

BALLOT ACCESS NEWS

San Francisco, California

November 6, 1992

Volume 8 Number 9

PEROT PUTS HIS THIRD PARTY OPPONENTS INTO A SLUMP

THIRD PARTIES DO WELL FOR U.S. SENATE & STATE LEGISLATURE

Ross Perot's 18.9% showing is the best for a third party or independent presidential candidate since 1912. Perot even outpolled Bill Clinton in Utah, and almost outpolled George Bush in Maine.

The presidential candidates of the various third parties, by contrast, all did worse than expected.

The only other third party presidential candidate who received more than 1% of the vote in any state is Bo Gritz, who polled 4% in Utah and 2.5% in Idaho (Gritz, the Populist/America First nominee, is a Mormon).

The Associated Press reported on Wednesday, November 4, at 3 pm, that the third party presidential vote totals were: Marrou 278,528; Fulani 211,742; Gritz 97,601; Hagelin 44,521; Phillips 39,391; Warren 27,464; LaRouche 25,688; Daniels 25,404; Herer 3,452; Halyard 3,068; Brisben 2,789; Yiamouyiannis 2,316; Dodge 953. This list does not include the candidates who were on the ballot in only one state.

The results above will probably rise about 5% when they are made official. They do not include write-ins, which are likely to be most significant for Gritz and Hagelin.

VICTORY IN FLORIDA 10¢ FEE CASE

On October 5, the 11th circuit declared unconstitutional Florida law which requires third parties to pay the government for the cost of checking their petitions. The law had required third parties to pay 10¢ for each name submitted. *Fulani v Krivanek*, no. 91-3918. The vote was 3-0. The judges were Thomas Clark, Phyllis Kravitch (Carter appointees) and Virgil Pittman (a Johnson appointee).

The basis for the decision is that equal protection demands that third party candidates not be required to pay the fee, when independent candidates need not necessarily pay it. This is the first decision which ever struck down a ballot access restriction on the grounds that third party candidates cannot be treated more harshly than independent candidates.

The 11th circuit took great pains to show that a 1983 decision by the same court did not uphold the 10¢ fee, as the state had been claiming. That 1983 decision, *Libertarian Party v State*, seemed to approve the fee, but because the party had not challenged the fee in that case (instead, it had challenged the number of signatures), the language in the 1983 decision was *dicta*. The judges in the current case went so far as to retrieve the Libertarian Party's brief from storage, and to quote from it, to prove that the 10¢ issue was not raised in the old case.

The state has no plans to appeal the decision to the U.S. Supreme Court.

OTHER OFFICE HIGHLIGHTS

The Libertarian Party elected 4 state legislators in New Hampshire, and polled 44.5% for a Nevada State Senate candidate. About 900,000 voters voted for a Libertarian for the U.S. Senate, the highest Senate total for a nationally-organized third party since 1914.

The Hawaii Green Party polled 14% for U.S. Senator, in a race against both major parties. It elected a candidate to the Hawaii County Council, a partisan election. Never before had a third party candidate won a Hawaiian election.

The Vermont Progressive Coalition elected 5 members of the legislature, and the Alaska Independence Party elected one. Independents were elected to the legislature in Alaska, Arkansas, California, Mississippi, Massachusetts, New Hampshire, New York and South Carolina.

CHANGES IN BALLOT STATUS

Libertarian Party: compared to four years ago, is a qualified party in 4 more states (total 18, plus Pennsylvania). Gains in status, relative to December 1988, are Kansas, Missouri, New Hampshire, South Dakota, Utah, and Wisconsin, offset by loss of status in Michigan and New Mexico. It also gained party status in Pennsylvania, but petitioning there is still required.

New Alliance Party: compared to Dec. 1988, has lost Illinois and New Mexico, and gained Oregon. Total: 4.

Green Party: has status in the same 5 states it had before the election, but it will lose that in Arizona unless its registration increases to 13,000 by mid-1993.

U.S. Taxpayers Party and its affiliates: now have status in California, New Mexico and South Carolina.

Populist Party: now has status in Utah.

Ross Perot's vote created new parties in Alaska, Connecticut (those two only for presidential status), Arkansas, Louisiana, Oregon, and Pennsylvania (although the Pennsylvania Party must still petition).

Natural Law Party: has status in New Mexico, Vermont,

Independent American Party of Utah gained status.

