BALLOT ACCESS NEWS

San Francisco, California August 14, 1990 Volume 6 Number 5

INDIANA WRITE-IN VICTORY

On July 25, federal District Judge Sarah E. Barker ruled that Indiana's ban on write-in votes violates the First Amendment. The case had been filed by the Libertarian Party in 1988, after it became clear that its presidential candidate Ron Paul would not appear on the ballot there. Indiana's Attorney General must decide by August 24 whether to appeal or not. Judge Barker ordered the state to permit write-ins starting with the November 1990 election. Editorial reaction was favorable from many of Indiana's largest newspapers, and news accounts even mentioned that some of the defendant state officials agree with the ruling. *Paul v Indiana Election Board,* no. 88-982, southern district.

States which still ban write-in votes in all elections are Nevada, South Dakota, Oklahoma, and Louisiana. Hawaii's ban was struck down earlier this year in federal court, and is now reported, *Burdick v Takushi,* 737 F Supp 582. Besides the Hawaii and Indiana federal courts, the only other federal court which ever said that write-in bans violate the U.S. Constitution was in Ohio in 1968.

Libertarians who filed the lawsuit hope that the legislature will now ease the ballot access laws, so as to minimize the number of write-in candidates. In 1980, the Indiana legislature quadrupled the number of signatures needed to get on the ballot, and also quadrupled the number of votes needed for a party to remain qualified.

Judge Barker ruled that the state must count write-in votes and print the results in the official election returns. She left the door open for the state to require that write-in candidates submit a declaration of candidacy, as a condition of having their write-ins counted.

IOWA REGISTRATION LOSS

On July 27, the 8th circuit upheld Iowa law, which makes it impossible for voters to register into unqualified parties. The decision states that it would cost Iowa $45,200 in data processing costs to let voters register into unqualified parties. The decision also belittles the plaintiff Socialist Party, calling it a "tiny fractional interest" and mentioning that it only polled .03% for president in Iowa in 1988. The decision does not mention that the party elected one of its activists to the Iowa City city council in 1989 (the election was non-partisan). It also points out that any unqualified party may become qualified if it polls 2% for President or Governor, and a party which meets this hurdle can then qualify to be listed on the voter registration form. The decision was by Judge Frank Magill and was signed by Judges John Gibson and Roger Wollman, all Reagan appointees. *Iowa Socialist Party v Nelson,* no. 89-1703.

Other states which let voters register into qualified parties but not unqualified parties are Alaska, Massachusetts, Nebraska, New Hampshire, New Jersey, New York, North Carolina, and Oklahoma.

CONGRESS PASSES CAMPAIGN BILLS

On August 1, the U.S. Senate passed S. 137, a campaign finance reform bill, by a vote of 59-40. On August 3, the House passed HR 5400, another campaign finance bill, by 255-155. The two bills are not very similar and it will require a great deal of work to produce a single bill which both houses will agree to. The Senate bill discriminates against third party and independent candidates for Congress in instances at which any candidate chooses not to abide by voluntary spending limits. In such instances, the nominees of parties which polled 25% in the previous presidential election are entitled to public funding far in excess of other candidates, regardless that the non-major party candidate may have more popular appeal than one or both of the major party candidates.

Also, in both the Senate and House bills, spending by the state organizations of third parties for petitioning for a place on the ballot will be regulated for the first time by federal election law (if the petition relates to any candidates for federal office). This means that individuals will not be able to give more than $1,000 for this purpose. There have never been federal limits on such activity before. They have been included because of a hue and cry about "soft money", which includes money spent by state parties to help federal candidates.

Generally, Republicans in both houses voted against the bills, and President Bush may veto any bill which reaches his desk and which is not supported by the Republican Congressional leadership.

HR 1582 GAINS CO-SPONSOR

On August 3, Congressman Jim Slattery, a Democrat from northeast Kansas, stated in a letter that he is becoming a co-sponsor of HR 1582, the Conyers ballot access bill. The bill now has 34 co-sponsors besides its main sponsor, John Conyers of Michigan. A full list of the co-sponsors is on page six. Slattery became a co-sponsor after one of his constituents, Douglas Merritt, a Libertarian activist, wrote him. Merritt has a little bit more clout than most voters, since he has a weekly column in the *Atchison Daily Globe,* and he frequently writes about election law issues.

