

U.S. SUPREME COURT HEARS WRITE-IN VOTING CASE

On March 24, the U.S. Supreme Court heard arguments in *Burdick v Takushi*, the case over whether the U.S. Constitution requires that states permit write-in votes.

A decision is expected in June. Arguing on behalf of write-ins was Art Eisenberg of the ACLU. He opened by pointing out that write-in voting functions as a safety valve for discontented voters, and also lets new candidates enter the race very late (after it's too late to get a name printed on the ballot) in response to new circumstances.

Justice Sandra O'Connor asked if Burdick was merely asserting a right to cast a write-in vote for a candidate who has filed a declaration of write-in candidacy. Eisenberg answered, "No". He said that Burdick maintains that the voter must be free to cast a write-in vote for anyone.

O'Connor then asked if the state must count all write-ins. Eisenberg said "Yes, even write-ins for Donald Duck".

Chief Justice William Rehnquist then asked how such votes could be reported. Eisenberg responded that Virginia keeps a record of each write-in counted for each office, but Rehnquist interrupted this response to ask if the Constitution requires such work from elections officials. The response was that this is in the First Amendment. Rehnquist brusquely asked "Have we ever held that the First Amendment includes the right to vote?"

Justice David Souter asked whether the standard for judging denial of write-in space should be the same standard used to judge ballot access requirements. He said "Isn't it true that Hawaii ballot access is easy?"

Justice Anthony Kennedy asked whether the Court should apply the compelling interest, or the rational basis, test.

After responding to the questions, Eisenberg belittled each asserted state interest in banning write-in voting. He debunked the idea that the state interest in an informed electorate requires that write-ins be banned. He pointed out that protecting the political parties from unfriendly intervention in their own primaries could not be a rationale for banning all write-ins, and reminded the Court that the Libertarian Party (one of the three qualified parties in Hawaii) has filed an *amicus* brief with the Court, asking that write-ins be permitted in its primary.

Justice John Stevens added that a voter who casts a write-in vote is probably better informed than an average voter.

O'Connor asked if Hawaii could ban anyone who doesn't meet the constitutional requirements to hold office (such as age) from being seated, if that person won the election on write-in votes. Eisenberg replied "Yes", and added that a state would be free to add to these eligibility requirements. For example, a state could say that no one is eligible to serve if that person was defeated in a partisan primary (thus preventing a "sore loser" from being seated, even if he won the election as a write-in candidate).

O'Connor asked how many states totally ban write-in votes. "Five" was the answer. Justice Souter again asked about counting them. Justice Antonin Scalia responded to the answer by asking why the government should spend money to count miscellaneous write-ins. "Voting is not about protesting", he said. Eisenberg responded by saying that the Court had acknowledged that role for voting in *Anderson v Celebrezze* in 1983. "Where in *Anderson v Celebrezze* did we say that?" Scalia responded.

Souter asked why the protesting voters couldn't register their protest by leaving the ballot blank, for an office for which they don't want to vote for anyone on the ballot (Hawaii records the number of blank votes for each office in the election returns). Eisenberg responded that leaving the ballot blank doesn't really convey disapproval.

Scalia asked about the history of the other four states which ban all write-in votes, and whether the ban on write-ins in those states is fairly recent.

Scalia then asked, "Isn't it true that before the 1890's, all voters had freedom to vote for anyone they wished?". The answer was "Yes", since there were no government-printed ballots then and voters could make their own ballots.

Hawaii's Argument

Then it was the turn of Deputy Attorney General Stephen Michaels to defend the write-in ban. He soon got in trouble by asserting that if the Hawaii write-in ban is struck down, term limits couldn't be imposed. Justice Souter pointed out that Eisenberg had already agreed that a state could still prevent the seating of write-in winners who don't meet the constitutional qualifications to hold office, and Michaels had to back down.

Scalia interjected, "I wasn't worried about term limits; I was worried about Donald Duck."

Michaels defended the write-in ban by saying, "As Lincoln said, you can fool some of the people all of the time and you can fool all of the people some of the time, but you can't fool all of the people all of the time." His point was that if write-ins are permitted, last-minute write-in candidates would fool the voters into voting for them; and that the only way to prevent this is to prevent last-minute candidacies.

The Eisenberg Rebuttal

The Court again asked Eisenberg about counting write-ins for Donald Duck. Kennedy asked, "If we disagree with that, do you lose the case?" Eisenberg said "No" and stated that there are two different types of write-in votes, protests and positive votes for bona fide write-in candidates.