NEW HOPE FOR POSTAL PETITIONING

On October 5, the U.S. Supreme Court vacated and remanded the 2nd circuit decision in *Longo v Postal Service*, 91-1988. The issue is whether post office sidewalks can be used for petitioning. The 2nd Circuit had said "No". Longo had then appealed to the Supreme Court, which has now told the 2nd Circuit to reconsider.

NO MORE NEW BUSH JUDICIAL APPOINTMENTS = GOOD NEWS!

In the period January 1, 1984 to the present, there have been 66 lawsuits in which a U. S. Court of Appeals judge had occasion to vote on the rights of political parties, or the right to be a candidate, or the duty of the government to treat all candidates equally. As the chart shows, Bush appointees to the Courts of Appeals have been overwhelmingly unhelpful on these issues; the Reagan judges have also been poor; the judges appointed by other presidents have been generally favorable:

	GOOD VOTES	BAD VOTES
<u>Kennedy judges:</u>		
Browning, 9th	2	0
Cummings, 7th	0	1
Kaufman, 2nd	1	0
Peck, 6th	1	0
<u>Johnson judges:</u>		
Coffin, 1st	0	1
Fairchild, 7th	0	1
Goodwin, 9th	2	0
Heaney, 8th	1	0
Holloway, 10th	1	0
Lay, 8th	1	1
Morgan, 11th	1	0
Seitz, 3rd	1	0
Winter, 4th	1	0
<u>Nixon judges:</u>		
Barrett, 10th	0	1
Doyle, 10th	1	0
Engel, 6th	1	0
McWilliams, 10th	0	2
Oakes, 2nd	1	1
Pell, 7th	1	0
Roney, 11th	1	0
Ross, 8th	0	1
Russell, 4th	0	1
Sneed, 9th	0	2
Timbers, 2nd	0	1
Wallace, 9th	1	0
Widener, 4th	0	2
Wood, 7th	0	1
Wright, 9th	2	0
<u>Ford judges:</u>		
Bauer, 7th	0	2
Hall, 4th	1	1
Hill, 11th	1	1
Siler, 6th	1	0
Van Graffeland, 2nd	1	0
<u>Carter judges:</u>		
Alarcon, 9th	0	1
Arnold, 8th	1	1
Breyer, 1st	0	1

<u>Carter (con't.)</u>	GOOD VOTES	BAD VOTES
Canby, 9th	1	0
Thomas Clark, 11th	2	0
Cudahy, 7th	0	1
Edwards, DC	0	1
Ervin, 4th	1	0
Farris, 9th	0	1
Hug, 9th	1	0
Frank Johnson, 11th	1	1
Sam Johnson, 5th	1	0
Nathan Jones, 6th	1	0
King, 5th	1	0
Kravitch, 11th	2	0
Logan, 10th	1	1
McKay, 10th	3	0
McMillan, 8th	1	1
Mikva, DC	1	0
Murnaghan, 4th	1	0
Nelson, 9th	1	0
Newman, 2nd	0	1
Norris, 9th	2	0
Phillips, 4th	2	0
Reinhardt, 9th	3	0
Schroeder, 9th	1	0
Seymour, 10th	3	1
Skopil, 9th	2	1
Sloviter, 3rd	1	0
Sprouse, 4th	0	2
Tang, 9th	1	0
Wald, DC	0	1
<u>Reagan judges:</u>		
Altimari, 2nd	1	0
Anderson, 10th	1	0
Baldock, 10th	1	0
Beam, 8th	0	1
Beezer, 9th	0	1
Bowman, 8th	0	1
Buckley, DC	0	1
Cardamone, 2nd	1	1
Chapman, 4th	0	1
Coffey, 7th	0	2
Cohen, 3rd	0	1
Easterbrook, 7th	1	2
Fagg, 8th	0	1
Flaun, 7th	0	2
J. Gibson, 8th	0	3
Greenberg, 3rd	1	0
Guy, 6th	1	0
Hall, 9th	0	1
Hutchinson, 2nd	0	1
Jolly, 5th	1	0
Kanne, 7th	0	1
Kozinski, 9th	1	0
Leavy, 9th	1	0
Magill, 8th	0	2
Manion, 7th	0	1
Milburn, 6th	1	0
Moore, 10th	0	1
O'Scannlain, 9th	0	1

