

BALLOT ACCESS NEWS

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FLA, GA PRESIDENTIAL PRIMARY LAWS IN PERIL

BALLOT ACCESS PROCEDURES LIKELY TO BE HELD UNCONSTITUTIONAL

Two lawsuits filed last year by David Duke now appear likely to succeed against the presidential primary ballot access laws of Florida and Georgia.

On October 29, the 11th circuit issued an opinion in the Georgia case, remanding the case back to the U.S. District Court with instructions to find out exactly what was the state interest in keeping Duke off the 1992 Republican presidential primary ballot. *Duke v Cleland*, no. 92-8724. The court stated that the decision as to whether presidential candidates can get on the Georgia presidential primary is state action. Consequently, it will be very difficult for Georgia to defend its law in the court below. The decision was written by Judge Joel Dubina, a Bush appointee, and co-signed by Judges Peter Fay, a Ford appointee, and Floyd Gibson, a Johnson appointee.

On October 6, another panel of the 11th circuit held a hearing in Duke's Florida case, *Duke v Smith*, no. 92-4093. The comments and questions from the judges made it very likely that the Florida law will be held unconstitutional. A decision is likely in a few months. The judges on the Florida case are Peter Fay (who was also on the Georgia case), Frank M. Johnson, a Johnson appointee, and Edward Carnes, a Bush appointee.

Both Florida and Georgia let the final decision as to whether Duke should be put on the Republican ballot, in the hands of state government officials who are Republicans. For both states, it was the Republican Party legislative leaders in the State Senate and State House of Representatives. In Georgia, the state chairman of the Republican Party was also allowed to vote.

In 1992, these officials (two in Florida, three in Georgia) voted that only George Bush and Pat Buchanan should be on the Republican presidential primary ballots of the two states. Duke appealed those decisions to federal courts, with the help of the ACLU, but didn't win an injunction in either state. However, his cases continued, and now he is likely to win declaratory relief in both of them.

TERMLIMITS

On November 3, voters in Maine adopted a term limitation for state legislators and state executives. Maine will probably vote on Congressional term limits in 1994. Other states which may vote on them in 1994 are Alaska, Idaho, Illinois, Massachusetts, Nevada and Utah.

On November 17, the House Subcommittee on Civil and Constitutional Rights will hold its first hearings on congressional term limits. Only two people on each side will be permitted to testify. Testifying in favor of term limits will be a representative of the Heritage Foundation, and also John Fund, author of a book on term limits.

PENNSYLVANIA 1994 PETITION DROPS

20,600 signatures will be required for a statewide third party or independent candidate to get on the Pennsylvania 1994 ballot. By comparison, 37,216 were required in 1992. The 1994 requirement is low because only 37% of the registered voters turned out to vote this month.

RESTRICTIVE PETITIONING DECISIONS

The highest courts of Florida and the District of Columbia recently issued opinions which will make it more difficult to carry out petition drives:

1. Florida: On September 30, the Florida Supreme Court ruled that voters who are on the "temporary purge" list may not sign petitions. Registered voters who have not voted for two years, and who do not acknowledge a notice from local registration officials, are put on the "temporary purge" list. If the voter does not communicate with local elections officials for the next three years, he or she is then permanently purged and must re-register. As a result of the court decision, an initiative which had already been passed by the voters, was retroactively cancelled. *Krivanek v The Take Back Tampa Political Committee*, no. 80,189.

2. District of Columbia: On August 10, the District of Columbia Court of Appeals ruled that a voter who has moved and has not yet re-registered, is ineligible to sign petitions. *Orange v D.C. Bd. of Elections*, 629 A 2d 575.

PARTY FREE SPEECH VICTORY

On August 31, 1993, U.S. District Court Judge Edward Nottingham ruled that a 1986 Colorado Republican Party radio advertisement, criticizing Democratic Congressman Tim Wirth, should not be counted against the expenditure limit for the Republican campaign for the U.S. Senate that year. Wirth was running for the U.S. Senate. Although there is no limit on how much money a candidate for Congress may spend, there is a limit on how much money the candidate's own party may spend on the campaign of that candidate. Judge Nottingham construed that law to refer only to advertising which expressly advocates the election of the party's own candidate, not advertising which criticizes the opposition. *FEC v Colorado Republican Federal Campaign Committee*, no. 89-n-1159. The FEC is appealing.

