Democrats' stalling delays official ruling

Review upholds SEP ballot petitions in Illinois

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The following is an initial report on the Champaign County Electoral Board hearing on July 27, which examined the objections filed by the Democratic Party against more than half the signatures submitted by the Socialist Equality Party to place its state legislative candidate, Tom Mackaman, on the ballot in Illinois' 103rd District. Further articles and commentaries will be forthcoming.

After an extensive review of the objections filed by Illinois Democratic Party officials against the nominating petitions of Socialist Equality Party state legislative candidate Tom Mackaman, the Champaign County Clerk concluded Wednesday that the SEP candidate had enough signatures to be placed on the ballot in the November elections.

The county clerk, who is a member of the Champaign County Electoral Board, was delegated by the board to conduct the review and make a recommendation to the full board, which is authorized to rule on the Democrats' challenge against Mackaman's nominating petitions.

Continued obstruction by the Democrats, however, could delay official certification of the SEP candidate at least until August 2, when the electoral board reconvenes. Andrew Spiegel, the attorney representing Mackaman and the SEP, has formally requested that the Democrats withdraw the objector's petition prior to the hearing, since the SEP already has enough certified signatures to qualify for the ballot.

On Tuesday, July 27, an attorney for the Illinois Democratic Party conducted a last-ditch effort to keep Mackaman off the ballot at a hearing of the electoral board at the Champaign County courthouse in Urbana. In the course of the day-long proceedings, the Democratic attorney was forced to concede that at least 252 of 474 objections—which had already, in a previous review, been rejected by the county clerk—were unsustainable, i.e., that the signatures were, in fact, valid. Nevertheless, she continued to object to more than 220 signatures that had earlier been ruled valid by the county clerk.

According to the official tally from County Clerk Mark Shelden, the SEP now has 1,325 valid signatures, the exact number required to put Mackaman on the ballot for the November election. In addition, he is recommending the rejection of 199 of the Democrats' remaining objections, bringing his count of valid signatures submitted by the SEP to 1,524.

Even were the electoral board to uphold all of the Democrats' remaining objections—which is extremely unlikely—the SEP would have to enough signatures to be placed on the ballot.

The latest round of Democratic objections is just as groundless as those previously rejected. It includes the attempted disqualification of petition signers who used their maiden name or a middle name instead of their first name, or who omitted an apartment number from their address.

The attorney continued to challenge the validity of Tom Mackaman's own signature—claiming there existed at least a theoretical possibility that the petition he signed had been circulated before he registered to vote.

The crude efforts by the Democrats to disenfranchise legally registered voters gives the lie to the hypocritical statements by Al Gore and other Democrats at their national convention that "every vote counts." Behind the hoopla and scripted speeches in Boston lies the reality of the Democratic Party's contempt for democratic rights and political choice, which is on display in Illinois and other states across the country where the party machine, in order to exclude socialist and independent antiwar candidates from the ballot, is employing the same undemocratic methods as those used by the Republicans in 2000 in Florida.

In addition to their effort to remove the SEP from the ballot, the Illinois Democrats are challenging more than 20,000 of the 32,000 signatures submitted by supporters of independent presidential candidate Ralph Nader. State employees from the staff of House Speaker Michael Madigan have been used in these challenges, in violation of the spirit, and most likely the letter, of the state election code and the State Employees and Officials Ethics Act, which prohibit such activity by publicly-paid state employees.

Mackaman has formally requested that the Illinois inspector general initiate an investigation into the Democrats' potentially criminal breech of these laws.

The convening of the hearing on Tuesday was postponed for three hours while the electoral board reviewed and overturned objections filed by the Democrats against several local Green Party candidates in Champaign-Urbana. The board rejected challenges to signatures collected by the Green Party candidates that were lodged on trivial grounds, such as missing apartment numbers, and decided to place the Greens on the November ballot.

Once the Mackaman hearing convened, the first order of business was consideration of a "motion to strike and dismiss" the objections of the Democrats. The motion was filed by the attorney for the SEP, Andrew Spiegel. In his remarks, Spiegel reviewed the bad-faith campaign of disruption carried out by the Democrats and their use of state employees to mount their challenge against the SEP candidate.

"There is no question that the two people who initially copied and reviewed (the petitions) are on Speaker of the House Madigan's staff," Spiegel said. He also cited Kristen Bauer, legal aide to the incumbent state legislator for the 103rd District, Democrat Naomi Jakobsson, as being in violation of the state election code. He called on the election board to exercise its authority by dismissing the Democratic objection.

He then offered as examples of the arbitrary and slipshod character of the Democrats' objections their deliberate falsification of the total number of signatures required, and their padding of the number of objections by counting blank spaces on petition sheets as invalid signatures.