BRONX DEMOCRATS THREATENED

Several Democratic congressmen and state legislators in Bronx County, New York, may be kept off this year's Democratic primary ballot. The New York primary is on September 11. All of the regular Democratic-backed candidates used the same petition printing firm, and that firm accidentally left a few words off the petitions. An insurgent Democratic candidate noticed the error and filed a challenge to keep the regular candidates off the ballot. The issue is pending in state court. If the candidates are kept out of the Democratic primary, most will still be on the November ballot as Liberal Party candidates.

THOURNIR DECISION IS INCONCLUSIVE

On July 23, the 10th circuit decided *Thournir v Meyer,* no. 89-1082, upholding Colorado law that an independent candidate must have been registered "Independent" for a full year before filing to be on the ballot. However, the court specifically refused to rule on whether the rule could be applied to new or unqualified political parties. Although Eileen Thournir, the plaintiff, was a Socialist Workers Party candidate for Congress in 1982, the Court noted that back in 1982, Colorado forced all third party candidates to be treated as independent candidates and refused to let them register as members of their own party (in 1984, this policy was declared unconstitutional in another lawsuit). The 10th circuit in this decision only considered the case from the standpoint of what the law had been in 1982, so it leaves open the question of whether third parties in Colorado can nominate someone who has not been a registered member of that party for a full year. In 1988 a state court had ruled that such a law could not be imposed on the Colorado Democratic Party.

The issue of whether an unqualified political party can nominate someone who hasn't been a member of that party for a year will be in court soon, since this year the Colorado Libertarians nominated someone for Governor who is a registered Republican. Probably Colorado will refuse to put him on the ballot, and the party will sue.

When the case was filed, Thournir argued that the law violates the U.S. Constitutional provision which lists the requirements to be a member of Congress (age 25, a citizen, a resident of the state from which elected as of election day). Traditionally, the courts have held that no state may add additional requirements to the ones listed in the Constitution, and Colorado law seemed to add an additional requirement that the candidate must have lived in the state for a year, before running. At the time, Colorado even refused to count write-in votes for candidates who had not been registered in the state for a year.

However, in 1987, Colorado eliminated that restriction on write-in voting. Therefore, the court felt, since someone in Thournir's position can now run as a write-in candidate, the state is not imposing an absolute barrier on such a person being elected to Congress, and the qualifications argument is not valid. The court was inconsistent in taking the write-in 1987 change into account, and not taking the 1984 registration change into account.

The ACLU will ask for a rehearing, since the court made two errors: (1) it said that back in 1982, Colorado did not permit independent candidates to choose a partisan label (*e.g.,* "Socialist Workers") for the ballot. Colorado has always printed such labels on the ballot; (2) the court ignored the U.S. Supreme Court decision of June 21, 1990, *Rutan v Republican Party of Illinois,* which said that governments may not deprive anyone of a benefit due to that person's partisan affiliation.

1992 PETITIONING

The Libertarian Party has 14,500 signatures on its 1992 petition in Kansas, 600 in Maine, and 100 in Nebraska.

FREE TV IDEA AWAITS FCC ACTION

In April, 1990, the Markle Foundation of New York city released a study, "The Voters' Channel", proposing that public television give free television time to the Democratic and Republican Parties and their candidates. The Foundation also commissioned a television production company named Alvin H. Perlmutter Inc. to prepare a report as to how such a plan could be implemented. In June, 1990, Perlmutter released the feasibility study.

However, no further action has been taken on the idea, since the Federal Communications Commission still hasn't released its decision on whether such an idea would violate the Equal Time provision. The FCC may release its decision in September. In 1988, the King Broadcasting Company of Seattle, a privately-owned network television station, asked the FCC for permission to broadcast two 30-minute statements by George Bush, and two 30-minute statements by George Dukakis, which would have been free to those two candidates. The station also wanted to broadcast a 45-minute interview with each of those two candidates. The FCC said "No". The Equal Time rule still exists, and the FCC said the stations' proposal would violate it. Although the Equal Time rule has an exception for bona fide news events (such as debates), and also an exception that for regularly-scheduled news interview programs (such as "Meet the Press"), the KING-TV proposal didn't fall under any of those exemptions, and the station would have been required to give third party presidential candidates equal time. After the FCC said "No", KING-TV sued the FCC, and the U.S. Court of Appeals, D.C. circuit, told the FCC to reconsider the matter. The Court expressed no opinion on the merits but said that the FCC hadn't followed its own guidelines for making rulings.

If the FCC changes its mind, the "Voters Channel" idea still may not be legal, because the "Voters Channel" project would be on public television, not privately-owned television. It's not clear that public television may constitutionally discriminate against third parties.

N.O.W.

