

106TH CONGRESS  
1ST SESSION

# H. R. 2026

To enforce the guarantees of the first, fourteenth, and fifteenth amendments to the Constitution of the United States by prohibiting certain devices used to deny the right to participate in certain elections.

---

## IN THE HOUSE OF REPRESENTATIVES

JUNE 7, 1999

Mr. PAUL introduced the following bill; which was referred to the Committee on House Administration

---

## A BILL

To enforce the guarantees of the first, fourteenth, and fifteenth amendments to the Constitution of the United States by prohibiting certain devices used to deny the right to participate in certain elections.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Voter Freedom Act  
5       of 1999”.

6       **SEC. 2. FINDINGS AND PURPOSES.**

7       (a) FINDINGS.—The Congress makes the following  
8       findings:

1           (1) Voting participation in the United States is  
2           lower than in any other advanced industrialized  
3           democracy.

4           (2) The rights of eligible citizens to seek elec-  
5           tion to office, vote for candidates of their choice and  
6           associate for the purpose of taking part in elections,  
7           including the right to create and develop new polit-  
8           ical parties, are fundamental in a democracy. The  
9           rights of citizens to participate in the election proc-  
10          ess, provided in and derived from the first and four-  
11          teenth amendments to the Constitution, have con-  
12          sistently been promoted and protected by the Fed-  
13          eral Government. These rights include the right to  
14          cast an effective vote and the right to associate for  
15          the advancement of political beliefs, which includes  
16          the “constitutional right . . . to create and develop  
17          new political parties.” *Norman v. Reed*, 502 U.S.  
18          279, 112 S.Ct. 699 (1992). It is the duty of the  
19          Federal Government to see that these rights are not  
20          impaired in elections for Federal office.

21          (3) Certain restrictions on access to the ballot  
22          impair the ability of citizens to exercise these rights  
23          and have a direct and damaging effect on citizens’  
24          participation in the electoral process.

1           (4) Many States unduly restrict access to the  
2           ballot by nonmajor party candidates and nonmajor  
3           political parties by means of such devices as exces-  
4           sive petition signature requirements, insufficient pe-  
5           titioning periods, unconstitutionally early petition fil-  
6           ing deadlines, petition signature distribution criteria,  
7           and limitations on eligibility to circulate and sign pe-  
8           titions.

9           (5) Many States require political parties to poll  
10          an unduly high number of votes or to register an un-  
11          duly high number of voters as a precondition for re-  
12          maining on the ballot.

13          (6) In 1983, the Supreme Court ruled unconsti-  
14          tutional an Ohio law requiring a nonmajor party  
15          candidate for President to qualify for the general  
16          election ballot earlier than major party candidates.  
17          This Supreme Court decision, *Anderson v.*  
18          *Celebrezze*, 460 U.S. 780 (1983) has been followed  
19          by many lower courts in challenges by nonmajor par-  
20          ties and candidates to early petition filing deadlines.  
21          See, e.g., *Stoddard v. Quinn*, 593 F. Supp. 300  
22          (D.Me. 1984); *Cripps v. Seneca County Board of*  
23          *Elections*, 629 F. Supp. 1335 (N.D. Oh. 1985); *Lib-*  
24          *ertarian Party of Nevada v. Swackhamer*, 638 F.  
25          Supp. 565 (D. Nev. 1986); *Cromer v. State of South*

1 Carolina, 917 F.2d 819 (4th Cir. 1990); New Alli-  
2 ance Party of Alabama v. Hand, 933 F. 2d 1568  
3 (11th Cir. 1991).

4 (7) In 1996, 34 States required nonmajor party  
5 candidates for President to qualify for the ballot be-  
6 fore the second major party national convention (Ar-  
7 izona, California, Colorado, Connecticut, Delaware,  
8 District of Columbia, Florida, Georgia, Illinois, Indi-  
9 ana, Iowa, Kansas, Maine, Maryland, Massachu-  
10 setts, Michigan, Missouri, Montana, Nevada, New  
11 Hampshire, New Jersey, New York, North Carolina,  
12 Ohio, Oklahoma, Pennsylvania, South Carolina,  
13 South Dakota, Tennessee, Texas, Virginia, Wash-  
14 ington, West Virginia, and Wyoming). Twenty-six of  
15 these States required nonmajor party candidates to  
16 qualify before the first major party national conven-  
17 tion (Arizona, California, Colorado, Connecticut  
18 Florida, Georgia, Illinois, Indiana, Kansas, Maine,  
19 Maryland, Massachusetts, Michigan, Missouri, Mon-  
20 tana, Nevada, New Hampshire, New Jersey, North  
21 Carolina, Oklahoma, Pennsylvania, South Carolina,  
22 South Dakota, Texas, Washington, and West Vir-  
23 ginia).

