

**OKLAHOMA LAW:
TOUGH ON MINOR PARTY AND INDEPENDENT
PRESIDENTIAL CANDIDATES**

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Oklahoma election law, currently and historically, is relatively inhospitable to minor party and independent Presidential candidates. Today, Oklahoma requires more signatures for a minor candidate to get on the ballot, than any other state, when all the state requirements are compared on a percentage basis (See Appendix A). Historically, Oklahoma has kept more of the important presidential candidates off the ballot than any other state.

"Important" is defined as a presidential candidate who received at least 2.0 percent of the presidential vote. Since Oklahoma became a state, there have been 14 "important" minor party or independent presidential candidates: Eugene Debs (Socialist) in 1908, Theodore Roosevelt (Progressive) in 1912, Eugene Debs (Socialist) in 1912, Allen Benson (Socialist) in 1916, Eugene Debs (Socialist) in 1920, Robert La Follette (Progressive) in 1924, Norman Thomas (Socialist) in 1932, William Lemke (Union) in 1936, Strom Thurmond (States Rights) in 1948, Henry Wallace (Progressive) in 1948, George Wallace (American) in 1968, John Anderson (Independent) in 1980, Ross Perot (Independent) in 1992,

Ross Perot (Reform) in 1996. See Appendix B lists sources for this information and a complete list of each state's ballot access record for these fourteen candidates.

Oklahoma kept five of the fourteen candidates off the ballot (Roosevelt in 1912, Thomas in 1932, Lemke in 1936, Thurmond in 1948, and Wallace in 1948). No other state kept so many of the fourteen off the ballot. The only state which kept as many as four of them off the ballot was Louisiana (See Darcy p.86).

Furthermore, Oklahoma is one of only seven states which does not permit write-in votes for president at the general election. Oklahoma is one of five states which bans all write-in votes at general elections; the others which ban all write-ins are Hawaii, Louisiana, South Dakota, and Nevada. In addition, Nebraska and South Carolina, while permitting write-ins generally, ban them for president. As a result, many Oklahoma voters throughout history have been barred from having an absolutely free choice in presidential elections.

For the 2000 election, a minor party or independent presidential candidate who wishes to appear on the Oklahoma ballot must submit 36,202 valid signatures of registered voters, no later than July 15. Oddly enough, Oklahoma does not impose mandatory petition requirements on independent candidates for other office. Anyone may appear on the general election ballot as an independent candidate in Oklahoma simply by paying the same filing fee which Democratic and Republican candidates pay for primary ballot access. The catch is that this method applies to all partisan office *except* president. By imposing severe standards for independent presidential candidates which are not imposed on independent candidates for other office, the Oklahoma law appears capricious and even irrational. This article outlines of the history of Oklahoma election law changes relative to minor party and independent presidential candidates.

OKLAHOMA TERRITORY 1890-1907

Of course, territories have never been able to vote for president. But organized territories did elect territorial legislatures, and also elected a non-voting delegate to congress, so even territories had ballot access laws. Oklahoma Territory's first ballot access law, passed in 1890,

appears to have been copied from Indiana's 1889 law. There is no proof that Oklahoma's first ballot access law was copied from Indiana's 1889, but it seems overwhelmingly likely, since the two laws match each other word-for-word. Indiana's law served as the model for several other states and territories. Indiana was the second state to write its own ballot access law; Massachusetts was the first, passing its law in 1888. There were no ballot access laws anywhere in the U.S. before 1888 because there were no government-printed ballots before that year, except in Louisville, Kentucky municipal elections. Before there were government-printed ballots, voters were free to make their own ballots, although most voters obtained a ballot provided by the voter's favorite political party. Ballots printed by political parties only carried the names of that party's nominees, so ticket-splitting was difficult.

It was tolerant of minor parties; it provided that a "party" was any group which had polled one percent of the vote in the last election. A new party, or an independent candidate, could get on the ballot for territory-wide office by submitting 500 signatures, due 20 days before the general election (i.e., in October of an election year). The 1890 law is found in 1890 Session Laws, chapter 33, pages 554-555. Minor parties which appeared on the ballot in Oklahoma Territory were the Peoples Party in 1898, the Prohibition Party in 1902 and 1904, and the Socialist Party in all territorial elections 1900-1906.