The Commission for Responsive Democracy, established by the National Organization for Women to consider whether or not to form a new political party, held its first meeting, in Washington, D.C. on July 23. It set up a tentative schedule of eight public meetings around the country during late 1990 and the first half of 1991, probably in Chicago, New York, Atlanta, Los Angeles, somewhere in Texas, Seattle, Washington D.C., and one other city still to be determined.

AMERICAN PARTY

The South Carolina American Party, a fully-qualified party, has candidates for U.S. Senator and Governor this year. It would have lost its spot on the ballot if it had not named any candidates. The only other state in the country with American Party candidates this year is Utah, where the party has candidates for Congress and legislature.

DAVID SOUTER

The New Hampshire Supreme Court has had several ballot access cases. However, the last one was in 1982, and David Souter, President Bush's nominee for the U.S. Supreme Court seat vacated by Justice William Brennan, did not join the New Hampshire Supreme Court until 1983. Consequently, there are no cases involving ballot access in which Souter has participated, since Souter has never served on any other court (although he had been appointed to the U.S. Court of Appeals, he hadn't worked there yet). Thus it isn't easy to predict how he feels about political party rights or ballot access.

BRENNAN WILL BE MISSED

Supreme Court Justice William Brennan, who has left that court, probably did more to protect and extend the rights of political parties than any other individual, during the 1970's and 80's. He consistently voted favorably on ballot access and other issues involving political parties. In addition, as the senior member of the court, he had the right to decide which justice would write the majority opinion, in instances at which the Chief Justice was not in the majority; and Brennan used this power to choose authors who would write most favorably.

In 1983, in *Anderson v Celebrezze,* the Court voted 5-4 that early deadlines for independent and third party presidential candidates to qualify for the ballot are unconstitutional. Chief Justice Rehnquist voted in the minority, so Brennan chose the author of the opinion. He picked John Paul Stevens, who had been particularly opposed to early petition deadlines for third party and independent candidates ever since he had been on the Court (in an earlier case involving petition deadlines, *Mandel v Bradley*, Stevens had written separately to indicate his conviction that such deadlines are always unconstitutional, whereas the other members of the court merely remanded the case to a lower court). Stevens wrote a masterful decision, which is cited nowadays more often than any other Supreme Court ballot access decision.

In 1974, in *Storer v Brown*, it was clear at oral argument that Justice Byron White was eager to uphold a California law which required independent candidates to submit a petition signed by 5% of the last vote cast, with these additional handicaps: no one could sign the petition who had voted in the primary, and only 25 days were permitted in which to circulate the petition, which required over 400,000 valid signatures in gubernatorial years, and over 300,000 in presidential years. The lower court had upheld the law. Yet when the decision was handed down a few months after the oral argument, White (who was chosen by Chief Justice Burger to write the opinion) had softened his position so that he and the majority instead sent the case back to the lower court for a second look (then, before that could happen, the California legislature substantially liberalized the law). Brennan wrote an analytical dissent, saying the court should have simply declared the law unconstitutional. It is clear that his interest saved the nation from a disastrous outcome.

In 1986, the Court ruled 5-4 that the Republican Party of Connecticut had a right to decide for itself who would be allowed to vote in the party's primary, in *Tashjian v Republican Party.* Since Chief Justice William Rehnquist was in the minority, Brennan chose the opinion's author, and he chose Justice Thurgood Marshall to write the decision. Marshall, predictably, wrote a strong and rather broad decision, stating, almost incidentally, that the First Amendment also protects a party's right to nominate non-members for public office.

In 1989, the Court ruled 8-0 that political parties have a constitutional right to choose their own organizational structure and to exercise free speech. *Eu v San Francisco County Democratic Central Committee.* The Chief Justice didn't participate in the case, so again Brennan chose the opinion's author. Again he chose Justice Marshall, who wrote that in election law matters, the government may not infringe on First Amendment rights unless there is a compelling interest for doing so. The compelling interest test makes it more difficult for states to uphold restrictions.

This year, Brennan himself wrote the decision in *Rutan v Republican Party of Illinois,* saying that it is unconstitutional for the government to deny a public benefit to someone based on that person's partisan affiliation. That case was also decided on a 5-4 vote.

Brennan also cast a vote to put Eugene McCarthy on the ballot in Texas as an independent candidate in 1976, in another 5-4 decision at which the usually liberal Marshall voted against McCarthy (Texas had no procedures for independent presidential candidates to get on the ballot, a policy which had already been held unconstitutional, so the question was what to do about it for the imminent 1976 election). The outcome set a precedent that when a ballot access law is held unconstitutional, the party or candidate who brought the winning lawsuit should be put on the ballot by the court.

