

The Pennsylvania Ballot Access Coalition



**IMPROVED
BALLOT
ACCESS**

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**IMPROVED
VOTER
TURNOUT**

July 4, 2005

Distributed by the Pennsylvania Ballot Access Coalition

Coalition members include the Libertarian, Green, Constitution, America First, Reform, Prohibition, Socialist, Unified Independent, and New American Independent parties, and the Ralph Nader campaign, among others.

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Introduction

Introduction

The Pennsylvania Ballot Access Coalition (PBAC) is an association of representatives from Pennsylvania's largest political third parties and independent campaigns, including the Libertarian Party, the Green Party, the Constitution Party, the America First Party, the Reform Party, the Prohibition Party, the Socialist Party, the Unified Independent Party, the New American Independent Party, and the Ralph Nader campaign, among others.

Mission

The PBAC believes that the right of citizens to run for political office is supreme in a free society, as is their right to support and vote for the candidates of their choice. Toward that end, the mission of the PBAC is fourfold:

- 1) To define a minor political party based upon statewide voter registrations (0.05%) rather than based upon the current district-by-district electoral formula (2% of a recent winner's vote total);
- 2) To allow minor political parties to nominate candidates for all offices directly according to their party rules, and at their own expense, rather than by the existing nomination papers process;
- 3) To allow independents and political bodies to nominate candidates for all offices via the current nomination papers process, but using the signature requirements outlined in 25 C.S. 2872.1 rather than the current district-by-district electoral formula (2% of a recent winner's vote total); and
- 4) To otherwise reform Pennsylvania's laws to make the ballot more equitable and accessible to all citizens.

The goal of the PBAC is to seek sponsors among the Pennsylvania Legislature to implement these changes effective with the 2006 gubernatorial General Election.

About This Document

The remainder of this document is divided in to seven sections and two appendices:

- 1) Recommendations
This section presents the PBAC's recommendations for legislative action.
- 2) The Delaware Model
This section details how Pennsylvania's neighboring state has successfully implemented a fair and equitable solution for dealing with ballot access for third parties.
- 3) Governor Rendell's Election Reform Task Force
This section covers the recommendations of the Governor's Task Force related to fair ballot access, along with commentary from Task Force members.
- 4) The Destruction of the Ralph Nader Campaign
This section provides a real-life, current example of how Pennsylvania's ballot access laws have been used to suppress political competition.

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5) Fair Ballot Access and Voter Turnout

This section describes the relationship between declining voter turnout and the statutory abuse of third parties and independent candidates.

6) The History of Ballot Access Laws

This section explores how the current ballot access laws have evolved, and the impact those laws have had on political expression and voter turnout.

7) About the PBAC

This section provides an overview of the PBAC and its membership.

Appendix A – Bill Summary for the Voters Choice Act

This appendix contains a memorandum contrasting the features of the Voters Choice Act against the current Election Code.

Appendix B - The Voters Choice Act

This appendix includes a draft version of a bill to implement the three main reforms recommended by the PBAC.

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Recommendations

Recommendations

The purpose of ballot access laws includes an assurance that candidates with a modicum of support have ready access to the ballot. Most states, including neighboring Delaware, are achieving that goal with far less oppressive ballot access laws than Pennsylvania.

As things stand right now, Pennsylvania's ballot access laws have become nothing more than a tool used by the major parties to oppress, subvert, and deny independent and minor party candidates (and often each other) their rightful place on the ballot. Sadly, in the end it is the voters of this great state that lose.

The disqualification of Ralph Nader during the 2004 election cycle brought to light the repetitive and routine interference, unequal burden, and denial of ballot access for independent and third party candidates which has been an ongoing problem for years.

This must end, and it must end immediately, because in 2006 a fluke in the ballot access laws will force these candidates to collect no fewer than *thirty-three times more signatures* than the candidates of the two major parties, 67,070 versus 2,000.

Detailed Recommendations

To assure that these abuses do not repeat in the future, and to assure that the constitutional rights of all citizens to a *free and equal* election are properly preserved, the Pennsylvania Ballot Access Coalition makes the following recommendations:

1. *End the oppressive signature requirements!*

This, by far, is the single most important and far-reaching enhancement that can be made to the ballot access laws. The best way this recommendation can be addressed is by following Delaware's lead, specifically, once a political party registers 0.05% of the electorate, they are no longer required to petition at all, but rather may nominate candidates directly, based on their party rules. The success of this process in Delaware leads one to wonder why voters in Pennsylvania must be repetitively pestered with nominating papers throughout each election cycle.

For independent candidates without a party affiliation, the oppressive signature requirements can easily be ended without sacrificing fairness. Specifically, independents could be entitled to use the minimum number of signatures currently outlined in Title 25, Section 2872.1 in lieu of the existing requirements. These minimums should be extended to independent candidates, not just to candidates from the two old parties.

The alternative is to continue to force a select minority of the citizenry to collect up to *thirteen times* as many signatures as candidates of the two old parties, as was the case in 2004, in order to have their name placed on the statewide ballot – or in unusual cases such as 2006, almost *thirty-four times as many signatures!* According to statute, in 2006 a

Recommendations

Democrat or Republican statewide candidate must collect only 2,000 signatures to be listed on the ballot. However, for third parties and independents, in 2006 that number balloons to 67,070! When you add in a cushion in case of disqualified signatures, for 2006 the cushioned number of signatures skyrockets to over 100,000! In a land that's known for freedom, how can such a thing be fair?

2. *Adopt a voter registration threshold for defining minor party status*

The determination of minor party status should be based on voter registrations, not some cryptic, difficult-to-compute equation based on historical voter turnout. The neighboring state of Delaware uses a threshold of 0.05% of current voter registrations with great success. The adoption of this same threshold in Pennsylvania would foster the growth of third parties and further encourage political participation from the more than 11% of Pennsylvania voters who have clearly disassociated with the two major parties. If Pennsylvania employs voter registration thresholds to define major parties, why not use the same basis to define minor parties?

Notwithstanding any other problems confronting the electorate in Pennsylvania, these first two recommendations are the ones that the Pennsylvania Ballot Access Coalition would most like to see addressed immediately.

In addition to these two key recommendations, the PBAC further recommends numerous other improvements to the ballot access laws. While not nearly as crucial as the first two, they would serve to make the ballot more equitable and accessible to all citizens, especially the average citizen running as an independent candidate, or a group of citizens attempting to form a new political party.

3. *Update existing law to reflect recent court decisions*

Over the years, court rulings have effected substantial changes to the ballot access laws, but few of them are reflected in the statutes. For example, the petitioning deadline of August 1 is not found in any law, but rather in a court case. Also, statute forbids out-of-district affiants, but the courts have invalidated that restriction. A careful search of court cases related to Title 25 by the Legislative Reference Bureau will surely uncover other examples that can be corrected at this time.

4. *Develop a procedure for a write-in declaration of candidacy*

At least thirty-five states have a policy for write-in declarations. This is particularly important to any write-in candidates for the office of President of the United States since the voters must actually vote for the presidential electors. In the absence of write-in declarations, Pennsylvania voters wishing to write-in a vote for a Presidential candidate are expected to write in the names of 21 electors, sometimes in a space the size of a postage

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stamp. Obviously, a formal write-in policy must be defined to clarify this unintended situation.