It seems likely that the Court will declare the write-in ban unconstitutional, but will not say that all write-in votes must be counted and tallied.

2nd CIRCUIT STRIKES CONNECTICUT PRESIDENTIAL PRIMARY LAW

On March 10, the U.S. Court of Appeals, 2nd circuit, granted an injunction putting Lyndon LaRouche and Eugene McCarthy on the Connecticut Democratic presidential primary ballot. Since the injunction couldn't be issued unless the court felt there was a strong likelihood that the Connecticut ballot access law (for the presidential primary) is unconstitutional, it is very likely that the law will be declared unconstitutional in this case. *LaRouche v Kezer*, no. 92-7263.

Connecticut law requires the Secretary of State to place candidates on the ballot automatically if they are talked about in the mass media. The charge against this type of law (which exists in 15 states) is that they are impossibly vague. Similar laws in Kentucky and Rhode Island have been held unconstitutional by U.S. District Courts, but this is the first time any state's presidential primary ballot access law has been undermined by a U.S. Court of Appeals ruling.

The vote was 2-1. Judges Frank X. Altimari, a Reagan appointee, and John M. Walker, a Bush appointee, signed the order; Judge James L. Oakes, a Nixon appointee, dissented.

The Connecticut law should not be confused with a different type of law which exists in South Dakota, Florida and Georgia, giving political parties the right to decide for themselves whom to put on their presidential primary ballots. The party-control method has been upheld in federal courts this year.

OTHER PRESIDENTIAL PRIMARY CASES

1. California: on March 24, Sacramento Superior Court Judge Eugene Gualco ordered Lyndon LaRouche placed on the Democratic presidential primary ballot. He had been kept off because he hasn't received federal matching funds (although he has raised enough money to qualify for them). The judge noted that the California law suggests that eligibility for matching funds is only one criteria, and found that when other criteria are considered, LaRouche should qualify, considering that he is actively campaigning via TV, that he is on in 23 other primaries, and that he has run previously in Democratic primaries in California.

Now that LaRouche has won the case, the Secretary of State has promulgated new standards: she will place anyone on the primary ballot who either campaigns in California, or who has appeared on the ballot in at least twenty other states, or who appeared in fifteen states and contested at least five caucuses. *LaRouche v Eu*, no. 369837.

2. Maryland: On February 27, a state circuit court upheld the constitutionality of Maryland law which gives the Secretary of State sole authority to determine who should be on the presidential primary ballot automatically. *McCarthy v Kelly*, no. C-92-00455, Anne Arundel County. The ACLU plans to appeal.

3. Kentucky: On March 9, Pat Buchanan voluntarily dismissed his lawsuit against Kentucky for failing to put him on the Republican primary ballot. Kentucky law says that anyone should be on the ballot automatically who "qualifies" for federal matching funds at least 140 days before the primary, which is in late May.

Buchanan had submitted his application for federal matching funds before the deadline, and had originally argued this date should be used, rather than the date the Federal Election Commission acted on the request. But when it was revealed that Buchanan's original request had been amended somewhat a few days after the deadline, he gave up.

If Buchanan had alleged that the 140-day deadline is unconstitutional, he probably would have prevailed. There is no reason for the state to require a candidate to have qualified for matching funds, more than **four months** before the primary, in order to be on the ballot.

4. New Mexico: On March 17, after the ACLU threatened to sue, the state gave in and decided to put Pat Buchanan on the Republican ballot and Lyndon LaRouche on the Democratic ballot. New Mexico law says that candidates discussed in the media should be on the primary ballots automatically.

5. New York: The New Alliance Party challenge to the primary ballot access petitions of Paul Tsongas and Jerry Brown was defeated on a technicality. New York state courts ruled that the New Alliance Party should have served notice of the lawsuit on every individual candidate for delegate. Since New York elects 190 delegates to the Democratic national convention, this would have been quite a job, even if the challengers had been on notice that such a requirement existed. The final court decision was made on March 26. Ironically, Tsongas dropped out of the race on March 19, but will remain on the ballot.

It will now be easier for candidates to qualify for the Democratic presidential primary in New York. The State Board of Elections overlooked all of the technical objections to the Tsongas and Brown petitions, setting a precedent; and the courts also set the procedural precedent described above, making it more difficult for anyone to bring a lawsuit challenging the ballot position of a presidential primary candidate in the future.

5. Wisconsin: On March 2, the Wisconsin Supreme Court issued an order putting Eugene McCarthy, Larry Agran, and Lyndon LaRouche on the Democratic presidential primary ballot, and David Duke, Harold Stassen and Emmanuel Branch on the Republican ballot. *McCarthy v State Election Board*, no. 92-0348-0a.

