BALLOT ACCESS NEWS

VOTER REGISTRATION BILL PASSES HOUSE

BILL VERY LIKELY TO BECOME LAW; WILL AFFECT BALLOT ACCESS

On February 4, the U.S. House of Representatives passed H.R. 2, the bill to force the states to make it easier for people to register to vote. The bill is almost certain to pass the Senate and to be signed by President Clinton. The vote was 259-160.

States which permit voters to register on election day, or which don't require voter registration at all, will not be affected. Other states would be required to do these things:

1. Provide combined forms in motor vehicle offices which would permit someone to obtain a drivers license and register to vote, all on the same application;

2. Require that all other government offices which serve the public, provide voter registration forms;

3. Require that states provide a postcard registration form, so that it would no longer necessary for people to visit a government office in order to register.

The bill only pertains to federal elections, so states which do not want to provide such procedures for state and local elections would need to keep separate registration rolls for federal elections versus other elections.

States would be free to design their own postcard registration forms, although the Federal Election Commission is also authorized to design a form which the states could copy if they chose.

Implications for Ballot Access

Asuming H.R. 2 passes, it would go into effect before the 1996 election. The number of registered voters would increase sharply (currently, only about 70% of all potential voters are registered to vote).

Petition validity would be much higher than it has been in the past. The rule of thumb has been that petitioners need to gather 1.5 times the number of signatures required by law, because so many signers are not registered to vote, or they aren't registered at their current address.

On the other hand, the number of signatures required will increase sharply in the states in which the number of signatures is determined by the number of registered voters. For new political party procedures, these states are Delaware, District of Columbia, Florida, Georgia, Hawaii, Louisiana, Maryland, Oregon, and Virginia. For independent candidates, they are California, Delaware, District of Columbia, Florida, Georgia, Kansas, Maryland, North Carolina, South Carolina, and Virginia.

Another impact the bill will have is that it will be easier to pass the proposed federal Ballot Access bill. No longer will the 259 members of Congress who voted for the Voter Registration Bill be able to argue that Congress should have no role in mandating election procedures.

Constitutional authority for both bills is contained in Article I of the original U.S. Constitution, which says that states may write election rules for Congress, but that Congress it self is free to supplant or alter them.

BALLOT ACCESS BILL DELAYED

Congressman Tim Penny of Minnesota has not yet introduced his proposed bill to outlaw restrictrive ballot access laws. However, he issued a press release on February 4, mentioning that he soon will introduce it. The delay is because the bill's preamble still isn't written. This version of the bill will contain all the evidence for the need for the bill, in the bill itself.

LANDMARK PETITIONING VICTORY

On January 19, the Missouri State Court of Appeals ruled that it is unconstitutional to force a new party to circulate multiple petitions, in order to get a full slate of candidates on the ballot. This is the first court decision to so hold. *State ex rel Coker-Garcia v Blunt*, no WD46977. The case had been filed last year by the Libertarian Party.

The only other case on this issue lost in 1988 in the Colorado Supreme Court. That court upheld a law requiring a separate petition for each statewide candidate of a new or unqualified party.

The vote was 10-1 in the Missouri case. All of the judges on the bench in this district participated because it was felt to be an important constitutional case. Under the ruling, a new party may place all its candidates on a single petition, and need not circulate the petition in all of the jurisdictions in which the party has candidates.

In the other issue in the Missouri case, the court felt that petitioning parties may substitute a new nominee, if a nominee listed on the petition dies during the petitioning period. However, the court also ruled that such substitutions must be made by mid-September.

POSTAL PETITIONING LOSS

On December 28, 1992, the 2nd Circuit again ruled that the post office may petitioning on its sidewalks. The same Court had come to the same conclusion a year ago, but the U.S. Supreme Court had told it to re-consider. The candidate hasn't decided whether to appeal to the U.S. Supreme Court again. *Longo v U.S.P.S.*, no. 91-6141.

WRITE-INS THREATENED IN INDIANA

Senator Richard Thompson has introduced SB 290, to abolish write-in voting. The bill also reduces the number of signatures needed for third party and independent candidates from 2% of the vote, to 1%, as compensation.

STATE SENATE VOTE

	NO. SEATS UP	Libt.	Indp.	Green	New Al	Pop.	Comm.	Ind Pty	Other
Ala.	0	- -	- -	- -	- -	- -	- -	- -	
Alaska	20	511	7,325	1,523					Ak Indp 16,872
Ariz.	30	80,780	12,165	9,519	5,975		1,254		
Ark.	35		17,304						
Calif.	20	190,807	187,353	32,717					PFP 163,114
Colo.	18								
Conn.	36	1,782	1,637		654		473	1,989	ACP 157,585
Del.	21	246							
Florida	40		9,099						
Georgia	56	1,986							
Hawaii	11	621		1,436					
Idaho	35	1,147	16,814						
Illinois	59	4,336	4,266						H Wash 18,312
Indiana	25								
Iowa	32		1,945						
Kansas	40	16,570	6,809						
Ky.	19								
La.	0	- -	- -	- -	- -	- -	- -	- -	
Maine	35		16,603						
Md.	0	- -	- -	- -	- -	- -	- -	- -	
Mass.	40		16,691		8,350				IVP 3,535
Mich.	0	- -	- -	- -	- -	- -	- -	- -	
Minn.	67		24,460						Grassrts 2,179
Miss.	52		17,244						
Mo.	17	11,083							
Mont.	26		872						
Neb.	25								
Nev.	12	18,690				2,506			
N.H.	24	13,781							
N.J.	0	- -	- -	- -	- -	- -	- -	- -	
N.Mex.	42	6,889	1,775						Cn(NY) 401,698
N.Y.	61		17,889		918				RTL 82,234
No. C.	42	23,290							Lib(NY) 57,298
No. D.	24		4,670						
Ohio	17		8,503						
Okla.	24		2,891						
Ore.	15	20,087							
Penn.	25								
R.I.	50		36,347						
So. C.	46	11,268							
So. D.	35		1,831						
Tenn.	16		10,293						
Texas	31	166,400							
Utah	16	4,574				876		1,384	
Vermont	30		16,893						Lib Unon 1,357
Virginia	0	- -	- -	- -	- -	- -	- -	- -	Prg (Vt) 27,814
Wash.	26	6,500	5,017						
W.Va.	17								
Wisc.	16	1,395		6,064					
Wyo.	30	1,633							
TOTAL	1,358	584,376	446,696	51,259	15,897	3,382	1,727	3,373	931,998