After noting that County Clerk Shelden had thrown out a large proportion of the objections after a simple review of the voter registration rolls, Spiegel said, "If the objectors had actually looked at the records, they would never have filed these objections in the first place." He concluded that the electoral board had the authority to throw out "shot-gun" and bad-faith objections and impose sanctions on the Democrats, who, he said, had attempted to "stand the whole electoral process on its

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head."

The Democrats' attorney, Keri-Lynn Krafthefer, a Chicago lawyer who has represented both Michael Madigan and the DuPage County Republicans in the past, made no effort to refute the facts. Instead, she argued that the electoral board did not have the power to throw out the objections, even if there had been violations of the state election code and the State Employees and Officials Ethics Act, because other bodies, including the state inspector general, had to investigate such wrongdoing.

Attempting to minimize what she admitted was potentially criminal activity, she said that if the objection was thrown out because of such violations, it would be akin to striking an objection because "an objector had been speeding on the way to the filing."

The electoral board then voted 3-0 against the "strike and dismiss" motion, with Shelden claiming that the board did not have the authority to dismiss the objector's petition or impose sanctions on the grounds that the objection had been filed in bad faith. The county clerk acknowledged that it might be prudent to adopt rules, as other administrative bodies had, to toss out bad-faith objections, but he said no such rules existed at present.

As Krafthefer proceeded to argue for a further review of signatures that the county clerk had previously validated, it became obvious that she had no factual basis for continuing to challenge the signatures. The attorney's arguments took on a farcical character as she attempted to invent new reasons for striking the signatures of registered voters.

At one point she came up with a novel theory that there was no way of knowing when voters had signed their registration cards, at which point the county clerk pointed out that the date on which a person registered or re-registered at a new address appeared on the print-outs the Democratic objector had been given by the clerk's office.

In an effort to drag out the process, Krafthefer asked the electoral board to grant her several more days, or even weeks, to study the registration records, because she had only seen the registration information for the first time the previous weekend.

Rejecting this demand and pointing out that it underscored the bad-faith character of the objection, Tom Mackaman, who was seated with his lawyer in the courtroom, said, "The counsel is now asking to do what the Democrats should have done from the beginning."

When asked by the county clerk what other objections she intended to pursue, Krafthefer said she would oppose signers registered at the same address as that appearing on their registration forms, but with "different names." As a hypothetical example, she cited a "person named Mary Williams who signed her petition Ann Williams, but her registration card has her listed as 'Mary A. Williams.'"

Spiegel argued that it would take only a few hours to go through and resolve every disputed signature and that only 10 or 12 of the objections that had previously been denied could possibly be construed as valid. He said the SEP was 223 signatures over the threshold and these few would not matter. Therefore the matter should be concluded today, he said.

The board then acceded to a request by Krafthefer that a line-by-line check of the contested objections be conducted by the county clerk, in the presence of herself and a representative of the SEP. This procedure had been scheduled for the previous week, but was postponed because the attorney claimed she was not ready.

What followed was a six-hour review of objections that had already been exposed as spurious. After the first three hours, the SEP gained another 105 signatures and lost only 4, bringing it to within 152 of the 1,325 signatures required for ballot status. Nevertheless, the Democrats' attorney continued to stall and convinced the board that a final determination could not be made that day.

In protest, Tom Mackaman declared, "The objector's petition was filed by Geraldine Parr, the vice-chair of the Champaign County Democrats. She has never bothered to show her face. From the very beginning, they have had access to the same voter registration information that we had. But all along they ignored it. In the initial line-by-line review, their petition checkers were given written orders to uphold every challenge, even in the face of evidence that they were rejecting valid voters.

"The whole Democratic machine has been mobilized to try to drain our resources and take time away from me which I could be using to campaign. On the night my opponent Naomi Jakobsson threw a party to celebrate the opening of her campaign headquarters, my supporters and I had to go through page upon page of signatures to prepare for the inevitable next round of Democratic obstructionism."

Mackaman concluded by demanding that the electoral board put an end to this undemocratic effort immediately and allow him to campaign for his policies and views.

While the board rejected this request and decided to continue the review, by the time the process was completed the Democrats' attorney had withdrawn enough challenges to bring the total number of validated signatures to 1,325—the exact number required to achieve ballot status. Nevertheless, as of this writing, there will be no official ruling by the electoral board until the next hearing, set for August 2.

The SEP urges readers of the WSWS and all those who defend democratic rights to call on the Champaign County Electoral Board to throw out the objections by the Democratic Party and place Tom Mackaman on the ballot. Please send all emails to: 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:

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[29 July 2004]

Open Letter to the workers and students of Champaign-Urbana, Illinois, from SEP candidate

Oppose the Democratic Party's attack on voters' rights

[24 July 2004]

Motion to dismiss Illinois Democrats' challenge to SEP candidate

[22 July 2004]

SEP defends ballot status for third-party candidates

Press conference denounces Illinois Democrats' effort to remove Nader from ballot

[20 July 2004]

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

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