BALLOT ACCESS NEWS

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HOUSE PASSES REGISTRATION BILL

On February 6, the U.S. House of Representatives passed HR 2190, the bill to require states to ease voter registration procedures in federal elections. The vote was 289 to 132, with 14 members not voting. A list of members of Congress who voted "No" or who did not vote, is on page 4. If your member of Congress is not on either list, he or she voted "Aye".

A similar bill, S. 874, by U.S. Senator Wendell Ford of Kentucky, cleared the Senate Rules and Administration Committee last June 14. Ford will soon schedule a meeting with the Senate leadership, and with House members concerned about the bill, to decide whether he should proceed with S. 874 or with the the House version.

The bill requires states to provide registration by mail, commonly labelled "postcard registration", already used by 25 states. The bill also requires states to distribute such forms at all government offices, and to ask every drivers license applicant if he or she wishes to register. The bill makes voter fraud a federal crime and provides that when a person notifies the post office of an address change, the local voter registrar shall be notified. The bill also mandates a mailing to all registered voters every four years to determine which names are no longer valid for a particular address.

Now that the House has dealt with the issue of voter registration, one of the excuses for inaction on HR 1582 is gone. HR 1582 is the Conyers' ballot access bill. Please write again to Congressman Al Swift, chairman of the House Elections Subcommittee, 1502 Longworth Bldg., Washington, D.C. 20515, and ask him to hold hearings on HR 1582. Anyone who receives a response from Al Swift about HR 1582, dated 1990, may send a copy to *Ballot Access News*, to receive a free three-month subscription extension.

Also, if your member of Congress has declined to support the HR 1582 on the grounds that it violates traditions of states' rights, and yet your member of Congress voted "Aye" on HR 2190, please consider another contact with your member of Congress, pointing out the discrepancy.

9TH CIRCUIT TO REHEAR GEARY CASE

On February 6, the U.S. Court of Appeals, 9th circuit, voted to rehear *Geary v Renne*, 880 F 2d 1062, the case on whether political parties have a right to endorse or oppose candidates for non-partisan office. The original decision of the 9th circuit, issued July 24, 1989, had stated by a vote of 2-1 that it does not violate the First Amendment for California to tell qualified political parties that they may not speak about the qualifications of candidates for non-partisan office. In California, all county and city elections are officially non-partisan. Supporters of free speech rights for political parties are very pleased that the decision will be reconsidered.

GEORGIA BILL PASSES SENATE

SB 639 passed the Georgia Senate on February 5, by a vote of 50-0. The bill lowers ballot access requirements and also provides that petitioning must be carried out on postcard-sized state forms which hold only one signature. Specifically, the bill makes these changes:

1. The statewide petition for new parties or independent candidates is lowered from 1% of the number of registered voters, to 15,000 signatures. The existing 1% requirement currently requires 29,414 signatures.

2. A party which completes the statewide petition is then free to nominate by convention for *all* partisan office. By contrast, existing law only permits such a party to nominate for statewide office.

3. A party which polled a vote for any statewide candidate, equal to 1% of the number of registered voters, at the last election, is entitled to nominate candidates for *all* partisan office without any petitions. Under existing law, such a party can only nominate statewide candidates.

4. An independent candidate for Congress, or a candidate for Congress representing a party which is not qualified statewide, can get on the ballot with 2,500 signatures. Existing law requires a petition signed by 5% of the number of registered voters, about 15,000 signatures.

5. An independent candidate for the State Legislature or for county office, or a candidate for these offices representing a party which is not qualified statewide, can get on the ballot with a petition signed by 2.5% of the number of registered voters (or 2,500, whichever is less), instead of the existing law of 5% of the number of registered voters.

6. Petition signers must include their date of birth along with their name and address.

7. Petitioners must submit the petition cards in alphabetical order, for each county. Petitioners must sign each form, but need not notarize them.