EARLY STATEHOOD 1907-1913

The 1907 legislature repealed the old ballot access law and provided that any organized group could be recognized as a political party. There were no numerical requirements for party recognition. A party's showing in a prior election was no longer relevant to its legal status, and there was no provision for petitioning to get a new party on the ballot; a new party simply requested a place on the ballot. Although such a law may seem unusually tolerant today, almost half the states had similar laws at the time.

The 1907 Oklahoma law continued to provide for independent candidates, who, as before, needed 500 signatures for statewide office. The Oklahoma ballot access law of this period for new parties was restrictive in one regard, though. The state constitution required

that all political parties must nominate candidates by direct primary. The primary was in the first week in August, and candidates filed for the primary in early July. Consequently, new parties had to be in existence no later than the beginning of July.

In 1910 the legislature revised procedures for independent candidates. The old petition requirements were deleted, and now independents could place themselves on the general election ballot, simply by paying the same filing fee that members of political parties paid to enter a party primary. However, since there was no provision for a presidential primary in Oklahoma, there was no provision, for a filing fee for president. The 1910 change, had the accidental effect of making it impossible for independent presidential candidates to get on the ballot (Session Laws, 1910, chapter 54, p. 89).

The combination of a fairly early organizing deadline for new parties, and no procedures for independent presidential candidates, was bad news for Theodore Roosevelt. On June 21, 1912, at the Republican national convention in Chicago, Roosevelt had been defeated for the Republican nomination by incumbent president William Howard Taft. Roosevelt then organized a new party, the Progressive ("Bull Moose") Party. The new party nominated Roosevelt for president at its national convention on August 5. Oklahoma was the only state in which Roosevelt failed to qualify for the November ballot. His new party organized too late to qualify candidates for presidential elector in the August 6 Oklahoma primary. Since Oklahoma didn't permit write-in votes, Roosevelt couldn't even be a write-in candidate in Oklahoma; Oklahomans were the only U.S. voters who were not able to vote for Roosevelt.

The Progressive Party brought a lawsuit in the State Supreme Court, arguing that new parties should be exempt from the mandatory primary, but the Court ruled against the party (*Persons v Penn*, 127 P 384 1912).

A few other states also required all political parties to nominate by primary, and also had primary dates fairly early in the year. One of these was Kansas. However, in Kansas, Roosevelt was able to qualify as an independent candidate; the Kansas deadline for independent candidate petitions was 40 days before the general election, *i.e.*, late September. Another state with a mandatory early primary was Nebraska, which held its primary in April. However, the Nebraska Supreme Court

ruled that the mandatory primary law was not meant to include parties organized too late for the primary (*Morrissey v Wait*, 138 NW 186 1912). In South Dakota and California, where the new party was too late to qualify, it was legally possible for Roosevelt to qualify as an independent presidential candidate, but instead his forces seized control of the state Republican Parties, and in those two states Roosevelt, not Taft, was listed as the Republican nominee. Taft did not qualify as an independent candidate in either state, and in those two states, he was not on the general election ballot. However, in California, Taft received write-in votes.

Roosevelt did not publicly criticize Oklahoma for excluding him from the ballot. He did ask Oklahomans to vote for the Republican candidates for presidential elector, since he believed that if the Taft slate carried the state, two or three electors would vote for him, rather than for Taft. However, Woodrow Wilson, the Democratic nominee, carried Oklahoma.

SOCIALIST PARTY PEAKS IN OKLAHOMA: LAWS TOUGHENED

In 1913 and 1915, the Oklahoma legislature passed bills which made it more difficult for minor parties to organize in the state. The bills were probably passed because the Democratic legislative majority felt that minor parties were getting so strong, that the old lenient rules needed tightening. Nationally, the Progressive Party had placed second in the presidential election, ahead of the Republican Party. In Oklahoma, the Socialist Party had polled 16.6 percent of the vote for president in 1912, and 20.8 percent of the vote for Governor in 1914. In 1913 the legislature defined "political party" to be a group which (1) had polled 5 percent at the last election in the state; or (2) had polled 10 percent at either of the last two elections in the state; or (3) had polled 10 percent in any three other states at the last election (Session laws, 1913, chapter 157, p. 318). There was now no means for a new party to qualify. If the 1913 law had been in effect in 1912, the Progressive Party could not have qualified in Oklahoma even if had been organized earlier in the year; instead it could only have qualified in Oklahoma after it was two years old, in 1914, based on its vote in three other states in 1912.

