and the legislature has a majority of Republicans. The Governor is also a Republican and favors easier ballot access.

STATE LEGISLATIVE NEWS

Alabama: Libertarians hope that Representative Morris Brooks will introduce a bill to ease the requirements for a political party to remain qualified. Alabama requires a vote of 20%, the highest in the nation.

California: the Rainbow Lobby has sent a letter to 35 state legislators, asking each to sponsor a bill next year to lower the number of signatures needed for a statewide independent candidate to get on the ballot. The existing requirement is 140,149 signatures. No independent candidate in the history of the nation has ever met a signature requirement in any state greater than 101,297.

Florida: the Secretary of State plans to ask the 1990 legislature to make ballot access for third party candidates harder than it already is. Florida requires 181,421 signatures for a third party. The signatures cannot be collected earlier than January of the election year, and are due July 17. The Secretary of State wants to change the deadline to mid-May. The 1989 session of the legislature already moved the deadline for independent candidates for Congress from July to May. Such changes are probably unconstitutional, under *Mandel v Bradley*, 473 U.S. 132, a 1977 U.S. Supreme Court decision which said that petition deadlines that are several months earlier than the primary are unconstitutional if virtually no third party or independent candidate ever qualifies (the Florida primary is in September). Even with a July deadline, only one third party has qualified in Florida during the last 62 years, and no statewide independent has ever qualified (the requirements for third party and independent presidential candidates in Florida are more lenient and the preceding statement does not apply to presidential candidates).

Georgia: third party activists are meeting with legislators, seeking support for a proposed bill to lower the requirements for third party and independent candidate ballot access, especially for district office, which is now 5% of the number of registered voters.

Indiana: Libertarians have several appointments with state legislators during early December, in order to find a sponsor for a bill to lower the number of signatures for third party and independent candidates.

Maryland: Libertarians are attempting to hire a lobbyist to work for fairer ballot access. All attempts earlier this year to find a legislative sponsor failed. It had been hoped that Baltimore County Representative Robert Ehrlich would sponsor an bill, but that hope has faded.

North Carolina: Representative Art Pope is attempting to gain support for his HB 1198, which would reduce the number of signatures needed for third party ballot access from 2% of the last gubernatorial vote, to one-half of 1%. The bill was defeated in Committee earlier this year, but the Committee agreed to reconsider the bill at an indefinite time in the future. It may be heard again in early 1990.

Oklahoma: The Legislative Council, a non-partisan group which lobbies for good government, has agreed to help lobby for better ballot access.

West Virginia: On October 4, Dick McBride of the Socialist Workers Party addressed the State Election Commission and asked it to improve ballot access laws. The Commission is drafting a revised election code.

SEE YOUR CONGRESSMAN LOCALLY!

Congress adjourned on November 21 and won't return until January 23, 1990. Therefore, your best opportunity to meet with your member of Congress is during the next six weeks. If your member of Congress isn't already a co-sponsor of HR 1582, please telephone his or her district office and ask for an appointment so that you can make a face-to-face appeal for co-sponsorship. Use the arguments contained in Conyers' letter, if you wish.

If your member of Congress says that he or she won't co-sponsor HR 1582 because it intrudes on states' rights, mention to your member of Congress that Article I, Section 4 of the U.S. Constitution gives Congress the authority to write election laws governing Congressional elections. HR 1582 only applies to federal office. Remind your member of Congress that in 1970, Congress passed a bill lowering the voting age to 18, and that the U.S. Supreme Court upheld the power of Congress to do this, for federal elections only. *Oregon v Mitchell*, 400 U.S. 112 (1970).

CONSUMER PARTY

The Consumer Party of Philadelphia decided at the last moment to run Besse Weiner for City Controller. The party's original candidate, Max Weiner, had died only two weeks before the election. Although Besse Weiner placed third, behind the Democratic and Republican candidates, her 23% showing (76,000 votes) easily retained the Consumer Party's status as a qualified party in Philadelphia. Her exact showing is not yet known.

