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**FREE
TAKE ONE**

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*“I have a fire in my belly to be mayor.
But, if I don’t survive that primary,
I have a fire in my belly to be commissioner.
If I don’t get enough write-in votes to run
for commissioner, I have a fire in my belly
for whatever office I can qualify to seek.”*

by *Dave Featherly*

The recent primary election reminded us of what kind of mischief can be perpetrated under weak Wyoming election laws. It also reminded us that for every person trying to keep things on the straight and narrow, there are fifty trying to beat the system.

On Thursday night, August 14th, I was e-mailed a tip that an organized effort was underway to have Democratic voters write-in the name of Jayne Mockler as a Democratic candidate for county commissioner. While there were three candidates vying for the Republican nomination, the Democrat’s farm system is barren and they had no candidate file for that office.

Jayne, of course, was on the nonpartisan ballot for mayor of Cheyenne.

I immediately contacted Jayne Mockler by e-mail and inquired whether she knew of this effort on her behalf. That initial contact led to several exchanges over the next few days.

It seemed to me that a candidate who was confident they would finish in the top two in the mayoral primary would encourage the Democratic Party to expend their efforts for a candidate who could actually run in the general election - not for one who already had a spot on the ballot.

Over the next several days, the unraveling of this effort and ramifications obvious from a successful write-in drive such as this one, got more interesting by the day.

Ms. Mockler’s first response to me was to confirm that she was aware of the write-in drive for her but she felt powerless to end it. I disagreed and told her so. Jayne considered it a compliment.

I considered it a surrender and thought it odd that a Democratic group would work to get one of their own on the ballot when that person was already on the ballot but for another, more important office. If the Party really wanted to insure there was a candidate on the ballot to challenge the Republican candidate for county commissioner, surely there must have been at least one Democrat within the County’s 85,000 residents who could have made a viable candidate. At least one. But, there must not have been.

Statewide, except for the incumbent Governor, the only serious candidate Democrats can field is Gary Trauner.

From the beginning of our communications, Jayne Mockler asserted that she had no choice but to allow the effort on her behalf to go forward. In my opinion, it would have taken but a Shermanesque statement to the desperate Democratic Party and they would have ceased the improper effort or found another candidate for whom to garner write-in votes.

From the beginning of this election cycle, I have considered Jayne Mockler one of the top mayoral candidates and have so stated on these pages. I predicted before the election that she and Rick Kaysen were the most likely survivors of the primary - and that’s how it materialized.

Evidently, I had more confidence in her prospects in the mayoral primary than did she or the Democrats trying to get her on the ballot somewhere. Anywhere.

I am unaware of a write-in candidate who was not in-the-know when they received a minimum of the statutorily required 25 votes to make it to the general election ballot. It just hasn’t happened that over two dozen voters took the trouble to write in a non-candidate’s name which would lead to that person being eligible to accept those votes and file for office.

But, why try to generate write-in votes for a candidate for another office who is already on the ballot? And why would that candidate allow such an effort to proceed - an action that made it look like she just wanted to be elected to something - not necessarily the office for which she filed?

She, and even the barely visible Laramie County Democratic Party should know that such an organized effort would be brought to the attention of the Cheyenne Herald. And it’s pretty hard to spin this story to anything positive for an otherwise credible mayoral candidate.

Imagine, though, the Dems don’t think they have even one other potential candidate for county commissioner and had to resort to one of the handful of Democrats who has actually been elected to an office in Laramie County. Two years ago, they prevailed on Leo Garcia, one of the most capable and nicest guys around, to allow his name to be put on the ballot for a House seat he didn’t want.

Even with the prolonged and desperate effort by the Party, there were barely enough write-in votes cast for Jayne Mockler to qualify her as a candidate.

In fact, Republican Gay Woodhouse received more than twice as many votes as a **DEMOCRATIC** write-in and Jack Knudson received almost enough votes to be qualified to run as a Democrat.

EXCEPT, Knudson cannot run because state statute precludes his candidacy. **W.S. 22-5-215 Nomination of partisan candidates and write-in candidates**, reads, in part: *“An unsuccessful candidate for office at a primary election whose name is printed on any party ballot may not accept nomination for the same office at the next general election.”*

There is nothing in state law that prohibits a candidate from doing what was

attempted to benefit Jayne Mockler.

Gay Woodhouse has told me that she had no role in the write-in effort for her and that she knew nothing about it in advance. Gay has never misled me in the past and I take her at her word.

Jayne contends that she had no “opportunity” to stop the write-in effort. I believe she did. While General William Tecumseh Sherman first said, “If nominated, I will not run. If elected, I will not serve,” Mo Udall updated it by saying, “If nominated, I will flee to Mexico. If elected, I will fight extradition.” It can be done.

My position is that Jayne should have told the misguided Democrats, “I am a candidate for mayor. I want to be mayor. I am not a candidate for county commissioner. I do not want to be a county commissioner. If I fail in my bid for mayor, and if you succeed in getting enough write-in votes for me to be on the ballot as a Democrat for county commissioner, I will refuse to accept that placement.”

Had she said that, it would have been clear to those trying to get her a second chance to be on November’s ballot that they were wasting their time and the e-mails and phone calls would have ceased. It’s as simple as that.

Now, in addition to trying to catch up to Rick Kaysen’s vote lead from the primary, Jayne will have to convince voters that she really does want to serve as Cheyenne’s mayor - that she was not shopping for any office she might enter.

She showed terrible judgment in my opinion. Jayne is an honorable person. She should now admit to making a mistake and try to convince voters her heart has always been in her run for mayor - Democratic Party minions notwithstanding. Short of that, I don’t believe she can be competitive in November.

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