BALLOT ACCESS NEWS

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U.S. SUPREME COURT ORDERS PARTY PUT ON BALLOT

FIRST GOOD BALLOT ACCESS DECISION FROM THAT COURT IN 7 YEARS

On October 25, the U.S. Supreme Court ordered Illinois elections officials to put the Harold Washington Party on the ballot for county office in Cook County, even though that meant reprinting the ballots. The action came after the Supreme Court of Illinois, and the U.S. District Court, had both refused to grant the party any relief. The Harold Washington Party is already a fully-qualified party within the city of Chicago, and in this election it petitioned for a place on the Cook County ballot so it could run candidates for county office.

The issue in the case was whether Illinois law requires a county party in Cook County to submit 25,000 signatures, or 50,000. The law reads that parties petitioning for a place on the ballot in just part of the state need signatures equal to 5% of the last vote cast, or 25,000 signatures, whichever is less. The Illinois Supreme Court and the U.S. District Court had both ruled that the party needs 50,000 signatures, 25,000 from within Chicago and 25,000 from the portion of Cook County which is outside Chicago. The party had submitted 44,000 signatures. The lower courts ruled that the party needed 25,000 signatures from each part of the county because the county is basically divided into two districts for the election of county commissioners, 13 elected at large from Chicago and 9 elected at large from the suburbs.

The case in federal court was *Black v Cook County Officers Electoral Board.* In the U.S. District Court it was decided adversely to the party on October 4 by Judge John A. Nordberg, a Reagan appointee, case no. 90-C-5529. An appeal had been lodged in the U.S. Court of Appeals, case no. 90-3203, but that court had not taken any action.

The case in state court was *Reed v Norman.* It was decided adversely to the party by County Judge Eugene Wachowski on September 20 and by the State Supreme Court on Friday, October 12, at 6 p.m, timing which made it difficult for the party to get help from the U.S. Supreme Court. In the State Supreme Court, the vote was 4-3 and the case number was 70833.

The U.S. Supreme Court action was a "summary reversal", a very rare happening. The U.S. Supreme Court reversed the State Supreme Court decision without a hearing and without issuing any statement of its reasoning. The Harold Washington Party's attorney had travelled to the U.S. Supreme Court after the party lost in the State Supreme Court and on October 15 presented his papers to Justice John Paul Stevens, who handles emergency requests from the 7th circuit. On October 22, Justice Stevens issued an order that no more ballots be printed, pending the U.S. Supreme Court's receipt of papers from the other side. Three days later, that court issued its order, which at that level was called *Norman v Reed,* no. A-309.

The Supreme Court did not reveal whether the vote was unanimous or not. The Court probably acted as it did because it perceived that the lower courts had ignored the Supreme Court's own 1979 decision *Illinois Board of Elections v Socialist Workers Party,* which had ruled that it is unconstitutional to require more signatures to get a party on the ballot in just part of the state, than in the state as a whole. Also, the Supreme Court probably perceives the Harold Washington Party as having considerable voter appeal. The Court has always been much more inclined to strike down restrictive ballot access laws when the cases were brought by popular parties or candidates.

The Supreme Court also agreed to give the case a full hearing in the current term. The decision may add significantly to constitutional theory on ballot access. The Court must be aware that its previous ballot access rulings have confused the lower courts. Sometimes the Court has said that ballot access restrictions must be struck down unless they are needed for a compelling state interest; at other times, the court has not applied this test. The Court has also contradicted itself over whether the historical record (how many times has the challenged requirement been met?) is relevant or not.

The U.S. Supreme Court ruled favorably in a ballot access case in 1983, *Anderson v Celebrezze,* but ever since then has been either hostile or disinterested in ballot access. Since 1983, that court has refused to hear challenges to the ballot access laws of Florida (twice), Louisiana, Indiana, Maryland, Missouri, New York, Oklahoma and West Virginia. And in the only ballot access case it did hear, *Munro v Socialist Workers Party,* a 1986 case from Washington, it ruled unfavorably. The *Munro* decision not only upheld the statute, but said that a state need not show any specific evidence for its restrictions.

