

Ballot Access News

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OREGON VOTERS DEFEAT "TOP-TWO" BY 2:1 MARGIN

On November 4, Oregon voters defeated Measure 65 by 34.1% "Yes" to 65.9% "No." It would have imposed the "top-two" election system. Everyone (except presidential candidates) running for partisan office would have appeared on the same ballot in May. Every voter would have used that same ballot. Then, only the top two vote-getters would have been on the November ballot.

The measure did not pass in any county. Its best counties were Clatsop (39.4%) and Multnomah (38.6%), which includes Portland. 65 did worst in Malheur County (26.5%) which is mostly Republican.

The Constitution, Green, Libertarian, and Peace Parties actively opposed Measure 65. The major parties also opposed it, but they did not spend much money to oppose it. Supporters had raised approximately \$700,000 this year, and had run TV ads. There were no TV ads advocating a "No" vote. The measure had been endorsed repeatedly and continually by the largest newspaper in the state, *The Oregonian*. It had also been endorsed by every other newspaper in the state that made endorsements, except that the *Salem Statesman-Journal* and the *Eugene Weekly* had opposed it.

Measure 65 □ s chief proponent, former Secretary of State Phil Keisling, said during the campaign that his own poll showed the measure passing with over 70%. It does not appear that any neutral poll on the measure was ever conducted.

One reason the measure lost is because Political Science Professor Paul Gronke of Reed College actively opposed the measure. He debated Keisling in the influential Portland City Club. The City Club analyzed the

measure and recommended a "No" vote. Gronke said he polled 800 political scientists, and only found one political scientist in favor.

Another reason Measure 65 lost so badly is because of its description on the ballot. The Oregon ballot said, "65. Changes general election nomination processes for major/minor party, independent candidates for most partisan offices." That was followed by, "Result of ☐ Yes ☐ Vote: ☐ Yes ☐ vote changes general election nomination processes for most partisan offices; all candidates run in single primary; top two primary candidates compete in general election." Finally, "Result of No Vote: ☐ No ☐ vote retains the current party primary election system, retains procedures for the nomination of minor political party and independent candidates to the general election."

Measure's 65 supporters may have injured their cause by constantly referring to it as "the open primary." Since the ballot didn't include that term, it is possible that some voters decided they wished to vote "Yes" on "the open primary", but when they read their ballot, they saw nothing about an "open primary."

OUT-OF-STATE PETITIONING VICTORY

On October 29, the 6th Circuit ruled that the U.S. Constitution prohibits Ohio from banning out-of-state circulators for independent presidential candidates. *Nader v Blackwell*, 07-4350. The vote was 3-0. The case had roots in the 2004 election, when Ralph Nader was kept off the Ohio ballot, even though he had enough valid signatures, because some of his circulators were from out-of-state.

Although Brian Moore, Socialist Party presidential candidate, had won a somewhat similar court order in U.S. District Court earlier this year, that victory wasn't as substantial as this one. The U.S. Supreme Court already ruled in 1999 that states can't ban circulators who aren't registered voters in that state.

Technically, Ohio has never had a law banning out-of-state circulators; it just said that independent candidate and initiative circulators had to be registered voters in Ohio. The earlier victory this year in the *Moore* case said that Ohio couldn't pretend that its obviously unconstitutional law (banning unregistered circulators) should be treated as though it were a ban on out-of-state circulators. The *Moore* decision freed up circulators during 2008, but it left the door open for the legislature to write a new law in 2009, banning out-of-staters.

The new Nader decision from the 6th circuit, on the other hand, explicitly says that bans on out-of-state circulators violate the First Amendment. It says, "No case has been put forward in this litigation as to a compelling state interest in permitting unregistered Ohioans to circulate petitions but not unregistered citizens of other states."

