BALLOT ACCESS NEWS

San Francisco, California May 24, 1990 Volume 6 Number 2

MASSACHUSETTS INITIATIVE

HB 5419, the bill containing the ballot access improvements which are part of an initiative, has not been voted on in the Massachusetts legislature. Therefore, proponents of the initiative are collecting the remaining 8,421 signatures needed to place it on the November ballot. The Libertarian Party, the Rainbow Lobby, and the New Alliance Party, are taking responsibility for collecting these signatures. Other groups are helping.

It is still possible that the legislature could pass the bill, but it isn't likely. Democratic legislator William Galvin is fiercely opposed to any change in ballot access, and he has blocked the bill. He is not running for re-election and is running for State Treasurer.

In 1986, proponents of easier voter registration placed an initiative on the Massachusetts ballot, providing for postcard registration. Even though half the states already had postcard registration, the idea was new to Massachusetts voters, and they rejected the initiative overwhelmingly (only 38% voted "Yes"). The reason was that the initiative proponents did almost nothing to persuade voters to support the measure, and the town clerks of Massachusetts worked against it. This year, the Committee for Fair Ballot Access hopes to actively campaign for the ballot access initiative. Please contribute to the Committee, Box 2557, Boston Ma 02208. Never before have the voters of any state voted on whether ballot access laws should be eased. If the initiative passes, the effort to pass HR 1582 will be strengthened.

HAWAII WRITE-IN BAN STRUCK DOWN

On May 10, federal judge Harold M. Fong declared unconstitutional Hawaii's ban on write-in voting. The hearing had been held only three days earlier. Judge Fong had ruled the same way in 1986, but the U.S. Court of Appeals had then ruled that he should have waited until the state courts determined whether it is true or not that write-ins are banned (the law simply didn't mention write-ins, so the Court of Appeals reasoned that perhaps they were legal). Last year, the State Supreme Court ruled that it's true that write-ins are banned, so the case returned to federal court. *Burdick v Takushi,* no. 86-0582.

Other states which still ban write-in votes in all elections are Nevada, South Dakota, Oklahoma, Louisiana and Indiana. The issue is pending in federal court in Indiana.

MISSOURI BILL RUNS OUT OF TIME

On May 8, the Missouri Senate Elections Committee passed HB 1417 unanimously. The bill improves ballot access. Unfortunately, the legislature then adjourned on May 18, before the full Senate could vote on the bill.

The bill's sponsors will reintroduce it in 1991. Since the bill had no opposition in the committees of either house this year, chances are good that it will pass next year.

GOOD LOUISIANA BILL DEFEATED

On April 30, Louisiana Representative Sean Reilly, a Baton Rouge Democrat, introduced House Bill 1592. It would have provided that a group could become a qualified political party by filing a registration statement, including a list of officers and a copy of its bylaws, and a processing fee of $300. Unfortunately, it failed to pass the House Elections Committee on May 14. Instead, the committee voted 7-1 to study the issue further.

The advantage of this bill would have been that third party candidates could have their party label printed on the ballot. Currently, third party and independent candidates in Louisiana have no trouble getting on the ballot, but their party label is not printed on the ballot (except that presidential candidates may have a party label printed on the ballot). The only party labels allowed on the ballot are "Republican" and "Democrat", since the existing law only permits labels for parties which either polled at least 5% of the presidential vote in the previous election, or have managed to register 5% of the voters as members. It has been over 70 years since any third party in any state managed to register 5% or more of a state's voters as members. Even the Republican Party didn't have 5% of the Louisiana registration before 1979. Also, many local election officials discourage voters from registering as members of new parties, sometimes stating that such registration is not permitted.

The bill provided that a group which had become a qualified party would retain that status, as long as it continued to run at least one candidate every two years, and continued to make an annual report to the Secretary of State about changes in its list of officers or bylaws.

