

SUPREME COURT RULES FOR RIGHT TO "CREATE AND DEVELOP" NEW POLITICAL PARTIES

FIRST BALLOT ACCESS VICTORY FROM THAT COURT SINCE 1983

On January 14, 1992, the U.S. Supreme Court issued an opinion in *Norman v Reed*, the Illinois ballot access decision concerning the Harold Washington Party's attempt to get on the November 1990 ballot for county office in Cook County, Illinois. It was written by Justice David Souter. Justice Clarence Thomas did not participate in the decision because he had not yet been confirmed when the case was argued.

There were five separate issues. The Harold Washington Party won two of them; the Court abstained on two of them; the party lost on one issue. The five issues and their outcomes were:

1. How many signatures does a Cook County party need to get on the ballot for countywide office? The Court ruled 7-1 that only 25,000 signatures are needed. Justice Antonin Scalia dissented and said that 50,000 are required.
2. Can a party which is already established in one part of the state, expand into another part? The Court ruled 8-0 that it may.
3. Is it constitutional for a state to dictate that a new party must run a full slate of candidates? The Court felt that the party had not actually challenged this law, and therefore did not decide this issue.
4. Does the full slate requirement pertain to candidates for judge? The Court did not decide this issue either, since the Illinois Supreme Court had failed to answer this question. The U.S. Supreme Court sent this issue back to the State Supreme Court to decide.
5. The only issue which the party lost was whether its candidates for County Commissioner from the suburbs should be on the ballot, even though they only submitted 7,000 signatures. The Court ruled that if the party had wanted its suburban candidates to be on the ballot, it should have collected 25,000 signatures in the suburbs.

The effect on the Harold Washington Party

The party was on the November 1990 ballot for county office because the Supreme Court had issued an order, just before the election, putting it on. It polled over 5% of the vote. Since the Supreme Court has now affirmed that the party properly belonged on the 1990 ballot, it is now a qualified party in Cook County, with its own primary. It may nominate candidates for partisan office wholly within Cook County (Congress, legislature and county office). However, no one filed to run in its March 1992 primary for public office. It must poll 5% for some countywide office again in 1992 to retain its status. It may yet nominate candidates by committee or by write-in.

The real importance of the decision

The particular issues in the case were not very important outside Illinois. No state except Illinois requires a new party to submit a full slate of candidates. No state except Illinois ever dreamed of telling a political party which is legally established in part of the state, that it may not expand into another part of the state, or into the entire state.

The real importance of *Norman v Reed* lies in the theory that the Court expounded, to settle the issues. The Court stated that the U.S. Constitution protects the "right of citizens to create and develop new political parties".

It added, "To a degree that a State would thwart this interest by limiting the access of new parties to the ballot, we have called for the demonstration of a corresponding interest sufficiently weighty to justify the limitation, and we have accordingly required any severe restriction to be narrowly drawn to advance a state interest of compelling importance."

This is the first time since 1979 that the Supreme Court has used the "compelling state interest" test for ballot access. At that time, not every justice agreed that this was the proper test. This time, no justice quibbled. This is the best test for advocates of tolerant ballot access. It says that severe ballot access restrictions are unconstitutional unless the government can "demonstrate" that they are needed for a reason of compelling importance. By contrast, some Supreme Court ballot access decisions have failed to state what the proper test is, leading some lower courts to think that the proper test is that a restriction should be upheld if it is merely "rational".

Equally important, Justice Souter's opinion says that Constitutional protection extends not just to voting for third party candidates, but to the right to "create and develop new political parties." The Supreme Court has never used such language before.

The "create and develop" phrase suggests that there may be constitutional protection against all election laws which seriously impede the ability of a new party to survive and grow. Examples: laws which prevent parties from having their party label appear on the ballot; laws which force a new party to submit separate petitions for each statewide candidate; laws which make it impossible for a party to qualify in just part of a state; and laws which force a party to petition anew each election year, even though it received a large number of votes in the last election.

The payoff from *Norman v Reed* will be seen first in ballot access cases which are already pending (see page four).

2nd CIRCUIT BANS PETITIONING AT P.O.

