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FEDERAL ELECTION COMMISSION  
999 E Street, N.W.  
Washington, D.C. 20463

Dec 21 4 57 PM '98

FIRST GENERAL COUNSEL'S REPORT

**SENSITIVE**

MUR: 4577

DATE COMPLAINT FILED: November 8, 1996

DATE OF NOTIFICATION: November 18, 1996<sup>1</sup>

DATE ACTIVATED: August 20, 1997

STAFF MEMBER: Joel J. Roessner

COMPLAINANT:

Miriam Nalebuff Grayboff

RESPONDENTS:

Ross Perot

Perot Reform Committee, and J. Michael Poss, as  
treasurer

Perot '96, and J. Michael Poss, as treasurer

R. Clayton Mulford, Esquire

Russell L. Verney

RELEVANT STATUTES:

2 U.S.C. § 431(4)(A)

2 U.S.C. § 431(8)(A)(i)

2 U.S.C. § 441a(a)(1)

2 U.S.C. § 441a(a)(1)(A)

2 U.S.C. § 441a(a)(1)(B)

2 U.S.C. § 441a(a)(1)(C)

2 U.S.C. § 441a(a)(3)

2 U.S.C. § 441a(b)

2 U.S.C. § 441a(c)

2 U.S.C. § 441a(f)

26 U.S.C. § 9002(2)

26 U.S.C. § 9003(c)

26 U.S.C. § 9004(a)(3)

26 U.S.C. § 9004(d)

26 U.S.C. § 9032(2)

26 U.S.C. § 9035(a)

11 C.F.R. § 100.7(a)(1)(iii)(A)

11 C.F.R. § 101.1

11 C.F.R. § 110.10

11 C.F.R. § 110.10(a)

INTERNAL REPORTS CHECKED: Perot Reform Committee Reports of Receipts and Disbursements (monthly April - December 1996, and year-end, 1996)

FEDERAL AGENCIES CHECKED: None

# I. GENERATION OF MATTER

MUR 4577 was generated by a complaint filed by Miriam Nalebuff Grayboff on November 8, 1996, alleging "[v]iolation of Election Laws by Respondents Ross Perot, Ross Clayton Muiford, (Perot Reform Committee) Mike Poss, [and] Russell L. Verney." Attachment 1 at 1. Ms. Grayboff alleges that Ross Perot's personal contributions to the Perot Reform Committee ("Committee") exceeded applicable contribution limits. See 2 U.S.C. §§ 441a(a)(1), (3).

# II. BACKGROUND

On March 8, 1996, Ross Perot submitted a letter to the Federal Election Commission in which he registered as a candidate and designated the Committee his principal campaign committee for the ballot access and primary phase of his campaign. Attachment 2. This letter was submitted by Mr. Perot in lieu of a FEC Form 2 Statement of Candidacy. See 11 C.F.R. § 101.1. This letter set forth that Mr. Perot's party affiliation was "None/Reform Party." In this letter Mr. Perot stated that, while he had not yet decided whether to run for President or seek the nomination of state Reform Parties, his name was being used for purposes of gaining ballot access because, in many states, ballot access petitions must be circulated on behalf of a named candidate (although later substitution of a different candidate is generally allowed). Mr. Perot further stated:

I have been advised that unless my name is used on the candidate petitions, which may render me a "candidate" for regulatory purposes, a legal dilemma exists under the rules administered by the Commission. Any

expenditures I make in connection with the circulation of petitions could technically be construed as contributions to the named candidate, even though they are "independent expenditures" in that the ultimate candidate may be a different individual, making "coordination" with that candidate impossible.

Attachment 2 at 1.

According to reports filed by the Committee, Mr. Perot began making contributions on March 13, 1996, and ultimately contributed \$8,664,479<sup>2</sup> to the Committee.<sup>3</sup> On March 22, 1996, the Committee filed an FEC Form 1, Statement of Organization, in which it indicated that it was Mr. Perot's principal campaign committee. On April 30, 1996, Mr. Perot filed Advisory Opinion Request ("AOR") 1996-22 wherein he stated, among other things, that he anticipated that a national Reform Party would likely be formed.<sup>4</sup>

Mr. Perot and the Committee did not seek public financing under the Matching Payment Account Act, as amended, 26 U.S.C. §§ 9031-9042 ("Matching Payment Act").

From Committee reports filed with the Commission and press reports, it appears that the Committee funded and organized four major activities: (1) The circulation of petitions seeking

<sup>2</sup> In this Report all figures have been rounded to the nearest dollar.

<sup>3</sup> The Committee also reports receiving total contributions of \$106,229 from individuals/persons other than political committees and no contributions from political or other party committees.

<sup>4</sup> AOR 1996-22 requested Commission advice on Mr. Perot's eligibility for certification to receive pre-election payments for new-party candidates pursuant to 11 C.F.R. § 9004.2(c) and "clarification" that Mr. Perot could file the letter required by 11 C.F.R. § 9003.1(a)(2) within ten days of the Reform Party convention. AOR 1996-22 also requested Commission advice on the eligibility of a Reform Party nominee other than Mr. Perot for certification to receive pre-election payments for new-party candidates, the Reform Party's status as a "minor party" as defined by 11 C.F.R. § 9002.7, and the Reform Party's eligibility to receive public funding for its presidential nominating convention under 11 C.F.R. § 9008.1-9008.16.

In AO 1996-22 the Commission decided that, under the facts stated in the AOR, Mr. Perot would be eligible for pre-election funding. The Commission treated the request for clarification regarding the date for filing the letter required by 11 C.F.R. § 9003.1(a)(2) as a request for an extension of the filing deadline, and granted Mr. Perot an extension of time up to 14 days after the Reform Party convention in which to file such a letter. The Commission decided that the remaining questions were hypothetical and could not be answered at present, pointing out that the AOR states that a national Reform Party did not yet exist, and that the affiliation of state Reform Parties with a national Reform Party had yet to occur.

ballot access for Mr. Perot or the Reform Party; (2) the organization and administration of two rounds of nationwide balloting for the Reform Party nominee; (3) the circulation of at least one mailer in support of Mr. Perot's bid for the Reform Party nomination; and (4) the two-part Reform Party convention (held in Long Beach, California and Valley Forge, Pennsylvania).<sup>5</sup>

*E.g., New Perot Mailing Irks Lamm's Camp*, San Antonio Express-News, August 9, 1996 (Russ Verney, national coordinator for the Perot Reform Committee is reported to have stated "all of the national party's costs of ballot mailings, petition gathering, lawsuits and the convention will be considered Perot expenditures in Federal Election Commission filings . . ."); *Reform Party's Delegates to be Virtually Present*, St. Louis Post-Dispatch, August 11, 1996 (Committee spokeswoman Sharon Holman reportedly stated that the Long Beach/Valley Forge convention "is something Mr. Perot is paying for"). Attachments 4, 5. The Committee reported the expenditures associated with these activities as being "primary" expenditures.<sup>6</sup>

Mr. Perot received the Reform Party nomination for President, and on August 18, 1996, Mr. Perot and James Campbell submitted a letter of candidate agreements and certifications to the Commission wherein they stated that they were the nominees of the Reform Party. It appears that representatives of Mr. Perot indicated that Mr. Campbell was a "stand-in" nominee for Vice President, and that another running mate might be substituted at some point in the future.

<sup>5</sup> It appears that in July 1996, the Committee conducted a preliminary mail preference survey for the Reform Party nominee for President. As set up by the Committee, anyone receiving at least 10% of the returned votes in the preliminary voting would be eligible for nomination in the second round of voting. The nominee would then be announced at the Reform Party convention.

<sup>6</sup> From news reports it appears that the Committee's control of the nomination process was the subject of substantial debate among the representatives of state Reform Parties, and Richard Lamm in particular appears to have been a vocal critic. *E.g., Lamm Withholds Endorsement, Most Criticism of Perot, But Billionaire Wasn't Honest About Running*, Ex-Governor Says, The Dallas Morning News, August 19, 1996. Attachment 6. It further appears that ranking members of several state Reform Parties began to advocate the establishment of a national Reform Party independent from the Committee. *E.g., Key State Groups in Reform Party Want to Secede*, The Boston Globe, July 31, 1996. Attachment 7.

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On August 22, 1996, the Commission made a final determination that Messrs. Perot and Campbell qualify for general election financing as the nominees of a new party. On September 11, 1996, Mr. Perot and Pat Choate submitted a revised letter of candidate agreements and certifications to the Commission, substituting Mr. Choate as the Reform Party's nominee for Vice President. The general election was held on November 5, 1996. Mr. Perot received 8.5% of the popular vote and no electoral votes.

The Reform Party held a "first national organizing convention" on October 31-November 2, 1997 in Kansas City, Missouri. *See, e.g., Perot Supporters Resurface to Push Ideas, Not the Man*, The Detroit News, August 29, 1997; *Reform Party, Convention 1997 homepage*. Attachments 8, 9. On November 17, 1997, the Reform Party of the United States filed a Statement of Organization, registering as the national committee of the Reform Party. On January 22, 1998, the Commission received an AOR from the Reform Party of the United States of America seeking a Commission determination that it is a national committee.<sup>7</sup> AOR 1998-2. On March 6, 1998, the Commission issued AO 1998-2, concluding, among other things, that the Reform Party of the United States of America is a national committee.