PATRONAGE

On October 2, 1989, the U.S. Supreme Court agreed to hear a pair of Illinois cases on whether governments may discriminate against their own employees on the basis of party affiliation. *Rutan v Republican Party of Illinois*, no. 88-1872, and *Frech v Rutan*, no. 88-2074. The Supreme Court already ruled in 1976 and again in 1980 that it is unconstitutional to fire government employees because of their party affiliation, unless "party affiliation is an appropriate requirement for the effective performance of the public office involved". The new cases should determine if governments may continue to discriminate on the basis of party membership, in matters of promotion, lay-offs, and demotions. Different circuits have disagreed on the issue. Former U.S. Supreme Court Justice Lewis Powell was vehemently opposed to any judicial interference with the old practice of hiring and firing government employees on the basis of partisan political affiliation, but he isn't on the court any longer.

CONNECTICUT INDEPENDENT PARTY

On November 27, 1989, the U.S. Supreme Court refused to hear the case filed by the Independent Party of Connecticut over the party's name. *Fox v Connecticut*, no. 89-626. The Party originally was called the Unaffiliated Party, and it appeared on the Connecticut statewide ballot in 1986 under that name. In 1987, the legislature passed a bill providing that no party could be named "Unaffiliated", since there was too much confusion between voters registered as members of that party, and voters who simply wish to register as not affiliated with any political party. The Unaffiliated Party then changed its name to the Independent Party, but also insisted that since the state had "condemned" its original name, that the party should be compensated for the taking of its property, under the 5th amendment to the U.S. Constitution. The party said its original name was worth \$70,000,000.

The state responded that it would not honor the claim unless the party obtained a judgment in state court. The party instead filed a lawsuit in federal court. However, the 11th amendment to the U.S. Constitution forbids lawsuits by private citizens against state governments in federal court, so the U.S. District Court and U.S. Court of Appeals dismissed the case, an action which the U.S. Supreme Court refused to disturb. It should be noted that the 11th amendment does not bar lawsuits by private citizens against state government officials, just against the states themselves.

CONGRESSIONAL PAY RAISE

The Congressional pay raise approved this month will raise filing fees to run for Congress in the eleven states shown below. This is because candidate filing fees in these states are based on salary. The first column shows the current filing fee to run for U.S. House of Representatives; the second column shows what it will be in 1992, assuming there is no additional pay increase.

STATE	1988	1992
Alabama	\$1,790	\$2,415
California	\$895	\$1,208
Delaware	\$1,790	\$2,415
Florida	\$4,475	\$7,248
Georgia	\$2,685	\$3,622
Kansas	\$895	\$1,208
Montana	\$895	\$1,208
Nebraska	\$895	\$1,208
North Carolina	\$895	\$1,208
South Carolina	\$1,790	\$2,415
Utah	\$224	\$302
Virginia	\$1,790	\$2,415
Washington	\$895	\$1,208
West Virginia	\$895	\$1,208

In some states, only candidates running in the primary are charged filing fees; in other states, all candidates are.

JUDGE APOLOGIZES

Gelfand v Smith is the case described in the Sept. 26 issue of *B.A.N.*, in which a member of the Socialist Workers Party, Alan Gelfand, sued the party because it expelled him. There was a hearing on November 13 in federal court in Los Angeles to consider Gelfand's motion for modification of the findings of fact. The findings of fact had ruled that Gelfand's expulsion did not violate party rules. At the hearing, Judge Mariana Pfaelzer not only refused to alter her findings of fact, she stated from the bench that she had been wrong to ever let the case go to trial. She apologized to the Socialist Workers Party for forcing it to undergo an expensive trial in a lawsuit that has already lasted more than ten years. Gelfand has until January 12 to decide whether or not to appeal.

In another case concerning political privacy, *Igneri v Moore*, 89-7730, there will be a hearing in the 2nd circuit on December 6. This is the case over whether certain political party county chairmen in New York must reveal information about their assets. The lower Court had ruled the law unconstitutional, and the state is appealing.

FREE ELECTIONS OVERSEAS

Proponents of free, multi-party elections continue making gains around the world.

1. On November 9, Jordan held its first multi-party parliamentary election since 1967. Pro-government parties won two-thirds of the contested seats.
2. On November 17, Petar Mladenov, head of the ruling Communist Party of Bulgaria, said he supports free elections to the National Assembly and declared that the National Assembly should be the decision-making body for the nation.
3. On November 3, a spokesman for the government of Poland said that the government has decided to ban the financing of political parties from the state budget.
4. On November 6, Namibia (formerly Southwest Africa), soon to be independent, held its first parliamentary election. The SWAPO Party, associated with pro-independence rebels, won a majority of seats but less than the two-thirds needed to ratify a constitution.
5. On December 2, Taiwan will hold its first multi-party elections for members of the national legislature. Previously, anyone could run for the national legislature, but it was illegal to organize a political party other than the ruling Kuomintang Party.
6. On November 12, Brazil held its first direct presidential election since 1960. Since no one received a majority, there will be a run-off on December 17.

