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BUCKLEY V. AMERICAN CONSTITUTIONAL LAW FOUNDATION, INC.: THE STRUGGLE TO ESTABLISH A CONSISTENT STANDARD OF REVIEW IN BALLOT ACCESS CASES CONTINUES

INTRODUCTION

The United States Supreme Court entered the "political thicket"[1] surrounding ballot access cases in 1968 with its decision in *Williams v. Rhodes*.[2] Since then, the Court has found itself in the position of deciding ballot access issues that place the right of a state to regulate its electoral process[3] against the First Amendment rights of its citizens.[4] In an attempt to strike a balance between these significant interests, the Court has applied varying standards of review when addressing state legislation that regulates elections.[5] The lack of a consistent approach by the Court has resulted in a wide range of ballot access decisions by the lower courts.[6] The resulting uncertainty in ballot access law has left states to question whether their existing election regulations are constitutional, which has, consequently, subjected the Court to substantial criticism.[7]

Although the majority of the ballot access cases decided by the Court involve state regulation of the ability of third-party candidates[8] to

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1. Colegrove v. Green, 328 U.S. 549, 556 (1946).

2. 393 U.S. 23 (1968). The Supreme Court first decided the merits of an election regulation in 1962 in *Baker v. Carr*, 369 U.S. 186 (1962). However, *Baker* involved a state's congressional distributing scheme, not access to a state electoral ballot. *Id.* at 187–88.

3. "The Times, Places, and Manner of holding Elections . . . shall be prescribed in each State by the Legislature thereof . . . ." U.S. CONST. art. I, § 4, cl. 1.

4. *See* Jennifer R. Abrams, Note, *The Supreme Court's Disenfranchisement of the American Electorate: Advocating the Application of Strict Scrutiny When Reviewing State Ballot Access Law and Political Gerrymandering*, 12 ST. JOHN'S J. LEGAL COMMENT. 145, 145–46 (1996) (citing the right to vote and the right of freedom of political association as First Amendment rights often conflicting with Constitutional provisions ensuring state sovereignty over the state election process).

5. *See* Kevin Cofsky, Comment, *Pruning the Political Thicket: The Case for Strict Scrutiny of State Ballot Access Restrictions*, 145 U. PA. L. REV. 353, 367–88 (1996) (summarizing the standard of review applied by the Court in various ballot access cases).

6. *See id.* at 390–401 (providing a survey of lower court decisions that demonstrate the difficulty these courts have in determining whether certain state ballot regulations are constitutional).

7. *See* GERALD GUNTHER & KATHLEEN M. SULLIVAN, CONSTITUTIONAL LAW 890 (13th ed. 1997) (arguing that the Supreme Court's decisions in ballot access cases "show an especially pervasive degree of instability regarding the appropriate level of scrutiny."); Darla L. Shaffer, *Ballot Access Laws*, 73 DENV. U. L. REV. 657, 657 & n.5 (1996) (citing various criticisms of the Court for constantly altering the standard of review in ballot access cases); Cofsky, *supra* note 5, at 356 ("In order to maintain a properly functioning electoral process, the Court must establish a clear standard of review for ballot access restrictions . . . .").

8. For example in *Anderson v. Celebrezze*, 460 U.S. 780 (1983), the Court decided whether Ohio's ballot access regulations pertaining to independent, also known as third-party, candidates were impermissible since they differed from those applicable to candidates from the Democratic and Republican parties.

appear on its ballot,[9] the Court occasionally deals with cases involving state regulation of the ballot initiative process.[10] Recently, in *Buckley v. American Constitutional Law Foundation, Inc.*, the United States Supreme Court held that three Colorado statutes regulating the ballot initiative process violated the First Amendment.[11] The Court invalidated regulations that required petition circulators of ballot initiatives to wear identification badges, be registered voters, and, if paid, have their names disclosed by their employer.[12] The Court noted that there is no "litmus-paper test" to determine whether a ballot initiative regulation conflicts with the First Amendment.[13] It then went on to invalidate the regulations even though each had a very different impact on speech.[14] This Comment argues the Court's holding, that Colorado's registration and disclosure requirements violate the First Amendment, further adds to the confusion over the application of the proper standard of review in ballot access cases. The Colorado regulations may have made it more difficult to get an initiative on the ballot or required the disclosure of a greater amount of information, but they did not violate the First Amendment.[15]

Part I of this Comment provides background on the general constitutional framework employed by the Court when reviewing ballot access issues, the various cases in which the Court attempted to establish a workable standard of review, and the precedents on which the *Buckley* Court relied to invoke the First Amendment. Part II discusses the facts in *Buckley* and summarizes the Court's reasoning and justification for its decision, including the criticisms offered in the concurring and dissenting opinions. Finally, Part III critiques the Court's application of the standard of review in *Buckley* and suggests a pragmatic approach to deciding future ballot access cases, particularly those pertaining to ballot initiatives, that would allow states to effectively regulate their electoral process while preserving the First Amendment rights of its citizens.

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9. *See, e.g.*, Williams v. Rhodes, 393 U.S. 23, 24 (1968); Jenness v. Fortson, 403 U.S. 431, 432 (1971); Storer v. Brown, 415 U.S. 724, 726–27 (1974).

10. *See* Meyer v. Grant, 486 U.S. 414, 415–17 (1988) (holding that the prohibition of paid petition circulators violated the First Amendment by reducing the potential number of individuals who could circulate petitions, thereby restricting political speech).

11. Buckley v. American Constitutional Law Found., 119 S. Ct. 636, 649 (1999).

12. *See Buckley*, 119 S. Ct. at 640.

13. *Id.* at 642 (quoting *Storer*, 415 U.S. at 730).

14. *See id.* at 642–49.

15. *See* Daniel Hays Lowenstein & Robert M. Stern, *The First Amendment and Paid Initiative Petition Circulators: A Dissenting View and a Proposal*, 17 HASTING CONST. L.Q. 175, 210–11 (1989) (criticizing the Court's decision in *Meyer* by arguing that prohibiting the use of paid circulators simply limits the ways that petition circulators can gather signatures, which may make it more difficult to get an initiative on the ballot, but does not impact political speech).

