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**HARRY KRESKY**

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September 8, 2004

BY FAX AND REGULAR MAIL

Mr. Jeff Jordan, Esq.  
Office of General Counsel  
Federal Election Commission  
999 E. Street. NW  
Washington, DC 20463

Re: *Fulani & CUIP v. Kerry, et al.*, MUR #5509

Dear Mr. Jordan:

Enclosed please find newspaper account of testimony by Dorothy Melanson, Chair of the Maine Democratic Party that the Democratic National Committee was paying for the Party's effort to remove Ralph Nader from the ballot in that state.

I am endeavoring to obtain her actual testimony. It would, I believe, be appropriate for the FEC to pursue this lead as well.

Sincerely yours,



Harry Kresky

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FEDERAL ELECTION COMMISSION  
OFFICE OF GENERAL COUNSEL  
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Bangor Daily News - Print this Article  
 By Jeff Tuttle, Of the NEWS Staff [e-mail](#)  
[Jeff](#)  
 Last updated: Tuesday, August 31,  
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## Nader backers: Dems are 'bullies'

*Maine could revoke independent's ballot spot*

**AUGUSTA** - Supporters of independent presidential candidate Ralph Nader on Monday accused Democrats of "malicious bullying" in

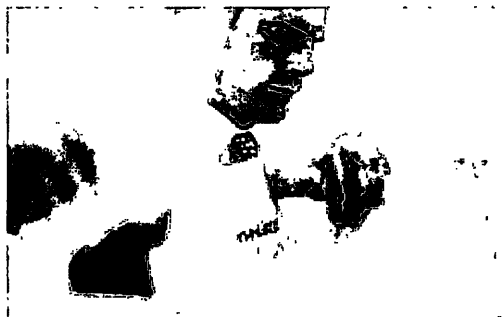
their attempts to keep the consumer advocate off the Maine ballot. "They're the spoiler party," Nader backer Nancy Oden said during a break in a sometimes heated hearing Monday conducted by the Secretary of State's Office, which in coming days will consider whether to revoke Nader's ballot status based on the Democratic challenges. "They are spoiling our chance to support the people we want ... It's harassment."

Democrats, who are seeking to derail Nader's candidacy in several states including Maine, have long reserved the spoiler label for Nader, whose presence on the ballot - especially in Florida and New Hampshire - handed the 2000 election to George W. Bush, they say.

→ Maine Democratic Party chairwoman Dorothy Melanson, one of the challengers, acknowledged Monday that the Democratic National Committee was footing the legal bills for her bid to bump Nader from the ballot.

"They said they would help in many ways," Melanson said.

For the most part, the Maine Democrats' challenges are technical. One of the main arguments alleges the Nader petitions included an incorrect name for one of its electors. The elector, Joseph Noble Snowdeal of Jonesboro, was incorrectly listed as John Noble



During a hearing at the Secretary of State's Office in Augusta on Monday, attorney Mike Mahoney reviews petitions supporting Ralph Nader's inclusion on the November ballot. Bangor Daily News Photo by Gabor Degre

Snowdeal on all but two of the 479 petitions submitted to state election officials earlier this month.

Those petitions contained 4,128 signatures, 128 more than needed to put Nader and his vice presidential running mate, Peter Camejo, on the Maine ballot.

Beyond the Maine hearing, the Nader campaign, which has been swamped with challenges to its nominating petitions across the country, had a particularly bad day Monday. In separate rulings, election officials in Pennsylvania and Missouri, two key swing states with a combined 32 Electoral College votes, denied him a spot on ballots there.

In Maine, where Nader received 6 percent of the vote in 2000, those loyal to Democratic nominee John Kerry hope to achieve a similar result and remove Nader, who otherwise would appear on the Maine ballot as a candidate for the Better Life Party.

After the hearing, expected to conclude today, the secretary of state has five days to render a decision. The ruling then can be appealed in Superior Court.

Beyond the technical aspects challenged Monday, Benjamin Tucker, a Brunswick Democrat behind a second objection to Nader's candidacy, said he doubted the intentions of some who signed the petitions.

"I'm concerned about the integrity of the Maine electoral process," said Tucker, citing Republican efforts in other states to support Nader in hopes of hurting Kerry. "If the motivation is to manipulate and misrepresent, that's not part of the process."

There is no law in Maine prohibiting party members from supporting an independent presidential candidacy.

The Democrats' complaints also cite duplicate signatures and bogus signatures among those already certified by election officials. They also claim that Camejo's enrollment as a Green Party member makes him ineligible to run for office as an independent. And they protested

that petition circulators misled signers by concealing Nader's name on the petitions.

"I wondered if I was being bamboozled," said Terry Grover of Portland, who testified at the hearing that she signed a petition only after she was assured it was not for Nader.

Harold Burbank, a Connecticut attorney representing the Nader campaign, acknowledged some mistakes including the foul-up on Snowdeal's name. But he said none was grounds to remove Nader from the ballot and thus disenfranchise the more than 4,000 people who signed his petitions.

"The errors were those of average people trying to understand a somewhat complex process," Burbank said.

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