5. *Permit signature gatherers to complete non-signature information on petitions*

Petitioners should have leeway to assist the citizen who signs their petition by filling in the details about the voter's residence and other non-critical items. Providing this courtesy would better respect the time of the signer and improve accuracy.

6. *Allow for variations of signature styles*

A dose of common sense could end this unfair exclusion. Specifically, a valid signature should be allowed to contain abbreviations, diminutive names, non-cursive script, or other reasonable deviations from the voters' official signature. The voters are human beings, not machines. Variations in signatures should be expected, anticipated, and allowed for.

7. *Remove the restriction that only Pennsylvania voters can gather signatures*

This random restriction hampers an independent candidate's ability to meet signature requirements. Using paid petitioners is a standard practice throughout the nation for all political parties, and denying a candidate this benefit may mean the difference between their getting on the ballot or being denied the opportunity to participate in the political process.

There are other recommendations that the Pennsylvania Ballot Access Coalition could suggest, but these are most obvious, simple solutions to a problem that has become intolerable. The adoption of these recommendations, especially the first two, would be a welcome start down a path that assures future generations their rightful say in the Pennsylvania political process.

Recommendations

The Delaware Model

The Delaware Model

If the ballot access laws in Pennsylvania are to be reformed, a viable replacement model must first be presented and demonstrated to be effective. Fortunately, an alternative can readily be found in the laws of a neighboring state. The state of Delaware provides a working model of far less oppressive, third-party friendly ballot access laws that can serve as a model for Pennsylvania's ballot access reform.

Voter Registrations, Not Voter Turnout

Delaware's election laws define a minor political party based on that party's voter registrations, not on some cryptic, erratic formula rooted in the voting habits of citizens outside of the candidate's party. Specifically, Chapter 30 of the Delaware election code states:

§ 3001. Political parties.

No political party shall be listed on any general election ballot unless, 21 days prior to the date of the primary election, there shall be registered in the name of that party a number of voters equal to at least 5/100 of 1 percent of the total number of voters registered in the State as of December 31 of the year immediately preceding the general election year. (61 Del. Laws, c. 418, § 7.)

Thus, any party that registers 0.05% of the voters is recognized as a party. Moreover, Delaware does not required parties to run statewide candidates to achieve or maintain minor party status, as Pennsylvania law does. This is important, because under current Pennsylvania law, minor parties who wish to retain their minor party status *must* run a statewide candidate in at least every other general election, lest they forfeit their minor party status. There are numerous reasons why a minor party may choose to "sit out" an election, whether for political reasons, financial reasons, terms of a compromise, or other situations. But Delaware leaves that choice up to the parties, rather than dictated by statute. Pennsylvania should follow suit.

Using Delaware's registration-based model for determining party status (0.05%), Pennsylvania's third parties would achieve party status after registering 4,174 voters (based on registrations as of May 2005). How many parties would achieve this threshold in Pennsylvania is difficult to determine since current Pennsylvania law requires the election bureau to track party affiliations only for parties that earned 2% of the winners vote total in the last general election. But it can be safely assumed that the Libertarian and Green parties would attain this threshold (33,087 and 16,047 registered voters respectively, as of May 2005), and the Constitution Party is on the verge of the threshold (4,149).

Voter registration thresholds are already being used under Pennsylvania law to determine what constitutes a major political party, namely 15% of registered voters. It would only be fair to hold minor to a similar standard, but at a level geared to encourage their creation and growth. Delaware has proven that this model is not only viable, but also that it works.

The Delaware Model

Supporters, Not Signatures

Delaware does not require recognized minor parties to submit any signatures. The minor parties in Delaware simply hold a nominating convention according to their party rules and then notify the state of the results. This simple process has not resulted in the unfounded claims of “ballot clutter” erroneously dreaded by so many. In fact, in 2004 Delaware’s rather liberal ballot access laws produced only five minor party presidential candidates. That’s only one more than would have appeared on the ballot in Pennsylvania, had Ralph Nader survived as a candidate.

Interestingly, candidates from Pennsylvania’s two major political parties are not currently required to collect *any* signatures to have their names placed on the November ballot. Rather, they are only required to collect signatures to have their names placed on the Primary Election ballot. This is a reasonable precaution to prevent taxpayers’ money from being squandered on frivolous candidates who may have no meaningful level of support. Similarly, it would be reasonable and fair to extend the same signature-free entrance into the November elections for minor parties. But rather than using the Primary process as the gatekeeper to defend taxpayer dollars, the 0.05% voter registration threshold would perform the same function, but with the added benefit of fostering increased political dialog and voter participation. This has proven to be the case in Delaware, and can be expected to happen here in Pennsylvania.

Voter Turnout, Not Voter Apathy

Delaware had a 67.5% voter turnout in the last election, much higher than Pennsylvania’s 61%. This demonstrates the positive effect third parties can have on the electoral process. Other states determine minor party status using voter registration thresholds. Registration thresholds are even used for the two old parties here in Pennsylvania. It is time for Pennsylvania to adopt the voter registration threshold model for minor political parties as well. The result would be greater participation in the political process, an elusive, yet attainable goal. By giving the voters the ability to vote for the candidate of their choice, greater participation is inevitable.

Governor Rendell's Election Reform Task Force

Governor Rendell's Election Reform Task Force

On December 13, 2004, Pennsylvania Governor Ed Rendell signed Executive Order 2004-11 calling for the creation of the Governor's Election Reform Task Force, charging its members to "examine the way we run our elections, one of the most important functions of Government, and determine where improvements and adjustments can be made."

The Task Force was composed of thirteen prominent Pennsylvanians from all walks of political life, including the Secretary of the Commonwealth, a former state Supreme Court Justice, a former Commonwealth Court judge, a sitting State Representative and County Commissioner, two county-level elections officials, several lawyers, plus representatives from the League of Women Voters, Common Cause, and the County Commissioners Association. Among other goals, the Task Force was given the assignment to "examine options and make recommendations to increase voter participation." As one of the possibilities to achieve this objective, the Task Force explored the relationship between fair ballot access and voter turnout.

After hearing extensive testimony from members of the public and the Pennsylvania Ballot Access Coalition, followed by detailed discussions among themselves, the Task Force made a formal recommendation to Governor Rendell and the Legislature that Pennsylvania's election laws "be amended to provide greater access to the ballot for minor political parties and political bodies." The final vote on the recommendation was twelve in favor and none against, with one abstention.

Task Force Observations

This balanced panel of experts from across the political spectrum was virtually unanimous in their opinion that the current ballot access laws do injury to the voters by depriving them of choice on Election Day and reducing the electoral competition that is crucial to a healthy political system. When the Pennsylvania Legislature puts the Task Force's recommendation into action, it will benefit all voters by giving independent and minor party candidates the same fair and equal access to the ballot that only major party candidates currently enjoy.

During the Task Force's deliberations, Barry Kauffman, a Task Force member representing Common Cause of Pennsylvania, stressed the importance of fair ballot access laws.

"[O]bviously the purpose for having elections is, number one, for us to select leaders who we think represent, from our perspective, the best interest of our state and country; and number two, to hold those officials accountable. In situations where you don't have competitive elections, that can't be done. That cannot be achieved."

The impact that these uncompetitive elections have on voters' choices is plain. Mr. Kauffman went on to explain how:

"In 2004, 40 percent of the members of the House had a free ride, with nobody opposing either primary or general election. And in the House, I think there were 10 additional people who... did not have general election opposition. I think part of that may be due to

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the fact that there is an onerous burden on third parties who can't join the discussion at election time and hold our public officials accountable.”