MASSACHUSETTS INITIATIVE WINS!

Question 4, the initiative to reform the Massachusetts ballot access laws, won on November 6 by a margin of 52%-48%. Most newspapers endorsed it, but two network TV stations (CBS and ABC) and the Republican Party opposed it. It cuts the number of signatures needed to qualify a new party or independent candidate from 2% of the last gubernatorial vote, to one-half of 1%. It also lets voters enroll as registered members of unqualified parties, if the unqualified party has at least 50 supporters. And it makes it easier for a party to become qualified, by changing the definition of "political party" from one which polled 3% for Governor, to one which polled 3% for any statewide race. The next issue of *Ballot Access News* will carry an account of the campaign by David Hudson, author of the initiative.

THIRD PARTIES POLL HIGH VOTES

Virtually every third party polled record-setting votes. Future issues of *Ballot Access News* will carry complete election summaries for all third parties, for all levels of office. Since information is sketchy at this point, only some of the highlights for the nationally-organized third parties are mentioned below:

1. LIBERTARIAN PARTY. At least 1,500,000 voters voted for at least one Libertarian Party candidate on November 6, 1990. There were about 28,000,000 voters who were able to vote for at least one Libertarian, which means that 5% of the voters who were able to vote Libertarian, did so. This contrasts with the party's presidential showing in 1988, when only one-half of 1% of the voters who were able to vote Libertarian for president, did so. Of course, many of the offices in 1990 were of much less importance than the presidency and a few were only two-person races; it's always easier for a third party to attract votes for unimportant office, than for important office; and it's even easier when there is only one major party opponent.

The Libertarian Party candidate for Nevada Controller polled 25.5% of the vote in a two-person race, a record for a Libertarian candidate for partisan *statewide* office. The Libertarian Party candidate for Congress in California's 45th district polled 27.3%, a record for a Libertarian congressional candidate. Three Libertarians were elected to non-partisan office (two in California and one in Arizona) but no Libertarians won for state legislature of any state. The party gained qualified status in New Hampshire (for the first time ever) and will be entitled to hold its own presidential primary there in 1992. The party also gained qualified status in Nevada and Wisconsin, but lost it in Montana, where it needed 9,531 votes for U.S. Senate but only got about 7,500. Assuming that recently completed petitions in Kansas and Maryland have enough valid signatures, the party is now qualified for 1992 for president in these 17 states: California, Delaware, Georgia, Hawaii, Idaho, Kansas, Maryland, Michigan, Mississippi, Nevada, New Hampshire, New Mexico, Oregon, South Carolina, Texas, Vermont and Wisconsin. This contrasts with 11 states immediately after the 1986 election, and 15 after the 1982 election.

2. NEW ALLIANCE PARTY. The party's best showing was in a non-partisan County Commissioner race in Minneapolis, where it polled 40.2%. The party was disappointed in New York state, where it needed 50,000 votes to become a fully-qualified party but only received 32,000. None of the New York NAP candidates for Congress or legislature polled as much as 4%. In Illinois, where the ballot-qualified Illinois Solidarity Party is controlled by NAP, the ISP polled 8% for Trustee of the University of Illinois and will be a ballot-qualified party in 1992 and 1994, but only for statewide office, not district office. The only other states where the party is qualified are New Mexico, South Carolina and Vermont.

3. POPULIST PARTY. The New Jersey Populist Party ran a congressional candidate in 13 of the state's 14 districts, and polled 36,156 votes for them, averaging 2.3%. A party candidate for the Rhode Island legislature polled 34% in a two-person race, and another legislative candidate in a two-person race in Pennsylvania polled 21%.

4. SOCIALIST WORKERS PARTY. The party's best known statewide showing known so far is for Governor of Iowa, where it polled 5,671 votes, approximately six-tenths of 1%. The party had only polled 205 votes for president in 1988 in the state.