HIGH COURT TO TAKE LaROUCHE CASE?

On November 24, the U.S. Supreme Court will consider whether to hear the appeal of the Federal Election Commission, over whether the FEC must pay Lyndon LaRouche his 1992 primary season matching funds.

NOVEMBER 1993 ELECTIONS (unofficial)

Statewide Elections and New York city Mayor

New Jersey Governor:

Whitman, Republican	1,219,564	49.49%
Florio, Democrat	1,189,268	48.26%
Daley, anti-abortion indp	9,506	.39%
Kaplan, Libertarian	8,292	.34%
Blomquist, Conservative	4,985	.20%
Kucek, Populist	2,923	.12%
Rahn, Socialist Workers	1,237	.05%

12 other independents, together, polled 18,515 votes.

New York city Mayor:

Giuliani, Rep. & Liberal	903,114	50.62%
Dinkins, Democrat	858,868	48.14%
Marlin, Conserv & Rt to Life	16,921	.95%
Bockman, Socialist Wkrs	2,608	.15%
Brennan, Libertarian	2,425	.14%

Pennsylvania Justice of Supreme Court:

Castillo, Republican	1,018,664	48.59%
Nigro, Democrat	964,980	46.03%
Surrick, Patriot	112,820	5.38%

Virginia Governor:

Allen, Republican	1,037,200	58.22%
Terry, Democrat	730,219	40.99%
Spannaus, LaRouche indp.	14,225	.80%

Other October & November Local Elections

Communist Party: James Lunsford polled 1,492 votes, 41.8%, for Springfield Township School Board, Summit County, Ohio. The election was non-partisan but the affiliation was known.

Green Party: ran five candidates in Alaska's October 5 municipal elections. Daniel LaSota won for Fairbanks Borough Assembly. Charles Weaverling, the only Green Party Mayor in the U.S., who had been elected Mayor of Cordova in 1991, was defeated for re-election by two votes. Green candidates for the Cordova city council Bob Plum and Howard Ferren were not elected either, but Plum lost by only 10 votes. These were non-partisan elections.

In Virginia, Eli Fishpaw, running for Rockbridge County Supervisor, polled 9.6% in a 4-way partisan race.

Independence/Patriot Party: elected its candidate for Minneapolis city council, Steve Minn, with 55%.

In partisan elections in Pennsylvania, the party ran 30 candidates under its own name. None was elected. However, a registered member of the party who was on the ballot only as a Democrat, Mike Eshenbaugh, was elected to the North Allegheny School District, north of Pittsburgh. Eshenbaugh tried to get on the ballot as the candidate of both the Patriot and Democratic Parties, but this is illegal, even though the law lets School Board candidates run as nominees of both the Republican and Democratic Parties. A lawsuit in state court is pending.

Consumer Party: is organized in Pennsylvania only. It retained its status as a semi-qualified party within Philadelphia County by polling 6% for City Controller.

Libertarian Party: won ten elections: Jimmy Blake to the city council of Birmingham, Alabama; Robert DeBrosse to the city council of Piqua, Ohio; Rebecca Wilber to the town council of Woodstock, New York; Donald Salyards re-elected to the Winona, Minnesota School Board; Tim Moir and Danielle Cauley as Inspectors of Election in precincts in Montgomery County, Pa; John Pata as Inspector of Election in a precinct in Bucks County, Pa; Ken Sturzenacker to the Catasauqua Boro Council in Lehigh County, Pa; and Berlie Etzel was elected to two public offices in Clarion County, Pa., Ashland Township Tax Collector and member of the Keystone School Board.

The Libertarian victories in New York and Pennsylvania were in partisan elections (Wilber got 3% as a Libertarian and 48% as a Republican). The others were non-partisan, but voters were aware of the affiliation, especially in the Birmingham election, where the Democrats ran advertising lambasting various Libertarian Party planks.

