

BALLOT ACCESS NEWS

San Francisco, California

March 23, 1988

Volume 3 Number 9

HR 1582

The Coalition for Free & Open Elections has stepped up activity for HR 1582, the bill in Congress to require fairly easy ballot access for third party and independent candidates for federal office. Over 1,000 signatures have been obtained on the latest petition for the bill, and literature showing the need for the bill is being distributed widely to news media and sympathetic organizations.

The Populist Party, which has been in close communication with Congressman James Traficante of Youngstown, Ohio, plans to ask him to co-sponsor HR 1582.

Congressman incl Gregg, Republican of New Hampshire, has written that he is opposed to HR 1582 because "the less the federal government gets involved in dealing with election law, the simpler the process will be." However, Congressman Gregg voted to extend the Voting Rights Act in 1982, and the Voting Rights Act involves the federal government far more into election law details than HR 1582 does.

Congresswoman Nancy Pelosi presided over a meeting in her district on March 19. I asked her from the floor whether she would co-sponsor HR 1582. She replied that she is still studying it.

There is still no substitute for face-to-face communication with your member of Congress. Since this is an election year, you may have opportunities to see your member of Congress. Always ask that the member co-sponsor the bill. The best short argument in favor of the bill is to mention Florida, where ballot access laws are so draconian that only one third party has appeared on the ballot in the last 58 years (except for president, for which the requirements are different). Also, no statewide independent (for office other than president) has been able to qualify in 58 years either. The legislature has refused to amend the laws five times now. Federal courts have refused to do anything about the Florida laws. There is no hope but congressional action.

KANSAS VICTORY

On March 16, 1988, the Governor of Kansas signed Senate Bill 501, a bill which passed due to the lawsuit *Merritt v Graves*, filed last year in federal court by the Libertarian Party of Kansas. The lawsuit has now been dismissed, since all the conditions complained of have been improved. Voters are now free to register into political parties which have ever been qualified in Kansas, whether they are currently qualified or not. The deadline for all independent candidates has been changed from June to August. Most important, the requirement that independent candidate petitions cannot be circulated outside the circulator's home precinct has been repealed.

TEXAS VICTORIES

On March 9, 1988, U. S. District Court Judge James R. Nowlin, a Reagan appointee, ruled that it is unconstitutional for Texas to require petitions to include the voter registration affidavit number of every signer. The case was *Pilcher v Rains*, civ A-86-CA-430. The case was brought by the Texas Libertarian Party in 1986, and will benefit all third party, independent candidate, and even initiative campaigns, in the future. Texas has not yet said whether it will appeal. The case was won by James Linger of Tulsa, Oklahoma, who has now won ballot access cases in 4 states.

The Citizens Party had won a similar ruling in state court in Texas in 1982, but the Secretary of State had been ignoring that ruling.

Also, two Texas state courts of appeals ruled recently that a signature on a petition is not invalid because the signer forgets to add "Texas" to his or her address on the petition. *Cohen v Strake*, 743 SW 2d 366, and *Bacon v Harris Co. Republican Exec. Committee*, 743 SW 2d 369.

DEBATES

On March 5, Lenora Fulani filed a lawsuit in federal court against the League of Women Voters and also against the IRS. The suit asks that the League make provision for providing a forum for third party and independent candidates, since it is sponsoring eight debates during the primary season for the Democratic and Republican presidential candidates. The suit also asks that, if the League refuses, that the IRS be instructed to eliminate tax-exempt status for the League's Education Fund, which sponsors the debates. Tax-exempt status can never be granted to an organization which aids any particular party or parties. The suit argues that League policy of only providing forums for the Democratic and Republican Parties is partisan activity on behalf of those two parties, and against all others. Although there have been other lawsuits in the past concerning third party and independent candidate participation in presidential debates, this is the first one to raise the League's tax-exempt status. The case is *Fulani v League of Women Voters Education Fund*, no. 88-Civ-1441-RWS, southern district of New York.

NEW ALLIANCE PARTY

The New Alliance Party will hold its national nominating convention in New York city on August 20-21, 1988. Lenora Fulani, who is seeking the party's nomination, received another \$44,548.98 in matching funds from the Federal Election Commission on March 16.