

107TH CONGRESS  
1ST SESSION

# H. R. 2268

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.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 21, 2001

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

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## 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 2001”.

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

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

1           (1) The rights of eligible citizens to seek elec-  
2           tion to Congress, vote for candidates of their choice  
3           and associate for the purpose of taking part in elec-  
4           tions, including the right to create and develop new  
5           political parties, are fundamental to a democracy.  
6           The rights of citizens to participate in the election  
7           process for member of Congress are set forth in arti-  
8           cle I. The United States Supreme Court has held  
9           that the States are powerless to discriminate against  
10          a class of candidates for Congress. *Cook v. Gralike*,  
11          — US — (decision of February 28, 2001). The  
12          United States Supreme Court has also held that all  
13          voters must be treated equally. *Bush v. Gore*,  
14          —US— (decision of December 12, 2000).

15          (2) The voters of the various States sometimes  
16          elect candidates to Congress who are neither nomi-  
17          nees, nor members, of the two major political par-  
18          ties. According to the Clerk of the U.S. House of  
19          Representatives, during the twentieth century, voters  
20          have on 116 occasions elected someone to the U.S.  
21          House of Representatives in a regularly-scheduled  
22          election who was neither a Republican nor a Demo-  
23          crat. According to a recent compilation, throughout  
24          the twentieth century, the percentage of voters who  
25          have voted for minor party and independent can-

1 didates for the U.S. House of Representatives has  
2 averaged 3.7 percent. On November 7, 2000, it was  
3 4.2 percent. Clearly, a substantial number of voters  
4 desire to vote for candidates for the U.S. House of  
5 Representatives who are minor party nominees and/  
6 or independent candidates. Such voters have existed  
7 in fairly substantial numbers in every decade of the  
8 twentieth century, and may be expected to exist in  
9 the twenty-first century.

10 (3) Some States have enacted election laws  
11 which require minor party nominees, or independent  
12 candidates, for the U.S. House of Representatives,  
13 to submit petitions signed by more than 10,000 reg-  
14 istered voters within a district. For example, Georgia  
15 requires such candidates to not only pay a filing fee,  
16 but to submit a petition, signed by 5 percent of the  
17 number of registered voters in the district. The sig-  
18 natures must be notarized. In 2002, in the average  
19 district in Georgia, 14,846 signatures will be re-  
20 quired. By contrast, members of political parties  
21 which have polled 20 percent for President of the  
22 United States throughout the entire Nation, or  
23 which have polled 20 percent for Governor of Geor-  
24 gia, need not submit any petition signatures. No  
25 candidate for U.S. House of Representatives from

1 Georgia has managed to comply with the 5 percent  
2 petition requirement since 1964. North Carolina re-  
3 quires an independent candidate for the U.S. House  
4 of Representatives to submit a petition signed by 4  
5 percent of the number of registered voters in the dis-  
6 trict. By contrast, members of qualified political par-  
7 ties need not submit any petitions in North Carolina  
8 to run for Congress. No independent candidate for  
9 the U.S. House of Representatives has ever qualified  
10 for the North Carolina ballot. South Carolina re-  
11 quires an independent candidate for the U.S. House  
12 of Representatives to submit a petition signed by  
13 10,000 signatures. By contrast, members of quali-  
14 fied political parties need not submit any petition  
15 signatures in order to run for Congress. No inde-  
16 pendent candidate for the U.S. House of Represent-  
17 atives has ever qualified for the South Carolina bal-  
18 lot. California requires an independent candidate for  
19 the U.S. House of Representatives to submit a peti-  
20 tion signed by 3 percent of the number of registered  
21 voters in the district. In 2002, in the average district  
22 in California, 8,891 signatures will be required. By  
23 contrast, members of qualified political parties only  
24 need to submit 40 signatures in order to run for  
25 U.S. House of Representatives.

1           (4) Throughout all U.S. history, there are only  
2           four individuals who have ever successfully overcome  
3           a signature requirement greater than 10,000 signa-  
4           tures, in order to gain a place on a ballot for U.S.  
5           House of Representatives. They are Frazier Reems,  
6           an independent member of the United House of  
7           Representatives from Ohio who had to collect 12,920  
8           valid signatures in the 9th district in 1954 in order  
9           to run for re-election; Jack Gargan, the Reform  
10          Party nominee for Florida's 5th district in 1998,  
11          who had to collect 12,141 valid signatures; Steven  
12          Wheeler, independent candidate in California's 22nd  
13          district in 1996, who had to collect 10,191 valid sig-  
14          natures; and Steve Kelly, independent candidate for  
15          Montana's At-Large seat in 1994, who had to collect  
16          10,186 valid signatures.

17          (5) Other States do not require independent  
18          candidates, or the candidates of unqualified parties,  
19          to submit large numbers of signatures, in order to  
20          run for the U.S. House of Representatives, and yet  
21          they do not suffer from a crowded ballot. Florida no  
22          longer requires any signatures on a petition for any-  
23          one to run for Congress, yet in 2000 there was no  
24          U.S. House race in Florida with more than 4 can-  
25          didates on the ballot. Florida requires a filing fee in-

1       stead of a petition, for ballot access for everyone.  
2       Hawaii and Tennessee only require 25 signatures for  
3       anyone to run for Congress. Washington does not re-  
4       quire any signatures for members of qualified par-  
5       ties to run for public office, and only requires 25  
6       signatures from other individuals, to run for the  
7       United States House of Representatives. New Jersey  
8       only requires 100 signatures for any individual to  
9       run for United States House of Representatives as  
10      an independent, or 200 signatures to run in a party  
11      primary. It is clear from the experience of such  
12      States, that no State needs to require as many as  
13      10,000 or 15,000 signatures for candidates to run  
14      for the House, in order to keep the ballot  
15      uncluttered.

