COLORADO, OREGON LOSSES

The Supreme Courts of both Oregon and Colorado recently upheld election laws which make it difficult for third parties to get on the ballot. Both decisions were not only unfavorable, but thoughtless; neither one even discussed *why* the state needs the restrictions which were upheld.

The Oregon decision upheld the requirement that a new party must submit a petition signed by a number of signers equal to 5% of the last vote cast in the state for Congress. Oregon is the only state which has a 5% petition requirement before a third party presidential candidate can appear on the ballot with the party label. The Oregon Supreme Court refused even to acknowledge or mention six other cases from other states which invalidated petition requirements of 5% or fewer signatures. The Court also refused to acknowledge that even if 5% is constitutional for other office, it may be unconstitutional for presidential candidates. The Court did acknowledge that only one statewide petition to qualify a new party has succeeded in Oregon in the last 38 years, but dismissed that by surmising that the voters of Oregon simply don't like third parties. The case was *Libertarian Party of Oregon v Roberts*, no. S34180, decided March 1, 1988. The Court hinted that it might possibly strike down the law which requires independent candidates to be confined to the ballot label "Independent", but of course that issue was not before them. Oregon ballot access laws for independent candidates are also difficult, but not as difficult as those for new parties. A statewide independent needs either a petition signed by 3% of the last presidential vote, or must attract 1,000 voters to a meeting. All 1,000 voters must sign in and be present simultaneously.

The Colorado Supreme Court upheld a law requiring a separate petition for each statewide candidate. Since there are 7 statewide races in some election years, a new party which is running a full slate of statewide candidates must get each signer to sign 7 separate petitions. The Colorado Court merely said that since other states require far more signatures than Colorado does, it must therefore be constitutional for Colorado to require separate petitions. There was no hint of what the state interest in separate petitions must be. The U. S. Supreme Court has repeatedly said that ballot access rights cannot be denied without a very good reason. *National Prohibition Party v State of Colorado*, no. 87SA12, decided March 14, 1988.

ARIZONA

Six candidates qualified to run for Governor in the recall election scheduled for May, by submitting 3,336 signatures. Governor Mecham will be on the ballot automatically. The election is conducted as though it were nonpartisan, with no run-off and no party labels. If Governor Mecham is removed by the legislature, it is unclear whether the election will be held.

STATE LEGISLATURES

Massachusetts: House bill 4988 has already passed out of committee. It would lower the number of signatures from 2% of the last gubernatorial vote, to 1%. Several other good bills have also been introduced. They include House bill 4991, which provides that signatures should be turned into the Secretary of State instead of into the hundreds of various town clerks; House bill 4989, which would repeal the ban on a voter signing the petition of more than one party; and House bill 4987, which would change the definition of "political party" from one which polled 3% for Governor, to 2% for any statewide office. If you wish to help any of these bills, contact the Committee for Fair Ballot access, Box 2557, Boston Ma 02208, tel. (617) 661-1143.

Michigan: H 4090 passed the State Senate on March 22, but was amended, so must return to the House. H 4090 adds procedures for independent candidates, raises the number of signatures needed for new parties from about 16,000 signatures to about 24,000; changes the deadline for submitting new party petitions from May to July 20; and lets new parties choose their candidates as late as August (current law requires them to nominate by May).

New Jersey: Senator Winona Lipman and Assemblyman Robert Martin are in the process of introducing a bill to change the deadline for independent and third party presidential petitions from April to August. The bill will take effect this year as soon as it passes. The old deadline was held unconstitutional in 1984.

POPULIST PARTY

On March 13, the Populist Party national executive committee chose David Duke for president, and Lt. Col. James "Bo" Gritz for vice-president. The meeting was held in Cincinnati and attracted 110 attendees. Duke has been running for president in some of the Democratic primaries. His showings on "Super Tuesday" were: Arkansas 4,805 votes, .97%; Louisiana 23,427, 3.76%; Missouri 1,734, .33%; Oklahoma 2,388, .61%; Texas 8,937, .51%. His campaign attributes his relatively high showing in Louisiana to the fact that he bought a half-hour of television time in prime time, 6:30 pm, about a week before the primary. According to the campaign, in the part of Louisiana reached by that television station, Duke polled 17%, third behind Jackson and Dukakis. Duke lives in Metairie, Louisiana.

The campaign can be reached c/o Populist Party, Bx 135, Worthington Pa 16262, (412) 443-8054. The campaign's immediate goal is to qualify for the general election ballot in at least 10 states, to win the right to buy television advertising. Petition drives are about to begin in Colorado, Florida, New Jersey, Pennsylvania, and Texas. They are already underway in North Carolina and Michigan.

