BALLOT ACCESS NEWS

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SWIFT PUTS BALLOT ACCESS ON TENTATIVE AGENDA

CHANCES GOOD FOR FIRST CONGRESSIONAL HEARING EVER IN 1991

Congressman Al Swift of Washington state, chairman of the House Elections Subcommittee, wrote a letter on February 19, 1991 saying, "While a date has not yet been set, a hearing on proposed ballot access legislation is on the Subcommittee's tentative agenda for this Congress." The letter is to Robert E. Creager, a Maryland supporter of the ballot access legislation which Congressman John Conyers has introduced in each of the last three congresses. Never before has Swift been willing to hold hearings on the subject of ballot access.

The letter is especially significant because the staff of the House Elections Subcommittee had said as recently as January that there was no particular likelihood that the issue would receive a hearing in this session of Congress. The Committee will be busy this year, since no election-related legislation passed in the last session of the Congress. The Committee will be dealing with bills on voter registration, the timing of presidential primaries, campaign finance, simultaneous closing of the polls on presidential election day, all matters that it wrestled with in the last session, with no final resolution.

Unfortunately, no ballot access bill has yet been introduced in this Congress. Conyers' staff has promised that he will make a final decision as to whether to re-introduce his ballot access legislation, no later than March 11. The legislation is all ready to go. The "Findings" at the beginning of the bill have been updated.

In each of the last two Congresses, the bill was HR 1582. In the 1985-86 session of Congress, it was HR 2320. If Conyers refuses, it is likely that another sponsor can be found. In 1990, the bill had 35 co-sponsors in addition to Conyers. 30 of them are currently serving in the House.

The bill would apply to elections for President and both houses of Congress only, but not to state office. It would outlaw restrictive ballot access procedures. Authority for the bill comes from the U.S. Constitution, Article I, section 4, which states that Congress can alter or make election laws relating to federal office. The proposed bill, as amended somewhat in preparation for introduction in 1991, would permit a petition, but the petition requirement could not be greater than one-tenth of 1% of the last vote cast for statewide office, and not greater than one-half of 1% of the last vote cast for U.S. House of Representatives. The deadline for the petitions could not be earlier than mid-August. If a state chose to have requirements that are easier than the ceilings contained in the bill, the bill would not have any legal impact on such a state. For an update as to whether Conyers decided to again introduce the bill, telephone *Ballot Access News* at (415) 922-9779, or telephone the Rainbow Lobby at (202) 457-0700, or telephone Conyers' office at (202) 225-5126.

Members of the House Elections Subcommittee are: Democrats Al Swift of Washington state (chairman), Martin Frost of Texas, William Clay of Missouri, Leon Panetta of California, and Steny Hoyer of Maryland. Republicans are Bob Livingston of Louisiana, James Walsh of New York, and Paul Gillmor of Ohio. The Subcommittee is smaller than it was in the past, and most of the members are new to it.

DEGRADED WYOMING BILL PASSES

On February 25, Senate File 118, the bill to revise the election code, passed the Wyoming House. Unfortunately, it was amended in the House so that it no longer eases requirements to get on the ballot. The only changes related to ballot access that the bill makes are:

1. The number of votes needed for a party to remain qualified is lowered from 10% of the last vote for Congress, to 3% of the last vote for Congress.

2. Small parties nominate by convention, not by primary.

Originally, the bill also lowered the petition requirement for new parties from 8,000 signatures to 1,000, but the House removed that change, and on February 26 the Senate concurred in the House changes. The bill had also lowered the number of signatures needed for an independent candidate from 5% of the last vote cast (by coincidence, also approximately 8,000 signatures for statewide office) to 3%, but the House deleted that also.

The bill leaves Wyoming open to an attack on the deadline for qualifying a new party, which remains unchanged at May 1. Such early petition deadlines to qualify new political parties are unconstitutional, unless the state holds a primary for all new political parties (if the new party must nominate its candidates by primary, the government needs extra time to set up that party's primary). Since Wyoming no longer provides that new political parties should nominate by primary, there is no longer any excuse to have such an early deadline.

