BALLOT ACCESS NEWS

San Francisco, California July 25, 1993 Volume 9 Number 5

MISSOURI, NEVADA IMPROVEMENTS SIGNED INTO LAW

ALSO, PARTIAL VICTORY IN PENNSYLVANIA BALLOT ACCESS CASE

The preceding four weeks have been good for advocates of more tolerant ballot access laws for third party and independent candidates. The number of petition signatures was significantly reduced in Missouri and Nevada by legislative action, and a federal court threw out certain Pennsylvania signature requirements.

Missouri: On June 30, Governor Mel Carnahan, a Democrat, signed SB 31 into law, culminating a fight to improve Missouri ballot access that began in 1989. The bill lowers the number of signatures for statewide third party and independent candidates from 1% of the last gubernatorial vote (almost 25,000) to a flat 10,000. It lowers the number of signatures for a district independent candidate from 5% to 2% of the last vote cast. It eliminates the requirement that statewide petitions must carry over 5,000 signatures from five different congressional districts in the state. The bill also lets a new party circulate a petition before it has chosen its nominees.

A similar bill had passed the legislature in 1991 and 1992, but had been vetoed by former Governor John Ashcroft.

Nevada: On July 12, Governor Bob Miller signed SB 250 into law. It lowers the number of signatures for a new party from 3%, to 1%, of the last congressional vote, and lowers the vote requirement for a party to remain on, from 3% to 1% of the total congressional vote in the state. On July 13, he signed SB 552 into law, which similarly lowers the number of signatures needed for independent candidates, and changes the petition deadline for third parties and independents from early June to early July.

PEROT WAS INVOLVED IN NEVADA BILL

Ross Perot personally took an interest in lobbying for the Nevada ballot access bills mentioned above. At one point, it appeared that the legislature was going to ease ballot access for third parties, but not independent candidates. Tamara Clark, an active lobbyist for the Nevada bills, contacted Ross Perot's organization, United We Stand, to alert it that independent candidates were about to lose out. As a result, Perot himself telephoned Clark to get full details. United We Stand did then help lobby to make sure that independent candidates got the same good treatment that new parties were also getting.

Perot also arranged to have dinner with Clark in Las Vegas, while he was visiting there for a speaking engagement; but later he cancelled the arrangement, since he was scheduled to leave immediately for Phoenix. However, in the course of their telephone conversation, Clark urged Perot to endorse the Penny congressional bills on ballot access and debates. Clark says that Perot was noncommittal.

PENNSYLVANIA LAWSUIT VICTORY

On June 30, U.S. District Court Judge Edward N. Cahn ruled the Pennsylvania petition requirement for Justice of the Supreme Court unconstitutionally high. In 1993, the requirement is 56,641, which is 2% of the 1992 highest statewide winner's vote. *Patriot Party v Mitchell*, no. 93-cv-2257.

It is almost unprecedented for a federal court to strike down a petition requirement that is less than 5% of the number of registered voters, since in 1971 the U.S. Supreme Court upheld Georgia law which required 5% petitions for all third party and independent candidates, in a case called *Jenness v Fortson*.

Cahn found that the state had no good reason to require 56,641 signatures for candidates in odd years, when the petition requirement for statewide third party and independent candidates in even years is usually about 30,000 signatures. At a second hearing, on July 6, Cahn set the petition for 1991 at 29,172 signatures (which is 2% of the vote for the highest winning candidate for Judge in 1991).

The Patriot Party believes it can collect this number of valid signatures by the deadline, August 2, 1993. If it does, its candidate for Judge of the Supreme Court, Robert Surrick, will be the first third party or independent candidate in an odd year statewide judicial election in almost twenty years. Neither side appealed the ruling.

Unfortunately, Cahn upheld Pennsylvania law which requires all parties to submit petitions, unless they have a number of registered members equal to at least 15% of the total number of registered voters in the state. He said that if the law required 51% registration for a party to be on the ballot automatically, that would be unconstitutional.