On January 13, the U.S. Court of Appeals, 2nd circuit (which contains New York, Vermont and Connecticut) ruled that it is constitutional for the post office to ban petition-circulating, if the petition is for a candidate. *Longo v U.S. Postal Service*, no. 91-6141. The post office doesn't mind if other types of petitions are circulated on its sidewalks. The court said that if petitions for candidates could be circulated on post office sidewalks, the public would be confused and think the post office endorsed those candidates. The decision equates petitioning with campaigning, and says that if campaigning were permitted on post office sidewalks, they would be overrun with campaigners. The decision was written by William Timbers, a Nixon appointee, and signed by Ralph K. Winter, a Reagan appointee, and John M. Walker, a Bush appointee. The judges decided not to have this decision published, which will somewhat lessen the harm it does.

The decision is a blow to third party and independent candidates, because there is a severe shortage of good places for petitioning to be carried on. In most states, private shopping centers have the right to exclude petitioners from parking lots. When petitioners can also be barred from post offices, there frequently are no places left where petitioning is permitted and foot traffic is plentiful.

Longo has until April to decide whether to appeal to the U.S. Supreme Court.

PUBLIC FORUM ISSUE IN HIGH COURT

On February 25 the Supreme Court will probably release a decision in *Burson v Freeman*, no. 90-1056. This is the Tennessee case on whether the First Amendment protects an individual's right to pass out literature outside a polling place on election day (no one argues that people should be permitted to do this inside the polling place; the dispute concerns the area outside, within 100 feet of a polling place). The case was argued on October 8, 1991.

Also, the Supreme Court will hear another case, *International Society for Krishna Consciousness v Lee*, no. 91-155, in April, with a decision by July. That case concerns the right to solicit donations in publicly-owned airport terminals. These two decisions will both have some impact on the post office petitioning controversy.

GOOD GEORGIA BILL ADVANCES

Georgia HB 197 passed the House Elections Committee on January 15. This is a bill which failed to pass last year. However, it remained technically alive and now it is genuinely alive. It would (1) reduce the statewide petition for third parties and independent candidates to 15,000 signatures; (2) provide that a party which polls 1% of the number of registered voters, is then entitled to nominate candidates (without further petitioning) for all office, not just statewide office; (3) lower the petition for third party and independent candidates for district office from 5% of the number of registered voters, to 2.5%. The Georgia House will vote on it on February 3.

BAD BILL INTRODUCED IN VIRGINIA

On January 21, Virginia Delegate L. Karen Darner, a Democrat, introduced HB 738, which makes it more difficult for a third party or independent presidential candidate to get on the ballot. Existing law requires such a candidate to collect signatures from one-half of 1% of the registered voters, and provides that there must be at least 200 signatures from each congressional district in the state (Virginia now has eleven districts).

The Darner bill eliminates the congressional district distribution requirement, but says that the petition must contain at least 50 signatures from each State Senate district in the state! The effect would be that a candidate or party would have to do forty different petition drives (since there are 40 state senate districts), and if even one of them failed, the entire effort would be wasted.

The bill leaves intact other laws which say that no one may circulate a petition outside his or her home congressional district, and that there must be one candidate for presidential elector from each congressional district, and that such electors must appear on the petition.

The supposed purpose of HB 738 is to deal with the problem that the Virginia Congressional District lines are still not known, whereas legislative district boundaries are known. However, the bill doesn't solve that problem, since it leaves intact other provisions (described above) which require that the Congressional district boundaries be known before the petition can be circulated.

Delegate Vincent Callahan, Jr., a Republican, understands the problems with HB 738 and has indicated he will work to get the bill amended. It may have a hearing as early as February 5.

GOOD BILLS INTRODUCED IN KENTUCKY

Kentucky Representative John Harper, a Republican, has introduced two good bills: (1) HB 131 repeals the ballot access restrictions which were declared unconstitutional last year; (2) HB 318 eliminates the ban on write-in votes for president in general elections. The bills will be heard in the House Elections Committee sometime in February.

GOOD BILLS INTRODUCED IN MISSOURI

The ballot access bills which were introduced in 1989, 1990 and 1991 have again been introduced in each house of the Missouri legislature. In the Senate, the bill is SB 723 and contains many other election law changes. In the House, the ballot access improvements stand alone in HB 1244. The prime sponsors of each bill continue to be Senator Frank Flotron and Representative Sheila Lumpe, but each bill at least four co-sponsors, including several of the most powerful legislators in the state. The bills will be heard in committee sometime in February.