16           (6) Some States have enacted laws which re-  
17      quire new political parties, or independent can-  
18      didates, to file a substantial number of petitions as  
19      much as ten months or more before a general elec-  
20      tion. Illinois requires independent candidates for  
21      Congress to file a petition in December of the year  
22      before the general election. Such petitions must be  
23      signed by 5 percent of the last vote cast for the seat  
24      they are seeking. Although members of qualified  
25      parties must also submit petitions by the same early

1 date, members of qualified parties only need one-  
2 tenth as many signatures. For mid-term election  
3 years, Ohio requires new political parties to submit  
4 a petition equal to 1 percent of the last vote cast,  
5 by January. In presidential election years, Ohio re-  
6 quires such a petition by November of the year be-  
7 fore the election. California requires a new political  
8 party to have registered members equal to 1 percent  
9 of the last vote cast, by October of the year before  
10 an election. Mississippi requires independent can-  
11 didates for Congress to file a petition by January of  
12 an election year.

13 (7) Some States print partisan ballot labels on  
14 the general election ballot for some candidates for  
15 Congress, yet refuse to print such labels for other  
16 candidates for Congress. Virginia prints party labels  
17 on the ballot if the candidate is the nominee of a  
18 party which polled 10 percent of the statewide vote  
19 at a previous election. Other candidates must be  
20 labelled “independent”, whether they are the nomi-  
21 nees of a minor or new party or whether they really  
22 are independents. Louisiana prints party labels for  
23 candidates who are members of a party that has reg-  
24 istration membership of 5 percent, or which polled  
25 5 percent for president at the last election. Other

1 candidates may not have any partisan label printed  
2 on the ballot next to their names, not even the term  
3 “independent”.

4 (8) The establishment of fair and uniform na-  
5 tional standards for access to the ballot in elections  
6 for the U.S. House of Representatives would remove  
7 barriers to the participation of citizens in the elec-  
8 toral process and thereby facilitate such participa-  
9 tion and maximize the rights identified in this sub-  
10 section.

11 (9) The Congress has authority, under the pro-  
12 visions of the Constitution of the United States in  
13 sections 4 and 8 of article I, to protect and promote  
14 the exercise of the rights identified in this sub-  
15 section.

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

17 (1) to establish fair and uniform standards reg-  
18 ulating access to the ballot by eligible citizens who  
19 desire to seek election to the U.S. House of Rep-  
20 resentatives and political parties, bodies and groups  
21 which desire to take part in elections to the U.S.  
22 House of Representatives; and

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



1 **SEC. 3. BALLOT ACCESS RIGHTS.**

2 (a) IN GENERAL.—An individual shall have the right  
3 to be placed as a candidate on, and to have such individ-  
4 ual's political party, body, or group affiliation in connec-  
5 tion with such candidacy placed on, a ballot or similar vot-  
6 ing materials to be used in a Congressional election, if—

7 (1) such individual presents a petition stating  
8 in substance that its signers desire such individual's  
9 name and political party, body or group affiliation,  
10 if any, to be placed on the ballot or other similar  
11 voting materials to be used in the election with re-  
12 spect to which such rights are to be exercised;

13 (2) such petition has at least 1,000 signatures  
14 of persons who are registered to vote in the district,  
15 or, if the State in which the district is located does  
16 not provide for voter registration, such petition must  
17 bear the signatures of at least 1,000 persons who  
18 are eligible to vote in that State and that district;

19 (3) with respect to an election the date of which  
20 was fixed 345 or more days in advance, such peti-  
21 tion was circulated during a period beginning on the  
22 345th day and ending on the 75th day before the  
23 date of the election; and

24 (4) with respect to an election the date of which  
25 was fixed less than 345 days in advance, such peti-  
26 tion was circulated during a period established by

1 the State holding the election, or, if no such period  
2 was established, during a period beginning on the  
3 day after the date the election was scheduled and  
4 ending on the thirtieth day before the date of the  
5 election.

6 (b) SAVINGS PROVISION.—Subsection (a) shall not  
7 apply with respect to any State that provides by law for  
8 greater ballot access rights than the ballot access rights  
9 provided for under such subsection.

10 **SEC. 4. RULEMAKING.**

11 The Attorney General shall make rules to carry out  
12 this Act.

13 **SEC. 5. GENERAL DEFINITIONS.**

14 As used in this Act—

15 (1) the term “Congressional election” means a  
16 general or special election for the office of Rep-  
17 resentative in, or Delegate or Resident Commis-  
18 sioner to, the Congress;

19 (2) the term “State” means a State of the  
20 United States, the District of Columbia, the Com-  
21 monwealth of Puerto Rico, and any other territory  
22 or possession of the United States;

23 (3) the term “individual” means an individual  
24 who has the qualifications required by law of a per-

1 son who holds the office for which such individual  
2 seeks to be a candidate;

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

7 (5) the term “signer” means a person whose  
8 signature appears on a petition and who can be  
9 identified as a person qualified to vote for an indi-  
10 vidual for whom the petition is circulated, and in-  
11 cludes a person who requests another to sign a peti-  
12 tion on his or her behalf at the time when, and at  
13 the place where, the request is made;

14 (6) the term “signature” includes the incom-  
15 plete name of a signer, the name of a signer con-  
16 taining abbreviations such as first or middle initial,  
17 and the name of a signer preceded or followed by ti-  
18 tles such as “Mr.”, “Ms.”, “Dr.”, “Jr.”, or “III”;  
19 and

20 (7) the term “address” means the address  
21 which a signer uses for purposes of registration and  
22 voting.

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