The Court ordered them on the ballot on a technicality: the law directs the Selections Committee of the State Board of Elections to consider the request for inclusion on the ballot of everyone who requests it, based on media coverage. However, the record showed that the Board had not even considered the applications of most of these presidential candidates. In the case of David Duke, the Committee had discussed his application but had not discussed whether he is covered by the media.

ALASKA OPEN PRIMARY OVERTURNED

Ballot Access News recently learned that in 1990, the Alaska Republican Party filed a lawsuit against that state's open primary law. The Alaska Elections Division initially defended the state's open primary law, but then in 1991 gave in, acknowledging that the U.S. Supreme Court decision *Tashjian v Republican Party of Connecticut* made it inevitable that the state would lose the lawsuit anyway. Federal judge H. Russel Holland handled the case but never had to make a decision. *Alaska Republican Party v Division of Elections*, no. A90-248.

The result for the 1992 Alaska primary is that the state will not print up a single primary ballot for all voters, as was done in the past. Instead, the Republican primary ballot will be on a separate sheet of paper, or a separate punchcard, and only registered Republicans and registered Independents will be able to vote on it.

The Alaska legislature is about to pass a resolution, calling on the Republican Party to change its mind and accept the old primary system.

REPUBLICAN PARTY SUES ARKANSAS

On February 28, the Republican Party filed a lawsuit in U.S. District Court, alleging that since Arkansas forces all qualified political parties to nominate their candidates by primary, therefore the government must pay the costs of these primaries. *Republican Party of Ark. v Faulkner County, et al.*, no. LRC-92-130, Eastern Dist.

The March 1 issue of *Ballot Access News* stated that South Carolina had been the only state in which political parties still pay for their own primaries. This was not accurate, since in Arkansas each county decides for itself whether to pay for party primaries, and 66 Arkansas counties do not pay for them. The Republican Party complains that it cost the party \$150,000 in 1990 to pay for its own primaries in those counties.

The case was assigned to Judge Elsijane Roy (a Carter appointee), the same judge who heard a ballot access case in 1986 filed by the Populist Party. In that case, the Arkansas Attorney General took the position that the primary is not mandatory. It will be interesting to see if Judge Roy remembers that. The Republican Party brief doesn't acknowledge the idea that it may be unconstitutional to force a party to nominate by primary.

CALIFORNIA LAW STRUCK DOWN

On March 6, Sacramento Superior Court Judge James Ford ruled that a law barring anyone from being an independent candidate if he or she was a member of a **qualified** party at any time during the year before the election, is unconstitutional when applied to a former member of a new party. *Davis v Eu*, no. 369670. The plaintiff-candidate, David Davis, had been a member of the Green Party during part of that period, and the Green Party became qualified on December 31, 1991. Davis will now be permitted to be an independent candidate for Congress in the 29th District, if he can obtain the needed signatures.

COURT WON'T HEAR TERM LIMITS CASE

On March 9, the U.S. Supreme Court refused to hear the appeal of the California legislature, in the case over the constitutionality of term limits for state office. *Legislature v Eu*, no. 91-1113.

PARTY TAX HELD UNCONSTITUTIONAL

On March 3, Judge F. E. Steinmeyer, a Florida state judge in Tallahassee, held unconstitutional a tax on political parties. The case was brought by the Republican Party last year after the tax was created.

The tax is imposed on all political parties organized in Florida, whether they are on the ballot or not. It requires that each party pay 1.5% of all contributions to the Campaign Financing Trust Fund. This fund aids the campaigns of candidates for statewide state office who raise at least \$100,000 in private contributions.

The Republican Party argued that the tax violates the First Amendment, since it forces all contributors to the party to support candidates whom the contributors may not wish to assist. *Republican Party v State of Florida*, case no. 91-3775, 2nd judicial district. The state plans to appeal.

BLACK REPUBLICANS SUE PARTY

On January 17, 1992, Freedom Republicans, a group of African-American Republicans, sued the Republican Party and the Federal Elections Commission in federal court in Washington, D.C. The group charges that the Republican Party's delegate selection rules cause the underrepresentation of African-Americans and other ethnic minorities in the Party's national convention. *Freedom Republicans v FEC*, no. Civ 92-0153.