The only non-unanimous case in which Brennan voted unfavorably to third political parties was *Buckley v Valeo*, in which Brennan and the majority upheld a new federal law providing public funds only for the general election presidential candidates of parties which had polled 5% of the vote in the last election. Justices Rehnquist and Burger voted that this violates the rights of new and small parties to equal protection of the law, but Brennan and the majority upheld the law on the historical basis that third party presidential candidates never place first or second anymore anyway.

Brennan's opinions reveal that he passionately believes that society needs to hear the widest possible range of opinions. His belief made him a natural champion of small political parties, which exist more to influence ideas than to control the government.

TERM LIMITATIONS

There are initiatives on the ballot in California and Oklahoma to limit the number of terms that a legislator may serve, and one will probably be on in Colorado also.

DEBATE BILL COMING IN SEPTEMBER

On August 3, Congressman Jim Bates of San Diego, California told the Rainbow Lobby that he will introduce his proposed debate bill at the beginning of September, when Congress re-convenes. He hopes that supporters of the bill will find co-sponsors before then. The bill already has one co-sponsor, Timothy Penny of Minnesota; and Congressmen Ron Dellums of California, Kweisi Mfume of Maryland, Major Owens of New York, and Gerry Sikorsky of Minnesota may become co-sponsors.

The bill will require that presidential candidates receiving general election funding debate each other, and it will also provide that the sponsor of such debates must invite certain third party and independent presidential candidates to debate as well. Specifically, if the third party candidate is on the ballot in at least 40 states and has raised at least $500,000 in small contributions, that presidential candidate would be invited to participate in two debates.

If it had been law in 1988, George Bush and Michael Dukakis would have been required to participate in two debates at which Libertarian Ron Paul and New Alliance candidate Lenora Fulani also would have been invited (if Bush or Dukakis had refused, they would have lost general election campaign funding from the U.S. treasury). Other third party and independent candidates in elections since World War II who would have been eligible to debate, would have been Henry Wallace in 1948, George Wallace in 1968, John Anderson and Ed Clark in 1980.

If you support the bill, please ask your member of Congress to become a co-sponsor. Refer to it as the "Democracy in Presidential Debates" bill. A copy of the bill can be obtained from the Rainbow Lobby, 1660 L St., NW, Suite 204, Washington, D.C. 20036.

FLORIDA CAMPAIGN LAW THROWN OUT

On May 8, the Florida Supreme Court held unconstitutional a law which makes it illegal for any candidate for any statewide office or for the legislature to ask for, or receive, any campaign funds (even his or her own funds) while the legislature is in session. *State v Dodd,* 561 So 2d 263. The legislature is in session two or three months each year. The state said the law is needed to prevent legislators from being distracted by fund-raising while they are supposed to be working, but the court said this justification cannot override the First Amendment. Furthermore, the law applies to all candidates, not just candidates who happen to be incumbent legislators. Since incumbents have many advantages during campaigns, the Court reasoned that the real impact of the law is to make it even more difficult for incumbents to be defeated.

CZECHOSLOVAKIA BALLOT LAW

Czechoslovakia requires a petition signed by 10,000 voters to qualify a political party for the ballot. The nation has almost 10,000,000 voters, so the requirement works out to be one-tenth of 1%, the same ceiling that HR 1582 (the Conyers ballot access bill) imposes.

SOLIDARITY CANDIDATE RULED OFF

On July 23, the Illinois Board of Elections ruled that Alan Port, Illinois Solidarity Party candidate for Congress, 18th district, should not be on the November ballot. If Port were on the ballot, he would be the only candidate running against Congressman Robert Michel, Republican leader in the House (no Democrat is running). Port does not plan to sue to overturn the decision.

Illinois law permits a qualified political party to nominate candidates by action of its committees, if no one was nominated in the party's primary. The Illinois Solidarity Party did not nominate anyone by primary in the 18th district. Port is the only party official in that district, so he tried to nominate himself, but the state ruled that there was no means for the party to nominate by committee because the committee doesn't exist. In order for the party committee to exist, its members must have been chosen in the party's primary.