Another member of the Task Force, Dr. Daniel Shea, a professor of political science from Allegheny University, followed up along the same theme when he put the following question to Kevin Murphy, co-Chairman of the Delaware County Green Party, and one of the Green Party representatives to the PBAC:

Do you suppose there aren't as many Green Party registrants because the Green Party has a tough time getting on the ballot, and that there might be more Green Party registrants if they had a chance to win an election other than write in?

Mr. Murphy's common-sense response:

Most definitely.

Dr. Shea then went on to discuss the strong relationship between fair ballot access and voter participation, especially among the young voters:

I think ballot access is a really big deal. If you look at the turnout... states that have easier ballot access tend to have a higher turnout. Participation really comes after. We have to focus our attention to ballot access. It also connects to trust in the system, belief and efficacy; that you are a player in the system. Minor parties also very often innovate and push the two major parties to be more out front on big issues. And finally, the young voters overwhelmingly... are the ones that are anxious for alternatives. Some polls suggest as much as 40 percent would like to have minor parties. We are often stymied there because of ballot access. It is a big deal and I am glad we are confronting it.

Dr. Shea was not alone. Tellingly, former Commonwealth Court Justice Robert Byer also embraced the concept of providing greater access to the ballot for minor political parties. No stranger to the legal wrangling that can ensue from ballot access hurdles, in his testimony Justice Byer reacted strongly to several of the negative aspects surrounding the effort to have Ralph Nader removed from the ballot, then stressed

That said, I do believe that ballot access requirements ought to be made easier. I think that it would achieve the goal of creating more interest in the election, and for that reason I support the motion [to provide greater access to the ballot for minor political parties]..

Showing a bit of the seamier side of the existing ballot access laws, Mr. Joseph Passarella, Director of Voter Services for Montgomery County, shared a few of his personal experiences. He pointed out that third parties and independent candidates are not the only ones who are adversely impacted and victimized:

“They come after the Independent or the Libertarian or the minor political parties to keep them off the ballot... I am in court every primary with Republicans against Republicans and Democrats against Democrats far more often than we ever are for the minor political parties to get them removed from the ballot... If someone ... didn't do the paperwork correctly,... then someone more than likely is going to file a challenge to get that person

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removed from the ballot. It doesn't matter what party you are or anything else. It can be your neighbor down the street you have known for 20 years."

In 2004, not only was Ralph Nader victimized, but also several of "your neighbors down the street". One of them was Libertarian Barry Dively, running for state representative in Harrisburg, who was thrown off the ballot for reasons similar to the case of Mr. Nader. Another was Green candidate Dorothy Schreiber whose supporters were denied their chance to elect her to the state Legislature. Too many similar stories exist, both recent and historical. The result is always fewer candidates on the ballot, fewer choices, and fewer reasons for the voters to trouble themselves to come out and vote.

Task Force Conclusions

In the end, when thirteen prominent citizens took a long and hard look at the current ballot access laws in Pennsylvania, the consensus was more than clear. When the final vote was taken, the Governor's Election Reform Task Force voted 12-0 (with one abstention) that the election laws "be amended to provide greater access to the ballot for minor political parties and political bodies".

Mr. Kauffman summed up the sentiment of the Task Force with the observation:

"I think it is time to have equal and fair standards for all candidates."

The swift and decisive action by the Task Force in voting so overwhelmingly that the Legislature amend the ballot access laws in Pennsylvania represents a solid first step toward making running for office more equitable for independent and minor party candidates, as well as expanding the democratic process for all the citizens of the Commonwealth. The next step is now up to the Pennsylvania Legislature.

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More information about the Governor's Election Reform Task Force can be found on the web at https://www.dos.state.pa.us/election_reform/site/default.asp?bcelNav=%7C. The full text of the testimony presented by the Pennsylvania Ballot Access Coalition can also be found online at http://www.dos.state.pa.us/election_reform/lib/election_reform/Transcript_041405.pdf. The testimony begins on page 127 and continues through page 164, The deliberations of the Task Force members can be found on pages 214 through 237, inclusive.

Governor Rendell's Election Reform Task Force

The Destruction of the Ralph Nader Campaign

The Destruction of the Ralph Nader Campaign

The conflict between the Democratic Party and the Ralph Nader campaign during the 2004 presidential race provides the most recent, highly-publicized example of how Pennsylvania ballot access laws can be abused for political gain. The picture presented to the world was not a pretty one.

In the Beginning

Many Democrats blamed Ralph Nader for their loss to George Bush in 2000. According to Time magazine:

"...it is an article of faith among Democratic leaders that he did. In Florida and New Hampshire, the number of Nader votes was significantly greater than Bush's thin margin of victory; Gore would be President had he won either state. "In 2000 we made a mistake because we ignored Nader for months," says Gore's former campaign manager Donna Brazile. "We gave him time not only to build a credible movement but also to get inside battleground states and hold huge rallies."

Mr. Terry McAuliffe, chairman of the Democratic National Committee tried to cut a deal with Ralph Nader encouraging him not to campaign in any of the so-called "swing states" or "battleground states". Again, according to Time magazine:

Democratic leaders are vowing not to repeat their mistakes with Nader. For starters, they want him close enough to keep an eye on him. Kerry met with Nader last week; their tense session lasted more than an hour, and both sides say they expect more meetings. Democratic Party chairman Terry McAuliffe makes a point of calling Nader regularly, usually starting the conversation, "So, are you dropping out, Ralph?" At a minimum, McAuliffe has privately asked Nader not to campaign in battleground states. Did he agree? "Of course not," Nader told Time.

Pennsylvania was considered a swing state, and it received high attention from most presidential candidates. On July 24, 2004 the Christian Science Monitor reported:

Both presidential candidates are focusing intently on Pennsylvania, a state rich with 21 electoral votes, which Al Gore won in 2000 by just 5 percent. President Bush has visited 30 times since taking office, often stopping in towns in and around the 13th district. Kerry is campaigning hard here, too, last week kicking off a "front porch tour" outside Philadelphia. He also staged his first photo-op with running mate John Edwards at the Pittsburgh farm of his wife, Teresa Heinz Kerry - an estate that belonged to Mrs. Kerry's late husband, Pennsylvania Sen. John Heinz (R), who remains highly popular here.

Numerous polls showed support wavering between Bush and Kerry, and the Democrats desperately needed to secure a win in Pennsylvania to assure a victory for John Kerry. Part of their strategy was the elimination of Ralph Nader.

The Destruction of the Ralph Nader Campaign

Pennsylvania ballot access laws required Ralph Nader to submit at least 25,697 valid signatures, almost thirteen times the requirement for major party candidates. Lacking the support of an organized party, Ralph Nader turned to John Slevlin, a ballot access contractor, to organize the signature gathering process. Ads were placed in local newspapers announcing that a fee of one dollar would be paid per signature gathered for Ralph Nader. These ads were answered by Nader supporters, jobless people, homeless people, and others. There were accusations that representatives of the Republican Party were also working to help Ralph Nader secure his place on the ballot, and conversely there were accusations that members of the Democratic Party were working as saboteurs.

As the petitions were turned in, the Nader workers noticed some signatures were obviously forged. It was apparent that maybe three or four people simply passed these petitions back-and-forth to one another copying names directly from the phone book. While many of these petitions were pulled and discarded during preliminary reviews by the Nader campaign, nevertheless many still went undetected.