The Committee discussed the bill for 45 minutes. Two Libertarians testified for the bill; no one testified against it. The Chairman, Pepe Bruneau, voted to pass it. Some of the committee members expressed fears that if third party candidates could have the names of their parties placed on the ballot, many more people would be interested in third parties, and this would lead to "instability". The two Black Democrats on the panel, Sherman Copeland and Erma Dixon, stated that there are so many factions within the Democratic Party in New Orleans, some of them might break off. The bill's sponsor pointed out that all the bill does is to treat non-presidential candidates the way Louisiana already treats presidential candidates, but this didn't help.

KANSAS DOUBLES INDP. HURDLE

On May 18, Kansas Governor Mike Hayden signed HB 2428. It doubles the number of signatures needed for a statewide independent from 2,500 signatures, to 5,000. However, it also expands the petitioning period for independent candidates and for new parties from 90 days to 180 days. The number of signatures needed for a new party to qualify is not changed by the bill.

WRITE-IN VICTORY IN WEST VIRGINIA

On May 7, the West Virginia Supreme Court ruled 4-1 that write-ins must be permitted in primary elections, at least for party office. Although West Virginia has always permitted write-in votes in general elections, they have been prohibited in primary elections. The case was brought by some Democratic Party candidates for party office. The Court rushed the decision so that it could be implemented in time for the primary the very next day. The order is only four pages long and states that a more complete decision will be released later. *MacCorkle v Hechler,* no. 19638.

INITIATIVE PROCESS ATTACKED

1. On February 22, 1990, California Assemblyman Stan Statham introduced AB 3148, which would require a circulator of an initiative petition who is being paid, to orally give his or her name and say that he or she is being paid, and also tell who is paying, before anyone listening could sign the petition. The bill is co-sponsored by Senator Alfred Alquist, a Democrat, and Republican legislators Ed Davis, Trice Harvey and Bill Jones.

2. In Florida, SB 870, which would require that initiative petitions be witnessed by someone who is not being paid to do this work, passed the legislature on May 17 and is on the Governor's desk. The bill would also shrink the petitioning period from 4 to 2.5 years, and would outlaw paying initiative petitioners per signature. They could be paid by the hour, however.

In 1988, the U.S. Supreme Court ruled that it is unconstitutional for states to ban the practice of paying people to circulate initiative petitions. The constitutionality of the proposed California and Florida laws is questionable.

OTHER STATE LEGISLATIVE NEWS

Alabama: On May 3, House Bill 138 was signed into law. It changes the presidential primary from March to June. Alabama is the third state (along with Arkansas and Kentucky) to abandon "Super Tuesday" for a later date.

California: AB 4118 passed the Assembly Elections Committee on May 9. It deletes the statutory provisions governing how the Democratic Party conducts its state convention. Originally, the bill also repealed laws governing how the Republican Party conducts its state convention, but the bill was amended to leave the Republican Party rules in the law. The Republican Party prefers to have its activities governed by state law, even though the U.S. Supreme Court ruled last year that such laws are unconstitutional. In accordance with the Republican Party's wishes to be strictly controlled by state law, the Assembly Elections Committee also passed AB 3207, which changes the date of Republican county central committee organizing meetings from the first Monday in January in odd years, to the first Saturday following the first Monday.

AB 368, which moves the presidential primary from June to March, is still in conference committee.

Florida: HB 2403, which would improve the petition deadline for independent candidates, will probably be voted on in the House during the last week of May. The bill repairs the damage done by the legislature last year, when the petition deadline for independent candidates for congress was moved from July to May. It also provides procedures for new or minor political parties to appear on the ballot in special elections. A petition signed by 3/4ths of 1% of the number of registered voters will be required. Ironically, if this bill passes, it will be much easier for a minor party to appear on the ballot in Florida for congress and the legislature in special elections than in regularly-scheduled elections. A party cannot appear on the ballot in Florida in a regularly-scheduled election unless it qualifies statewide. This requires 181,421 signatures collected in six months plus approximately $30,000 in petitioning fees. Only in special elections, caused by the death or resignation of a member of Congress or the legislature, will it be possible for a third party to appear by qualifying in just one district. 2,200 signatures will typically be required in a special congressional election.