In 1915 the legislature passed a law which said that unless the turnout in any party's primary was at least 27 percent as high as its previous general election showing, its nominees would not be considered nominated and could not appear on the November ballot (Session Laws, 1915, chapter 169, p. 249). Probably this law was aimed at the Socialist Party, which had a relatively small registration. Ironically, the first victim of this law was the Republican Party in 1942, which had such a low turnout in its primary that year that, if the law had been obeyed, no Republican nominees could have appeared on the November 1942 ballot. The law was ignored in 1942, and repealed in 1943. (Session Laws 1943, chapter 10a, p. 100). However, in 1916 the Socialist Party complied with the new law, and again did well in Oklahoma, polling 15.6 percent of the presidential vote, its best showing in the nation. Later, however, the party went into a steep decline, for reasons which had nothing to do with the election law. In 1918 it only polled 3.8 percent for Governor; in 1920 it polled 5.3 percent for president; and in 1922 it only polled .8 percent for Governor, and was disqualified from the ballot.

1924-1931: NEW PARTY BALLOT ACCESS RULES RELAXED

After the 1922 election, there were no more qualified minor parties on the ballot in Oklahoma, and under the 1913 law, there was no means for a new party to obtain a place on the ballot. There continued to be no procedures for independent presidential candidates to qualify, and there continued to be no write-in space on ballots.

In the spring of 1924, it became clear that U.S. Senator Robert M. La Follette would run for president under the label "Progressive". Two previously existing parties, the Socialist Party and the Farmer-Labor Party, planned to endorse him. On March 18, 191-74, the Oklahoma legislature passed a Joint Resolution which said,

Whereas, the Election Laws of Oklahoma are such as would prevent candidates of the faith of minor political parties running for office in their political party, and Whereas, the minor parties in Oklahoma did not receive sufficient vote to comply with this law in this respect, Now, Therefore, Be it Resolved, that any

political party presenting a petition of 5,000, names of voters of Oklahoma, to the Secretary of State, the same being approved by the Secretary of State, the Secretary of the State Election Board shall then place the names of the candidates of the party submitting said petition on a ballot similar to that of the major parties in Oklahoma (Session Laws, 1924, chapter 152, p. 215).

Both the Socialist Party and the Farmer-Labor Party submitted petitions bearing the required 5,000 signatures, and both were recognized. At the August 5 primary, both parties nominated candidates for presidential elector, so that in November, La Follette's name actually appeared twice on the ballot, once under each party label. Oklahoma had approximately 700,000 registered voters at the time, so the new requirement amount to less than one percent of the eligible signers. It seemed that Oklahoma now had a practical procedure in place to allow ballot access for minor party presidential candidates.

1932-1948: NEW PROBLEMS ARISE FOR MINOR PARTIES

In 1931, the legislature moved the primary from the first week in August, to the first week in July. The Socialist Party did not notice that this meant that its petition of 5,000 names was now due a month earlier, and its 1932 petition was deemed too late for the primary. The Socialist Party sued (*Craig v Bond*, 15 P 2d 1014 1932), but the State Supreme Court reiterated its 1912 decision, that new parties must participate in the primary, so the Socialist Party failed to appear on the November 1932 ballot and voters could not vote for Norman Thomas for president. This was unfortunate, since 1932 was Thomas' best year; he received 884,781 votes in the nation, 2.2 percent of the total. He was on the ballot in 45 states, and in three other states, he received write-in votes; only in Nevada and Oklahoma was it impossible for voters to vote for him. Nevada, like Oklahoma, didn't permit write-in votes.

The earlier primary also was fatal to the Union Party, formed in June 1936 by followers of Huey Long, Father Charles Coughlin, and Francis Townsend. The Union Party didn't organize in time to file candidates for presidential elector in the July 7 primary, so its presidential

candidate, North Dakota Congressman William Lemke, couldn't, receive votes in November in Oklahoma.

The early primary also kept the States Rights Democratic Party off the Oklahoma ballot in the 1948 election. The party was organized a few days after the Democratic Party national convention, in July 1948, by segregationists upset with the platform stance in favor of national civil rights laws. Its presidential nominee, Strom Thurmond, sued Oklahoma, but for the third time, the State Supreme Court ruled that new parties must be organized in time to nominate candidates for presidential elector in the primary (*Lillard v Cordell*, 198 P 2d 417 1948).