MOTHER JONES MAGAZINE

The November 1989 has a one-page article called "Third-Party Fever" about groups or individuals who advocate a mass-based new political party on the left in the U.S.

A TALE OF TWO COURTS

During August 1989, two different courts issued drastically different opinions on whether a candidate could participate in an election or not.

1. On August 25, 1989, California Superior Court Judge William C. Pate ordered a candidate for San Diego city council to be placed on the ballot, even though his petition lacked enough valid signatures. San Diego requires candidates for City Council to submit 200 valid signatures, and the candidate, Bob Switzer, only submitted 183 valid signatures. The judge ruled that the candidate had "substantially complied" with the requirement. The city of San Diego decided not to appeal. *Switzer v Abdelnour*, no. 615105. Switzer placed last among five candidates, polling 2.1% of the vote in September.

2. In stark contrast, on August 31, 1989 the New York State Court of Appeals ruled that several candidates for Civil Court Judge couldn't be on the primary ballot, and furthermore that they couldn't even be write-in candidates, even though they meet the legal requirements to hold the office. Ever since 1967, candidates who fail to get on the primary ballot in New York state have at least been given the right to be write-in candidates in the primary, if the candidates had tried to get on the ballot but had failed because their petitions were defective. But in *Harden v Board of Elections*, 544 NE 2d 605 (1989), New York state's highest court that the candidates in question (whose petitions were rejected because they didn't have enough valid signatures) couldn't even be write-in candidates. The vote was 6-1. The majority differentiated between petitions which are invalid because they weren't signed by enough qualified voters, versus petitions which are invalid for various technical errors. The decision says that candidates in the latter class can at least be write-in candidates, whereas the former class cannot.

The obvious question for the New York court is this: if it's possible to make a clear-cut distinction between petitions which are deficient because they weren't signed by enough qualified voters, versus petitions which are deficient because of "technical defects" but which do contain enough signatures of eligible voters, what is the logical or moral basis for keeping candidates off the ballot who submit the latter type of petition? New York state courts ought to see that a petition is not an end in itself, but a device to determine whether a candidate has significant support.

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. © 1989 by Richard Winger. Permission is freely granted for reprinting *Ballot Access News*.

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

BOOK ON LaROUCHE IS GOOD READING

Doubleday Publishers released *Lyndon LaRouche and the New American Fascism* in hardcover in April 1989. The book is by Dennis King, a New York city journalist and long-time researcher of LaRouche and his followers. It sells for \$19.95 and is 415 pages.

The book is fascinating to anyone who is interested in political movements. One chapter analyzes the content of literature published by the LaRouche movement during the last sixteen years, and argues that LaRouche references to "British" and "Babylonian" institutions, and to "Thule" and "Atlanteans" are designed to mesh with old anti-Semitic literature of the past, and to appeal to Neo-Nazi and Klan followers. LaRouche theoretical writings have always presented the history of civilization as a struggle against the forces of evil, "oligarches", who operate through conspiracy. Other chapters detail the dirty tricks and harassment campaigns that LaRouche has engaged in. Still other chapters provide a biography of LaRouche's early years and explain how his group began in his living room and expanded to an organization with a \$30,000,000 annual budget. The book went to press in September 1988 and is current to that month.

The book is useful to proponents of tolerant and open ballot access laws. Part Four contains an account of how LaRouche's electoral activities were first carried out in the U.S. Labor Party, and how LaRouche dissolved the party in 1979 and moved his organization into the Democratic Party. King convincingly shows the harm done to the Democratic Party, in considerable detail. He does not state that the reason LaRouche dissolved the U.S. Labor Party is because of restrictive ballot access laws (in fact, he offers no explanation of why the 1979 change was made by LaRouche), but at least the book documents the harm done to the Democratic Party since 1979.

One chapter tells how the LaRouche organization printed thousands of copies of a fake Sunday supplement to the *New York Times* and managed to get them inserted into real copies of the newspaper while they were at newsstands.