Nader had brought this case in 2006, and had lost it in the U.S. District Court in 2007 on procedural issues. In a hyper-technical sense, Nader "lost" this case because he was suing former Ohio Secretary of State Ken Blackwell for \$1 in damages. The 6th circuit denied that, because it said that back in 2004, it was not obvious that laws banning out-of-state circulators were unconstitutional; therefore Blackwell was not liable. Because Nader "lost" in that narrow sense, Ohio cannot appeal this case to the U.S. Supreme Court, and it is final.

HIGH COURT WON'T HEAR OHIO'S OTHER PETITION CASE

On November 17, the U.S. Supreme Court refused to hear Ohio's appeal in *Ohio v Citizens for Tax Reform*, 08-151. The 6th circuit had struck down Ohio's ban on paying circulators on a per-signature basis, and that decision will now stand.

N.Y. COURT VICTORY ON CONGRESSIONAL QUALIFICATIONS

In 1995, the U.S. Supreme Court ruled that Article One protects the right to run for Congress. It said that neither states, nor Congress, can add to the qualifications set forth in Article One to run for Congress, or to serve in

Congress. That case was *U.S. Term Limits v Thornton*. It struck down an Arkansas law that said that although anyone could be a write-in for Congress, no one could have his or her name printed on the ballot who had served three terms in Congress already.

On October 31, U.S. District Court Judge Richard Arcara, a Reagan appointee, ruled that someone is eligible to run for Congress, no matter where he or she lives before the election. Article One says someone elected to Congress must live in that state "when elected". Judge Arcara said that Jonathan Powers is eligible to run for Congress in New York, even though he had moved to Washington, D.C., in September 2008, because the Constitution says nothing about where someone lives before the election. *New York State Republican Committee v New York State Bd. of Elections*, 08-cv-810, western dist. On November 3, the 2nd circuit sided with Judge Arcara, by a vote of 3-0 (case no. 08-5327).

This was only the fourth case in which a federal court had ruled a candidate eligible for the ballot, based on *U.S. Term Limits v Thornton*. The earlier cases had been from California, Colorado, and Texas. The 9th and 10th circuits had both ruled that states cannot require candidates for Congress to be registered voters, and the 5th circuit had ruled that states cannot require residency prior to the election.

Eventually, the Courts will conclude that ballot access laws that make it virtually impossible for minor party members to be on the ballot for Congress are not necessary for orderly election administration, and that such severe ballot access laws are also void under Article One.

NEW HOPE FOR PENNSYLVANIA

In 2004, Ralph Nader was ordered to pay \$80,000 to cover the court costs in the proceeding to remove him from the Pennsylvania ballot. In 2006, the Green Party's U.S. Senate candidate suffered the same fate. No Pennsylvania state court has given any relief, even though this year it was revealed that both sets of challenges had been unlawfully paid for with government resources instead of the resources of the challengers.

But on November 18, a federal jury awarded \$67,000 to Denise Carey, who had unsuccessfully tried to place a local initiative on the ballot in Wilkes-Barre, Pennsylvania in 2004. Carey had sued the city, after the city had not only rejected her initiative, but had told her that she had to pay the city \$11,056 for court costs and attorneys fees. Even though she had withdrawn her petition, and even though she had promised not to engage in political activism in the future, the city had insisted on being reimbursed for the costs of setting up a court proceeding to see if the petition was valid.

Pennsylvania officials seem oblivious to the idea that the rational way to learn if a petition has enough signatures is to have clerical staff in an election office check the signatures. The federal case is *Carey v City of Wilkes-Barre*, 05-cv-2534, middle district, Scranton. The city is appealing to the 3rd circuit.

In another development that bodes well for justice in the Nader and Green Party matter, on November 14 the U.S. Supreme Court agreed to hear *Caperton v A.T. Massey Coal Company*, 08-22. The issue is whether the due process clause of the U.S. Constitution is violated when someone is involved in a lawsuit, and that person's opponent in court had made very large campaign donations to a judge who is hearing that case.

In the Pennsylvania 2004 and 2006 petition challenges, the attorneys who represented the challengers had done favors for several of the Pennsylvania Supreme Court Justices.