Kansas: SB 574 was signed into law on March 29. It repeals portions of the election law which tell political parties how to organize their county central committees, state committees, and platform committees.

HB 2428, mentioned on page one, also establishes an April presidential primary for Kansas. There was no presidential primary procedure in the state in 1988.

Louisiana: On April 16, several influential Democratic legislators introduced SB 1031 and HB 1649, which would restore closed party primaries in Louisiana. Louisiana is the only state in which political parties do not nominate candidates for office. Instead, all candidates run on a ballot which is distributed to all voters. If anyone obtains 50% or more, he or she wins. If no one receives 50%, there is a run-off between the two top vote-getters. Candidates who are registered "Democratic" or "Republican" may have their party labels printed on the ballot, but these labels have no effect on qualifying for the run-off. Often there are run-offs between two Democrats, or two Republicans. The pending bills would end this system, which has been in place since 1977.

West Virginia: Robert M. Bastress, an attorney in Morgantown who has represented several third parties in ballot access lawsuits, has found a state legislator who is willing to introduce a bill to ease ballot access next year. Bastress won't reveal the name of the legislator yet, but says that the legislator is a conservative Republican.

MAINE VICTORY

On May 17, the Maine Attorney General orally stated that he will change his opinion of March 21. He now agrees that any voter can sign a petition to qualify a new party for the ballot, regardless of how the voter is registered. The March 21 opinion had stated that only registered members of the new party could sign the petition. The Attorney General will also ask the legislature to clarify the statute that led to the first ruling.

POLITICAL PARTY RIGHTS

1. On May 4, the Arkansas Democratic Party won its case in the 8th circuit against a group of voters who had sued to prevent the party from holding run-off primaries in Phillips County, Arkansas. Last December 7, the original 3-judge panel had ruled by a vote of 2-1 that the party could not hold a run-off primary in that county, because run-offs lessen the chances that Black Democrats would be nominated. But the full 8th circuit granted a rehearing and reversed that decision, citing the evidence that sometimes a run-off primary helps Black candidates. *Whitfield v Democratic Party of Arkansas,* no. 88-1953.

2. On March 29, the 6th circuit ruled that Michigan laws controlling how major political parties choose delegates at county and state conventions, and how they structure county executive committees, are unconstitutional. The case had been filed in 1988 by forces supporting Pat Robertson for president. That year, Michigan delegates to the national Republican Party convention were chosen by convention. The party's pro-Robertson state central committee changed the party rules, but since the new rules conflicted with state law, a dispute erupted and rival county conventions were held in many parts of the state. The 6th circuit depended on the U.S. Supreme Court decision last year in *Eu v San Francisco Democratic County Central Committee*, and ruled that Michigan cannot legislate internal party rules. *Heitmanis v Austin,* no. 88-1214. The vote was 3-0. Michigan does not plan to appeal to the U.S. Supreme Court, and has already passed legislation providing for a presidential primary to choose delegates to national conventions anyway.

SUPREME COURT REFUSES W. VA. CASE

On May 14, the U.S. Supreme Court refused to hear the Socialist Workers Party appeal of the West Virginia ballot access case. The party was challenging West Virginia laws which force all non-presidential third party and independent candidates to submit their signatures the day before the May primary. During the petitioning period, each petitioner must orally tell everyone he or she approaches that if the voter signs the petition, the voter cannot vote in the primary. Also, West Virginia law requires two separate petitions for each third party or independent candidate who cannot afford the filing fee. *Socialist Workers Party v Hechler,* no. 89-1526.

This is the eleventh time since 1977 that the Supreme Court has refused to hear an appeal brought by a third political party, relating to ballot access. The Court has refused to hear a Socialist Workers Party ballot access appeal from California, a Communist Party appeal from Indiana, an American Party appeal from Georgia, and Libertarian Party appeals from Florida, Louisiana, Maryland (twice), Missouri, Oklahoma, and Virginia. The Court has not accepted an appeal on ballot access brought by any third political party since 1973, although it acted favorably in 1976 on an action brought by independent presidential candidate Eugene McCarthy, and also accepted an appeal brought by independent presidential candidate John B. Anderson in 1982.