McCORD WILL BE IN 3-WAY RACE

The July 18 *B.A.N.* mentioned Bill McCord, the Libertarian Party candidate for Congress against Al Swift. McCord plans to campaign against Swift (who is Chairman of the Elections Subcommittee) for refusing to hold hearings for five years now on the ballot access bill. Assuming McCord qualifies for the November ballot by polling 1% of the primary vote, he will be in a 3-way race with Swift himself and a Republican. McCord has already been the subject of a quarter-page article in the *Bellingham Herald*, one of the largest newspapers in the district.

REGIONAL PARTIES

1. The Harold Washington Party, which is a qualified party within the city of Chicago, submitted a petition to gain a place on the Cook County ballot this year, for county offices.

2. The Tisch Independent Citizens Party, which has been qualified in Michigan since 1982 and which stands for lower taxes, is running candidates for State Board of Education, other statewide educational posts, Congress and state legislature, and expects to retain its qualified status.

3. The Grassroots Party is running four candidates for statewide office and four for the legislature in Minnesota, and two candidates for statewide office in Iowa. It stands for decriminalizing marijuana and greater protection for the Bill of Rights. It was also on the ballot in Minnesota in 1986 and 1988, but has never before been on in Iowa.

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

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

1990 PETITIONING

STATE	REQUIRED	SIGNATURES COLLECTED						DEADLINE
		LIBT	NAP	SOC WRKR	POPULIST	PROHIBITION	OTHER ON	
Alabama	12,345	too late	in court	*	too late	too late	–	Apr 6
Alaska	2,032	too late	too late	too late	too late	too late	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	finished	too late	too late	*	already on	–	Aug 7
Connecticut	9,937	*	too late	too late	too late	too late	–	Aug 10
Delaware	(reg.) 146	already on	143	too late	too late	too late	–	Aug 18
D.C.	3,000	finished	too late	2,800	0	0	STATEH	Aug 29
Florida	181,421	too late	too late	too late	too late	too late	–	Jul 17
Georgia	29,414	already on	too late	too late	too late	too late	–	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	*	already on	too late	too late	too late	–	Aug 6
Indiana	30,950	too late	too late	too late	too late	too late	–	Jul 15
Iowa	1,000	too late	too late	900	0	too late	GRASS	Aug 17
Kansas	16,813	too late	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) 106,146	too late	too late	too late	too late	too late	–	Jun 30
Maine	4,000	*	too late	too late	too late	too late	–	Jun 5
Maryland	73,629	too late	too late	too late	too late	too late	–	Aug 6
Massachusetts	33,682	too late	*	too late	too late	*	–	Jul 31
Michigan	23,953	already on	too late	too late	too late	too late	WWP,TIS	Jul 19
Minnesota	2,000	too late	*	already on	too late	too late	GRASS	Jul 17
Mississippi	just be org.	already on	too late	too late	too late	too late	–	Apr 1
Missouri	21,083	*	too late	too late	too late	too late	–	Aug 6
Montana	9,531	already on	too late	too late	too late	too late	–	Apr 16
Nebraska	5,635	too late	too late	too late	too late	too late	–	Aug 1
Nevada	10,326	already on	too late	too late	too late	too late	–	Aug 14
New Hampshire	3,000	finished	too late	too late	too late	too late	GREEN	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	too late	already on	WWP	Jul 10
New York	20,000	15,000	50,000	25,000	0	0	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	too late	too late	too late	too late	too late	–	May 31
Oregon	35,739	already on	0	0	0	0	–	Aug 28
Pennsylvania	24,858	*	too late	too late	*	too late	–	Aug 1
Rhode Island	1,000	too late	too late	too late	*	too late	–	Jul 19
South Carolina	10,000	already on	already on	too late	too late	too late	AM	May 6
South Dakota	2,945	too late	too late	too late	too late	too late	–	Aug 7
Tennessee	30,259	too late	too late	too late	too late	too late	–	May 1
Texas	34,424	already on	too late	too late	too late	too late	–	May 27
Utah	500	already on	too late	*	too late	too late	AM, INDP	Mar 15
Vermont	1,000	already on	already on	0	0	0	LUP	Sep 20
Virginia	13,687	*	too late	too late	too late	too late	–	Jun 12
Washington	200	*	*	*	too late	too late	–	Jul 28
West Virginia	6,346	too late	too late	too late	too late	too late	–	May 7
Wisconsin	2,000	already on	too late	too late	too late	too late	LFP	Jul 10
Wyoming	8,000	too late	too late	too late	too late	too late	–	May 1

This chart shows petitioning progress of third parties for 1990 ballots. LIBT is Libertarian; NAP is New Alliance; AM is American; WWP is Workers World. "Deadline" is the deadline for new parties. *An asterisk means the party is on the ballot in part of the state. The chart only includes third party candidates who are on the ballot with the party label. In Arizona, Louisiana, and Ohio, there are Libertarian candidates on as Independents; in Tennessee, there are New Alliance and Populist candidates on as Independents. The Unity Party of New York is petitioning but refuses to say how many signatures it has so far.