The Initiation of Courts

The Democrats went into action as soon as Ralph Nader filed nominating papers containing over 51,000 signatures. They photocopied every petition, mobilized dozens of lawyers, legal aides, software programmers, and data entry personnel, and created a database of all 51,000 names. Within a week, they had checked each name against the state's list of registered voters. This was a tremendous expenditure of time and effort.

On August 10, 2004 the Philadelphia Inquirer wrote:

In his long career, Ralph Nader has taken on opponents ranging from General Motors to Al Gore. But his drive to get on the Nov. 2 ballot faces an entirely different adversary: party politics, Pennsylvania-style.

Fighting for a spot alongside President Bush and John Kerry, Nader was buffeted by legal challenges from two sides yesterday. In Harrisburg, a group of Democrats challenged the validity of 45,000 nominating-petition signatures he filed Aug. 2. In Philadelphia, he was hit with a suit filed on behalf of dozens of petition circulators, many of them homeless, who say Nader owes them money.

The nominating-petition challenge was led by the top two Democrats in the State House. Their 1,000-plus-pages case was bolstered by an army of Democratic volunteers who spent a week poring over tens of thousands of signatures after being alerted by mass e-mails. And attorneys in both cases are Democratic Party officers.

Representatives for the Democratic Party filed legal challenges to the Nader nominating petitions. Realizing the urgency of the challenge, the Commonwealth Court dispatched eleven of its thirteen judges to various counties to conduct a line by line review of the challenges to the signatures submitted. As a result, Ralph Nader was then forced to expend his limited resources defending his nomination papers simultaneously before these eleven judges.

The Destruction of the Ralph Nader Campaign

The courts final ruling classified his nominating signatures as follows:

1. Not registered	7506
2. Registered after date of signature	1470
3. Not registered at address	6411
4. Omitted information	1869
5. Information written in hand of another	7851
6. Printed signature	8
7. Illegible signature	166
8. Forged signature	687
9. Nicknames or initials	32
10. Duplicate signatures	1087
11. Affidavit problems	1855
12. Other	3513
Total stricken	32455
Valid signatures	18818
Total reviewed	51273
Percent stricken	63.30%

While democrats delighted in their success, numerous Ralph Nader supporters in Pennsylvania were disenfranchised due to legal technicalities that are worth further examination to determine if the interest of Pennsylvania voters were truly served.

The courts ruled the Nader campaign had turned in 18,818 valid signatures, but upon closer examination, many other signatures were rejected for what some might characterize as frivolous reasons. Even conceding the 687 signatures the court determined were forged and all of the 1087 duplicate signatures, tens of thousands of other signatures were rejected for questionable or discretionary reasons.

Consider the issues surrounding the following categories, as defined by the court:

1. Not Registered Or Registered After The Date Of Signing

Pennsylvania law requires signers to be “qualified electors”. It does not state that people signing nominating petitions must be registered to vote. In fact, the Election Code defines a “qualified elector” as:

“Qualified elector” shall mean any person who shall possess all of the qualifications for voting now or hereafter prescribed by the constitution of this commonwealth, or who, being otherwise qualified by continued residence in his election district, shall obtain such qualifications before the next ensuing election.

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This definition implies a person is a “qualified elector” as long as they meet the residency requirement and obtain such qualifications before the next ensuing election. But, in this case, the courts have expanded the definition of “qualified elector” declaring they are not truly “qualified electors” for the purpose of signing nominating papers until after they register to vote. This is a clear case of "statutory construction" whereby the courts determined what was meant by "qualified elector."

As a result, although Pennsylvania residents could take their time deciding whether they wanted to participate in the election, they were denied a voice in deciding who the candidates should be until after they took steps to actually register.

Total electors disqualified and silenced for not registering prior to signing: 8,976. Total number of signatures that Ralph Nader was short: 6,879.

2. Not Registered At Address

Pennsylvania election law requires that qualified electors who have moved to notify the registration commission of their new address by filing a removal notice generally no later than 30 days preceding an election. But, under the doctrine adopted by the courts in yet another example of "statutory construction", these qualified electors cannot sign nomination papers until they notify the registration commission that they have moved. Once again, voters are asked to ignore what the law actually says if they want to sign a candidate's nominating papers.

Total electors disqualified and silenced for not notifying the state of their change of address before signing: 6,411

3. Omitted Information

Pennsylvania election laws require signers to “...add to his signature his legibly printed name and residence, giving city, borough, or township, with street and number, if any, and shall also add the date of signing, expressed in words or numbers...”

Signers can have their signatures stricken for something as simple as neglecting to note the date, even when the dates of those signing directly above and below them on the nominating paper are clearly noted.

Likewise, if they neglect to print their name their signature will be stricken, even when the identity of the signer is readily apparent.

Total electors disqualified and silenced for omitting information such as dates: 1,869

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4. Information Written In Hand Of Another

As stated above, Pennsylvania election laws require signers to “...add to his signature his legibly printed name and residence, giving city, borough, or township, with street and number, if any, and shall also add the date of signing, expressed in words or numbers...”

The courts have ruled that only the signer can write their information. Therefore, if a wife permits her husband to fill in the address information for her, her signature will be disqualified. A blind or otherwise handicapped individual will have their signature disqualified if a signature gatherer or anyone else assists them in completing their residency information. Likewise, anyone who neglects to note the date of their signature will be disqualified even when the dates of those signing directly above and below them on the nominating paper are clearly noted. The signature gatherer is prohibited from correcting this simple deficiency.

Total electors disqualified and silenced for allowing others to complete their cursory information such as address or date: 7,851. Again, the total number of signatures that Ralph Nader was short in 2004 was 6,879.

5. Printed Signatures

Apparently, the court has imposed yet one more restriction to the definition of “qualified elector”, ruling in this case that only those who sign their name using a cursive signature are qualified to have a voice in what candidates get on the ballot in Pennsylvania. Anyone who prints their signature risks having their signature disqualified.

Total electors disqualified and silenced for using a printed signature: 8

6. Illegible Signatures

As stated above, Pennsylvania election laws require signers to “...add to his signature his legibly printed name and residence ...”

However, the signature itself can be voided merely for poor handwriting. It doesn't matter that a simple comparison of the poorly-signed name against the voter registration database might provide clarity and validate the signature.

Total electors disqualified and silenced for poor handwriting: 166

7. Nicknames Or Initials

All of the electors with common nicknames get tripped up with this requirement. Anyone signing or printing “Bob” instead of “Robert”, or “Chuck” instead of “Charles”, is sure to have their signature voided, even when no ambiguity exists as to their identity based upon their name or place of residence.

The Destruction of the Ralph Nader Campaign

Using or failing to include an initial is another fatal flaw. William Smith" is disqualified for simply signing "W. Smith"

Total electors disqualified and silenced for using an initial or nickname: 32

8. *The Nebulous "Other" Category*

This category could include the City, Borough, or Township trap. People are inclined to provide their mailing or postal address. Often, the City, Borough or Township name is different from the name of the local postal location. Anyone who fails to correctly list their City, Borough, or Township risks being disqualified.

Total electors disqualified and silenced for nebulous reasons: 3,513

9. *Affidavit Problems*

Most often, this defect is simply that the affiant noted the wrong county on the first line of the affidavit, where it asks for the "County of Nomination Paper Signers Residence." There is a tendency for notaries and affiants to complete this line using the county of residence of the affiant, rather than the signers.

