

Fairfax Party Leaders Sue State Over 'Confusing' Ballot: Fairfax Party Leaders Sue the State

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By Athelia Knight

Washington Post Staff Writer

Is Harry F. Byrd Jr. really a Republican and his Virginia Senate opponent, Elmo R. Zumwalt, the candidate of the American Party? Are congressional incumbents Herbert E. Harris and Joseph L. Fisher American Party candidates and their challengers, James R. Tate and Vincent F. Callahan, the nominees of the U.S. Labor Party?

The answer in all cases is no,

But the chairmen of the Fairfax County Republican and Democratic committees argue in a lawsuit they filed Friday that voters are likely to get the wrong impression on election day from the appearance of the official ballot.

The problem is with the way the ballot lists the candidates for President and Vice President, Virginia law requires that candidates for

other offices not be identified by party.

The presidential candidates, with their party designations, are listed one above the other on the left side of the ballot. To the right of them are similar vertical lists of candidates for lesser-ranking offices, starting with the U.S. Senate.

The voter may easily assume, according to the argument of Fairfax GOP Chairman Edmund L. Walton Jr. and Democratic Chairman

Emilie Miller, that the entire ballot is constructed to show party affiliation.

To show, for example, that since James Tate is listed on the same horizontal line as Lyndon H. LaRouche Jr. and R. Wayne Evans, the presidential and vice presidential candidates (respectively) of the U.S. Labor Party, that Tate also is a Labor Party candidate.

Not so, Tate is the Republican candidate for Congress in the Eighth District.

Republican candidate Callahan is listed on the same horizontal line to the right of the U.S. Labor Party on the 10th Congressional District ballot. Callahan, however, is in no way connected with the Labor Party.

Independents wound up on the horizontal line to the right of the Republican Party's candidates Gerald Ford and Robert Dole. But independents Byrd (a former Democrat); one of his opponents, Martin H. Per-

ner; Michael D. Cannon, on the 8th District ballot for and congressional candidate E. Stanley Rittenhouse, on the ballot in the 10th, have no affiliation with the GOP.

Nor are the Democratic candidates aligned with the American Party, whose candidates, Thomas Jefferson (Tom) Anderson for president and Rufus Shackleton for vice president, are identified at the start of their

See BALLOT, B3, Col. 1

Fairfax Party Leaders Sue the State

BALLOT, From B1

horizontal column. That's Zumwalt for Senate, Rep. Harris in the 18th District and Rep. Fisher in the 10th. They're Democrats, although it doesn't say so.

"Totally confusing" was the judgment of Democratic Chairman Miller.

She said the state election board held one drawing to decide the order in which presidential candidates would appear on the ballot and another drawing to decide the ballot order for the rest of the candidates.

The state election board and the Fairfax County electoral board are named defendants in the suit, which

seeks to prevent use of the ballot as it is now set up. Fisher and Callahan have joined in the suit.

County GOP Chairman Walton said the issue of the ballot "is not partisan at all" and that he believes that the state elections board failed to comply with the law.

It will be up to a judge to decide.