The group argues that the Republican Party is violating Title VI of the Civil Rights Act of 1986. The group also argues that the FEC is violating the act, which prohibits any federal funds to an organization which practices ethnic discrimination (the Republican and Democratic Parties get direct subsidies from the federal government to run their national conventions, since they each polled 25% of the vote in the last presidential election).

OTHER LAWSUIT NEWS

1. California: On March 18, Dick Boddie, Libertarian Party candidate for U.S. Senate (short term), won a court order putting his name on the Libertarian Party primary ballot. He had committed technical errors on his petition to gain a place on the ballot, but convinced a judge that he had received misinformation from county elections officials.

2. Colorado: The Secretary of State obtained an extension of time in which to file a response to the Libertarian Party, in the U. S. Supreme Court. The response is due March 31. The case concerns a law which lets qualified parties nominate a non-member, but doesn't let unqualified parties nominate a non-member. *Colorado Libertarian Party v Secretary of State*, no. 91-1285. The Court will probably say in April whether it will hear the case.

3. Illinois: On March 6, the Illinois Solidarity Party finally filed its lawsuit to restore its status as a qualified party for statewide office. Over 8% of the voters voted for one of the party's statewide candidates in 1990, and the Illinois law says that a party is qualified to place statewide candidates on the ballot automatically, if it polled 5% for any statewide race.

However, the Illinois Attorney General ruled last year that the party didn't really poll 5%, since the correct formula for determining a percentage is to divide the number of votes received, by the number of votes cast for an office, rather than by the number of voters voting. In this instance, every voter is entitled to cast three votes for the office (Trustee of the University), so using the Attorney General's formula, the party only polled 3%. *Illinois Solidarity Party v Neal*, no. 92-C-1655, federal court in Chicago. The party's brief points out that the Illinois Supreme Court used the party's preferred formula back in 1947, the last time this issue arose.

4. Massachusetts: On February 20, a 3-judge federal panel ruled that Massachusetts should not lose any House seats in Congress (the formula used by the federal government had dictated that Massachusetts should slip from 11 to 10 seats). *Commonwealth of Massachusetts v Mosbacher*, case no. A91-11234-WD. The U.S. Supreme Court announced on March 20 that it would hear the federal government's appeal on April 21. In the Supreme Court the case is called *Franklin v Massachusetts*, no. 91-1502. The issue is whether American citizens who live permanently overseas should be credited to any particular state, for purposes of congressional reapportionment. Massachusetts argues that they should not be.

4. Michigan: On March 5, the State Supreme Court refused to hear Zoltan Ferency's challenge to the 1992 presidential primary procedure, which requires voters to identify themselves as Democrats if they wish to vote in the Democratic presidential primary. Ferency is a long-time Michigan political activist who believes that voters should not be forced to identify themselves as members of particular parties, in order to vote in the primaries of those parties. *Ferency v Austin*, no. 92109.

5. Montana: On March 4, the U.S. Supreme Court heard arguments in *U.S. Department of Commerce v Montana*, no. 91-860, the case over how many seats each state should have in the U.S. House. The lower federal court had ruled that Montana should keep both its House seats and that the formula Congress uses to decide how many seats each state should have is unconstitutional.

5. Oklahoma: on March 9, the Coalition for Free & Open Elections (COFOE), together with three third party presidential candidates, sued Oklahoma in federal court over that state's refusal to permit write-in voting. The three candidates are Lenora Fulani (New Alliance), Quinn Brisben (Socialist) and Earl Dodge (Prohibition). None of them expects to be on the ballot in Oklahoma, since the state requires 35,132 signatures. *COFOE v McEldeberry*, Western Dist., no. civ-92-465R. It was assigned to Judge David Russell, a Reagan appointee.

6. Washington: on March 2, the Libertarian Party of Washington filed a lawsuit in federal court against a state law which forces unqualified parties to nominate their candidates before the major party candidates have even filed to run in the primary. *Libertarian Party of Washington v Munro*, no. C92-5076WD. It was assigned to Judge William L. Dwyer, a Reagan appointee.

LaROUCHE SUES FEC

On March 3, Lyndon LaRouche sued the Federal Election Commission because it refuses to release his 1992 matching funds. The FEC justifies its decision by pointing out that in past campaigns, LaRouche committed fraud. However, the FEC has not found any fraud in his 1992 fund-raising. The case, *LaRouche v FEC*, no. 92-1100, is in the U.S. Court of Appeals, D.C. circuit, before Judges James Buckley, Ruth Ginsburg and Abner Mikva. On March 17 that court refused to expedite the case.