Georgia Populists, Libertarians, and New Alliance activists, all worked together with Senator Culver Kidd and with the Georgia Elections Director to bring this bill into existence. While some petitioning procedures will be more burdensome if the bill passes, the reduction in the number of signatures more than offsets the bill's disadvantages. House action is likely within the next month.

KANSAS BILL PASSES COMMITTEE

On February 6, the Kansas Senate Elections Committee passed SB 59, which lowers the number of signatures needed for a new party from 2% of the last gubernatorial vote, to 1% of the last gubernatorial vote. The Kansas Secretary of State has endorsed the bill, which should be voted on in the Senate any day now. HB 2428, which would raise the number of signatures needed for an independent, appears unlikely to make any progress.

OTHER STATE LEGISLATIVE NEWS

California: On February 1, Senate Majority Leader David Roberti announced that he no longer opposes AB 368, the bill to change California's primary from June to March. On February 12, the bill was removed from the inactive file. It will probably be voted on in the Senate on February 19. It has already passed the Assembly.

Florida: the House Elections Committee will submit a bill to extend the deadline for write-in candidates to file for write-in status, by one week. Under current Florida law, no one may have his or her write-ins counted unless he or she files as a write-in candidate by the same deadline that candidates planning to be on the ballot must meet. Of course, this restrictive deadline partially defeats the purpose of having write-in space on the ballot, because it eliminates the flexibility that write-ins are meant for. For example, the write-in candidate elected to the Virginia legislature last year did not even announce his write-in candidacy until 3 weeks before the election. The Florida Committee is at least willing to extend the write-in deadline one week beyond the existing mid-May deadline, which is a slight improvement.

Missouri: HB 1417 will receive a hearing in the House Election Committee on February 14, at 8 p.m. HB 1417 lowers the number of signatures for a new party and statewide independent from 1% of the last gubernatorial vote (about 24,000) to a flat 10,000. The bill has 7 co-sponsors, six Democrats and one Republican. A similar bill failed to pass last year.

Virginia: A state legislator, Delegate Alan E. Mayer, has indicated he may introduce legislation in 1991 to make it possible for Virginia voters to cast a write-in vote for president in general elections. It is too late for a bill to be introduced this year.

Wyoming: The Secretary of State has prefiled her election code revision with the legislature. Her revision makes many changes, including an easing of ballot access for third party and independent candidates. Since the legislature session in even-numbered years is only 20 days long, however, she fears that the legislature won't take it up. If they do not, it will be presented in 1991.

JAPAN HOLDS 5-PARTY DEBATE

Japan will hold parliamentary elections on February 18. In preparation for the elections, the leaders of five political parties debated each other on nationwide television on February 2. Japan, like Great Britain and many other democracies, has a parliamentary system, and the party leader of the party which wins the largest number of seats, becomes Prime Minister. Thus a debate between party leaders in Japan is analogous to a U.S. presidential debate.

The five parties whose leaders participated in the debate are the ruling Liberal Democratic Party, the Socialist Party, the Clean Government Party, the Democratic Socialist Party, and the Communist Party. All five debaters were given an equal amount of time.

OTHER OVERSEAS PARTY NEWS

1. On February 7, the Communist Party of the Soviet Union agreed to seek a change in the nation's constitution, deleting the party's guaranteed monopoly. The party also voted to support a constitutional change to provide for a popularly-elected President of the Soviet Union.

2. On February 4, the state press agency of Albania stated that the ruling Communist Party plans to permit voters a choice of two candidates, instead of only one, for some posts. However, there is no intention to permit rival political parties.

3. On February 7, a Chinese television newscaster read a previously unknown Communist Party document praising China's system of "multiparty cooperation". It has been a little-known fact that China does permit political parties other than the ruling Communist Party to exist. There are eight of them, but they are tiny, cooperate with the ruling party, and have no role in elections.

4. On January 9, Mozambique's ruling party, Frelimo, announced that it will change the nation's constitution to delete its own monopoly.

