

Saxton	Snowbarger	Tiaht
Scarborough	Solomon	Trafficant
Schafer, Dan	Souder	Watkins
Schaffer, Bob	Spence	Watts (OK)
Sensenbrenner	Stump	Weldon (FL)
Sessions	Sununu	Weldon (PA)
Shadegg	Talent	White
Shaw	Taylor (NC)	Wicker
Shimkus	Thomas	Wilson
Shuster	Thornberry	Young (AK)
Skeen	Thune	

Wamp	Wexler	Woolsey
Waters	Weygand	Wynn
Watt (NC)	Whitfield	Yates
Waxman	Wise	
Weller	Wolf	
NOT VOTING—7		
Gonzalez	Moakley	Young (FL)
Istook	Riggs	
McDade	Towns	

So the amendment to the amendment in the nature of a substitute was not agreed to.

## NOES—272

Ackerman	Gejdenson	Miller (CA)
Allen	Gephardt	Minge
Andrews	Gilchrest	Mollohan
Baesler	Gilman	Morella
Baldacci	Gordon	Nadler
Ballenger	Goss	Neal
Barcia	Graham	Neumann
Barr	Green	Ney
Barrett (NE)	Greenwood	Northup
Barrett (WI)	Gutierrez	Nussle
Barton	Hall (OH)	Oberstar
Bass	Hamilton	Obey
Becerra	Harman	Olver
Bentsen	Hastert	Ortiz
Bereuter	Hastings (FL)	Owens
Berman	Hefner	Oxley
Berry	Hill	Pallone
Bilbray	Hilliard	Pappas
Bishop	Hinchev	Parker
Blagojevich	Hinojosa	Pascrell
Blumenauer	Hoekstra	Pastor
Boehlert	Hooley	Payne
Bonior	Horn	Pelosi
Borski	Houghton	Peterson (MN)
Boswell	Hoyer	Pickett
Boyd	Hulshof	Pitts
Brady (PA)	Hunter	Pomeroy
Brown (CA)	Hutchinson	Porter
Brown (FL)	Jackson (IL)	Portman
Brown (OH)	Jackson-Lee	Poshard
Burr	(TX)	Price (NC)
Buyer	Jefferson	Quinn
Camp	John	Rahall
Campbell	Johnson (CT)	Ramstad
Canady	Johnson (WI)	Rangel
Capps	Johnson, E. B.	Reyes
Cardin	Kanjorski	Rivers
Carson	Kaptur	Rodriguez
Castle	Kelly	Roemer
Clayton	Kennedy (MA)	Ros-Lehtinen
Clement	Kennedy (RI)	Rothman
Clyburn	Kennelly	Roukema
Condit	Kildee	Roybal-Allard
Cook	Kilpatrick	Rush
Costello	Kim	Sanchez
Coyne	Kind (WI)	Sanders
Cramer	Kingston	Sandlin
Cummings	Klecicka	Sanford
Danner	Klug	Sawyer
Davis (FL)	Knollenberg	Schumer
Davis (IL)	LaFalce	Scott
DeFazio	LaHood	Serrano
DeGette	Lampson	Shays
DeLaunt	Lantos	Sherman
DeLauro	Latham	Sisisky
Deutsch	Lazio	Skaggs
Dicks	Leach	Skelton
Dingell	Lee	Slaughter
Dixon	Levin	Smith (MI)
Doggett	Lewis (GA)	Smith (NJ)
Dooley	Linder	Smith (OR)
Doyle	LoBiondo	Smith (TX)
Edwards	Lofgren	Smith, Adam
Ehlers	Lowe	Smith, Linda
Emerson	Luther	Snyder
Engel	Maloney (CT)	Spratt
English	Maloney (NY)	Stabenow
Eshoo	Manton	Stark
Etheridge	Markey	Stearns
Evans	Mascara	Stenholm
Ewing	Matsui	Stokes
Farr	McCarthy (MO)	Strickland
Fattah	McCarthy (NY)	Stupak
Fawell	McDermott	Tanner
Fazio	McGovern	Tauscher
Filner	McHale	Tauzin
Foley	McHugh	Taylor (MS)
Forbes	McIntyre	Thompson
Ford	McKinney	Thurman
Fowler	McNulty	Tierney
Fox	Meehan	Torres
Frank (MA)	Meek (FL)	Turner
Franks (NJ)	MEEKS (NY)	Upton
Frelinghuysen	Menendez	Velazquez
Frost	Metcalf	Vento
Furse	Millender	Visclosky
Ganske	McDonald	Walsh