PEROT CAMPAIGN

On February 20, H. Ross Perot appeared on the Larry King Live television program. At the beginning of the show, Perot was asked, "Are you going to run (for president as an independent candidate)?" Perot said "No".

But toward the end of the hour-long interview, when asked "Can you give me a scenario in which you'd say 'OK, I'm in'", Perot said he would run as an Independent for president if people get him on the ballot in all fifty states.

The idea that Perot should run for president is not a new one. Efforts were made in 1988 to persuade him to run. In June 1991, at a meeting of the Coalition to End the Permanent Congress and T.H.R.O., Jack Gargan (founder of T.H.R.O., which campaigns against incumbents in Congress) suggested that Perot should run as an independent. Perot wasn't interested. Gargan then circulated a notice to over 100,000 people, asking them to call or write Perot and ask that he run. The response was very positive and very heavy, and it influenced Perot.

A recent national poll showed that in a 3-person race with President Bush and Bill Clinton, Perot would poll 9%. Assuming Perot formally announces and gets on the ballot and campaigns vigorously, he should do well enough in the polls to make it difficult to keep him out of any general election presidential debates. There has never before been a general election presidential debate between the Democratic nominee, the Republican nominee, and any other candidate. Cracking this barrier would be a very significant advance for a more open presidential campaign.

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LEGISLATIVE NEWS ON BALLOT ACCESS

Alabama: HB 523 was introduced March 5. It changes the petition deadline for new party and non-presidential independent candidates from April to August, to conform state law to a court decision last year.

Arizona: On March 9, the Senate passed SB 1118, which makes ballot access for independent candidates easier. The bill, by Senator Charles Blanchard, is now pending in the House Judiciary Committee.

California: Assemblyman Tom McClintock has introduced AB 3793, which would permit parties to nominate non-members. McClintock, a Republican, is running for Congress and has indicated that he would also seek the Libertarian nomination if he could.

Georgia: On March 25, Georgia Elections Director Jeff Lanier asked Governor Zell Miller to use his influence to help pass SB 25-sub, the ballot access improvement bill. According to another official of the Elections Division, Governor Miller responded, "Hell, no! Let 'em sweat for it." Later, Lanier denied that the Governor had said this. The bill has made no progress since mid-February and will probably die.

The bill would have (1) reduced the statewide petition for third parties and independents to 10,000 signatures; (2) lowered the petition for third parties and independents for district office from 5% of the number of registered voters, to 2.5%; (3) provided that petition forms should be postcard-sized, with room for only one signature per form, and required that they be submitted to each county in alphabetical order.

Indiana: The 1992 session of the legislature did make one improvement in the ballot access laws. The old law making it illegal for a voter to sign the ballot access petition of two different parties was repealed. The repeal was part of HB 1151 and SB 205, both of which were signed by the Governor on February 18.

Kentucky: HB 318, which legalizes write-in votes in presidential elections, passed the House on March 11. Currently, Kentucky is one of 4 states which permits write-in votes generally in general elections, yet bans write-ins for president.

Maryland: On March 11, the House Committee on Constitutional & Administrative Law defeated HB 851, the ballot access improvement law. The vote was 3-17. Delegate Dana Lee Dembrow, the bill's author, is willing to try again next year.

HB 665, which would have prohibited a city from letting non-citizen resident aliens vote in city elections, was defeated in the same committee on March 17. One city in Maryland, Takoma Park, currently lets resident aliens vote in city elections.

Missouri: Ballot access improvement bills in both houses have cleared all committees, unanimously. They are SB 723 and HB 1736. Supporters hope the bills will be voted on in each house before the legislature adjourns.

New York: On March 2, the Assembly passed AB 9547, the bill which deletes New York state requirements that invalidate ballot access petitions for trivial errors. Similar bills have passed the Assembly before, but have always failed in the State Senate. A bill identical to AB 9547, SB 7169, was introduced in the State Senate on March 3 by Senator Manfred Ohrenstein, a Democrat.

Virginia: HB 275, which lowers the number of signatures needed for candidates for the House (whether running in a primary, or as a third party or independent candidate) from 250 to 150, passed the legislature on March 4.

PHILLIPS WINS MASSACHUSETTS RACE

On March 10, the Massachusetts Independent Voters Party conducted a presidential primary. The party, along with the Democratic and Republican Parties, is a fully-qualified party. The party has no stand on issues and opened its primary to presidential candidates of any other third party. The results: Howard Phillips of the Taxpayers Party 350; Bo Gritz of the Populist Party 168; Robert Smith of the American Party 54; Darcy Richardson (a Pennsylvania independent who had withdrawn, although his name was still on the ballot) 36; Eric Thompson, anti-nuclear weapons independent 35; Earl Dodge of the Prohibition Party 25; J. Quinn Brisben of the Socialist Party 24; Michael Levinson, a Republican, 21.