The 1991 legislature passed a similar bill, but the Governor vetoed it because of some unrelated provisions in the same bill. This year's bill is even better than the 1991 version. The 1992 version provides that a party may begin petitioning before it has chosen its candidates.

INDIANA SETBACK

Indiana's Senate Elections Committee passed SB 307 on January 21, but the bill carries almost no ballot access improvements. The Committee rejected an amendment to lower the number of signatures needed for third party and independent candidates from 2% of the last vote cast (over 30,000 signatures), to a flat 15,000 signatures. The Committee also rejected an amendment to change the vote test from 2% in the Secretary of State's race, to 2% for any statewide office. However, the bill does provide that a voter may sign more than one petition (current law provides that a voter may sign only one group's petition).

BAD COLORADO BILL PENDING

On January 22, the Colorado Senate State Affairs Committee considered SB 74, which increases the number of signatures needed for third party and independent candidates for statewide office and for county office. The bill was introduced by Republican Senator Bonnie Allison. The committee voted 3-3 on the bill. Another vote will be taken, perhaps as early as February 5.

Current law requires non-presidential third party and independent candidates for statewide office to obtain 1,000 signatures. The bill would increase this to 5,000.

Current law requires third party and independent candidates for county office to obtain 600 signatures, or 20% of the last vote cast, whichever is less. The bill would have changed the requirement to 20% in all cases, which would mean that candidates for county office would sometimes need 50,000 signatures. This provision is unconstitutional, since the U.S. Supreme Court has indicated that 5% is the maximum petition requirement allowed. That Court has also said that the number of signatures for office in just part of the state can never be higher than the number of signatures needed for statewide office.

SUPREME COURT ON DEBATES

On January 13, the U.S. Supreme Court refused to hear *Fulani v Brady*, a case over whether a third political party has standing to challenge tax-exempt status of the Commission on Presidential Debates. The Commission plans to sponsor general election debates in the fall between the Democratic and Republican candidates, and no one else. Fulani had charged that the Commission should lose its tax-exempt status, since it is behaving in a partisan manner (aiding the Democratic and Republican Parties against all other parties).

The decision means that the Supreme Court is willing to live with a split in the U.S. Court of Appeals circuits. The 2nd circuit, based in New York, had ruled earlier that someone like Fulani does have standing to sue the Treasury over its failure to revoke tax-exempt status. The D.C. circuit in this case had ruled that she does not. If the Supreme Court had been strongly opposed to either of these two conflicting opinions, it would have taken the case. Since it didn't take the case, Fulani plans to file future cases in the 2nd circuit, where the law is favorable on the standing issue.

CONGRESS ON DEBATES

U.S. Senator Paul Wellstone will introduce the "Democracy in Debates" bill in the U.S. Senate in February. This will be the first time any bill has ever been introduced in the U.S. Senate specifically to help third political parties. The bill was introduced in the House last year by Congressman Timothy Penny.

Senator Wellstone will hold a press conference to announce the bill at which John B. Anderson, Andre Marrou and Lenora Fulani are expected to appear. The bill provides that general election presidential debates must include third party and independent presidential candidates who have raised at least \$500,000 and will appear on the ballot in at least 40 states.

HAWAII WRITE-IN BRIEFS FILED

On January 23, the ACLU filed its brief in *Burdick v Takushi*, the case in the U.S. Supreme Court over whether the Constitution protects the right of a voter to cast a write-in vote. Also filing friend of the court briefs on the side of the ACLU were (1) the Hawaii Libertarian Party; (2) Hawaii Common Cause; (3) the Socialist Workers Party; (4) COFOE, Andre Marrou and Lenora Fulani. Briefs on the other side are due February 22.

SANDERS WON'T HELP BALLOT ACCESS BUT MARYLAND HOPEFUL WILL

Congressman Bernie Sanders of Vermont, the only independent member of Congress, stated on January 21 that he would not introduce the bill to outlaw restrictive ballot access laws in federal elections.

The bill had been introduced by Congressman John Conyers of Michigan in 1985, 1987 and 1989, but Conyers stated last year that he was too busy to introduce it again.

Sanders' letter states, "As you know, Congressman Conyers decided not to reintroduce his bill. On this issue I feel that I should defer to his judgement."