Totals signatures possibly lost to this type of clerical error: 1,855

The Fallout

In all, 30,681 signatures were rejected in the above categories. In the opinion of the court, the Ralph Nader campaign was only short 6,879 valid signatures. Yet, 30,681 Pennsylvanians had their signatures rejected for failing to register before signing, for failing to file address corrections before signing, for omitting possibly minor details from the nominating papers, for allowing others to fill in their address of similar information, for having a printed signature, for having poor handwriting, for neglecting to use their proper name and because the affiant provided the wrong county on line one of the affidavit on the nomination paper they had signed.

The question that begs answering is, is this truly demonstrative of a process that protects the interest of Pennsylvania voters?

Clearly, the Democrats self-serving goal was to deny Ralph Nader's supporters the opportunity to vote for the candidate of their choice. By denying him a place on the ballot, they effectively removed him entirely from the race in Pennsylvania, primarily because there are no provisions in Pennsylvania elections laws to support write-in candidates in Presidential races. Pennsylvania needs a write-in declaration of candidacy procedure, like the thirty-five states which already have one.

The Destruction of the Ralph Nader Campaign

A declaration of candidacy law provides that if a write-in candidate wants his write-in votes tallied, he or she must first file a declaration of write-in candidacy several weeks before the election. The states that have a write-in declaration of candidacy also require presidential candidates to file a list of proposed presidential electors. Then, the write-in vote casts for that presidential candidate are deemed to be for that slate of electors whose names are on file. This avoids the problem that confronted Ralph Nader when he realized he wasn't going to be on the Pennsylvania ballot in Nov. 2004. Since Pennsylvania does not recognize a declaration of candidacy, he was told that his voters would have to write in a full slate of twenty-one candidates for presidential electors, sometimes on voting machines with a write-in window the size of a postage stamp, which is absurd.

In 2004, the egregious ballot access laws were abused by the Democratic Party in order to eliminate a competitor. In the future, they could just as easily be used by the Republican Party. For example, if Senator McCain wanted to challenge the Republican Party's candidate in 2008 and run as an independent he could be subject to the same tactics that were used against Ralph Nader. No one is immune.

With the 2004 election, it has become clear that all the major parties have to do to eliminate a credible challenger is to engage the archaic and burdensome ballot access laws and challenge the legitimacy of every signature on any conceivable basis with potentially dozens of lawsuits. It is not even necessary to win the lawsuits. They can successfully destroy any challenge from any third party or independent candidate by completely draining their resources, making it impossible for them to deliver their message to the people. The burdensome and archaic ballot access laws in Pennsylvania which encourage this kind of discrimination and political chicanery against third party and independent candidates must come to an end. The next candidate who may be their target could be yours.

The Destruction of the Ralph Nader Campaign

Fair Ballot Access and Voter Turnout

Fair Ballot Access and Voter Turnout

The United States regards itself as the symbol of democracy around the world, but its citizens are hardly model voters. America has among the lowest voter turnout of any democracy in the world, based on participation in presidential and mid-term elections. Research conducted by the PBAC clearly shows a strong relationship between fair ballot access and voter turnout. Where hurdles to getting on the ballot are lower, voter turnout is higher.

Signs of Decline

It is a well-known maxim that voter participation is in decline, and statistics confirm this troubling trend. Since the 1960s voter participation has fallen by more than 25%. In 1996 voter participation fell below 50% for the first time since 1924, and the second lowest since 1824. Turnout amongst voters aged 18-24 in the 1996 presidential election was 30%, and turnout among young voters in the 1994 mid-terms was just 15%.

Here in Pennsylvania, there are approximately 9,471,639 voting age adults. Of those, only 5,765,764 – less than 61% -- bothered to vote in the 2004 Presidential election. This poor voter participation can be attributed to many factors, including unreasonable voter registration hurdles, cynicism, distrust of politicians, disgust with mud slinging, and a multitude of other turnoffs. Clearly, the particular reasons for not voting are many and often compound, but certainly among them are too many unnecessary obstacles to ballot access.

Fair Ballot Access Improves Voter Turnout

The Pennsylvania Ballot Access Coalition believes that the greatest hope for increasing interest in the electoral process lies in the development of a strong third parties and viable independent candidates. This is the same viewpoint espoused by Richard Winger, the nationally-renowned editor and publisher of Ballot Access News (www.Ballot-Access.org), who states:

Contrary to claims from those who assert the introduction of third parties into the political system would only worsen the existing problems of gridlock, American history shows that third parties actually enhance the positive consequences of a two-party system.

Here's how:

- In a healthy two-party system, the major parties are distinguished from each other by a clearly differentiated platform. Voters, for the most part, enthusiastically hold allegiance to one of these parties and participate with high turnout at the polls. The parties are characterized by internal cohesion. When these conditions exist, the two major parties will ideally protect the political system against tyranny and legislative gridlock.

Fair Ballot Access and Voter Turnout

- Using the criteria of higher voter turnout, the absence of gridlock and the exchange of power between two major parties, we see that the two-party system was healthy in the 1870s, 1880s and 1890s. During that time, control of the House passed back and forth, on the average, every four years. Each party was clearly differentiated in its platforms. And almost 80 percent of eligible voters went to the polls from 1876 to 1892.
- A key reason for this vibrancy was the existence of many vigorous and powerful third parties. Some examples are the Greenback Party, the Union Labor Party and the Peoples Party. These groups forced the major political parties to pass significant anti-monopoly legislation as well as important labor legislation.
- But these parties did more than simply force the two major parties to adopt various policies. Third parties have always provided an emotional bridge for voters who are weary of supporting one major party but aren't yet ready to vote for the other.
- There is another crucial contribution. The emotional bridge provided by a third party not only lures voters to the polls-it can also help turn one of the major parties out of power. Without the third-party bridges, the party in power might never be defeated, a situation that could lead to stagnation.
- We need third parties more than ever to introduce new ideas into the system, provide an outlet for people unhappy with current government policy, and make it possible for some third party to grow into a new major party, replacing one of the existing parties.

The times in U.S. history when the two-party system has worked best correspond to the times when the government did not interfere with the right of the voters to form new parties.

Bridge to the Future

As Mr. Winger states above, there were many vigorous and powerful third parties operating within the political system throughout the late 18th and 19th centuries. These groups forced the major political parties to pass significant anti-monopoly legislation as well as important labor legislation.

But these third parties did more than simply force the two major parties to adopt various policies. Again, third parties have always provided an "emotional bridge" for voters who are weary of supporting one major party but are not yet ready to vote for the other. For example, George Wallace's 1968 third-party presidential campaign drew support from many traditional southern Democrats who weren't yet emotionally prepared to vote as Republicans. Similarly, in 1992, Ross Perot's support was based on voters who refused to continue supporting the Republicans but couldn't yet bring themselves to vote for

Fair Ballot Access and Voter Turnout

the Democratic ticket. The presence of viable alternatives beyond the two major parties keeps Americans involved in the democratic process.

Today's electoral ballot access process presents substantial challenges for independent and third party candidates. In fact, the two major parties work together seemingly to assure outside challengers never get traction in the political process. Among other things, they maintain control through gerrymandered districts coupled with oppressive ballot access laws.

The following two sections address the impact of the current ballot access laws, written by the two major parties, that discourage independent and third party participation. This is a disservice to the residents of Pennsylvania, and a contributing factor to the decline of voter participation.

