BALLOT ACCESS NEWS

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CONGRESSWOMAN ATTACKS HR 1582

On July 26, Democratic Congresswoman Nita Lowey of New York wrote a letter to a constituent, attacking HR 1582 (the Conyers ballot access bill). Her criticisms of the bill are really criticisms of lenient ballot access laws in general. Her points are:

1. "The bill could damage the major political parties significantly". No elaboration of this point was made.

2. "Increasing the number of candidates on the ballot might have a negative effect on the level of political discourse in this country. Right now, it is often difficult to find discussion of issues beneath the layers of demagoguery and negativism that characterize too many modern campaigns. Some people have suggested that more crowded fields would result in even more clutter and rhetoric, making the substance even harder to find. That could also lessen voter turnout because of confusion."

3. "This bill could hinder the ability of candidates to debate the issues directly in the media. Although the FCC has rescinded its fairness doctrine, which required television stations to give equal time to coverage of all candidates in an election, broadcasters still adhere to similar guidelines. When there are many people running, news shows sometimes refrain from covering them at all because they cannot afford to give the time that it would take to cover all of the candidates equally."

Lowey's first and second points can be rebutted by history. Dr. Larry Sabato says on page 35 of his *The Party's Just Begun* that the "golden age" of political parties in the U.S. was the period 1870-1920. Other political scientists generally agree with him. U.S. political parties in that period were vigorous and were directly interlinked with the personal lives of millions of ordinary people. During that period, voter turnout was the highest it has ever been in American history. The U.S. Census Bureau has calculated the number of people eligible to vote, and the number of people who actually voted, in all presidential elections 1824-1972, and has published its findings in *Historical Statistics of the U.S., Part 2*, by the U.S. Department of Commerce, 1976. It is available in all large libraries. Between 1840 and 1916, turnout averaged 73.4%. By contrast, the average turnout in the presidential elections 1972 thru 1988 is 53.1%, according to figures in the *World Almanac.*

Strong political parties in that period meant that voters really made a difference. Control of the U.S. House of Representatives switched from one party to another in 1874, 1880, 1882, 1890, 1894, 1910, and 1920, seven times in 46 years. By contrast, the House hasn't switched control in our time in 36 years (it last happened in 1954).

The "golden age" of turnout and political party vitality, 1870-1920, was a period in which either there were no ballot access laws, or very minimal requirements. It was also a period of vigorous third parties. Third parties were represented in every session of Congress from 1872 through 1902 (except after the election of 1888), with a high-water mark of 40 third party House members and 7 third party U.S. Senators 1897-1899. In 1898 it was possible for a new political party to appear on the ballot in every state with a total number of signatures less than one-tenth of 1% of the number of votes cast that year.

Lowey should have looked at the experience of the 15 states which have ballot access laws in which the number of signatures required for Congress is equal to, or less than, the ceiling imposed by HR 1582 (for either independent candidates or third parties): Colorado, Delaware, Idaho, Kentucky, Louisiana, Minnesota, Mississippi, New Jersey, Oklahoma, Rhode Island, Tennessee, Texas, Utah, Vermont and Wisconsin. These states have 108 House seats. Only three of those seats had more than four candidates on the ballot in November 1988 (including Democrats and Republicans), and none had more than six candidates on the ballot.

Lowey's third point is utterly mistaken. It is the Equal Time rule, not the Fairness Doctrine, which governs air time for candidates. The Equal Time rule still exists, but it doesn't cover "bona fide" news events (like debates), nor appearances on regularly-scheduled programs. Therefore, television and radio stations are generally free to ignore minor candidates if they wish.

Lowey's letter disdains "rhetoric", but her argument is nothing but rhetoric itself; it has no facts. She seems uninformed, but she deserves credit for saying what she thinks about ballot access. The history of the U.S. political system, and information about the experiences of the lenient states, could be publicized if only the Chairman of the Elections Committee, Al Swift, would schedule hearings on the issue. He has blocked hearings for over five years and has prevented his colleagues from learning what they need to know about ballot access.

CAMPAIGN FINANCE BILL

President Bush stated at his August 14 press conference that he will veto the campaign finance bill passed by the Senate, if it reaches his desk.

MASSACHUSETTS INITIATIVE LEADING

Question 4, the initiative to improve the Massachusetts ballot access laws, is ahead 49%-33% in a public opinion poll conducted by the *Boston Globe* and released on September 3. The initiative has been endorsed by the ACLU and will be endorsed by the *Boston Herald*, the state's second biggest newspaper. The Committee for Fair Ballot Access, which got the initiative on the ballot, is raising money to the best of its ability but needs your help. Please contribute to the advertising campaign for the initiative. Write to Box 2557, Boston Ma 02208. There has been no campaign against the initiative yet, but one might be launched at any time.