Maryland Delegate Dana Denbrow is running for Congress as a Democrat. He has promised to introduce the bill if he is elected. He introduced a bill in 1991 in the Maryland legislature to reform ballot access in that state. Denbrow faces a tough primary on March 3 and welcomes campaign contributions. Write Denbrow for Congress, 11215 Oak Leaf Dr., #908, Silver Spring Md 20901.

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PRESIDENTIAL PRIMARY ACCESS CASES

Lawsuits were filed in January in five states over ballot access procedures for presidential primaries.

1. South Dakota: Pat Buchanan filed a lawsuit on January 3, alleging that rules which kept him off the Republican presidential primary ballot are unconstitutional. However, on January 16 Judge James Anderson ruled that there is nothing wrong with those procedures, which require any candidate to show support at party county conventions in November, and to win at least several delegates to the state convention in December, in the year before the election. *Buchanan v Hazeltine*, no. civ-92-6, Circuit court, Hughes County. As evidence that the requirements aren't too stringent, the state pointed out that Lyndon LaRouche was able to use them in this year's Democratic primary, which will be held February 25.

2. Rhode Island: Duke won a court order on January 30, putting him on the Republican primary ballot. The decision was made by federal judge Ronald Lagueux, a Reagan appointee. *Duke v O'Connell*, no. 92-0014. The primary is March 10. Rhode Island law says that candidates recognized by the media should be put on the ballot automatically; that other candidates must collect 1,000 signatures. Duke had tried but failed to get the signatures. The ACLU then sued and won for him.

3. Georgia: Duke lost a case in federal court on January 21. His appeal will be argued on February 6 in the 11th circuit before Judges Phyllis Kravitch (a Carter appointee), Emmett Ripley Cox (a Bush appointee) and R. Lanier Anderson (a Carter appointee). *Duke v Cleland*, no. 92-8048. Georgia provides that candidates mentioned in the news media should be automatically on the ballot and other candidates have no means for getting on. The primary is March 3.

The lower court judge, Richard Freeman, a Nixon appointee, said that a political party has a First Amendment right to exclude anyone from its primary if the party feels the candidate is not a *bona fide* member. The trouble with this argument is that the Republican Party of Georgia and the national Republican Party have no bylaws on how anyone may know who is a *bona fide* member.

4. Florida: Duke and several candidates for the Democratic nomination filed a lawsuit against Florida procedures, which provide that the Secretary of State shall have sole discretion to decide whom to put on the ballot. *Duke v Smith*, no. 92-0134. A hearing was held on January 28 before Miami federal judge Frederico Moreno, a Bush appointee. On January 30, Moreno refused to issue an injunction to put the candidates on the ballot.

5. Maryland: Eugene McCarthy and several other Democratic presidential candidates filed a lawsuit in state court over Maryland procedures, which provide that candidates mentioned in the media should automatically be on the ballot, and other candidates each need 400 signatures from each congressional district. A hearing was held January 29-30. *McCarthy v Kelly*, no. 92-00455, Circuit Court, Anne Arundel County.

OTHER PENDING BALLOT ACCESS CASES:

1. A challenge to an Arizona law requiring independent candidate petitions to be completed in only 10 days, now in U.S. District Court. *Hancock v Symington*.

2. A challenge to a California law which makes it impossible for a small qualified party to nominate candidates by write-in, even though the major parties may do so. This case, *Lightfoot v Eu*, has a hearing in the 9th circuit Feb. 11 (also see page 6 for another California lawsuit).

3. A challenge to a Colorado law which makes it impossible for small parties to nominate someone who hasn't been a member for a year, even though no such restriction applies to the Democratic and Republican Parties (this case lost in State Supreme Court and will be appealed to the U.S. Supreme Court). *Colorado Libertarian Party v Secretary of State*.

4. A challenge to a Florida law which requires a new party to pay the government to check the validity of its signatures, now pending in the Eleventh Circuit. *Fulani v Krivanek*.

5. A case pending in Maine which attacks the state's policy of listing only the Democratic and Republican Parties on the state tax form, even though another party in Maine (the Libertarian Party) is qualified there (the purpose of the listing on the tax form is to make it more convenient for taxpayers to make a contribution to the political party of their choice). *Libertarian Party of Maine v Bureau of Taxation*.

