

## **New Hampshire**

We knew that New Hampshire would be a fight even though it has a fairly reasonable collection requirement: 3,000 valid signatures are required, 1,500 from each of their two congressional districts. (N.H. REV. STAT. ANN § 655:42.) Many people claim, erroneously I believe, that Ralph took New Hampshire from Gore in 2000. The most comprehensive analysis of why Ralph received more Bush voters and independents than Gore voters in 2000 is provided by Anthony Shinella on his blog (*available at <http://politizine.blogspot.com/2004/02/debunking-myth-ralph-nader-didnt-cost.html>*). Shinella, who worked for us in New Hampshire in 2000, notes that Bush got 48 percent, Gore got 47 percent, and Nader got 4 percent; but he also notes that 6 percent of registered Democratic voters voted for Bush in 2000. Bush carried the state by 7,211 votes, and Ralph received 22,198, but most of Ralph's voters were independents and Perot/Bush supporters. Shinella shows that no matter how you cut the data, Ralph is unlikely to have cost Gore New Hampshire.

We turned in our signatures on September 3, 2004, with 2,042 from Congressional District 1 but only 1,784 from Congressional District 2. So by September 7, the New Hampshire Democratic State Committee, represented by Kathleen Sullivan, a lawyer who was the New Hampshire Democratic Party chair, filed an objection stating that “on information and belief, more than 284 nominating petitions filed by the Nader campaign with the Secretary of State that are purportedly from duly registered voters in Congressional District 2 are invalid.” (Petition in Objection to Ralph Nader for President Nominating Petitions, at 1, paragraph 4, dated September 7.)

The Democrats requested an administrative hearing (*see generally* N.H. REV. STAT § 665:6) in front of the New Hampshire Ballot Commission, and they wanted a

finding to strike more than 284 signatures and another finding that “the Nader nominating petition circulation process is so tainted with misrepresentation, falsity, forgery, misconduct, and deceit that all nominating petitions filed by the Ralph Nader for President Campaign are invalid.”

What planet were these people living on? Had they no shame? Apparently not. The Democrats called hundreds of people who had signed our petitions to ask them if they had signed or were they misled into signing, and so on. Then they attached two form affidavits from the *two* people they found who claimed that they had not signed the petition. The challenge was so weak that I was not even going to get a lawyer to fight it, figuring it would be laughed out of the hearing.

But then on September 13, the Democrats got Martha Van Oot of Orr & Reno, and she filed an 11-page supplement to their initial challenge, along with exhibits. She said that as of that date they had called by phone 942 of our supporters and found 3 more—yes, 3—that they added as complainants.

Van Oot claimed that 167 people who had signed, or 17.7 percent, should be disqualified because they had been certified for another candidate’s nomination paper, the voter was misled, the signer did not live at the address, or the signature was forged. One claimed that he or she was tricked into signing because the circulator said it was for an “independent candidate” but did not mention Nader’s name. None of these affidavits were taken under oath, notarized, or even verified by checking the signature against their real signature. Van Oot also tried to argue that Nader was making an unlawful, deceitful statement on the petition by claiming to be “a candidate of the Independent Party” when there is no such thing. They were desperate.

On Friday, September 24, the New Hampshire Ballot Commission saw through all of this nonsense and voted 5 to 0 in our favor, including both of the Democrats on the 3–2 “bipartisan” commission. The next day Erik Stetson of the Associated Press had a story quoting Commissioner Warren Henderson, who said that “in moving to dismiss the Democratic challenge, . . . ‘an immense mountain of evidence’ should be required to remove a certified candidate from a ballot. Democrats, he said, didn’t meet that burden of proof. ‘Candidly, I didn’t even get to molehill,’ he said.” (Erik Stetson, “Nader Kept on N.H. Ballot,” AP, Sept. 25, 2004.)

The New Hampshire case helped establish a link between the Kerry campaign and efforts to remove Nader from the ballot. We kept getting misdirected emails from a person getting email meant for Judy Reardon. Who was Judy Reardon? A Kerry campaign spokeswoman and senior adviser who was signing off on the briefs in the New Hampshire challenge, thereby linking the Kerry campaign to the ballot access fight in New Hampshire. Moreover, New Hampshire is a state that requires campaigns to get their signatures verified locally and then to pick them up to get them to the state to qualify for the ballot. It seems that the Kerry campaign felt comfortable sending campaign workers in New Hampshire to the counties to pick up copies of our verified signatures—before they were picked up by us—to then turn into the state. In one town, Bedford, the chief supervisor of the checklist told one of our national field coordinators that a Kerry campaign worker had mistakenly walked off with the originals the day after they were certified. The originals were returned, but this was another indication of the close ties of the Kerry campaign in removing us from the ballot, despite their DC

pseudodenials. We gave the information to the press, but nobody followed up on the Kerry campaign's involvement in trying to remove us from the ballot.