UNITY08 LOSES CASE ON CONTRIBUTIONS

In 2006, a group of prominent individuals launched Unity08, to put a moderate independent presidential candidate in the 2008 election. The group planned to qualify itself as a ballot-qualified party, and only after that work was done, would it nominate a presidential candidate. The candidate was to be chosen on the internet by people who supported the concept. The founders of Unity08 themselves did not themselves support any

particular presidential candidate.

The Federal Election Commission told Unity08 that it is a "political committee" and that therefore it could only receive \$5,000 from any individual. A "political committee" is a group that backs a particular presidential candidate. Unity08 objected, saying it is not a "political committee" since it had no particular candidate in mind. But on October 16, U.S. District Court Judge Richard Roberts ruled that Unity08 is a political committee. *Unity08 v FEC*, 07-53. Unity08 never did carry out its mission, partly because of the FEC campaign finance ruling that hampered its ability to raise money. However, it is appealing the decision.

IRV WINS IN TWO CITIES, LOSES ONE

On November 4, the voters of Telluride, Colorado, and Memphis, Tennessee, voted in favor of Instant-Runoff Voting for city elections. However, the voters of Cincinnati defeated a closely related ballot measure for city council elections.

FLORIDA PRIMARY DATE LAWSUIT

On November 10, a U.S. District Court heard arguments in *Ausman v Browning*, 4:07-cv-519, n.d., over whether it violates the rights of the Democratic Party for Florida to hold its presidential primary in January. National Democratic rules do not permit such early primaries, except in New Hampshire and South Carolina.

2008 OCTOBER REGISTRATION TOTALS

	Dem.	Rep.	Indp, misc	Constitut.	Green	Libt	Reform	Wk Fam	other
Alaska	77,036	127,446	262,902	?	2,926	6,926	?	?	19,592
Arizona	1,022,252	1,118,587	824,450	?	4,009	18,153	?	?	--
Calif.	7,683,495	5,428,052	3,537,483	370,405	118,416	83,574	26,316	?	56,350
Colorado	902,444	892,791	814,281	1,461	5,526	9,489	?	?	183
Conn.	779,784	427,020	885,211	263	1,906	987	106	18	2,340
Delaware	280,347	181,789	136,731	309	587	756	140	589	1,618
Dt. Col.	321,027	30,465	70,721	?	4,548	?	?	?	--
Florida	4,722,076	4,064,301	2,433,193	932	6,007	16,883	3,093	?	1,149
Iowa	698,839	592,397	710,587	--	356	762	--	--	--
Kansas	451,577	751,125	446,450	--	--	9,113	1,296	--	--
Kentucky	1,662,093	1,053,871	189,338	105	329	997	48	?	28
Louis'na	1,442,468	697,694	584,591	?	1,040	2,669	1,457	?	--
Maine	310,950	258,147	346,374	?	27,354	?	?	?	--
Maryland	1,946,823	927,798	532,241	106	8,384	7,058	?	?	10,235
Mass.	1,559,464	490,259	2,144,417	80	7,522	12,534	438	5,534	240
Nebraska	392,943	558,465	195,507	8,625	1,041	453	?	?	--
Nevada	531,317	430,594	187,758	47,967	3,349	6,776	?	?	--
N. Hamp.	263,217	268,108	332,217	?	?	?	?	?	--
N. Jersey	1,782,556	1,055,403	2,511,396	117	953	1,023	67	?	154

N. Mex.	596,938	378,351	208,191	91	5,290	2,172	?	?	--
N. York	5,831,445	3,054,520	2,523,696	?	28,983	1,545	?	40,560	550,541
No. Car.	2,870,862	2,004,704	1,395,714	?	?	3,672	?	?	--
Okla.	1,079,373	859,872	244,847	?	?	?	?	?	--
Oregon	914,542	686,656	451,405	2,996	8,834	13,701	?	1,984	33,550
Pennsyl.	4,480,691	3,243,391	978,123	2,631	16,686	36,509	?	?	--
Rhode Is.	265,947	67,387	281,929	?	?	?	?	?	--
So. Dak.	204,413	241,528	83,147	315	?	1,059	?	?	--
Utah	118,037	549,928	649,452	1,819	?	2,639	?	?	--
W. Va.	675,305	353,437	167,111	?	973	?	?	?	--
Wyo.	65,640	150,504	27,796	?	?	878	?	?	--
TOTAL				438,222	255,019	240,328	32,961	48,685	675,980
Percent	43.62%	30.72%	23.98%	.44%	.25%	.24%	.03%	.05%	.67%