No federal court has ever held that the law for a party to retain itself on the ballot is unconstitutional, no matter how difficult that law was. In this case, evidence was presented that the 15% registration standard is so strict, if it were applied in Massachusetts and the District of Columbia, even the Republican Party would not qualify, and would have to submit petitions to place its nominees on the general election ballot. Cahn did not mention this.

Cahn did say that the U.S. Supreme Court had upheld Georgia's old 20% vote requirement for a party to retain its place on the ballot, in 1971, in *Jenness v Fortson*. It is true that the *Jenness* decision seemed to approve of a 20% vote requirement, but the Supreme Court's comments on it were *dicta*, since the plaintiff Socialist Workers Party in the Georgia case didn't challenge the 20% vote requirement. Therefore, technically, Judge Cahn was mistaken, but since the Patriot Party is not appealing, the mistake will not be corrected in this case.

ARIZONA VICTORY

On July 7, an Arizona state judge ordered Ken Smalley placed on the Libertarian Party primary ballot, as a candidate for Tucson City Council. The Libertarian Party is a qualified party in Tucson, but the city interpreted the Arizona election law to require any Libertarian candidate in that district to collect 103 signatures of registered Libertarians, in order to get on the Libertarian primary ballot. Smalley couldn't get 103 Libertarian signatures, since there were only 250 registered Libertarians in his district. The judge agreed with Smalley that he needs fewer signatures, and put him on the primary ballot. *Smalley v Betrick*, no. 293-031, Pima Superior Court.

The city is appealing, but the appeal won't occur until after the ballots are printed. The dispute involves the words "at least 5% of the party vote". Smalley says this means 5% of the registered Libertarians who voted in the last election; the city says it means 5% of the number of people who voted for the Libertarian candidate in that election. Smalley argued that under the city's interpretation, if a party had not run a candidate in the last election, then a member of that party would need zero signatures to get on the current election's primary ballot.

HR 1755 CO-SPONSORS LISTED

HR 1755 is the bill by Congressman Timothy Penny to set up lenient federal procedures for third party and independent candidates to qualify for the ballot (for federal office only). It is now co-sponsored by these members:

1. Lucien Blackwell (D-Pennsylvania)
2. John Conyers (D-Michigan)
3. Floyd Flake (D-New York)
4. Jim Greenwood (R-Pennsylvania)
5. Steve Gunderson (R-Wisconsin)
6. Alcee Hastings (D-Florida)
7. Bob Inglis (R-South Carolina)
8. Andy Jacobs (D-Indiana)
9. Kweisi Mfume (D-Maryland)
10. Major Owens (D-New York)
11. Jim Slattery (D-Kansas)
12. Ed Towns (D-New York)
13. Melvin Watt (D-North Carolina)

HR 1753 CO-SPONSORS LISTED

HR 1753, the "Democracy in Debates" bill, is now co-sponsored by these members of the House:

1. Lucien Blackwell (D-Pennsylvania)
2. John Conyers (D-Michigan)
3. Floyd Flake (D-New York)
4. Alcee Hastings (D-Florida)
5. Earl Hilliard (D-Alabama)
6. Andy Jacobs (D-Indiana)
7. Harry Johnston (D-Florida)
8. Kweisi Mfume (D-Maryland)
9. Major Owens (D-New York)
10. Jim Slattery (D-Kansas)
11. Louis Stokes (D-Ohio)
12. Ed Towns (D-New York)

GERRYMANDERING RESTRICTED

On June 28, the U.S. Supreme Court issued a headline-making ruling in a North Carolina congressional reapportionment case, *Shaw v Reno*, no. 92-357. By a vote of 5-4, the Court, in effect, held that extreme gerrymandering may be unconstitutional, even if the gerrymander is for a good purpose. The Court sent the case back to the 3-judge U.S. District Court to decide whether North Carolina's congressional district lines need to be redrawn. The decision was written by Justice Sandra O'Connor and signed by William Rehnquist, Antonin Scalia, Anthony Kennedy, and Clarence Thomas.