Fair Ballot Access and Voter Turnout

The History of Ballot Access

The History of Ballot Access

The goal of the ballot access laws should be to assure that all Pennsylvania residents are afforded the opportunity to vote for the candidate that best represents their views and interests, while preventing the ballot from being cluttered with candidates who lack any modicum of support. The Pennsylvania Ballot Access Coalition holds that Pennsylvania law does not currently support this goal.

The Historical Perspective

There was a time when there were no ballot access laws at all. Any resident was able to run for any office, and the system treated all candidates and parties equally. The situation is best explained by Richard Winger:

Vigorous third parties existed in the last century because the election laws did not discriminate against them. People were free to form new parties, and the government treated all parties, new and old, equally. In 1854, the newly founded Republican Party won more Governors seats, and sent more Representatives to the House, than did any other party. It was able to do so because there were no ballot-access laws until 1888. Indeed, there were no printed ballots before that year; people simply prepared their own ballots and were free to vote for the qualified candidate of their choice. When the government began to print ballots in 1888, it acknowledged this freedom of an unrestricted vote and invariably left a write-in space on the ballots.

Vigorous and active third parties have dwindled because Democratic and Republican state legislatures passed restrictive laws that make it exceedingly difficult for third parties to get on the ballot in many states. These laws usually require third parties to gather signatures for a petition to be on the state ballot, and they often place strict deadlines for gathering such signatures.

These restrictions did not emerge overnight. From 1888 to 1931, ballot-access laws were rather mild. In 1928, only 74,743 signatures on a petition were required to place a new party on the ballot in 48 states (a figure that represents 0.2% of the number of people who had voted in the previous election). During the 1930s, ballot-access laws became significantly restrictive, as they required new parties to gather more signatures and file for application earlier and earlier in the campaign year. Still, it was not until the 1960s that compliance with ballot-access laws became extremely difficult.

In 1994, a new party that wants to field a candidate in every race for the U.S. House of Representatives and have the party name appear on the ballot next to the candidate's name would need to register 1,593,763 members or gather an equal number of signatures. Yet the Democratic and Republican parties need not collect any signatures to assure themselves of a place on the ballot, and the number of signatures needed for individual Democratic candidates to place themselves on primary ballots in all 435 contests is 138,996 (the number would be slightly different for Republicans).

The History of Ballot Access

True, the severity of these ballot-access laws does vary from state to state, but not since the early 1900s has a third party in any state ever managed to register 5% of the voters. Even when people vote for a third party, they don't want to register with it. The Conservative Party of New York elected a U.S. Senator, James Buckley, in 1970, but they only persuaded 1.5% of the voters to register as Conservatives. Similarly, the Connecticut Party won the office of Governor in 1990, but registered only 0.1% of the voters.

With a single exception (in California in 1948), no third party has ever met a signature requirement greater than 110,000 signatures. In fact, Florida's laws were once so stringent that no third party or independent candidate for Governor has been on its ballot since 1920. However, these restrictions were eased in 1998.

Admittedly, ballot access laws are harsher for third-party congressional candidates than they are for third-party Presidential candidates. Except for the Libertarian Party in 2000, no third party has managed to run candidates for the U.S. House in over half of the nation's districts since 1920. By contrast, third-party Presidential candidates get on the ballots in all 50 states every so often, which probably misleads the public into thinking that there is no significant ballot-access problem for third parties.

In reality, America's ballot-access laws are so stringent, and third parties are repressed to such a degree, that the U.S. is probably in violation of the Copenhagen Meeting Document, an international agreement the U.S. signed in 1990 that requires nations to:

"Respect the right of individuals and groups to establish, in full freedom, their own political organizations and provide such political parties and organizations with the necessary legal guarantees to enable them to compete with each other on the basis of equal treatment before the law and the authorities."

How does the U.S. violate this agreement? Suppose that a new party were founded in 1994, with popular support that equaled that of the Democratic or Republican Party. In order to contest all the executive and legislative offices up for election on November 8th, 1994, it would need to collect about 4,454,579 valid signatures. And some of these signatures would need to be collected ten months before the election. By contrast, the Democratic and Republican parties would not need to submit any signatures to get themselves on the ballots, and their candidates would need only to collect about 882,484 valid signatures to place themselves on primary ballots.

Clearly, Mr. Winger presents compelling evidence that the nation's ballot access laws have silenced many political movements.

Turning to Pennsylvania, Article I, Section 5 of the Pennsylvania Constitution states:

Elections shall be free and equal; and no power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage.

The History of Ballot Access

Yet, last year in Pennsylvania, statewide candidates for third parties were required to gather 25,697 signatures while major party candidates were only required to gather 2,000 to appear in the Primary Election. In 2006, the situation worsens dramatically. Because of a fluke in the complex statutory equation for computing signature requirements, minor party and independent candidates will need to collect an incredible 67,070 signatures minimum to have their names placed on the statewide ballot. Worse yet, extra signatures are always needed as a cushion in case some signatures are disqualified, so to be on the safe side, over 100,000 signatures will need to be collected. In a typical year, independent and minor party candidates often have to hire help in order to meet these onerous signature requirements, depleting limited funds and diminishing their ability to publicize their campaigns and to otherwise reach out to voters. Come 2006, all of these problems will dramatically multiply.

Adding insult, the major parties anxiously pounce upon independent and minor party candidates once they file their nominating papers, rendering all of their hard petitioning work worthless. Last year, several candidates were challenged, and as a result, a number were disqualified. One must ask whose interests were served.

The History of Ballot Access

About the Pennsylvania Ballot Access Coalition

About the Pennsylvania Ballot Access Coalition

The Pennsylvania Ballot Access Coalition is a group of individuals and organizations committed to building better government in Pennsylvania. Formed shortly after the 2004 election cycle, the Coalition includes leading members of the Libertarian Party, the Green Party, the Constitution Party, the America First Party, the Reform Party, the Prohibition Party, the Socialist Party, the Unified Independent Party, the New American Independent Party, and the Ralph Nader campaign, among others.

The purpose of the Coalition is to reform the restrictive Pennsylvania ballot access laws which require independent candidates and minor political parties to collect many thousands of signatures simply to get on the ballot. Pennsylvania's ballot access requirements are stricter than those of most other states, and many aspects of the law act to entrench the two-party monopoly. Without a doubt, Pennsylvania law needs to be reformed to lower the outrageous signature requirements. In the coming months, the Coalition will circulate the draft bill (included herein as Appendix B) outlining this and other reforms, and seek sponsorship for it within the General Assembly.

Ultimately, the rights of future citizens to run for office and to vote for the candidates of their choice must be protected. Further, elections in Pennsylvania must be conducted consistent with the provisions of Pennsylvania's Constitution, which states:

Elections shall be free and equal; and no power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage.

The Pennsylvania Ballot Access Coalition is committed to codifying that freedom and equality of suffrage, with a deadline of the 2006 gubernatorial election. Forcing independents and candidates from third parties to collect over 100,000 signatures in 2006 is simply absurd, especially when their opponents only need about 3,000.

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About the Pennsylvania Ballot Access Coalition

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About the Pennsylvania Ballot Access Coalition

Appendix A –The Voters Choice Act Bill Summary

Appendix A – The Voters Choice Act Bill Summary

This appendix contains a memorandum contrasting the ballot access provisions found in the current election laws against those contained in the Voters Choice Act as recommended by the Pennsylvania Ballot Access Coalition.