24 (8) Under present law, in 1996, nonmajor party  
25 candidates for President were required to obtain at

1       least 701,089 petition signatures to be listed on the  
2       ballots of all 50 States and the District of Colum-  
3       bia—28 times more signatures than the 25,500 re-  
4       quired of Democratic Party candidates and 13 times  
5       more signatures than the 54,250 required of Repub-  
6       lican Party candidates. To be listed on the ballot in  
7       all 50 States and the District of Columbia with a  
8       party label, nonmajor party candidates for President  
9       were required to obtain approximately 651,475 peti-  
10      tion signatures and 89,186 registrants. Thirty-two  
11      of the 41 States that hold Presidential primaries re-  
12      quired no signatures of major party candidates for  
13      President (Arkansas, California, Colorado, Con-  
14      necticut, Florida, Georgia, Idaho, Kansas, Kentucky,  
15      Louisiana, Maryland, Massachusetts, Michigan, Min-  
16      nesota, Mississippi, Missouri, Nebraska, New Hamp-  
17      shire, New Mexico, North Carolina, North Dakota,  
18      Oklahoma, Oregon, Rhode Island, South Carolina,  
19      South Dakota, Tennessee, Texas, Virginia, Wash-  
20      ington, West Virginia, Wisconsin). Only three States  
21      required no signatures of nonmajor party candidates  
22      for President (Arkansas, Colorado, and Louisiana;  
23      Colorado and Louisiana, however, required a \$500  
24      filing fee).

1           (9) Under present law, the number of petition  
2       signatures required by the States to list a major  
3       party candidate for Senate on the ballot in 1996  
4       ranged from zero to 15,000. The number of petition  
5       signatures required to list a nonmajor party can-  
6       didate for Senate ranged from zero to 196,788.  
7       Thirty-one States required no signatures of major  
8       party candidates for Senate (Alabama, Alaska, Ar-  
9       kansas, Colorado, Connecticut, Delaware, Florida,  
10      Georgia, Hawaii, Kansas, Kentucky, Louisiana,  
11      Maryland, Massachusetts, Minnesota, Mississippi,  
12      Missouri, Montana, Nebraska, Nevada, New Hamp-  
13      shire, North Carolina, North Dakota, Oklahoma, Or-  
14      egon, South Carolina, Texas, Utah, Washington,  
15      West Virginia, Wyoming). Only one State required  
16      no signatures of nonmajor party candidates for Sen-  
17      ate, provided they were willing to be listed on the  
18      ballot without a party label (Louisiana, although a  
19      \$600 filing fee was required, and to run with a  
20      party label, a candidate was required to register  
21      111,121 voters into his or her party).

22           (10) Under present law, the number of petition  
23      signatures required by the States to list a major  
24      party candidate for Congress on the ballot in 1996  
25      ranged from zero to 2,000. The number of petition

1 signatures required to list a nonmajor party can-  
2 didate for Congress ranged from zero to 13,653.  
3 Thirty-one States required no signatures of major  
4 party candidates for Congress (Alabama, Alaska, Ar-  
5 kansas, Colorado, Connecticut, Delaware, Florida,  
6 Georgia, Hawaii, Kansas, Kentucky, Louisiana,  
7 Maryland, Minnesota, Mississippi, Missouri, Mon-  
8 tana, Nebraska, Nevada, New Hampshire, North  
9 Carolina, North Dakota, Oklahoma, Oregon, South  
10 Carolina, Texas, Utah, Washington, West Virginia,  
11 Wyoming). Only one State required no signatures of  
12 nonmajor party candidates for Congress, provided  
13 they are willing to be listed on the ballot without a  
14 party label (Louisiana, although a \$600 filing fee  
15 was required).