I. BACKGROUND

A. *The Conflict Between State and Individual Interests Arising in Ballot Access Cases*

Twenty-four states allow citizens to bypass their state legislature to adopt statutes and amend their state constitution through ballot initiatives and referendums.[16] In order to ensure that a manageable number of issues appear on a ballot,[17] and that the initiatives are not simply a byproduct of well-funded special interest groups,[18] these states enacted numerous regulations to govern the initiative process.[19]

The Court consistently recognizes the state interest in regulating the electoral process stating, "as a practical matter, there must be a substantial regulation of elections if they are to be fair and honest and if some sort of order, rather than chaos, is to accompany the democratic processes."[20] Under certain circumstances, the Court has gone as far as to hold that "a State has an interest, if not a duty, to protect the integrity of its political processes . . . ."[21]

In contrast, however, the Court has equally, and perhaps even more vigilantly, recognized that some state regulation of the electoral process may infringe upon individuals' rights guaranteed by the First and Fourteenth Amendments.[22] In response to this clash, the Court initially applied the fundamental rights strand of the Equal Protection Clause.[23] The Court, however, eventually began to address ballot access cases by reviewing the impact of state regulations on the First Amendment directly.[24] This

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16. *See* Richard B. Collins & Dale Oesterle, *Structuring the Ballot Initiative: Procedures That Do and Don't Work*, 66 U. COLO. L. REV. 47, 49–50 & n.5 (1995); *see also* COLO. CONST., art. V, § 1(1)-(2) (authorizing the citizens of Colorado to enact legislation through ballot initiatives). *See generally* Harry N. Scheiber, *Foreword: The Direct Ballot and State Constitutionalism*, 28 RUTGERS L.J. 787 (1997) (providing a detailed description of the history of ballot initiatives).

17. *See* Lowenstein & Stern, *supra* note 15, at 201 (arguing that with fewer initiatives on the ballot, voters will be more educated).

18. *See Buckley*, 119 S. Ct. at 647.

19. *See* Collins & Oesterle, *supra* note 16, at 64–77 (providing a detailed description of the then-existing Colorado ballot initiative regulations).

20. Storer v. Brown, 415 U.S. 724, 730 (1974).

21. Bullock v. Carter, 405 U.S. 134, 145 (1972) (describing the power of the state to protect its electoral process from "frivolous or fraudulent" candidates).

22. *See* Williams v. Rhodes, 393 U.S. 23, 30 (1968) (recognizing that the right of political association and the right to cast an effective vote are within the scope of the First Amendment).

23. *See* Anderson v. Celebrezze, 460 U.S. 780, 787 n.7 (1983) (citing as examples: *Williams*, 393 U.S. 23, *Bullock*, 405 U.S. 134, Lubin v. Panish, 415 U.S. 709 (1974) and Illinois Elections Bd. v. Socialist Workers Party, 440 U.S. 173 (1979)).

24. In *Anderson*, the Court explained that:

> In this case, we base our conclusions directly on the First and Fourteenth Amendments and do not engage in a separate Equal Protection Clause analysis. We rely, however, on the analysis in a number of our prior election cases resting on the Equal Protection Clause of the Fourteenth Amendment. These cases, applying the "fundamental rights" strand of equal protection analysis, have identified the First and Fourteenth Amendment rights implicated by restrictions on the eligibility of voters and candidates, and have considered the degree to which the State's restrictions further legitimate state interests.

change in analysis caused some commentators to observe that "the Court has suggested that the fundamental rights strand of equal protection theory may be redundant and slated for cancellation," because the rights of political association and freedom of speech are protected directly by the First Amendment without regard to Equal Protection.[25] The Court consistently employs this type of analysis in ballot initiative cases.[26]

B. Attempting to Resolve the Conflict: Deciding on a Standard of Review

Although the Court has had little difficulty clarifying the basic constitutional framework in addressing the conflict between state and individual interests in ballot access cases, it has struggled mightily in selecting a consistent standard of review.[27] This struggle has resulted in unpredictable outcomes in many cases.

Before deciding *Williams* in 1968, the Court declined to rule on ballot access issues because it considered such issues non-justiciable political questions.[28] In *Williams*, however, the Court granted certiorari to rule on the constitutionality of Ohio election laws making it "virtually impossible for a new political party . . . to be placed on the state ballot . . . ."[29] After determining that the Ohio election laws made blatant distinctions between new and established political parties, the Court ruled that the election laws implicated both the First Amendment right to vote and the right of political association. The Court then used a relaxed form of strict scrutiny to strike down the regulations.[30] The Court stated that "only a compelling state interest in the regulation of a subject within the State's constitutional power to regulate can justify limiting First Amendment freedoms."[31] However, the Court may have intentionally given itself some leeway in applying this standard. As one commentator points out, the Court

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Anderson, 460 U.S. at 787 n.7.

25. Russell W. Galloway, Jr., *Basic Equal Protection Analysis*, 29 SANTA CLARA L. REV. 121, 150 (1989).

26. *See, e.g.*, Meyer v. Grant, 486 U.S. 414, 421–22 (1988); Buckley v. American Constitutional Law Found., 119 S. Ct. 636, 640 (1999) (demonstrating the Court's implementation of the First Amendment directly in ballot initiative cases without regard to an Equal Protection analysis).

27. *See* Shaffer, *supra* note 7.

28. *See id.* at 659.

29. Williams v. Rhodes, 393 U.S. 23, 24 (1968). The primary regulation focused on by the Court was Ohio's ballot access regulation that "requires a new party to obtain petitions signed by qualified electors totaling 15% of the number of ballots cast in the last preceding gubernatorial election." *Id.* at 24, 25. A more detailed summary of all the regulations in question are contained in the first footnote of the opinion.

30. *See Williams*, 393 U.S. at 31.