### III. ALLEGATIONS AND RESPONSES

#### A. COMPLAINT

Ms. Grayboff claims that \$6,317,599 contributed by Mr. Perot to the Committee exceeded the limits on contributions by a person to political parties, and the annual limit on aggregate contributions.<sup>8</sup> *See* 2 U.S.C. §§ 441a(a)(1), (3). Specifically, Ms. Grayboff claims that

<sup>7</sup> The Reform Party's AOR indicates that, in addition to the Perot/Choate ticket, state Reform parties in 12 states nominated and obtained ballot access for 34 candidates for other federal offices.

<sup>8</sup> \$6,317,599 was the total amount of Mr. Perot's reported contributions to the Committee as of the Committee's July 1996 monthly report.

2025 RELEASE UNDER E.O. 14176

Mr. Perot improperly treated his contributions to the Committee as independent expenditures and/or unregulated "soft" money. Attachment 1 at 2-4. In support of her claim, Ms. Grayboff argues that Mr. Perot, in his March 8, 1996 letter:

... asks ... that the monies the Perot Reform Committee, Inc. will be reporting to the FEC be regarded as "independent expenditures" in support of the Reform Party's effort to gain ballot access and not be construed as going to the candidate - - whomever that might be. By alleging ambivalence about running, Perot sets up the ruse that what he spends will be non-candidate specific and will go for party-building; i.e., soft money not regulated by federal campaign finance laws.

*Id.* at 2. Ms. Grayboff then charges that:

By making his own determination that whatever money he was about to spend would be acceptable to the FEC as independent expenditures, Perot distracts from the issue of whether the sums will be other than qualified campaign expenses. But Perot's self-promoting petition drive was hardly the kind of non-candidate-specific party activity ... that might fit through the loophole currently fashionable among special interest political contributors.

*Id.* at 2-3. Ms. Grayboff concludes that Mr. Perot's contributions to the Committee "cannot possibly fall under the convenient rubric of 'independent expenditures.' ... [T]he money was ... subject to the contribution limits set by the Congress on how much an individual can give annually to a political party ... ." *Id.* at 3. Ms. Grayboff proposes that the Commission require that Mr. Perot repay the public funds received by him and impose monetary penalties. *Id.* at 5.

## B. RESPONSE

The respondents filed a joint response on January 31, 1997, requesting that the Commission find no reason to believe that they violated the law and dismiss the complaint. Attachment 3. The respondents first point out that Mr. Perot was in fact a candidate, that the Committee was his principal campaign committee, and that under 11 C.F.R. § 110.10(a)

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Mr. Perot was permitted to contribute to his own campaign without limit. *Id.* at 1-2. The respondents next argue that Mr. Perot's acceptance of public funding for the general election is unrelated to his contributions in connection with the ballot access phase of his candidacy, because expenditures related to ballot access are treated as primary campaign expenditures. *Id.* at 2. Finally, the respondents point out that, while Mike Poss, Russell Verney and Clayton Mulford are named as respondents, the complaint makes no allegations relative to them. *Id.*

#### IV. LEGAL ANALYSIS

##### A. LAW

A contribution includes any gift, subscription, loan, advance, deposit of money or anything of value made by any person for the purpose of influencing any election for federal office. 2 U.S.C. § 431(3)(A)(i). "Anything of value" includes all in-kind contributions. 11 C.F.R. § 100.7(a)(1)(iii)(A).

An individual may not contribute more than \$1,000 to any candidate for Federal office (inclusive of the candidate's authorized committees) for any election. 2 U.S.C. § 441a(a)(1)(A). An individual also may not contribute more than \$20,000 per calendar year to the political committees of a national political party. 2 U.S.C. § 441a(a)(1)(B). Further, an individual may not contribute more than \$5,000 per calendar year to any other political committee. 2 U.S.C. § 441a(a)(1)(C). These specific contribution limits are subject to an overall limit of \$25,000 on an individual's total contributions in any calendar year. 2 U.S.C. § 441a(a)(3).

Notwithstanding these limits, a candidate may contribute his or her own funds to the candidate's campaign without limit. *Buckley v. Valeo*, 424 U.S. 1, 54 (1976); 11 C.F.R. § 110.10. However, publicly-funded candidates for President are subject to expenditure

limitations, including specific limits on expenditures from the candidate's own funds. 2 U.S.C. §§ 441a(b) and (c); 26 U.S.C. §§ 9004(d); 9035(a).

The Presidential Election Campaign Fund Act, as amended, 26 U.S.C. §§ 9001-9013 ("Fund Act"), governs the public funding of the general election campaign of Presidential and Vice Presidential candidates, while the Matching Payment Act governs the public funding of candidates who seek the Presidential nomination of a political party. A "candidate" under the Fund Act includes an individual who has qualified to have his or her name on the ballot as the candidate of a political party in 10 or more states. 26 U.S.C. § 9002(2). For the purposes of the Matching Payment Act, "candidate" means an individual who seeks nomination for election to be President of the United States. 26 U.S.C. § 9032(2). The Commission has determined that "for non-major party candidates, the process by which they satisfy the requirements of state law governing qualification for a position on the general election ballot serves purposes similar to a primary election or other nominating process." Advisory Opinion ("AO") 1995-45; *see also* AOs 1984-25; 1984-11; 1975-44.

## B. ANALYSIS

Ms. Grayboff's argument that Mr. Perot's March 8, 1996 letter constitutes an advance claim by Mr. Perot that his contributions to the Committee would be independent expenditures and/or unregulated "soft money" appears to be based on a confused and incorrect interpretation of the letter. Mr. Perot's letter was a substitute FEC Form 2 Statement of Candidacy, not, as Ms. Grayboff claims, "a letter of NON-candidacy. . . ." Attachment 1 at 2. Moreover, Mr. Perot

did not claim, as Ms. Grayboff suggests, that his anticipated contributions to the Committee should be treated as independent expenditures.<sup>9</sup>

Ms. Grayboff's claim that Mr. Perot's contributions to the Committee exceeded the contribution limitations turns on the questions whether the amounts which Mr. Perot transferred to the Committee were, in fact, contributions to Mr. Perot's own primary campaign, and, if not, whether the amounts were subject to limitations as contributions to another committee or candidate.

The ballot access phase of Mr. Perot's campaign was equivalent to a primary election or other nominating process. AOs 1995-45; 1984-25; 1984-11; 1975-44. Because Mr. Perot did not receive public funding in connection with the ballot access phase of his campaign, his contributions of his own funds to his own campaign were not subject to any limit. *Cf. In the Matter of Request to Deny Public Funds to H. Ross Perot and Perot '96*, LRA #507, *Statement of Reasons* at 6, approved October 17, 1996 ("since Mr. Perot's quest for the Reform Party nomination was not a publicly funded endeavor, the limits on personal funds under 26 U.S.C. § 9035(a), and the expenditure limitations for presidential primary candidates set forth at 2 U.S.C. § 441a(b)(1)(A), are not applicable"). To the extent that Mr. Perot's contributions to the Committee were used to fund the circulation of ballot access petitions, or to promote his candidacy for the Reform Party nomination, the contribution limits do not apply.<sup>10</sup>

<sup>9</sup> To the contrary, the language to which Ms. Grayboff takes exception merely sets forth Mr. Perot's argument that, if he did not register as a candidate, his contributions to the Committee ought to be treated as independent expenditures rather than expenditures coordinated with an as-yet unnamed candidate (if someone other than Mr. Perot became the candidate).

<sup>10</sup> In some states Mr. Perot gained ballot access as an independent candidate, submitting a petition with sufficient signatures and otherwise meeting the requirements under state law. For example, it appears that Mr. Perot qualified for the ballot in Wyoming as an independent candidate by submitting such a petition. *See 1996 Petitioning for President (Table) 12* Ballot Access News 4, (June 26, 1996). Attachment 12. *See also* Wyo. Stat.

The Committee also funded the administration of the two Reform Party nominating polls and the staging of the bicoastal Reform Party convention. These activities typically are associated with a national political party, rather than particular candidate's campaign, and the Committee's sponsorship of these events raises the issue whether, by funding these activities, Mr. Perot and/or the Committee made in-kind contributions to the Reform Party or its candidates, and, if so, whether the contribution limits apply and were exceeded.

The ballot access campaign of another non-major party candidate for President in the 1996 election cycle, and the relationship between the candidate's ballot access campaign and the candidate's party, was addressed in AO 1995-45. In this opinion the Commission considered the issue whether the ballot access expenses of Dr. John Hagelin would be qualified campaign expenses under the Matching Payment Act. The Commission noted that Dr. Hagelin in his request stated that one method by which he was achieving ballot access was by petitioning to obtain ballot status for the Natural Law Party ("NLP"). The Commission concluded that the expenses related to securing ballot access for the NLP would be qualified campaign expenses of Dr. Hagelin for purposes of the Matching Payment Act, notwithstanding the fact that the NLP and its other candidates stood to benefit if ballot access was accomplished:

Your request includes a type of ballot access expenses not specifically addressed in previous Advisory Opinions. You state that, because it is simpler and more cost effective to do so, the [Dr. John Hagelin for President 1996] Committee will obtain a ballot position for Dr. Hagelin in some states by securing

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§§ 22-5-301 - 308. Mr. Perot's subsequent nomination by the Reform Party thus appears to have had no bearing on his qualification for the ballot in Wyoming.

In other states, nomination by the Reform Party was a condition for Mr. Perot's ballot access. For example, it appears that in Kansas the Committee funded the circulation of petitions seeking recognition of the Reform Party, and that the Reform Party was officially recognized by the Kansas Secretary of State on June 14, 1996. See *Election '96*, The Kansas City Star, June 15, 1996. Attachment 13. It appears that Mr. Perot secured a place on the ballot in Kansas only once he was nominated by the Reform Party. See Certificate of Nomination, executed September 2, 1996. Attachment 14.

ballot status for the Natural Law Party. The Commission concludes that expenses for such efforts, as well as the expenses for securing a position for Dr. Hagelin himself, would be qualified campaign expenses. Although the residual effect of securing ballot placement for the party may be to qualify its Senate and House candidates for the ballot, the principal purpose and outcome relate to obtaining a ballot position for Dr. Hagelin's presidential candidacy.