PARTY FREE SPEECH VICTORY

On August 14, an eleven-judge panel of the U.S. Court of Appeals, 9th circuit, held unconstitutional a California law which makes it illegal for political parties to "endorse, oppose or support" any candidate for non-partisan office. In California, all county, city, school and judicial elections are non-partisan. *Geary v Renne*, no. 88-2875. The restriction has existed since 1986. Even though political parties don't officially nominate candidates for non-partisan office, they sometimes wish to endorse candidates and publicize that endorsement. Defendants plan to ask the U.S. Supreme Court to hear an appeal. That court ruled unanimously in 1989 in a different case that the First Amendment protects the right of political parties to endorse candidates in their own primaries; therefore it's unlikely that the state can win this case in the U.S. Supreme Court.

In the 9th circuit, 8 judges held the law unconstitutional, and 3 judges voted to remand the case back to the U.S. District Court for more evidence.

NORTH CAROLINA VICTORY

On August 21, federal district judge Franklin Dupree ordered North Carolina not to keep independent candidates off the ballot just because they fail to get the signatures of 10% of the number of registered voters. *Obie v State Board of Elections*, no. 90-353, eastern district. North Carolina law requires 10% petitions for independent candidates for county office, city office, and state legislature if the district is entirely within one county.

Judge Dupree is semi-retired. The case was re-assigned to him because in 1980 he had handled a case against the old 10% petition requirement, which then applied to all independent candidates. After the 1980 victory, the state had reduced the petition requirement for statewide, congressional and certain legislative independent candidates, but had retained the 10% figure for lesser offices. Judge Dupree made it clear that 10% is too high for *all* offices.

MOZAMBIQUE BALLOT ACCESS LAW

Moaambique has reformed its election law to allow for multi-party elections. The new law provides that a party may attain a place on the ballot throughout the nation if it has 100 registered members in each of the eleven regions of the nation. Mozambique has a population of approximately 14,000,000.

COLORADO LAWSUIT FILED

On September 4, the Colorado Libertarian Party filed a lawsuit in state court against Colorado law which makes it impossible for a third party to nominate someone who is not a registered member of that third party. One of the plaintiffs is Robin Heid, the Libertarian Party candidate for Governor. He is a registered Republican. The U.S. Supreme Court said in 1986 that it would be unconstitutional for a state to tell a political party that it may not nominate a non-member. *Colorado Libertarian Party v Meyer*, Denver District Court, case no. 90-CV-9486. There will be a hearing on September 11.

TEXAS VICTORY

On August 31, state court judge Scott McCown ruled that a Texas law which requires independent candidates to file a declaration of candidacy in January is unconstitutional. *Perez v Bayoud,* no. 487-974, Travis County Court. The state immediately announced that it will appeal. The case had been brought by a New Alliance Party member, Lourdes Perez, running for the state legislature as an independent candidate. The New Alliance Party is not on the ballot as a party in Texas, so its candidates are running as independents. The Texas law applies to all independent candidates, except presidential independents. (Now Texas is saying Perez still can't be on the ballot because he didn't show voter registration affidavit numbers of all the signers on his petition; a new lawsuit on this is likely).

SWP WINS DISCLOSURE EXTENSION

In 1982, the Socialist Workers Party won a U.S. Supreme Court case which stated that, since there is a record that people publicly identified as supporters of the party are harassed, federal and state officials may not force the party's candidates to disclose the names of people who contribute to their campaigns. As a result of the court decision, the Federal Election Commission agreed not to require disclosure from SWP candidates thru December 31, 1988.

On August 16, 1990, the FEC extended the exemption to the SWP thru December 31, 1996. The vote was 5-0. The Commission cited the following recent examples of harassment: (1) an article in the *Midlands Business Journal* of April 21-27, 1989, describing how a particular security firm had compiled a dossier on SWP members in the packinghouse worker's union in Austin, Minnesota; (2) threatening phone calls to the party's New York office in 1990 the night before the party was holding a public forum on Cuba; (3) a rock thru the window of the party bookstore in Kansas City in 1990, and threatening phone calls there; (4) bricks thrown thru the window of the party bookstore in Omaha in 1989; (5) a 1988 incident in West Virginia in which a policeman told a party candidate, "I don't like what you have on your table (literature) and I order you to take it down."; (6) a 1987 incident in New Jersey in which persons selling the party's newspaper were arrested for not having a peddlers' license. The arrest was later held to be wrongful.