31. *Id.* (quoting NAACP v. Button, 371 U.S. 415, 438 (1968)).

did not actually identify any compelling state interest or address the question of narrow tailoring, factors typically integral to a strict scrutiny analysis.[32]

After standing in defense of individual rights in *Williams*, the Court dramatically changed its standard of review and sided with the states in its very next ballot access case. In *Jenness v. Fortson*, the Court upheld Georgia's electoral regulations that allowed independent candidates to appear on the ballot only after filing a nominating petition signed by at least five percent of the registered voters.[33] The Court recognized the state interest "in avoiding confusion, deception, and even frustration of the democratic process at the general election."[34] Therefore, after holding that Georgia's regulations did not "operate to freeze the political status quo," the Court simply deferred to the state interest and held the regulations did not invoke the First Amendment.[35] In *Jenness*, the Court applied the opposite standard of review applied in *Williams*, even though both sets of regulations placed restrictions, albeit in differing degrees, on individuals gaining ballot access.[36] The Court has oscillated between the standards of review used in these two cases ever since.[37]

Shortly after *Jenness*, the Court decided two cases in which it used a form of intermediate scrutiny that fell between the strict scrutiny review employed in *Williams* and the rational basis review in *Jenness*.[38] In *Bullock v. Carter*, the Court invalidated a Texas regulation requiring a large filing fee in order for a candidate to get on the ballot.[39] The Court stated that the law must be "closely scrutinized," but noted that it required a legitimate, not compelling, state interest to "pass constitutional muster."[40] Two years later, the Court upheld portions of the California Election

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32. *See* Cofsky, *supra* note 5, at 369. Narrow tailoring simply means that the legislating body must draft the regulation in a manner that has the least impact on individuals' constitutional rights. If the regulation can be drafted in a less intrusive manner, the Court will invalidate it. *Id* at 412–13.

33. *See* Jenness v. Fortson, 403 U.S. 431, 432 (1971).

34. *Jenness*, 403 U.S. at 442.

35. *Id.* at 438.

36. *Id.*; *Williams*, 393 U.S. at 31.

37. As one commentator explains, *Williams* and *Jenness* represent "polar extremes of scrutiny." Shaffer, *supra* note 7, at 661; *see also* Cofsky, *supra* note 5, at 369, 371–73 (describing the use of strict scrutiny in *Williams* and the "[r]etreat from [s]trict [s]crutiny" in *Jenness*). In *Williams*, the Court found that the state election regulation for third party access to the ballot was overly burdensome and employed strict scrutiny to invalidate the regulation. *Williams*, 393 U.S. at 31. However, in *Jenness*, the Court found that the state regulation was not overly burdensome and simply deferred to the state's interest in regulating its electoral process. *Jenness*, 403 U.S. at 442. These cases established the two outer limits of the Court's approach to ballot access questions. The various approaches used by the Court in its subsequent decisions all fall somewhere between these two extremes. This Comment does not maintain that the final decisions reached in *Williams* and *Jenness* were incorrect, but only that the Court needs to approach ballot access cases in a consistent and clearly articulated manner.

38. *See* Cofsky, *supra* note 5, at 373–74. Under a tiered scrutiny approach, the Court traditionally employs either strict scrutiny or rational basis, however, the Court more recently added intermediate scrutiny. *Id.* at 402 n.244.

39. Bullock v. Carter, 405 U.S. 134 (1972).

40. *Bullock*, 405 U.S. at 144.

Code in *Storer v. Brown*, stating that previous case law did not suggest that the Court "automatically invalidate[d] every substantial restriction on the right to vote or to associate."[41] The Court found stability in the political system as a "compelling" state interest, "outweighing the interest the candidate and his supporters may have in . . . seek[ing] independent ballot status."[42] In effect, however, the Court only applied intermediate scrutiny as it did not consider whether the regulations were narrowly tailored.[43]

In *Anderson v. Celebrezze*,[44] and to a lesser degree in *Burdick v. Takushi*,[45] the Court attempted to back away from a tiered scrutiny analysis and instead employed somewhat of a balancing test that weighed the interests of the state against those of its citizens.[46] Under *Anderson*, the Court weighed the "character and magnitude of the asserted injury to the rights protected by the First and Fourteenth Amendments that the plaintiff seeks to vindicate," against the "precise interests put forward by the State as justifications for the burden imposed."[47] In deciding between these interests "the Court must not only determine the legitimacy and strength of each of those interests; it also must consider the extent to which those interests make it necessary to burden the plaintiff's rights."[48] While citing the "flexible" *Anderson* test, the Court, in *Burdick*, seemed to mix tiered scrutiny and balancing concepts by explaining that "[in cases of] 'severe' restrictions, the regulation must be 'narrowly drawn to advance a state interest of compelling importance.'" The Court went on to find that "when a state election law provision imposes only 'reasonable, nondiscriminatory restrictions' upon the First and Fourteenth Amendment rights of voters, 'the State's important regulatory interests are generally sufficient to justify' the restrictions."[49]

The Court did not, however, continue to employ the balancing approach developed in *Anderson* and *Burdick* in all subsequent ballot access cases. In *Norman v. Reed*, [50] the Court seemed to abandon the balancing test for a tiered scrutiny approach.[51] The *Norman* Court invalidated two Illinois ballot access regulations where it found that citizens have the right to create new political parties which the state can only

41. Storer v. Brown, 415 U.S. 724, 729 (1974).

42. *Storer*, 415 U.S. at 736.

43. *See* Cofsky, *supra* note 5, at 374.

44. 460 U.S. 780 (1983).

45. 504 U.S. 428 (1992).

46. *See* Rachel J. Grabow, Note, *McIntyre v. Ohio Elections Commission: Protecting the Freedom of Speech or Damaging the Electoral Process?*, 46 CATH. U. L. REV. 565, 582–83 (1997) (describing the balancing test developed by the Court in *Anderson*); Shaffer, *supra* note 7, at 661.

47. *Anderson*, 460 U.S. at 789.

48. *Id.*

49. *Burdick*, 504 U.S. at 428 (quoting Norman v. Reed, 502 U.S. 279, 289 (1992) and *Anderson*, 460 U.S. at 788). The Court in *Timmons v. Twin Cities Area New Party*, 520 U.S. 351, 358 (1997) also used this type of analysis.

50. 502 U.S. 279 (1992).

51. *See* Cofsky, *supra* note 5, at 384.

restrict if it "demonstrat[es] . . . a corresponding interest sufficiently weighty to justify the limitation."[52] Additionally, the Court, possibly suggesting a return to strict scrutiny, held that any severe restriction must be "narrowly drawn to advance a state interest of compelling importance."[53]

As can be seen in this brief summary of case law relating to the standard of review utilized in previous ballot access cases, the Court has had difficulty traversing through the "political thicket"[54] it once dared not enter. As the Court anticipated in *Storer*, "[w]hat the result of this process will be in any specific case may be very difficult to predict with great assurance."[55]

C. *Aspects of* Buckley *Invoking the First Amendment*

The *Buckley* Court's holding focused on facets of petition circulation that it considered protected by First Amendment precedent.[56] Particularly, the Court focused on the link between protected speech and the following: anonymity,[57] reduction in the potential number of eligible voices to speak,[58] and compelled disclosure of ballot related expenditures.[59] The following cases provided the basis of the *Buckley* Court's opinion.