AO 1995-45 at 3.

The Committee's funding of the two Reform Party nominating polls and the staging of the bicoastal Reform Party convention appears to be similar to the situation in AO 1995-45. Like the NLP, the nascent Reform Party likely benefited from the activities associated with the balloting and convention funded by the Committee, in that these events allowed the Reform Party to demonstrate that it was able to organize and act on the political stage at the national level. Such a demonstration might also indirectly boost the campaigns of Reform Party candidates for other federal offices. Furthermore, the Committee's sponsorship of these events arguably bestowed benefits (albeit unrealized) on Mr. Lamm's campaign, insofar as it appears that Mr. Lamm would have achieved ballot access in some states, largely at the expense of the Committee, had he won the Reform Party nomination. However, like the benefits conferred upon the NLP and its candidates other than Dr. Hagelin in AO 1995-45, any benefits enjoyed by the Reform Party and other Reform Party candidates in this matter appear to be residual benefits. It appears that the intended and primary beneficiary the Committee's expenditures was Mr. Perot's primary and ballot access campaign.

Indeed, in dealing with Mr. Lamm, the Committee made clear that it was acting on behalf of Mr. Perot. For example, the Committee reportedly refused to turn over to Mr. Lamm the list of persons eligible to participate in the July 1996 preference poll and the August 11, 1996 balloting, stating in a July 19, 1996 letter that "[l]egal counsel cautions us that we cannot give

that list to [Mr. Lamm's] campaign without exceeding a campaign contribution limitation. . . ."

*See Perot Stiffs Lamm on Survey Voter List for Reform Party*, Pittsburgh Post - Gazette, July 23, 1996. Attachment 10. Similarly, the Committee paid approximately \$200,000 for a nationwide postcard mailing which (1) urged voters to watch the broadcast of the Reform Party Convention, (2) included a picture of Mr. Perot, and (3) set forth the title "A Message From Ross Perot." *See Perot Postcard Fuels Feud Over Fairness in Campaign*, The Seattle Times, August 9, 1996. Attachment 11.

Accordingly, it appears that the Committee's expenditures in connection with all of the Reform Party activities were made with the purpose of favorably influencing Mr. Perot's campaign for the Reform Party nomination and the ballot access drive, and that any benefits enjoyed by the Reform Party, Mr. Lamm or Reform Party candidates for other federal offices were merely incidental. Because it appears that the expenditures in question are related to the ballot access phase of Mr. Perot's campaign, for which he did not receive matching funds, the opinion of the Office of General Counsel is that there was no limit on expenditures made from funds contributed by Mr. Perot. Furthermore, the opinion of this Office is that the complaint sets forth no facts showing that Messrs. Poss, Mulford or Verney violated any federal campaign law.

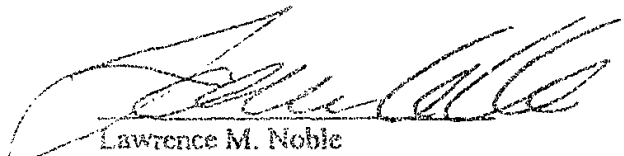
Thus, the Office of General Counsel recommends that the Commission find no reason to believe that the respondents violated 2 U.S.C. §§ 441a(a)(1), or 441a(a)(3).

#### V. RECOMMENDATIONS

1. Find no reason to believe that H. Ross Perot; the Perot Reform Committee, and J. Michael Poss, as treasurer; Perot '96, and J. Michael Poss, as treasurer; R. Clayton Mulford, Esquire; or Russell L. Verney violated 2 U.S.C. §§ 441a(a)(1), or 441a(a)(3);
2. Approve the appropriate letters; and

3. Close the file.

12/21/98  
Date

  
Lawrence M. Noble  
General Counsel

Attachments:

1. Miriam Nalebuff Grayboff, complaint, dated November 7, 1996
2. H. Ross Perot, letter to the Federal Election Commission, dated March 8, 1996
3. H. Ross Perot; Perot Reform Committee, and J. Michael Poss, as treasurer; Perot '96, and J. Michael Poss, as treasurer; R. Clayton Mulford, Esquire; Russell L. Verney; joint response to complaint, dated January 31, 1997
4. *New Perot Mailing Irks Lamm's Camp*, San Antonio Express-News, August 9, 1996
5. *Reform Party's Delegates to be Virtually Present*, St. Louis Post-Dispatch, August 11, 1996
6. *Lamm Withholds Endorsement, Most Criticism of Perot, But Billionaire Wasn't Honest About Running, Ex-Governor Says*, The Dallas Morning News, August 19, 1996
7. *Key State Groups in Reform Party Want to Secede*, The Boston Globe, July 31, 1996
8. *Perot Supporters Resurface to Push Ideas, Not the Man*, The Detroit News, August 29, 1997
9. *Reform Party, Convention 1997 homepage*
10. *Perot Stiffs Lamm on Survey Voter List for Reform Party*, Pittsburgh Post - Gazette, July 23, 1996
11. *Perot Postcard Fuels Feud Over Fairness in Campaign*, The Seattle Times, August 9, 1996
12. 12 Ballot Access News 4, (June 26, 1996)
13. *Election '96*, The Kansas City Star, June 15, 1996
14. Certificate of Nomination, executed September 2, 1996

TITLE: New Perot mailing irks Lamm's camp  
CREDIT: Associated Press  
EST. PAGES: 1  
DATE: 08/09/96  
DOCID: SAEN159531  
SOURCE: San Antonio Express-News; SAEN  
(Copyright 1996)

DALLAS - A get-out-the-vote mailing from Ross Perot to Reform Party members, featuring the Texas billionaire's picture, has his rival for the fledgling party's nomination crying foul.

The flier, which says it is "a message from Ross Perot" was sent to more than 1.1 million party members.

On one side, it says: "Make Your Voice Heard!" On the other is Perot's picture, details about the first segment of the Reform Party's national convention on Sunday in Long Beach, Calif., and the statement: "You have a ballot. Make history. Cast an informed vote for your presidential candidate."

The ad was paid for by the Perot Reform Committee, the same group that heads the Reform Party - but it doesn't mention Perot's rival, former Colorado Gov. Richard Lamm.

"This is clearly in violation of the spirit or the intent," Lamm spokesman Tom D'Amore Jr. said.

Russ Verney, national coordinator for the Perot Reform Committee, said the mailing was to alert the members to this week's convention and that the Dallas tycoon's picture was an "attention-getter."

"If its attempt was to promote attention to the convention, it is a very singularly interesting way to do that," D'Amore said.

Verney said the mailing costs would be considered a campaign expenditure for Perot, the party's founder and main source of funding.

He said all of the national party's costs of ballot mailings, petition gathering, law suits and the convention will be considered Perot expenditures in Federal Election Commission filings.

"Those are all his personal expenditures since March 1," he said. "I think they should be grateful."

D'Amore said the fact that the national headquarters also represents Perot in his presidential quest was mind boggling.

"This has got to be the most bizarre thing in the annals of American politics," he said. "We've all been saying that money is the root of problems in American politics. This may be the ultimate example."

Lamm, who appeared on CNN's "Talk Back Live" on Thursday, said he didn't think the Reform Party could continue to be credible and operate as it does now.

"They are trying the impossible in Dallas," he said, giving credit to the party-building efforts. "I understand some of the snafus. But it's building up and building up and it always seems to err on Ross Perot's side."

Lamm has continually complained that a promised debate with Perot was not scheduled before Reform Party members vote. Earlier, Verney issued a statement saying there was not enough time to hold one.

Yet, Perot was a scheduled guest by phone from his Dallas office on six California radio talk shows Thursday and today.

TITLE: REFORM PARTY'S DELEGATES TO BE VIRTUALLY PRESENT  
BYLINE: 1996, New York Times News Service  
EST. PAGES: 1  
DATE: 08/11/96  
DOCID: SLMO62240310  
SOURCE: St. Louis Post-Dispatch; SLMO  
EDITION: FIVE STAR LEFT; SECTION: NEWS; PAGE: 07A  
(Copyright 1996)

Ross Perot and his rival for the Reform Party presidential nomination, former Colorado Gov. Richard Lamm, will deliver their own nominating speeches in Long Beach on Sunday at a no-frills convention that does not even have delegates, but that will nevertheless offer supporters three ways to be virtual delegates.

Supporters in the Long Beach region can see the proceedings live, sitting in the convention center.

Elsewhere supporters can watch the events on television or attend so-called watch parties sponsored by supporters in restaurants or motels, said a spokeswoman for the Perot Reform Committee, Sharon Holman.

"It's very different," Holman said. "There are no delegates. People are interested in a convention, not a show. The delegates will be sitting in their living rooms nationwide."

The session in Long Beach and the closing one next Sunday in Valley Forge, Pa., where the nominee will be announced, will be financed by Perot. Neither session will have the traditional trappings or rituals of the Republican National Convention in San Diego, which opens Monday, or the Democratic National Convention, which begins in Chicago on Aug. 26.

"We are not spending taxpayers' money," Holman said. "No cities have kicked in money. This is something Mr. Perot is paying for."

The precise format for the session was still being developed, she added. But the agenda includes a video history of the party, the candidates' addresses, an interview with the accounting firm of Ernst & Young on insuring the integrity of the voting and an explanation of how the supporters can vote using mail, telephone or Internet.