## 178.23 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. PAUL to the foregoing amendment in the nature of a substitute by Mr. SHAYS:

## TITLE —BALLOT ACCESS RIGHTS

## SEC. 01. FINDINGS AND PURPOSES.

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

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

(2) The rights of eligible citizens to seek election to office, vote for candidates of their choice and associate for the purpose of taking part in elections, including the right to create and develop new political parties, are fundamental in a democracy. The rights of citizens to participate in the election process, provided in and derived from the first and fourteenth amendments to the Constitution, have consistently been promoted and protected by the Federal Government. These rights include the right to cast an effective vote and the right to associate for the advancement of political beliefs, which includes the "constitutional right . . . to create and develop new political parties." *Norman v. Reed*, 502 U.S. 279, 112 S.Ct. 699 (1992). It is the duty of the Federal Government to see that these rights are not impaired in elections for Federal office.

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

(4) Many States unduly restrict access to the ballot by nonmajor party candidates and nonmajor political parties by means of such devices as excessive petition signature requirements, insufficient petitioning periods, unconstitutionally early petition filing deadlines, petition signature distribution criteria, and limitations on eligibility to circulate and sign petitions.

(5) Many States require political parties to poll an unduly high number of votes or to register an unduly high number of voters as a precondition for remaining on the ballot.

(6) In 1983, the Supreme Court ruled unconstitutional an Ohio law requiring a nonmajor party candidate for President to qualify for the general election ballot earlier than major party candidates. This Supreme Court decision, *Anderson v. Celebrezze*, 460 U.S. 780 (1983) has been followed by many lower courts in challenges by nonmajor parties and candidates to early petition filing deadlines. See, e.g., *Stoddard v. Quinn*, 593 F. Supp. 300 (D.Me. 1984); *Cripps v. Seneca County Board of Elections*, 629 F. Supp. 1335 (N.D. Oh. 1985); *Libertarian Party of Nevada v. Swackhamer*, 638 F. Supp. 565 (D. Nev. 1986); *Cromer v. State of South Carolina*, 917 F.2d 819 (4th Cir. 1990); *New Alliance Party of Alabama v. Hand*, 933 F. 2d 1568 (11th Cir. 1991).

(7) In 1996, 34 States required nonmajor party candidates for President to qualify for the ballot before the second major party national convention (Arizona, California, Colo-

rado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Maine, Maryland, Massachusetts, Michigan, Missouri, Montana, Nevada, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Virginia, Washington, West Virginia, and Wyoming). Twenty-six of these States required nonmajor party candidates to qualify before the first major party national convention (Arizona, California, Colorado, Connecticut, Florida, Georgia, Illinois, Indiana, Kansas, Maine, Maryland, Massachusetts, Michigan, Missouri, Montana, Nevada, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Texas, Washington, and West Virginia).

(8) Under present law, in 1996, nonmajor party candidates for President were required to obtain at least 701,089 petition signatures to be listed on the ballots of all 50 States and the District of Columbia—28 times more signatures than the 25,500 required of Democratic Party candidates and 13 times more signatures than the 54,250 required of Republican Party candidates. To be listed on the ballot in all 50 States and the District of Columbia with a party label, nonmajor party candidates for President were required to obtain approximately 651,475 petition signatures and 89,186 registrants. Thirty-two of the 41 States that hold Presidential primaries required no signatures of major party candidates for President (Arkansas, California, Colorado, Connecticut, Florida, Georgia, Idaho, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Mexico, North Carolina, North Dakota, Oklahoma, Oregon, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Virginia, Washington, West Virginia, Wisconsin). Only three States required no signatures of nonmajor party candidates for President (Arkansas, Colorado, and Louisiana; Colorado and Louisiana, however, required a \$500 filing fee).