TEXAS LIBERTARIANS

No Republican filed to run for Judge, Court of Criminal Appeals, place 3, and the deadline for primary candidates has passed. Judge of the Court of Criminal Appeals is a statewide, partisan election in Texas. The absence of a Republican candidate make it likely that the Libertarian Party will again poll 5% for a statewide race and will remain qualified. The Libertarian Party is the only qualified third party in Texas. The Libertarian Party has a candidate for the Place 3 judgeship contest, Egon Tausch. He polled over 6% for the same office in 1988, also a 2-way race between a Democrat and a Libertarian.

KENTUCKY POPULISTS

Kentucky is the only state in which all third party and independent candidate petitions (for office other than president) must be submitted earlier than April of an election year. The Kentucky deadline for both third party and independent candidate petitions is January 29. No third party or independent candidate attempted to qualify for a statewide race in Kentucky this year (U.S. Senate is the only such statewide race). However, the Populist Party attempted to qualify two candidates for Congress. One qualified, but the other was told that he was lacking a few valid signatures. The Populist Party is considering bringing a lawsuit against the early Kentucky deadline, so as to obtain the few additional signatures needed. Similar lawsuits for non-presidential candidates have won in Alaska, Arkansas, Indiana, Maine, Massachusetts, Maryland, Nevada, Ohio, and Pennsylvania. The U.S. Supreme Court has made it clear that early deadlines for new party and independent presidential candidates are unconstitutional, but there is still some doubt about deadlines for other third party and independent candidates.

HIGH COURT HEARS PATRONAGE CASE

On January 16, the U.S. Supreme Court heard arguments in *Rutan v Republican Party of Illinois,* the case over whether a government can discriminate against its own employees on the basis of the employee's political affiliation. The employees who brought the case had been refused promotion, or had been laid off earlier than co-workers, because they are not Republicans (Illinois has a Republican governor).

Justice Antonin Scalia stated that some people believe that the ability of the dominant political party to favor its own members in government employment is necessary for maintaining the "two-party system". He asked the attorney for the employees why the state interest in maintaining a two-party system might not be considered a compelling state interest. The attorney, Mary Lee Leahy, answered that the system is designed to protect the incumbent party, not the two-party system. Chief Justice William Rehnquist then stated that inevitably one of the major parties ultimately loses power to the other one, that there is a natural cycle. Leahy responded that incumbents have no right to trample upon the rights of the minority. Justice Anthony Kennedy then asked, "Suppose we decide that the scheme here does support the two-party system; do you then have no case?" Leahy responded that the Illinois patronage system so disgusts most people, that it actually damages political participation.

The Supreme Court has never upheld any ballot access restriction on the grounds that it is necessary to preserve the two-party system. It will be interesting to see if the Court discusses the concept of the two-party system when it releases its decision in the case. Most people who write about the "two-party system" never define it; whether the Court tires to do so will also be interesting.

NEWS ELECTION SERVICE ADMITS GOOF

On January 4, Robert W. Flaherty, Executive Director of the News Election Service, wrote a letter to Congressman Edward J. Markey of Massachusetts, in response to Congressman Markey's letter of inquiry as to why NES didn't report the vote for a New Alliance Party candidate for New York city council who had polled 42%. Flaherty stated, "With the benefit of hindsight, I believe this failure to collect the returns of Mr. Espada was a mistake...NES routinely reports the vote count for the Democratic, Republican, Liberal, Conservative and Right to Life candidates. Neither NES, nor apparently any of the local news organizations it serves, was aware of the depth of support for Mr. Espada, who ran on the New Alliance Party line; if we had been, we most certainly would have reported his vote count. While our failure to perceive the candidate's ultimate strength in this one councilmanic race was obviously regrettable, to the best of my knowledge it is the only incident of its kind since NES began operations in 1964."

Espada's lawsuit against NES and the New York city government agencies which handle election returns will be filed in late February in federal court.