The bill summary is intended to accompany the Voters Choice Act bill found in Appendix B. It provides the "non-legalese" summary.

Appendix A –The Voters Choice Act Bill Summary



THE PENNSYLVANIA BALLOT ACCESS COALITION

★ LIBERTARIAN ★ GREEN ★ CONSTITUTION ★ NADER ★ REFORM ★ AMERICA FIRST ★ SOCIALIST ★
★ PROHIBITION ★ UNIFIED INDEPENDENT ★ NEW AMERICAN INDEPENDENT ★ AND MORE ★

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MEMORANDUM

To: Pennsylvania State Legislators, Members of the Media, and Pennsylvania's Voters
From: The Pennsylvania Ballot Access Coalition
Date: July 4, 2005
Subject: The Voters Choice Act

This memorandum contrasts the ballot access provisions found in the current election laws against those contained in the Voters Choice Act as recommended by the Pennsylvania Ballot Access Coalition. The purpose of this document is to provide a "non-legalese" explanation of the accompanying text of the Voters Choice Act.

Summary of the Proposed Changes

The suggested changes to the current election laws fall into two narrow categories:

- 1) A change in the basis of the definition of a "Minor Political Party", specifically, to use voter registrations as a basis rather than results from prior general elections.
- 2) A reduction in the signature requirements for candidates of Minor Political Parties and Political Bodies who wish to appear on any November ballot in Pennsylvania.

Each of these changes is described in more detail below.

1) Change in the Definition of a Minor Political Party

- Current Law – To qualify as a Minor Political Party, a Party must have at least one candidate who, at the preceding November election, polled at least 2% of the largest vote cast for any statewide candidate in each of ten counties, plus at least 2% of the largest vote cast for any statewide candidate in the preceding

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November election; additionally, the Party must have less than 15% of the entire number of registered voters in the state registered in the name of that Party.

- Voters Choice Act – To qualify as a Minor Political Party, the Party must have less than 15% and more than 0.05% of the entire number of registered voters in the state registered with that Party as of 21 days prior to the date of the Primary Election. Based on the May 2005 voter registrations, the number of members that a Party must have to qualify as a Minor Political Party is 4,174. The only political parties currently above this threshold are the Libertarians (over 35,000 registered voters) and the Greens (over 15,000). These are the only two Minor Political Parties currently recognized by the Commonwealth of Pennsylvania.

2) Changes in the Signature Requirements for Minor Political Parties and Political Bodies

- Current Law – To have their name placed on the November ballot for any office in a given electoral district, a candidate from a Minor Political Party or a Political Body (i.e., an independent candidate) must submit a minimum number of valid signatures equal to 2% of the number of votes received by any candidate for any office in the preceding November election within that electoral district.

For example, in County X, if presidential candidates A, B, and C received 1000, 500, and 250 votes respectively in the November election, and county commissioner candidates D, E, and F received 800, 700, and 600 votes respectively in the same election, then a Minor Party candidate for countywide office the following year would need to collect a minimum of 20 signatures (2% of presidential Candidate A's 1000 votes).

In contrast, under current law the names of the candidates from the two major political parties are automatically placed on the November ballot; they do not need to collect any signatures at all. Rather, they collect signatures only to appear in the Primary Election. Minor political parties and independent candidates do not currently participate in the Primary Election process.

- Voters Choice Act – For independent candidates and candidates of Political Bodies to appear on the November ballot, the candidate would need to collect the minimum number of signatures outlined for that office in 25 C.S. 2872.1 (Act of 1937, P.L.1333, No.320, Section 912.1), which is the same number of signatures currently required of major political party candidates. No other changes are proposed by the Voters Choice Act regarding independents and Political Bodies. A copy of the provisions of 25 C.S. 2872.1 is attached.

For Minor Political Parties, the selection of the candidates whose names are to be placed on the November ballot would be not conducted either using the current nomination paper process or via the Primary Election, but rather according to the Minor Party's party rules, and at the Minor Party's expense. As is the case with the two major parties, Minor Parties would not need to collect any signatures at all to have their candidates placed on the November ballot.

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25 C.S. §2782.1. Number of signers required for nomination petitions of candidates at primaries

Candidates for nomination of offices as listed below shall present a nominating petition containing at least as many valid signatures of registered and enrolled party members of the proper party as listed below:

- (1) President of the United States: Two thousand.
- (2) United States Senate: Two Thousand.
- (3) Governor: Two thousand, including at least one hundred from each of at least ten counties.
- (4) Lieutenant Governor: One thousand, including at least one hundred from each of at least five counties.
- (5) Treasurer: One thousand, including at least one hundred from each of at least five counties.
- (6) Auditor General: : One thousand, including at least one hundred from each of at least five counties.
- (7) Attorney General: : One thousand, including at least one hundred from each of at least five counties.
- (8) Justice of the Supreme Court: One thousand, including at least one hundred from each of at least five counties.
- (9) Judge of the Superior Court: One thousand, including at least one hundred from each of at least five counties.
- (10) Judge of the Commonwealth Court: One thousand, including at least one hundred from each of at least five counties.
- (11) For any other office to be filled by the vote of the electors of the State at large or for any other party office to be elected by the electors of the state at large: One thousand, including at least one hundred from each of at least five counties.
- (12) Representatives in Congress: One thousand.
- (13) Senator in the General Assembly: Five hundred.
- (14) Representative in the General Assembly: Three hundred.
- (15) Public or party offices to be filled by a vote of the electors in counties of the first class at large: One thousand.
- (16) Public or party offices to be filled by a vote of the electors in counties of the second class at large: Five hundred.
- (17) Public or party offices to be filled by a vote of the electors in cities of the first class at large: One thousand.
- (18) Public or party offices to be filled by a vote of the electors in counties of the second class A at large: Two hundred fifty.
- (19) Public or party offices to be filled by a vote of the electors in counties of the third class at large: Two hundred fifty.
- (20) Public or party offices to be filled by a vote of the electors in counties of the fourth class at large: Two hundred fifty.
- (21) Public or party offices to be filled by a vote of the electors in cities of the second class at large: Two hundred fifty.
- (22) Public or party offices to be filled by a vote of the electors in cities of the second class A at large: One hundred.
- (23) Public or party offices to be filled by a vote of the electors in cities of the third class at large: One hundred.
- (24) Public or party offices to be filled by a vote of the electors in counties of the fifth class at large: One hundred.
- (25) Public or party offices to be filled by a vote of the electors in counties of the sixth class at large: One hundred.
- (26) Public or party offices to be filled by a vote of the electors in counties of the seventh class at large: One hundred.
- (27) Public or party offices to be filled by a vote of the electors in counties of the eighth class at large: One hundred.
- (28) Office of judge of any court of record other than a Statewide court or a court in a county of the first or second class: Two hundred fifty.
- (29) District delegate or alternate district delegate to a National party convention: Two hundred fifty.
- (30) Member of State committee: One hundred.

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Appendix B – The Voters Choice Act

Appendix B – The Voters Choice Act

This section contains a draft version of a bill to amend Pennsylvania’s election laws in accordance with the two primary recommendations of the Pennsylvania Ballot Access Coalition. In keeping with the philosophy and spirit of the proposed law, the PBAC has entitled the bill, “The Voters Choice Act”.