Over half of the voters who chose to vote in the Independent Voters Party primary either left their ballots blank, wrote in someone else, or checked the "No preference" box. Any enrolled member of the party, and any registered voter who not a member of any party, was free to vote in the party's primary.

One reason the turnout in the party's primary was so low, was that many elections officials told voters that there was no such party, or refused to hand out the party's ballot to voters who asked for it. There had never before been a presidential primary in Massachusetts for any party other than the Democratic and Republican Parties. The party has sued the Secretary in federal court, demanding a new primary.

C-SPAN had broadcast a debate among the party's presidential candidates. The debate was held on March 1 and was broadcast five times in the following days.

The party promised to place the winner of its primary on the November ballot, so Phillips will be on the Massachusetts general election ballot as a candidate for president, unless he should withdraw.

Phillips will announce on April 15 that he himself is running for president. The party will hold its presidential convention in New Orleans on September 5-6.

NO SUPREME COURT POLL RULING YET

The U.S. Supreme Court still hasn't released its opinion in *Burson v Freeman*, the case over whether it violates the First Amendment to ban all political speech within 100 feet of a polling place on election day. The case was argued back on October 8, 1991.

NOW PARTY STARTS ORGANIZING

The National Organization for Women-created new party, to be called the "Twenty-First Century Party", now has an address and is beginning to get organized. The party address is 1600 Wilson Blvd., #707, Arlington, Va 22209, (703) 243-7890.

On March 12, the party's governing board decided to hold a mass meeting in Washington, D.C. on April 5, to coincide with a march for abortion rights. Attendees will caucus by state.

There will be a formal meeting of the Twenty-First Century Party on August 29, simultaneously in Philadelphia and Los Angeles. The two sites will be linked by closed-circuit television so that each meeting will be able to communicate with the other meeting.

The party may petition to place a candidate for U.S. Senate on the Pennsylvania ballot, depending on which Democrat wins the April 28 primary.

TAXPAYER PARTY ON IN MISSISSIPPI

In January, the Mississippi Secretary of State recognized the U.S. Taxpayers Party as a qualified party in Mississippi. This is only the third party in forty years to receive such recognition. The others have been the American Party in the 1970's and the Libertarian Party starting in 1983.

Mississippi law says that a party may become qualified, simply by holding a meeting, electing officers and registering its name and the names of its officers with the Secretary of State. No petition is required.

The previous Secretary of State refused to recognize the New Alliance Party, on the grounds that it didn't have a county organization in every county in the state. The law doesn't say a party must be organized in every county in the state, and other recognized parties haven't been organized in every county. But the New Alliance Party didn't sue.

The fact that the current Secretary of State has recognized the Taxpayers Party, even though it has county officers in only a few counties, is a good precedent.

SOCIALIST WORKERS PARTY

On March 20, the Socialist Workers Party published in its newspaper, *The Militant*, that its 1992 ticket would be James Warren for president and Estelle DeBates for vice-president. Warren, 40, lives in Chicago; DeBates lives in New York City. Warren was the party's presidential candidate in 1988 as well.

MARCH MATCHING FUNDS

On March 4, the FEC mailed checks in the following amounts to these candidates: George Bush \$593,330; Pat Buchanan \$947,729; Bill Clinton \$656,265; Paul Tsongas \$189,296; Jerry Brown \$157,659; Bob Kerrey \$433,278; Tom Harkin \$221,566; Lenora Fulani \$125,473. The FEC makes payments each month.

DANIELS LEADING IN PFP

The Peace & Freedom Party of California will hold a presidential primary on June 2 between Lenora Fulani of the New Alliance Party, and Ron Daniels of Campaign New Tomorrow. However, the primary is only advisory. The actual decision as to whom the party will nominate is made by the state central committee in August.

The state central committee is composed of all members of the party county central committees. The members of these committees are elected in the party's primary. The filing has now closed for candidates for this office (except for write-in candidates) and the Daniels forces are running considerably more candidates than the Fulani forces are. Observers therefore expect the August party convention to nominate Daniels.

MARROU IN TWO MORE PRIMARIES

Andre Marrou, Libertarian Party candidate for president, got such a boost out of running in the Libertarian presidential primary in New Hampshire, that he is planning to run in Nebraska and California Libertarian primaries as well. In Nebraska, registered independents will be able to vote in the Libertarian primary.