The parties in the "Other" column are: in Alaska, 13,828 Alaskan Independence, 3,842 Republican Moderate, 1,922 Veterans; Peace & Freedom in California; United Party in Colorado; Independent Party in Connecticut; in Delaware, 310 Socialist Workers and 1,308 Independent Party; in Florida, Boston Tea 51, Socialist Workers 380, Socialist 614, America's Independent Party 30, Party for Socialism & Liberation 23, Prohibition 51; Socialist Workers in Kentucky; Independent Party in Maryland; these Massachusetts parties: Socialist 203, Veterans 25, Prohibition 12; these New York parties: Independence 399,478, Conservative 151,063; these Oregon parties: Independent 33,497, Peace 53.

A dash means that the voters can't register into a particular party because there is no write-in line on the registration form.

Totals February 2008 were: Dem. 39,139,653 (41.66%), Rep. 29,955,197 (31.89%), Indp. & misc. 23,315,495 (24.82%), Constitution 384,722 (.41%), Green 261,754 (.28%), Libertarian 225,529 (.24%), Reform & Independence 391,915 (.42%), other parties 270,409 (.29%).

Totals October 2004 were: Dem. 37,301,951 (42.19%), Rep. 28,988,593 (32.79%), Indp. & misc. 20,471,250 (23.15%), Constitution 320,019 (.36%), Green 298,701 (.34%), Libertarian 235,521 (.27%), Reform 63,729 (.07%), Natural Law 39,670 (.04%), other parties 695,639 (.79%).

Totals October 2000 were: Dem. 38,529,264 (43.84%), Rep. 28,813,511 (32.78%), Indp. & misc. 18,999,126 (21.62%), Constitution 348,977 (.40%), Libertarian 224,713 (.26%), Green 193,332 (.22%), Reform 99,408 (.11%), Natural Law 61,405 (.07%), other parties 620,668 (.71%).

Totals October 1992 were: Dem. 35,616,630 (47.76%), Rep. 24,590,383 (32.97%), Indp. & misc. 13,617,167 (18.26%), Green 102,557 (.14%), Libertarian 100,394 (.13%), other parties 554,668 (.74%).

2008 PRESIDENTIAL VOTE (not final)

as of January 6, 2009

[see below for other parties](#)

	<u>Obama</u>	<u>McCain</u>	<u>Nader</u>	<u>Barr</u>	<u>Baldwin</u>	<u>McKinney</u>	<u>Keyes</u>	<u>Paul</u>	<u>S.W.P.</u>
Alabama	813,479	1,266,546	6,788	4,991	4,310	6	14	273	?
Alaska	123,594	193,841	3,783	1,589	1,660	?	?	?	?
Arizona	1,034,707	1,230,111	11,301	12,555	1,371	3,406	?	?	?