5. WORKERS WORLD PARTY. The party only ran candidates in Michigan, but polled 27,974 votes for Governor (1.1% of the total), gaining qualified party status, the first time a Marxist political party has enjoyed qualified status (due to its vote total) in any jurisdiction since 1976, when the Socialist Workers Party won that status in the District of Columbia. The Michigan Workers World vote was greater than the margin of victory for the Republican gubernatorial candidate.

6. COMMUNIST PARTY. There were 7 Communists who ran for public office in November 1990, not 4 as previously stated in *Ballot Access News.* In Arizona, one of the candidates, running for the legislature under the partisan label "Martin Luther King Party", polled 15%.

7. GRASSROOTS PARTY. This party, which advocates the repeal of marijuana laws, polled 5% of the vote for Minnesota State Treasurer. If the party's vote total had been equal to 5% of the number of people who cast a ballot, it would have gained qualified status, but it didn't quite attain that figure. The party polled 1.5% for statewide office in Iowa.

8. PROHIBITION PARTY. The party polled 39,000 votes for Regent of the University of Colorado, 3.5% of the total for that office, its best showing in a statewide contest with both a Republican and a Democrat in the race in any state since 1978.

9. AMERICAN PARTY. The party polled 13,000 votes for Congress in Utah, which gave it continuing qualified status for the first time since 1976. In South Carolina the party polled 1% for Governor and remains qualified.

10. GREEN PARTY. The party polled slightly more than 3% of the vote for Governor of Alaska and thereby became a qualified political party.

These one-state only parties continue to enjoy qualified status: In Alaska, the Alaska Independence Party; in California, the Peace & Freedom and American Independent Parties; in the District of Columbia, the Statehood Party; in Michigan, the Tisch Indp. Citizens Party; in New York the Conservative, Liberal, and Right-to-Life Parties; in Philadelphia, Pa., the Consumer Party; in Utah, the Independent Party; in Vermont, the Liberty Union Party; and in Wisconsin, the Labor-Farm Party. Many of these parties did very well and a report on their votes will be carried in the next issue.

Three new one-state parties gained qualified status: the Harold Washington Party in Cook County, Illinois (previously it had only been qualified in Chicago); in Massachusetts, the High-Tech Independent Party; in Connecticut, "A Connecticut Party".

NEWS ELECTION SERVICE

The News Election Service tried to do a better job of covering third party and independent candidates in 1990 than it did in 1988. However, NES still made some awkward mistakes, omitting some candidates from its election night tally who performed much better than other candidates who *were* included. NES depends on its affiliates in each state to recommend to it which third party and independent candidates should be included in the tally, and the affiliates are not very good at this task. NES would be better off if it simply included every candidate on the general election ballot, in its tally. Outside of New York state, there were no statewide contests with more than 5 candidates on any general election ballot this year.

In the gubernatorial races, NES covered Libertarian candidates in California, Georgia, Oregon and Vermont, yet didn't cover them in Colorado, Hawaii, Nevada, New Hampshire, New York and Texas. The 4 candidates who were covered received, respectively, 1.9%, 2.6%, 1.3%, and 1.3%. The 6 candidates who weren't covered received 2.1%, 1.1%, 2.1%, 5.0%, .5%, and 3.3%. The uncovered candidates received, on the average, a higher percentage of the vote than the covered candidates! NES not only *didn't* report the showing of the most successful Libertarian gubernatorial candidate (the New Hampshire candidate), it probably caused most viewers to believe that the Libertarian candidates who *were* covered were the most successful, or perhaps the only, Libertarian gubernatorial candidates in the nation.

In the U.S. Senate races, NES covered the Libertarian candidate in Hawaii, but not any other Libertarian Senate candidates. The Libertarian in Hawaii received 1.4% but the Libertarians for the Senate in other states generally received similar or better votes: Delaware 1.5%, Montana 2.5%, New Hampshire 3.7%, New Jersey .7%, South Carolina 1.9%, Texas 2.3%.

In the U.S. House races, NES didn't mention Bill McCord's 8.3% vote showing in the 2nd district of Washington state. Yet NES covered certain independent House candidates who only got 1% of the vote.