22% of North Carolina's population is non-white, yet until 1992, all of the members of Congress elected from North Carolina since 1902 have been white. The state has twelve districts. In 1991, the legislature passed a plan containing one district with a black majority, in the northeastern part of the state (the First District). Under the Voting Rights Act, the U.S. Justice Department had the authority to review North Carolina's redistricting plan. The Justice Department rejected the plan, pointing out that it would be fairly easy for the state to create a second black majority district along the South Carolina border.

Instead, the legislature created a second black-majority district, the 12th, in the north-central and central part of the state. In order to create this district, the legislature linked almost all the black neighborhoods in central North Carolina together by a strip along Interstate Highway 85. Most of the 160 mile long district is no wider than the freeway. The legislature did not create the second black-majority district in the southeast, because it didn't want to disturb the influential 20-year incumbent, Congressman Charles Rose of the 7th district, chairman of the Tobacco and Peanuts Subcommittee of the Agriculture Committee. Rose hopes to become the next House Speaker, after Tom Foley retires.

In November 1992, two black Congressmen were elected from the state, Eva Clayton, 1st district; and Melvin Watt, 12th district (Watt is a co-sponsor of HR 1755).

It is difficult to predict what the lower court will now do with the case. Strong previous Supreme Court precedents, plus the Voting Rights Act, make it almost unthinkable that the lower court will rule in a manner that will cause fewer than two black-majority districts in North Carolina in the 1994 election.

Since whites still hold 83% of the U.S. House seats from North Carolina, and whites only comprise 78% of the population, it isn't possible for white voters (who brought the lawsuit) to charge that whites as a group are being discriminated against. Therefore, the only logical conclusion one may draw from *Shaw v Reno* is that the Supreme Court believes that extreme gerrymanders (described in the opinion as "bizarre", "irrational" and "extremely irregular" shaped-districts) are always unconstitutional (although this is not explicitly stated). Partisan gerrymanders resulting in extremely odd-shaped districts are not likely to survive court scrutiny in the future.

STATE LEGISLATIVE NEWS

1. California: AB 2196 passed the Senate Elections Committee on July 7. It moves the primary, in presidential election years, from June to the fourth Tuesday in March. The Senate Appropriations Committee will hear it in August.

California (2): AB 1173 also passed the Senate Elections Committee on July 7. It restores the provision for a petition in lieu of filing fee, which was accidentally repealed last month as part of the state budget bill. AB 1173 also lowers the number of signatures needed for a candidate to get on his or her own party's primary ballot for statewide office, from 65 signatures, to 40 signatures.

2. Connecticut: HB 7002, which lowers the threshold of support needed at a state convention, from 20% to 15%, before a candidate may run in a primary, was signed into law on June 29.

3. Georgia: There will be an interim hearing in December 1993 on SB 25, the long-delayed bill which would decrease the number of signatures for third party and independent candidates for statewide and congressional office.

4. Maine: On June 15, LD 156 was signed into law. It provides for a presidential primary (which Maine has never had) to be held on the same day that New Hampshire holds its primary. New Hampshire law provides that its primary should be held one week earlier than any other state's presidential primary, however, so it will be entertaining to watch how each state behaves in 1996.

5. New York: On July 3, the State Senate sent SB 4006 back to the Rules Committee, which means that it cannot pass this year. It would have permitted write-ins to be made by rubber stamp.

6. Oregon: HB 2276, which lowers the petition requirement for a new party from 2.5% of the number of registered voters, to 1% of the last vote cast, passed the Oregon Senate on July 14 and now goes to a Conference Committee. The bill also deregulates the Democratic and Republican Parties.

ARKANSAS REPUBLICAN TRIAL BEGINS

On July 19, a trial opened in *Republican Party of Arkansas v Faulkner*, no. 92-cv-130, in federal court in Arkansas, before Judge Stephen Reasoner, a Reagan appointee. The issue is whether the government must pay for the Republican Party's primary. Arkansas state law mandates that qualified parties nominate by primary, not by convention; yet the state will not pay for party primaries. Counties are free to pay for them, but only six counties in Arkansas choose to pay.