The only other political party which has an exemption from the FEC is the Communist Party. It is likely that certain other third parties could win an exemption if they were to document similar incidents and were to apply.

GOOD KANSAS RULING

On August 29, the Kansas Secretary of State ruled that the increase in the number of signatures for independent candidates (signed into law in May 1990) cannot be applied this year, even though the bill went into effect on July 1. His ruling is based on court precedents from Michigan and Wyoming which say that it violates due process for a state to toughen ballot access laws and to make the change effective that year. The ruling means that one independent candidate for Governor will be on the November ballot.

WRITE-IN NEWS

1. Indiana has decided not to appeal *Paul v State Election Board* to the U.S. Court of Appeals. The state has agreed to provide write-in space on ballots and count write-in votes for candidates who file a declaration of write-in candidacy by the Friday before the election.

2. Hawaii: By contrast, Hawaii is appealing *Burdick v Takushi* to the U.S. Court of Appeals, 9th circuit. This is the case in which Hawaii's ban on write-in voting was thrown out. The Attorney General has circulated a proposed *amicus curiae* brief to the Attorneys General of the other eight states in the 9th circuit. The brief says that states have a right to ban write-in votes, regardless of the U.S. Constitution, First Amendment. The Attorneys General of Arizona, Nevada and Washington state signed it. In California, the Attorney General refused to sign it, so the Secretary of State signed it instead. All of the states in the 9th circuit permit write-in voting except Nevada. States in which no state official was willing to sign the *amicus* brief are Oregon, Idaho, Montana and Alaska. If you live in Arizona or Washington state, and if you support the right of voters to cast write-in votes, please write a letter to your state's Attorney General, State Capitol Building, asking him why he signed the *amicus* brief. If you live in California, write a letter to Secretary of State March Fong Eu, 1230 J Street, Sacramento Ca 95814, and ask her why she signed it.

3. North Carolina permits write-in voting, but won't count write-ins unless the write-in candidate submits a petition signed by 500 voters (for statewide office) and lesser amounts of signatures for district office. In July the Socialist Workers Party turned in 750 signatures so that its U.S. Senate write-in candidate would have his write-ins counted, but the state said that fewer than 500 of the signatures were valid. The SWP then threatened to sue. In response, the Board of Elections decided not to enforce the signature law. Petition requirements are usually upheld by courts so that the ballots won't be clogged with too many names, but there is no rationale for requiring signatures just to be an official write-in candidate, since write-in candidates don't appear on the ballot. For the same reason, a U.S. Court of Appeals in the 4th circuit in 1989 threw out Maryland's filing fee for declared write-in candidates. North Carolina is also in the 4th circuit. The only other state which requires a write-in candidate to submit signatures just to have his or her write-ins counted is California (and, in primaries only, New York).

DAVID SOUTER

Last month's *Ballot Access News* stated that David Souter, President Bush's choice for the Supreme Court, had never had an election law case as a judge. This is true, but it turns out that Souter did argue an election law case while he was a Deputy Attorney General. He defended New Hampshire's literacy test for voters in federal court in 1970. He lost the case. Congress had outlawed literacy tests for voting, and New Hampshire had filed a lawsuit to overturn the congressional act, but failed.

RON D. DANIELS

On August 27, 1990, Ron D. Daniels announced that he is organizing to run as an independent or third party presidential candidate in 1992. Daniels was Jesse Jackson's deputy campaign manager and director of the National Rainbow Coalition in 1988. He is a former chairman of the National Black Independent Political Party (which is defunct and which only ran a few candidates throughout its history) and is today president of the Institute for Community Organization and Development in Youngstown, Ohio. He is also convener of the African American Progressive Action Network, which is organized in thirty cities.

The *New York Times* and other major newspapers covered the Daniels announcement and noted that Daniels acknowledged that Lenora Fulani had received 217,219 votes for president in 1988 even though, in Daniels' opinion, the New Alliance Party is not truly a "Black-led party". Daniels was quoted as saying he will not run if he does not believe that he can get at least one million votes.

A spokesperson for Jesse Jackson said he is too busy getting ready to go to Iraq, to comment. Daniels can be reached at Box 5641, Youngstown, Oh 44504. He plans extensive travels around the U.S. in the next few months.

CALIFORNIA TO RETAIN JUNE PRIMARY

On August 31, the California Assembly killed AB 368, the bill to hold the presidential primary in March and to hold a separate non-presidential primary in June for other offices. The bill died because legislators were worried that initiatives would qualify to appear on the presidential primary ballot, or the other (non-presidential) primary ballot, and the turnout for either or both might be so low that a minority of voters could amend laws at those times. The bill had been amended to restrict initiatives from appearing on either primary ballot, but this made it a constitutional amendment and it required a two-thirds vote. It got 47 votes in the Assembly, but it needed 54 to pass.