1992 PETITIONING

Four political parties have begun petition drives to qualify for 1992 ballots. The New Alliance Party is circulating a party petition in Alabama; the Libertarian Party is circulating a party petition in Kansas and is about to start in South Dakota; the Green Party of Maine is about to start a full party petition; and the Populist Party is beginning in Alaska, New Mexico and Utah. All of these states permit a new party to begin circulating a petition as early as it wishes, and do not require that the names of the candidates be printed on the petition.

SENATE PASSES HATCH ACT REVISION

On May 10, the U.S. Senate passed SB 135 by Senator John Glenn, which would permit federal employees to engage in partisan political activity, on their own time. Under existing law, it is illegal for federal employees to carry on any volunteer activity whatsoever on behalf of a political party or a candidate for partisan office. The vote was 67-30. The House has already passed similar legislation by an even larger margin. Passage would assist all political parties, since the federal workforce contains individuals of all political persuasions.

CONGRESS

Democrats in the U.S. Senate have rewritten their campaign finance reform bill. It is now even worse. Public financing and vouchers for free television would be available to all Democratic and Republican candidates for Congress, but not to anyone else. The bill is S. 137 by Senator Boren, amendment no. 1613. Congress will recess May 25-June 5. Let your member of Congress know your attitude, while he or she is in the district. The alternate Republican plan has no provision for public financing or free television time for candidates.

Senator John Kerry of Massachusetts has written, "I understand your concern that free and equal air time would only be given to the Republican and Democratic parties. As you mentioned, we should give all voters the opportunity to get acquainted with a variety of candidates and get to know their stand on the issues."

NES TO BE SUED

Pedro Espada will sue News Election Service in federal court during June, according to one of his attorneys, Gary Sinawsky. Espada was the New Alliance Party candidate who received 42% of the vote in a New York city council race last November, and whose vote was never mentioned.

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EDITORIALS

The Journal-Gazette
Thursday
May 3, 1990

A vote for write-ins

FORT WAYNE, INDIANA

We didn't feel very good about not being able to recommend any of the four candidates for the Republican nomination for Wayne Township trustee.

The decision went against our basic philosophy concerning elections, which is that voters are forced to decide which of the available candidates is best qualified, and, therefore, so should we.

But why should this be the case? Why should voters — and editorial boards — be limited to choosing solely among the names on the ballot? Why shouldn't voters be allowed to write in their own candidates?

According to the Federal Election Commission, 26 states allow voters to cast write-in nominations during primaries. Forty-three states allow voters to write in candidates during the general election. Only six states — Hawaii, Nevada, Louisiana, Oklahoma, South Dakota and good ol' Indiana — forbid write-ins during both the general election and the primary.

It also doesn't look as if things are going to change in this state any time soon.

Laura Molloy of the Indiana State Election Board says there hasn't been any activity in the appropriate House and Senate committees in recent years to pass a state law to authorize the use of write-ins.

Critics of write-ins argue they are time-consuming, expensive and chaotic, in that they take away from party power and discipline. But it seems the opportunities they give voters outweigh the negatives.

With write-ins, voters would have a greater chance to support a candidate of their choosing; they also would be better able to signify their displeasure with the available candidates.

Indiana should stop bucking the national trend on this issue and give voters more room to choose candidates.

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Should it change?

Election law?

BECKLEY, WEST VIRGINIA

West Virginia's election law is highly restrictive when it comes to third-party candidates. The Socialist Workers Party is challenging provisions of the law, and perhaps it's time to take a hard look at those restrictions.

Any third-party hopefuls who wish to get onto a West Virginia ballot must present a petition containing the names of registered voters. Those who sign the petition forfeit their right to vote in the election. In addition, the law requires candidates file their candidacy papers by late May, although Democrats and Republicans can add to their list of candidates as late as August.