It is unfortunate that the legislature didn't lower the requirements for a new party or an independent candidate to get on the ballot. Wyoming has under 250,000 registered voters, and lost population during the 1980's, so it's difficult to get 8,000 valid signatures. On the other hand, the bill makes it easier for a party to remain on the ballot. Assuming the governor signs the bill, the only states which now require voter support greater than 5% for a party to remain qualified are Alabama, Colorado, Maryland, New Jersey, North Carolina, Oklahoma, Pennsylvania, South Dakota and Virginia. These states require 10% (except Pennsylvania requires 15% and Alabama requires 20%).

GEORGIA BILL IN RULES COMMITTEE

As of March 7, SB 25, the Georgia ballot access bill, is stuck in the House Rules Committee. Supporters of the bill have done an excellent job of getting editorial endorsements of the bill. The Rainbow Lobby got editorials for it in the *Atlanta Constitution* (reprinted on page 5) and the *Atlanta Voice.* Jim Yarbrough, former Populist Party ballot access chief, got editorials for it in the *Augusta Chronicle* and the *Augusta Herald.* The Libertarian Party got an editorial for it in the *Gwinnett Daily News.* However, the Rules Committee refused to send it to the House floor on March 6 or March 7, and if it doesn't reach the floor by March 14, it won't pass this year.

The bill lowers the statewide requirement for new parties and independent candidates from 1% of the number of registered voters to a flat 15,000 signatures. It lowers the requirement for congressional and legislative third party and independent candidates from 5% of the number of registered voters, to 1%. And it provides that if a party is qualified statewide, it can nominate candidates for congress and legislature without additional petitioning. Georgia is the only state which requires a third party to submit petitions signed by 5% of the number of registered voters, to ran candidates for Congress. No third party has had a candidate for Congress on the ballot in the entire history of the law, which has existed since 1943.

MONTANA BILL PASSES SENATE

On February 22, the Montana Senate passed SB 358 by a vote of 49-1. It will be heard in the House Committee on State Administration on March 12. The bill was requested by the Libertarian Party. It provides that a party may remain on the ballot if it met the vote test (which is approximately 3%) in *either* of the last two elections. The existing law requires a party to meet the vote test in every election (i.e., every two years).

It's very easy for a party to retain status in presidential election years in Montana, because there are always ten statewide offices up, and the vote for any one of them can be used to re-qualify the party. But in the midterm years, there sometimes is only one statewide office, U.S. Senate, and it isn't easy for a third party to poll 3% for that office. The Libertarian Party lost ballot status in Montana in 1990 because it couldn't meet the vote test for U.S. Senate. If SB 358 passes, the Libertarian Party will automatically be qualified in Montana again. The bill would help other third parties in the future as well.

POLITICAL PARTY RIGHTS

1. The U.S. Supreme Court hearing in *Geary v Renne* will be on April 23. This is the case over whether political parties can be prohibited by law from endorsing or opposing candidates for non-partisan office.

2. On February 22, the U.S. Supreme Court refused to hear *Whitfield v Democratic Party of Arkansas,* no. 90-383, the case over whether the Democratic Party should be ordered to cease having a run-off primary. The Party won the case in the lower courts, and that decision stands.

9th CIRCUIT UPHOLDS WRITE-IN BAN

In the worst voting rights decision since 1983, the U.S. Court of Appeals, 9th circuit, ruled 3-0 on March 1 that Hawaii's ban on write-in voting does not violate the U.S. Constitution. The decision was written by Robert R. Beezer (a Reagan appointee) and co-signed by Otto R. Skopil (a Carter appointee) and Ferdinand Fernandez (a Bush appointee). *Burdick v Takushi*, no. 90-15873.

Beezer said, "Burdick (the plaintiff-voter who brought the case) does not have a fundamental right to vote for any particular candidate: he is simply guaranteed an equal voice in the election of those who govern." The decision discusses restrictions on who can hold office (under the U.S. Constitution and various state constitutions) to support its conclusion. It is true that no one can hold the office of U.S. Senator unless he or she is 30 years of age, and it may follow logically that a voter has no constitutional right to cast a vote for someone who cannot hold the office. That misses the point, however; the question is whether the voter has a right to vote for someone who *can* constitutionally hold the office, yet was unable to get on the ballot. The decision does not recognize this distinction.