A case will also soon be filed against Maine law which makes it virtually impossible for anyone to get on the primary ballot of a small, qualified party.

6. A challenge to an Ohio law which does not permit any partisan label whatsoever on the ballot for candidates who qualify by petition, whereas candidates nominated by primary may have a party label on the ballot (now pending in the 6th circuit). *Rosen v Brown*.

7. Challenges pending in Texas to several laws: (1) that non-presidential independent candidates must file a declaration of candidacy in January (2) that independent candidates must include voter registration affidavit numbers for all their petition signers; (3) that third party and independent candidate petitions are due in May. *Ybarra v Bayoud* and *Perez v Bayoud*.

8. A challenge to a Wisconsin law which makes it impossible for a candidate to run for office in the primary of more than one party. This case lost in the 7th circuit and the Labor-Farm Party plans to ask the U.S. Supreme Court to hear it. *Swamp v Kennedy*.

MEDIA ENDORSE FAIR BALLOT ACCESS

On January 16, the *Washington Post* editorialized against restrictive ballot access laws. *The New Republic* of January 6-13 carried an article by Matthew Levie condemning severe ballot access laws and other actions by government and the media which make it difficult for third parties to compete in U.S. elections.

KENTUCKY SOLON WANTS NEW PARTY

John Harper, a former Republican nominee for Governor of Kentucky and a member of the House, announced last November that he intends to form a new political party, to be called the United Party. The party is soliciting members and does not ask that members give up registration in other political parties. Harper is running for re-election this year but he can't run as the candidate of his own new party because the election code won't let any candidate switch parties this close to an election.

The party defines itself as "centrist" and can be reached at 200 North Buckman St., Shepherdsville, Ky 40165-5901.

TAXPAYERS PARTY TO RUN PHILLIPS

In early January, the U.S. Taxpayers Party decided to run Howard Phillips for president. Phillips founded the party and searched for a prominent conservative who would accept the party's presidential nomination. Since he couldn't find one, the party will go ahead with a presidential campaign with Phillips as the candidate. However, if a more prominent candidate desires the nomination, Phillips will resign the nomination in that person's favor.

Phillips expects the New York Right-to-Life Party, the American Independent Party of California, and the Michigan Tisch Independent Citizens Party, to nominate him, although none has done so officially yet. Phillips also hopes to get the nomination of the American Party of South Carolina.

WORKERS LEAGUE CANDIDATES

On January 10, the Workers League announced that it will run Helen Halyard for president and Fred Mazelis for vice-president. Halyard, 40, lives in Detroit, Michigan and was the party's vice-presidential candidate in 1984. Mazelis, 50, was the party's candidate for Mayor of New York city in 1989. This is the third presidential election which the party has entered. In 1988 it polled 18,693 votes for president, which was the best showing for any Marxist presidential campaign in 1988.

The Socialist Workers Party will choose a presidential candidate sometime during February. It has run a presidential campaign in every election since 1948.

The Workers World Party still hasn't decided whether to run a presidential candidate or not. It ran a presidential campaign during each of the last three elections.

SOUTH CAROLINA AMERICAN PARTY TO CHOOSE A PRESIDENTIAL CANDIDATE

Even though the American Party has chosen its presidential candidate already, the American Party of South Carolina operates autonomously and plans to make its own decision, on May 2. The South Carolina party is permanently qualified for the ballot as long as it continues to run at least one candidate every four years. Running for the nomination are Robert J. Smith (American Party presidential candidate), Bo Gritz and Howard Phillips.

ALASKA INDEPENDENCE PARTY TO CHOOSE A PRESIDENTIAL CANDIDATE

The Alaska Independence Party, the only qualified third party in the state, expects to name a candidate for president at its state convention in Fairbanks, February 14-16. The party has been qualified since 1982 but has never before run a presidential candidate. The party will probably choose Lt. Col. James "Bo" Gritz, who is also seeking the nomination of the Populist Party and the American Party of South Carolina. However, Joseph Vogler, chairman of the party, opposes nominating Gritz unless Gritz is willing to say that he believes Alaska should have the same right to choose its future that Puerto Rico has.

MARROU CONCENTRATES ON N.H.

