

Illinois election board defers ruling on ballot status for SEP candidate

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In a hearing held Tuesday in Urbana, Illinois, the Champaign County Election Board put off issuing a ruling on a challenge filed by Democratic Party officials aimed at keeping Socialist Equality Party candidate Tom Mackaman off of the ballot for the November election. Mackaman is the SEP candidate for state representative in Illinois' 103rd legislative district, which includes the twin cities of Champaign and Urbana.

The board authorized its chairman, Champaign County Clerk Mark Shelden, to conduct a line-by-line examination of the hundreds of petition signatures challenged by the Democratic objector, in the presence of a representative of Mackaman and a representative of those challenging his right to ballot status. This time-consuming process is to begin some time next week. The board set July 27 as the date for a further hearing, at which it plans to issue a ruling based on its review of the contested signatures.

The hearing, which took place at the Champaign County Court House, was covered by a reporter for the Champaign-Urbana *News-Gazette*, who interviewed Mackaman prior to the start of the proceedings. Following the hearing, Mackaman was interviewed by a number of local radio and television stations.

Tuesday's proceedings fully vindicated the contention of Mackaman and the SEP that the Democratic objection to his nominating petitions is without any factual merit and was lodged in bad faith, for the anti-democratic purpose of keeping a socialist candidate off of the ballot.

The representative of the Democrats at the hearing, attorney Adam Simon, offered no evidence to substantiate the claim that 1,021 (more than half) of the 2,003 signatures of registered voters collected by supporters of Mackaman and handed in to state election authorities prior to the filing deadline were invalid. Mackaman's campaign collected far more than the 1,344 signatures which the Illinois Board of Elections said were required to achieve ballot status.

Following Mackaman's statement to the election board (see: "Statement of SEP candidate Tom Mackaman to Champaign County, Illinois Election Board"), members of the three-person election board expressed skepticism over the validity of the Democratic Party challenge and posed a number of pointed questions to Simon, for which the Democratic representative had no answers.

The arrogant attitude of the Democratic Party machine toward the public, and its contempt for democratic rights, was reflected in the failure of the person who filed the objection, Geraldine Parr, to even appear at the hearing. Parr is the treasurer and former chairman of the Democratic Party in Champaign County, which is situated in the east-central part of the state and includes the campus of the University of Illinois in the city of Champaign.

Arrogance and indifference on the part of the Democratic officialdom were combined with indications of outright corruption. As Mackaman pointed out in his statement, the two individuals who first secured and examined copies of his nominating petitions at the offices of the state election board in Springfield are Democratic Party functionaries and employees of the Illinois House of Representatives. According to the date

and time of their visits to the election offices, these two employees of the state engaged in overtly partisan political activity during working hours and at taxpayer expense.

One of these individuals is known to be an associate of the incumbent state representative for the 103rd District, Democrat Naomi Jakobsson.

The moves by the Democrats to purge the SEP candidate from the November ballot are part of a broader drive by both of the corporate-dominated parties, the Republicans as well as the Democrats, to keep independent and third-party candidates off of the Illinois ballot, or subvert their campaigns by various bureaucratic machinations, and thereby maintain the political monopoly of the two-party system.

Tuesday's hearing began with County Clerk Shelden, who presided, inviting Simon to argue in support of the Democratic challenge to Mackaman's nominating petitions. Simon, however, did not even attempt to substantiate the allegations contained in the objection filed by the absent Parr. He merely declared that he stood by her challenge. As the hearing proceeded, it became clear that Simon was unfamiliar with the substance of the challenges to Mackaman's signatures contained in Parr's objection.

Mackaman was then invited to make a statement. The SEP candidate proceeded to outline the fundamental issues of democratic rights at stake in the Democrats' attempt to exclude him from the ballot, and to call for their challenge to be rejected.

He then reported the results of a partial check of challenged signatures carried out by himself and his supporters in the short space of time between his notification of the Democrats' objection and the holding of the hearing. This review, he said, showed that a substantial majority of the challenged signatures were, in fact, valid, demonstrating not only the fraudulent basis of the objection from a factual standpoint, but also the fact that it was lodged in bad faith.

He singled out several egregious examples of bogus challenges, including an attempt, false on its face, to disallow entire sheets of signatures on the grounds that they were not notarized. He also noted that Parr had alleged that some of the signatures were forgeries, a serious charge for which she provided no evidence.

Mackaman then explained that he had only received the paperwork listing the specific challenges to signatures on July 2, giving him and his supporters only three days to examine and refute them—days that coincided with a three-day holiday weekend when all election offices were closed. As a matter of elementary fairness, he requested that he be given more time to check the challenged signatures and an opportunity to obtain legal counsel.

The SEP candidate then discussed the broader context of efforts by both the Democratic and Republican parties in Illinois to exclude third-party and independent candidates, including Ralph Nader, the Green Party and the Libertarians.

