

The Liberty Pledge - October '84

CAMPAIGN '84 REPORTS: ELECTION NIGHT RESULTS

The Bergland/Lewis ticket seems to have polled less than 400,000 votes in the 38 states plus DC where we were on the ballot. The final count is not in and will probably not be in until mid-December...Andre Marrou of Homer was elected to the Alaska State House-District 5-B with 3,888 votes (42%) in a 3-way race. Andre unseated the Rep. incumbent. Andre polled 28% in a field of 3 for the same seat in 1982...Tom Tryon of Angels Camp, CA thought on election night he lost his non-partisan race by 17 votes out of 2,400 (including absentees) cast. But when election officials recounted the ballots by hand a week later--rather than by machine, his 1,309 votes made him the next Calaveras County Supervisor-District 4 by just one vote...J. R. Myers of Cascade County, MT is now 26 votes behind having thought he won a seat on the Great Falls City Govt Commission. He has asked for a recount...Toni Nathan lost her bid for Lane Co, OR County Commissioner with 49% of the vote...Jo deForest McIntyre of McMinnville, OR pulled 4,233 (25%) for State House-District 29...Dr. Marion Nunemaker received 30% of the vote against his Rep opponent for Supervisor of Reno County-District 3 in KS...US Senator Charles Percy of IL was unseated with the help of Libertarian candidate Steve Givot whose race received national coverage...Larry Dodge/Cliff Thies ticket in MT polled about 4%...Ed McGuire of Winooski, VT received 40% of the vote in a best 2-out-of-3 race for State Rep-District 8...Jim Hedbor of S. Hero, VT finished his 5-way race for Congress with 4%. He really caused a stir when the largest newspaper in the state, THE BURLINGTON FREE PRESS, enthusiastically endorsed him just 10 days before the election...

Libertarian packs extra charge in Senate campaign dynamite

By Alf Siewers

Comedian Jimmy Walker came to the suburbs this week to campaign for the Libertarian cause of Barrington Hills resident Steve Givot.

Walker, best known for his starring role in the TV show "Good Times," spoke with Givot to students at Niles East High Schools and later at a private fund-raiser in Glencoe.

Both Walker and Givot don't expect the tiny Libertarian Party to capture Illinois' U.S. Senate seat. But both hope their showing on Nov. 8 will make news.

"I think the Libertarians have the reputation of being eggheads," said Walker, who originally comes from the South Bronx. "You know, sitting in the library, reading the Constitution, and saying 'Yes, Nigel, I think this works.' But if Libertarians had been here in 1776 and after, they would have written the Constitution. They're idea guys."

Ideas (along the lines of the American Revolution, Givot claims) are what the candidate

wants to get across through his campaign, which advocates drastically reduced government spending and taxes, legalization of "victimless" crimes, and military withdrawal from overseas bases.

Together with campaign manager Marshall Fritz, a professional consultant who has worked with the national Libertarian Party, Givot says he hopes to pick up key percentage points in a tough race between Republican Charles Percy and Democrat Paul Simon.

Since New Right groups endorsed Givot, he says he has received a wave of publicity unprecedented for the party in Illinois, as well as financial support that helped him to mount TV and radio ad campaigns. A Republican congressman from Texas has endorsed him, and country-music stations are playing pro-Givot ads by a state gun owners' association.

"There's a substantial chance that on election night this campaign will be decided by the votes we get," he told a crowd at the Glencoe fund-raiser. "On that day,

Libertarians will make history."

Givot claims that by polling several percentage points in Illinois and other states in local and national races, his party will be in a position similar to the Socialist

Party in the early 1930s. Its swing vote influenced welfare policies of the Democratic Party, Givot said.

He also uses the example of Alaska, where in recent years two Libertarians were elected to the state Legislature and one polled 15% of the vote in a gubernatorial election. Their efforts, Givot claimed, led directly to repeal of the Alaska state income tax.

The options trader (who has contributed about \$15,000 of his own funds to the campaign, in addition to about \$25,000 in contributions) said Libertarian programs would seek to gradually dismantle welfare programs, and replace them with economic growth and vouchers to stimulate improved private education.

"What I like best about the party platform is in foreign policy," said Walker.