NES covered New Alliance Party candidates in New York state but not anywhere else in the nation. However, the best showings of NAP candidates in New York state were under 4%, whereas some NAP candidates outside New York did better. In a 3-way race in the 8th congresional district of Massachusetts, the NAP candidate polled 5.0% but her vote was unreported by NES.

TERM LIMITATIONS

Both California and Colorado passed initiatives limiting the terms of state elected officials, on November 5. The Colorado term limitation includes federal elected officials as well, but will not have any direct effect until the year 2002. The California limitation first has an effect in the year 1996. Opponents of the California initiative immediately announced that they will challenge it in court. It is considered draconian because it is a lifetime ban, not just a ban on more than two *consecutive* terms.

INDEPENDENT VICTORIES MAY STOP DISCRIMINATORY CAMPAIGN LAWS

It has been well-reported that independent candidates won statewide elections in three states: in Vermont, independent Bernie Sanders was elected to the state's only U.S. House seat; in Connecticut, former Republican U.S. Senator Lowell Weicker was elected Governor under the partisan label "A Connecticut Party"; and in Alaska, former Republican Governor Walter Hickel became the nominee of the ballot-qualified Alaska Independence Party at the last minute and won the election (the Alaska Independence Party had nominated someone less famous at its primary, but that nominee was happy to resign the nomination, once he learned that Hickel wanted it).

This is the first year since 1936 that third party or independent candidates have been elected to statewide office (other than presidential electors) in as many as 3 states.

A beneficial result of these three outcomes is that it will be very difficult for Congress to pass a campaign finance reform law which discriminates against congressional candidates other than Democrats and Republicans. Both the Senate and House bills on campaign finance this year did discriminate against third party and independent candidates, but neither of them became law. If Congress is so blind as to pass similar legislation next year, it is very likely that the courts would declare it unconstitutional. The record is now clear that sometimes the voters prefer to elect someone other than the Democrats and Republicans.

Other independent candidates were elected this month as well. In Arkansas, independent state representative Jim Lendall was re-elected; in California, independent state senator Quentin Kopp was re-elected. In Providence, Rhode Island, independent Vincent Cianci was elected Mayor.

OHIO VICTORY

On November 7, federal judge John Manos of Ohio ruled that it is unconstitutional for Ohio to refuse to print any partisan label on the ballot, for independent candidates. Ohio law permits party nominees to have their party name on the ballot adjacent to their names, but doesn't permit independent candidates to have any partisan label whatsoever, not even the word "Independent". *Rosen v Brown*, no. C88-2973, northern district. Judge Manos is a Ford appointee. This is the first time a federal court has ever struck down a law concerning partisan labels on the ballot, although there was a similar decision in Maine *state* court in 1986.

Although the ruling would apparently not require the state to print any label other than "Independent", it is possible the legislature can be persuaded to amend the law to authorize any partisan label, as long as the label is not similar to the name of any fully-qualified party. Half the states permit an independent candidate this freedom; the others restrict the label to the word "Independent" or something similar; and Louisiana, like Ohio, does not permit independents any label whatsoever (for office other than president). In Virginia, there are no labels for *any* candidates, not even Democrats or Republicans (except for president).

PRESIDENTIAL ELECTOR DECISION

On November 8, the 7th circuit released its decision in *Fulani v Hoosett* (formerly *Fulani v Bayh*), no. 88-3122, the case stemming from the failure of the Democratic and Republican Parties to name their 1988 presidential elector candidates in Indiana by the legal deadline.

The case had been filed by Lenora Fulani, the only presidential candidate to appear on the ballot other than George Bush and Michael Dukakis, and had charged that since the electors pledged to Bush and Dukakis were not named until after the legal deadline, Bush and Dukakis should not be on the ballot. This would, of course, have left Fulani, the New Alliance Party candidate, in a position to win, since Indiana at that time did not even permit write-in votes. Fulani's electors had been named by the deadline.