Perot is expected to fly to Long Beach on Sunday, give his speech and leave, Holman said.

Thursday, he conducted radio interviews in Southern California to urge supporters to listen to the speeches, Holman said.

Based on the 18.9 percent of the popular vote that he won as a presidential candidate in 1992, Perot is better known than Lamm, a maverick Democrat and a three-term governor.

In addition to being the front-runner, the Texas billionaire founded the party, has financed its efforts to be placed on ballots nationally and has had a major hand in setting up the nominating process.

On the eve of his speech as the underdog, Lamm said: "I'm up for this. This is wonderful."

But tension does exist between the two camps, which have sparred over conditions under which the Lamm campaign could have access to the list of 1.3 million people who enrolled in the party or signed petitions to place it on the ballot.

DESCRIPTORS: ELECTION '96; CONVENTION VOTE SELECTION PROCESS CANDIDATE  
CAMPAIGN POLITICS PRESIDENT PARTY ACCESS ; U.S. ELECTIONS

TITLE: Lamm withholds endorsement, most criticism of Perot But  
billionaire  
wasn't honest about running, ex-governor says  
BYLINE: Jeffrey Weiss  
CREDIT: Staff Writer of The Dallas Morning News  
EST. PAGES: 2  
DATE: 09/12/96  
DOCID: DAL1590569  
SOURCE: The Dallas Morning News; DAL  
EDITION: HOME FINAL; SECTION: NEWS; PAGE: 6A  
ORIGIN: VALLEY FORGE, Pa.  
(Copyright 1996)

VALLEY FORGE, Pa. - A day after losing the presidential nomination of the Reform Party, Richard Lamm said Sunday that he is neither bitter nor angry. He generally refused to be critical of the winner, party founder and Dallas billionaire Ross Perot.

But Mr. Lamm said that he is not ready to endorse Mr. Perot and that he believes that Mr. Perot and the party were not honest with him at the campaign's start.

In a 10-minute speech Sunday night before Reform Party members, Mr. Lamm mentioned Mr. Perot only once, congratulating him for his victory. He briefly made the case for a new political party, criticizing the record of Republicans and Democrats. And he thanked his campaign workers and the crowd, saying "America needs reform."

But Mr. Lamm used most of his time as a bully pulpit, urging the party to take on immigration as a major issue.

Taking a tactic from Mr. Perot, he flashed a series of slides showing the rate of population increase in the United States as he discussed what he saw as the dire consequences.

"When the bathtub overflows, turn off the tap," he said.

The former Colorado governor was uncharacteristically reticent Saturday night, taking no questions from the media after learning he had lost the nomination. But he was relentlessly accessible Sunday morning.

Mr. Lamm said that before he makes a decision on endorsing Mr. Perot, he wants some questions answered about the voting process, wants to see who Mr. Perot's running mate will be and wants to see on what platform Mr. Perot will run.

"I don't want to write any blank checks," he said.

Mr. Perot, appearing on Larry King Live on CNN late Sunday, was asked about Mr. Lamm's decision to support the party, if not the candidate.

"We're delighted to have him participate in any way he wants," Mr. Perot said.

Mr. Lamm said he believes that Mr. Perot was not honest about his intentions to run two months ago. Mr. Lamm had said he wanted to see whether Mr. Perot would run before making his own decision. But when Mr. Perot delayed any announcement, Mr. Lamm declared his candidacy in early July. Mr. Perot followed suit the next day.

Mr. Perot wanted an opponent, Mr. Lamm said.

"If you say, 'They used me,' the answer is yes," he said. "Both he (Mr. Perot) and (Mr. Perot's spokesman) Russ Verney told me he hadn't decided yet. I don't think that was true."

But Mr. Lamm said he was not sorry about his candidacy. It gave him a chance to contribute to the creation of the reform movement, he said.

"So I used them, too," he said.

Reform Party spokeswoman Sharon Holman denied that Mr. Perot led Mr. Lamm on.

"I think you will find Mr. Perot's comments very consistent in saying it was not up to him to tap anyone on the shoulder and ask them to run or not run."

Mr. Lamm said he plans to continue to be active in the party. But his enthusiasm was tempered.

Meanwhile, some state Reform Party officials who had backed Mr. Lamm met Sunday afternoon with other state party officials to discuss how to create a national Reform Party independent of Mr. Perot's financial backing and control.

Legally, there is not a national Reform Party. Sunday's convention, like the voting that preceded it, was a production of the Perot Reform Committee and was paid for by Mr. Perot.

Representatives from Minnesota, New York, Pennsylvania, Illinois, Virginia and Oregon agreed to set up a National Reform Party Caucus that would create a steering committee that would, in turn, set up a national Reform Party convention next year.

They planned to meet with Mr. Verney - and maybe Mr. Perot - Monday morning to discuss their concerns. They said they would continue their work, with or without Mr. Perot's help or approval.

ART: PHOTO(S): (Associated Press) Rick Murphy touches up Richard Lamm's makeup before a live interview Sunday on Meet The Press. ; PHOTO LOCATION: Digital.

OTHER TERMS: ELECTIONS '96; REFORM PARTY CONVENTION

TITLE: Key state groups in Reform Party want to secede  
BYLINE: Katie Fairbank, Associated Press  
EST. PAGES: 1  
DATE: 07/31/96  
DOCID: SOGL1244338  
SOURCE: The Boston Globe; SOGL  
EDITION: City Edition; SECTION: NATIONAL/FOREIGN; PAGE: A3  
(Copyright 1996)

DALLAS -- Leaders of some of the larger, more established state organizations within the Reform Party want to secede from Ross Perot's group to form a new national committee.

Party leaders from seven states have banded together to ask that the Perot Reform Committee relinquish control of the new party. They cite a conflict of interest, now that Perot, the party founder, is competing against former Gov. Richard G. Lamm of Colorado for the Reform presidential nomination.

"If they don't do it . . . Perot is going to steal this election," Scott Farrell with the New York Committee for Richard Lamm said yesterday. "If they want to save the party, they're going to have to make things fair."

State organizers say creating a separate, ad hoc Reform Party committee would be the next natural step in the creation of the party.

"There has to be three entities right now: Lamm's campaign, Perot's campaign and the third-party movement," said Laureen Oliver, chairwoman of the New York Independence Party, which became the state Reform Party.

"I want a non-partisan separate committee," said Oliver, who does not support either candidate. "If it's not addressed we have the right to quit ourselves. I don't feel like I have to ask Perot this one."

Reform Party leaders from New York, California, Maine, Virginia, Oregon, Minnesota and Pennsylvania have been meeting by telephone and requested a meeting with Russ Verney, who heads up Perot's candidacy.

Initially, detailed results of a mail-in survey of party members' preferred candidates for the party's nomination were to be kept secret. The Perot Reform Committee later agreed to a request from Lamm volunteers to release the results.

Perot received 65 percent of the votes cast and Lamm, 28 percent.

TITLE: Perot supporters resurface to push ideas, not the man: As he seeks mainstream, dissidents launch new 'political home.'  
BYLINE: John Manchette / Gannett News Service  
EST. PAGES: 2  
DATE: 10/29/97  
DOCID: DTNS353676  
SOURCE: The Detroit News; DTNS  
EDITION: Final; SECTION: Front; PAGE: A8  
(Copyright 1997)

WASHINGTON -- Ross Perot, the hobgoblin of major political parties, will be back in the news on Halloween as his badly torn Reform Party opens a three-day convention Friday in Kansas City, Mo.

The billionaire Texas gadfly, out of the limelight lately, will deliver the keynote address Saturday to loyal cadres gathered from almost every state.

While it appears Perot's first national Reform Party convention is headed for widespread media coverage, it also may feature vocal protests from once supportive grass-roots splinter groups.

This month, former Perot activists from 23 states met in Illinois to cobble together the American Reform Party, with the stated intention of carrying out Perot's goals without advancing the man himself.

Or, as Linda Witherspoon -- a Tennessee doctor who chaired the organizing meeting -- describes the dissident movement: "We've created a political home for the millions of people who voted for Perot's ideas in '92 but could not bring themselves to vote for the man in '96." Some of these same dissidents intend to show up in Kansas City.

Perot, with his folksy aphorisms and let's-throw-up-the-hood approach to fixing government, made Democrats and Republicans nervous five years ago by drawing 19 percent of the popular vote. In 1996, he could barely muster 6 percent.

Russell J. Verney, chairman of Perot's Dallas-based Reform Party, claimed that the new group is just a publicity-seeking faction made up of malcontents "who want to confuse the public." He worried publicly that American Reform Party leaders are aiming at millions in federal campaign funds that Perot's party anticipates due to past poll performances. Perot's Reform Party, for instance, is assured ballot access in 31 states and close in several others.

Officers of the fledgling American Reform Party deny they're trying to usurp access to Perot's federal funding, and they pledge to build from ground up. Many American Reform Party members come from the ranks of those who supported ex-Colorado Gov. Dick Lamm in his futile attempt to wrest the third-party nomination from Perot last year.

Russ Shilling, a Roseburg, Ore., city councilman and state chairman of the American Reform Party, will attend the Kansas City convention. He notes the states with schism are the states with well-organized party structures made up of disaffected Perot backers.

"Perot is always talking about a grass-roots party built from volunteers," Shilling said, "but he seems to want to pick and choose his volunteers. In Oregon, we've tried to get people involved from all walks of life. We're not trying to put together a fan club here."