Reagan (con't.)	GOOD VOTES	BAD VOTES
Pierce, 2nd	1	0
Posner, 7th	2	1
Ripple, 7th	1	0
Scirica, 3rd	0	1
Selya, 1st	0	1
Sentelle, DC	0	1
Tacha, 10th	1	0
Torruella, 1st	0	1
Trott, 9th	0	2
Waters, 8th	0	1
Wiggins, 9th	0	1
Wilkinson, 4th	2	1
Winter, 2nd	0	2
Wollman, 8th	0	2
<u>Bush judges:</u>		
Fernandez, 9th	0	3
Henderson, DC	0	1
Niemeyer, 4th	0	1
Rymer, 9th	0	1
Walker, 2nd	1	1
BUSH JUDGES	1	7
REAGAN JUDGES	18	39
OTHER JUDGES	59	35

Why are Bush appointees so unfavorable to First Amendment rights for political parties and candidates? Bush appointees went through extensive interviews with senior Justice Department officials, followed by further review for "ideology checks" by higher-level White House officials. The values of President Bush and his staff have not coincided with concern for fairness in elections.

It should also be noted that Bush's only two appointments to the Supreme Court, David Souter and Clarence Thomas, both voted this year that a voter has no right to vote for whomever he or she wishes, and that therefore write-in space on ballots can be eliminated. If the two Justices replaced by Bush (William Brennan and Thurgood Marshall) had still been on the court when *Burdick v Takushi* was decided, the outcome would have been 5-4 in favor of freedom of choice, rather than a 6-3 loss.

MONTANA LOSS

On October 6, federal Judge Charles Lovell, a Reagan appointee, upheld Montana's July 29 deadline for presidential petitions. *Fulani v Cooney*, 92-60-H-CCL.

The opinion says that county officials sometimes have only one person available to check the signatures, and therefore they need plenty of time. Also, the decision cites the need to have time for anyone to challenge the decision of elections officials, if it is believed that a petition was wrongfully rejected.

Fulani plans to appeal. She points out that if Montana were to reduce the number of signatures, it would be easier for the signatures to be checked. Montana requires more signatures for president (relative to the number of eligible signers) than any other state, except Wyoming.

MISSOURI LOSS

On October 29, the Missouri State Court of Appeals refused to order certain Libertarian candidates for state office, and for U.S. House of Representatives, on the ballot.

Although the party may still win the case after the election, it couldn't get any relief in time for the election. The issue is whether a new party can replace a candidate who died before the election, and whether it can place candidates for Congress and legislature on its statewide petition, even though the petition didn't circulate in all the districts.

CALIFORNIA LOSS

On September 23, the 9th circuit turned down a request for a rehearing in *Lightfoot v Eu*, the California Libertarian Party lawsuit designed to win more freedom for the party to nominate candidates by its own preferred procedures. The party may appeal to the U.S. Supreme Court. The brief will be due just before Christmas.

SOCIAL SECURITY NO. CHALLENGED

On October 5, the Socialist Workers Party sued Delaware over that state's requirement that all signers of an independent candidate petition, must put their Social Security number next to their signature. *Warren v Harper*, no. 12744, Chancery Court, New Castle County.

On October 15, the judge denied an injunction to place the party's presidential candidate on the ballot, because the ballots had already been printed. He will issue a ruling on the merits of the case in the next few weeks. The party charges that the requirement violates the federal Privacy Act, since Delaware wasn't requiring the Social Security number on independent candidate petitions prior to 1975. The federal Privacy Act forbids the states from requiring disclosure of Social Security numbers, unless the state was already doing so before 1975.

MISSISSIPPI SORE LOSER CASE

Mississippi kept Lyndon LaRouche off the ballot as an independent candidate, because he ran in the Democratic presidential primary in that state. His lawsuit to reverse that decision, *LaRouche v Fordyce*, is still pending in the State Supreme Court. That Court refused to expedite the case on October 22. Although LaRouche still may win the case, he was not on the ballot.

NEW YORK PRESIDENTIAL ELECTORS

On October 16, the New York State Supreme Court, Appellate Division, ruled that presidential elector candidates must each submit a declaration of candidacy. *Leemhuis v New York Board of Elections*, no. 6284-92.

The decision meant that Lyndon LaRouche didn't appear on the New York ballot as an independent. Although his petition was sufficient, his candidates for presidential elector didn't submit declarations of candidacy, because they believed that only the presidential and vice-presidential candidates needed to submit such a document.

PRESIDENTIAL WRITE-IN STATUS

26 states provide that presidential candidates who are not on the ballot, can file a declaration of write-in candidacy, so that their write-ins will be counted. 9 states don't permit presidential write-ins. The other 15 states theoretically count all write-ins, but generally don't tally the results into their official election returns. The District of Columbia has provision for write-in candidates to file a declaration of candidacy, but then perversely still won't tally their write-ins, even though the highest court within the D.C. system ruled in 1974 that they must, in *Kamins v Bd. of Elections*, 324 A 2d 173.