New Al = New Alliance; Comm = Communist; PFP = Peace & Freedom; H Wash = Harold Washington; ACP = A Ct Party;
Cn = Consrv.; RTL = Right to Life; Lib = Liberal; Comm = Communist; IVP = Indp. Voters Party; Ind Pty = Indp. Party

REGISTRATION TOTALS

	Dem.	Rep.	Indp. & Misc.	Libt	Green	New Al	oth(1)	oth(2)	oth(3)
Alaska	60,336	71,311	180,615	?	2,150	?	10,210	- -	- -
Arizona	764,212	826,212	202,613	4,784	1,209	237	- -	- -	- -
Calif.	7,410,914	5,593,355	1,609,741	71,148	98,724	?	247,415	70,176	- -
Colorado	680,773	668,051	652,780	1,660	?	?	57	36	18
Conn.	736,914	506,115	710,469	29	42	?	1,770	?	?
Delaware	148,655	125,827	67,155	344	5	162	232	76	8
Dt. Col.	265,861	28,640	45,712	?	?	?	3,686	- -	- -
Florida	3,318,565	2,672,968	546,078	2,909	367	?	600	280	58
Iowa	638,828	533,651	537,375	- -	- -	- -	- -	- -	- -
Kansas	424,478	587,303	349,864	4,204	?	?	- -		
Kentcky	1,374,459	615,732	86,072	?	?	?	- -		
Louis'na	1,633,254	438,576	221,063	325	38	0	25	6	1
Maine	289,174	257,373	328,947	1,048	- -	- -	- -	- -	- -
Maryland	1,506,184	717,963	236,113	2,692	- -	58	- -	- -	- -
Mass.	1,346,097	447,181	1,548,634	204	22	13	9,016	33	1
Nebraska	389,102	464,955	97,144	194	- -	- -	- -	- -	- -
Nevada	295,111	255,897	95,888	2,315	?	?	485	164	5
N. Ham.	219,773	257,317	180,268	3,637	- -	- -	- -	- -	- -
N. Jersey	1,175,041	817,837	2,125,459	- -	- -	- -	- -	- -	- -
N. Mex.	411,252	239,476	56,184	?	?	?	?	?	?
N. York	3,814,017	2,622,984	2,546,550	- -	- -	- -	119,946	62,375	27,519
No. Car.	2,313,520	1,217,114	286,069	677	- -	- -	- -	- -	- -
Okla.	1,459,515	780,273	73,853	- -	- -	- -	- -	- -	- -
Oregon	795,976	644,728	345,382	3,800	?	?	?	- -	- -
Pennsyl.	3,043,757	2,567,643	381,602	?	?	?	?	?	?
So. Dak.	189,935	215,285	42,726	346	- -	- -	- -	- -	- -
W. Va.	827,836	291,253	37,083	?	?	?	- -	- -	- -
Wyo.	83,091	125,363	25,728	78	- -	- -	- -	- -	- -
TOTAL	35,616,630	24,590,383	13,617,167	100,394	102,557	470			

The parties in the "Other(1)" column are: Alaska Independence in Alaska, American Independent in California, Populist in Colorado, A Connecticut Party in Connecticut, A Delaware Party in Delaware, Statehood in D.C., Populist in Louisiana, Independent Voters in Massachusetts, Independent American in Nevada, Taxpayers in New Mexico, Conservative in New York, Independent Initiative in Oregon, and Patriot in Pennsylvania.

The parties in the "Other(2)" column are: Peace & Freedom in California, Prohibition in Colorado, Concerned Citizens in Connecticut, Taxpayers in Delaware, American in Florida, Natural Law in Louisiana, Socialist in Massachusetts, Populist in Nevada, Natural Law in New Mexico, and Liberal in New York.

The parties in the "Other(3)" column are: Taxpayers in Colorado, Independent Party in Connecticut, Natural Law in Delaware, Socialist Workers in Florida, Taxpayers in Louisiana, Prohibition in Massachusetts, Natural Law in Nevada, and Right to Life in New York. There are 7 registered Populists in Delaware also.

States not mentioned above do not provide for voters to register into parties, when they register to vote. Rhode Island registration forms ask the voter to choose a party, but the state does not keep track of how many people join any party.

A dash means that the voters are not permitted to register into a particular party, since the particular party is not, or was not, qualified in that state, and the state won't let people register into unqualified parties.

A question mark means that voters are permitted to register into the party, but the state doesn't keep a tally of how many there are. In Pennsylvania, where the Libertarian and Patriot Parties qualified in November, 1992, there will be a tally for them in May 1993. There will be a new tally in California later this month.

The data above is the latest available from each state, ranging from June 1992 to February 1993. All figures were supplied by state elections officials, except for the Oregon Libertarian tally, which was obtained from counties. Although the Prudence, Action, Results Party is a qualified party in Louisiana, the state says it has no members.