The decision also blithely asserts that it is easy to get on the ballot in Hawaii, and in a footnote points out that anyone can get on the primary ballot by submitting a petition signed by only 15 voters. However, no one can get on the ballot in Hawaii for president unless he or she submits a petition signed by 1% of the voters, and no one can get on the general election ballot as an independent candidate for other office unless he or she polls 10% of the vote in the primary. In 1976, independent presidential candidate Eugene McCarthy failed to get on the ballot in Hawaii, even though he was on the ballot in 29 states and polled over 750,000 votes in the nation. Also, in 1972 Congressman John G. Schmitz failed to get on the ballot in Hawaii, even though he was the presidential candidate of the American Party and received over 1,100,000 votes in the nation. Hawaiians who wanted to vote for McCarthy in 1976, or Schmitz in 1972, were unable to vote freely.

The decision didn't even mention other court decisions which have held that the U.S. Constitution requires that voters be allowed to vote for someone whose name is not printed on the ballot. It claimed that Hawaii is justified in banning write-in votes because if write-in candidates were permitted to campaign, they might launch last-minute campaigns and the voters wouldn't have enough time to learn about such candidates (it seems obvious that if the voters don't know anything about a write-in candidate, they aren't going to want to cast a write-in vote for that candidate). It also claimed that Hawaii might suffer from instability if write-in voting were allowed. And the decision states that banning write-in voting, protects the state from frivolous candidacies. No explanation is given as to why frivolous write-in candidates are harmful.

Plaintiffs plan to ask the 9th circuit for a rehearing, and plan to ask the U.S. Supreme Court to reverse the decision if no rehearing is granted.

OTHER WRITE-IN NEWS

1. Hawaii. All three bills which would have legalized write-in voting were killed last month when the Chairmen of the Judiciary Committees of each house refused to schedule a hearing on them. The bills had been SB 158 (which legalized write-ins only in primaries), and SB 620 and HB 317 (which legalized write-ins in all elections). The decision to kill the bills was made before the U.S. Court of Appeals released the decision holding that the Hawaii ban on write-ins doesn't violate the U.S. Constitution (see the story on page two).

2. Indiana. HB 1742, which establishes procedures for write-in voting, passed the House on March 7.

3. Kansas. HB 2325, which legalizes write-in votes for president in general elections, passed the House Elections Committee on March 6. HB 2319, which legalizes write-ins for governor, passed the same committee earlier.

4. North Dakota. SB 2391, which provides that a write-in presidential candidate who files a declaration of write-in candidacy, should have his or her votes included in the official state election returns, passed the Senate on February 13 by a vote of 49-2. It has a hearing in the House Political Subdivisions Committee on March 8.

5. Oklahoma. Representative Gary Taylor wanted to introduce a bill to legalize write-in voting this year (Oklahoma, along with Hawaii, South Dakota, Nevada and Louisiana, doesn't permit any write-in voting), but the State Elections Board asked him to wait until 1992. The Board promised to support the idea in 1992. The Board feels the state's elections officials have too much difficulty just now getting used to the computerization of registration records, to handle anything else new this year.

5. West Virginia. SB 147, which would have provided that a write-in candidate who files a declaration of candidacy may have his or her votes tallied in the official state election returns, is stalled in the Finance Committee. However, the Secretary of State has promised to print *all* write-in votes in the official state election returns in the future, so the bill is no longer needed. In the past, West Virginia state election returns have never included any mention of the vote cast for write-in candidates.

INVADERS RUNNING AGAIN

David Duke has announced his candidacy for Governor of Louisiana as a Republican in this year's election, and Lyndon LaRouche has announced that he will again seek the Democratic nomination for president next year. Both men are clearly unwelcome in their own respective major party. Advocates of easier ballot access for third parties and independent candidates point out that the Democrats and Republicans will continue to suffer from "invaders" as long as they continue to make it difficult for such people to run for office outside of the major parties.

LaRouche ran for Congress from Virginia's 10th district as an independent last year. He only polled 1.4% of the vote in a 4-way race. The district includes D.C. suburbs.

HAROLD WASHINGTON PARTY CASE

Proponents of easier ballot access are eagerly looking forward to a full U.S. Supreme Court decision in *Norman v Reed*, no. 90-1126, the case concerning whether or not the Harold Washington Party should have been on the Cook County, Illinois ballot for county offices, in November, 1990. Last year, the Supreme Court granted an order putting the party on the ballot, but the real payoff will be if and when the Court writes an opinion explaining its reasoning. The reasoning behind the decision will guide lower courts in future ballot access cases.