As a result, the Republican Party of Arkansas has a ballot access problem. It only contests one-fourth of all legislative seats, since it can't afford to hold its own primary in most parts of the state. The Supreme Court has been unclear about the status of party primaries, and this case may reach that court eventually and force it to clarify the relationship between parties and the government.

9th CIRCUIT PAMPHLET HEARING

On June 24, a hearing was held before eleven judges of the 9th circuit in San Francisco in *Geary v Renne II*, the case over whether it is constitutional for California to provide that the government can censor candidate statements in the government-printed Voters Handbook. The California law authorizes deletion of "false, misleading or inconsistent" statements, and also won't permit a candidate for city or county office to say that he or she has been endorsed by a qualified political party.

The 9th circuit had originally upheld these California laws on September 14, 1990, but plaintiffs (who are members of the Democratic and Republican Party county central committees, as well as candidates for city office) persuaded the 9th circuit to re-hear the case, before eleven judges chosen at random. Plaintiffs were lucky in the draw. Eight of the eleven judges had previously voted in *Geary v Renne I* that it is unconstitutional for California to make it illegal for a party to endorse candidates in local elections, or had otherwise been active in protecting political speech. These judges are likely to lean toward the plaintiffs' point of view.

The judges on the panel were Wallace, Hug, Schroeder, Fletcher, Pregerson, Norris, Beezer, Brunetti, Leavy, Rymer, and T. G. Nelson. At the hearing, the attorney for the city of San Francisco, who was defending the state law, spent most of his time arguing about procedure rather than substance. A decision is probably months away.

LaROUCHE WINS MATCHING FUNDS

On July 2, the U.S. Court of Appeals, D.C. Circuit, ruled 2-1 that the Federal Election Commission must pay Lyndon LaRouche's campaign his 1992 federal matching funds. *LaRouche v FEC*, no. 92-1100.

The FEC had withheld LaRouche's 1992 primary season matching funds because of his history of non-compliance with the Matching Payments Act in previous presidential elections, and because he had been convicted of mail fraud in 1988. The FEC found no fault with any of LaRouche's 1992 campaign finance documents.

The majority opinion, by Judge Stephen F. Williams, stated "The Commission is not authorized to appraise candidates' good faith, honesty, probity or general reliability when reviewing the agreements and other forward-looking commitments required by the Act." The opinion was co-signed by James Buckley. Both Williams and Buckley are Reagan appointees. Patricia M. Wald, a Carter appointee, dissented.

The FEC has not decided whether to appeal.

ELECTION STATISTICS BOOK OUT

The Clerk of the U.S House of Representatives has released *Statistics of the Presidential & Congressional Election of Nov. 3, 1992*. It shows the vote for all candidates for president and congress, by party. It can be obtained free from the Clerk, H-105 U.S. Capitol, Washington DC 20515.

REVELATIONS FROM THE THURGOOD MARSHALL FILES

The Library of Congress recently opened former Justice Thurgood Marshall's papers to reporters and scholars. The files from the Supreme Court's ballot access cases yielded surprising new information about the petition deadline issue.

On June 16, 1977, the Supreme Court issued a fairly good opinion, *Mandel v Bradley,* which said that early petition deadlines are unconstitutional if the record shows that third party and independent candidates seldom qualify. The Court sent the Maryland case back to the lower court, with instructions to gather the needed facts. The lower court held the law unconstitutional, which ended the case.

But what the Marshall papers reveal is that the Supreme Court on March 10, 1977, had decided to uphold the Maryland petition deadline, by a vote of 5-4. The Maryland law required independent and third party statewide candidates to submit 51,155 signatures by early March. No one except George Wallace had ever complied with the statewide requirement. Yet Justice Byron White wrote a decision upholding the law, joined by Justices Warren Burger, William Rehnquist, Harry Blackmun, and Lewis Powell.