New Party: had two candidates in Essex County, New Jersey, the first time the party has run candidates under its own name in a partisan election. Nat Carter, for Freeholder in the 3rd district, polled 2,656 votes, 11.4%. Bob Lowrie, for Freeholder-at-large, polled 3,289 votes, 2.2%.

New Alliance Party: Rafael Mendez, candidate for New York city council, district 17 (Bronx), placed second in a 4-person race, with 11%. The Republican nominee polled 9%. In Phoenix, Arizona, Greg Campbell polled 2.1% for City Council.

Populist Party: In Pennsylvania, Peter Kutsip got 45.8% for Warrior Run Boro Council (Luzerne County); he was the only opposition to the Democrats. Steve Garancheski got 26.4% for Schamokin School Board (Northumberland County); 6 candidates were running for 4 seats.

Socialist Party: Hopi Auerbach for Greenbelt, Maryland city council (non-partisan election) received 30.3%.

Socialist Workers Party: polled .55% for Mayor of Miami, 3.0% for Miami City Commission, .15% for Mayor of Atlanta, 2.7% for Mayor of Greensboro, N.C., 8.4% for Greensboro City Council; 2.2% for Pittsburgh School Board, and 1.4% for Houston Mayor.

State Legislative Elections: see page 7

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BOOK REVIEW: *ELECTION DATA BOOK, A Statistical Portrait of Voting in America 1992*

What weighs six pounds, has almost 1,100 pages, each page 11" x 8.5", including 32 pages of colored maps of the U.S. (most of them showing each county) showing lots of data any political junkie would love?

The answer is *The Election Data Book, A Statistical Portrait of Voting in America 1992*, by Kimball W. Brace and Election Data Services. It is published by Bernal Press, 4611-F Assembly Dr., Lanham Md 20706, (800) 274-4447, for \$95.00. The publisher intends to publish similar volumes for future national elections.

The book covers federal elections and gubernatorial elections which took place in 1991 and 1992. It does not cover elections for other state office, although it gives the partisan breakdown for each state legislative body. The book also gives an immense amount of detail on voter registration, by county (and by town for New England). It lists voter registration by party, within each county, for states in which voters register as members of particular parties. It also contains an interesting essay about the inaccuracies contained in Census Bureau estimates of the voting age population, and the inaccuracy of official voter registration lists.

Presidential primaries are included; primaries for other office are not generally covered.

Bias Against Third Parties

Unfortunately, the book almost goes out of its way to disguise information about political parties other than the Democratic and Republican Parties. Examples:

1. Voter registration: There is a chart for the U.S., giving registration data by party for the states in which voters register as members of political parties. There are only three columns, "Democrat", "Republican", "Independent". A footnote says that the total for some states also includes registrants of minor parties, and that such totals may be seen by turning to the various chapters on particular states. The book does not contain a national total for voters registered in third parties.

One then turns to the state chapters to look for registration data for third parties. It is there for some states, but not for others. Election officials in Delaware, Louisiana, Maine, Massachusetts, New Mexico, New York, and Pennsylvania, tabulate registration data for certain third parties, but the book doesn't include figures from those states (for New Mexico, the book gives a total for all minor parties, but no breakdown). For some reason, even the Republican and Democratic registration data is omitted for Maine and New York.

2. Presidential vote: There is no chart in the book, giving the vote for any third party or independent presidential candidate by state, except that this information (and much more) is given for Ross Perot. Anyone who wishes to obtain a state-by-state breakdown for any third party presidential candidate must gather the information by going through the 51 state chapters.

3. Presidential primaries: the Democratic and Republican presidential primaries are covered in great detail. Anyone who placed as low as 4th in any Republican presidential primary gets a breakdown in the book: his or her vote is reported by county; the percentage in each county is given; the percentages are all ranked by county; and we even are told what share of that candidate's vote came from any particular county. Thus, *Election Data Book* tells us that comedian Pat Paulsen's best county (by percentage) in the North Dakota Republican presidential primary was Sioux County, even though, the book also tells us, that county only contributed sixth-tenths of 1% of Paulsen's total statewide vote. The same detail is provided for Paulsen for every county in the state.