For starters, the law clearly gives Democrats and Republicans an extreme advantage over any contenders. That isn't surprising, because the law is the product of those two parties and it obviously discriminates. The candidacy filing times alone reveal that much.

In addition, the law penalizes those voters — both Republican and Democrat — who feel that a candidate aligned with neither major party should have a crack at the ballot. That smacks of retribution. It says, in effect, "How dare you, whether Republican or Democrat, even think of aiding someone who isn't with the two major parties?"

The West Virginia restrictions are not unique. Some other states have them. But in this so-called enlightened, freedom-loving age, perhaps our current set of Republicans and Democrats can see the unfairness of this law and scuttle it in the next legislative session.

The Register-Herald, Saturday, March 31, 1990 ■

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THE DOMINION POST Thursday, April 12, 1990
MORGANTOWN, WEST VIRGINIA
Dominion POST

Voters

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IT'S CURIOUS, especially when played against the backdrop of self-determination now being unveiled in Eastern Europe, the role the ballot box plays in the lives of the citizens.

Paramount in this curiosity are the drama and dreams that those who are without the secret ballot attach to it.

When it is denied, they fuss, fester, and fight.

When it comes easily, there is little attention accorded it.

In fact, we do not have to go far to get examples on both sides.

In Westover on Tuesday, the primary elections were held; some 2,500 voters are registered, and roughly 900 showed up to vote -- all in all, as elections go around here, not bad.

Those who took the time to vote on a miserable rainy day saw incumbents squished.

But, a curious thing happened. Two citizens who had planned to register, but didn't, found themselves — the story goes — unable to vote for their favored candidate.

Incumbent Tom Talerico, their professed choice, seeking one of two spots on the June ballot for city council from the First Ward, lost by one vote. So much for the "what-difference-can-my-vote-make?" school of political thought.

Elsewhere in the area, a party that has had little luck in gaining votes or favor with the electorate, the Socialist Workers Party, has been campaigning to get its candidates on this year's ballot. Its members have petitioned, held news conferences that few in the media have attended, and, quite frankly, have done everything they have been told to do by an election law they deem discriminatory.

Whether you agree with the party members or their ideas is of no consequence. What matters is that a segment of the American electorate finds itself virtually disenfranchised by restrictive election laws.

Such laws have not been uncommon in the United States; not much more than 30 years ago, a large segment of our citizens was denied the vote in the deep South, where the political parties feared blacks.

At the heart of the Socialist quest is a move to do away with the provision in the state election code that forces people who sign a petition requesting ballot status for the Socialists to lose their right to vote as Democrats or Republicans in the primaries.

That's not fair.

In essence, the traditional party powers are telling anyone who wants to open the ballot up to other voices, "If you are for them, you must vote for them or nobody."

Yet, as a matter of principle and in the belief that all political voices have a right to be heard, a Democrat or Republican might want to sign the petition — not, by doing so, to become a member of the political party, but to help bring about what the constitution says should be.

If signing petitions means the signer is forevermore obligated to follow only the tenets of that petition's beliefs, then we no longer have the right to petition our government for the redress of wrongs.

Such thinking merely tells us we can petition only for the redress of those wrongs the traditional political parties deem acceptable for debate.

So, what do we have to think about after the Tuesday vote in Westover?

It was a strong turnout under adverse conditions.

We would have preferred one of those 90 percent turnouts that some of the newly freed European communities came up with, but 30 percent ain't bad.

We have the people of Europe, most especially at the moment those in the tiny nation of Lithuania, standing up to one of the world's Superduper Powers in a push for independence.

And we have a local group trying to find its spot on the bandwagon of freedoms we all have a right to enjoy.

All of which, we guess, adds up to yet another example of the fact that freedoms won aren't always freedoms held against all odds. Liberty is still a constant struggle and, of course, there is that sidelight: One vote can make a difference.