Arkansas	422,310	638,017	12,882	4,776	4,023	3,470	0	0	0
California	8,274,473	5,011,781	108,381	67,582	3,145	37,432	40,673	17,006	49
Colorado	1,288,568	1,073,584	13,350	10,897	6,234	2,822	3,051	?	154
Connecticut	997,772	629,428	18,112	?	193	63	?	?	20
Delaware	255,446	152,373	2,401	1,109	626	385	?	?	58
D.C.	245,800	17,367	958	?	?	590	?	?	?
Florida	4,282,074	4,045,624	28,124	17,218	7,915	2,887	2,550	?	533
Georgia	1,844,137	2,048,744	1,123	28,812	1,305	249	?	?	20
Hawaii	325,871	120,566	3,825	1,314	1,013	979	0	0	0
Idaho	236,440	403,012	7,175	3,658	4,747	39	40	?	?
Illinois	3,419,673	2,031,527	30,952	19,645	8,256	11,838	?	1	?
Indiana	1,374,039	1,345,648	909	29,257	1,024	87	?	?	?
Iowa	828,940	682,379	8,014	4,590	4,445	1,423	?	?	292
Kansas	514,765	699,655	10,527	6,706	4,148	35	31	?	?
Kentucky	751,985	1,048,462	15,378	5,989	4,694	?	27	?	?
Louisiana	782,989	1,148,275	6,997	0	2,581	9,187	0	9,368	735
Maine	421,923	295,273	10,636	251	177	2,900	?	?	?
Maryland	1,629,467	959,862	14,713	9,842	3,760	4,747	103	?	?
Massachusetts	1,904,097	1,108,854	28,841	13,189	4,971	6,550	?	?	?
Michigan	2,872,579	2,048,639	33,085	23,716	14,685	8,892	129	?	?
Minnesota	1,573,354	1,275,409	30,152	9,174	6,787	5,174	22	?	790
Mississippi	554,662	724,597	4,011	2,529	2,551	1,034	?	?	?
Missouri	1,441,911	1,445,814	17,813	11,386	8,201	80	?	?	?
Montana	231,667	242,763	3,686	1,355	143	23	?	10,638	?
Nebraska	333,319	452,979	5,406	2,740	2,972	1,028	?	?	?
Nevada	533,736	412,827	6,150	4,263	3,194	1,411	0	0	0
New Hampshire	384,826	316,534	3,503	2,217	226	40	?	1,092	?
New Jersey	2,215,422	1,613,207	21,298	8,441	3,956	3,636	?	?	523
New Mexico	472,422	346,832	5,327	2,428	1,597	1,552	0	0	0
New York	4,804,701	2,752,728	41,248	19,595	634	12,801	35	?	3,615
Noroth Carolina	2,142,651	2,128,474	1,448	25,722	?	158	?	?	?
North Dakota	141,278	168,601	4,189	1,354	1,199	0	?	?	?
Ohio	2,933,388	2,674,491	42,288	19,888	12,550	8,513	160	?	?
Oklahoma	502,496	960,165	0	0	0	0	0	0	0
Oregon	1,037,291	738,475	18,614	7,631	7,693	4,543	?	?	?
Pennsylvania	3,276,363	2,651,812	44,397	19,812	986	?	?	3,527	?
Rhode Island	296,571	165,391	4,829	1,382	675	797	?	?	?
South Carolina	862,449	1,034,896	5,053	7,283	6,827	4,461	0	0	0

South Dakota	170,924	203,054	4,267	1,835	1,895	0	0	0	0
Tennessee	1,087,437	1,479,178	11,560	8,547	8,191	2,499	?	?	?
Texas	3,528,633	4,479,328	5,440	56,116	5,052	831	883	?	?
Utah	327,670	596,030	8,416	6,966	12,012	982	?	?	?
Vermont	219,262	98,974	3,339	1,067	500	66	?	?	150
Virginia	1,959,532	1,725,005	11,483	11,067	7,474	2,344	38	?	?
Washington	1,750,848	1,229,216	29,489	12,728	9,432	3,819	?	?	641
West Virginia	303,857	397,466	7,219	?	2,465	2,355	?	?	?
Wisconsin	1,677,211	1,262,393	17,605	8,858	5,072	4,216	?	?	?
Wyoming	82,868	164,958	2,525	1,594	1,192	0	?	?	?
Guam	20,119	11,941	0	214	0	0	0	0	0
TOTAL	69,511,996	59,953,106	739,010	523,878	199,102	160,190	47,756	41,905	7,580