Elections officials in Illinois have been trying to keep the Supreme Court from granting full review in the case. In February they argued that the Harold Washington Party brief was filed too late, but the Court rejected that argument. The elections officials now have until March 11 to file a brief on the merits, and on April 10 some of the other defendants in the case must file their brief. The Supreme Court will then decide whether or not to take the case. Assuming the Court does take the case, it will be argued in the fall of 1991.

HARVARD BOOSTS BALLOT ACCESS

The Winter 1991 issue of the *Harvard Journal on Legislation* is now in print. It contains a fifty page scholarly article on the history of third parties in the U.S., the history of ballot access restrictions, and an outstanding critique of the U.S. Supreme Court's poor record on ballot access. It also mentions other means (besides the ballot access laws) by which the federal government and state governments injure third party election campaigns. The author, attorney Bradley A. Smith, believes he will be able to supply copies to anyone who wishes to obtain one, at cost, probably about $5.00. Write him at Vorys, Sater, Seymour and Pease, PO Box 1008, Columbus Oh 43216-1008, or telephone him during the day at (614) 464-6400.

COLORADO

1. On January 30, the Colorado Senate State, Veterans and Military Affairs Committee defeated SB 66, which would have increased the number of signatures needed to qualify an independent or third party candidate for statewide office (other than president) from 1,000 signatures to 5,000 signatures. The bill would also have increased the number of signatures needed for a third party or independent candidate for Congress from 500 signatures to 1,000, and provided that if third party or independent candidates paid a filing fee equal to 1% of the salary of the office being sought, no petition would be needed. Since the salary of a member of Congress is now $120,713 per year, the filing fee for Congress would have been $1,207, which is probably more painful than obtaining 500 signatures. There is no filing fee in Colorado under existing law.

2. HB 1137, a good bill which lets people who are not registered Republicans or Democrats serve as election judges, passed the Senate State Affairs Committee on February 27.

OHIO

On February 27, Milt Norris, an advocate of better election laws, met with new Ohio Secretary of State Robert Taft, and asked him to support a proposed bill which would let independent candidates choose a partisan label for the ballot. Under existing law, independent candidates get no label next to their names on the November ballot, not even "Independent". Norris expects a response from Taft soon. Although Ohio law was held unconstitutional last year, the state is appealing to the Sixth Circuit. Half the states permit an independent candidate to choose a partisan label which is put on the November ballot next to the candidate's name, as long as the label isn't similar to the name of a fully-qualified party.

TEXAS

There will probably be a hearing in June in *Ybarra v Rains,* the case over whether independent candidates need to show a voter registration affidavit number next to all signatures on their ballot access petitions.

MISSOURI

HB 147, the ballot access improvement bill by Representative Sheila Lumpe, was merged into several other bills by the House Committee in February. The new bill, which was labelled "House Committee Substitute for HB 210, 249, 147 and 264" was defeated on the House floor on March 6 because it contained some very controversial campaign finance restrictions. However, the ballot access provisions will probably be added into another bill in the House, and the provisions are also included in SB 178 which passed the Senate Elections Committee on February 26. Virtually no legislators are openly attacking the ballot access improvements, but whether or not they will be enacted is still very difficult to predict. For a recorded update on the Missouri bills, telephone the 24-hour hotline of the Missouri Coalition for Fair and Democratic Elections, (314) 997-9876.

11th CIRCUIT DENIES DEBATE CASE

On March 1, the U.S. Court of Appeals, 11th circuit, refused to grant a rehearing in *Chandler v Georgia Public Telecommunications,* the case over whether a television station owned by a state government is required to include all ballot-qualified candidates in any debate sponsored by that station. The Libertarian Party has not yet decided whether to appeal to the U.S. Supreme Court.

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KENTUCKY

The Libertarian Party of Kentucky has nominated several candidates for statewide office in this year's election (Kentucky, along with Mississippi and Louisiana, elects its statewide state officers this year). The party will bring a lawsuit to strike down new ballot access laws which make it impossible to get on the ballot. Although Kentucky only requires 5,000 signatures for statewide third party and independent candidates, a 1990 law provides that no voter can sign the petition unless the voter is registered in the same group as the group which is trying to get on the ballot. An similar law was held unconstitutional in New Mexico in 1988.