However, nowhere in the 1,100 pages is there any mention that parties other than the Democratic or Republican Parties also held 1992 presidential primaries. One of them, the New Hampshire Libertarian presidential primary, made big news when Andre Marrou, running in that primary, received more votes in Dixville Notch than anyone else running for president in any primary, yet even the very existence of the N.H. Libertarian primary is unacknowledged by Kimball.

4. State legislators: Kimball's charts, showing the partisan lineup of each state legislative body, only carry room for three categories: Democrats, Republicans, and Independents. The preface of the book says that there are 6 minor party state legislators, but never says what parties they are members of. Actually, in 1992, three Progressive Coalition legislators were elected in Vermont (although one was labelled "Independent" on the ballot), four Libertarian legislators were elected in New Hampshire, and one Alaska Independence Party legislator was elected in Alaska, totalling 8, not 6. The charts in the state sections contain a footnote in the case of New Hampshire and Vermont saying that a certain (unnamed) minor party also has some members, but there is no such footnote for Alaska.

5. Congressional vote: The charts giving the vote for Congress, for the whole nation, contain three columns: "Democrat", "Republican", "Other". In these charts, votes cast for candidates of A Connecticut Party and for candidates of the Conservative, Liberal, and Right-to-Life Parties, under the party labels of those parties, have been placed into the major party columns, when those parties cross-endorsed Democrats and Republicans. This reduces the "Other" vote for the Senate by 962,278, and it decreases the "Other" vote for the House by 529,106.

Even at that, the chart states that there were 2,998,956 "Other" votes for the Senate, and 3,442,354 "Other" votes for the House--yet no further breakdown, even though the "Other" vote for Congress in 1992 is one of the fascinating untold stories of that election.

For the House, the 4% "Other" vote in 1992 was the highest it had been since 1938, despite the fact that in almost 40% of the districts in 1992, there was no "Other" candidate on the ballot (this means that when there was an "other" candidate on the ballot, the vote for "other" averaged 7%).

(continued on page 4)

ELECTION DATA REVIEW (continued)

It is possible for a reader to learn the breakdown of the "Other" Congressional vote, by looking at all 51 state chapters, but there is no breakdown in the national chart of the "Other" vote. Ironically, there is such a breakdown in every issue of *Statistics of the Congressional Election*, a free booklet published after every Congressional election by the Clerk of the U.S. House which is only one-twentieth the size of the Kimball book.

Factual Errors

Election Data Book 1992 also contains factual errors, though given the immense amount of data in the book, errors are almost unavoidable. The Arkansas section giving the statewide vote for president, states that all the third party candidates were on as "Independent", when in fact, they all had party labels of their choice on the ballot. The book omits the Utah presidential primary, and omits the vote for some of the candidates who were on the ballot in the New Hampshire Democratic and Republican primaries. This, in turn, means that the charts showing the national primary vote for various Democratic and Republican presidential candidates give false totals. Also, the book twice states in the foreword that the District of Columbia City Council is elected on a non-partisan basis; this is not true.

The book's true strength is its massive data on voter registration and census information for each county in the U.S. At \$95, it is a bargain for anyone who wants to have this type of information on hand.

BOOK REVIEW: SIXTEEN WEEKS WITH EUROPEAN GREENS by Mike Feinstein

Sixteen Weeks With European Greens is another weighty tome. At four pounds, in paperback, it has 674 pages, each page 11" by 8.5". It was published in 1992 and is \$17 from R & E Miles, Box 1916, San Pedro Ca 90733.

The book is a virtual encyclopedia of the Green Parties of Europe. It consists of interviews with leaders of the various Green Parties, copies of their platforms and election literature. It also has tables giving the vote and percentage for each of the parties, 1984-1992, in national elections, as well as elections to the European Parliament and some state or provincial elections. Another appendix gives addresses of Green Parties around the world, including state Green Parties in the U.S. Still another appendix lists other publications about Green ideas and political organizations, including Green Party newsletters.

It is eerie for a resident of the U.S. to read about the experiences of Green Parties in nations which use proportional representation to elect their national parliaments. In several instances, Green Parties elected members to these national legislative bodies, only months after the party had been formed! Sometimes elected candidates had never dreamed they would actually win. Most European nations use proportional representation, and the threshold for a party to win seats is sometimes as low as 2% or 3%. In the Netherlands, there is no minimum threshold.