2008 PRESIDENTIAL VOTE (continued)

	<u>La Riva</u>	<u>B. Moore</u>	<u>Duncan</u>	<u>Jay</u>	<u>Polachek</u>	<u>McEnulty</u>	<u>Wamboldt</u>	<u>Stevens</u>	<u>Amondsn</u>
Alabama	?	5	?	?	?	?	?	?	?
Alaska	?	?	?	?	?	?	?	?	?
Arizona	?	?	?	16	?	?	?	?	?
Arkansas	1,139	0	0	0	0	0	0	0	?
California	?	?	?	?	?	?	?	?	?
Colorado	158	226	?	598	?	828	?	336	85
Connecticut	?	15	?	?	?	?	?	?	?
Delaware	?	?	?	?	?	?	?	?	?
D.C.	?	?	?	?	?	?	?	?	?
Florida	1,516	405	?	795	?	?	?	419	293
Georgia	?	6	?	?	?	?	?	?	?
Hawaii	0	0	0	0	0	0	0	0	0
Idaho	?	3	?	?	?	?	?	?	?
Illinois	?	?	?	?	1,149	?	?	?	?
Indiana	?	14	?	?	?	?	?	?	?
Iowa	121	182	?	?	?	?	?	?	?
Kansas	?	?	?	?	?	?	?	?	?
Kentucky	?	?	?	?	?	0	?	?	?
Louisiana	354	0	0	0	0	0	0	0	275
Maine	?	?	?	?	?	?	?	?	?
Maryland	?	10	?	1	?	?	?	?	?
Massachusetts	?	?	?	?	?	?	?	?	?
Michigan	?	41	?	?	?	?	?	?	?

Minnesota	?	7	?	?	?	?	?	?	?
Mississippi	?	?	?	?	?	?	?	?	?
Missouri	?	?	?	?	?	?	?	?	?
Montana	?	?	?	0	?	?	?	?	?
Nebraska	?	?	?	?	?	?	?	?	?
Nevada	0	0	0	0	0	0	0	0	0
New Hampshire	?	?	?	?	?	?	?	?	?
New Jersey	416	699	?	?	?	?	?	?	?
New Mexico	0	0	0	0	0	0	0	0	0
New York	1,639	10	?	?	?	?	?	?	?
North Carolina	?	38	?	?	?	?	?	?	?
North Dakota	?	?	?	?	?	?	?	?	?
Ohio	?	2,731	3,902	?	?	?	?	?	?
Oklahoma	0	0	0	0	0	0	0	0	0
Oregon	?	?	?	?	?	?	?	?	?
Pennsylvania	?	?	?	?	?	?	?	?	?
Rhode Island	122	?	?	?	?	?	?	?	?
South Carolina	0	0	0	0	0	0	0	0	0
South Dakota	0	0	0	0	0	0	0	0	0
Tennessee	?	1,326	?	1,011	?	?	?	?	?
Texas	?	132	?	?	?	?	?	?	?
Utah	262	?	?	?	?	?	?	?	?
Vermont	149	141	?	?	?	?	?	?	?
Virginia	?	13	?	?	?	?	?	?	?
Washington	705	?	?	?	?	?	?	?	?
West Virginia	?	?	?	?	?	?	?	?	?
Wisconsin	237	540	?	?	?	?	764	?	?
Wyoming	?	?	?	?	?	?	?	?	?
Guam	0	0	0	0	0	0	0	0	0
TOTAL	6,818	6,537	3,902	2,420	1,149	828	764	755	653

2010 PETITIONING FOR STATEWIDE OFFICE

STATE	REQUIREMENTS		SIGNATURES COLLECTED				DEADLINES	
	FULL PARTY	CAND	LIB'T	GREEN	CONSTI	WK FAM	Party	Indp.
Ala. 9	37,513	37,513	100	0	0	0	June 1	June 1
Alaska 3	(reg) 7,124	#3,128	6,926	2,926	0	0	June 1	Aug. 24
Ariz. 10	30,580	(est) #25,500	already on	4,009	0	0	Mar. 11	unsettled

