

What process will your state party use to poll its membership on their preference for a presidential nominee?

We will use a combination of a convention and mail-in ballots. Our convention date is April 27.

Rules approved February 9, 2008 by the Mountain Party Executive Committee:

Rule 1: a. The Mountain Party Spring Convention shall select delegates to the Green Party of the United States Presidential Nominating Convention (GPUS) in the number mandated by the GPUS delegate apportionment plan (eight delegates for 2008). Before delegate selection, the presidential candidate preferences of all the Mountain Party members assembled at the spring state convention shall be determined.

b. Votes for presidential candidate preference shall be cast by written ballot at the State Convention. All Green Party presidential candidates including draft candidates shall be on the ballot. Write-in votes shall be accepted as well. Postal ballots from MP members unable to attend the convention shall also be included in the totals for presidential candidate preferences. Postal votes shall be sent to Nominations Committee Chair Frank Young, RR 1, Box 108, Ripley, WV 25271. Votes from non-attending delegates must be received no later than the Friday before the State Convention. Votes for presidential candidate preference cast before the convention may be changed with an in-person ballot at the convention.

c. Votes will be counted by the Nominations Committee Chair and at least one other designated person, including one representative for each candidate that has a representative present at the convention. Results will be presented to the State Convention before nominations begin for GPUS delegates.

What process will your state party use to select its convention delegation?

Rule 2: The Party officers and other members will actively encourage women and people of color to attend state party conventions, to volunteer to serve as executive committee members, regional chairs, and delegates to the GPUS Nominating Convention and national committee, and to participate in other GPUS committees. Voting delegates at the State Convention are encouraged to strive for diversity and gender balance in selecting the delegation to the GPUS Nominating Convention.

Rule 3: Delegates to GPUS will be chosen from among all those who volunteer to serve as delegates. Credentialed State Convention delegates shall vote for delegates to the GPUS Presidential Nominating Convention, with each delegate casting one vote. The top eight (8) vote-getters will be chosen, with the next highest vote-getters, up to eight (8), serving as alternates (where eight (8) is the number of delegates available).

Rule 4: If any of the first eight top vote-getters subsequently become unable to fulfill his or her duties as a delegate to the GPUS Nominating Convention, a replacement shall be selected from among the alternate delegates, giving preference in order of number of votes received. If insufficient alternate delegates remain to fill any vacancy created by inability of a regular delegate to fulfill his (her) duties as a delegate or for any other reason eight delegates are not selected, a delegate may carry a proxy vote, with proxies assigned according to the proportionate vote for presidential candidate preference. GPUS delegate apportionment rules state that each delegate may carry one proxy as needed to give WV eight votes (at least four delegates must be present for WVMP's eight votes).

What process will your state party use for directing its delegation as to how to vote at the national convention?

Rule 1: d. For purposes of first ballot voting for a GPUS presidential candidate at the GPUS national Presidential Nominating Convention, delegates will be apportioned to candidates according to the percentage of votes the candidates receive in absentee ballots and voting at the convention, as per the following formula:

The number of delegates assigned to each candidate will be equal to the percentage of votes received by that candidate, multiplied by the total number of delegates available, rounded to the nearest whole number. In the event that there are uncommitted delegates, they will be assigned to the candidate with the highest proportion of votes.

e. Procedures and time limits to be used during the voting phase of the State Convention will be determined by the Mt. Party State Executive Committee; but that committee may appoint the seven Executive Officers of the party to devise the voting procedures and time limits. The Party Chair will announce or direct the party Communications Committee to announce the procedures and time limits in conjunction with the development of the State Convention meeting agenda, and the procedures will be enforced by the Convention Chair and the Convention Parliamentarians (if any) during the voting and convention.

Rule 5: a. After the delegates are selected, but before the convening of the GPUS Presidential Nominating Convention, the delegation will select from its ranks a WV Spokesperson to speak for the West Virginia delegation at the GPUS Presidential Nominating Convention. The spokesperson may not be a presidential or vice-presidential candidate. Individual delegates will not vote separately on the first convention ballot. The WV Spokesperson will report only the state presidential preference totals.

b. The State delegation may choose from its ranks any other officers it deems necessary to fulfill the delegation's responsibilities to represent the WV Mountain Party at the GPUS Convention.

c. Delegates' commitments to a specific candidate are not transferable unless that candidate withdraws or is otherwise no longer a candidate; a candidate may release any WV delegates committed to him or her, but we do not give candidates any power to transfer the first ballot vote commitment to another candidate. If a candidate withdraws after the State Convention and prior to the first round of the National Convention, the delegates shall confer and reapportion the eight votes proportional to the remaining candidate selection votes taken at the Spring Convention.

