

Court Rules Va. Ballot Valid for Nov. 2: Ballot Valid, Va. Supreme Court Rules

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The Washington Post (1974-Current file); Oct 9, 1976;

ProQuest Historical Newspapers: The Washington Post

pg. A1

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Despite arguments by both the Republican and Democratic parties that the Nov. 2 ballot is confusing, the Virginia Supreme Court yesterday agreed with state lawyers that mere voter confusion is no reason to change the layout of the ballot.

In so doing, the court required every city and county in Virginia to use a ballot in the general election that the major parties contend will make it difficult for voters to determine the

party affiliation of House and Senate candidates.

The court's order overturns a Sept. 30 decision by Fairfax Circuit Court Judge Barnard F. Jennings. Jennings ordered the electoral boards of Fairfax County and the cities of Falls Church and Fairfax to change the listing of candidates on voting machines in a way agreeable to the major political parties.

The seven members of the Supreme Court gave no clue as to why they ruled as they did. No opinion was issued with their order and none of the

justices asked questions of lawyers for the state and the political parties during arguments earlier in the day.

Deputy Attorney General Anthony F. Troy told the court that in 1973 it upheld a provision of the state election laws requiring that all independent candidates be listed together. In that case, an independent City Council candidate objected to being listed next to another independent with whom he had no political connection.

"In that case," Troy argued, "you said that the possibility of voter con-

See **BALLOT**, A6, Col. 1

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fusion is not enough to strike down the constitutionality of a statutory requirement. I submit that such a possibility also is not enough to strike down the legal formulation of a ballot by the state Board of Elections.'

The controversy over this year's ballot arose when the state board decided to list presidential candidates, required by law to be identified by party, in a vertical column on the left side of voting machines.

All other candidates, who cannot by law be identified by party, were listed in vertical rows to the right.

Separate drawings were held to determine the order of presidential candidates and all other candidates. As a result of the separate drawings, the presidential candidate of one party is by chance listed next to the House or Senate candidate of another party.












Objections came from the major political parties when they became aware that their candidates could be mistaken as being affiliated with splinter parties. For instance, the Republican candidate for the U.S. House in the Eighth District, James R. Tate is listed on the same horizontal line with the U.S. Labor Party's candidates for President and Vice President.

Troy told the court that the three-member board of elections adopted the controversial ballot design in an effort to meet objections made to the layout of the 1972 general election ballot.

In that year, candidates for offices other than President were listed in a way that avoided confusion over party affiliation but produced large blank spaces on the voting machine caused by the absence of splinter party candidates for the House and Senate. Candidates listed toward the end of this ballot objected that voters had a hard time finding their names.

Lawyers for the Republican and Democratic parties argued today that the board could not be allowed to change its ballot design after voters had grown accustomed to one arrangement.

Joseph Fitzpatrick, state Democratic chairman, said last night in an interview that this year's ballot format is "totally confusing" and Virginia voters "are going to need a roadmap

PRESIDENT AND VICE PRESIDENT (Vote for not more than one)	MEMBER UNITED STATES SENATE (Vote for not more than one)	MEMBER HOUSE OF REPRESENTATIVES EIGHTH DISTRICT (Vote for not more than one)
 3A UNITED STATES LABOR PARTY PRESIDENTIAL ELECTORS FOR LYNDON H. LAROUCHE, JR., PRESIDENT R. WAYNE EVANS, VICE PRESIDENT		 17A JAMES R. TATE
 3B REPUBLICAN PARTY PRESIDENTIAL ELECTORS FOR GERALD R. FORD, PRESIDENT ROBERT DOLE, VICE PRESIDENT	  8B HARRY J. BYRD, JR. 9A MARTIN H. PERPER	 12A MICHAEL D. CANNON
 3C AMERICAN PARTY PRESIDENTIAL ELECTORS FOR THOMAS JEFFERSON "TOM" ANDERSON, PRESIDENT RUFUS SHACKLEFORD, VICE PRESIDENT	 8C E. R. (BOB) ZUMWALT	 12C HERBERT E. HARRIS II
 3D DEMOCRATIC PARTY PRESIDENTIAL ELECTORS FOR JIMMY CARTER, PRESIDENT WALTER MONDALE, VICE PRESIDENT		
 3E SOCIALIST WORKERS PARTY PRESIDENTIAL ELECTORS FOR PETER CAMEJO, PRESIDENT WILLIE MAE REID, VICE PRESIDENT		

Because of court ruling, Virginia voters will use this ballot on Nov. 7.

To be sure they vote for who they want to vote for."

Fitzpatrick said the State Supreme Court's ruling was "more or less" expected, and that he and others had been considering the possibility of taking the dispute into federal court. John M. Wilkins, lawyer for the Fairfax County Democrats, said he would be "very surprised" if the case was appealed to federal court. "Basically this is the end of the matter

until the General Assembly meets" in January, he added.

Edmund L. Walton Jr., Republican chairman in the 10th Congressional District, agreed: "As far as I'm concerned, the matter is settled, finished, completed."

Frequent efforts are made in the General Assembly to change state election laws so that all candidates run under party labels. Such an effort was again defeated this year.