Another important new political party in 1948 was also kept off the Oklahoma ballot. The Progressive Party began seeking a place on state ballots in late 1947. It was determined to place its presidential candidate, former Vice-President Henry A. Wallace, on the ballot of all 48 states. The ranks of the Progressive Party included many current and former members of the Communist Party, who were experienced in dealing with ballot access laws. Although the Oklahoma Communist Party had never appeared on the ballot, it had run independent candidates in Oklahoma. In 1932 it had run James I. Whidden for U.S. Senate and George E. Taylor, an African-American, for U.S. Congress-at-large. Whidden polled 1,395 votes and Taylor polled 2,027. Oklahoma leaders of the new Progressive Party were well aware that their petition must be submitted early, in time for their candidates for presidential elector to, file for the primary.

The party collected enough signatures in only two days (Schmidt 1960: 130), and the Secretary of State determined that the petition was sufficient. However, several lawsuits were then filed against the Secretary of State, arguing that his determination was incorrect. One lawsuit charged that the petition requirement of 5,000 was not actually a valid election law, since it had been passed in 1924 as a Resolution, not as a bill. Another argued that the party's affidavit that it was not a Communist dominated organization was insincere. The Oklahoma Supreme Court rejected these assertions, but ruled that the party should not appear on the ballot, on the grounds that when it collected the signatures, it wasn't an organized group; it hadn't yet held a state convention and didn't have any officers yet (*Cooper v Cartwright*, 195 P 2d 290 1948). The party had assumed that it was more appropriate to

hold its organizing convention after it had been certified for the ballot. The law itself (quoted in its entirety on page five) seemed to give no reason for the party to believe that its ballot status would be affected, either way.

Without either Strom Thurmond nor Henry Wallace on its 1948 ballot, Oklahoma was one of only two states in the nation in which voters could not vote for anyone for president except the Democratic and Republican nominees, Harry Truman and Thomas Dewey. The other such state was Nebraska, which required 750 voters to attend a meeting, a requirement that was too difficult for the Progressive Party. Like Oklahoma, Nebraska also banned independent presidential candidates, and although Nebraska permitted write-ins generally, it banned them for president.

1947-1967: NO MINOR PARTY ACTIVITY, NO BALLOT ACCESS LAW CHANGES

After 1948, the state and the nation entered a period of severe minor party decline. 1956, 1960, and 1964, are the only presidential elections since the Civil War in which not a single minor party presidential candidate appeared on the ballot in even half the states. No minor party even attempted to qualify in Oklahoma in these years. No changes were made in the Oklahoma ballot access laws, except indirectly. The primary was moved from July to May in 1961 (Session Laws, chapter 5, p. 247), which indirectly moved the deadline for the new party petition from late April to late February. However, in 1967 (1967 Session Laws, chapter 32, p.32) the primary was moved back to August, where it has remained ever since.

GEORGE WALLACE QUALIFIES A NEW PARTY AND THE REQUIREMENTS GO UP AGAIN

In 1968, George Wallace qualified his American Party for the ballot, the first time a new party had tried to qualify since 1948, and the first time one had succeeded since 1938. The Prohibition Party had

successfully petitioned in both 1934 and 1938. Even Wallace did not have a smooth path to the Oklahoma ballot. After his petition was approved by the Secretary of State, a group sued the Secretary of State, arguing that he should omit Wallace's name from the ballot on the grounds that he had taught sedition when he had "stood in the schoolhouse door." However, the Oklahoma Supreme Court rejected that contention (application of *American Party v Secretary of State*, 444 P 2d 465 1968). Wallace polled 20.3 percent of the presidential vote in Oklahoma, enough to keep the party on the ballot for both the 1970 and 1972 elections. In 1972 the party only polled 2.3 percent for president in Oklahoma and went off the ballot.

In 1974 the legislature rewrote the ballot access laws (Session Laws, 1974, chapter 153, p. 282), and increased the number of signatures from 5,000, to 5 percent of the last vote cast for the office at the top of the ticket (president in presidential years, governor in gubernatorial years). For the 1976 election, this meant that 40,243 signatures were required, and for 1978, 54,613 were needed. The legislature also provided that the petitions had to be completed within 90 days.

The legislature also made it more difficult for a party to remain on the ballot. Previously, the law had been interpreted to give petitioning parties two elections; a party was immediately disqualified if it failed to poll 10 percent of the vote for the office at the top of the ticket.