The Court discussed the First Amendment protection afforded to anonymous literature in *Talley v. California*, where it held that it is unconstitutional for a city ordinance to prohibit all anonymous leafleting.[60] In short, the Court found that the ordinance violated the First Amendment as it "might deter perfectly peaceful discussions of public matters of importance" because an individual might not speak for fear of identification and "reprisal."[61] In 1995, the Court decided *McIntyre v. Ohio Election Commission*, where it extended the protection of anonymity to the electoral

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52. *Norman*, 502 U.S. at 288–89.

53. *Id.* at 289.

54. Colegrove v. Green, 328 U.S. 549, 556 (1946).

55. Storer v. Brown, 415 U.S. 724, 730 (1974).

56. *See* Buckley v. American Constitutional Law Found., 119 S. Ct. 636, 646–47 (1999).

57. *See Buckley*, 119 S. Ct. at 645–46. *See also* Erika King, Comment, *Anonymous Campaign Literature and the First Amendment*, 21 N.C. CENT. L.J. 144, 168 (1995) (describing the delicate balance between states' interest in protecting the integrity of the electoral process and the First Amendment right of individuals to speak freely in the "marketplace" of ideas, whether openly or under the protection of anonymity).

58. *See Buckley*, 119 S. Ct. at 643; *see also* Lowenstein & Stern, *supra* note 15, at 182 (discussing the Court's holding in *Meyer* that ballot access regulations cannot limit "the number of voices who will convey . . . [the ballot initiative proponent's] message and the hours they can speak and, therefore, limit[] the size of the audience they can reach") (quoting Meyer v. Grant, 486 U.S. 414, 422–23 (1988)).

59. *See Buckley*, 119 S. Ct. at 647; *see also* Grabow, *supra* note 46, at 577 (summarizing the Court's decision in *Buckley*, where it held that compelled disclosure infringed on the First Amendment interests of campaign contributors and that "significant encroachments on First Amendment rights . . . cannot be justified by a mere showing of some legitimate governmental interest." (quoting Buckley v. Valeo, 424 U.S. 1, 64 (1976))).

60. See Talley v. California, 362 U.S. 60, 65 (1960).

61. *See Talley*, 362 U.S. at 65.

process.[62] The Court held that an Ohio regulation prohibiting anonymous campaign literature was "a regulation of pure speech"[63] that "involve[d] a limitation on political expression subject to exacting scrutiny."[64]

In *Meyer v. Grant*, the Court addressed a ballot access regulation which reduced the number of potential voices to carry the political message.[65] The *Meyer* Court invalidated a Colorado law prohibiting the use of paid petition circulators under "exacting scrutiny."[66] Significantly, the Court held that "circulation of a petition involves the type of interactive communication concerning political change that is appropriately described as 'core political speech.'"[67] From this point, the Court found that the regulation impermissibly restricted speech by "limit[ing] the number of voices who w[ould] convey appellees' message," thus making "it less likely that appellees w[ould] garner the number of signatures necessary to place the matter on the ballot . . . ."[68]

The final aspect of political speech relevant in *Buckley* is the notion of compelled disclosure of ballot related expenditures. The primary case on this topic is *Buckley v. Valeo*, where the Court upheld the federal disclosure requirements of the Federal Election Campaign Act.[69] Noting that "compelled disclosure, in itself, can seriously infringe on . . . the First Amendment," the Court held that in such cases the government must demonstrate a "'substantial relation' between the governmental interest and the information required to be disclosed" to survive "exacting scrutiny."[70] However, because compelled disclosure requirements generally serve "substantial governmental interests," the Court looked "to the extent of the burden that they place on individual rights."[71] In *Buckley v. Valeo*, the federal regulations survived scrutiny by serving "substantial government interests."[72] The Court added slightly to this compelled disclosure analysis in *First National Bank v. Bellotti*, where it ruled that a state must show that its compelled disclosure regulation serves a compelling state interest and is narrowly drawn.[73]

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62. *See* McIntyre v. Ohio Election Comm'n, 514 U.S. 334, 344–46 (1995).

63. *McIntyre*, 514 U.S. at 345.

64. *Id.* at 346 (quoting Meyer v. Grant, 486 U.S. 414, 420 (1988)).

65. *See Meyer*, 486 U.S. at 421–22 & n.5.

66. *Id.* at 420.

67. *Id.* at 421–22. *See also infra* notes 146–47 and accompanying text.

68. *Id.* at 422–23.

69. *See* Buckley v. Valeo, 424 U.S. 1, 84 (1976). The disclosure requirements included provisions that had candidates record the name and address of anyone contributing over ten dollars and the name, address, occupation, and principal place of business for anyone contributing more than one hundred dollars. *Id.* at 82.

70. *Buckley*, 424 U.S. at 64 (quoting Gibson v. Florida Legislative Comm'n., 372 U.S. 539, 546 (1963)).

71. *Id.* at 68.

72. *Id.* at 66–68. Significant government interests in the disclosure requirements include the prevention of corruption and the enforcement of campaign contribution limitations. *Id.* at 83–84.

73. *See* First National Bank v. Bellotti, 435 U.S. 765, 786 (1978).

II. *BUCKLEY V. AMERICAN CONSTITUTIONAL LAW FOUNDATION, INC.*

A. Facts and Procedural History

In 1993 the American Constitutional Law Foundation, Inc., a non-profit public interest organization, brought an action in United States District Court against the Colorado Secretary of State pursuant to 42 U.S.C. § 1983.[74] The lawsuit challenged six ballot initiative regulations: (1) the requirement that petition circulators be at least 18 years old;[75] (2) the requirement that petition circulators be registered voters;[76] (3) the six month petition circulation limitation;[77] (4) the requirement that petition circulators wear badges stating their names, if they are paid, and if so, the name and telephone number of their employer;[78] (5) the requirement that the petition circulator attach an affidavit to each petition stating, *inter alia*, the circulator's name and address;[79] and (6) the requirement that the initiative proponents disclose at the time the petition is filed, *inter alia*, the names, addresses, and amount paid to each petition circulator.[80]

The Court of Appeals upheld that the age restriction, six-month limitation period, and affidavit requirements as reasonable petition circulation regulations.[81] The Court of Appeals, however, determined that the badge requirement, the portion of the disclosure regulations requiring the release of the names of paid circulators, and the registration requirement violated the First Amendment.[82] The Supreme Court granted certiorari and affirmed the ruling of the Tenth Circuit.[83]