Four third party and independent presidential candidates this year filed to have their write-ins counted, in almost every state in which they weren't on the ballot:

1. Lenora Fulani & Liz Munoz, New Alliance: Were able to receive votes in 47 states and D.C. (all except California, Florida and Oklahoma). The ticket decided not to file for write-in status in California, since within California the New Alliance Party supports Ron Daniels, the Peace & Freedom nominee.

The ticket missed the deadline to file for write-in status in Florida by two hours (Florida requires write-in presidential candidates to file in mid-July, an absurdly early deadline). The campaign filed a lawsuit in state court against the deadline, but the court refused to expedite the case. After the election is over, the lawsuit may result in the deadline being held unconstitutional. *Fulani v Smith*, no. xxx xxx xxx, Leon County.

The ticket couldn't receive votes in Oklahoma, since it wasn't on the ballot there, and Oklahoma is one of 5 states which forbids all write-in votes. A lawsuit is currently pending against Oklahoma's write-in ban, but it won't be decided for many months.

2. John Hagelin & Mike Tompkins, Natural Law: Were able to receive votes in 46 states and D.C. (all except Georgia, Oklahoma, South Carolina and Virginia). Georgia permits write-ins, but the party missed the filing deadline for write-in status by one day. Oklahoma bans all write-ins, and Virginia and South Carolina are two of the four states which ban presidential write-ins, even though they permit them for all other offices.

3. Bo Gritz & Cy Minette, Populist/America First: Were able to receive votes in 42 states (all except Florida, Massachusetts, Nebraska, New Mexico, North Carolina, Oklahoma, South Carolina, and South Dakota). The party missed the filing deadline for filing write-in status in Florida, Massachusetts, and North Carolina, and the other states don't permit presidential write-ins.

The party filed a lawsuit against the Florida write-in deadline, but the state court of appeals refused to expedite the case in time to be heard for the election. *Gritz v Smith*. The party tried to sue New Mexico over that state's sudden decision to ban presidential write-ins, but was unable to find a lawyer in time.

4. Lyndon LaRouche & James Bevel, Independent, were able to receive votes in 38 states and D.C. (all except Florida, Georgia, Hawaii, Kansas, Kentucky, Nebraska, Nevada, New Mexico, North Carolina, Oklahoma, South Carolina, and South Dakota). The campaign missed write-in deadlines in Florida, Georgia, Kansas, Kentucky, North Carolina, and the other states don't permit presidential write-ins.

OTHERS: Other third party presidential candidates didn't make such a concerted attempt to file for presidential write-in status in all states in which they weren't on the ballot, but did file in some states. Information on write-in status for the remaining presidential candidates who were on the ballot in at least two states is as follows:

5. Howard Phillips & Albion Knight, U.S. Taxpayers, had write-in status in Connecticut, Kansas, Maryland, and Texas. The ticket was able to receive votes in 30 states.

6. James Warren & Estelle DeBates, Socialist Workers, had write-in status in California, Connecticut, Georgia, Maryland, Missouri, North Carolina and Ohio. The ticket was able to receive votes in 29 states and D.C.

7. Quinn Brisben & Barbara Garson, Socialist, had write-in status in Florida, Idaho, Illinois, Indiana, Massachusetts, New York, Oregon, Texas and Washington. The ticket was able to receive votes in 26 states and D.C.

8. Ron Daniels & Asiba Tupahache, Independent, had write-in status in Maryland, Missouri, and New York. The ticket was able to receive votes in 23 states and D.C.

9. Earl Dodge & George Ormsby, Prohibition, had write-in status in Colorado, Massachusetts, and North Dakota. The ticket was able to receive votes in 21 states.

10. John Yiamouyiannis & Allen C. McCone, Independent, had write-in status in Missouri and Washington state. The ticket was able to receive votes in 19 states.

Third party presidential candidates who were on the ballot in at least two states, but who didn't file to have their write-ins counted in any state, were Helen Halyard (Workers League), and Jack Herer (Grassroots).

Many other people who were not on the ballot in any state, or who were on the ballot in only one state, also filed to have their write-ins counted in some states. Missouri had the most declared write-in presidential candidates, 31.

