HOUSE . . . . . No. 6101

The Commonwealth of Massachusetts

REPORT
of the
COMMITTEE
on
ELECTION LAWS
on the
INITIATIVE PETITION
of
WILLIAM E. SHAKALIS
and others
FOR THE PASSAGE OF AN
UNTITLED LAW RELATIVE
TO BALLOT ACCESS UNDER
THE ELECTION LAWS GOVERNING
THE ESTABLISHMENT OF
POLITICAL PARTIES AND THE
NOMINATION OF CANDIDATES.
(see House, No. 5419.)

May 1, 1990.

The Commonwealth of Massachusetts

MAJORITY REPORT.

H. 5419 is an Initiative Petition which would change state election laws to allow minor parties and independent candidates fairer access to the electoral process, while still maintaining reasonable minimum requirements. It proposes to do the following:

1) Set the number of signatures required to get an independent candidate on the ballot for state and federal office at one-half percent (down from the current 2%) of the entire vote cast in the previous election for governor in the district or jurisdiction in which the candidate is running for election.

In 1988, the minor party presidential candidates needed 33,683 valid signatures to get on the Massachusetts ballot; most major party candidates needed no signatures (two of them had to file 2,500 signatures) to get on the ballot. Only six other states require a higher percentage of registered voters to sign nominating petitions for independent presidential candidates; it is seven times more difficult for an independent to get on the ballot here in Massachusetts than it is for them to get on the national ballot in newly democratized East Germany.

The proposed law would redress this undemocratic inequity. For example, the minor party candidates in 1988 would have been required to collect a substantial but not punitive 8,421 signatures. (In no case would a major party candidate be required to collect more signatures than a minor party candidate).

2) Allow voters to register under any political designation they choose if at least fifty voters requested to register in the same designation. Currently, Massachusetts voters may only register in one of the two official political parties or as "unenrolled." "Unenrolled" voters account for 42% of the Commonwealth's registrants, second only to enrollment in the Democratic Party. Only 9 other states limit registration designation.

3) Require a new party to qualify for official status by having 1% of registered voters (about 31,500) choose that party as their designation or by garnering 3% of the vote for any statewide office. Half of the states now have a new party qualify based on the vote

of *any* of its statewide candidates. Only one new party in Massachusetts since 1920 has qualified for official status under the current requirement of receiving 3% of the votes cast for governor.

4) Allow voters to sign nomination papers for more than one candidate per office. Massachusetts is one of only twelve states that require voters to decide who they choose to support before the candidates have even begun to campaign.

5) Reduce the size of nominating, initiative and referendum petitions from the current inconvenient and expensive 12 × 19 inches to no more than 8½ × 14 inches.

Through passage of H. 5419, the Massachusetts State Legislature has an opportunity to renew the democratic ideals of this Commonwealth's founding fathers and to clarify the practical intent of former election laws.

In 1888, Massachusetts, the first state to use printed ballots, instituted what was to become a national standard of requiring statewide candidates to collect 1,000 signatures in order to have their name appear on the ballot. For the next half a century, this standard allowed many political parties to send candidates to the state legislature and Congress and to participate in a lively and productive political process. Eager to make their vote count, over 80% of the eligible voters went to the polls year after year.

1938 saw the beginning of a new trend that infringed on the Constitutional right of Massachusetts citizens to freely associate with the political parties of their choice. The legislature set new standards for minor parties, requiring them to collect signatures equaling 3% of the total gubernatorial vote. In order to ensure that the broad range of political views and concerns of Massachusetts voters would continue to be represented, they also passed legislation which enabled the four established minor parties to maintain their access to the ballot be garnering 1/10 of 1% of the vote for governor.

In 1972, a court suit was filed to redress the inequities that blocked new parties from entering the electoral arena. Ignoring the legislature's original intent of facilitating an orderly but vital and competitive political marketplace, the federal court eliminated protected ballot access for established minor parties and upheld the very law that was smothering independent participation. The legislature responded by reducing the signature requirement from having to equal 3% to 2% of the total gubernatorial vote.

It is now 1990. Over the last year, pro-democracy movements have swept the world — from the Soviet Union to Namibia, from Poland and Czechoslovakia to Chile. The over 60,000 voters who signed petitions to put the Fair Ballot Access Initiative before us have given us an opportunity to renew our legacy of democracy here in the United States — right here in the cradle of that democracy.

As the Supreme Court stated (Anderson v. Celebreeze, 460 U.S. 780(1983), "The primary values protected by the First Amendment — a profound national commitment to the principle that debate on public issues should be uninhibited, robust and wide-open — are served when election campaigns are not monopolized by the existing political parties."

For the foregoing reasons, the Joint Committee on Election Laws, after due deliberation, recommends the act in the Initiative Petition, H. 5419, ought to pass.

Senators	Representatives
Bill Owens	John A. Businger
Michael J. Barrett	Robert B. Ambler
	Kevin G. Honan
	Edward S. Burgess
	Paul C. Casey
	John George, Jr.
	Alvin Thompson
	Howard C. Cahoon, Jr.

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