MORE PARTY RIGHTS DECISIONS

1. On June 27, the Wisconsin Supreme Court upheld state election law which limits the amount of money that political parties can donate to their own candidates. *Gard v Wisconsin State Board of Elections,* 456 NW 2d 809. The Court viewed political parties as little more than conduits for special interest money. The case had been filed by the Republican Party of Oconto County. The party will ask the U.S. Supreme Court to hear its appeal.

The Wisconsin Supreme Court has been hostile to parties before. In 1979 it ordered the Democratic Party to seat delegates to the party's national convention even though those delegates had been chosen contrary to party rules. However, the U.S. Supreme Court reversed that ruling.

2. On August 17, a New York city charter provision forbidding anyone from holding both party office, and public office, was declared unconstitutional by Brooklyn Supreme Court Justice Samuel Greenstein. The city is appealing. *Golden v Clark*, no. 15106.

LEGISLATIVE NEWS

California: On August 15, the Senate Elections committee refused to pass AB 4118 in its original form, and the bill was substantially amended. The bill would have repealed the Democratic Party state structural rules from the elections code, in light of the U.S. Supreme Court decision in February 1989 which said that a state has no right to tell a party how to structure itself.

Senate Democrats didn't like the idea of removing party rules from the election law, and amended the bill so that all it does is authorize the Democratic Party to hold its state convention in a city other than Sacramento, in 1991 only. The bill is now absurd, since the Supreme Court has already ruled that the state has no right to tell a party where to hold its state convention. Nevertheless, the bill passed the legislature on August 29.

Kansas: Senator Don Sallee will re-introduce his bill next year, which would lower the number of signatures needed for a new party from 2% of the last gubernatorial vote, to 1%. There are now at least 8 states in which there will be bills in 1991 to ease ballot access restrictions: Arkansas, Georgia, Indiana, Kansas, Missouri, Montana, West Virginia, and Wyoming (assuming that the sponsors of these proposed bills are re-elected in November 1990).

RUN-OFF PRIMARY UNDER ATTACK

There are two lawsuits attacking the Georgia run-off primary law. Georgia and other Southern states require a run-off primary if no one wins a majority in the first primary. Some Black voter groups feel that the run-off primary acts to prevent Black candidates from winning Democratic primaries. First the ACLU sued Georgia, and then the Justice Department sued. The cases are *Brooks v Harris,* no. 90-CV-1001, and *United States v Georgia,* no. 90-CV-1749, federal court, Atlanta. Both cases have been assigned to judge Richard Freeman. Neither side in these lawsuits has sought to determine the attitude of the Democratic Party of Georgia toward the run-off primary.

Also, plaintiffs in an Arkansas case have asked the U.S. Supreme Court to hear their challenge to the run-off primary in that state. *Whitfield v Democratic Party of Arkansas,* no. 90-383. The lower court had upheld the run-off primary in a closely-divided *en banc* decision.

ILLINOIS

1. The May 24 *B.A.N.* mentioned that Paul Jacob, former head of Libertarian petitioning during 1988 and 1989, had been hired to qualify an anti-tax initiative for the Illinois ballot. Although the state agreed that the initiative had enough valid signatures (over 450,000 were turned in), the Illinois Supreme Court removed it from the ballot on August 22 on the grounds that the State Constitution doesn't authorize an initiative on that subject.

2. The Harold Washington Party, which is a qualified party within Chicago, submitted a petition to run candidates for Cook county offices. A challenge to the petition was rejected and the party will appear on the ballot.

"COMMUNIST" NOT ON 1990 BALLOTS

This year, for the first time since 1966, the word "Communist" will not appear on a ballot anywhere in the U.S. There are only four Communist Party candidates running for public office this November, and none of them will have the label "Communist" on the ballot.

MORE INDEPENDENTS LIKELY WINNERS

1. Polls show that Vincent Cianci, an independent candidate, may be elected Mayor of Providence, Rhode Island, this November. Providence city elections are partisan.

2. It is also likely that Marion Berry of Washington, D.C., will be elected to the city council as an Independent. Washington also has partisan city elections.