The lawsuit will also challenge the February filing deadline for non-presidential third party and independent candidate petitions, and will also challenge another law, passed in 1990, that requires all signers to include their Social Security numbers on the petition.

THIRD PARTIES PLAN STRATEGY

1. The U.S. Taxpayers Party being formed by Howard Phillips plans to put most of its energy into the 1992 presidential election, rather than on elections for Congress or state office. Phillips hopes to persuade some prominent conservative to accept the party's presidential nomination, such as former U.S. Senator Gordon Humphrey of New Hampshire, or columnist Patrick Buchanan. If no such person will accept the new party's nomination, Phillips may run for president himself.

Phillips received substantial publicity in the February 23, 1991 issue of *Human Events,* one of the leading publications for U.S. conservatives. That issue summarized Phillips' speech about his new party, delivered to the 18th annual Conservative Political Action Conference held February 7-9 in Washington, D.C.

2. Ron D. Daniels, former campaign manager for Jesse Jackson, has not decided whether to run for president in 1992 as an independent candidate, or whether to organize a new political party. If he organizes a new political party, his first impulse is to name it the National Independent Progressive Party; however, he realizes that the name is lengthy and probably will revise it.

3. Lenora Fulani, 1988 presidential candidate of the New Alliance Party, is running for president again. She is about to launch a fundraising operation. Her goal is to raise $1,000,000 by January 1, 1992, and then to apply for an equal amount of primary federal matching funds.

4. The Populist Party has hired a fulltime employee to petition for ballot status for the party. He expects to qualify the party in Utah and New Mexico soon.

N.O.W. COMMISSION

The Commission for Responsive Democracy, established by the National Organization for Women to explore whether to organize a new party, met in Houston on March 1-2, and meets in Tampa on March 22-23. For more information, call N.O.W. at (202) 331-0066.

A10 Friday, February 22, 1991 •••

THE ATLANTA CONSTITUTION

For 122 Years the South's Standard Newspaper

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A way to boost democracy in Georgia

The General Assembly's House Rules Committee has a chance to help Georgia ease its historic skepticism of democracy.

We elect just about everybody who moves in this state, but we continue trying to keep the game for the pros. It is difficult for would-be voters to register and difficult for the registered to keep track of the confusing scheme of primaries, runoffs, general elections and special elections. And if you aren't a member of one of the two dominant parties, getting on a Georgia ballot is like scratching your way through a concrete-block wall.

see story on page two

A bill that would make it easier for minor parties and independent candidates to offer themselves to voters has been passed by the Senate and approved by the House Government Operations Committee. All it needs now for a floor debate and vote is a ticket from Rules.

Georgia's array of barriers against wannabe parties and political independents is among the nation's most restrictive — probably one of the five worst, Secretary of State Max Cleland says.

The bill would cut the number of signatures needed to put independent and minor-party candidates on statewide ballots to 15,000, about half the number required now; that is high enough to ward off the guys in Uncle Sam suits but low enough to let the sincere take a crack at election. The bill also would lower the signature threshold for minor parties and free-lancers in local and congressional races, let minor parties that qualify for the ballot nominate by convention and simplify the signature petition forms.

The result would be a bit more opportunity for the politically daring to get a hearing, widened choices for voters and a process that would be easier and less costly to administer.

The Rules Committee fell only a vote shy last year of moving this useful and just legislation forward. It has a chance to put that vote aright this year. The reforms wouldn't make a major change in Georgia politics, but the small changes that they would make would be for the better.

PRESIDENTIAL PRIMARY DATES

Quite a few states may change the date of their presidential primaries this year. The states in the Pacific Northwest are considering moving their presidential primaries to early March, and states in the southern portion of the West are considering coordinating their presidential primary and caucus dates, to a month not yet determined. The California Democratic Party has just decided to choose 40% of its delegates at a caucus in February, even though the state holds a presidential primary in June. Senator Alan Dixon has again introduced a bill, S 288, which would divide the nation into regions and provide that the Federal Election Commission should hold a lottery to determine when each region should hold its presidential primaries and caucuses. This is the third session of Congress that he has introduced the bill.