The situation was saved when Blackmun changed his vote before the decision was final. Since White no longer commanded a majority for his opinion that the law was constitutional, the case was re-assigned to Justice Potter Stewart, who wrote the opinion which actually came out.

The preliminary opinion by White is chilling in its disregard for facts. White said "Signatures are required of only 3% of the registered voters, a figure below that required in many States." Actually, in 1976, only Arkansas (7%) and Georgia (5%) required a higher percentage of the available signers for third party and independent candidates for U.S. Senate (Nevada and Wyoming required a petition of 5% of the last vote cast, but this was less than 3% of the number of registered voters). Furthermore, the Arkansas requirement had been held unconstitutional in January 1977 by a lower court.

White also wrote that the deadline should be upheld because financial contributions to independent candidates in Maryland were not subject to state regulation, and because Maryland had postcard registration. These two points are so far removed from the issue itself, it is obvious that White was straining for any excuse to uphold the law. He acknowledged that plaintiffs complained about the difficulty of petitioning during winter weather, but didn't discuss this point.

If White had prevailed in *Mandel v Bradley,* there probably would have been no John Anderson or Ross Perot independent presidential candidacies. Even with the relatively favorable ruling which actually came out, in 1981 Indiana moved its petition deadline to February, and in 1982 the Illinois legislature almost passed a bill to move all petition deadlines to December of the year before the election. Other states would surely have followed.

KANSAS DEADLINE HEARING

On July 2, a hearing was held in federal court in Topeka over Kansas deadline of August 4 for independent candidates to submit petitions, before Judge Richard Rogers. *Hagelin Committee v Graves,* no. 92-4201-R.

Although Judge Rogers had refused to issue an injunction against the deadline last year, at the hearing he seemed to feel that the rationale he used last year no longer persuades him. That rationale was that voters need at least three months to educate themselves about candidates on the ballot. However, Kansas law provides that candidates running in a primary need not file until 55 days before the primary. Furthermore, there are many more candidates on the Kansas primary ballot than there are on the general election ballot, so if it were true that voters need more than 90 days to educate themselves about all the candidates, one wonders how they ever cope when they vote in the Kansas primary. A decision will probably be released in a few months.

PRIMARY CASE TO SUPREME COURT?

The Connecticut ACLU has decided to ask the U.S. Supreme Court to hear its appeal in the Connecticut presidential primary ballot access case, *LaRouche v Kezer.*

Connecticut, and many other states, provides that candidates mentioned prominently in news media, should automatically be put on the presidential primary ballot. Other candidates must collect thousands of signatures in a 3-week period, to be on the same ballot. The ACLU argues that this is discriminatory and arbitrary.

MAINE CASE TO SUPREME COURT?

The Maine Libertarian Party has decided to ask the U.S. Supreme Court to hear its appeal in *Libertarian Party of Maine v Diamond,* the case over the party's right to control its own nomination procedures.

Maine law forces all candidates for statewide office to submit 2,000 signatures of members of the candidate's own party, in order to gain a spot on the primary ballot. The law doesn't take into account that some parties have many more registered members than other parties.

This will be the 13th time the Libertarian Party has asked the Supreme Court to hear one of its ballot access appeals. That Court has never agreed to hear any Libertarian Party ballot access appeal.