One of the great advantages to parties which find themselves with even one member of a parliament, is that such membership enables groups to obtain information about government policies which is unavailable to ordinary people.

Although the book does not systematically give details about ballot access in Europe, some interesting information is given for some countries. In Hungary, parties need to run at least 25 candidates, and each candidate needs 750 signatures. To facilitate signature-gathering, the government sends a blank petition form to each voter, including information about each candidate who is attempting to get on the ballot. The voter is free to use the petition to help any candidate.

Green Party leaders freely criticize themselves in the text and discuss problems within their parties. There is consensus in the book that the German Green Party injured itself by imposing term limits on its own members of Parliament, thus depriving the party of some of its most effective politicians. There is also discussion of the "tyranny of structurelessness", and an account of how the Hungarian Green Party was captured by a tiny, well-organized group of former Communist Party activists and transformed into a very different party.

One of the ironies uncovered in the book is that the British Green Party is dissatisfied with ballot access in Great Britain. In Great Britain, all candidates for Parliament get on the ballot by paying a filing fee, called a "deposit", which is returned if the candidate polls at least 5%. The British Green Party called for abolishing the fee and substituting a petition! (although it did not specify the number of signatures that should be required).

FEC REGISTRATION FORM DECISION

The Federal Election Commission has tentatively decided to show a blank line on the new federal voter registration form, for a voter to specify which political party he or she is joining. This is good news for third parties in Iowa, New Jersey, New York, North Carolina, Oklahoma, and parts of New Hampshire, because it will now be possible for voters to list themselves as members of any party, whether it is qualified or not. Under existing practices in those states, no one may join an unqualified party.

Third parties in states which permit a voter to register with any party benefit, because activists in such parties can examine voter registration records, and locate supporters who were previously unknown to the organization.

Although states will be free to continue to use their own forms, they are required under the Federal Voter Registration act to circulate the federal forms as well. The new form will be in use starting in 1995 in most states.

CORRECTION: The October 17, 1993 *B.A.N.* stated that, since 1974, the U.S. Supreme Court has accepted 67% of all requests for a full hearing, when a state government made such a request to the Court, in a lawsuit initiated by a third political party. The correct percentage is 62.5%, not 67%.

1994 PETITIONING

STATE	REQUIREMENTS		SIGNATURES COLLECTED				DEADLINES	
	FULL PARTY	CAND.	LIBT	CENTER	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	*6,000	0	2,100	275	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	*40	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	*138	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	*can't start	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	0	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	*30,000	0	0	*33,000	-	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	*1,600	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	*finished	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	already 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	*1,100	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	16,681	(att.) 1,000	already on	already on	*need 2,800	already on	Aug 30	Aug 30
Penn.	no procedure	*20,600	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	in doubt	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	*2,000	0	0	0	May 1	Aug 29

LIBT = Libertarian; NEW AL = New Alliance; CENTER = Patriot, Independence or similar party. 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 Amer. 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 *7,000 signatures in Ga. Grassroots Party has 200 signatures in Az. * means entry has changed since last issue of August 22.

COPENHAGEN VIOLATION OF THE MONTH

The Sep. 19, 1993 issue of *B.A.N.* reported that the first hearings had been held, to establish that the United States is in violation of an international accord it signed in 1990, the Copenhagen Document, part of the Conference on Security and Cooperation in Europe (the "Helsinki Accords"). The Copenhagen Document pledges all the signing nations not to discriminate for or against any political party or any candidate, to guarantee equal suffrage rights to all citizens, and to ensure that votes are counted and reported honestly.

Since then, each *B.A.N.* carries an example of a state or federal law or policy which obviously violates the Copenhagen Meeting accord. This issue's example concerns the North Dakota definition of "political party". Below is reproduced the part of the North Dakota election law which specifies which parties should be on the ballot.

The law specifies that the "Democrat" Party and the "Republican" Party will always be on the ballot, into the indefinite future, regardless that these organizations might lose all voter support at some point in the future. Even if either or both were to become completely defunct, the law still specifies that they be on the ballot.