Ark. 6	10,000	10,000	0	0	0	0	June 30	May 3
Calif. 55	(reg) 88,991	173,041	already on	already on	in court	0	Jan. 6	Aug. 6
Colo. 9	(reg) 1,000	1,000	already on	already on	already on	0	June 1	June 15
Conn. 7	no procedure	#7,500	already on	already on	can't start	can't start	---	Aug. 11
Del. 3	(est) (reg) 310	(est) 6,200	already on	already on	already on	already on	Aug. 10	July 15
D.C. 3	no procedure	#3,000	can't start	already on	can't start	can't start	---	Aug. 25
Florida 27	be organized	pay fee	already on	already on	already on	0	Apr. 30	Apr. 30
Georgia 15	57,582	#44,089	already on	can't start	can't start	can't start	July 13	July 13
Hawaii 4	663	25	already on	0	0	0	Apr. 1	July 19
Idaho 4	13,102	1,000	already on	can't start	already on	can't start	Aug. 27	March 19
Illinois 21	no procedure	#25,000	can't start	already on	can't start	can't start	---	June 21
Indiana 11	no procedure	#32,742	already on	0	0	0	---	June 30
Iowa 7	no procedure	#1,500	0	0	0	0	---	Aug. 13
Kansas 6	16,994	5,000	already on	0	0	0	June 1	Aug. 2
Ky. 8	no procedure	#5,000	can't start	can't start	can't start	can't start	---	Aug. 10
La. 9	(reg) 1,000	pay \$500	already on	already on	??	0	May 20	Aug. 20
Maine 4	27,544	#4,000	0	already on	0	0	Dec 11, 09	Aug. 8
Md. 10	10,000	(est) 35,000	already on	already on	already on	0	Aug. 2	Aug. 2
Mass. 12	(est) (reg) 43,000	#10,000	already on	7,522	80	5,534	Feb. 1	July 27
Mich. 17	38,024	30,000	already on	already on	already on	0	July 15	July 17
Minn. 10	145,517	#2,000	0	0	0	0	July 20	July 20
Miss. 6	be organized	1,000	already on	already on	already on	0	April 9	April 9
Mo. 11	10,000	10,000	already on	0	already on	0	July 26	July 26
Mont. 3	5,000	#15,359	already on	0	already on	0	Mar. 18	in court
Nebr. 5	5,921	4,000	0	0	0	0	Aug. 2	Aug. 24
Nev. 5	250	9,060	already on	0	already on	0	April 12	April 12
N. Hamp. 5	21,315	#3,000	0	0	0	0	Aug. 4	Aug. 4
N.J. 15	no procedure	#800	0	0	0	0	---	June 2
N. M. 5	2,794	16,764	0	unsettled	already on	0	Apr. 1	June 3
N.Y. 31	no procedure	#15,000	can't start	can't start	can't start	already on	---	Aug. 17
No. Car. 15	in court	69,734	already on	0	0	0	May 14	June 10
No. Dak. 3	7,000	#4,000	0	0	0	0	Apr. 9	Sep. 3
Ohio 20	unsettled	5,000	0	0	0	0	unsettled	May 3
Okla. 7	73,134	pay fee	0	0	0	0	May 1	July 15
Oregon 7	20,640	(est) 19,000	already on	already on	already on	already on	Aug. 26	Aug. 26
Penn. 21	no procedure	(est) #25,000	can't start	can't start	can't start	can't start	---	Aug. 2
R.I. 4	23,489	#1,000	can't start	can't start	can't start	can't start	May 28	July 22

So. Car. 8	10,000	10,000	already on	already on	already on	already on	May 2	July 15
So. Dak. 3	8,389	3,356	0	0	already on	0	Mar. 23	June 2
Tenn. 11	in court	25	0	0	0	0	unsettled	April 1
Texas 34	43,991	43,991	already on	can't start	can't start	can't start	May 24	May 10
Utah 5	2,000	#1,000	already on	0	already on	0	Feb. 15	March 15
Vermont 3	be organized	#500	already on	0	already on	0	Jan. 1	Sep. 10
Virginia 13	no procedure	#10,000	0	0	0	0	---	June 8
Wash. 11	no procedure	pay fee	0	0	0	0	---	May 15
West Va. 5	no procedure	#14,500	0	already on	0	0	---	May 10
Wisc. 10	10,000	#2,000	already on	already on	can't start	can't start	June 1	July 13
Wyo. 3	4,988	4,988	already on	can't start	can't start	can't start	June 1	Aug. 23
TOTAL STATES ON			27	16	16	4		

#partisan label is permitted on the ballot (other than "independent").

