

## **Mississippi**

To be placed on the Mississippi ballot, the state requires 1,000 signatures to be turned in by September 3, 2004. (MISS. CODE ANN. § 23-15-785 (1) and (2).) (The turn in deadline is 60 days before the election; however, petitions need to be precertified by county circuit clerks by appointment.) Mississippi is a “fusion state,” even though we couldn’t find authority for this, either from the statutes or the secretary of state’s office. (“Fusion” allows the same candidate for the same office to appear as the nominee of more than one political party.) Because Mississippi was also the home state of Shawn O’Hara, then the chairman of the Reform Party, as well as Ted Weill, who had been their leading candidate for president before Ralph declared, we told the Reform Party we would go on as a Reform nominee. But not even Mississippi, a very “safe” red state for the Republicans, was going to be safe without a fight from the Democratic Party of Mississippi.

On September 3, 2004, the day after the Reform Party filed papers with the secretary of state, Samuel L. Begley, the lawyer for Wayne Dowdy, the chairman of the Mississippi Democratic Party and its State Executive Committee, sent a letter to Eric Clark, the Mississippi secretary of state, indicating that they planned to be at the next board of election commissioners meeting to present why Nader and Camejo should not be on the ballot. The primary challenge was to be that the “Reform Party did not nominate Mr. Nader at a national convention.” (Letter dated Sept. 23, 2004, from Wayne

Dowdy, Chairman, Democratic Party of the state of Mississippi, to the Honorable Eric Clark, secretary of state.)

The Democrats didn't really need to care about Mississippi: they were not under any illusion that this was to be a battleground state. They were just doing a test run of the arguments they would later use in Florida, ostensibly to gain a precedent from another state to then point to in Florida as persuasive, even if it was nonbinding. So they tried out their two main arguments:

- (1) There was no nomination of Ralph and Peter at a national convention; and
- (2) the Reform Party was not a party.

We were the only presidential ticket to be challenged before the Board of Election Commission for the state of Mississippi. Shawn O'Hara, the Reform chairman, requested that the Democrats and their lawyers be sworn in. He was denied. The Democrats raised their old arguments and this new one, that there had to be "a state convention" for delegates to be selected to a national convention.

When it was O'Hara's turn, he swore himself in and began to rail against the Democratic Party. (Transcript In the Matter of: Presentation of Candidates and Challenges to Candidates' Political Parties for November, 2004 Election, Board of Election Commission for the State of Mississippi, Tuesday, September 7, 2004, 9:06 a.m., Jackson, Mississippi, at 5.)

He challenged the commission to call the FEC right then and there and find out for themselves that the Reform Party is still a party because it could not terminate with a big debt, which they had, and with ongoing litigation.

This was true. He turned to the Democratic lawyer and said: “You, sir, should get down on your hands and knees and beg forgiveness of the people of the State of Mississippi for wasting their time.” (*Id.* at 15.)

O’Hara had more to say. He digressed about the Liberty Party in 1844 but then played the tape from the Texas nomination convention and proffered the newspaper accounts of the convention. Thereafter O’Hara started talking about “the biggest motion picture made in Mississippi last year” and he then went on to say that he had proved that the Reform Party held a legitimate convention and that his only regret was that he wished “a half dozen good-looking ladies would have taken them [Nader and Camejo] on.” “Let’s be honest,” O’Hara continued, “the last go around, he [Nader] pulled a handful of votes in Mississippi. But he is a taxpayer . . . and a great American citizen.” (*Id.* at 21-23.) In his *surrebuttal*, O’Hara explained that people from Florida were at the convention in Texas and that 63 delegates were there, and it was not easy to get credentialed as a delegate and it cost a lot of money to fly on a plane. He went on about how the Reform Party ran a bunch of candidates in Mississippi ,with another digression, including, “Billy is a carpenter who builds houses . . . and works hard for a living.” (*Id.* at 46.)

At one point the chairman of the hearing mercifully said, “Let’s get back on point. We are into our second hour.” (*Id.* at 47.) But O’Hara plowed on. When I read the Mississippi transcript overnighted to me, I didn’t know whether to laugh or cry. But O’Hara’s argument worked.

The attorney general cut to the heart of the matter concluding, “I don’t think it is fair to prohibit someone from being placed on the ballot. I think we have to begin with the premise that we want to have an open balloting process. That has been the American way. And I am not willing to, on a technicality . . . to prevent the Reform Party from being placed on the ballot.” (*Id.* at 53.) Even though the attorney general, Jim Hood, and the secretary of state, Eric Clark, were all Democrats, there was a summary rejection of the Democrats’ claims. We were on the ballot in Mississippi.