The bill provides for three changes to the Code:

- 1) The redefinition of a minor party (Section 3)
- 2) The reduction of signature requirements for minor parties (Section 2), and
- 3) The equalization of signature requirements for independent candidates, political bodies, and political parties (Section 4).

Although this bill is intended to serve as a starting point for recruiting sponsors from among Pennsylvania’s legislators, it is in substantially final form. The PBAC does not recommend any departure from the intent of the additions to and deletions from the election code that are detailed in the bill.

Appendix B – The Voters Choice Act

The GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. _____ **Session of 2005**

INTRODUCED BY _____, _____, 2005

AN ACT

1 Amending the act of June 3, 1937 (P.L.1333, No.320), amended July
2 28, 1941 (P.L.526, No.213) and December 22, 1971 (P.L.613,
3 No.165), known as the Pennsylvania Election Code, entitled "An
4 act concerning elections, including general, municipal, special,
5 and primary elections, the nomination of candidates, primary and
6 election expenses and election contests; imposing duties upon the
7 Secretary of the Commonwealth, courts, county boards of
8 elections, county commissioners; and repealing certain acts and
9 parts of acts relating to elections", further providing for the
10 definition of political parties and political bodies, for
11 candidates to be nominated and party officers to be elected at
12 primaries, for nominations by minor political parties, and for
13 nominations by political bodies.

14

15 The General Assembly finds and declares as follows:

16 (1) That the Commonwealth's election laws hinder the entry
17 into the electoral process of independent candidates, thereby
18 limiting the electoral choices available to voters of this
19 Commonwealth.

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1 (2) That the political system of the Commonwealth should be
2 electorally inclusive in order to promote the broadest range of
3 issue discussion and candidate selection.

4 (3) That enhanced ballot access for all candidates will
5 ensure a more democratic election process.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 Section 1. This act shall be known and may be cited as the
9 Voters Choice Act.

10 Section 2. Section 912.2 (a) and (b) of the Act, amended
11 February 19, 1986 (P.L.29, No.11), are amended to read:

12 Section 912.2. Nominations by Minor Political Parties.--

13 (a) Notwithstanding any other provisions in this act to the
14 contrary, minor political parties shall nominate all of their
15 candidates for the offices to be filled at the ensuing November
16 election pursuant to section 903 in accordance with the
17 provisions of this act, the minor political party rules,
18 [requirements of section 951, other than subsections (e) (6) and
19 (7) thereof] and section 954, [and shall obtain the required
20 signatures during the same time frame available to political
21 bodies] and shall notify the state in writing of said candidates
22 at least eight weeks in advance of the municipal or general

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1 election. Minor political parties shall be subject to the
2 provisions of this act applicable to political parties with
3 respect to special elections, voter registration, substituted
4 nominations and all other purposes except as otherwise expressly
5 provided in this section. "Minor Political Party" shall mean a
6 political party as defined in section 801(a) or (b) whose State-
7 wide registration is less than fifteen per centum of the combined
8 State-wide registration for all State-wide political parties as
9 of the close of the registration period immediately preceding the
10 most recent November election. The Secretary of the Commonwealth
11 shall prescribe forms or, if there is sufficient time, make
12 appropriate conforming changes in existing forms to carry out the
13 purposes of this section.

14 (b) [All nomination papers circulated and filed pursuant to
15 this section shall specify - (1) the name or appellation of the
16 minor political party which the candidates nominated thereby
17 represent and, in the case of electors for President and Vice
18 President of the United States, the names of the candidates for
19 President and Vice President of such minor political party; (2)
20 the name of each candidate nominated therein, his profession,
21 business or occupation, if any, and his place of residence with
22 street and number, if any; and (3) the office for which such

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1 candidate is nominated. No words shall be used in any nomination
2 paper to designate the name or appellation of the minor political
3 party represented by the candidate's name in such nomination
4 paper which are identical with or deceptively similar to the
5 words used for a like purpose by any minor political party which
6 has already filed nomination papers for the same office. Any
7 petition to set aside a nomination paper on account of the name
8 or appellation used therein, or involving the right of the
9 signers thereof to use such name or appellation, or on any other
10 account, shall be decided as in the case of other petitions to
11 set aside nomination papers, in the manner provided by this
12 article.]

13 * * *

14 Section 3. Section 801 (a) and (b) of the act, amended July
15 28, 1941 (P.L.526, §1), and December 22, 1971 (P.L.613, No.165,
16 §2), are amended to read:

17 Section 801. Definition of political parties and political
18 bodies.--

19 (a) Any party or political body, one of whose candidates at
20 the general election next preceding the primary polled in each of
21 at least ten counties of the State not less than two percentum of
22 the largest entire vote cast in each of said counties for any

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1 elected candidate, and polled a total vote in the state equal to
2 at least two percentum of the largest entire vote cast in the
3 State for any elected candidate, or that has 21 days prior to the
4 date of the primary election, registered in the name of that
5 party a number of voters equal to at least five one-hundredths of
6 one percentum of the total number of voters registered in the
7 entire State as of December 31 of the year immediately preceding
8 the primary election is hereby declared to be a political party
9 within the State, and shall nominate all of its candidates for
10 any of the offices provided for in this act, and shall elect its
11 delegates and alternate delegates to the National convention as
12 party rules provide. State committee members, and also such party
13 officers, including members of the National committee, as its
14 rules provide, shall be elected by a vote of the party electors
15 in accordance with the provisions of this act and party rules.

16 (b) Any Party or political body, one of whose candidates at
17 either the general or municipal election preceding the primary
18 polled at least five per centum of the largest entire vote cast
19 for any elected candidate in any county, is hereby declared to be
20 a political party within said county; and shall nominate all of
21 its candidates for office in such county and in all political
22 districts within said county, or of which said county forms a

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1 part, and shall elect such party officers as its rules provide
2 shall be elected therein, by a vote of the party electors, in
3 accordance with the provisions of this act.

4 * * *

5 Section 4. Section 951(b) of the act, amended July 5, 1947
6 (P.L.1358, §1), May 16, 1951 (P.L.302, §3), September 11, 1959
7 (P.L.877, §1), December 22, 1971 (P.L.618, No.165, §12), July 12,
8 1980 (P.L.649, No.134, §2) effective January 1, 1981, and April
9 18, 1985 (P.L.5, No.4, §4), is amended to read:

10 Section 951. Nominations By Political Bodies.--

11 (b) Where the nomination is for any office to be filled by the
12 electors of the State at large, the number of qualified electors
13 of the State signing such nomination paper shall be at least
14 equal to the number of signers required as per Section 912.1.

15 [two percentum of the largest entire vote cast for any elected
16 candidate in the State at large at the last preceding election at
17 which State-wide candidates were voted for. In the case of all
18 other nominations, the number of qualified electors of the
19 electoral district signing such nomination papers shall be at
20 least equal to two percentum of the largest entire vote cast for
21 any officer, except a judge of a court of record, elected at the
22 last preceding election in said electoral district for which said

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1 nomination papers are to be filed, and shall be not less than the
2 number of signers required for nomination petitions for party
3 candidates for the same office. In cases where a new electoral
4 district shall have been created, the number of qualified
5 electors signing such nomination papers, for candidates to be
6 elected at the first election held after creation of such
7 district, shall be at least equal to two percentum of the largest
8 vote cast in the several election districts, which are included
9 in the district newly created, for any officer elected in the
10 last preceding election.]

11 * * *

12 Section 5. This Act shall take effect immediately.

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