MARYLAND

On March 1, two good bills had a hearing in the Maryland House Constitutional & Administrative Law Committee. HB 845, by Delegate Salima S. Marriott, lowers the number of signatures needed for a third party or independent candidate for statewide office from 3% of the number of registered voters (69,000 signatures) to a flat 10,000 signatures (currently, third party presidential candidates only need 10,000 signatures, but all other third party candidates for statewide office, and all statewide independent candidates, need 69,000 signatures). HB 1096, by Delegate Dana Lee Dembrow, lowers all third party and independent candidate petitions from 3% of the number of registered voters, to 1% of the number of registered voters. Both Dembrow and Marriott are Democrats.

Neither bill has received any action yet. Testifying in favor of both bills were representatives of the Libertarian, New Alliance, Taxpayer, and Socialist Parties, as well as representatives of the Rainbow Lobby and COFOE (Coalition for Free & Open Elections). No one testified against the bills.

OTHER LEGISLATIVE NEWS

1. Arizona. None of the ballot access bill will receive any committee hearings until April. They include SB 1080, which would ease the requirements for new parties, and SB 1075, which would make it more difficult for an independent candidate to get on the ballot.

2. Indiana. Senator Sue Landske has introduced SB 584, to lower the number of signatures for a new political party and also revise the petition so that it can be circulated before the party has chosen its candidates. The bill has not yet been assigned to a committee.

3. Massachusetts. There will be a hearing on March 11 on HB 3945, a bill to provide that a party remains qualified if it meets the vote test in *either* of the last two elections. The initiative which Massachusetts voters passed last year, easing the ballot access requirements, didn't make it clear whether the vote test applies every two years or every four years. The Secretary of State agreed to sponsor HB 3945, to clarify the matter.

BALLOT ACCESS GROUPS

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

2. **ANDRE MARROU**, a former Alaska state legislator, actively assists lobbying efforts in state legislatures. Contact him at 5143 Blanton Dr., Las Vegas Nv 89122, tel. (702) 435-3218. Since 1989 he has lobbied by telephone and sometimes in person in Georgia, Maryland, Massachusetts, Missouri, Montana, North Carolina, and Oregon. He points out that legislators are more likely to listen to ex-legislators than to ordinary citizens, and also that he has a great deal of experience.

3. **COFOE**, the Coalition for Free and Open Elections. Dues of $10 entitles one to membership with no expiration date; this also includes a one-year subscription to *Ballot Access News* (or a one-year renewal). Address: Box 355, Old Chelsea Sta., New York NY 10011. Membership applications can also be sent to 3201 Baker St., San Francisco Ca 94123.

4. **COALITION TO END THE PERMANENT CONGRESS**, has a 9-point platform which includes easier ballot access for independent and minor party candidates. The Coalition opposes institutional advantages which make it easy for members of Congress to get re-elected. It is holding a national conference in Washington, D.C. on March 21. Write to Box 7309, North Kansas City, Mo. 64116, or telephone (816) 421-2000.

5. **FOUNDATION FOR FREE CAMPAIGNS & ELECTIONS**, has non-profit status from the IRS. Consequently, it cannot lobby, but deductions to it are tax-deductible. The Foundation was organized to fund lawsuits which attack restrictive ballot access laws. 7404 Estaban Dr., Springfield VA 22151, tel. (703) 569-6782.

6. **RAINBOW LOBBY**, organized in 1985, initiated the Democracy in Debates bill in Congress and maintains a lobbying office at 1660 L St., N.W., Suite 204, Washington, D.C. 20036, tel. (202) 457-0700. It also works on other issues relating to free elections.

DEBATES BILL

Page eight contains the text of the "Democracy in Debates" bill introduced on January 29 by Congressman Timothy Penny of Minnesota. The bill would require that Democratic and Republican presidential nominees debate third party and independent presidential candidates, if such candidates were on the ballot in at least 40 states and had raised at least $500,000 in private contributions.

On February 28, Congressman Penny sent a letter to other members of Congress, asking for co-sponsorship. If you support HR 791, please ask your member of Congress to co-sponsor it. Also, please write a letter to any publication, describing the bill. The bill needs publicity.