DEARTH OF REPUBLICAN CANDIDATES

The April 28 issue of *B. A. N.* stated that there will be no Democratic candidate for U.S. Senate in Virginia. It turns out that there will be only one candidate for the U.S. Senate in Arkansas as well. No Republican is running against Senator David Pryor, and no new party or independent candidate qualified either. This is the first Senate election in Arkansas with only one candidate since 1966.

The Republicans are also not running any candidate for Oregon Labor Commissioner, Iowa Secretary of State, or West Virginia Attorney General. Although Republicans usually don't fill their statewide tickets in the deep South, it's unusual for them to fail to run candidates for statewide office in other parts of the nation.

In Texas, where there are 27 congressional seats, one or the other of the two major parties is not running a candidate in 13 districts. In Alabama, one or the other of the major parties is not running anyone for Congress in 3 of the 7 districts. *Ballot Access News* will provide a national summary of such congressional races in September.

FEC WANTS NEW RESTRICTIONS FOR PRESIDENTIAL MATCHING FUNDS

On March 21, the Federal Election Commission submitted ideas for changes in campaign spending laws to President Bush. One of them is that the threshold amount of matchable contributions required to qualify for Presidential primary matching funds be increased.

Currently, any presidential candidate, regardless of political party, can qualify for primary matching funds if he or she raises at least $5,000 in small donations from each of at least twenty states. Two third party presidential candidates, Sonia Johnson in 1984 and Lenora Fulani in 1988, have qualified for primary matching funds. The FEC didn't suggest a new higher qualifying amount, but Senator Paul Simon of Illinois suggested last year that the new total should be $1,000,000 throughout the nation.

ONE-STATE PARTIES

1. The Liberty Union Party, a qualified party in Vermont, plans to run five candidates for statewide office this year, and will nominate them by convention on June 17.

2. The Labor-Farm Party, the only qualified third party in Wisconsin, plans to run a full slate of statewide candidates this year. They will be formally nominated by primary, but actually chosen at the state convention on June 2-3.

3. On April 6, the Illinois Solidarity Party state central committee nominated Jessie Fields for Governor. Illinois election law permits a qualified political party to nominate candidates by action of party committees, when no one is nominated in the primary. No statewide candidates entered the March 1990 party primary, mostly because candidates need 5,000 signatures to obtain a place on statewide primary ballots in Illinois. Fields is a New Alliance Party activist. The state committee also nominated two candidates for Trustee of the University of Illinois, another partisan office.

BALLOT ACCESS STUDY NOW AVAILABLE

The four volume study of ballot access laws commissioned by the Federal Election Commission is now available. Volume I costs $4.50 and can be ordered from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. It is titled "Issues and Options" and should be ordered by reference to Stock No. 052-006-00042-2.

Volumes II, III and IV are not for sale, but a limited number are available free from the FEC, Clearinghouse, 999 E St., NW, Washington, D.C. 20543. Volume II covers ballot access requirements for Congressional Candidates, Volume III for Presidential Candidates, and Volume IV for Political Parties.

The study was written in 1987, and a few law changes in 1988 were added into the text. Nevertheless, law changes in Alaska, Kansas, Kentucky, Maryland, New Mexico, Oregon, and perhaps others have already made the study slightly out-of-date, a problem that will steadily grow.

The FEC says the study was produced "primarily to help policymakers at the state level". This is a gentle hint to state legislators that many ballot access laws are in need of reform. Unfortunately, the study doesn't get the message across very forcefully. The "Issues and Options" volume is far too timid and vague, although it does do a good job of isolating the many separate technical issues which ballot access laws must deal with. The study could have been better if it had included charts which compare such variables as petition deadlines, number of signatures required, votes required for a party to remain qualified, etc. There are no charts and it is difficult for the reader to obtain a sense of how one state compares with other states. The volumes are probably more useful to candidates and political parties, especially new parties, than they are to state legislators.