Andre Marrou (Libertarian Party presidential candidate) arrived in New Hampshire to begin campaigning on January 17. He is the only candidate on the Libertarian Party primary ballot and he is asking that Democrats, Republicans and independents choose the Libertarian ballot and vote for him.

Marrou spent a day campaigning in a small New Hampshire town which votes from midnight til 1 a.m. on all election days. By closing the polls at 1 a.m., the town is able to get its votes counted in time for Tuesday morning newspapers. Newspapers enjoy reporting the town's vote, since for all practical purposes the vote is a day ahead of every other town's vote, and it is treated as a bellwether.

FULANI TO RUN IN MORE PRIMARIES

On January 24, Lenora Fulani (likely presidential nominee of the New Alliance Party) announced that she will run in all Democratic presidential primaries, not just the New Hampshire Democratic primary. The only exception will be those Democratic presidential primaries where it is too late to qualify (generally, primaries held in February and March). Fulani announced that she may also participate in some Democratic caucuses, in states which don't hold primaries, such as Iowa.

New Hampshire TV station WMUR held a debate for five Democratic presidential candidates on January 19, Governor Bill Clinton, former U.S. Senator Paul Tsongas, former Governor Jerry Brown, U.S. Senator Tom Harkin, and U.S. Senator Bob Kerrey. All other candidates in that primary, Fulani included, were excluded. However, Jerry Brown called for her inclusion, and several hundred Fulani supporters picketed outside the debate. Fulani is the only person who has qualified for matching funds, and who is on the ballot in that primary, who was excluded from that debate.

Fulani is trying her best to be included in a League of Women Voters debate for the Democratic candidates on February 16. Since the criteria for those debates is that the invited candidates must be running generally for the Democratic nomination, all over the country, Fulani has expanded her Democratic primary campaign beyond New Hampshire.

GRITZ CHOOSES A RUNNING MATE

Lt. Col. Bo Gritz, who expects to be the Populist Party presidential nominee, has chosen a preferred vice-presidential candidate to run with. He is Cy Minette, of Kerrville, Texas. Minette, 62, is a flight instructor and served with the Air Force in Vietnam.

An article about Gritz appeared in the *Village Voice* of New York city, issue of January 14. Gritz was also discussed in the February 3 *New Republic*.

2nd ROUND OF MATCHING FUNDS

The FEC will soon certify additional matching funds for February. The amounts claimed by each candidate are: Bush \$1,016,046; Clinton \$831,209; Harkin \$269,469; Kerrey \$258,565; Brown \$172,723; Fulani \$141,269; Tsongas \$104,955. These amounts of money were raised in 1992 and are in addition to amounts raised in 1991 and matched in early January.

Patrick Buchanan was certified for matching funds on January 27. Ron Daniels, independent presidential candidate, and Bo Gritz, likely Populist Party candidate, also hope to qualify for matching funds.

GREENS SUE CALIFORNIA

At its state convention January 25-26, the California Green Party adopted bylaws which give local party units the right to decide which congressional and legislative districts to contest. On January 31 the party filed a lawsuit in Superior Court, Sacramento, to implement this bylaw, as well as another bylaw which says that no one may be considered nominated in the Green Party primary unless he or she polls more votes than the number of blank ballots cast in that primary.

The party already filed and won an earlier lawsuit, on December 3, 1991. At the time it was not a qualified party. It asked the Secretary of State for a list of its registered members, something qualified parties are entitled to. The Secretary of State refused to provide the list, so the party sued, and won a court order. *Bloom v Eu*, Superior Court, Sacramento County.

There is still no final, official total of the number of registrants the party obtained in California by the December 31, 1991 deadline, but the number is over 100,000.

The party will probably decide not to run any presidential candidate, but need not decide this until August. Whether any party holds a presidential primary, is a distinct question from whether it decides to nominate a presidential candidate for the November ballot. The party could hold a presidential primary and still decide not to run a presidential candidate in November; or it could skip having a presidential primary and still nominate a presidential candidate for the November election.

Ron Daniels, independent presidential candidate representing the ideas of the Rainbow Coalition, attended the convention and received a friendly reception, but most delegates leaned toward naming no one for president.

OTHER CALIFORNIA PRIMARIES

1. Peace & Freedom Party: will hold a presidential primary between Ron Daniels and Lenora Fulani. It is possible some favorite sons will also enter the primary, and Darcy Richardson of Pennsylvania may also run.