COURTS FORCE THE STATE TO PROVIDE AN ALTERNATE PATH TO THE BALLOT

Unnoticed by the Oklahoma legislature, the U.S. Supreme Court issued a ruling on March 26, 1974 which seemed to require that all states provide procedures for independent presidential candidates. The case, from California, was a challenge to the state's independent candidate procedure, which required a petition signed by 5 percent of the last vote cast, from the ranks of registered voters who had not voted in the primary (*Storer v Brown*, 4154 US 724). California, in defense of its law, had argued that it didn't matter how difficult the independent candidate procedures were, because the state wasn't even obliged to have procedures for independent candidates. California said that if any independent wished to run for office, he or she was always free to

organize a new political party and get the party on the ballot. The U.S. Supreme Court rebutted that argument in its majority opinion. Justice Byron White, writing for the majority, said,

The political party and the independent candidate approaches to political activity are entirely different and neither is a satisfactory substitute for the other. . . . The candidate, who is by definition an independent and desires to remain one, must now consider himself a party man, surrendering his independent status. Must he necessarily choose the political party route if he wants to appear on the ballot in the general election? We think not.

Former U.S. Senator Eugene McCarthy noticed the language, and he resolved to run for president in 1976 as an independent candidate, partially to challenge the laws of the dozen states which made no provision for independent presidential candidates. He announced his independent candidacy in December 1974, and brought a lawsuit against Oklahoma's lack of independent candidate procedures in early 1976. On July 23, 1976, the Oklahoma Supreme Court ruled (*McCarthy v Slater*, 553 P 2d 489) that the state was obliged to have procedures for independent presidential candidates. McCarthy gained a place on the ballot by this decision, even though he had not submitted a petition. He is the only presidential candidate in Oklahoma history to appear on a general election ballot, without either submitting a petition or gaining the nomination of a qualified political party. He polled 1.3 percent of the Oklahoma presidential vote.

In 1977 the legislature created a petition procedure for independent presidential candidates: 3 percent of the last presidential vote. Since voter turnout is always much higher in presidential elections than in mid-term elections, the new provision was barely any easier than the already existing procedure for new parties, 5 percent of the last vote cast. Since in presidential years the number of signatures for new parties is based on the number of people who voted in the low turnout mid-term years, there is little difference between the two requirements: 3 percent of the turnout in presidential years is usually almost as high a number as 5% of the turnout in mid-term years. It was anomalous for the 1977 legislature to create such a difficult procedure for independent presidential candidates, since independent candidates for other office, ever since

1910, had been permitted to get on the general election ballot with no petition at all.

1977 TO THE PRESENT: ATTEMPTS TO AMELIORATE THE BALLOT ACCESS LAWS FAIL

The 1974 requirement, that new parties collect signatures equal to 5 percent of the last vote cast, turned out to be almost insurmountable for minor parties. The only successful attempts to comply with the 5 percent petition requirement were made by the Libertarian Party in 1980 and 1996, and by the Reform Party in 1996. The Libertarian Party brought a lawsuit against the 10 percent vote retention law in 1982, but it lost (*Arutunoff v Oklahoma State Election Board*, 687 F 2d 1375 1982). The party also brought a lawsuit against the 5 percent petition in 1986, and it lost as well (*Rainbow Coalition of Oklahoma v Oklahoma State Election Board*, 844 F 2d 740 1988). The party did win a 1984 lawsuit (*Libertarian Party of Oklahoma v Oklahoma State Election Board*, 593 F supp 118 1984) against the 90-day period for collecting signatures. In response, the 1985 legislature extended the petitioning period to a year (1985 Session Laws, chapter 269, p. 1158). The 1985 legislation also provided that a non-qualified party's presidential candidate could get on the November ballot, with the party label, if it filed a petition signed by 3 percent of the last presidential vote. Like the independent presidential petition, this petition could be filed as late as July 15. This type of petition was used in 1988 by the presidential candidates of the Libertarian and New Alliance Parties, and in 1992 by the presidential candidate of the Libertarian Party, but it has not been used since.