He concluded by declaring the intention of himself and the SEP to bring legal action, if necessary, to defend his rights and those of the more than

2,000 Champaign-area voters who signed petitions to place a socialist, antiwar candidate on the ballot.

All of those in attendance listened intently to Mackaman's statement, which he gave without interruption.

Asked to respond, attorney Simon ignored the questions of democratic rights raised by Mackaman as well as the SEP candidate's specific rebuttals of Parr's objection. Instead, he charged that the SEP candidate was debunking the validity of the hearing and the legal process for challenging nominating petitions.

At that point, one of the members of the county election board, Assistant State's Attorney Bill Gaston, intervened to refute Simon's characterization of Mackaman's position, pointing out that Mackaman had not challenged the validity of the hearing or the process, but rather the validity of Parr's objection. "We need to find out if the objector's claims are accurate," he said.

Gaston then challenged the claim in the objection that signatures had been forged. He asked Simon what basis he had for such allegations. The attorney was unable to provide any such basis, merely citing the existence of legal precedents defining acceptable signatures. Asked to cite specific legal cases, Simon was unable to provide any.

The discussion then moved on to challenges under the heading "not registered at address shown," which accounted for the bulk of the Democrats' allegations of invalid signatures. County Clerk Shelden cited one petition sheet on which all 20 signatures, including two that had already been crossed out by Mackaman, were declared invalid by the Democrats. Raising Mackaman's charge of "bad faith," Shelden sarcastically asked Simon whether he believed SEP canvassers had solicited signatures "at a grade school."

Simon replied: "I would take Parr at her word."

Mackaman pointed to another petition sheet on which signatures challenged by the Democrats had already been crossed out by his campaigners. Shelden agreed that such objections should be subtracted from the total of alleged invalid signatures, and added that he would disallow challenges based on claims that sheets were not notarized, as well as a separate challenge based on the charge that the petitioner was not a registered voter. He pointed out that in Illinois a petitioner need not be a registered voter, but simply a US citizen of voting age.

It also emerged in the course of the hearing that the Democrats had counted blank spaces on uncompleted petition sheets as invalid signatures.

Shelden addressed the claim of the Democrats that Mackaman required 1,409 valid signatures, rather than the figure of 1,344 listed on the Illinois Election Board web site. He asked Simon where Parr had come up with the figure of 1,409, and the attorney admitted he did not know.

Shelden went on to calculate the correct signature requirement, based on Illinois election laws, and concluded that the state's figure was too high. He said the county would require a total of 1,325 signatures.

Taking into consideration challenges to signatures that it considered patently false, the election board reduced the number of challenged signatures from 1,021 to 1,007.

The net result of the proceedings is that the SEP campaign need only show that 343 of the 1,007 challenged signatures are valid. Given the failure of the Democratic objectors even to make an argument in support of their contentions, and the obviously arbitrary character of many of their specific challenges, there can be no doubt that an objective examination of the challenged signatures will result in the rejection of their attempt to bar Mackaman from the ballot.

Nevertheless, the very fact that Mackaman and his supporters, all of whom are volunteers and most of whom, like the candidate himself, hold full-time jobs, will be required to devote many hours monitoring the county board's review and challenging attempts by the Democrats to invalidate signatures is itself an unfair and undemocratic burden.

The SEP and its candidate are prepared to participate in this process in

order to secure ballot status and beat back the reactionary machinations of the Democrats. We will also, if necessary, take legal action, should the election board ultimately rule in favor of the Democrats.

But the only correct response to such a bad faith challenge is to reject it and uphold the rights of the candidate by placing him on the ballot. It is a travesty of democracy that independent and third-party candidates should be confronted with excessive and arduous ballot requirements in the first place, and then, having met them, face further obstacles thrown up by corrupt political machines that abuse the election laws to thwart political opposition and choke off any serious political debate.

The Socialist Equality Party therefore calls on all of its supporters, all readers of the *World Socialist Web Site*, and all those who defend democratic rights to continue and intensify the campaign to defeat the Democratic Party attack and place Tom Mackaman on the ballot. We reiterate our call for joint action with other third parties seeking to defeat anti-democratic challenges by the Democratic and Republican parties.

Continue to flood the county clerk's office in Champaign County, Illinois with protests calling for the Democratic challenge to be thrown out and for Tom Mackaman to be placed on the ballot. Send emails to Champaign County Clerk Mark Shelden's office at: mail@champaigncountyclerk.com.

Please send copies of emails to the *World Socialist Web Site* at editor@wsws.org.

Make a financial contribution to support the SEP campaign—donate online.

See Also:

Statement of SEP candidate Tom Mackaman to Champaign County, Illinois Election Board

[7 July 2004]

Illinois Democratic officials use legislative staffers to attack third-party campaigns

[6 July 2004]

Stop the Democratic Party's attack on third-party campaigns! Place SEP candidate Tom Mackaman on the ballot in Illinois!

[3 July 2004]



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