2. American Independent Party: will hold a presidential primary at which Howard Phillips of the U.S. Taxpayers Party will probably be the only candidate.

3. Libertarian Party: even though the party has already nominated its presidential candidate, it plans to list its nominee, Andre Marrou, on its presidential primary.

MASSACHUSETTS PRIMARY

The Independent Voters Party of Massachusetts added a few more names to the list of candidates in its presidential primary on January 3, after the last issue of *B.A.N.* was printed. The complete list is:

1. Howard J. Phillips of Virginia, presidential candidate of the U.S. Taxpayers Party.
2. Lt. Col. James "Bo" Gritz of Nevada, who will probably be the Populist Party nominee.
3. J. Quinn Brisben, Illinois, Socialist Party nominee.
4. Earl Dodge of Colorado, Prohibition Party nominee.
5. Robert J. Smith of Utah, American Party nominee.
6. Erik Thompson of Minnesota, an independent presidential candidate campaigning to get rid of atomic weapons.
7. Darcy Richardson of Pennsylvania, an independent presidential candidate who has previously run for office as a candidate of the Consumer Party of Pennsylvania.
8. Michael J. Levinson of New York, a Republican who couldn't get on the Republican presidential primary ballot.

David Duke would have run in this primary, but after he won a spot in the Republican primary in Massachusetts, he withdrew from the Independent Voters primary.

The Independent Voters primary is the first one to invite all third party presidential candidates, whatever their political affiliations, to run against each other. It will be March 10. Andre Marrou and Lenora Fulani both chose not to contest this primary. C-SPAN plans to broadcast a debate among the Independent Voters Party candidates in March.

VOTING RIGHTS ACT LIMITED

On January 27, the U.S. Supreme Court released an opinion in *Presley v Etowah County* and *Mack v Russell County*, two Alabama cases which had been heard together. The issue was whether the federal Voting Rights Act can be used to prevent a local government from changing the powers of individual county commissioners, if the change seems to have been motivated by racial bias. The court ruled that the Voting Rights Act was never intended for that purpose. Justices White, Blackmun and Stevens dissented.