In 1996, the Natural Law Party brought a lawsuit alleging that since independent candidates for office other than president can get on the general election ballot with no petition, there was no state interest in requiring independent presidential candidates to submit a petition. The Natural Law Party candidate offered to pay a filing fee instead. However, the lawsuit lost. The Court said,

Oklahoma may well have chosen to actively encourage the number of candidates for state and Congressional offices on the ballot by including the filing fee alternative without in any fashion abandoning or denigrating its interest in having as candidates on the ballot in presidential elections, viable candidates who have demonstrated some modicum of support (*Natural Law Party v Henley*, unreported, U.S. Dist. Ct., W.D., cv96-1525-R).

For 2000, the 3% presidential candidate petition requires 36,202 signatures. There were 2,050,606, registered voters in Oklahoma as of October 31, 1998 (the last tally available, as of this writing). Thus, for the 2000 presidential election, the easier method for the presidential candidate of a new or previously unqualified party to get on the Oklahoma ballot requires the signatures of 1.8 percent of the number of registered voters. This is the highest petition requirement of any state. See Appendix A for the corresponding petition percentages for all the states. The median petition requirement of the fifty states and the District of Columbia is .33 percent of the number of registered voters.

For 2000, the alternate 5 percent petition to create a new qualified party in Oklahoma is 43,680 signatures, which amounts to 2.1 percent of the number of registered voters.

Bills to lower the petition requirement for presidential candidates, and also attempts to lower the petition requirement for a full-fledged new political party, have been introduced several times in the 1990's, but have not passed. The latest attempt, HB 1742 by Representative Bill Graves (R-Oklahoma City) would have lowered the party petition from 5 percent of the last vote cast, to 10,000 signatures. It made no progress, although it technically remains alive for consideration in the year 2000.

REFERENCES

Schmidt, Karl M. 1960. Henry A. Wallace. *Quixotic Crusade 1948* (Syracuse University Press).

APPENDIX A

2000 BALLOT ACCESS FOR A NEW PARTY
OR INDEPENDENT PRESIDENTIAL CANDIDATE

State	Legal Requirement	Election Code Reference	Required	%
CO	just pay \$500	1-4-801(b)	0	.00
LA	just pay \$500	Title 18 §465.C	0	.00
FL	just be organized and hold nat conv.	103.021 (4)	0	.00
TN	number stated in law	2-505	25	.00+
WA	number stated in law	29.24.030	200	.01
NJ	number stated in law	19:13-5	800	.02
DE	.05% of Dec. 1999 registration	Title 15, §3001 (reg.)	(est) 235	.05
WI	number stated in law	Title 2, §8.20(4)	2,000	.06
MN	number stated in law	204B.08	2,000	.06
MS	number stated in law	23-15-359	1,000	.06
OH	number stated in law	3513.257	5,000	.06
AR	number stated in law	7-8-302(5)	1,000	.07
IA	number stated in law	Title 4, §45.1	1,500	.08
UT	number stated in law	20-3-38	1,000	.09
HI	one-tenth of 1% of Oct '98 reg. voters	Title 2, §11-62	602	.10
NY	number stated in law	Chap. 17, §6-142	15,000	.14
RI	number stated in law	17-14-7	1,000	.16
KY	number stated in law	Title 10, §118.315(2)	5,000	.19
AL	number stated in law	17-19-2(a)	5,000	.20
NB	number stated in law	32-504(2)(c)	2,500	.24
VT	number stated in law	Title 17, §2402(b)	1,000	.25
VA	number stated in law	24.1-159	10,000	.27
NM	1/2 of 1% of 1998 gub. vote	1-8-2.B & 1-7-2.A	2,494	.27

APPENDIX A (con't)

State	Legal Requirement	Election Code Reference	Required	%
MA	number stated in law	Chap. 53, §6	10,000	.27
MO	number stated in law	Title 9, §115.321	10,000	.28
TX	1% of 1998 gub. vote	Election code §181.005	37,381	.32
KA	number stated in law	25-303	5,000	.33
PA	2% of 1999 judge winner's vote	Title 25, §2911	(est) 25,000	.34
IL	number stated in law	10 ILCS 5/10-2	25,000	.37
CT	number stated in law	9-453(d)	7,500	.38
MD	number stated in law	4-102(b)(2),5-302(g)	10,000	.39
NH	number stated in law	Title 4, §655:42	3,000	.40
ME	number stated in law	Title 21, §494.5	4,000	.42
MI	1% of 1998 gub. vote	168.685(l)	30,272	.44
NV	1% of 1998 U.S. House vote	Title 24, §293.1715	4,099	.46
SC	number stated in law	7-9-10	10,000	.49
AL	1% of 1996 pres. vote	15.30.025	2,602	.57
SD	1% of 1998 gub. vote	12-7-1	2,602	.57
AZ	1 & 1/3% of 1998 gub. vote	16-801	13,565	.60
OR	1% of 1996 pres. vote	Title 23, §249.735	13,755	.72
ID	1% of 1996 pres. vote	34-501(l)(c)(D)	4,918	.74
MT	number stated in law	13-10-601	5,000	.78
IN	2% of 1998 sec. of state vote	3-8-6-3	30,717	.83
ND	number stated in law	16.1-12-02	4,000	.84
DC	1% of registered voters, July 2000	1- 1308(f)	(est) 3,537	1.00