Shilling acknowledged many recent recruits in both factions are not ready to give up on Perot. "Some think we should stay with the original Reform Party," he said. "A lot of newcomers are of the opinion we ought to follow Perot because that's why we got into it in the first place. But lots of us who got into the party in the past were essentially burned by Dallas and Verney. Promises made when we affiliated were not kept."

Once again, Perot officials claim the computer tycoon has no designs on the White House. They also claim that he's organizing grass-roots reformers for idealistic principles and recognizes the need for a truly national third party.

In his last two tries, Perot's followers created ballot access in various states mostly through frenetic petition drives.

This year, Verney said, Perot has been urging activists in each state to organize at state, congressional district, county and city levels -- and then to send delegates to a national convention "where state parties will affiliate together, adopt rules, adopt a constitution, adopt a platform, elect national officers and create a national committee of the Reform Party" similar to the major party governing bodies: the Republican National Committee and the Democratic National Committee.

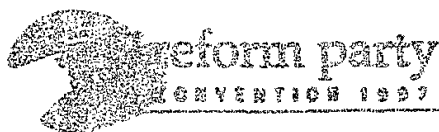
With this weekend's convention, Perot -- described by one dissident as "an island surrounded by burned bridges" -- is attempting to give his movement some mainstream credibility.

For example, the convention will feature speeches Sunday by two visiting members of Congress, Sen. Max Baucus, D-Cal., and Rep. James Traflet, D-Ohio.

No one expects Perot to announce his intentions in Kansas City, but plenty of former supporters think his presidential ambition has not waned from 1992 or 1996.

"Just from listening to TV up here in Montana," said Sam Rankin, a Billings, Mont., real estate agent and an American Reform Party state chairman, "my take is that he's still interested in the year 2000."

ART:           Caption: Ross Perot will deliver the keynote address at the Reform Party meeting Saturday, but his presidential aspirations are on hold.   Jim Read / Associated Press



GENERAL INFORMATION

EVENT SCHEDULE

FOR DISCUSSION

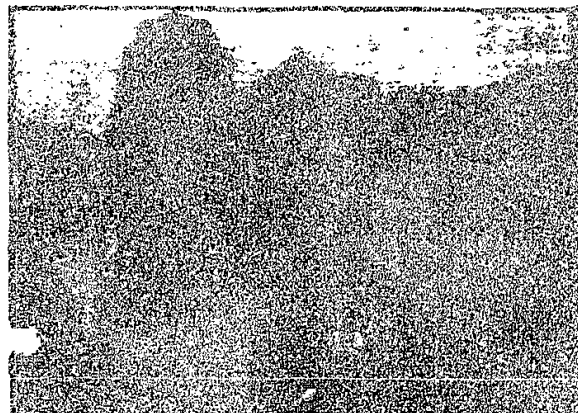
MULTIMEDIA

SPEAKERS &amp; SPEECHES

TRAVEL INFORMATION

Welcome to the official webpage for the national Reform Party 1997 organizing convention. The event took place on October 31-November 2, 1997 in Kansas City, Missouri.

To discuss the past convention, go to the [Reform Party chat](#).



The first national organizing convention of the Reform Party was held on October 31-November 2, 1997 in Kansas City, Missouri. Here, the national Reform Party was officially founded upon its first official drafted platform.

The host hotel was the Marriott Kansas City Hotel. It is on the square with the conference center and connected via an enclosed walkway.

\* [The Timeline Committee.](#)

\* [The Preliminary Credentials Committee's Report.](#)

\* [The Rules Committee presented the Draft Standing Rules for the Convention.](#)

\* [The Nominating Committee Rules.](#)

ATTACHMENT

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TITLE: PEROT STIFFS LAMM ON SURVEY VOTER LIST FOR REFORM PARTY  
CREDIT: THE NEW YORK TIMES  
EST. PAGES: 1  
DATE: 07/23/96  
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(Copyright 1996)

Officials of Ross Perot's national Reform Party movement have formally turned down a request from Richard Lamm's presidential campaign for a list of the 1.3 million people who are eligible to take part in the candidate-preference survey and the August vote that will determine the nascent party's nominee.

"Legal counsel cautions us that we cannot give that list to your campaign without exceeding a campaign contribution limitation," said Russell Verney, the director of the Perot Reform Committee, in a July 19 letter to the campaign of Lamm, the former governor of Colorado and Perot's only declared rival for the new party's nomination. "But, please note the petitions or voter registration rolls are on file in the states and are public documents."

Verney's letter, the product of days of discussions between the two camps last week, represents more than a disagreement over whether the list is a public record, as the Lamm campaign asserts, or whether the data have a monetary value that exceeds the federal limit of \$1,000 for campaign contributions, as Verney contends.

"If one candidate has easy access to voters in a primary and the opponent does not, that's a distinct disadvantage to put it politely," said Tom D'Amore, a senior Lamm campaign adviser.

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## The Seattle Times - Today's Top Stories

### National News

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Aug 9, 1996

## Perot postcard fuels feud over fairness in campaign

by Lori Stahl  
Dallas Morning News

DALLAS - A nationwide mailing of postcards touting the Reform Party's convention fueled new charges yesterday from candidate Richard Lamm's staff that party rival Ross Perot is not playing fair.

A Lamm spokesman said the mailing, paid for by the Perot Reform Committee, undermines the independence of the party and is tantamount to a political ad for Perot, whose picture is featured on the card.

"The message you get from this is that this is from Ross Perot suggesting that you cast a ballot for him," said Tom D'Amore, senior adviser of the Lamm campaign.

Perot spokeswoman Sharon Holman disagreed, saying, "The postcard is simply to remind people to watch the convention. We want people to participate."

The postcards urge voters to watch C-SPAN or CNN coverage of the convention speeches.

Under the headline "A Message from Ross Perot," the words "You have a ballot" and "make history" are printed on the card. It also says, "Cast an informed vote for your presidential candidate."

Russell Vernay, national coordinator of the Reform Party, said the organization paid about \$200,000 for the mailing.

D'Amore said it is not fair that the party's Dallas headquarters fails to distinguish between Perot's campaign and the Reform Party that he founded. The Perot Reform Committee is funded almost entirely by Perot.

"They are one and the same," D'Amore said.

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# Ballot Access News -- June 26, 1996

Volume 12, Number 4

This issue was originally printed on gray paper.

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## FIRST LAWSUIT FILED ON PRESIDENTIAL STAND-INS

### LIBERTARIAN, REFORM PARTIES SUE FLORIDA

On June 11, the first lawsuit ever filed on presidential substitution was filed by the Libertarian Party, against Florida. *Libertarian Party of Florida v. Northon*, no. 96-cv-258-MMP, northern district. The case was assigned to Judge Maurice Paul, who has a good record on ballot access.

On June 21, the Reform Party made arrangements with the Libertarian Party's attorney for the Reform Party to join the lawsuit.

This is probably the most important ballot access lawsuit to be filed in 1996. At stake is the right of third political parties to decide whom to nominate for president, during the summer of a presidential election year. If this case cannot be won, it will mean that in the future, third parties will be forced to make a final decision as to whom to run for president, as early as January of an election year.

Every state has some procedure by which a new political party may qualify for the ballot, before it has chosen its presidential candidate. However, in some states, that procedure is so difficult, it never gets used. In Florida, any party capable of submitting 196,788 valid signatures, collected between mid-January and mid-July, is able to enjoy the flexibility of choosing its presidential candidate in the summer of the election year. But this is an almost meaningless option, since no third party has the ability to achieve this goal. With only one exception, no third party or independent candidate has ever overcome a ballot access hurdle greater than 134,781 signatures.

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Florida has an easier procedure for third parties to place a presidential candidate on the ballot -- requiring 65,596 signatures -- but this easier procedure requires that the party know who its candidate will be, before the petition can begin, since the name of the candidate must be printed on the petition and cannot be changed later.

Earlier this year, the Florida Senate passed a bill which would have fixed the problem, but the legislature adjourned before the House could vote on it.

Florida already lost a similar case, for vice-president, in federal court in 1980. *Anderson v Firestone* said that the Constitution protects the right of independent petitioning groups to show a vice-presidential stand-in on the petition, and later name the real vice-presidential candidate.

If the Libertarian Party fails to win this case, Ed Clark (the party's stand-in for president) will be printed on the November ballot in Florida, even though he is not an actual candidate. Since the state has an interest in preventing voter confusion, it is difficult to imagine how the state will justify its refusal to permit the Libertarian Party to let Clark withdraw in favor of the actual presidential candidate, who is to be chosen July 6 at the party's national convention.

The Reform Party used Ross Perot as its stand-in. If the party ultimately nominates Perot, no harm will be done to the Reform Party. However, if the Reform Party chooses someone else for president, such as former Colorado Governor Richard Lamm, it also needs a victory in this lawsuit.

## VIRGINIA VICTORY

(See also this update.)

On May 20, U.S. District Court Judge Jackson L. Kiser ruled that Virginia's mid-June petition deadline, for third party and independent candidates other than president, is too early. *Wood v Meadows*, civ. 94-0047-D, western dist. Judge Kiser is a Reagan appointee. The injunction only extends to candidates for the U.S. Senate.

The case was won by an independent Green candidate for the U.S. Senate, George "Tex" Wood, who is not an attorney but who represented himself. The state is appealing.

## NEW YORK SENATE PASSES BALLOT ACCESS BILL

On June 14, SB 7856 was introduced in the New York State Senate. It passed the Senate only three days later. It abolishes the requirement that petitions carry the precinct number and legislative district number of each signer. It also provides that if a petition is held invalid for any reason, the circulators have three days to correct deficiencies.

Both houses of the New York legislature are now in recess. The Assembly will consider the bill during the week of July 1-5.