Another problem with this law is that North Dakota only elects a Governor in presidential election years, yet the law specifies that a party (other than the Democratic or Republican Parties) should only be on the ballot, without the need for a petition, if it polled at least 5% of the vote for Governor at the last gubernatorial election. If a new party were to arise in North Dakota in a mid-term congressional election year, and it successfully petitioned for a place on the ballot in that mid-term year, then, after the election, it would no longer be a qualified party, even if it elected all its candidates and outpolled all other political parties! When this law was written, North Dakota elected a Governor every two years, but when the gubernatorial term was changed to four years in the 1940's, no one thought to rewrite the law.

ELECTION LAWS

OF THE

State of North Dakota

16.1-11-30. Separate column on primary election ballot required for each political party. The following political parties must be provided with separate columns on primary election ballots:

1. The republican party.
2. The democrat party.
3. Any party which cast five percent of the total votes cast for governor at the last general election.
4. Any other party, if a petition signed by at least seven thousand qualified electors of this state is filed with the secretary of state before four p.m. of the sixtieth day prior to a primary election, asking that a column be provided for such party, naming it, and stating the platform principles thereof. If such petition is mailed it must be in the possession of the secretary of state before four p.m. on the sixtieth day. Candidates of such party shall be entitled to the same rights and privileges as those of other parties.

STATE LEGISLATIVE VOTE, November 2, 1993

	<u>Libertarian</u>	<u>Peace & Fr</u>	<u>New AI</u>	<u>Amer. In.</u>	<u>Populist</u>	<u>Soc.Wkr</u>	<u>Green</u>
Calif. State Senate	5,218	9,623					
Calif. Assembly		2,714		2,480			
Missouri State Senate	727						
Missouri House	333						
New Hamp. House	224						
New Jersey St. Senate	16,754						
New Jersey Assembly	2,210				916	735	236
Virginia House	12,057		4,990				

STATE LEGISLATIVE PERCENTAGES, November 2, 1993

	<u>Libertarian</u>	<u>Peace & Fr</u>	<u>New AI</u>	<u>Amer. In.</u>	<u>Populist</u>	<u>Soc.Wkr</u>	<u>Green</u>
Calif. State Senate	3.29%	5.16%					
Calif. Assembly		3.07%		2.80%			
Missouri State Senate	3.17%						
Missouri House	10.40%						
New Hamp. House	21.03%						
New Jersey St. Senate	5.63%						
New Jersey Assembly	1.19%				.65%	3.84%	1.29%
Virginia House	9.01%		16.76%				

The charts above gives the unofficial vote, and the percentages, for third party legislative candidates in the elections of November 2, 1993. The states mentioned above are the only ones which held any legislative elections in which third parties participated. Wisconsin will hold a special election next month. New Jersey Conservative Party results not yet available.

LEGISLATIVE NEWS

California: On October 10, Governor Pete Wilson vetoed SB 511, which would have made it illegal for a candidate to mention his or her opponent, in the candidate's statement published in the Voters Handbook. Existing law already makes it illegal for a candidate for Judge to mention his or her opponents, but the bill would have extended this ban to all candidates.

Florida, Maine: Dan Walker, an attorney acting on behalf of the Florida Libertarian Party, has written the chairmen of the Elections Committees of the Florida legislature, asking them to sponsor a bill next year to let a minor party presidential petition be circulated, before the party knows the identity of its presidential candidate. Glenn Eddy, an attorney acting on behalf of the Maine Libertarian Party, is about to do the same in his state.

Ohio: Secretary of State Robert Taft's proposed bill, to let independent candidates choose the label "Independent" for printing on the ballot, next to the candidate's name, will be heard in the Joint Select Committee on Ethics and Standards, in January 1994. The bill doesn't have a number yet. Third party activists hope to influence that committee to amend the bill, so that partisan labels other than just "Independent" can also be permitted. Ohio permitted independent candidates to choose any short partisan label between the years 1891 and 1948 (as long as the label didn't resemble the name of a fully-qualified party).