1992 PETITIONING

STATE	REQUIREMENTS		SIGNATURES COLLECTED				DEADLINES	
	FULL PARTY	CAND.	LIBT	NAP	GREEN	POPULIST	PARTY	CAND.
Alabama	12,157	5,000	already on	2,700	0	0	Aug 31	Aug 31
Alaska	2,035	2,035	*3,500	0	already on	50	Aug 24	Aug 24
Arizona	14,072	10,555	already on	*6,200	*9,500	*2,200	May 16	Sep 18
Arkansas	20,890	0	0	0	0	0	Jan. 2	Sep 15
California	(reg) 79,188	134,781	already on	0	already on	0	Dec 31, 91	Aug 7
Colorado	no procedure	5,000	1,500	0	0	0	-	Aug 4
Connecticut	no procedure	14,620	0	0	0	0	-	Aug 14
Delaware	(reg.) 144	2,879	already on	*75	0	0	Aug 22	Jul 15
D.C.	no procedure	(es) 2,600	can't start	can't start	can't start	can't start	-	Aug 18
Florida	180,935	60,312	*15,000	0	0	*4,000	Jul 10	Jul 15
Georgia	26,955	27,009	already on	0	0	3,500	Jul 14	Jul 14
Hawaii	4,534	4,177	already on	0	*4,400	500	Apr 22	Sep 4
Idaho	8,180	4,090	already on	0	350	800	Aug 31	Aug 25
Illinois	no procedure	25,000	can't start	already on	can't start	can't start	-	Aug 3
Indiana	no procedure	29,890	*finished	*250	0	*2,700	-	Jul 15
Iowa	no procedure	1,000	0	0	0	*100	-	Aug 14
Kansas	15,661	5,000	already on	0	0	0	Apr 11	Aug 4
Kentucky	no procedure	5,000	0	0	0	0	-	Aug 27
Louisiana	(reg) 110,000	0	approx 150	0	0	0	Jun 30	Sep 1
Maine	26,139	4,000	already on	0	0	0	Dec 12,91	Jun 2
Maryland	10,000	(es) 70,000	already on	*9,000	0	1,200	Aug 3	Aug 3
Massachsts.	(reg) 33,000	*10,000	can't start	can't start	can't start	can't start	Jul 1	Jul 28
Michigan	25,646	25,646	already on	0	0	*100	Jul 16	Jul 16
Minnesota	92,156	2,000	can't start	can't start	can't start	can't start	ap. May 1	Sep 15
Mississippi	just be org.	1,000	already on	0	0	400	ap. Jan. 2	Sep 4
Missouri	no procedure	20,860	450	0	0	0	-	Aug 3
Montana	9,531	9,531	already on	0	0	*700	Mar 12	Jul 29
Nebraska	5,834	2,500	*need 500	0	0	0	Aug 1	Aug 25
Nevada	9,392	9,392	already on	0	0	*500	June 10	June 10
New Hamp.	no procedure	3,000	already on	*1,900	0	0	-	Aug 5
New Jersey	no procedure	800	0	0	0	0	-	Jul 27
New Mexico	2,069	12,409	already on	already on	0	0	Jul 14	Sep 8
New York	no procedure	20,000	can't start	can't start	can't start	can't start	-	Aug 18
North Carolina	43,601	(es) 65,000	*need 1,500	*1,100	0	0	Jul 9	Jun 26
North Dakota	7,000	4,000	0	0	0	0	Apr 10	Sep 4
Ohio	34,777	5,000	0	100	0	50	Jan 6	Aug 20
Oklahoma	45,566	35,132	0	0	0	0	Jun 1	July 15
Oregon	(es) 36,000	(att.) 1,000	already on	0	8,000	2,500	Aug 25	Aug 25
Penn.	no procedure	*37,216	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	-	Sep 4
South Carolina	10,000	10,000	already on	already on	0	0	May 2	Aug 1
South Dakota	6,419	2,568	already on	0	0	0	Apr 7	Aug 4
Tennessee	19,759	25	0	*28	0	0	ap. May 1	Aug 20
Texas	38,900	54,269	already on	can't start	can't start	can't start	May 25	May 11
Utah	500	300	already on	finished	0	already on	Mar 16	Sep 1
Vermont	just be org.	1,000	already on	already on	0	0	Dec 31,91	Sep 17
Virginia	no procedure	(es) 14,500	0	0	0	0	-	Aug 21
Washington	no procedure	200	can't start	can't start	can't start	can't start	-	Jul 25
West Va.	no procedure	6,534	0	0	0	*500	-	Aug 1
Wisconsin	10,000	2,000	already on	can't start	can't start	can't start	Jun 1	Sep 1
Wyoming	8,000	7,903	already on	0	0	*200	May 1	Aug 24

LIBT = Libertarian; NAP = New Alliance. Other qualified national parties: Amer. in S.C., Prohibition in N. M., Soc. Workers in N. M., and Workers World in Mich. & N.M. "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. "CANDIDATE REQ." means a procedure which names a candidate. * entry has changed since the last issue. The Pacific Party in Oregon has 7,300. The Taxpayers Party has 350 in Idaho and 500 in Maryland. The Workers League has 1,500 in Michigan and 200 in New Jersey.

STATE CANDIDATES NEED URINE TEST

The 1990 Georgia legislature passed a bill which requires all candidates for state office to take a urine test for drugs. 1992 is the first election year in which the law applies. §21-2-140. The test does not apply to candidates for federal office, since the states are powerless to add to the qualifications outlined in the U.S. Constitution to hold federal office.

COMMUNIST PARTY

The Communist Party held a tumultuous national convention in December, 1991 in Cleveland. Forces loyal to Gus Hall and the system of government in the old U.S.S.R. defeated a smaller faction which wanted to open up the party to more internal democracy and more pluralistic doctrine. The party's newspaper, the *People's Daily World*, now has a new staff, since the former staff was in the minority and was replaced.

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 founded in 1991 to democratize elections, and especially to fight laws which 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 \$10 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, party leaders, and elected officials who believe that strong political parties are needed for popular control of government. Membership is \$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 deductions 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** is trying to get Congress to pass a bill outlawing restrictive voter registration procedures. 622 W. 113th St., #410, New York NY 10025, tel. (212) 854-4053.
- 2. **PROJECT VOTE!** brings lawsuits against restrictive state registration procedures. 1424 16th St., NW, Washington DC, tel. (202) 328-1500.

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