POPULIST PARTY CONVENTION SET

The Populist Party presidential nominating convention will be held in Clark, New Jersey, on May 2-3. The party expects to nominate Lt. Col. James "Bo" Gritz for president. Gritz was nominated by the party for vice-president in 1988, although he later resigned that nomination and instead ran for Congress as a Republican.

UTAH PARTIES FIGHT

This year, the American Party of Utah and the Independent American Party of Utah both qualified for the ballot. The Independent American Party is composed of ex-members of the American Party. The American Party plans to sue the Lieutenant Governor (who is in charge of election administration in Utah) to force him to keep the Independent American Party off the ballot, on the grounds that the name is too similar to the American Party's name.

MASSACHUSETTS ENROLLMENT DATA

For the first time since 1978, Massachusetts has released data on the number of voters who are enrolled in parties other than the Democratic and Republican Parties. The totals are as of March 6, 1992: Independent Voters Party 1,204; Libertarian 128; Socialist 14; New Alliance 7; Green 6; Prohibition 2.

ALASKA PARTY WILL TRY AGAIN

The Alaska Independence Party plans to call a second state convention soon to nominate a candidate for president. Probably Bo Gritz will be nominated. The party held one state convention this year already and planned to nominate Gritz, but due to an error, failed to nominate candidates for presidential elector.

1992 PRESIDENTIAL PETITIONING

STATE	SIGNATURES COLLECTED							DUE
	REQUIRED	PEROT	MARROU	FULANI	PHILLIPS	GRITZ	(GREEN)	
Alabama	5,000	2,000	already on	2,700	0	0	0	Aug 31
Alaska	2,035	1,000	*3,900	0	0	seek nom	already on	Aug 24
Arizona	10,555	can't start	already on	*17,000	0	*3,600	10,500	Sep 18
Arkansas	0	0	0	0	0	0	0	Sep 15
California	134,781	can't start	already on	seek nom	seek nom	0	already on	Aug 7
Colorado	5,000	0	*2,000	0	0	*825	0	Aug 4
Connecticut	14,620	0	*1,500	*700	0	0	0	Aug 14
Delaware	(reg.) 144	1,000	already on	75	*74	10	0	Jul 15
D.C.	(es) 2,600	can't start	can't start	can't start	can't start	can't start	can't start	Aug 18
Florida	60,312	0	*40,000	*200	500	*5,000	0	Jul 15
Georgia	26,955	2,000	already on	0	0	*6,500	0	Jul 14
Hawaii	4,177	300	already on	0	0	*600	*6,000	Sep 4
Idaho	4,090	0	already on	0	500	*2,000	350	Aug 25
Illinois	25,000	can't start	can't start	*in court	can't start	can't start	can't start	Aug 3
Indiana	29,890	0	*finished	*4,900	200	2,700	0	Jul 15
Iowa	1,000	0	*80	0	0	*700	0	Aug 14
Kansas	5,000	0	already on	0	0	0	0	Aug 4
Kentucky	5,000	0	*7,700	0	400	*200	0	Aug 27
Louisiana	0	0	approx 150	0	0	0	0	Sep 1
Maine	4,000	0	already on	*900	300	0	0	Jun 2
Maryland	10,000	1,500	already on	12,500	1,000	1,200	0	Aug 3
Massachsts.	10,000	0	*2,500	*1,300	already on	0	0	Jul 28
Michigan	25,646	1,750	already on	*120	seek nom	*1,000	0	Jul 16
Minnesota	2,000	can't start	can't start	can't start	can't start	can't start	can't start	Sep 15
Mississippi	1,000	500	already on	*260	already on	400	0	Sep 4
Missouri	20,860	0	*3,000	0	0	*250	*1,500	Aug 3
Montana	9,531	0	already on	0	0	*1,100	0	Jul 29
Nebraska	2,500	can't start	*already on	0	0	0	0	Aug 25
Nevada	9,392	0	already on	0	2,000	*1,300	*200	June 10
New Hamp.	3,000	0	already on	3,000	0	0	0	Aug 5
New Jersey	800	0	100	0	200	50	0	Jul 27
New Mexico	2,069	300	already on	already on	0	50	0	Sep 8
New York	20,000	can't start	can't start	can't start	seek nom	can't start	can't start	Aug 18
North Carolina	43,601	7,000	*need 1,000	*3,000	500	0	0	Jun 26
North Dakota	4,000	300	0	0	0	0	0	Sep 4
Ohio	5,000	0	*800	150	0	*500	0	Aug 20
Oklahoma	35,132	5,000	*13,000	*2,200	0	0	0	July 15
Oregon	(att) 1,000	0	already on	*3,500	0	2,500	8,000	Aug 25
Penn.	37,216	0	0	*4,400	0	0	0	Aug 1
Rhode Isl.	1,000	can't start	can't start	can't start	can't start	can't start	can't start	Sep 4
South Carolina	10,000	0	already on	already on	seek nom	seek nom	0	Aug 1
South Dakota	2,568	0	already on	0	0	0	0	Aug 4
Tennessee	25	already on	0	*finished	0	*10	0	Aug 20
Texas	38,900	20,000	already on	0	0	*2,000	0	May 11
Utah	300	0	already on	*valid 200	finished	already on	0	Sep 1
Vermont	1,000	0	already on	already on	0	0	0	Sep 17
Virginia	13,920	0	*200	0	0	0	0	Aug 21
Washington	200	can't start	can't start	can't start	can't start	can't start	can't start	Jul 25
West Va.	6,534	5,000	0	0	0	*825	0	Aug 1
Wisconsin	2,000	can't start	already on	can't start	can't start	(pty) *500	can't start	Sep 1
Wyoming	8,000	0	already on	0	0	*500	0	Aug 24