16 (11) Under present law, in 1996, eight States  
17 required additional signatures to list a nonmajor  
18 party candidate for President on the ballot with a  
19 party label (Alabama, Arizona, Idaho, Kansas, Ne-  
20 braska, North Dakota, Ohio, Tennessee). Thirteen  
21 States required additional signatures to list a  
22 nonmajor party candidate for Senate or Congress on  
23 the ballot with a party label (Alabama, Arizona, Ar-  
24 kansas, California, Idaho, Hawaii, Kansas, Lou-  
25 isiana, North Dakota, Nebraska, Ohio, Oregon, Ten-

1       nessee). Two of these States (Ohio and Tennessee)  
2       required 5,000 signatures and 25 signatures, respec-  
3       tively, to list a nonmajor party candidate for Presi-  
4       dent or Senate on the ballot in 1996, but required  
5       33,463 signatures and 37,179 signatures, respec-  
6       tively, to list the candidate on the ballot with her or  
7       his party label. One State (California) required a  
8       nonmajor party to have 89,006 registrants in order  
9       to have its candidate for President listed on the bal-  
10      lot with a party label.

11           (12) Under present law, in 1996 one State  
12      (California) required nonmajor party candidates for  
13      President or Senate to obtain 147,238 signatures in  
14      105 days, but required major party candidates for  
15      Senate to obtain only 65 signatures in 105 days,  
16      and required no signatures of major party can-  
17      didates for President. Another State (Texas) re-  
18      quired nonmajor party candidates for President or  
19      Senate to obtain 43,963 signatures in 75 days, and  
20      required no signatures of major party candidates for  
21      President or Senate.

22           (13) Under present law, in 1996, seven States  
23      required nonmajor party candidates for President or  
24      Senate to collect a certain number or percentage of  
25      their petition signatures in each congressional dis-



1        trict or in a specified number of congressional dis-  
2        tricts (Michigan, Missouri, Nebraska, New Hamp-  
3        shire, New York, North Carolina, Virginia). Only  
4        three of these States impose a like requirement on  
5        major party candidates for President or Senate  
6        (Michigan, New York, Virginia).

7            (14) Under present law, in 1996, 20 States re-  
8        stricted the circulation of petitions for nonmajor  
9        party candidates to residents of those States (Cali-  
10       fornia, Colorado, Connecticut, District of Columbia,  
11       Idaho, Illinois, Kansas, Michigan, Missouri, Ne-  
12       braska, Nevada, New Jersey, New York, Ohio,  
13       Pennsylvania, South Dakota, Texas, Virginia, West  
14       Virginia, Wisconsin). Two States restricted the cir-  
15       culation of petitions for nonmajor party candidates  
16       to the county or congressional district where the  
17       circulator lives (Kansas and Virginia).

18            (15) Under present law, in 1996, three States  
19       prohibited people who voted in a primary election  
20       from signing petitions for nonmajor party candidates  
21       (New York, Texas, West Virginia). Twelve States re-  
22       stricted the signing of petitions to people who indi-  
23       cate intent to support or vote for the candidate or  
24       party (California, Delaware, Hawaii, Illinois, Indi-  
25       ana, Maryland, New Jersey, New York, North Caro-

lina, Ohio, Oregon, Utah). Five of these 12 States required no petitions of major party candidates (Delaware, Maryland, North Carolina, Oregon, Utah), and only one of the six remaining States restricted the signing of petitions for major party candidates to people who indicate intent to support or vote for the candidate or party (New Jersey).

(16) In one State (Georgia), no nonmajor party candidate for the United States House of Representatives has qualified for the ballot since that State's ballot access laws have been in effect.

(17) Restrictions on the ability of citizens to exercise the rights identified in this subsection have disproportionately impaired participation in the electoral process by various groups, including racial minorities.

(18) The establishment of fair and uniform national standards for access to the ballot in elections for Federal office would remove barriers to the participation of citizens in the electoral process and thereby facilitate such participation and maximize the rights identified in this subsection.

(19) The Congress has authority, under the provisions of the Constitution of the United States in sections 4 and 8 of article I, section 1 of article

1 II, article VI, the thirteenth, fourteenth, and fif-  
2 teenth amendments, and other provisions of the  
3 Constitution of the United States, to protect and  
4 promote the exercise of the rights identified in this  
5 subsection.

6 (b) PURPOSES.—The purposes of this Act are—

7 (1) to establish fair and uniform standards reg-  
8 ulating access to the ballot by eligible citizens who  
9 desire to seek election to Federal office and political  
10 parties, bodies, and groups which desire to take part  
11 in elections for Federal office; and

12 (2) to maximize the participation of eligible citi-  
13 zens in elections for Federal office.