1992 PETITIONING

STATE	REQUIREMENTS		SIGNATURES COLLECTED				DEADLINES	
	FULL PARTY	CAND.	LIBT	NAP	GREEN	WKR WLD	PARTY	CAND.
Alabama	12,157	5,000	13,000	2,700	0	0	law void	Aug 31
Alaska	2,035	2,035	0	0	already on	0	Aug 5	Aug 5
Arizona	21,109	10,555	*3,700	0	0	0	May 16	Sep 18
Arkansas	20,890	0	can't start	can't start	can't start	can't start	May 5?	Sep 1
California	(reg) 79,188	134,781	already on	0	*18,000	0	Dec 31, 91	Aug 7
Colorado	no procedure	5,000	0	0	0	0	–	Aug 4
Connecticut	no procedure	14,620	can't start	can't start	can't start	can't start	–	Aug 7
Delaware	(reg.) 145	(es) 2,900	already on	(es) 130	0	0	Aug 22	Aug 15
D.C.	no procedure	(es) 2,600	can't start	can't start	can't start	can't start	–	Aug 18
Florida	180,935	60,312	can't start	can't start	can't start	can't start	Jul 14	Jul 15
Georgia	26,955	27,009	already on	can't start	can't start	can't start	Aug 4	Aug 4
Hawaii	4,534	4,177	already on	0	*1,200	0	Apr 22	Sep 4
Idaho	8,180	4,090	already on	can't start	can't start	can't start	Aug 31	Aug 25
Illinois	no procedure	25,000	can't start	already on	can't start	can't start	–	Aug 3
Indiana	no procedure	29,890	0	0	0	0	–	Jul 15
Iowa	no procedure	1,000	0	0	0	0	–	Aug 14
Kansas	15,661	5,000	already on	0	0	0	Apr 11	Aug 4
Kentucky	no procedure	5,000	0	0	0	0	–	Aug 27
Louisiana	(reg) 110,000	0	approx 150	0	0	0	Jun 30	Sep 1
Maine	26,139	4,000	already on	0	0	0	Dec 12,91	Jun 2
Maryland	10,000	(es) 70,000	*valid 9,300	0	0	0	Aug 3	Aug 3
Massachsts.	no procedure	11,715	can't start	can't start	can't start	can't start	–	Jul 28
Michigan	25,646	25,646	already on	0	0	already on	Jul 16	Jul 16
Minnesota	92,156	2,000	can't start	can't start	can't start	can't start	ap. May 1	Sep 15
Mississippi	just be org.	1,000	already on	0	0	0	ap. Apr 1	Sep 4
Missouri	no procedure	20,860	0	0	0	0	–	Aug 3
Montana	9,531	9,531	0	0	0	0	Mar 12	Jul 29
Nebraska	5,834	2,500	100	0	0	0	Aug 1	Aug 25
Nevada	9,392	9,392	already on	0	0	0	Aug 11	Sep 1
New Hamp.	no procedure	3,000	already on	0	0	0	–	Aug 5
New Jersey	no procedure	800	0	0	0	0	–	Jul 27
New Mexico	2,069	20,681	already on	already on	0	already on	Jul 14	Sep 8
New York	no procedure	20,000	can't start	can't start	can't start	can't start	–	Aug 18
North Carolina	43,601	(es) 65,000	*22,000	0	0	0	in doubt	Jun 26
North Dakota	7,000	4,000	can't start	can't start	can't start	can't start	Apr 10	Sep 4
Ohio	34,777	5,000	0	0	0	0	Jan 6	Aug 20
Oklahoma	45,566	35,132	0	0	0	0	Jun 1	July 15
Oregon	(es) 36,000	(att.) 1,000	already on	0	0	0	Aug 25	Aug 25
Penn.	no procedure	(es) 27,000	can't start	can't start	can't start	can't start	–	Aug 1
Rhode Isl.	no procedure	1,000	can't start	can't start	can't start	can't start	–	in doubt
South Carolina	10,000	10,000	already on	already on	0	0	May 2	Aug 1
South Dakota	6,419	2,568	0	0	0	0	Apr 7	Aug 4
Tennessee	19,759	25	0	0	0	0	ap. May 1	Sep 3
Texas	38,900	54,269	already on	can't start	can't start	can't start	May 25	May 11
Utah	500	300	already on	0	0	0	Mar 16	Sep 1
Vermont	just be org.	1,000	*finished	*0	0	0	Sep 17	Sep 17
Virginia	no procedure	(es) 14,500	can't start	can't start	can't start	can't start	–	Aug 21
Washington	no procedure	200	can't start	can't start	can't start	can't start	–	Jul 25
West Va.	no procedure	6,534	0	0	0	0	–	Aug 1
Wisconsin	10,000	2,000	already on	can't start	can't start	can't start	Jun 1	Sep 1
Wyoming	8,000	7,903	can't start	can't start	can't start	can't start	May 1	Aug 25