BAN ON DUAL NOMINATIONS UPHELD

On August 10, federal judge John Shabaz refused to issue an injunction against Wisconsin law which makes it impossible for anyone to run in the primary of more than one political party. *Swamp v Kennedy,* no. 90-C-504-S. On August 31, the U.S. Court of Appeals, 7th circuit, refused to overrule Judge Shabaz. The case had been brought by the Labor-Farm Party, which wanted to nominate Douglas LaFollette for Secretary of State. LaFollette is also running in the Democratic primary and is the incumbent. Only New York, Connecticut, Vermont, and in certain cases California, permit candidates to be nominated by more than one party.

PEACE & FREEDOM PARTY

The Peace & Freedom Party of California held a state convention in Sacramento on August 4-5 and re-elected Maureen Smith chair. The convention is significant because, for the first time since 1988, all factions agreed on the legitimacy of the convention, and there is no longer any dispute about the identity of the state officers.

Evelina Alarcon, Peace & Freedom Party candidate for Secretary of State, was endorsed by the Mexican-American Political Association on August 12. She had previously been endorsed by MAPA for the primary, but this endorsement is for the general election.

1992 PETITIONING

The Libertarian Party has 17,500 signatures on its 1992 petition in Kansas, 650 in Maine, and 100 in Nebraska. The New Alliance Party has 2,700 signatures in Alabama. No other party is conducting any 1992 petitioning.

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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	in court	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	too late	too late	too late	too late	–	Aug 18
D.C.	3,000	already on	too late	already on	too late	too late	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	too late	too late	too late	too late	–	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	already on	too late	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	*	HI-TECH	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	already on	too late	too late	too late	too late	–	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	already on	already on	already on	too late	too late	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	too late	too late	too late	too late	–	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. *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; in Ohio there are Populists on as Independents; in Texas, there are New Alliance candidates on as Independents. The Green Party petition in New Hampshire failed.

BRONX DEMOCRATS SAVED

On August 29, the New York Supreme Court ruled that the Bronx Democratic organization candidates should appear on the primary ballot. Their ballot status has been threatened because some of the legally mandated language had been omitted from their petitions, but the Court ruled that the omission was not serious enough to keep them off the ballot. *Klotz v Korman*, case no. 15923. The case establishes a useful precedent for New York state.

NAP UPSETS BALLOT STATUS OF RIVAL?

This year, three political parties holding themselves out as representing the interests of Black voters attempted to qualify for the New York state ballot. 20,000 signatures are required, including at least 100 from each of 17 congressional districts. The New Alliance Party turned in 65,100 signatures and was not challenged. The Unity Party, which has ties to some Black Democratic legislators and which is supported by *The Guardian* newspaper, only had 16,500 signatures. Since 20,000 are required, it was easy to challenge the Unity petition, and both the Liberal and New Alliance Parties did so. The third party, the United African Party, turned in 24,094 signatures. The New Alliance Party examined the United African petition and believes that it only contains 11,000 valid signatures, and also contains at least 100 signatures from only 14 districts. Therefore, the New Alliance Party also challenged the petition of the United African Party. A hearing on both challenges was held on September 7 and decisions will probably be out before September 24.

PENNSYLVANIA

This year's election is the first one in Pennsylvania since 1868 that voters have no choice on their statewide ballots except Democratic and Republican candidates. The legislature quadrupled the signature requirement in 1971 and then in 1986 increased the requirements for a party to remain qualified by fifteen times.

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McCORD AIRING TV ADS

Bill McCord, Libertarian Party candidate for Congress against Al Swift (chairman of the Elections Committee and the man who is blocking HR 1582), has already aired several television ads. He is also placing yard signs throughout the district. He hopes to force Swift to address the issue of HR 1582. The campaign will be able to do more if contributions increase. If you favor HR 1582, please donate to McCord for Congress, Bx 512, Anacortes Wa 98221. McCord must poll 1% of the vote in the September 18 primary, to appear on the November ballot.

SOUTH CAROLINA

1. The South Carolina Election Director removed Herb Silverman from the ballot on August 7. Silverman had been nominated by the United Citizens Party (which is affiliated with the New Alliance Party) to run for Governor, but the Director decided that the convention which nominated him was not valid. Silverman had earlier filed a lawsuit challenging the law which says that atheists cannot hold the governorship, and he is pursuing that case as a write-in candidate. There will be a hearing in his case in federal court on September 21.

2. The American Party filed a lawsuit against the State Election Commission last month, to force it to remove Democratic and Republican candidates from the Pickens and York County ballots. *Clarkson v Ellisor,* no. 90-CP-39-593, Pickens County Common Pleas Court. The suit charges that those parties didn't follow a state law passed last year, requiring parties to run newspaper notices telling candidates when and where to file to run for office. A hearing was held September 4. There is no decision yet.

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.

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