Virginia: Delegate Vincent Callahan has agreed to introduce a bill next year, letting petitioners circulate a presidential petition in neighboring congressional districts, as well as in their home districts. A similar reform for non-presidential petitions passed earlier this year. The Libertarian Party plans to ask Callahan to also include a provision that would let a group circulate its presidential petition, before it knows who its presidential candidate is.

PARTY SPEECH OPINION SOUGHT

Since 1986, it has been illegal in California for a political party to endorse, support or oppose a candidate for county or city office. A lawsuit, *Democratic Party of California v Superior Court*, is pending in the State Court of Appeals over this law, but no hearing date has been set.

In the meantime, Senator Milton Marks has asked the Attorney General for a ruling on whether the law violates the First Amendment.

LOUISIANA RULING TO BE APPEALED

The last *B.A.N.* reported on a 5th circuit ruling, upholding a "no-politics" zone on election day within 600 feet of the entrance to any polling place. The plaintiff plans to ask the U.S. Supreme Court to reverse that ruling. He is optimistic, since last year, after another panel of the 5th circuit granted an injunction against the law, the U.S. Supreme Court refused to stay the injunction.

NEW REGISTRATION DATA

Oct. 1993 Reg. Oct 1992 % Oct. 1993 %

CALIFORNIA

Dem.	7,110,142	49.07%	48.95%
Rep.	5,389,313	37.04%	37.10%
Am. In.	244,855	1.64%	1.69%
Green	91,342	.65%	.63%
Libertarian	68,285	.47%	.47%
Peace & Fr	66,099	.46%	.46%
indp, misc	1,554,587	10.66%	10.70%

CONNECTICUT

Dem.	704,329	37.69%	37.98%
Rep.	477,907	25.88%	25.77%
A Ct. Pty	1,796	.09%	.10%
indp, misc	670,350	36.34%	36.15%

DELAWARE

Dem.	138,703	43.41%	43.76%
Rep.	116,012	36.74%	36.60%
Libertarian	341	.10%	.11%
A Del. Pty	214	.07%	.07%
New Alliance	138	.05%	.04%
indp, misc	61,527	19.64%	19.41%

NEW YORK

Dem.	4,215,224	41.49%	47.05%
Rep.	2,750,233	28.53%	30.70%
Conserv.	132,495	1.30%	1.48%
Liberal	72,440	.68%	.81%
Rt to Life	33,641	.30%	.38%
indp.	1,755,465	27.70%	19.59%

PENNSYLVANIA

Dem.	3,007,927	50.79%	50.81%
Rep.	2,527,456	42.84%	42.70%
Libertarian	2,448	.04%	.04%
Patriot	1,774	.02%	.03%
indp., misc.	379,774	6.37%	6.42%

JESSE JACKSON MAY TRY THIRD PARTY

Jesse Jackson told a *New York Times* reporter on November 3 that the simultaneous defeat of Mayor David Dinkins of New York city, with the election of the other two Democratic candidates for New York citywide office (who are white), has created new interest in qualifying the Rainbow Coalition as a political party.

Jesse Jackson tried to be an independent candidate for Mayor of Chicago in 1971, but he was not able to overcome a tough ballot access requirement. Since then he has only run for office as a Democrat, running in the Democratic presidential primaries in 1984 and 1988.

INDEPENDENCE PARTY

On November 6-7, the Independence Party held a national committee meeting in Kansas City, Mo., and decided to call the party the "Federation of Independent Parties". The name was suggested by Dr. Theodore Lowi, an activist in the party and a former chair of the American Political Science Association.

Jack Gargan, the party's candidate for Governor of Florida next year, is no longer trying to persuade 5% of all the voters of Florida to register as members of the Independence Party (this would have qualified the party for its own primary). Instead, he will circulate a petition between January 15-July 19. If he can obtain 196,255 valid signatures, the Independence Party will be entitled to nominate by convention for any of the statewide offices next year. The 3% petition procedure for new parties in Florida (for office other than president) has existed since 1970 and has not been used for statewide office since 1976. Gargan hopes to find 3,000 volunteers who will each collect 100 signatures.

FRANKING LAWSUIT TO BE FILED

The Coalition to End the Permanent Congress decided on October 24 to file a lawsuit against the right of members of Congress to send free literature to voters.

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