The bill passed the Senate so quickly because Governor George Pataki, a Republican, decided that he wanted ballot access reform. The Senate is controlled by the Republicans, so the bill moved quickly there. The Assembly is Democratic and has passed similar reform bills previously.

## ARIZONA LOSS

On June 6, U.S. District Court Judge Robert Broomfield, a Reagan appointee, refused to issue an injunction against the Arizona May 18 petition deadline for new parties. *Independent American Party of Az. v Hull*, no. cv96-1240 PHX RCB. The case was filed by the Arizona unit of the U.S. Taxpayers Party.

Arizona requires all new political parties to nominate by primary. Judge Broomfield wrote that election administrators must have the petitions in 115 days before the primary, in order to have time to prepare for the new party's primary. However, it doesn't seem to have occurred to him that a new party which only wishes to run a candidate for president, doesn't need to participate in the September primary, since that primary has nothing to do with presidential elections. The party plans to appeal.

## MIXED TEXAS RULING

On June 3, the 5th circuit released an opinion in *Texas Independent Party v Kirk*, 95-50172. It strikes down a Texas law which says that independent candidate petitions must carry the voter registration affidavit number of every voter who signs.

Unfortunately, it upholds a Texas law which says that new party and independent candidates (except presidential candidates) must file a declaration of candidacy the first week of January.

Also unfortunately, it upholds the May petition deadlines for new parties and independent candidates, at least for office other than president. The ruling is ambiguous concerning the deadline, if a presidential candidate is involved. The decision was written by Judge Fortunado Benavides, a Clinton appointee, and signed by Judges Edith Jones and E. Grady Jolly, Reagan appointees.

The case had been filed in 1994 by several independent candidates, and by the Texas Independent Party, which is the Texas affiliate of the Patriot Party. The party in Texas in 1994 didn't seriously try to get on the ballot. In retrospect, it probably would have been better if the party had not been in the lawsuit, since the outcome might have been better if the case had been filed by a party which actually did complete the petition.

It is truly absurd that a new party, which might not even exist in January of an election year, could potentially qualify by submitting a petition (which, under Texas law, is to be circulated between March and May of an election year), get on the ballot, but be left with no candidates except a presidential candidate. This could happen, because the law, which was upheld, requires all candidates (even candidates of a party which doesn't exist yet) to file a declaration of candidacy by January 2 or 3 of an election year.

It is obvious that Texas has no legitimate reason to force new party candidates to file a declaration of candidacy before the party may even exist, because no other state has such a requirement. There is no reason for this law except to stifle competition.

The judges claimed the law is non-discriminatory, a claim which reminds one of the famous old quote that an 18th century French law, "in its majesty, forbids both the rich and the poor from sleeping under bridges". The impact of telling a Republican or a Democratic candidate that he or she must file a declaration of candidacy in January, is trivial, since everyone knows that Democrats and Republicans in Texas nominate candidates at a primary in March. The impact on the candidate of a new party, which nominates by convention and which may not even exist in January, is entirely different.

A South Carolina law almost identical to the Texas declaration of candidacy law was held unconstitutional by the 4th circuit in 1990, but the Texas panel didn't mention the South Carolina decision.

The section of the opinion upholding the May petition deadlines fails to identify any state interest whatever in the early deadline. It merely says that since it is constitutional for the state to limit

petitioning to 75 days, and since the state permits petitioning to start in March, therefore May must be O.K. It distinguishes *Anderson v Celebrezze* by saying that *Anderson v Celebrezze* only applies to presidential candidates. Courts, in Alabama, Georgia, Hawaii, Idaho, Indiana, Kentucky, Massachusetts, Maine, Nevada, Ohio, Pennsylvania, South Carolina, Virginia and Wyoming have come to the opposite conclusion, but the 5th circuit didn't mention any of the contrary decisions.

Despite the deficiencies in the opinion, no appeal to the U.S. Supreme Court is planned. It is possible that a new lawsuit on the same points could win, notwithstanding this loss, if the plaintiff party were a party which had submitted enough signatures to be on the ballot. Sometimes a law can be adjudged constitutional "on its face" but not "as applied".

The portion of the case which won, striking down the law which required independent candidate petitions to carry the voter registration affidavit number for each signer, was welcome, but no surprise.

An identical requirement for minor party petitions had been declared unconstitutional by the 5th circuit in 1988. There had never been any rational basis for Texas to continue to enforce the law for independent candidate petitions, and not new party petitions.

## WEST VIRGINIA LOSS

On June 3, the 4th circuit voted 2-1 that West Virginia's May petition deadline for non-presidential third party and independent candidates is valid. *Fishbeck v Hechler*, 95-1951. The decision was written by Judge Donald Russell, a Nixon appointee, and co-signed by Judge M. Blane Michael, a Clinton appointee. The dissent, which was considerably longer than the majority decision, was by Robert Payne, a Bush appointee.

The majority had a difficult time upholding the deadline, because a 1977 U.S. Supreme Court decision, *Mandel v Bradley*, says that early petition deadlines for third party and independent candidates are generally unconstitutional if almost no third party or independent candidates ever qualify. During the last 55 years, there has been only one third party or independent candidate on the West Virginia ballot for Governor, only one on for U.S. House of Representatives, and only two for U.S. Senate.

However, the majority blithely stated that since there were three third parties on the ballot back in 1932 and also in 1936, therefore the historical record shows that the law is valid. No appeal to the Supreme Court is planned. The case had been filed by the Libertarian Party in 1992.

## WYOMING DEADLINE

On June 27, there is a hearing in U.S. District Court, over the deadline for a new party to submit a petition in Wyoming. The Labor Party of Wyoming, which supports Ralph Nader for president, argues that the May 1 deadline is unconstitutional. New parties in Wyoming nominate by convention, so there is no election-administration reason for the deadline to be so early. *Spiegel v State of Wyoming*, 96cv-1028B.

## OTHER LAWSUIT NEWS

1. Arkansas: the Reform Party's lawsuit against the January petition deadline for new parties will not have a hearing until late July. In the meantime, the Arkansas Supreme Court will decide if the deadline really is in January, or in May. The election code contradicts itself; one section says the deadline is in January and another says May.

2. Florida: a Democratic candidate for Congress filed a lawsuit against the \$10,200 filing fee for Congress in federal court. *Green v Mortham*, 96-1143-cv-T-23A. However, since the candidate paid the fee, it is very likely that the case will be moot.

3. Georgia: the 11th circuit denied a rehearing in *Chandler v Miller*, 95-8230, on April 18. This is the case over mandatory drug tests for candidates. Plaintiffs are appealing to the U.S. Supreme Court.

4. Maryland: On June 24, the U.S. Supreme Court refused to hear *Caw v Worcester County*, 95-270. This is the case in which the U.S. District Court, back in 1994, had ordered Worcester County to elect county commissioners by proportional representation, an order which the 4th circuit overturned. The 4th circuit had ordered the county (which has always elected its county commissioners at-large) to divide itself into five districts, so that at least one district would have a black majority. This plan will now be implemented.

5. New York: on May 13, the U.S. Supreme Court refused to hear the Republican Party's appeal in *Rockefeller v Powers*, the case over ballot access rules for the Republican presidential primary. The lower courts had found the rules too restrictive, but the state party wished to keep them.

6. Ohio: on May 29, a 3-judge U.S. District Court upheld Ohio's congressional district boundaries. Former Congressman Clarence Miller had sued, arguing that the districts represented an unconstitutional political gerrymander. *Miller v State of Ohio*, c2:94-1116. Miller will appeal to the U.S. Supreme Court.

7. Texas: there will be a hearing on June 27 in federal court in Austin, over the U.S. Taxpayers Party's lawsuit against the May petition deadline for new parties, in presidential elections. *National Committee of US Taxpayers Party v Garza II*, A96ca-354-SS. The case is assigned to Judge Sam Sparks, a Bush appointee. It is possible that the party submitted enough signatures by the legal deadline to qualify; the state is expected to release this information just before the hearing. Obviously, if the party turned in enough by the deadline, the case will be dismissed.

## REPUBLICAN PRIMARIES

The May 28 B.A.N. carried presidential primary results for most April and May primaries. Below are April and May results which weren't available then, plus June results:

See this note about tables.

Pennsylvania:		
Bob Dole	432,336	63.20
Pat Buchanan	124,733	18.53
Steve Forbes	54,811	8.02
Alan Keyes	40,812	6.02
Richard Lugar	32,226	4.71

West Virginia:		
Bob Dole	87,213	68.72
Pat Buchanan	20,813	16.40
Steve Forbes	6,180	4.87
Alan Keyes	4,801	3.78
Lamar Alexander	3,758	2.96
Phil Gramm	2,376	1.87
Richard Lugar	1,073	.85
Morry Taylor	702	.55

Arkansas:		
Bob Dole	32,759	76.49
Pat Buchanan	10,067	23.51

Idaho:		
Bob Dole	73,839	62.70
Pat Buchanan	26,411	22.43
uncommitted	11,599	9.85
Alan Keyes	5,922	5.03

Kentucky:		
Bob Dole	76,669	73.83
Pat Buchanan	8,526	8.21
uncommitted	4,793	4.62
Alan Keyes	3,822	3.68
Steve Forbes	3,400	3.27
Lamar Alexander	3,272	3.15
Richard Lugar	2,235	2.13
Phil Gramm	1,122	1.08

Alabama:		
Bob Dole	160,097	75.54
Pat Buchanan	33,409	15.76
uncommitted	11,073	5.22
Alan Keyes	7,354	3.47

Montana:		
Bob Dole	72,176	61.30
Pat Buchanan	28,581	24.27
no preference	8,533	7.25
Steve Forbes	8,456	7.18

New Jersey:		
Bob Dole	176,609	82.33
Pat Buchanan	23,524	10.97
Alan Keyes	14,377	6.70

New Mexico:		
Bob Dole	52,655	75.57
Pat Buchanan	5,648	8.11
Steve Forbes	3,929	5.64
Lamar Alexander	2,660	3.82
Alan Keyes	2,243	3.22
uncommitted	2,376	1.85
Bob Dornan	860	1.23
Morry Taylor	389	.56

## GREEN PRIMARY

See this [note about tables](#).