BALLOT ACCESS NEWS (ISSN 10436898) is published by Richard Winger, Field Representative of the Coalition for Free and Open Elections, \$7 per year, thirteen times per year, every 4 weeks, at Bx 470296, San Francisco CA 94147. Second class postage paid at San Francisco CA. © 1992 by Richard Winger. Permission is freely granted for reprinting *Ballot Access News*, with attribution. PRODIGY address: BBJK79A.

POSTMASTER: Send address changes to *Ballot Access News* at Bx 470296, San Francisco Ca 94147-0296.

THIRD PARTY PRESIDENTIAL DEBATES

There were four debates between third party presidential candidates last month:

1. On October 15, one sponsored by the Richmond, Virginia Jaycees, was originally open to any presidential candidate who was on the ballot in Virginia, and who was not invited into the "major" debate held the same day. Thus, Andre Marrou, Lenora Fulani, and Lyndon LaRouche were the only candidates invited. However, the Natural Law Party persuaded the Jaycees that John Hagelin should be included, even though he wasn't on the Virginia ballot. Marrou wasn't willing to debate, so another Libertarian, Steve Givot, took his place. LaRouche was unable to appear because he is jailed, so Debra Freeman took his place. The debate was only televised locally.
2. On October 19, one was held in Detroit and was sponsored by the new Non-Partisan Committee for Political Debates. Anyone on the ballot in at least 15 states was invited, but only the candidate could appear; no substitutes were permitted. Marrou, Fulani and Bo Gritz declined to appear, so the debate was between Hagelin and Howard Phillips. This debate was only televised locally.
3. On October 22, again by the Non-Partisan Committee for Political Debates, included Fulani, Hagelin and Phillips. It was held at George Washington University in Richmond, Virginia, and was televised by C-SPAN. Supporters of Lyndon LaRouche disrupted the first ten minutes, to protest the rule that substitutes couldn't participate.
4. On October 30, one was sponsored by C-SPAN and broadcast by that network. It was between Marrou and Fulani. No one else was invited; the criterion was that the invitees had to be on the ballot in states containing a majority of electoral votes.

There have been debates between third party presidential candidates in the past. In 1948, Socialist candidate Norman Thomas debated Socialist Workers candidate Farrell Dobbs. In 1980, Libertarian nominee Ed Clark debated Citizens Party nominee Barry Commoner. Probably there have never been so many debates between general election presidential candidates as there were this year. Earlier this year, Lenora Fulani and Ron Daniels debated, so in 1992 there were eight debates between general election presidential candidates.

COURT FAILS TO INTERVENE IN DEBATES

On October 6, Lenora Fulani asked the U.S. District Court in Manhattan to order the Treasury to revoke tax-exempt status for the Commission on Presidential Debates, unless the Commission immediately invited her into the Bush-Clinton-Perot debates. On October 9, federal judge Shirley W. Kram refused to do so. *Fulani v Brady*, no. 92-Civ 7182 (SWK).

The case will proceed for a final decision, at a slower pace. The issue is also pending in another case, also called *Fulani v Brady*, which is before federal Judge Robert Sweet, but which concerns the League of Women Voters.

LOUISIANA LEGISLATIVE HEARING

On October 7, the Louisiana House subcommittee which deals with election laws, held a hearing on how to make it easier for small political parties to gain recognition. The Subcommittee unanimously agreed to ask the staff to write some proposal to make it easier.

Louisiana law does not permit any party labels on its ballots (except for president) unless the party polled 5% of the vote for president, or unless it has 5% of registration.

PETITIONING LOSS IN ILLINOIS

On October 1, the Illinois Supreme Court ruled unanimously that the free speech provisions of the Illinois Constitution do not require shopping centers to permit leafletting or petitioning in privately owned shopping malls. *People v Diguida*, no. 72272.

Paul Diguida, the petitioner, will now be prosecuted for criminal trespass, because on December 12, 1987, he asked shoppers to sign a petition for a candidate for county office. He was 25 feet away from the grocery store's entrance, near the shopping cart control area, and he did not inhibit anyone's passage. However, he did not have permission to petition on the store's property.

Under a 1980 U.S. Supreme Court ruling, each state Supreme Court must decide this issue for its own state, based on its own state constitution. States where state courts have ruled that state constitutional protections for free speech extend to shopping malls are California, Colorado, Massachusetts, New Jersey, Oregon and Washington. States which have gone the other way, besides Illinois, are Connecticut, Michigan, Minnesota, New York, North Carolina, Pennsylvania and Wisconsin.