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1994 PETITIONING

STATE	REQUIREMENTS		SIGNATURES COLLECTED				DEADLINES	
	FULL PARTY	CAND.	LIBT	PEROT	GREEN	NEW AL	PARTY	CAND.
Alabama	12,157	12,157	700	0	0	0	Sep 9	Sep 9
Alaska	no procedure	2,586	0	0	already on	0	–	Aug 22
Ariz.	(est) (reg) 13,500	(es) 7,000	*5,400	0	*2,000	*260	May 21	Jun 30
Arkansas	20,890	10,000	0	already on	0	0	Jan 4	May 1
California	(reg) 78,992	151,015	already on	100	already on	0	Jan 4	Aug 12
Colorado	no procedure	1,000	can't start	can't start	can't start	can't start	–	Aug 2
Connecticut	no procedure	15,008	can't start	already on	can't start	can't start	–	Aug 12
Delaware	(reg.) 150	(es) 3,000	already on	already on	0	already on	Aug 20	Jul 15
D.C.	no procedure	(es) 2,600	can't start	can't start	can't start	can't start	–	Aug 31
Florida	196,255	196,255	can't start	(reg.) *300	can't start	can't start	Jul 19	Jul 19
Georgia	31,771	31,771	already on	0	0	0	Jul 12	Jul 12
Hawaii	4,645	unpredictable	already on	0	already on	0	Apr 20	Jul 19
Idaho	9,643	1,000	already on	0	350	0	Aug 31	Jun 24
Illinois	no procedure	25,000	can't start	can't start	can't start	can't start	–	Aug 8
Indiana	no procedure	29,909	*16,000	0	0	*22,000	–	Jul 15
Iowa	no procedure	1,500	0	0	0	0	–	Aug 19
Kansas	15,661	5,000	already on	*500	0	0	Apr 11	Aug 2
Kentucky	no procedure	5,000	0	0	0	0	–	Sep 1
Louisiana	(reg) 110,000	0	325	already on	38	0	Jun 30	Jul 29
Maine	26,139	4,000	can't start	can't start	can't start	can't start	Dec 15	Jun 7
Maryland	(es) 76,000	(es) 66,000	*1,500	6,000	0	0	Aug 1	Aug 1
Massachsts.	(reg) 33,000	10,000	can't start	already on	can't start	can't start	Jul 1	Aug 2
Michigan	25,646	25,646	*3,000	0	0	0	Jul 21	Jul 21
Minnesota	117,790	2,000	can't start	can't start	can't start	can't start	May 1	Jul 19
Mississippi	just be org.	1,000	already on	0	0	0	Apr 1	Apr 8
Missouri	*10,000	*10,000	already on	0	0	0	*Aug 1	Aug 1
Montana	9,473	9,473	already on	0	0	0	Mar 17	Jun 6
Nebraska	5,834	2,000	0	0	0	0	Aug 1	Aug 30
Nevada	*4,920	*5,134	*alredy on	0	1,200	0	*Jul 7	*Jul 7
New Hamp.	no procedure	3,000	already on	0	0	0	–	Aug 10
New Jersey	no procedure	800	0	0	0	0	–	Apr 14
New Mexico	2,850	17,100	800	0	already on	0	Jul 12	Jul 12
New York	no procedure	15,000	can't start	can't start	can't start	can't start	–	Aug 23
North Carolina	51,904	(es) 70,000	lawsuit	0	0	6,000	Jul 14	Jun 24
North Dakota	7,000	1,000	0	0	0	0	Apr 15	Sep 9
Ohio	49,399	5,000	0	0	0	0	Jan 6	May 3
Oklahoma	69,518	0	0	0	0	0	May 31	Jul 13
Oregon	(es) 37,000	(att.) 1,000	already on	already on	15,000	already on	Aug 30	Aug 30
Penn.	no procedure	(es) 28,000	*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	–	Jul 21
South Carolina	10,000	10,000	already on	0	0	already on	May 8	Aug 1
South Dakota	6,419	2,568	already on	0	0	0	Apr 5	Aug 2
Tennessee	19,759	25	0	0	1,000	0	May 1	May 19
Texas	38,900	38,900	already on	can't start	can't start	can't start	May 22	May 12
Utah	500	300	already on	*already on	0	0	Mar 15	Mar 17
Vermont	just be org.	1,000	already on	0	0	already on	Sep 22	Sep 22
Virginia	no procedure	(es) 15,500	can't start	can't start	can't start	can't start	–	Jun 14
Washington	no procedure	unpredictable	can't start	can't start	can't start	can't start	–	Jul 23
West Va.	no procedure	4,044	0	0	0	0	–	May 9
Wisconsin	10,000	2,000	already on	can't start	can't start	can't start	Jun 1	Jul 12
Wyoming	8,000	9,849	0	0	0	0	May 1	Aug 29