Rule 6: At the National Convention, the state delegation will vote on the basis of the delegate assignment as determined in Rules 1, 2, 3, 4, and 5 above, but on the first ballot only. In no instance will the WV Mountain Party delegation to the GPUS Convention report a first ballot WV presidential preference total other than that determined and assigned to it by the state party convention.

Rule 7: On all subsequent ballots, if any, the individual delegates will be free to vote as they choose, after consultation with the entire state delegation. In all cases, the results of the state presidential preference results shall be taken into account as much as possible.

In 2004 several state parties expressed that they really did not know what sort of process they should be using and as a result several states used somewhat arbitrary processes. In some cases the preference vote took place at a state convention and the processes were not even approved until that state convention, not only giving candidates but even state party members no advance notice as to what methods would be employed. Would your state party like assistance from PCSC in developing the above processes?

We have already received assistance.

In a best-case scenario, what would your state party be able and willing to do to support the presidential ticket?

The Green Party presidential ticket will be placed on the Mountain Party ballot.

Based on an evaluation of the current strength and sentiment within your state party, what is your state party likely to be able and willing to do to support the presidential ticket?

Same as above.

What kinds of resources that GPUS might be able to provide would enhance the ability of your state party to support the presidential ticket?

Financial support.

Are there any specific factors unique to your state or state party that PCSC should be aware of? Examples might include: availability of ballot line fusion, internal state party rules governing disposition of ballot lines, highly unusual statutory procedures and/or paperwork requirements relative to ballot lines, etc.

Highly unusual statutory procedures and paperwork requirements relative to ballot lines

Due to Jesse Johnson and Frank Young's appeal to the WV SOS, a procedure was devised by the WV Secretary of State Betty Ireland to enable the WVMP to place the GPUS Presidential nominee on our ballot. A letter to then Chair Jesse Johnson, dated January 16, 2008, and signed by Jason Williams, Manger Elections Division, stated:

This letter is in response to your December 11, 2007 letter and shall serve to outline the procedure the Mountain Party may follow to satisfy filing requirements for its Presidential nominee. Pursuant to West Virginia Code §3-1-8, any political party which polled less than ten percent of the total vote cast for governor at the general election preceding this current election cycle may nominate candidates by a nomination convention and must file in accordance with §3-5-22 and §3-5-24. As this was the case in 2004 for the Mountain Party, any candidates, including those nominated for President, may file for office in accordance with these sections.

Pursuant to §3-5-22 and §3-5-24, a candidate for President of the United States must file with the Secretary of State's Office a Certificate of Declaration no later than the close of business the day before the Primary or May 12, 2008. This filing will serve to meet the requirements of §3-5-22 and §3-5-24. I have enclosed a copy of a Certificate of Declaration for your convenience. If the above procedure is followed, a certificate of announcement will not be required under West Virginia Code §3-5-7(d)(6).

Upon nomination of the official Mountain Party candidate in accordance with party rules provided to our office, the Mountain Party will then file a Certificate of Nomination that outlines the date of the convention, the name of the official presidential and vice-presidential candidate as they are to appear on the ballot, the legal names of the candidates, the candidates' legal residences (including the physical and mailing address), the electors (if available), including their physical and mailing address, and the signatures of both the secretary of the convention and the chair of the convention certifying that the information is true and accurate.

If you have any additional questions, please contact me directly at (304) 558-6000 jwilliams@wvsos.com. I hope this clarifies the issues outlined in our previous communications and we look forward to working with you in the future.

Internal state party rules governing disposition of ballot lines

WEST VIRGINIA MOUNTAIN PARTY CONSTITUTION AND BY-LAWS ARTICLE VII: STATE CONVENTIONS

Section 6. Except for the selection of candidates for the offices of Governor, President and Vice-president, the Party will participate in the formal state of West Virginia primary process as outlined in WV state code to select its candidates for office. Voters registered as independents or with any other party which does not appear on the ballot may vote in the Mountain Party primary election.

The State Executive Committee shall create a Credentials Committee for each State Convention held during a presidential/governors election cycle. The Credentials Committee shall be composed of at least five (5) Party members in good standing, of which no more than two (2) members may be from the same Region. Prior to the start of the Convention, the Credentials Committee shall meet and issue a report listing the name of all eligible candidates for governor.

Credentialed delegates at the appropriate biennial convention shall choose the candidate for governor and the official Mountain Party representatives (and alternates) to the Green Party US nominating convention in order to represent the Mountain Party's interests in the selection of candidates for President and Vice-president. The candidates for President and Vice President chosen at any subsequent Green Party US Convention, where elected Mountain Party representatives are or could be seated and accepted as part of the Green Party US Presidential and Vice-Presidential candidate selection process, shall also be the chosen candidates of the Mountain Party and placed on the Mountain Party Ballot in that election cycle.

The Constitution Committee shall serve as the Rules Committee for every Convention. Other Committees shall be established as deemed necessary by the State Executive Committee or by the voting delegates at the State Convention.