

## **Washington State**

Sally Soriano, a veteran activist, was our campaign coordinator in Washington State. In 1999, Sally had driven Ralph and me through the crammed city of Seattle as activists shut down the WTO and we participated in the surrounding events. I knew that if anyone could calmly deliver Washington State, it would be Sally.

In writing to me after the campaign, she concluded, “We are a Boeing/Microsoft state and Seattle is locked down by the Democratic Party. The State Democratic Party refuses to say ‘get out of Iraq’ (except for Representatives McDermott and Inslee). Even though we are all aware of this reality, it was still surprising for many of us to see just how deep the anti-Nader/Camejo sentiment was expressed here.” (Recollections of Sally Soriano to Theresa Amato, email dated Apr. 17, 2006, on file with author.)

In 2004, the Washington State legislature rewrote the law for minor parties and independent candidates, leaving certain aspects of the statutory wording ambiguous. The state of Washington’s ballot access requirement was once just 200 signatures; for 2004 the requirement was raised to 1,000 valid signatures. (WASH. REV. CODE § 29A.20.141.) Signatures had to be collected by “convention,” which meant that the conventions had to be published in the paper at least ten days prior, and multiple “conventions” could occur simultaneously, but each convention had to produce at least 100 voters. (WASH. REV. CODE § 29A.20.151.)

In Washington, conventions could be held on street corners, provided there was enough traffic to have 100 valid voters in each session. The convention deadline was 70 days before the election, or August 24, 2004. (WASH. REV. CODE § 29A.20.111.) Official documentation of the conventions had to be “submitted to the appropriate filing

officer not later than one week following the adjournment of the convention at which the nominations were made.” (WASH. REV. CODE § 29A.20.161(7).)

The campaign timely submitted certification of its conventions, held between June 26 and August 22 in places like on the corner of Denny and Broadway in Seattle, in Esther Short Park in Vancouver, or in Myrtle Edwards Park in Seattle. Notifications calling these conventions were regularly published in the *Seattle Times* and the *Seattle Post-Intelligencer*. Within three days we also submitted a substitution of our vice-presidential candidate, which on the petition had been former vice president of the Communications Workers of America, Jan Pierce, but was now to be Peter Camejo.

The secretary of state’s office sent a letter saying that the state had completed the verification of the nominating convention and only had to examine 1,200 of them because of those 1,008 were valid, and that was sufficient to put us on the ballot.

The Democrats had already sent Parker Folse, a lawyer, to request that the secretary of state not make any determination as to the validity of our petitions because they wanted to “call any errors to your attention before you make a determination on this important issue.” He surmised from reports “in other states,” he claimed, that there were errors that “will cause Mr. Nader’s campaign to fall short of the 1,000 registered voter signatures that he must submit to your office under [WASH. REV. CODE] 29A.20.141(2).” (Letters from Mr. Parker Folse to Secretary of State Sam Reed, dated August 31, 2004, on file with author.)

The Democrats had three main complaints: (1) that the notices for conventions were inadequate; (2) that Ms. Soriano was not the chairperson of certain conventions or the “documented successor,” so therefore she couldn’t submit some of the conventions;

and (3) that the certificates for each convention had to be submitted within one week following the adjournment of each convention, not one week following all of them.

Another lawsuit was also filed by James P. Foley on behalf of voter Ken Valz. (Appeal of Determination of Candidacy Certification, pursuant to WASH. REV. CODE 29A.20.191, filed Sept. 3, 2004, Superior Court of Washington In and For Thurston County, Number 04-2-01805-3.) After a recitation of the statutes, the entire legal argument in this complaint consisted of not more than eight lines of text.

On September 2, Paul Berendt, the Washington State Democratic Party chairman, sent out an all points bulletin (APB)-type email, trolling for fodder, titled “Important Request,” stating: “We are preparing a challenge to the Ralph Nader convention petition. If you have any information regarding the date, time or location of Nader signature gathering efforts to allow him onto the Washington State ballot please email me at the address below with any information you have ASAP.” Belinda Coppernoll, a Green Party volunteer for Nader, sent an email to Berendt, noting in response: “Nader supporters and others are well aware that the Nader/Camejo campaign is under unbelievable attack and sabotage by the Democratic party to block or obstruct ballot access for the independent third party Nader/Camejo presidential ticket. Never has it been witnessed to my memory or any of my colleagues, the degree of manipulation and underhanded maneuvers engaged in by one political party trying to prevent another candidate to even get on ballot state lines so his campaign can get underway.” (Email dated Sept. 5, 2004, from Belinda Coppernoll to Paul Berendt, in response to his email dated Sept. 2, 2004, both on file with author.)

As of September 2, 2004, we already had 19 lawsuits pending, and we still did not have an affordable and available lawyer for Washington State. We had not been sued in either suit. I took a chance and decided not to hire anyone. Our strategy was going to be to object that we hadn't been named as a party, even though we were the real party in interest.

I didn't know if the attorney general's office was friend or foe here, even though we followed their advice on how to comply with the state statute. Look at what happened in West Virginia, where we had complied exactly with the secretary of state, who turned around and provided cause to initiate the *quo warranto* proceeding. (*See Grand Illusion* pp.129-137). But Jeff Even, the assistant attorney from the attorney general's office, was all over email correspondence to us, telling us how to comply with their statutes. To my relief, the attorney general properly argued that the court didn't have to reach the merits because the petitioners failed to join the Nader campaign as an indispensable party to the case and that the failure to include us was inexcusable neglect and to proceed would be "manifestly unfair," so the case should be dismissed with prejudice. To the attorney general's credit, they also stood by their secretary of state's interpretation of the statute. (State of Washington Thurston County Superior Court, Secretary of State's Response to Appeal of Determination of Candidate Certification, No. 04-2-01805-3, at 4.).

The Washington state Superior Court threw out both suits against us, with prejudice. We were on the ballot in Washington State.