B. Majority Opinion

The Supreme Court's majority opinion in *Buckley*, written by Justice Ginsburg, began by stating that the circulation of petitions is "core political speech" resulting from the "interactive communication concerning political change."[84] In such cases the "First Amendment . . . is 'at its ze-

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74. *See* Buckley v. American Constitutional Law Found., 119 S. Ct. 636, 640 (1999). The American Constitutional Law Foundation, Inc., brought this action against the Secretary of State of Colorado, Victoria Buckley, under 42 U.S.C. § 1983. *Id.* This statute waives governmental immunity in certain instances by allowing a lawsuit to be brought against a government official who "subjects . . . any citizen of the United States . . . to the deprivation of any rights, privileges, or immunities secured by the Constitution." 42 U.S.C. § 1983 (Supp. 1999). The American Constitutional Law Foundation argued that several of Colorado's ballot initiative regulations, enforced by the Secretary of State of Colorado, violated the First Amendment rights of its members. *Buckley*, 119 S. Ct. at 640.

75. *See Buckley*, 119 S. Ct. at 640.

76. *See id.*

77. *See id.*

78. *See id.*

79. *See id.* at 640–41.

80. *See id.* at 641.

81. *See id.* at 642.

82. *See id.*

83. *See id.* at 649.

84. *Id.* at 639 (quoting Meyer v. Grant, 486 U.S. 414, 422 (1988)).

nith.'"[85] In conflict with these interests, the Court recognized that states have "considerable leeway to protect the integrity and reliability of the initiative process ...."[86] Lastly, the Court admitted that in this type of case there is "no litmus-paper test"[87] to determine the validity of these regulations and, therefore, "hard judgments ... must be made."[88] Once the Court established the generally applicable law, it discussed each regulation in earnest.

1. Badge Requirement

The Court began by emphasizing that compelling petition circulators to wear badges stating the individual's name impacted "one-on-one communication ... at the precise moment when the circulator's interest in anonymity is greatest."[89] It also noted that the impact of forfeiting anonymity is greater here than in *McIntyre* because the individual must attempt to "persuade the electors to sign the petition," as opposed to simply distribute literature.[90] The state argued that it needed the regulation to ensure that "the public ... can identify, and the State [can] ... apprehend, petition circulators who engage in misconduct."[91] However, the Court reasoned that the affidavit requirement provided an adequate disclosure of such information.[92] The affidavit requirement was permissible because it provided the information after the one-on-one communication between petition circulators and potential supporters has concluded, thereby lessening the burden on speech.[93]

2. Registration Requirement

The Court addressed the registration requirement in the same manner as the prohibition against paid circulators in *Meyer*, stating that the registration requirement placed the same type of reduction in "voter-eligible population" as the ban on using paid circulators had in *Meyer*.[94] After accepting the District Court's finding that Colorado has over 400,000 individuals that are not registered voters, but are otherwise qualified to circulate petitions, the Court found the regulation an impermissible means of decreasing the "number of voices who will convey [the initiative proponents'] message."[95]

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85. *Id.* at 640 (quoting *Meyer*, 486 U.S. at 425).
86. *Id.* at 642.
87. *Id.* (quoting Storer v. Brown, 415 U.S. 724, 730 (1974)).
88. *Id.* (quoting *Storer*, 415 U.S. at 730).
89. *Id.* at 646.
90. *Id.*
91. *Id.* at 645.
92. *See id.*
93. *See id.*
94. *Id.* at 643.
95. *Id.* at 644 (quoting Meyer v. Grant, 486 U.S. 414, 422 (1988)).

The Court again noted that the affidavit requirement would satisfy Colorado's interest in ensuring that petition circulators who violated the initiative regulations would be subject to the subpoena power of the Secretary of State.[96] The Court dismissed Colorado's reasoning that the registration requirement was not a heavy burden on speech because it was "exceptionally easy to register to vote."[97] It emphasized the testimony from ballot initiators who claimed that the decision not to register was a political choice.[98] Finally, the Court did not articulate a standard of review in evaluating this regulation, possibly because it implied that this case was indistinguishable from the one in *Meyer* where it employed exacting scrutiny. However, it did state that Colorado failed to articulate an "impelling" interest to sustain the registration requirement.[99]

3. Disclosure Requirement

In agreeing with the Circuit Court's decision to invalidate the disclosure requirements that pertained to the names and addresses of paid circulators, the Court followed its decision in *Valeo* and employed exacting scrutiny.[100] Although the Court upheld the disclosure regulations in *Valeo*, the Court declined to do so here because the risk of "quid pro quo" corruption is not as great in the ballot initiative process as it is for political candidates.[101] However, unlike most other ballot access cases, the Court did not focus on the burden the regulation had on speech, but simply stated that it felt the additional information provided from the regulation "is hardly apparent and has not been demonstrated."[102]

C. Concurring Opinion

In his concurrence, Justice Thomas, seemingly frustrated by the way the majority further added to the confusion of the proper standard of review for ballot access cases, articulated what he believed to be the "now-settled approach."[103] Justice Thomas stated that "[w]hen a State's rule imposes severe burdens on speech or association, it must be narrowly tailored to serve a compelling interest; lesser burdens trigger less exacting review, and a State's important regulatory interests are typically

96. *See id.* at 644.
97. *Id.*
98. *See id.*
99. *Id.* at 645.
100. *See id.* at 647.
101. *Id.* at 647–48.
102. *Id.* at 647.
103. *Id.* at 649 (Thomas, J., concurring). Based on his relatively lengthy concurrence that describes in detail the approach he feels the Court has developed to deal with the difficult problems presented in ballot access cases, Justice Thomas appears to be frustrated by the way the Court addressed, or failed to address, the proper standard of review in its decision to invalidate the selected ballot initiative regulations. *See id.* at 649–59.

enough to justify reasonable restrictions."[104] Justice Thomas continued by stating that, although "there is no bright line separating severe from lesser burdens," the direct or indirect regulation of "core political speech" requires "strict scrutiny."[105] However, regulations that burden "voting and associational interest" are "harder to predict" and have been evaluated on a case-by-case basis.[106] Following this reasoning, Justice Thomas stated that all three of the regulations found unconstitutional should be analyzed under strict scrutiny.[107] He argued that the badge requirement regulated core political speech and the registration and disclosure requirements burdened associational interests, and hence were controlled by *Meyer* and *Valeo*, respectively.[108]