This chart shows petitioning for 1992. LIBT is Libertarian; NAP is New Alliance; WKR WLD is Workers World. Other qualified nationally-organized parties are American in S. C., Prohibition in N. M., and Socialist Workers in N. M. "FULL PARTY REQ." means a procedure by which a new party can qualify itself before it knows who its candidates are. Not every state has such a procedure. "CANDIDATE REQ." means a procedure whereby a petition names a particular presidential candidate (some of these procedures permit a party label, others only the label "Independent"). An asterisk means the entry has changed since the last issue.

TEXT OF THE DEBATE BILL, HR 791

Title: "Democracy in Presidential Debates Act of 1991".

Section 2: Definition of Presidential Candidate Debate. Section 9002 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph: "(13) The term 'presidential candidate debate' means, with regard to any Presidential election, a debate at which each candidate nominated for election to the office of President by a political party or as an independent candidate meeting the qualifications set forth in this title, appears and participates in a regulated exchange of questions and answers on political, economic and other issues."

Section 3: Presidential Election Debates. (a) In General--Chapter 96 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section: "Sec. 9043. Presidential Election Debates. (a) Additional Eligibility Requirements.-- In addition to the requirements specified in section 9033, in order to be eligible to receive any payments under section 9037, the candidates for the office of President and Vice President in a Presidential election shall agree in writing-- (1) that the Presidential candidate will participate in not less than two Presidential general election debates with all other candidates meeting the criteria set out in this section; (2) to participate in such Presidential debates, one of which shall be held in the month of September before the Presidential election and one of which shall be held in the month of October, at least two weeks prior to the election; (3) that the Vice Presidential candidate will participate in not less than one Vice Presidential general election debate with all other candidates meeting the criteria set out in this section; (4) to participate in such debate, which shall be held in the month of October between the two Presidential debates; and (5) to participate in such Presidential and Vice Presidential debates as sponsored by a nonpartisan organization or organizations having no affiliation with any political party.

Each debate under this subsection shall last at least 90 minutes, of which not less than 30 minutes shall be devoted to questions and answers or discussion directly between the candidates, as determined by the sponsor. The sponsor of the debates shall announce the time, location and format of each debate prior to the first Monday in September before the presidential election.

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(b) Enforceability.-- If the Commission determines that a Presidential or Vice Presidential candidate failed to participate in a general election debate under subsection (a) and was responsible at least in part for such failure, the candidate of the party involved shall pay to the Secretary of the Treasury an amount equal to the amount of the payments made to such candidate under section 9037.

(c) Criteria for Eligibility to Participate in General Election Debates. -- In order to be eligible to participate in general election debates, as set out in this section, a candidate must meet the following criteria: (1) Ballot Qualifications.-- Such candidate has qualified for the election ballot as the candidate of a political party or as an independent candidate to the office of President or Vice President in not less than 40 states. (2) Financial Qualifications.--Such candidate--(A) has qualified to receive payments under section 9033 and this section; or (B) as reported under section 304 of the Federal Election Campaign Act of 1971, has raised not less than $500,000 on or after January 1 of the calendar year immediately preceding the calendar year of the Presidential election.

(d) Sponsoring Organizations.--Any sponsoring organization shall include in the general election debates all candidates who meet the criteria in this section.

(b) Clerical Amendment.-- The table of sections for chapter 96 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item: "Sec. 9043. Presidential Election Debates."

Sec. 4. Technical Amendment. Section 9032(2)(A) of the Internal Revenue Code of 1986 is amended by inserting after "election", the following: "including, for independent or minor party candidates, initiating petition signature gathering activities to be placed on the ballot for the general election."

For a copy of the remarks inserted into the Congressional Record on January 29, 1991 by Congressman Timothy J. Penny in support of his "Democracy in Debates Bill", send a stamped self-addressed envelope to *Ballot Access News* at the address below.

The gist of Penny's argument is that the voters are starved for free, open and substantive discussion of real political issues, and that including significant national independent and minor party candidates will broaden the dialogue and improve the debates.

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