14 **SEC. 3. BALLOT ACCESS RIGHTS.**

15 (a) IN GENERAL.—An individual shall have the right  
16 to be placed as a candidate on, and to have such individ-  
17 ual's political party, body, or group affiliation in connec-  
18 tion with such candidacy placed on, a ballot or similar vot-  
19 ing materials to be used in a Federal election, if—

20 (1) such individual presents a petition stating  
21 in substance that its signers desire such individual's  
22 name and political party, body or group affiliation,  
23 if any, to be placed on the ballot or other similar  
24 voting materials to be used in the Federal election  
25 with respect to which such rights are to be exercised;

1           (2) with respect to a Federal election for the of-  
2       fice of President, Vice President, or Senator, such  
3       petition has a number of signatures of persons quali-  
4       fied to vote for such office equal to one-tenth of one  
5       percent of the number of persons who voted in the  
6       most recent previous Federal election for such office  
7       in the State, or 1,000 signatures, whichever is  
8       greater;

9           (3) with respect to a Federal election for the of-  
10      fice of Representative in, or Delegate or Resident  
11      Commissioner to, the Congress, such petition has a  
12      number of signatures of persons qualified to vote for  
13      such office equal to one-half of one percent of the  
14      number of persons who voted in the most recent pre-  
15      vious Federal election for such office, or, if there  
16      was no previous Federal election for such office,  
17      1,000 signatures;

18          (4) with respect to a Federal election the date  
19      of which was fixed 345 or more days in advance,  
20      such petition was circulated during a period begin-  
21      ning on the 345th day and ending on the 75th day  
22      before the date of the election; and

23          (5) with respect to a Federal election the date  
24      of which was fixed less than 345 days in advance,  
25      such petition was circulated during a period estab-

1 lished by the State holding the election, or, if no  
2 such period was established, during a period begin-  
3 ning on the day after the date the election was  
4 scheduled and ending on the tenth day before the  
5 date of the election, provided, however, that the  
6 number of signatures required under paragraph (2)  
7 or (3) shall be reduced by  $\frac{1}{270}$  for each day less  
8 than 270 in such period.

9 (b) SPECIAL RULE.—An individual shall have the  
10 right to be placed as a candidate on, and to have such  
11 individual's political party, body, or group affiliation in  
12 connection with such candidacy placed on, a ballot or simi-  
13 lar voting materials to be used in a Federal election, with-  
14 out having to satisfy any requirement relating to a petition  
15 under subsection (a), if that or another individual, as a  
16 candidate of that political party, body, or group, received  
17 one percent of the votes cast in the most recent general  
18 Federal election for President or Senator in the State.

19 (c) SAVINGS PROVISION.—Subsections (a) and (b)  
20 shall not apply with respect to any State that provides  
21 by law for greater ballot access rights than the ballot ac-  
22 cess rights provided for under such subsections.

23 **SEC. 4. RULEMAKING.**

24 The Attorney General shall make rules to carry out  
25 this Act.

1 **SEC. 5. GENERAL DEFINITIONS.**

2 As used in this Act—

3 (1) the term “Federal election” means a gen-  
4 eral or special election for the office of—

5 (A) President or Vice President;

6 (B) Senator; or

7 (C) Representative in, or Delegate or Resi-  
8 dent Commissioner to, the Congress;

9 (2) the term “State” means a State of the  
10 United States, the District of Columbia, the Com-  
11 monwealth of Puerto Rico, and any other territory  
12 or possession of the United States;

13 (3) the term “individual” means an individual  
14 who has the qualifications required by law of a per-  
15 son who holds the office for which such individual  
16 seeks to be a candidate;

17 (4) the term “petition” includes a petition  
18 which conforms to section 3(a)(1) and upon which  
19 signers’ addresses and/or printed names are required  
20 to be placed;

21 (5) the term “signer” means a person whose  
22 signature appears on a petition and who can be  
23 identified as a person qualified to vote for an indi-  
24 vidual for whom the petition is circulated, and in-  
25 cludes a person who requests another to sign a peti-

1       tion on his or her behalf at the time when, and at  
2       the place where, the request is made;

3           (6) the term “signature” includes the incom-  
4       plete name of a signer, the name of a signer con-  
5       taining abbreviations such as first or middle initial,  
6       and the name of a signer preceded or followed by ti-  
7       tles such as “Mr.”, “Ms.”, “Dr.”, “Jr.”, or “III”;  
8       and

9           (7) the term “address” means the address  
10      which a signer uses for purposes of registration and  
11      voting.

○