D. Opinion Concurring in the Judgment in Part and Dissenting in Part

Justice O'Connor, joined by Justice Breyer, concurred with the majority only in regard to its decision concerning the badge requirement.[109] Although Justice O'Connor reached a different conclusion than Justice Thomas regarding the registration and disclosure regulations, she advocated a similar analytical approach. She opined that the Court should analyze regulations substantially burdening "one-on-one communication" under strict scrutiny and regulations primarily targeting the "electoral process" under a "reasonableness" standard.[110] Not satisfied by the evidence that the decision not to register was a political one or that the registration regulation silenced those "able and willing" to circulate petitions, Justice O'Connor distinguished the registration requirement from the one in *Meyer* and argued that the Court should uphold it.[111] Additionally, Justice O'Connor argued that, while advancing "Colorado's interest in law enforcement,"[112] the Court should uphold the disclosure regulation as it was directed at the "electoral process with an indirect and insignificant effect on speech."[113]

E. Dissenting Opinion

In his dissent, Chief Justice Rehnquist, noted for his disapproval of the over-zealous use of strict scrutiny,[114] focused mainly on the registra-

104. *Id.* at 649. Justice Thomas's summary of the "now settled approach" is one used in *Burdick v. Takushi*, 504 U.S. 428 (1992) and *Timmons v. Twin Cites Area New Party*, 520 U.S. 351 (1997). *See supra* note 49 and accompanying text.

105. *Id.*

106. *Id.* at 650.

107. *See id.* at 651–53.

108. *See id.*

109. *Id.* at 654 (O'Connor, J., concurring).

110. *Id.* at 654–55 (O'Connor, J., dissenting).

111. *Id.* at 655.

112. *Id.* at 658.

113. *Id.* at 657.

114. *See* Richard A. Brisbin, Jr. & Edward V. Heck, *The Battle Over Strict Scrutiny: Coalitional Conflict in the Rehnquist Court*, 32 SANTA CLARA L. REV. 1049, 1057–58 (1992)

tion requirement. Stating that the invalidation of the registration requirement "calls into question the validity of any regulation . . . [that] diminish[es] the pool of petition circulators or mak[es] a proposal less likely to appear on the ballot,"[115] Justice Rehnquist argued that "a State should be able to limit the ability to circulate initiative petitions to those people who can ultimately vote on those initiatives at the polls."[116] In conclusion, Justice Rehnquist agreed with the majority regarding the badge regulation, but disagreed over the disclosure regulation, stating that it did not require any additional information that would impact speech differently than the affidavit requirement.[117]

III. ANALYSIS

The holding in *Buckley* illustrates the difficulty the Court has in implementing a consistent standard of review and analytical approach to ballot access cases and the unpredictable rulings that result. The Court used the First Amendment to strike down the badge, registration and disclosure regulations that, although each controlled an aspect of Colorado's ballot initiative process, had vastly different impacts on speech. As a result of the lack of clear guidance provided by previous ballot access cases, the Court, although proclaiming that "[p]recedent guides our review," [118] had to take a disjunctive approach in reviewing these initiative regulations. This approach, in the case of the registration and disclosure regulations, lost sight of what was in need of protection. The following section analyzes the three rulings in *Buckley* in detail and suggests an alternative approach to evaluating ballot initiative cases.

A. Badge Requirement

The Court's ruling that invalidated the badge regulation is, as all the Justices agreed, a well-founded use of the First Amendment to protect political speech.[119] The reason for this agreement is that the regulation directly "involve[s] a one-on-one communication."[120] It is difficult to argue that individuals would not be more hesitant to passionately advocate a controversial ballot initiative, such as the legalization of marijuana, if they had to do so without the shroud of anonymity.[121] Recognizing that the badge requirement impacts "the precise moment when the

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(describing the debate over the use of strict scrutiny in the Rehnquist Court and noting that the Chief Justice was the only justice who consistently disagreed with the use of strict scrutiny in certain cases where the First Amendment right of political expression was implicated).

115. *Buckley*, 119 S. Ct. at 659 (Rehnquist, J., dissenting).

116. *Id.* at 661.

117. *See id.* at 662.

118. *Id.* at 639.

119. *See id.* at 646, 651, 654, 662.

120. *Id.* at 646.

121. *See generally* McIntyre v. Ohio Election Comm'n, 514 U.S. 334, 341–43 (1995) (describing the historical treatment of anonymous speech by the Court).

circulator's interest in anonymity is greatest,"[122] the Court distinguishes this requirement from the affidavit requirement that it upheld by noting that "the affidavit is separated from the moment the circulator speaks."[123]

After finding that the badge requirement directly impacts one-on-one communication, the Court applied "exacting scrutiny."[124] Under this standard, Colorado's interests in law enforcement failed to survive as the Court did not feel it added much benefit to the affidavit requirement to justify its burden on speech.[125] This approach achieves an equitable balance between state and individual interests because it first identifies and evaluates the impact the regulations have on First Amendment interests, and then applies a level of scrutiny proportional to the burden. This approach helps to ensure that the Court will strike down a state election regulation as a violation of the First Amendment only after determining that at least one of the Amendment's protected interests is truly implicated.

B. Registration Requirement

Unlike its analysis of the badge requirement, the Court did not first determine whether the registration requirement burdened one-on-one communication.[126] Instead, the Court, relying on its decision in *Meyer* and the finding of the District Court that over 400,000 Colorado residents were not registered voters, simply stated that the regulation imposed a restriction on speech by "drastically reduc[ing] the number of persons . . . available to circulate petitions."[127] However, the regulation did not burden speech when it reduced the number of individuals eligible to circulate petitions. Unregistered individuals were still able to discuss ballot issues with anyone they wish.[128] The only limitation was that unregistered voters could not ask supporters to sign petitions. This in no way limits speech. Even assuming, *arguendo*, that the regulation in *Meyer* burdened speech, the regulation in *Buckley* is much less burdensome as it did not foreclose a group from circulating petitions, as the *Meyer* regulation did against paid individuals. Further, the *Buckley* regulation was not a criminal statute as the regulation was in *Meyer*.[129]

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122. *Buckley*, 119 S. Ct at 646.

123. *Id.* at 645.

124. *Id.*

125. *See id.*

126. *See id.* at 642–43.

