

# Remove 3rd party roadblock to ballot, court urged

By WARREN M. HOYT  
Michigan Press Association

The State Supreme Court has been urged to declare unconstitutional the state's political party ballot access law as being unfair to small political parties.

The 1976 law was enacted, said one lawyer, because state officials feared too many parties would clutter the ballot; that law should not be maintained because those fears were groundless, and previous ballot access requirements are adequate to keep frivolous parties off the ballot.

Robert Derengoski, state solicitor general, argued the law was not preventing small parties from getting on the ballot. All those parties had to do was to get a "measly" showing of support, he said.

The case (Socialist Workers Party vs. Secretary of State) was filed last summer.

IN 1976, the law was upheld by a federal district court and subsequently approved by the U.S. Supreme Court. When the case was filed, the circuit court said it could not overrule the U.S. Supreme Court.

Under the law, a party without a reg-

ular spot on the ballot can get one only by first petitioning for a place on the August primary ballot and by then by receiving a designated percentage in the primary election.

The petition must carry signatures equal to 1 percent of the total cast for the current secretary of state, and parties must get at least three-tenths of 1 percent of all votes cast in the primary to secure a spot on the November ballot.

Affected by the provisions are parties not guaranteed November ballot status due to votes received in past general elections.

The requirements equalled a "measly" three voters out of a thousand" to assure small parties a place on the November ballot," Derengoski said.

In close questioning by justices, Derengoski admitted, however, "I am not convinced by your proposal. I just say I don't think it's unconstitutional."

The law does not prevent small parties from getting on the ballot, Derengoski said.

RONALD REOSTI, attorney for the Socialist Workers Party, said the law's mechanics prevented people who are interested in voting for candidates in other parties from voting for the small parties.

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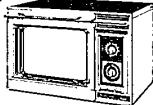
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*The law's mechanics prevented people who are interested in voting for candidates in other parties from voting for the small parties. . . . The public may want the right to consider small parties, even if they do not vote for them. . . . Small parties can provide options and arguments the large parties do not.*

Ronald Reosti,  
SWP attorney

Hence the parties must seek out party regulars to keep a place on the ballot party registration.

The public may want the right to consider small parties, even if they do not vote for them, he said. Small parties can provide options and arguments the large parties do not.

Reosti said there was no reason for the law to remain because the threatened explosion of small parties never materialized.

And previous petitioning requirements always succeeded in preventing frivolous parties from getting on the ballot.

The goal, he said, is still to reduce the total department workforce by 10 percent, or 1,500 persons.

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