The number after each state's name is how many electoral votes it has.

West Virginia has no statewide race in 2010, so the requirement is for a full slate of U.S. House nominees.

MINOR PARTY WINS FOR LEGISLATURE

On November 4, five Progressive Party nominees were elected to the Vermont House. They are David Zuckerman, Sandy Haas, Susan Davis, Sarah Edwards (all of whom were re-elected) and newcomer Mollie Burke. All of them had either "Progressive" or "Progressive, Democrat" on the ballot next to their names.

Tim Ashe was elected to the Vermont Senate. His label was "Democrat, Progressive" so reference books will list him as a Democrat. However, he had been elected to the Burlington City Council in 2007 as a Progressive, in a partisan election. Vermont does not have registration by party, so membership is a fuzzy concept.

Two sitting Vermont Progressives in the House were defeated for re-election. They are Christopher Pearson and Dexter Randall. Pearson is considered the legislature's leading expert on sustainable agriculture. He was defeated because a majority of voters in his district are students at the University of Vermont, and most of the students seemed taken by the idea of electing one of their own. She is Kesha Ram, the Democratic nominee, age 22.

In Arkansas, Richard Carroll, the Green Party nominee, was elected to the State House. He was the only candidate listed on the ballot, but two Democrats ran write-in campaigns against him.

INDEPENDENTS IN STATE LEGISLATURES

On November 4, these independent candidates were elected to state legislatures: Maine House, Thomas Saviello; Massachusetts House, Timothy Madden; Rhode Island Senate, Edward O'Neill; South Dakota Senate, Tom Dempster; Vermont House, Will Stevens and Adam Greshin; and Wisconsin House, Jeff Wood.

In Minnesota and Tennessee, sitting state legislators who tried to win re-election as independents were narrowly defeated. They are Tennessee Senator Micheal Williams and Minnesota Representative Ron Erhardt.

STATEWIDE & U.S. HOUSE RACES

For the first time since 1988, no minor party or independent candidate won any seat in either house of Congress.

The only statewide independent or minor party nominee in a statewide race who placed ahead of a major party nominee is Anthony Pollina, who placed second, ahead of the Democrat, in the Vermont gubernatorial race.

In U.S. House races, the only independent or minor party candidate who placed ahead of a major party nominee is Cindy Sheehan, in California's 8th district. She ran as an independent and placed ahead of the Republican nominee. She says she will run again in 2010. The district is represented by House Speaker Nancy Pelosi.

Rick Lass, Green Party nominee for New Mexico Public Regulation Commission, polled 45% in a partisan two-person race. John Monds, Libertarian nominee for Georgia Public Service Commissioner, polled 33% in a partisan two-person race, and carried Fulton County (the county that contains most of Atlanta) and several other counties.

It is likely that Green Party nominee Malik Rahim, running in Louisiana's U.S. House district two on December 6, will outpoll the Republican nominee. This district is voting late because September storms forced the state to delay its primary in districts that needed a run-off primary.

MINOR PARTY PARTISAN LOCAL WINS

The Green Party won at least two local partisan elections. Art Goodtimes was re-elected to the San Miguel County Commission in Colorado; and Korine Bachleda was re-elected Newberg Township Clerk, Cass County, Michigan.

The Libertarian Party won at least one local partisan race. Frederick Campbell was re-elected County Attorney of Anderson County, Kansas.

The Working Families Party elected a Registrar of Voters in Hartford, Connecticut. Voters elect two, but no party may nominate more than a single candidate. The WFP nominee outpolled the Republican nominee.

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