127. *Id.* at 643.

128. *See generally* Lowenstein & Stern, *supra* note 15, at 221 (using a similar argument to criticize the Court's holding that the prohibition against using paid petition circulators was a violation of the First Amendment in *Meyer v. Grant*, 486 U.S. 414 (1988)).

129. It could be argued that Colorado's registration requirement foreclosed unregistered voters as a group from circulating petitions. *See* Lowenstein & Stern, *supra* note 15, at 216–17. However, the vast majority of these individuals could easily register to vote that would allow them to circulate petitions, whereas in *Meyer* the regulation prohibited any paid circulator from ever circulating

The Court's reasoning expands the First Amendment to protect an individual's ability to place an issue on the ballot. Consequently, a state would arguably be in violation of the First Amendment by increasing the number of signatures or decreasing the time allotted to get a petition on the ballot.[130] Unlike regulations in other ballot access cases already mentioned, the registration requirement does not discriminate against any group or individual. It is simply a "reasonable, nondiscriminatory restriction" that states are permitted to enact in order to regulate the election process.[131]

Finally, the Court's reasoning that individuals choose not to register as a means of political expression is attenuated.[132] Registering does not require being associated with any political party, but merely shows a desire to vote. It is also difficult to give the self-serving testimony of the plaintiffs much merit where they argue that individuals decide not to register to vote because they don't believe that the "political process is responsive to their needs," [133] yet they use the electoral process to attempt to get ballot initiatives passed by the support of registered voters. As Justice O'Connor summarized in her dissent, "the existence and severity of this burden [on political speech] is not as clearly established in the record as the respondents, or the Court, suggests."[134] Consequently, the Court's use of exacting scrutiny to invalidate the registration regulation was misapplied.

C. Disclosure Requirement

As in its evaluation of the registration requirement, the Court did not first evaluate if the disclosure requirement impacted one-on-one communication, but applied exacting scrutiny to the regulation because it had done so in a previous case with seemingly similar facts. Here, the Court stated that any compelled disclosure regulation was subject to exacting scrutiny due to its ruling in *Valeo*.[135] However, in *Valeo* the Court only stated that compelled disclosure statements "*can* seriously infringe on . . . the First Amendment,"[136] but that the Court still needs to determine "the *extent* of the burden . . . ."[137]

In *Valeo*, the Court stated that individuals may not contribute to political candidates if their names and contribution amounts must be disclosed to the public. Nevertheless, the Court upheld the regulation due to

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petitions. It seems likely that significantly fewer individuals would decide to forgo circulating petitions as a result of having to register to vote then from having to forfeit financial compensation.

130. *See* Lowenstein & Stern, *supra* note 15, at 218–19.

131. Anderson v. Celebrezze, 460 U.S. 780, 788 (1983).

132. *See Buckley*, 119 S. Ct. at 644 (providing no precedence for stating that the decision not to register is a form of political speech).

133. *Id.*

134. *See id.* at 655 (O'Conner, J., dissenting).

135. *Id.* at 647.

136. Buckley v. Valeo, 424 U.S. 1, 64 (1976) (emphasis added).

137. *Buckley*, 424 U.S. at 68 (emphasis added).

the significant government interests in fraud protection and the appearance of political integrity.[138] In *Buckley*, the Court feared that the disclosure requirement would prevent individuals from circulating petitions because they would lose their anonymity. Unlike the badge requirement, however, the effects of the regulation would be "separated from the moment the circulator speaks."[139] The only way a potential supporter of a petition would know the identity of a petition circulator is if she went to public records.[140] Since there appears to be no evidence that this occurred, it is unlikely that any petition circulator has ever been affected by this possibility. Without establishing that this disclosure requirement actually burdened speech, the Court's use of exacting scrutiny was inappropriate.

D. Suggested Approach

It is apparent from the Court's difficulty in establishing a consistent standard of review in ballot access cases that the principle challenge facing the Court is how to resolve the obvious conflict between the weighty constitutional interests of both the state and its citizens. Although identifying the conflict in such cases may be straightforward, determining a way to handle each conflict in a consistent manner that protects the interests of both sides is not. As the Court and commentators have realized, the "inherent difficulty in election ballot law . . . is that constitutional infringement in these cases is a matter of degree."[141]

In *Williams v. Rhodes*, for example, Ohio's election laws required that third party candidates file petitions early on in the election year signed by individuals representing fifteen percent of the number of ballots cast in the last gubernatorial election, as opposed to ten percent for major parties, erect an elaborate party structure, and conduct primaries.[142] Whereas, in *Jenness v. Fortson*, Georgia's ballot access regulations were much less restrictive and only required independent candidates to garner signatures from ten percent of the eligible voters and imposed no requirement of elaborate party structure or early submission requirements.[143] Although both states had a substantial interest in protecting its own electoral process, the difference in the degree that the regulations infringed upon the First Amendment interests of each state's citizens was considerable.

In both cases, the Court achieved the correct result, yet it did so at the expense of a consistent approach. This is not to say that the Court's use

138. *See id.* at 66–68.

139. Buckley v. American Constitutional Law Found., 119 S. Ct. 636, 656 (1999) (quoting the majority opinion at 645).

140. *Buckley*, 119 S. Ct. at 658.

141. *See* Shaffer, *supra* note 7, at 662.

142. *See* Williams v. Rhodes, 393 U.S. 23, 24–26 & n.1 (1968); GUNTHER & SULLIVAN, *supra* note 7, at 891.

143. *See* Jenness v. Fortson, 403 U.S. 431, 438–39 (1971).

of strict scrutiny in *Williams* or deferential review in *Jenness* was inappropriate, but simply that the Court needs to clearly establish its analytical process so that there can be a reasonable level of predictability in subsequent decisions. Without a consistent approach, the Court provides no way for lower courts and, even more importantly, state legislatures to reasonably determine whether a state ballot access regulation has overstepped its constitutional bounds.