King criticizes the press and the Democratic Party for not explaining the LaRouche movement to the public. King argues that LaRouche is not a "kook", but rather a brilliant, unprincipled individual striving to obtain dictatorial power by scapegoating unpopular groups. Although King considers himself LaRouche's enemy, he argues that LaRouche should have been fought politically, in the court of popular opinion, rather than with criminal prosecution. King's book is not "balanced"; he fails to mention any good that the LaRouche movement has ever done, although in fact it did win some important ballot access lawsuits during the 1970's, as well as some legal victories on other First Amendment issues. King also tends to exaggerate LaRouche's popularity. He points with alarm to the rather high vote showings LaRouche polled in Democratic presidential primaries in 1980 and 1984, but he fails to say that LaRouche's 1988 primary vote was much weaker (however, LaRouche supporters continued to do well in 1988 Democratic primaries).

1990 PETITIONING

STATE	REQUIRED	SIGNATURES COLLECTED					DEADLINE
		LIBT	NAP	POP	WWP	OTHER	
Alabama	12,345	200	0	0	0	—	Apr 6
Alaska	2,032	0	0	0	0	AK IN	Jun 1
Arizona	23,438	1,100	0	0	0	—	May 19
Arkansas	24,833	can't start	can't start	can't start	can't start	—	May 1
California	(reg) 76,172	already on	0	263	0	PFP,AIP	Jan 2
Colorado	1,000	can't start	can't start	can't start	can't start	—	Aug 7
Connecticut	9,937	can't start	can't start	can't start	can't start	—	Aug 10
Delaware	(reg.) 145	already on	already on	0	0	—	Aug 18
Dist of Col.	(est.) 3,000	can't start	can't start	can't start	can't start	STATEH	Aug 29
Florida	181,421	can't start	can't start	can't start	can't start	—	Jul 17
Georgia	29,414	already on	3,800	1,600	0	—	Aug 7
Hawaii	4,438	already on	0	0	0	—	Apr 25
Idaho	8,180	already on	0	0	0	—	Aug 30
Illinois	25,000	can't start	already on	can't start	can't start	—	Aug 6
Indiana	30,950	500	0	0	0	—	Jul 15
Iowa	1,000	0	0	0	0	—	Aug 17
Kansas	16,813	0	0	0	0	—	Apr 12
Kentucky	5,000	0	0	0	0	—	Jan 29
Louisiana	(reg) 108,000	200	0	50	0	—	Jun 30
Maine	4,000	can't start	can't start	can't start	can't start	—	Jun 12
Maryland	(est) 69,500	0	0	0	0	—	Aug 6
Massachusetts	33,682	can't start	can't start	can't start	can't start	—	Jul 31
Michigan	23,953	already on	0	0	14,000	TISCH	Jul 19
Minnesota	2,000	can't start	can't start	can't start	can't start	—	Jul 17
Mississippi	just be org.	already on	organizing	0	0	—	Apr 1
Missouri	20,860	0	0	0	0	—	Aug 6
Montana	9,531	already on	0	0	0	—	Apr 16
Nebraska	5,635	0	0	0	0	—	Aug 1
Nevada	10,326	5,000	0	0	0	—	Aug 14
New Hampshire	3,000	0	0	0	0	—	Aug 8
New Jersey	800	0	0	0	0	—	Apr 12
New Mexico	2,475	already on	0	0	already on	SW,PRH	Jul 10
New York	20,000	can't start	can't start	can't start	can't start	C,L,RTL	Aug 21
North Carolina	43,601	0	4,500	0	0	—	May 17
North Dakota	7,000	0	0	0	0	—	Apr 13
Ohio	43,934	0	0	0	0	—	Jan 8
Oklahoma	58,552	0	0	0	0	—	May 31
Oregon	35,000	already on	0	0	0	—	Aug 28
Pennsylvania	(est) 30,000	can't start	can't start	can't start	can't start	—	Aug 1
Rhode Island	1,000	can't start	can't start	can't start	can't start	—	Jly 19
South Carolina	10,000	already on	already on	0	0	—	May 6
South Dakota	2,945	can't start	can't start	can't start	can't start	—	Aug 7
Tennessee	30,259	0	0	0	0	—	May 1
Texas	34,424	already on	can't start	can't start	can't start	—	May 27
Utah	500	already on	0	0	0	—	Mar 15
Vermont	1,000	already on	already on	0	0	LUP	Sep 20
Virginia	(est) 14,000	can't start	can't start	can't start	can't start	—	Jun 12
Washington	200	can't start	can't start	can't start	can't start	—	Jul 28
West Virginia	6,346	0	0	0	0	—	May 7
Wisconsin	2,000	can't start	can't start	can't start	can't start	LFP	Jul 10
Wyoming	8,000	0	0	0	0	—	May 1