CHICAGO SUN TIMES Nov. 2, 1984

Major Parties Find Three's a Crowd

By RICHARD WINGER

The Nicaraguan sham election next month at least is an all-comers meet, with eight parties opting for the hollow opportunity of ballot status. In the far freer atmosphere of our own national balloting the same week, the entry stakes have been raised to where only Democrats and Republicans can readily qualify. Ballot access for third-party and independent candidates used to be quite easy in almost all states, but in the '80s this is no longer true. For example, John Anderson, who in 1980 won over 20% of the vote in many early polls, spent nearly \$6 million in legal and other expenses to jump through hoops erected by arcane state ballot laws.

Of course, alternative candidates have long complained about ballot laws. Some of these people enjoy little public support and might not comply with the most lenient of ballot laws. But restrictive laws have also barred several genuine alternatives. Mr. Anderson blames restrictive ballot laws in large part for his decision not to run as a National Unity Party candidate this year. The Libertarian Party, which like Mr. Anderson was on all 50 state ballots, won nearly one million votes for president in 1980 but will be on only 39 state ballots this year. The Citizens Party, despite an infusion of federal campaign money during the primaries, will be on only 18 state ballots.

States with restrictive ballot access laws include:

- **Florida:** 145,970 signatures needed to get a third-party candidate, other than a presidential one, on the ballot. There is no ballot "clutter" in Florida. In most of the state's legislative races in 1980 only one party filed candidates.
- **California:** 115,591 signatures needed for a statewide independent candidate.
- **Oregon:** requires 50,745 signatures for a statewide third-party slate.

By contrast, New Jersey, the ninth-largest state, requires only 800 signatures. Yet there is no ballot "clutter." Only seven third parties met the requirement this year.

Why do certain states require so many signatures? History makes it plain that the most restrictive states became so because some third party, or a mass movement that might have become a third party, frightened or offended the politicians who write the election laws. The response? New legislation to keep the "undesirables" off the ballot.

In the 19th century, there were no ballot access laws, because there were no state-printed ballots. Voters were free to pre-

pare their own ballots, but most voters used those printed by the political party of their choice. They could strike names they didn't wish to vote for, and could substitute the names of their opponents. The state had no power to determine which parties could compete in any election, or how a voter could vote.

Governments took over ballot-printing in the 1890s, but the first ballot access laws were lenient. As late as 1928, a third-party or independent presidential candidate (using the easier of the two designations) needed 123,838 valid signatures to get on the ballot of all 48 states, or 0.34% of the number of votes cast that year.

Then the Great Depression struck. The social order of the country appeared shaky, and there were fears that radical third parties might capture the public's imagination. Ballot access laws quickly began to change. For example, the Florida legislature in 1931 redefined "political party" to mean one that had polled at least 30% of the vote in either of the past two presidential elections, and removed all access for new parties and independent candidates. When even the Republicans were thrown off Florida's ballot after the 1936 election, the law was revised.

By 1952, third-party ballot access requirements had risen sharply, so that 902,681 valid signatures, or 1.46% of the vote cast that year, were needed to qualify a new party in all states—about five times the 1928 percentage. Lawsuits by George Wallace in the 1960s and Eugene McCarthy in the 1970s improved matters somewhat so that this year only 729,042 signatures are needed to win nationwide ballot status. But many states persist in having outrageous requirements. For example, seven states even refuse to allow any write-in votes in general elections (another four prohibit them in presidential elections). Yet, two sitting House members and one senator (Strom Thurmond, R., S.C.) were first elected by write-in votes—proving it a useful device for frustrated voters.

Also, since the rise of black voting in the South, attempts have been made to curb ballot access for black independent and third-party candidacies. In 1983, North Carolina increased the number of required signatures seven-fold while a black third party was circulating a ballot access petition. In 1982, a new Virginia law effectively crimped a black state senator's independent bid for the U.S. Senate.

Although Democratic and Republican legislators in certain states are willing to saddle third parties with excessive signature requirements, they have never re-

quired such hurdles for themselves. In 1984, no major party candidate with any media recognition needed more than 5,000 signatures to be part of any state's presidential primary (except that New York requires 10,000 signatures for access to the Democratic presidential primary). Gary Hart, Walter Mondale and Jesse Jackson could appear on the primary ballots of all states that had them, with a national total of only 25,500 valid signatures.

In his 1983 State of the Union message, President Reagan listed "free elections" as a bedrock of American moral strength. The 1984 Democratic convention "recognize[d] the right to vote as the most fundamental of all rights in our democracy. And no duty of the Party is more important than protecting the sanctity of this right." If this only meant that all our political banners might wave.

Mr. Winger is an election law specialist in San Francisco.

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