NEW REGISTRATION FIGURES

1. California registration data for January 2, 1990 shows that during 1989, the Democratic Party lost one-half of 1% of its registration; the Republican Party gained eight-tenths of 1%; the Peace & Freedom Party gained 5.0%; the Libertarian Party gained 4.0%; and the American Independent Party gained 2.3%. The ranks of independent voters grew 1.8%. New statewide totals for the qualified third parties are: American Independent 156,629; Libertarian 47,749; Peace & Freedom 46,218.

2. Delaware registration totals as of December 31, 1989 for the qualified third parties are: Libertarian 159; New Alliance 143. Delaware will hold another tally in August 1990 to determine which parties should be on the 1990 ballot, and at that tally a party will need 146 registrants.

IOWA REGISTRATION LAWSUIT

The Iowa Socialist Party's lawsuit to win the right of voters to register other than just "Democrat", "Republican" or "Independent" will have a hearing in the 8th circuit on March 14, before Judges John R. Gibson, Frank Magill, and Roger Wollman.

WEST VIRGINIA

The Socialist Workers Party intends to ask the U.S. Supreme Court to hear its appeal of its ballot access case. At issue are West Virginia laws which require petitions (other than president) to be submitted the day before the primary. Circulators must orally tell voters that if the voter signs the petition, the voter can't vote in the primary.

PROPORTIONAL REPRESENTATION

Zoltan Ferency, a well-known Michigan political activist, is trying to build support for a system of proportional representation for the legislature. He advocates a system by which every candidate for the legislature who polls at least 5% of the vote, would be deemed elected. However, the legislator's vote on rollcalls in the legislature would be proportional to the percentage of the vote he or she had received in the election. Thus a legislator who had been elected with 50% of the vote in the general election, would have ten times the power within the legislature as a legislator who had been elected with 5% of the vote. Ferency would also reduce the number of legislative districts to 20, and provide for a unicameral legislature.

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"NO" VOTES ON HR 2190 LISTED

The following members of the House voted "No" on HR 2190, the registration bill: (Democrats are in italics)

Alabama: *Bevill, Browder*, Callahan, Dickinson, *Erdreich, Flippo, Harris*.
Arizona: Kyl, Rhodes, Stump
Arkansas: Hammerschmidt
California: Campbell, Cox, Dannemeyer, Dornan, Dreier, Gallegly, Herger, Hunter, Lagomarsino, Lowery, McCandless, Moorhead, Packard, Rohrabacher, Shumway
Colorado: Brown, Hefley, Schaefer, *Skaggs*
Florida: *Gibbons, Hutto*, Lewis, Shaw
Georgia: *Barnard, Hatcher*
Idaho: Craig, *Stallings*
Illinois: Crane, Fawell, Hastert, Hyde, *Lipinski*, Madigan, Martin, Michel, Porter, *Rostenkowski, Russo*
Indiana: Burton, Myers, *Visclosky*
Iowa: Lightfoot
Kansas: Roberts, Whittaker
Kentucky: Bunning, Rogers
Louisiana: Baker, Holloway, *Huckaby*, Livingston
Maine: Snowe
Maryland: Bentley
Massachusetts: *Donnelly*
Michigan: Broomfield, VanderJagt
Missouri: Coleman, Emerson, Hancock, *Volkmer*
Montana: Marlenee
Nebraska: Bereuter, Smith
Nevada: Vucanovich
New Hampshire: Douglas, Smith
New Jersey: Gallo, Roukema, Saxton
New Mexico: Skeen
New York: Martin, Paxon, Solomon
North Carolina: Ballenger, Coble, *Lancaster, Valentine*
Ohio: DeWine, Gillmor, Gradison, Kasich, Lukens, McEwen, Miller, Oxley, Regula, Wylie
Oklahoma: Edwards, *Watkins*
Oregon: Denny Smith, Robert Smith
Pennsylvania: Gekas, Goodling, Ridge, Ritter, Shuster, Walker
South Carolina: Ravenel, Spence
Tennessee: Duncan, Quillen, Sundquist
Texas: Archer, Armey, Bartlett, Barton, Combest, DeLay, Fields, Smith, *Stenholm*
Utah: Hansen, Nielson
Virginia: Bateman, *Olin*, Parris, *Pickett*, Slaughter, Wolf
Wisconsin: Petri, Sensenbrenner
Wyoming: Thomas

CONGRESSMAN NOT VOTING ON 2190

California: Lewis, Pashayan
Iowa: Tauke
Massachusetts: *Early*
Oregon: *AuCoin*
Pennsylvania: Schulze
Tennessee: *Ford*
Wisconsin: *Obey*
All members of the House not named on this page, voted in favor of HR 2190, the Voter Registration bill.