It is clear from even a cursory review of the facts in *Williams* and *Jenness* that applying one standard of review to all ballot access cases would lead to absurd results that would tread far too heavily on either state or individual interests. Moreover, due to the magnitude of the interests involved and the substantial need for consistent results, a balancing approach, similar to that employed in *Anderson*, would also be difficult for the Supreme Court, and especially lower courts, to effectively employ in subsequent cases with any consistency.[144]

The Court could avoid the inconsistency and unpredictability in its review of ballot access cases by adopting an analysis that first determines whether the regulation involves "core political speech"[145] or whether it is simply a non-discriminatory regulation directed at the electoral process. As the Court held in *Buckley*, core political speech involves "interactive communication concerning political change,"[146] or simply "one-on-one communication."[147] If the Court finds that the regulation does not involve core political speech, it should apply deferential scrutiny and uphold the state regulation as long as it is not so burdensome that it still ultimately impacts core political speech.[148]

Conversely, if the regulation does involve core political speech, the plaintiff should then be required to demonstrate an actual negative impact on her First Amendment interests. In the case of the registration and disclosure regulations in *Buckley*, this requirement would call for the plaintiff to admit evidence of an actual reduction in the number of ballot circulators resulting

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144. As one commentator states:

> While a balancing test may appear to provide courts with greater leeway to evaluate competing interests, courts may also capture this benefit in a system of tiered scrutiny which accurately measures states' and individuals' respective interests. Furthermore, a system of tiered scrutiny provides a more coherent and administrable standard to lower courts and tends to afford a more appropriate level of deference to state legislative enactments.

Cofsky, *supra* note 5, at 402.

145. *Buckley*, 119 S. Ct. at 639 (quoting Meyer v. Grant, 486 U.S. 414, 422 (1988)).

146. *Id.*

147. *Id.* at 646.

148. For example, in *Williams*, the state ballot access regulations were so burdensome that they foreclosed the ballot access to third-party candidates by making it "virtually impossible for a new political party . . . to be placed on the state ballot . . . ." Williams v. Rhodes, 393 U.S. 23, 24 (1968). Under these circumstances, it is clear that the ballot access regulations were not used uniformly to regulate the electoral process, but as a way to prevent third-party candidates from appearing on the ballot, which clearly burdens core political speech.

from the challenged regulation.[149] This would be a substantially higher hurdle than simply submitting evidence that the regulation may possibly, or hypothetically, reduce the number of potential petition circulators as seen in *Buckley*. If the plaintiff meets this burden, the Court should use exacting scrutiny to determine if the state regulation is narrowly tailored and serves a compelling state interest. This would still lend substantial weight to individuals' First Amendment rights, while not unduly restraining the state from enacting needed ballot regulations.

If the plaintiff does not meet this burden, however, the Court should simply ensure that the state regulation is a reasonable, non-discriminatory restriction. [150] This would substantially reduce the amount of uncertainty presently involved in enacting ballot access laws because individual plaintiffs are currently only required, as evidenced in *Buckley*, to submit evidence of ways the challenged regulation may possibly infringe on their First Amendment interests. While not perfect, this suggested approach to ballot access cases, particular concerning ballot initiatives, offers protection to the interests of both the states and individuals while providing a consistent approach for lower courts to follow, greatly simplifying their determination of the appropriate standard of review.[151]

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149. This assumes, of course, that the circulation of petitions is in fact "core political speech." *Buckley*, 119 S. Ct. at 641. It could be argued that regulations of the ballot initiative process such as those in *Buckely* do not implicate the First Amendment as the regulations do not prohibit individuals from discussing any political issue and that thus these regulations are simply a way for states to control the electoral process. It should be noted that the ballot initiative process has not even been instituted in every state, in fact, the majority of states do not even allow their citizens to enact any legislation except through the legislature. *See* Collins & Oesterle, *supra* note 16, at 49–50. This is not to suggest, however, that simply because states are not required to have a ballot initiative process that they can regulate the process in any manner they choose without violating the First Amendment. Obviously, a regulation that states that only Democrats can circulate petitions would certainly be unconstitutional. *See* Lowenstein & Stern, *supra* note 15, at 218.

150. It could be argued that this approach is primarily the one developed in *Anderson* and later revised in *Burdick*. It, however, differs in two significant respects. First, it does not require the court to weigh "the character and magnitude of the asserted injury" against the "precise interests put forward by the State. . . ." Anderson v. Celebrezze, 460 U.S. 780, 789 (1983). This suggested approach only requires the court to determine whether the plaintiff can show an actual, not simply possible or hypothetical, impact on her First Amendment rights. This avoids some of the unpredictable outcomes that result from the use of a balancing test. Second, it does not require the Court to determine which burdens are "severe" and which are not. Burdick v. Takushi, 504 U.S. 428, 434 (1992) (quoting Norman v. Reed, 502 U.S. 279 (1992)). As stated by Justice Thomas in his dissent "unfortunately there is no bright line separating severe from lesser burdens." *Buckley*, 119 S. Ct. 636, 649 (1999) (Thomas, J., concurring). If the court determines that the regulation involves core political speech and the plaintiff's First Amendment rights have been burdened, then it should apply strict scrutiny, if not, it should apply deferential review.

151. *See generally* Cofsky, *supra* note 5, at 390–401. This articles provides descriptions of several lower court decisions to demonstrate the difficulty lower courts have applying the law the Supreme Court developed in ballot access cases. For example, the author states "the Fourth Circuit determined that the appropriate standard to examine ballot access restrictions was a 'modified' Anderson balancing test . . . . [When] presented with a similar state regulation . . . the Sixth Circuit simply analogized the facts of Anderson to the instant fact pattern and cursorily noted the 'unclear' standard of review suggested by the Supreme Court . . . . [Finally,] [t]he Eighth Circuit remained unable

IV. CONCLUSION

By failing to establish a clear and consistent application of a standard of review in ballot access cases, the Court in *Buckley* took a disjunctive approach to reviewing the constitutionality of Colorado's ballot initiatives. By not first establishing that the registration and disclosure regulations even burdened one-on-one political speech, the Court lost sight of the limits of protection encompassed in the First Amendment and, consequently, took away power from the states to regulate the electoral process. This has only added to the uncertainty of whether many state ballot access regulation run afoul of the First Amendment and leaves lower courts to continue sifting through inconsistent case law for the appropriate standard of review to apply when these regulations are challenged. Although the Court has long recognized the dangers within the "political thicket,"[152] it has yet to establish a consistent way to deal with the conflict between state and individual interests implicated by state regulation of the electoral process. This Comment suggests a starting point.

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to 'resolve [the] . . . in consistent standards of review,' noting that '[i]n some cases, the Court articulated and employed a flexible test . . . yet on other occasions it suggested that all election and voting regulations must be subjected to strict scrutiny.'"

152. Colegrove v. Green, 328 U.S. 549, 556 (1946).

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