SILVERMAN NOMINATED

The April 28 *B.A.N.* stated that Dr. Herb Silverman, a mathematics professor at the University of Charleston and an atheist, wishes to run for Governor of South Carolina, in order to challenge the provision of his state's constitution which states that no one can be Governor who does not believe in a Supreme Being.

On April 28, the United Citizens Party, a ballot-qualified party in South Carolina which is affiliated with the New Alliance Party, nominated Silverman for Governor. This could put Silverman in a position to bring a lawsuit in federal court against the State Constitution. However, the State Board of Elections now takes the position that it has no authority to keep anyone off the ballot on the basis of that portion of the State Constitution. Instead, any challenge would only be made if Silverman were actually elected.

However, the Board also says it will investigate Silverman and the United Citizens Party to determine if the convention which nominated him was proper. A faction of the party opposed to Silverman claims there were irregularities in the convention.

1990 PETITIONING

STATE	REQUIRED	SIGNATURES COLLECTED						DEADLINE
		LIBT	NAP	SOC WRKR	POPULIST	WKR WORLD	OTHER ON	
Alabama	12,345	too late	too late	*	too late	too late	–	Apr 6
Alaska	2,032	0	0	0	0	0	AK IN	Aug 1
Arizona	23,438	too late	too late	too late	too late	too late	–	May 18
Arkansas	24,833	too late	too late	too late	too late	too late	–	May 1
California	(reg) 76,172	already on	too late	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	can't start	–	Aug 7
Connecticut	9,937	0	0	0	0	0	–	Aug 10
Delaware	(reg.) 146	already on	143	0	(est.) 10	0	–	Aug 18
D.C.	3,000	can't start	can't start	can't start	can't start	can't start	STATEH	Aug 29
Florida	181,421	0	0	0	0	0	–	Jul 17
Georgia	29,414	already on	3,800	0	2,639	0	–	Aug 7
Hawaii	4,438	already on	too late	too late	too late	too late	–	Apr 25
Idaho	8,180	already on	0	0	0	0	–	Aug 30
Illinois	25,000	1,000	already on	0	0	0	–	Aug 6
Indiana	30,950	1,408	0	0	0	0	–	Jul 15
Iowa	1,000	0	0	0	0	0	–	Aug 17
Kansas	16,813	0	too late	too late	too late	too late	–	Apr 12
Kentucky	5,000	too late	too late	too late	*	too late	–	Jan 29
Louisiana	(reg) 108,000	200	0	0	50	0	–	Jun 30
Maine	4,000	0	0	0	0	0	–	Jun 5
Maryland	(est) 69,500	0	0	0	0	0	–	Aug 6
Massachusetts	33,682	*	*	0	0	0	–	Jul 31
Michigan	23,953	already on	0	0	0	already on	TISCH	Jul 19
Minnesota	2,000	can't start	can't start	can't start	can't start	can't start	–	Jul 17
Mississippi	just be org.	already on	too late	too late	too late	too late	–	Apr 1
Missouri	21,083	*	0	0	0	0	–	Aug 6
Montana	9,531	already on	too late	too late	too late	too late	–	Apr 16
Nebraska	5,635	0	0	0	0	0	–	Aug 1
Nevada	10,326	finished	0	0	0	0	–	Aug 14
New Hampshire	3,000	0	0	0	0	0	–	Aug 8
New Jersey	800	already on	too late	already on	already on	too late	–	Apr 12
New Mexico	2,475	already on	already on	already on	0	already on	PROH	Jul 10
New York	20,000	can't start	can't start	can't start	can't start	can't start	C,L,RTL	Aug 21
North Carolina	43,601	too late	too late	too late	too late	too late	–	May 17
North Dakota	7,000	too late	too late	too late	too late	too late	–	Apr 13
Ohio	43,934	too late	too late	too late	too late	too late	–	Jan 8
Oklahoma	58,552	0	0	0	0	0	–	May 31
Oregon	35,739	already on	0	0	0	0	–	Aug 28
Pennsylvania	24,858	0	0	0	0	0	–	Aug 1
Rhode Island	1,000	can't start	can't start	can't start	can't start	can't start	–	Jul 19
South Carolina	10,000	already on	already on	too late	too late	too late	AMER	May 6
South Dakota	2,945	0	0	0	0	0	–	Aug 7
Tennessee	30,259	too late	too late	too late	too late	too late	–	May 1
Texas	34,424	already on	0	0	0	0	–	May 27
Utah	500	already on	too late	*	too late	too late	INDP	Mar 15
Vermont	1,000	already on	already on	0	0	0	LUP	Sep 20
Virginia	13,687	0	0	0	0	0	–	Jun 12
Washington	200	can't start	can't start	can't start	can't start	can't start	–	Jul 28
West Virginia	6,346	too late	too late	finished	too late	too late	–	May 7
Wisconsin	2,000	can't start	can't start	can't start	can't start	can't start	LFP	Jul 10
Wyoming	8,000	too late	too late	too late	too late	too late	–	May 1