ILLINOIS LAROUCHE CANDIDATES

On January 24, the Illinois Elections Board removed the names of the five statewide LaRouche candidates from the Democratic Party primary ballot. The candidates needed 5,000 signatures and submitted 10,010. The Board ruled that only 3,865 were valid. The Board further held that all the signatures (even the ones considered valid) which had been obtained by three particular circulators should be stricken, because these three particular circulators were "emotional", "argumentative" and "unresponsive" during the hearing. This resulted in subtracting another 708 signatures from those previously held valid.

The candidates have attempted to file a lawsuit in state court, but it appears unlikely that the lawsuit can be heard before the ballots are printed. According to the candidates, Neil Hartigan, the Attorney General of Illinois and the leading Democratic candidate for Governor this year, dispatched state agents who knocked on the doors of people who had signed the petition, flashed badges, asked if the signers had understood what they were signing, and asked the signers to fill in blank affidavits attesting that they had been deceived by the petitioners. 300 such affidavits were submitted to the Board of Elections by members of Hartigan's campaign staff. They formed the basis for disqualifying *all* of the signatures submitted by three particular petitioners.

Illinois is a "challenge" state, which means that all petitions are deemed sufficient, unless someone files objections to them. The challenge to the petitions had originally challenged 6,088 of the 10,010 signatures. Before the hearing, the candidates combed through a list of challenged signatures and re-confirmed that at least 1,078 were valid, and could be defended at the hearing. However, at the hearing, the hearing officer surprised them by ruling that all of the petitions, not just those originally challenged, should be opened for review. Consequently, the LaRouche candidates lost additional signatures.

The Democratic Party ought to pass a bylaw, openly stating that LaRouche followers are not *bona fide* Democrats, if the party wants to keep such candidates out of its primary. This would be far better than using government agents to question voters about their intentions in having signed a petition. In many states, petitions are private, and no one is permitted to know which voters signed any particular petitions (other than elections officials who must check the facial validity of signatures).

In 1940, New York state held public hearings to quiz individuals who had signed Communist Party ballot access petitions, asking them if they had understood what they were signing. In 1948, the Scripps-Howard newspaper chain published the names and addresses of voters who had signed petitions for Henry Wallace, the Progressive Party presidential candidate. Between 1941 and 1967, Maryland required third parties to publish a list of all the people who signed their petitions, in a newspaper in each county in the state. All such attempts were contrary to the principle of secret voting, and they have not been practiced during the last several decades...except that Illinois has now revived the practice.