(9) Under present law, the number of petition signatures required by the States to list a major party candidate for Senate on the ballot in 1996 ranged from zero to 15,000. The number of petition signatures required to list a nonmajor party candidate for Senate ranged from zero to 196,788. Thirty-one States required no signatures of major party candidates for Senate (Alabama, Alaska, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, North Carolina, North Dakota, Oklahoma, Oregon, South Carolina, Texas, Utah, Washington, West Virginia, Wyoming). Only one State required no signatures of nonmajor party candidates for Senate, provided they were willing to be listed on the ballot without a party label (Louisiana, although a \$600 filing fee was required, and to run with a party label, a candidate was required to register 111,121 voters into his or her party).

(10) Under present law, the number of petition signatures required by the States to list a major party candidate for Congress on the ballot in 1996 ranged from zero to 2,000. The number of petition signatures required to list a nonmajor party candidate for Congress ranged from zero to 13,653. Thirty-one States required no signatures of major party candidates for Congress (Alabama, Alaska, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Kansas, Kentucky, Louisiana, Maryland, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, North Carolina, North Dakota, Oklahoma, Oregon, South Carolina, Texas, Utah, Washington, West Virginia, Wy-

oming). Only one State required no signatures of nonmajor party candidates for Congress, provided they are willing to be listed on the ballot without a party label (Louisiana, although a \$600 filing fee was required).

(11) Under present law, in 1996, eight States required additional signatures to list a nonmajor party candidate for President on the ballot with a party label (Alabama, Arizona, Idaho, Kansas, Nebraska, North Dakota, Ohio, Tennessee). Thirteen States required additional signatures to list a nonmajor party candidate for Senate or Congress on the ballot with a party label (Alabama, Arizona, Arkansas, California, Idaho, Hawaii, Kansas, Louisiana, North Dakota, Nebraska, Ohio, Oregon, Tennessee). Two of these States (Ohio and Tennessee) required 5,000 signatures and 25 signatures, respectively, to list a nonmajor party candidate for President or Senate on the ballot in 1996, but required 33,463 signatures and 37,179 signatures, respectively, to list the candidate on the ballot with her or his party label. One State (California) required a nonmajor party to have 89,006 registrants in order to have its candidate for President listed on the ballot with a party label.

(12) Under present law, in 1996 one State (California) required nonmajor party candidates for President or Senate to obtain 147,238 signatures in 105 days, but required major party candidates for Senate to obtain only 65 signatures in 105 days, and required no signatures of major party candidates for President. Another State (Texas) required nonmajor party candidates for President or Senate to obtain 43,963 signatures in 75 days, and required no signatures of major party candidates for President or Senate.

(13) Under present law, in 1996, seven States required nonmajor party candidates for President or Senate to collect a certain number or percentage of their petition signatures in each congressional district or in a specified number of congressional districts (Michigan, Missouri, Nebraska, New Hampshire, New York, North Carolina, Virginia). Only three of these States impose a like requirement on major party candidates for President or Senate (Michigan, New York, Virginia).

(14) Under present law, in 1996, 20 States restricted the circulation of petitions for nonmajor party candidates to residents of those States (California, Colorado, Connecticut, District of Columbia, Idaho, Illinois, Kansas, Michigan, Missouri, Nebraska, Nevada, New Jersey, New York, Ohio, Pennsylvania, South Dakota, Texas, Virginia, West Virginia, Wisconsin). Two States restricted the circulation of petitions for nonmajor party candidates to the county or congressional district where the circulator lives (Kansas and Virginia).

(15) Under present law, in 1996, three States prohibited people who voted in a primary election from signing petitions for nonmajor party candidates (Nebraska, New York, Texas, West Virginia). Twelve States restricted the signing of petitions to people who indicate intent to support or vote for the candidate or party (California, Delaware, Hawaii, Illinois, Indiana, Maryland, New Jersey, New York, North Carolina, 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 two States (Louisiana and Maryland), no nonmajor party candidate for Senate has qualified for the ballot since those States' ballot access laws have been in effect.

(17) In two States (Georgia and Louisiana), no nonmajor party candidate for the United States House of Representatives has qualified for the ballot since those States' ballot access laws have been in effect.

(18) 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.

(19) 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.

