

## Iowa

Everyone anticipated that Iowa would be close. A poll of Iowa likely voters in August had Kerry/Edwards beating Bush/Cheney by 2 percent (49 to 47), with 4 percent undecided. With Ralph thrown in, the poll tied the tickets at 47 to 47. (Mary Rae Bragg, “Nader Candidacy Looms Large over Iowa’s 7 Electoral Votes,” *Telegraph Herald*, Aug. 22, 2004.) We thought Iowa was challenge proof, but we were wrong.

Iowa’s requirements were minimal—a candidate had to submit 1,500 valid names of eligible electors, not necessarily registered voters, in not less than ten counties of the state. (IOWA CODE § 45.1 (2008).) We had submitted 3,198 signatures—more than twice the required amount. Indeed, the administrative assistant to the state director of elections, Jane Hughes, stopped counting after she had reached 1,951 signatures. (See Findings of Fact, Conclusion of Law, Decision and Order, In the Matter of the Objection to the Nominating Petition of Ralph Nader and Peter Miguel Camejo for the office of President and Vice President, dated Aug. 30, 2004, and signed by Chester J. Culver, Secretary of State, David A. Vaudt, Auditor of State, and Thomas J. Miller, Attorney General (hereafter Iowa Findings of Fact).) On August 12, 2004, the director of elections for the state of Iowa sent us a letter stating that we met the requirements to be on the ballot. The “nomination papers for the office of President/Vice President have been received by the Secretary of State’s office. They appear to meet the basic requirements for filing. Your name will be certified to the appropriate county commissioners of

elections for inclusion on the ballot at the Tuesday, November 02, 2004, General Election." (Letter from Sandra J. Steinbach, Director of Elections to Ralph Nader, August 12, 2004, on file with author.)

On August 20, we received an objection to the legal sufficiency of the petition and were told that a hearing had been set before Iowa Secretary of State Chet Culver, auditor of the state David Vaudt, and Attorney General Tom Miller, for Thursday, August 26, 2004, at 10:30 a.m. in Des Moines.

I called David Larson, our Iowa field coordinator, who said that he was told that the Iowa Democratic Party had looked at our papers and was going to decline to file a challenge, so he wasn't sure who this challenger was. By now we were quite familiar with the drill—stand-in citizens bringing the complaints. The challenger in Iowa was Lee Baldwin Jolliffe, from Des Moines. The objection said that fewer than 1,500 signatures were valid because:

1. 1,322 of the individuals were not registered voters according to the Voter Activation Network, a database of registered voters maintained by the Iowa Democratic Party of those registered as of July 1, 2004.
2. Some people printed rather than used cursive to sign their names.
3. Some people listed an address that did not match their voter registration card.
4. Some people signed illegibly.

5. Some addresses were inserted by another person.
6. Petitions failed to contain the date of the general election in their caption.
7. One person overwrote a signature.
8. One person failed to put the date signed on the petition.

(Objection to the Legal Sufficiency of the Nominating Petition and of the Certificate of Nomination, In Re: Nomination Petition for Ralph Nader and Peter Miguel Camejo for President and Vice-President of the United States of America, Aug. 12, 2004, filed by Objector Lee Baldwin Jolliffe on Aug. 20, 2004.)

The Iowa Department of Justice distributed a legal memorandum, written by Christie J. Scase, assistant attorney general, on August 24, 2004, outlining the governing statutory provision and legal authorities interpreting those provisions. She said that the law does not require signers to be registered voters; that the law said signatures could be printed rather than signed; that Iowa law said addresses did not have to match the voter registration card; that Iowa law did not require legible signatures, only markings; and that none of the other objections would fly under Iowa law or its interpretations based on prior decisions. (See Iowa Department of Justice Memorandum from Christie J. Scase, Assistant Attorney General, Aug. 24, 2004, Re: Objection to Ralph Nader nomination petition.) There didn't appear to be one valid objection under black letter law. But the whole state machinery was being invoked to review it.

On Wednesday afternoon, a long hearing ensued. Sally Frank, a law professor and National Lawyers Guild member at Drake University, represented us. I was present by telephone. I had to testify that Ralph actually signed the nominating affidavit. At the end of the hearing, the panel voted to go into executive session and adjourn until the next morning at 8:30 a.m. By the next day, they had their vote in an open public meeting: all three, including the two Democrats (Miller and Culver), did the right thing and voted to put Nader and Camejo on the ballot. When the legal memorandum of reasons was issued about a week later, the Iowa state officials unanimously rejected every objection to our petition, noting: “We find the arguments advanced insufficient to cast any significant doubt upon the validity of the Nader-Camejo petition.” (Iowa Findings of Fact at 9.) The state noted that even the objector’s own evidence established that “at least 1,597 individuals who signed the petition were registered to vote at the address provided on the petition. The petition must be accepted.” (*Id.* at 13.) One of the Democratic officials noted that it “was against the interests of our party” but that they were following the law and “legal advice of counsel.” This seemed to be a “cover your future political career” pronouncement, which helps to show what secretaries of state must do to keep their party status.