PETITIONING

STATE	REQUIRED	SIGNATURES COLLECTED					DEADLINE
		NAP	LIBT	SOC	IWP	WkL	
Alabama	5,000	finished	already on	0	0	finished	Aug 31
Alaska	2,068	already on	already on	0	0	0	Aug 10
Arizona	17,340	already on	already on	0	0	0	Sep 23
Arkansas	0	no need	no need	no need	no need	no need	Sep 1
California	128,340	nom	already on	nom	nom	can't start	Aug 12
Colorado	5,000	0	300	0	0	0	Aug 2
Connecticut	14,910	9,000	0	0	0	0	Aug 12
Delaware	(reg.) 142	already on	115	0	0	0	Aug 20
Dist of Col.	(est.) 3,000	can't start	can't start	can't start	can't start	can't start	Aug 16
Florida	56,318	2,700	9,600	0	0	0	Jly 15
Georgia	25,759	35,500	18,000	0	0	0	Aug 2
Hawaii	3,493	finished	already on	0	0	0	Sep 9
Idaho	8,224	0	1,600	0	0	0	Aug 30
Illinois	25,000	no need	can't start	can't start	can't start	can't start	Aug 8
Indiana	30,950	0	300	0	0	0	Aug 1
Iowa	1,000	0	275	200	0	0	Sep 2
Kansas	2,500	already on	0	0	0	0	Aug 2
Kentucky	5,000	already on	300	0	0	0	Aug 30
Louisiana	0	no need	no need	no need	no need	no need	Sep 6
Maine	4,000	100	20	0	0	0	May 14
Maryland	10,000	finished	already on	500	0	0	Aug 1
Massachusetts	33,682	7,200	1,500	100	0	0	Aug 2
Michigan	16,313	135	already on	200	0	finished	Jly 20
Minnesota	2,000	can't start	can't start	can't start	can't start	can't start	Sep 13
Mississippi	1,000	finished	already on	0	0	0	Sep 9
Missouri	21,083	0	3,500	0	0	0	Aug 1
Montana	13,329	already on	already on	0	0	0	Aug 3
Nebraska	5,635	already on	valid 5,582	400	0	0	Aug 30
Nevada	7,717	4,600	already on	0	0	0	Sep 1
New Hampshire	3,000	finished	1,800	0	0	0	Aug 10
New Jersey	800	finished	500	100	finished	finished	Aug 1
New Mexico	(reg.) 500	already on	already on	0	nom	0	Sep 13
New York	20,000	can't start	can't start	can't start	can't start	can't start	Aug 23
North Carolina	44,535	38,100	700	0	0	0	Jun 22
North Dakota	4,000	0	5,200	0	0	0	Sep 14
Ohio	5,000	3,125	400	0	0	4,000	Aug 25
Oklahoma	37,671	9,000	1,000	0	0	0	Jul 15
Oregon	51,578	0	19,500	0	0	0	Aug 30
Pennsylvania	25,568	1,700	3,000	0	0	0	Aug 1
Rhode Island	1,000	can't start	can't start	can't start	can't start	can't start	Sep 3
South Carolina	10,000	already on	already on	0	0	0	Aug 1
South Dakota	2,945	0	0	0	0	0	Aug 2
Tennessee	275	finished	0	0	0	0	Sep 1
Texas	34,424	0	already on	0	0	0	May 23
Utah	300	already on	already on	valid 291	0	0	Sep 1
Vermont	1,000	already on	already on	already on	500	0	Sep 22
Virginia	12,963	0	2,000	0	0	0	Aug 26
Washington	188	can't start	can't start	can't start	can't start	can't start	Jly 23
West Virginia	7,358	0	0	0	0	0	Aug 1
Wisconsin	2,000	can't start	can't start	can't start	can't start	can't start	Sep 6
Wyoming	8,000	already on	already on	0	0	0	Aug 30

NAP is New Alliance Party; LIBT is Libertarian; SOC is Socialist; IWP is Internationalist Workers; WkL is Workers League. "Nom" means that the presidential candidate is seeking the nomination of a one-state party which is already qualified for the ballot in that state. "Already on" means the state acknowledges that the party or the candidate is on the November 1988 ballot. "Finished" means that the signatures have been collected, but that they haven't been certified yet. DEADLINE refers to the *latest* procedure available for qualifying a third party or independent presidential candidate.