OHIO ROBS CANDIDATES OF LABEL

None of the presidential candidates on the Ohio ballot this year had any label next to their names, except for Bush, who was labelled "Republican", and Clinton, who was labelled "Democrat". This is a surprise, since there six other candidates for president on the ballot, most of whom expected a label of "Independent" or "Non-partisan".

The U.S. Court of Appeals ruled on July 22 that it is unconstitutional for Ohio to refuse any label to candidates who get on the general election ballot by petition.

The Secretary of State, Robert Taft, then announced that he would print "non-partisan" or "Independent" on the ballot this year for candidates who got on the ballot by the Independent method. Later, without telling any candidates, he changed his mind, and decided not to print any label, unless the candidate asked for one of those two choices. Since the candidates weren't informed that they were supposed to make an affirmative request, they didn't do so. However, two candidates for Congress did learn of the switch, and did receive the label "Independent".

The Natural Law Party has applied for membership in COFOE, the Committee for Free & Open Elections.

NEVADA COURT NIXES TERM LIMITS

On September 18, the Nevada Supreme Court removed the term limit initiative from the ballot, on the grounds that it violates the U.S. Constitution. *Stumpf v Lau*, no. 23517. The Court also found flaws in the petition. The only possible appeal is to the U.S. Supreme Court. A decision on whether to appeal has not yet been made.

BALLOT ORDER LAWSUIT REVIVED

The New Alliance Party recently revived its lawsuit, *New Alliance Party v N.Y. State Bd. of Elections*, 90-civ-6226, fed. court, Manhattan, challenging the order in which New York puts parties on the ballot. On October 9, Judge Robert Ward declined to order any changes this year, but seemed sympathetic to the argument.

New York puts the fully-qualified parties on the ballot in the order in which they performed at the last gubernatorial election. However, it puts the other parties on the ballot according to the results of a random drawing.

The New Alliance Party argues that the principle of putting parties on the ballot according to their strength in the last election should be followed for all parties, not just the fully-qualified ones. Since the New Alliance Party polled the most votes for Governor in 1990 of all the unqualified parties, it would have the line below Bush and Clinton if its idea were policy.

1992 PRESIDENTIAL BALLOT ORDER

These presidential candidates have the best spot on the ballot ("best" meaning closest to the top) that a third party or independent candidate can get, in these states:

Brisben (Socialist): D.C., Tennessee

Daniels (indp.): Wisconsin

Fulani (NAP): Hawaii, Illinois, Maine, Massachusetts, Mississippi, Nevada, Oregon, Vermont (8).

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.

Gritz (Populist/America First): Louisiana

Herer (Grassroots): Minnesota

LaRouche: Rhode Island, Virginia

Marrou (Lib't.): Alabama, Arizona, Colorado, Delaware, Georgia, Indiana, Kentucky, Maryland, Missouri, Nebraska, New Hampshire, New York, North Carolina, Oklahoma, Pennsylvania, South Dakota, Texas, Utah, Washington state, West Virginia, Wyoming (21).

Perot: Connecticut, Florida

Phillips (Taxpayers): Michigan, New Mexico, South Carolina (3).

Yiamouyiannis (indp.): Iowa

Seven states rotate the order of presidential candidates from one precinct to another, so that all candidates have an equal chance for the top of the ballot: Alaska, California, Idaho, Kansas, Montana, North Dakota, and Ohio. In Arkansas and New Jersey, each county decides the ballot order of the candidates for itself.

FLORIDA INITIATIVE ON BALLOT ACCESS

Third parties in Florida are pondering whether to launch an initiative campaign, to change Florida's repressive ballot access laws.

Initiatives in Florida can only change the state constitution; they can't merely change statutes. Therefore, the proposal under discussion is very general. It states that the state government may not discriminate against any political party because of its size. However, the sponsors realize that this could be interpreted to mean that the government must hold a primary for each party, and that would cost a great deal of taxpayer money.

Initiatives in Florida require a number of signatures equal to 8% of the last gubernatorial vote, now 282,470 signatures. For more information about the proposal, contact Ron Cole at (407) 644-7090.

SECOND CLASS PAID AT SAN FRANCISCO CA

I want to receive **BALLOT ACCESS NEWS**.

I enclose \$7.00 for 1 year (overseas: \$12)
Make check out to "Ballot Access News".

To receive it by First Class Mail, enclose \$9.00

I want to join COFOE. Enclosed is \$_____ (includes one-year subscription to this newsletter, or one-year renewal).
Make check out to "COFOE". Minimum dues are \$11.

Name _____
Address _____
City _____ State _____ Zip _____