Other qual. national parties: Amer. in S.C. and Utah, Prohibition in N. M., Soc. Wkrs in N.M, and Wkrs. World in Mich. & N.M.
 * entry has changed since last issue (also, the Perot & Phillips columns are new). The Pacific Party (Oregon) has 8,200. The Socialist Party has 150 in Utah. The Workers League has 7,500 in Michigan & 700 in New Jersey. The "Required" column shows the easier of the two methods, party or independent (not every petition drive underway is necessarily using the easier method). The "Due" column gives the independent deadline. "Seek nom" means a qualified third party in that state may nominate the candidate.

SUPERIOR BRITISH ELECTIONS

The *New York Times* recently carried an op-ed column by a member of the British Parliament. It points out how much fairer British parliamentary elections are, than American elections.

In Britain, all candidates face equal ballot access barriers (a filing fee which is refunded if the candidate polls at least 5% of the vote).

In Britain, all candidates on the ballot get an equal amount of free television time.

In Britain, all candidates on the ballot get one free mailing to every voter in the district.

Voters in Britain seem to like their election system. Over 70% of the potential electorate usually vote in parliamentary elections, compared to 50% in the U.S. who vote in presidential years, and 38% in recent mid-term congressional election years.

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. **CENTER FOR A NEW DEMOCRACY**, a tax-exempt project which fights laws that make it impossible for two different parties to nominate the same candidate. 6 W. Gabilan St., Salinas Ca 93909, tel. (408) 422-5377.

3. **COFOE**, the Coalition for Free and Open Elections. Dues of \$11 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.

RENEWALS: If this block is marked, your subscription is about to expire. Please renew. Post office rules do not permit inserts in second class publications, so no envelope is enclosed. Use the coupon below.

4. **COALITION TO END THE PERMANENT CONGRESS**, works for reforms to make congressional elections more competitive; has a platform which includes easier ballot access for independent and minor party candidates. Bx 7309, North Kansas City, Mo. 64116, tel. (800) 279-0622. *On February 21 at 9 am the Coalition will hold a national meeting covered by C-SPAN in the Senate's Russell Office Bldg.*

5. **COMMITTEE FOR PARTY RENEWAL**, a group of political scientists and party leaders who believe that strong political parties are needed for popular control of government. \$10 per year. Write Gerry Pomper, Eagleton Institute of Politics, Rutgers, Wood Lawn, Nielson Campus, New Brunswick NJ 08901. The Committee filed a brief in support of fairer ballot access laws with the Supreme Court in 1991 in *Norman v Reed*.

5. **FOUNDATION FOR FREE CAMPAIGNS & ELECTIONS**, has non-profit status from the IRS. Consequently, it cannot lobby, but donations 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 Penny "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.

VOTER REGISTRATION GROUPS

1. **HUMAN SERVE** lobbies for laws that provide for registering people to vote whenever they apply for government services, such as drivers' licenses and social services. 622 W. 113th St., #410, New York NY 10025, tel. (212) 854-4053.

2. **PROJECT VOTE!** shares the same goal, but brings lawsuits to accomplish this end. 1424 16th St., NW, Washington DC 20036, tel. (202) 328-1500.

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