The 7th circuit agreed that Fulani had standing to bring the lawsuit, pointing out that her campaign in Indiana certainly would have been assisted if the state had followed the law and kept Bush and Dukakis off the ballot. They ruled that the case was not moot because a similar incident could recur in a future election. But they ruled that she had filed the case too late (in October 1988) and therefore ruled against her. The decision was written by Judge Wilbur Pell and also signed by Judges Richard Posner and Walter Cummings, all experienced in ballot access issues.

The case will be reported. This means that it will be available in every law library in the nation; it will be a matter of public record that the Democratic and Republican Parties failed to name their presidential elector candidates by the legal deadline in Indiana in 1988. This may be useful in lawsuits in the future, since other courts have sometimes asserted that the Democratic and Republican Parties are trustworthy organizations which can always be relied on to meet statutory deadlines.

In 1988, the Missouri Libertarian Party didn't name its presidential elector candidates by the deadline, which was more than two months earlier than the deadline for the Democratic and Republican Parties. The party sued, saying there was no valid reason for the deadline for new parties to be earlier than the deadline for established parties. The 8th circuit upheld the discrepancy in deadlines by saying "The state's interest in requiring new parties to file candidacy statements for their presidential electors when they file their recognition petition is in assuring the voters that the candidate is qualified to serve and that their vote for that candidate will be meaningful...With an established party, the Secretary of State has assurance that there will be Presidential electors for their candidate, and there is no risk in printing the names on the ballot." (*Manifold v Blunt,* 863 F 2d 1368, at 1374). The Indiana incident rebuts this ridiculous, unsupported assertion, and now the Indiana incident will be a matter of public record.

BALLOT ACCESS IN *THE NATION*

The Nation magazine of November 12, 1990 has an editorial criticizing restrictive ballot access laws, and providing a great deal of information about the worst ones.

TV DEBATE LAWSUIT

On October 18, U.S. District Court Judge Marvin H. Shoob, a Carter appointee, ruled that it is unconstitutional for a television station which is owned by an agency of the state government to exclude ballot-qualified candidates from debates. The two debates which triggered the lawsuit were one between the candidates for Governor of Georgia, and another between candidates for Lieutenant Governor of Georgia. Only the Democratic and Republican candidates were invited to debate; the only other candidates on the ballot were Libertarians, who brought the lawsuit. However, on October 26, the U.S. Court of Appeals stayed the decision, by a vote of 2-1, so the debates were broadcast as scheduled in November without the Libertarian candidates. The two judges who stayed the decision were Frank Coffin, a Johnson appointee visiting from Massachusetts, and James C. Hill, a Ford appointee. The judge who dissented was Thomas A. Clark, a Carter appointee. *Chandler v Georgia Public Telecommunications Commission,* no. 1:90-cv-2040-MHS in District Court.

Judge Shoob ruled that excluding a ballot-qualified candidate from a debate on a government-owned station is a violation of the First Amendment because it is content-based restriction of speech. There will be a hearing on the merits of the case in the in the future. Even though the courts ultimately refused to order Georgia public television to permit the Libertarian candidates to participate in the debates, they could still rule either way on the merits

NAP FAILS TO GET BALLOT ORDER RELIEF IN NEW YORK

On October 9, federal judge Robert Ward of New York refused to grant an injunction, giving the New Alliance Party the sixth line on the ballot, rather than the seventh line. He ruled that the hardship on NAP was too minimal to justify the injunction. However, the case remains alive, and eventually there will be a ruling on the constitutionality of New York procedures governing the order in which parties appear on the New York ballot. *New Alliance Party v New York State Board of Elections,* no. 90-civ-6226, southern district.

New York puts fully-qualified parties on the ballot according to how many votes they received in the previous gubernatorial election, but holds a random drawing to determine the order of the non-qualified parties. NAP argued that the same principle should govern all parties.

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9TH CIRCUIT WRITE-IN HEARING

On November 5, the 9th circuit held a hearing in *Burdick v Takushi,* no. 90-15873, the case over whether the U.S. Constitution requires states to permit write-in voting. The hearing was before Judges Robert R. Beezer, a Reagan appointee from Washington; Ferdinand Fernandez, a Bush appointee from California; and Otto R. Skopil, a Carter appointee from Oregon. A decision is probably several months away.