1990 PETITIONING

STATE	REQUIRED	SIGNATURES COLLECTED					DEADLINE
		LIBT	NAP	POP	WWP	OTHER	
Alabama	12,345	300	0	0	0	—	Apr 6
Alaska	2,032	0	0	0	0	AK IN	Jun 1
Arizona	23,438	2,000	0	0	0	—	May 19
Arkansas	24,833	0	0	0	0	—	May 1
California	(reg) 76,172	already on	too late	too late	too late	PFP,AIP	Jan 2
Colorado	1,000	can't start	can't start	can't start	can't start	—	Aug 7
Connecticut	9,937	0	0	0	0	—	Aug 10
Delaware	(reg.) 146	already on	143	(est.) 10	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	0	0	0	0	—	Jul 17
Georgia	29,414	already on	3,800	2,639	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	1,408	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	too late	too late	too late	too late	—	Jan 29
Louisiana	(reg) 108,000	200	0	50	0	—	Jun 30
Maine	4,000	0	0	0	0	—	Jun 5
Maryland	(est) 69,500	0	0	0	0	—	Aug 6
Massachusetts	33,682	0	0	0	0	—	Jul 31
Michigan	23,953	already on	0	0	31,000	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	11,000	0	0	0	—	Aug 14
New Hampshire	3,000	0	0	0	0	—	Aug 8
New Jersey	800	0	0	200	0	—	Apr 12
New Mexico	2,475	already on	already on	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	4,800	0	0	—	May 17
North Dakota	7,000	0	0	0	0	—	Apr 13
Ohio	43,934	too late	too late	too late	too late	—	Jan 8
Oklahoma	58,552	0	0	0	0	—	May 31
Oregon	35,000	already on	0	0	0	—	Aug 28
Pennsylvania	24,858	0	0	0	0	—	Aug 1
Rhode Island	1,000	can't start	can't start	can't start	can't start	—	Jul 19
South Carolina	10,000	already on	already on	0	0	AMER	May 6
South Dakota	2,945	0	0	0	0	—	Aug 7
Tennessee	30,259	0	0	2,000	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	INDP	Mar 15
Vermont	1,000	already on	already on	0	0	LUP	Sep 20
Virginia	13,687	0	0	0	0	—	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 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. The Michigan Green Party hasn't started petitioning yet. "Deadline" is the deadline for submitting petitions to qualify new parties. In a few states, third party candidates must file declarations of candidacy before the petition deadline. In some states, the independent candidate deadline is later than the party deadline.

MASSACHUSETTS

Although the Massachusetts initiative to improve ballot access laws will almost certainly be certified for the ballot, Massachusetts procedures are so cumbersome that an official announcement won't be made until the end of March, at the earliest. The Secretary of State's office predicts that it will qualify, but cannot say with certainty that it will qualify, until certain judicial procedures are carried out.

RUN-OFF PRIMARY THROWN OUT

On December 7, 1989, the U.S. Court of Appeals, 8th circuit, ruled that the Democratic Party of Phillips County, Arkansas, may not hold a run-off primary for partisan offices elected solely within that county (county office and state representative). *Whitfield v Democratic Party of the State of Arkansas,* 890 F 2d 1423. The vote was 2-1. The Democratic Party has asked for a rehearing *en banc;* the court has not yet responded to the request.

The basis for the decision was the Voting Rights Act. The record showed that in Phillips County, a Black-majority county, Black Democrats frequently place first in the primary, but poll less than 50% of the vote. Under Arkansas state law, there is a run-off primary when no one polls as much as 50% in the original primary. Black Democratic candidates have always been defeated in Phillips County Democratic run-off primaries. The ruling was made by Judge Clarence Beam, a Reagan appointee, and Judge William Hanson, a Kennedy appointee. Judge Myron Bright, a Johnson appointee, dissented. He pointed out that some day, if Black voter registration in the county continues to increase, the run-off primary may help Black candidates, rather than hindering them.

The disturbing aspect of the decision was that there was no discussion of the Democratic Party's desires in the matter. Even though the plaintiffs sued the Democratic Party, not the Governor or Secretary of State, the judges treated the case as though the Democratic Party didn't have a will of its own.

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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 lobbies 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%. 132 W. 43rd St., New York NY 10036, tel. (212) 944-9800.

GELFAND CASE ENDS

On January 11, Alan Gelfand announced that he would not appeal his loss in *Gelfand v Attorney General of the U.S.*, the case over whether the Socialist Workers Party may expel a member without government interference. Thus, federal judge Mariana Pfaelzer's ruling stands. There are now at least two federal court decisions stating that political parties are free to expel members. The other was a 1984 Illinois case, *Suter v Libertarian Party.* Neither case is reported. Gelfand had argued that the federal government controls the SWP, and therefore his expulsion was government action, but Pfaelzer ruled he failed to prove this.

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