NEW LAWSUITS FILED

1. On May 29, Herb Silverman, United Citizens Party candidate for Governor, filed a lawsuit in federal court against a state law which prevents atheists from being Governor (*Silverman v Campbell,* no. 2-90-1150-18). The Board of Elections had already said that it wouldn't keep him off the ballot just because he is an atheist, but Silverman argues that the state's threat to prevent him from taking office (should he win) will injure his campaign, and asks that the law be held unconstitutional.

2. On July 13, the Labor-Farm Party, a qualified party in Wisconsin, filed a lawsuit to win the right to allow Douglas LaFollette to run in its primary for Secretary of State. LaFollette is barred by state law from running in the Labor-Farm primary because he is also running in the Democratic primary. He is the incumbent Secretary of State. He reportedly looks with favor on the lawsuit, but is not a party to it. *Swamp v Kennedy,* no. 90-C-0504-S. The Wisconsin primary is September 18.

PROPORTIONAL REPRESENTATION

Thomas W. Jones has drafted a model law for a rank-order system of proportional representation. For a free copy, send an SASE to 15336 Cruse St., Detroit Mi 48227.

The May 1990 issue of *Works in Progress,* newsletter of the Rainbow Coalition of Olympia, Washington, has an article about proportional representation and advocates that the idea be implemented locally for county government.

NOTE: the June 26 *B.A.N.* story on COFOE failed to list the Green Party of New York as a member of COFOE. Also, the story in the same issue about Ralph Forbes of Arkansas, titled "Republican Party Invaded Again" stated that Forbes was David Duke's campaign manager in Duke's race for the presidency. The Populist Party wishes it made clear that Forbes was only Duke's manager while Duke was running for the Democratic presidential nomination, not while Duke was running as the Populist Party candidate in the general election.

[ ] **RENEWALS:** If this block is marked, your subscription is about to expire. Please renew. Post office rules do not permit inserts in second class publications, so no envelope is enclosed. Use the coupon below.

OTHER LAWSUIT NEWS

1. There will be a hearing on September 11 in *Fulani v Krivanek,* the case over the constitutionality of Florida's 10¢ fee for checking signatures on petitions to qualify new parties for the ballot.

2. On July 31, federal judge Thelton Henderson ruled that it isn't possible to expedite the California case *Lightfoot v Eu* in time for this year's election. California's Secretary of State says the ballot must be finalized by August 20. The case was filed by the Libertarian Party to force the state to let the party nominate by convention, in instances at which no one was nominated at the party's primary. The case also challenges state law which makes it impossible for small qualified parties to nominate candidates in their own primaries by write-in.

3. There will be a hearing in *New Alliance Party v Hand* in federal court in Alabama on August 14. This is the case which challenges the April filing deadline for parties to submit ballot access petitions.

4. On August 3, the Right to Life Party of New York state won in the State Supreme Court, Albany Division, against a challenge to the ballot status of its statewide candidates. *Siegfried v State Board of Elections,* #3741-90. The issue is whether the party should have filed certificates of nomination. The court ruled that the forms weren't needed, since technically the convention doesn't nominate candidates, but designates them.

5. There will be a hearing on late August in *Obie v State Board of Elections,* the challenge to North Carolina's 10% petition for independent candidates for county office.

HR 1582 SPONSORS LISTED

Cal: Bates, Dellums, Dixon, Dymally, Hawkins, Pelosi, Roybal, Stark. Ct: Morrison. DC: Fauntroy. Fl: Bennett. Ga: Lewis. Ill: Collins, Hayes, Savage, Yates. Ks: Slattery. Md: Mfume. Mass: Kennedy, Markey. Mich: Conyers, Crockett. Minn: Penny. N. J.: Dwyer, Payne. N. Y.: Flake, Owens, Rangel, Towns. Ohio: Stokes. Tenn.: Ford. Utah: Nielson, Owens. Wis: Kastenmeier, Moody.

SECOND CLASS PAID AT SAN FRANCISCO CA

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

To receive it by First Class Mail, enclose $8.00

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

Name _____

Address _____

City _____ State _____ Zip _____

Ballot Access News, 3201 Baker St. San Francisco CA 94123 (415) 922-9779