New Mexico:		
Ralph Nader	948	65.42
Mary Cal Hollis	391	26.98
uncommitted	110	7.59

## DEMOCRATIC PRIMARIES

See this [note about tables](#).

Indiana:		
Bill Clinton	296,896	100.00

Arkansas:		
Bill Clinton	239,287	87.62
Lynda LaRouche	20,669	7.57
Elvira Loyd-Duf	13,136	4.81

Idaho:		
Bill Clinton	35,271	87.73
uncommitted	4,932	12.27

Kentucky:		
Bill Clinton	211,667	76.69
uncommitted	44,028	15.95
Lyndn LaRouche	20,324	7.36

Alabama:		
Bill Clinton	347,629	79.95
uncommitted	30,886	15.43
Lyndn LaRouche	9,250	4.62

Montana:		
Bill Clinton	82,549	90.00
no preference	9,176	10.00

New Jersey:		
Bill Clinton	245,254	95.04
Lyndon LaRouche	12,794	4.96

New Mexico:		
Bill Clinton	108,664	89.23
uncommitted	13,117	10.77

## 1996 PETITIONING FOR PRESIDENT (table)

**See this note about tables.**

STATE	REQUIREMENTS		SIGNATURES COLLECTED				DEADLINES	
	FULL PARTY	CAND.	LIBT	REFORM	NATL LAW	TAXPAYR	PARTY	CAN
Alabama	36,060	5,000	already on	6,000	finished	*lacks 700	Jul 1	Aug 3
Alaska	2,586	#2,586	already on	*1,000	finished	already on	in doubt	dou <sup>1</sup>
Arizona	15,062	#7,813	already on	*already on	*finished	*in court	May 18	Jun 2
Arkansas	21,506	#0	0	in court	already on	already on	Jan 2	Sep 1
California	(reg) 89,007	147,238	already on	already on	already on	already on	Oct 24 95	Aug
Colorado	no procedure	#0	0	*2,000	already on	already on	--	Jul 1
Connecticut	no procedure	#7,500	*7,600	*5,000	*2,000	*5,100	--	Aug

Delaware	(reg.) 191	3,828	already on	(reg) *40	(reg) 150	(reg) 180	Aug 17	Jul 1
D.C.	no procedure	(es) #3,500	0	0	0	0	--	Aug 2
Florida	196,788	#65,596	*finished	*finished	2,000	0	Jul 16	Jul 1
Georgia	30,036	#31,771	already on	*35,000	*15,000	*2,000	Jul 9	Jul
Hawaii	4,889	#3,829	already on	*800	already on	0	Apr 24	Sep
Idaho	9,644	4,822	already on	*3,000	*4,000	600	Aug 31	Aug 2
Illinois	no procedure	#25,000	already on	*16,000	*2,000	*7,500	--	Aug
Indiana	no procedure	#29,822	already on	*24,000	0	0	--	Jul 1
Iowa	no procedure	#1,500	100	*1,000	*1,800	*finished	--	Aug 1
Kansas	16,418	5,000	already on	*already on	*2,500	*already on	Jun 1	Aug
Kentucky	no procedure	#5,000	5,000	*4,000	*4,000	*5,000	--	Aug 2
Louisiana	(reg) 111,121	#0	0	0	0	0	Jun 30	Aug 2
Maine	(reg) 25,565	#4,000	already on	already on	*already on	*already on	De 14 95	May 2
Maryland	10,000	72,785	already on	*11,000	8,000	already on	Aug 5	Aug
Massachsts.	(reg) 31,661	#10,000	already on	*3,000	*7,000	*6,300	Feb 14	Jul 3
Michigan	30,891	30,891	already on	*30,000	*25,000	*2,200	Jul 18	Jul 1
Minnesota	89,731	#1,000	can't start	already on	can't start	can't start	May 1	Sep 1
Mississippi	just be org.	#1,000	already on	*300	already on	already on	Sep 6	Sep
Missouri	10,000	10,000	already on	*8,000	*7,500	*12,500	Jul 29	Jul 2
Montana	10,471	#10,000	already on	already on	already on	*700	Mar 14	Jul 3
Nebraska	10,773	2,000	already on	*7,000	*already on	*500	Aug 1	Aug 2
Nevada	3,761	3,761	already on	*4,500	already on	already on	Jul 11	Jul 1
New Hampshire	9,584	#3,000	already on	*1,000	*200	*4,000	Aug 9	Aug
New Jersey	no procedure	#200	0	finished	finished	finished	--	Jul 2
New Mexico	2,339	14,029	already on	already on	already on	already on	Apr 2	Sep 1

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New York	no procedure	#15,000	can't start	probably on	can't start	can't start	—	Aug 2
North Carolina	51,904	80,684	*already on	*already on	*already on	1,700	May 16	Jun 2
North Dakota	7,000	4,000	already on	already on	already on	already on	De 29 95	Sep
Ohio	33,463	5,000	400	already on	already on	finished	Aug 22	Aug 2
Oklahoma	49,751	#41,711	*already on	*already on	0	*in court	May 31	Jul 1
Oregon	18,316	14,601	already on	*already on	*2,500	0	*Aug 1	Aug 2
Pennsylvania	no procedure	#24,425	*12,500	*14,000	*2,000	*8,000	—	Aug
Rhode Island	18,069	#1,000	0	0	0	0	Aug 1	Sep
South Carolina	10,000	10,000	already on	already on	finished	already on	May 5	Aug
South Dakota	7,792	#3,117	already on	already on (independent)	200	*already on	Apr 2	Aug
Tennessee	37,179	25	*already on	already on (independent)	*already on	*finished	Apr 3	Aug 2
Texas	43,963	61,541	already on	*already on (independent)	finished	*finished	May 27	May 1
Utah	500	#300	already on	already on	already on	already on	Mar 1	Sep
Vermont	just be org.	#1,000	already on	*400	already on	*finished	Sep 19	Sep 1
Virginia	no procedure	#15,168	*8,000	already on	*6,000	*2,300	—	Aug 2
Washington	no procedure	#200	can't start	can't start	can't start	can't start	—	Jul
West Virginia	no procedure	#6,837	finished	*5,000	*500	0	—	Aug
Wisconsin	10,000	#2,000	already on	*already on	0	already on	Jun 1	Sep
Wyoming	8,000	9,810	already on	*finished (independent)	already on	0	May 1	Aug 2
TOTAL STATES ON FOR PRESIDENT			34	18	17	15		

"FULL PARTY REQ." is a procedure by which a new party can qualify before it chooses candidates; not every state has such a procedure. \* -- entry changed since last issue. # -- label: candidate procedure in these states lets candidate choose a party label, which is printed on the ballot. In Colorado, the Reform Party is collecting 5,000 signatures rather than paying \$500.

### 1996 PETITIONING FOR PRESIDENT (continued) (table)

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See this note about tables.

STATE	SIGNATURES COLLECTED							
	GREEN	WKR WRLD	COLLINS	SOCIALIST	SOC WKR	AIDS CURE	GRASSR	SOC EQUAL
Alabama	0	0	*400	0	*5,000	0	0	0
Alaska	already on	0	0	0	0	0	0	0
Arizona	*6,000	*too late	*too late	*too late	*too late	*too late	*too late	*too late
Arkansas	0	*already on	0	0	0	0	0	0
California	already on	maybe on	*4,500	0	0	0	0	0
Colorado	0	0	0	*already on	0	0	0	0
Connecticut	*2,800	0	0	0	0	0	0	0
Delaware	(reg.) 7	0	0	0	(reg) 3	(reg) 5	0	0
D.C.	0	0	0	0	0	0	0	0
Florida	*5,000	0	*11,000	0	0	0	0	0
Georgia	0	0	*4,000	0	0	0	0	0
Hawaii	already on	0	0	0	0	0	0	0
Idaho	0	0	*2,000	0	0	0	0	0
Illinois	*1,000	0	0	0	0	0	0	0
Indiana	0	0	0	0	0	0	0	0
Iowa	0	0	0	0	0	0	*50	0
Kansas	0	0	*600	0	0	0	0	0
Kentucky	0	0	0	0	0	0	0	0
Louisiana	0	0	0	0	0	0	0	0
Maine	already on	too late	too late	too late	too late	too late	too late	too late
Maryland	*750	*8,000	0	0	0	0	0	0
Massachsts.	*2,000	13,000	0	100	0	0	*100	0
Michigan	*7,200	already on	0	0	0	0	0	*finished
Minnesota	can't start	can't start	can't start	can't start	can't start	can't start	can't start	can't start
Mississippi	0	0	*400	0	0	0	0	0
Missouri	*100	0	*300	0	0	0	0	0
Montana	0	0	*700	0	0	0	0	0
Nebraska	*200	0	*100	0	0	0	0	0
Nevada	500	0	0	0	0	0	0	0
New Hampshire	0	0	0	0	0	0	0	0

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## FEC WON'T DECIDE REFORM FUNDING

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question can be answered.