LIBT = Libertarian; NEW AL = New Alliance; PEROT = a party created by his campaign. Other qual. national parties: Natural Law in *Nev, N.M. & Vt; U.S. Taxpayers in Cal., Miss., *Nev, N.M. & S.C; Wkrs. World in Mich.; and *American in Utah. "FULL PARTY REQ." means a procedure by which a new party can qualify before it nominates its candidates; not every state has such a procedure. *Populist Party has 3,000 signatures in Ga. Grassroots Party has 200 signatures in Az. * means entry has changed since last issue. The Patriot & Lib't. Parties are "qualified" in Pennsylvania, yet they must still petition.

GARGAN ANNOUNCES FOR GOVERNOR

Jack Gargan, founder of T.H.R.O. ("Throw the Hypocritical Rascals Out), which ran full-page ads in 1990 and again in 1992 against incumbent members of Congress, has announced his candidacy for Governor of Florida as the Independence Party nominee. The Independence Party is being created by Governor Lowell Weicker of Connecticut and others who generally associated themselves with the Perot campaign last year.

Florida requires 196,255 valid signatures to get any statewide third party or independent candidate on the ballot (except that the number required for president is less). No third party or independent candidate has appeared on the Florida ballot for Governor since 1920.

Florida makes it illegal to circulate a non-presidential ballot access petition until the year of the election, so Gargan can't begin his petition now. He is, however, trying to persuade voters to register as members of the Independence Party. If he could persuade 5% of all registered voters in the state to register as members of the Independence Party, he would not need a petition. However, no third party in any state has held as much as 5% of any state's registration since the 1910's decade.

Gargan might sue to overturn the Florida ballot access laws, which are the worst of any state. One ground could be that, since the state's ballot has no clutter of presidential candidates, and since Florida's petition for third party and independent presidential candidates is 1%, there can't be any good reason to require 3% for other statewide office.

Florida Legislators React

Recently, COFOE wrote to each Florida legislator, asking for an improvement in ballot access. Representatives Richard McMahan and J. Keith Arnold replied, saying no constituents ever complained to them about the state's ballot access laws. Representative James P. Kerrigan also replied, saying, "I support the concept of easing the laws for ballot access."

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PATRIOT BEATS DEMOCRAT

On July 13, Pennsylvania held a special State Senate Election in the 13th district (Bucks County). The Patriot Party, created by Ross Perot's vote last year, outpolled the Democrat, although the Republican easily won. The results: Heckler (Republican) 71.2%, Blough (Patriot) 16.3%, Lingenfelter (Democrat) 12.6%.

VIRGINIA 1993 STATE ELECTION

Only two states hold gubernatorial elections this year, New Jersey and Virginia. In Virginia, there will be three candidates on the ballot: a Democrat, a Republican, and an independent candidate who is part of the LaRouche movement, Nancy Spannaus. She is the first third party or independent candidate on the ballot for Governor of Virginia since 1977.

The LaRouche movement is also running 17 candidates for the state legislature, as independent candidates. The Libertarian Party has seven legislative candidates on the ballot, and the New Alliance Party has two legislative candidates. No other third party has any candidates.

In most states, the LaRouche movement runs its candidates in Democratic primaries. However, in Virginia, where the major parties generally nominate by convention instead of by primary, the LaRouche movement uses the independent candidate procedures.

NEW ALLIANCE SUES FBI

On May 24, the New Alliance Party filed a lawsuit against the FBI, charging that the FBI has investigated the party illegally. A 1976 FBI guideline prohibits investigation of groups solely because the group is engaging in protected First Amendment activity. The FBI hasn't responded yet. *NAP v FBI*, U.S. District Court, Southern District of New York, no. 93-civ-3490. The case was assigned to Judge Constance Baker Motley, a Lyndon Johnson appointee.

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