Although Judge Skopil has a good record on voting rights cases, he didn't seem very supportive of write-in votes.

Judge Fernandez seemed unsympathetic also; he said that since the U.S. Supreme Court has already upheld certain severe ballot access laws, there must not be a fundamental right to vote for the candidate of one's choice. He didn't grasp the point that when the Supreme Court has upheld ballot access laws in the past, these were always cases from states which permit write-in voting; therefore the Supreme Court has never ruled in such a way as to deny any voter to right to vote for the candidate of his or her choice.

Judge Beezer was aware of the large write-in vote in the Washington state primary in September 1990, and he asked the Hawaii Assistant Attorney General whether or not voters in Hawaii have any protection from last-minute withdrawals which leave the voter with only a single unpopular candidate to vote for (write-ins give protection against this). The Hawaii Assistant Attorney General was forced to admit that Hawaii voters have no such protection. However, Judge Beezer also seemed unsympathetic to the need for write-ins, since he seemed to believe that ballot access in Hawaii is exceptionally easy. It is true that it requires no more than 25 signatures to get on the primary ballot, but this has no relevance to third party and independent candidates for president, who need about 4,000 signatures. Also, he is apparently unaware that it is almost impossibly difficult for a non-presidential independent candidate to get on the Hawaii *general* election ballot. Such a candidate needs a vote of at least 10% in the primary, or a vote greater than any party nominee, whichever is less.

This is the first time that the issue of a ban on write-in voting has ever been before any panel of a U.S. Court of Appeals. The case is extraordinarily important. If write-in voting can be banned, all voters are at the mercy of ballot access laws, with all their quirks and injustices. If the government can tell voters whom they may or may not vote for, then the voters are no longer sovereign. Only 5 states now ban write-in votes in general elections, but if the *Burdick* case is lost, one can predict that state legislatures will begin eliminating write-in space on ballots. If you agree that write-in voting is important, please write a letter to any or all of the three judges, c/o U.S. Court of Appeals, 9th circuit, PO Box 547, San Francisco Ca 94101. Tell them that you hope they rule in favor of a voter's right to vote for the candidate of his or her choice. The right to vote includes the right of choice for whom to vote.

OTHER WRITE-IN NEWS

1. The Nevada ACLU filed a lawsuit against Nevada's ban on write-in voting on October 24. It is *Kendrick v West,* and is before federal judge Philip Pro, a Reagan appointee.

2. The Kansas ACLU filed a lawsuit against Kansas' ban on write-in votes for Governor and won it on October 30. *Grogan v Graves,* no. 90-2378-O, federal court, Kansas City. Kansas generally permits write-in votes in general elections, but not for President or Governor. The judge, Earl O'Connor, a Nixon appointee, ordered the state to permit write-ins for all office, but did not force the state to implement the decision this year. The state conceded that its ban on write-ins for Governor was unconstitutional, even before the hearing.

3. Sharptown, Maryland, does not permit write-in voting in its city elections. The Maryland ACLU threatened to sue over that policy, but the city gave in and will permit write-ins in the future.

4. Mark Daly was elected to the Rhode Island House of Representatives, district 69, on November 5, with 292 write-in votes. No one was on the ballot for that office. Daly is the third state legislator elected by write-in vote in the last three years. The other two were in Nebraska in 1988 and in Virginia in 1989.

CALIFORNIA LIBERTARIAN PARTY LOSS

On October 16, federal judge Thelton Henderson upheld the constitutionality of two California election laws which had been challenged by the Libertarian Party. *Lightfoot v Eu,* no. C90-1750, northern district. One law prevents a small qualified party from nominating candidates in its own primary by write-ins. The other law prevents any party from filling vacancies in its nominations, except in the sole circumstance of the death of a nominee.

The Libertarian Party has a bylaw which empowers the party to nominate candidates by convention when the party's primary fails to nominate anyone; and another bylaw which provides that the party can nominate candidates in its own primary by write-in. Since the bylaws contradict state law, and since the U.S. Supreme Court and many lower courts have ruled recently that the First Amendment protects a party's right to govern its own affairs, the party thought it could prevail in court. The party plans to appeal.