## FOX TV MODIFIES OFFER

Just prior to the Federal Communication Commission hearing on June 25, to decide whether Fox TV network can offer free time to the major party presidential candidates, Fox hinted that it will alter its proposal somewhat. Originally it had said it would offer the time to presidential candidates who had a "realistic chance of winning". Now it seems willing to offer it to any presidential candidate who would meet the old League of Women Voters' standards for presidential debates: 15% showing in opinion polls.

## LABOR PARTY ORGANIZED

At a national convention in Cleveland on June 6-9, Labor Party Advocates transformed itself into the Labor Party. Almost 1,400 delegates from 44 states attended. Ralph Nader, Green Party presidential candidate, was the only third party presidential candidate allowed to speak. A representative of the New Party also spoke. The party voted not to run any candidates in 1996 or 1998, but to continue gaining endorsements from units of the AFL-CIO.

## NATIONAL CONVENTIONS TO COME

1. Libertarian: July 3-7, Washington, D.C.
2. Reform: August 11, Long Beach, CA (to launch party's private primary, with voting by mail)
3. Republican: August 12-15, San Diego, CA
4. U.S. Taxpayers: August 16-18, San Diego, CA
5. Reform: August 18, Valley Forge, PA (to announce results of mail ballot)
6. Green: August 15-19, Los Angeles, CA
7. Natural Law: August 23-24, Washington, D.C.
8. Democratic: August 26-29, Chicago, IL

## REFORM PARTY

On July 5, the American Party of Oregon, a ballot-qualified party since 1992, voted to affiliate with the national Reform Party, and to change its name to Reform.

Former Governor Richard Lamm of Colorado will announce by July 20 whether he will seek the party's presidential nomination.

## ADDRESSES OF POLITICAL PARTIES

Addresses of nationally-organized parties who have presidential campaigns and who will be on the ballot in at least two states. The parties are listed in order of their age:

1. Democratic: 430 S. Capitol St. SE, Washington DC 20003. (202)-863-8000.
2. Republican: 310 First St. SE, Washington DC 20003. (202)-863-8500.
3. Prohibition: Box 2635, Denver CO 80201. (303)-572-0646.

4. Socialist: 516 W. 25th St #404, New York NY 10001. (212)-691-0776.
5. Socialist Workers: 406 West St., New York NY 10014. (212)-242-5530.
6. Workers World: 55 W. 17th St., New York NY 10011. (212)-255-0352.
7. Socialist Equality: Box 48377, Oak Park MI 48237. (810)-353-4545.
8. American: 47 E. Kensington Av., Salt Lake City UT 84115. (800)-456-8683.
9. Libertarian: 2600 Virginia Av. NW, Washington DC 20037. (202)-333-0008.
10. Grassroots: Box 8011, St. Paul MN 55108. (612)-722-6658.
11. U.S. Taxpayers: 450 Maple Av. E., Vienna VA 22180. (703)-281-6782.
12. Green: has no office, but the newsletter Green Politics is Box 100, Blodgett Mills NY 13738. (607)-756-4211.
13. Natural Law: 51 W. Washington, Fairfield IA 52556. (515)-472-2040.
14. Reform: 7616 LBJ Freeway #727, Dallas TX 75251. (214)-450-8800.
15. AIDS Cure: 825 5th St. NE #A, Washington DC 20002. (202)-547-6780.

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Results****Election '95****By: JAMES KUHNHENN****Date: 06/15/96****Overheard**

"Why did it take him so long to speak out about the bombing of houses of God? If these were synagogues, how long would it have taken?"

- Nation of Islam leader Louis Farrakhan, launching a nationwide voter registration drive and questioning President Clinton's visit to a burned-out black church this week.

**They're official**

Secretary of State Ron Thornburgh announced Friday that the Reform Party is now an officially recognized political party in Kansas, with access to the state's election ballot.

Thornburgh said the party - started by Ross Perot as a successor to the United We Stand America organization - had submitted more than the 16,417 valid signatures needed for certification.

"I'm thrilled," said Ida Terry of Overland Park, the party's state coordinator. "We didn't expect this to happen quite so soon."

"We're going to have to get on the ball and get some things done quickly. We want to run some good campaigns, so we can explain who we are and where we're coming from."

The Reform Party filed 13 candidates, although one, Tim D. Nordell of Sedan, who accidentally filed in the wrong state Senate district, could be disqualified.

**Fall out, private**

It isn't getting any easier for Oregon's embattled freshman Rep. Wes Cooley.

Trying to prove his claims of having fought late in the Korean War, he recalled serving under a Sgt. Maj. Poppy. "He's deceased, they tell me," Cooley said.

But Clifford Poppy is very much alive. The Oregonian of Portland found. He left Korea in 1951, long before the cease-fire and even before Cooley entered the Army.

Records show they served together after the war and Poppy recalled Cooley's name.

But he was sure no one from Cooley's unit went to Korea.

"I would testify on a Bible on that. Tell him he's a liar," the old soldier said. "Tell him Sergeant Poppy said that."

Cooley stuck to his guns, saying maybe Poppy was mistaken.

"Of all the men he commanded, as a master sergeant, how come he remembered a man named Wes Cooley?"

**Mr. Butter' buddy?**

Campaigning in tobacco country, Dole got some people lit up Thursday with his opinions about government regulation of tobacco and nicotine addiction.

"To some people, smoking is addictive, to others they can take it or leave it. Most people don't smoke at all," he said. "I hope children never start."

He did express support for a ban on cigarette vending machines

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to keep youths away from tobacco.

"Apparently when it comes to Bob Dole's policies, you get what you pay for," Clinton campaign spokesman Joe Lockhart, referring to Dole's long support for the tobacco industry. "Bob Dole should spend more time looking at the scientific evidence and less time counting his campaign contributions."

Photo op ... oops!

You might say that Rep. Bob Dornan, the Californian who once likened Bob Dole to 1940s movie star Tyrone Power, has an urge to be in pictures himself.

Anyone close to Dole as he walked down the Capitol steps through a phalanx of admirers on Tuesday would certainly end up on the front page of most U.S. newspapers.

Lumbering to catch up to the Dole entourage, he made a turn inside the Capitol and failed to notice some brass posts cordoning off the press. He stumbled, bounced off two reporters and ended up sprawled on the floor.

Once set upright again, he sheepishly ran his fingers through his reddish hair and quickly slipped away.

Moments later, there he was, 15 feet behind Dole, but still not close enough. Ill-fated camera angles showed him from the knees down.

- James Kuhnhean

Plank talk

One of the people upset about Dole's latest thoughts on the party abortion plank was Rep. Henry Hyde. This staunch anti-abortionist was picked as chairman of the GOP platform committee to reassure like-minded people in the party.

The New York Times said the Illinois Republican was "so jolted" by Dole's comments that he thought of stepping down.

Placing the "tolerance" language in the plank rather than the preamble "emphasizes a weakening, a retreat from our previous posture, and that is a real problem," Hyde said.

"All I know is this issue was put to bed," Hyde told the Chicago Tribune. "Now it is sitting up and yelling."

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**Perot Reform Committee, Inc.**

7616 LBJ Freeway, Suite 727  
Dallas, Texas 75251

**CERTIFICATE OF NOMINATION**

To: Honorable Ron Thornburgh  
Secretary of State  
c/o Brad Bryant  
Deputy Assistant for Elections and Legislative Matters  
Capitol Bldg. Second Floor  
Topeka, KS 66612-1594

As a result of the two-tiered national nominating process held on August 11, 1996 at Long Beach, California, and on August 18, 1996 at Valley Forge, Pennsylvania, the following have secured the nomination of the Reform Party of Kansas as its candidates for President and Vice President of the United States, and are hereby certified as such:

For President of the United States

Ross Perot  
7616 LBJ Freeway, Sta. 727  
Dallas, TX 75251

For Vice President of the United States

James Campbell  
1340 Via Coronel  
Palos Verdes, CA 90274

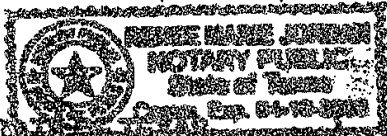
  
Russell J. Varney  
Chair, National Nominating Convention

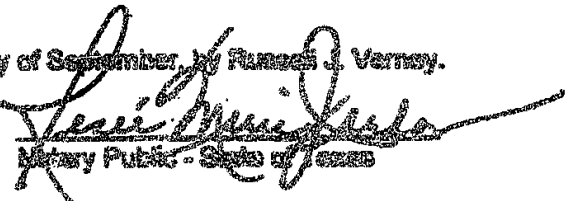
  
Michael B. Morris  
Vice-Chair, National Nominating Convention

STATE OF TEXAS

COUNTY OF DALLAS

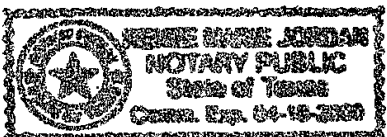
Subscribed and sworn to before me this 24<sup>th</sup> day of September, by Russell J. Varney.

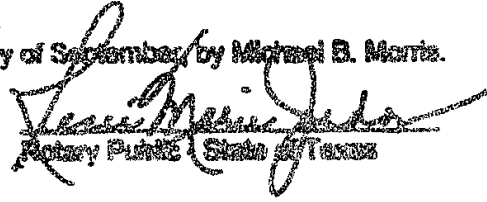


  
Rene Marie Jordan  
Notary Public - State of Texas

COUNTY OF DALLAS

Subscribed and sworn to before me this 24<sup>th</sup> day of September, by Michael B. Morris.



  
Rene Marie Jordan  
Notary Public - State of Texas