APPENDIX A (con't)

State	Legal Requirement	Election Code Reference	Required	%
CA	1% of registered voters, Oct 1998	election code 8400	149,692	1.00
GA	1% of registered voters, Oct 1998	21-2-180	39,094	1.00
NC	2% of 1996 gub. vote	163-96(2)	51,324	1.08
WV	2% of 1996 pres. vote	3-5-23	12,730	
WY	2% of 1998 U.S. House vote	22-4-402(d)	3,485	1.26 1.47
OK	3% of 1996 pres. vote	Title 26, §10- 101.2	36,202	1.77

“Requirement” shows the no. of signatures to get a new party or independent presidential candidate on the Nov. 2000 ballot.

“%” means the requirement, divided by the no. of reg. voters as of fall 1998. In most states, the rules for new parties and independent candidates are the same. Where they differ, the easier method is shown.

APPENDIX B

“Important” minor party and independent presidential candidates since Oklahoma became a state in 1907 (where “Important” means a candidate who polled at least 2% of the total vote cast):

1. 1908 Socialist nominee Eugene Debs polled 2.8% of the vote. He was on the ballot in all states except Vermont.

2. 1912 Progressive nominee Theodore Roosevelt polled 27.4% of the vote. He was on the ballot in all states except Oklahoma.

3. 1912 Socialist nominee Eugene Debs polled 6.0% of the vote. He was on the ballot in all states.

4. 1916 Socialist nominee Allan Benson polled 3.2% of the vote. He was on the ballot in all states.

5. 1920 Socialist nominee Eugene Debs polled 3.4% of the vote. He was on the ballot in all states except Arizona, Idaho, Louisiana, Montana, New Mexico, South Dakota and Vermont. He received write-ins in all the states in which he wasn't on the ballot, except South Dakota, which doesn't permit write-ins.

6. 19124 Progress nominee Robert La Follette polled 16.6% of the vote. He was on the ballot in all states except Louisiana, where he received write-in votes.

7. 1932 Socialist nominee Norman Thomas polled 2.2% of the vote. He was on the ballot in all states except Florida, Idaho, Louisiana, Nevada and Oklahoma. He received write-ins in all the states in which he wasn't on the ballot, except Nevada and Oklahoma, which don't permit write-ins.

8. 1936 Union nominee William Lemke polled 2.0% of the vote. He was on the ballot in all states except Arkansas, California, Florida, Kansas, Louisiana, Maryland, Mississippi, Nevada, New Jersey, New York, North Carolina, Oklahoma, South Carolina, Vermont and West Virginia.

9. 1948 States Rights Democratic nominee Strom Thurmond polled 2.4% of the vote. He was only on the ballot in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, North Dakota, South Carolina, Tennessee, Texas and Virginia.

10. 1948 -Progressive nominee Henry Wallace polled 2.4% of the vote. He was on the ballot in all states except Illinois, Nebraska and Oklahoma. He received write-ins in Illinois.

11. 1968 American Independent nominee George Wallace polled 13.5% of the vote. He was on the ballot in all states, but not the District of Columbia.

12. 1980 independent John Anderson polled 6.0% of the vote. He was on the ballot in all states.

13. 1992 independent Ross Perot polled 18.9% of the vote. He was on the ballot in all states.

14. 1996 Reform nominee Ross Perot, polled 8.5% of the vote. He was on the ballot in all states.

SOURCE: *A Statistical History of the American Presidential Elections* by Svend Peterson (1963: Frederick Unger, New York, N. Y.) for elections prior to 1964 and various editions of *America Votes* by Congressional Quarterly, for elections 1964 on.