Judge Henderson obviously spent very little time on his opinion. He did not mention any of the precedents cited by the party, not even a U.S. Supreme Court opinion which is directly relevant; nor did he mention any of the evidence in the case. Judge Henderson released the opinion less than 24 hours after the hearing, even though the case was not being expedited. His listing of the "precise" state interest in preventing the party from following its own bylaws is: "avoiding factionalism, winnowing candidates to those demonstrating a modicum of support, and avoiding voter confusion and deception", a series of catch-phrases borrowed from an unrelated ballot access case.

COFOE

The Coalition for Free and Open Elections consists of political parties, other organizations, and individuals. Dues of $10 entitles an individual to membership with no expiration date; this includes a one-year subscription to *Ballot Access News* (or a one-year renewal). Address: Box 355, Old Chelsea Sta., New York NY 10011. Applications can also be sent to 3201 Baker St., San Francisco Ca 94123.

On October 21, the COFOE board voted 4-2 not to admit the Populist Party. Voting in the minority were the Libertarian Party and the New York Green Party. The editor of *B.A.N.* agrees with the minority on this issue and will work to reverse the decision.

DEBATE SPONSOR IS DEFEATED

The August 14 *B.A.N.* stated that Congressman Jim Bates of San Diego planned to introduce a bill to help third party and independent presidential candidates appear in debates. However, he never did introduce it.

Congressman Bates was defeated by 960 votes. If he had introduced the debate bill and then campaigned by drawing attention to his bill, perhaps he would have been re-elected. The voters of San Diego this year were very pro-third party. Third party congressional candidates in San Diego County polled 130,000 votes. With that much sentiment for third parties in the county, Bates could probably have attracted extra support if he had campaigned as a champion of more inclusive presidential debates.

1992 PETITIONING

The Libertarian Party submitted its 1992 Kansas petition on November 2. It has 24,311 signatures; 16,814 are needed. If the petition is approved, it will be the first time that a party has ever qualified in Kansas by petition. The party also has 900 signatures in Maine, 4,000 in Alabama, and 100 in Nebraska. The New Alliance Party has 2,700 signatures in Alabama.

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McCORD CAMPAIGN EFFECT

Congressman Al Swift, chairman of the House Elections Subcommittee, has refused to hold hearings on the Conyers ballot access bill for six years. The Libertarian Party ran a candidate, Bill McCord, against him this year.

McCord polled 8.3% of the vote; Swift polled 50.8%; the Republican polled 40.8%. McCord's showing was the best third party congressional showing in Washington state since 1932. His campaign forced Swift to comment on the ballot access bill. Swift's first reaction was to say that he opposed the bill and took full credit for stopping it. He said it's hard enough to govern with just two parties, and having more parties in Congress would just make it worse. But on October 26, he said he agrees that fair ballot access is good policy. The *Skagit Valley Herald* of October 27 quotes Swift as saying he agrees with McCord about ballot access. "Essentially he is correct. McCord is not insane. It is a credible issue."

Swift also said that none of the bill's sponsors ever asked him to hold hearings. Lobbyists for the bill plan to correct that oversight next year. Congressman Conyers will probably introduce the bill again next year, particularly since the Massachusetts voters voted in favor of easing ballot access in their own state, in the first-ever test of voter sentiment on the issue. Please write Congressman Conyers, 2313 Rayburn Bldg., Washington DC 20515, and ask him to re-introduce the ballot access bill as soon as possible next year.

"FAIL TO NOMINATE" CHART ERROR

The October 9 *B.A.N.* contains a chart showing the number of legislative races in each state, and the number in which one of the major parties didn't run any candidate. The chart is wrong for two states. It should show 18 races with no Democrat in Massachusetts; 36 with no Republican in Massachusetts; 71 with no Democrat in New Hampshire; and 34 with no Republican in New Hampshire. Totals for the nation should show 719 races with no Democrat and 1,380 races with no Republican.

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