This chart shows petitioning progress of various third parties for 1990 ballots. LIBT is Libertarian; NAP is New Alliance. The "Other On" column lists other third parties which are already qualified statewide. "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. In Michigan, the Green Party has 2,000 signatures. In Pennsylvania, the Consumer Party has 6,000 signatures. *An asterisk means the party is on the ballot in part of the state.

COLORADO HEARING

On April 30, a hearing was held in the 10th circuit in *Thournir v Meyer,* the case over whether Colorado can require a third party candidate to have been registered for a full year as an independent, or as a member of a third party. The judges were John P. Moore (Reagan appointee), Robert H. McWilliams (Nixon), and Howard C. Bratton (Johnson). Moore seemed to be leaning toward striking the law down; the other two judges said nothing. A decision will be out in several months.

LaROUCHE ORGANIZATION NEWS

1. At the Texas primary in March, the Democratic Party refused to place the name of Gregory Witherspoon on the ballot as a candidate for Dallas County party chairman, on the grounds that no LaRouche supporter can honestly take an oath upholding the U.S. Constitution. Witherspoon sued. The Democratic Party offered in evidence copies of pages from Dennis King's biography of Lyndon LaRouche, but the Texas Court of Appeals stated that the book is not a public record and that there is no admittable evidence that the candidate is insincere when he takes the oath. *Witherspoon v Pouland,* 784 SW 2d 951 (1990).

2. Lyndon LaRouche himself is petitioning to be an independent candidate for Congress from Virginia's 10th district. Last year he had announced he would seek the Democratic nomination, but the party voted to nominate by convention, rather than by primary, in that district. LaRouche needs 1,400 valid signatures by June 12.

PROPORTIONAL REPRESENTATION

1. The Michigan Libertarian Party has voted to elect its state central committee by proportional representation. Specifically, the party will use the "rank order" system.

2. The California initiative to provide for proportional representation for one house of the legislature failed to qualify for the ballot. However, the group which sponsored the proposal expects to try again in 1992.

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PAUL JACOB

Paul Jacob, who headed up petitioning for the Libertarian Party during the period May 1988 thru March 1989, has since been in charge of petitioning to get an Illinois initiative on the ballot. He turned in 472,000 signatures on May 5 (251,535 were required). Assuming the initiative appears on the ballot, he will then head up the campaign for the measure, which requires a 60% vote in each house of the state legislature to raise state taxes.

BALLOT ACCESS GROUPS

1. **ACLU**, American Civil Liberties Union, has been for fair ballot access ever since 1940, when it recommended that requirements be no greater than of one-tenth of 1%. 132 W. 43rd St., New York NY 10036, (212) 944-9800.

2. **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.

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. **PROJECT 51-'92**, a Libertarian PAC, actively assists lobbying efforts in state legislatures (as well as organizing support for Libertarian petition drives). Contact Andre Marrou, 5143 Blanton Dr., Las Vegas Nv 89122, tel. (702) 435-3218.

5. **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. It also works on other issues relating to free elections.

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