(20) 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 II, article VI, the thirteenth, fourteenth, and fifteenth amendments, and other provisions of the Constitution of the United States, to protect and promote the exercise of the rights identified in this subsection.

(b) PURPOSES.—The purposes of this title are—

(1) to establish fair and uniform standards regulating access to the ballot by eligible citizens who desire to seek election to Federal office and political parties, bodies, and groups which desire to take part in elections for Federal office; and

(2) to maximize the participation of eligible citizens in elections for Federal office.

SEC. 02. BALLOT ACCESS RIGHTS.

(a) IN GENERAL.—An individual shall have the right to be placed as a candidate on, and to have such individual's political party, body, or group affiliation in connection with such candidacy placed on, a ballot or similar voting materials to be used in a Federal election, if—

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

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

(3) with respect to a Federal election for the office of Representative in, or Delegate or Resident Commissioner to, the Congress, such petition has a number of signatures of persons qualified to vote for such office equal to one-half of one percent of the number of persons who voted in the most recent previous Federal election for such office, or, if there was no previous Federal election for such office, 1,000 signatures;

(4) with respect to a Federal election the date of which was fixed 345 or more days in advance, such petition was circulated during a period beginning on the 345th day and ending on the 75th day before the date of the election; and

(5) with respect to a Federal election the date of which was fixed less than 345 days in advance, such petition was circulated during a period established by the State holding the election, or, if no such period was established, during a period beginning on the day after the date the election was scheduled and ending on the tenth day before the date of the election, provided, however, that the number of signatures required under paragraph (2) or (3) shall be reduced by 1/270 for each day less than 270 in such period.

(b) SPECIAL RULE.—An individual shall have the right to be placed as a candidate on, and to have such individual's political party, body, or group affiliation in connection with such candidacy placed on, a ballot or similar voting materials to be used in a Federal election, without having to satisfy any requirement relating to a petition under subsection (a), if that or another individual, as a candidate of that political party, body, or group, received one percent of the votes cast in the most recent general Federal election for President or Senator in the State.

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

SEC. 03. RULEMAKING.

The Attorney General shall make rules to carry out this title.

SEC. 04. GENERAL DEFINITIONS.

As used in this title—

(1) the term "Federal election" means a general or special election for the office of—

- (A) President or Vice President;
(B) Senator; or
(C) Representative in, or Delegate or Resident Commissioner to, the Congress;

(2) the term "State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any other territory or possession of the United States;

(3) the term "individual" means an individual who has the qualifications required by law of a person who holds the office for which such individual seeks to be a candidate;

(4) the term "petition" includes a petition which conforms to section 02(a)(1) and upon which signers' addresses and/or printed names are required to be placed;

(5) the term "signer" means a person whose signature appears on a petition and who can be identified as a person qualified to vote for an individual for whom the petition is circulated, and includes a person who requests another to sign a petition on his or her behalf at the time when, and at the place where, the request is made;

(6) the term "signature" includes the incomplete name of a signer, the name of a signer containing abbreviations such as first or middle initial, and the name of a signer preceded or followed by titles such as "Mr.," "Ms.," "Dr.," "Jr.," or "III"; and

(7) the term "address" means the address which a signer uses for purposes of registration and voting.

It was decided in the { Yeas ..... 62
negative ..... } Nays ..... 363

¶78.24 [Roll No. 363]

AYES—62

Table with 3 columns: Abercrombie, Army, Bartlett, Bilirakis, Boswell, Campbell, Chenoweth, Coble, Cook, Cooksey, Crane, Cunningham, Davis (IL), Deal, Doggett, Doyle, Ehlers, Filner, Foley, Fox, Goodling, Hill, Hilleary, Hoekstra, Hostettler, Hulshof, Largent, LaTourette, Leach, McIntosh, Metcalf, Mica, Mink, Moran (KS), Moran (VA), Murtha, Nadler, Nethercutt, Norwood, Pastor, Paul, Pombo, Rahall, Redmond, Roemer, Rogan, Royce, Sanders, Sanford, Schaefer, Dan Sessions, Sherman, Shimkus, Smith, Linda Sununu, Taylor (NC), Tiahrt, Torres, Traficant, Watts (OK), Weller, Young (AK)