This chart shows the petitioning progress of various third parties for 1990 ballots. LIBT is Libertarian; NAP is New Alliance; POP is Populist; WWP is Workers World. The "Other" column lists other third parties which are already qualified statewide in any state (Alaska Independence, Peace & Freedom, American Independent, Statehood, Tisch Indp. Cit, Socialist Workers, Prohibition, Conservative, Liberal, Right to Life, Liberty Union, Labor-Farm). Although the Libertarian Party has completed a petition drive in Maryland, this petition will be used for 1992, not 1990.

OTHER NOVEMBER 7 ELECTION RESULTS

1. Clyde Kuhn, Peace & Freedom Party candidate for Yolo County Board of Education, was elected with 51% of the vote. He polled 1,542 votes in a two-person race. The office is technically non-partisan but Kuhn's affiliation was well-known.
2. Greta Bickford, Libertarian candidate for Corte Madera, California, city council, received votes from more than half the voters who voted. However, she wasn't elected. There were five candidates for three openings, and she placed fourth, only 24 votes behind the third-place winner. The election was non-partisan.
3. Peter Schmerl, Libertarian Party candidate for Tucson, Arizona city council-at-large, polled 9,389 votes, 18.6%, in a two-person, partisan race. Schmerl spent \$5,000.
4. Yvonne Hayes, Socialist Workers Party candidate for Mayor of Greensboro, North Carolina, polled 4,441 votes, 15.0%, in a two-person, non-partisan race.
5. Tom McIntyre, Populist Party candidate for Pittsburgh, Pennsylvania, City Council, polled 1,035 votes, 13.2% in a two-person, partisan race. McIntyre spent \$12,000.
6. Ben Nichols, the Democratic Party nominee for Mayor of Ithaca, New York, who called himself a socialist, was elected with 2,743 votes, or 52.0%, in a two-person race.
7. Third party candidates for Governor of New Jersey received these votes: Libertarian 11,876, .5%; Socialist Workers 6,162, .3%. For both of these parties, this was the best showing ever for Governor of New Jersey.
8. Two LaRouche Democrats were elected to School Boards in Los Angeles County, California.

POPULIST PARTY

Earlier issues of *B.A.N.* reported that the Populist Party had decided to apply for membership in COFOE. The party has not yet applied, but will do so in January 1990.

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NONPARTISAN BALLOT ACCESS GROUPS

1. **COFOE**, the Coalition for Free and Open Elections. Dues of \$10 entitles one to membership with no expiration date; this also includes a one-year subscription to *Ballot Access News* (or a one-year renewal). Address: Box 355, Old Chelsea Sta., New York NY 10011. Membership applications can also be sent to 3201 Baker St., San Francisco Ca 94123.
2. **RAINBOW LOBBY**, organized in 1985, initiated the Conyers ballot access bill in Congress and maintains a lobbying office at 1660 L St., N.W., Suite 204, Washington, D.C. 20036, tel. (202) 457-0700. The Lobby also expects to begin lobbying in certain state capitols.
3. **FOUNDATION FOR FREE CAMPAIGNS & ELECTIONS**, has non-profit status from the IRS. Consequently, it cannot lobby, but deductions to it are tax-deductible. The Foundation was organized to fund lawsuits which attack restrictive ballot access laws. 7404 Estaban Dr., Springfield VA 22151, tel. (703) 569-6782.
4. **ACLU**, American Civil Liberties Union, has been fighting for fairer ballot access ever since 1940, when it published recommendations for a model ballot access law, including petition requirements of one-tenth of 1% of the number of voters. National ACLU headquarters is at 132 W. 43rd St., New York NY 10036, tel. (212) 944-9800.

SOUTH CAROLINA

The August 4, 1989 *B.A.N.* mentioned a new South Carolina law requiring all political parties to maintain an office (which couldn't be in a residence), open to the public, during April of even-numbered years. The state Election Commission has ruled that the law only applies to parties which nominate by primary. Parties which nominate by convention (the Libertarian Party, the New Alliance Party and the American Party) are not affected by the law.

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