

# SEP files challenge to place candidates on Ohio ballot

**Jerry White**  
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The Socialist Equality Party on Wednesday responded to the efforts of election authorities in Ohio to bar its presidential and vice-presidential candidates from the ballot by submitting proof to the Secretary of State's office that at least 1,230 of the nearly 4,200 signatures on nominating petitions disqualified by county officials were those of legally registered voters.

These findings, the results of a preliminary examination conducted over several days by the SEP, demonstrated the anti-democratic and dishonest methods used by county election boards—in the main controlled by the Democratic Party—to disenfranchise voters and deny ballot access to the SEP candidates.

The recovered signatures, added to the 3,811 not challenged by county officials, give the SEP more than the 5,000 signatures needed to place Bill Van Auken and Jim Lawrence on the November 2 ballot for president and vice president.

On the same day that the SEP filed its challenge with Ohio election authorities, the party filed suit in federal court to compel the secretary of state to place Van Auken and Lawrence on the ballot.

The results of the SEP's preliminary review of nominating petitions were delivered to the office of the Secretary of State in Columbus shortly before the deadline of 5 pm Wednesday set by Secretary of State Kenneth Blackwell for the SEP to respond to the ruling barring its candidates. According to a representative of the office, a panel of election officials will review the evidence and deliver its decision promptly.

Also on Wednesday, an attorney for the SEP filed a motion in US District Court in Columbus seeking a temporary restraining order against Blackwell and ordering him to immediately place Van Auken and Lawrence on the ballot. The motion argues that the candidates' constitutional rights were violated by the unreasonable procedural obstacles imposed by Blackwell's office, which oversees the Ohio Board of Elections and which prevented a complete review of the disqualified signatures.

These obstacles included the six-day deadline set by Blackwell's office for SEP checkers to complete a line-by-line examination of more than 400 petition sheets and collect voter registration information from Ohio's 60 counties. The SEP would have had no time to mount a challenge had it been left up to the Secretary of State's office. The SEP only learned of

Blackwell's ruling when an SEP representative phoned the Ohio Board of Elections on the afternoon of September 9.

The official notification from Blackwell's office did not arrive at the home of Jim Lawrence until 4 pm Wednesday afternoon, one hour before the deadline for challenging the ruling!

In a hearing conducted by telephone Thursday morning with US Judge Gregory L. Frost, the attorney representing the SEP, Robert Newman, argued that the deadline, as well as other obstacles, including outdated and mistake-ridden voter registration rolls provided by state and local authorities, deprived the SEP of adequate time and a reasonable opportunity to document the errors in the validation process.

Newman also challenged the secretary of state's review process, which is to be held behind closed doors, with no opportunity for the SEP to present arguments opposing the decision of state election authorities to bar its candidates.

The attorney for the Secretary of State's office did not answer these charges. Instead, he claimed that Ohio's ballot access laws "were not onerous at all," and made the slanderous allegation that the SEP was attempting to "short circuit the process by getting a federal judge to put the party's candidates on the ballot without attempting to meet the signature requirements."

The SEP has meticulously followed all of the legal requirements from the very beginning. Rather than conducting an objective review of the SEP petitions to determine whether the party had sufficient support to be placed on the ballot, state and local election officials set out to exclude as many signatures as they possibly could, striking the signatures of registered voters either on the basis of trivial technicalities or on no basis whatsoever.

This brazen attack on the voting rights of Ohio residents was then given the official stamp of approval by the secretary of state.

In his motion for a temporary restraining order, Newman cited the 1980 decision of US Judge Newell Edenfield ordering the state of Georgia to put independent candidate John Anderson on the ballot after his petitions were determined to contain several thousand invalid signatures. In that case, the federal judge ruled that the eight-day deadline imposed by

authorities in Georgia, and the attempt to place the burden of proof on Anderson, violated the candidate's right to due process.

Noting that the SEP faced an even more onerous deadline, the motion stated it would serve the public interest if the court granted an injunction to "ensure obedience to the Constitution" and to permit "the residents of this State to exercise their First Amendment right to vote for candidates who represent their views or to run for office as an alternative political party candidate."

The motion concluded, "The right to vote, which ranks among our most precious freedoms, must prevail at this point over the niggling and now irrelevant questions as to whether a signature appears to be printed, or the signer's address is his or her old address, or the circulator witnessed that he had 16 signatures when the petition contained 15 or 17."

A decision by Judge Frost, a recent Bush appointee, is expected as early as Friday.

In a letter to Secretary of State Blackwell, which accompanied the SEP's findings, SEP Vice Presidential candidate Jim Lawrence said the claim that less than half of those who signed the SEP petition were registered to vote was absurd on its face. He noted that the proportion of voting-age residents who were registered to vote in the 2000 presidential election was 89 percent. That figure, he stated, had probably increased for the 2004 election, as both the Democrats and Republicans have mounted well-financed registration drives. Moreover, the registration rates in the counties where the SEP did the bulk of its petitioning—Cuyahoga (Cleveland), Franklin (Columbus), Lucas (Toledo), Montgomery (Dayton), Trumbull (Warren-Youngstown) and Hamilton (Cincinnati)—are consistently higher than the state average.

In its preliminary examination of the challenged signatures in these counties, the SEP recovered 30-40 percent of the disqualified signatures.

The only plausible explanation for the wholesale disqualification of voters is political bias, primarily on the part of the Democratic Party, which has focused its fire not on the right-wing policies of the Bush administration, but on anti-war candidates and independent and third-party candidates who seek to challenge the political monopoly of the two major parties of American big business.

Beyond the immediate electoral maneuvers of the Democrats, who have resorted to the most sordid methods to exclude not only the SEP, but also the independent candidacy of Ralph Nader, the systematic effort to keep third-party candidates off the ballot reflects the bipartisan consensus of the Democrats and Republicans, the media and the corporate establishment that any political alternative to the two major parties is illegitimate. The ruling elite in the US is determined to constrain all political debate and activity within the stifling and reactionary straitjacket of the two-party system.

Jim Lawrence told the *World Socialist Web Site*, "It is clear

that the entire campaign to keep the SEP off the ballot is a reflection of the lack of real support for both the Democratic and Republican parties. In their effort to arbitrarily throw out SEP signatures, election officials disqualified the signatures of many of my neighbors, claiming they did not live at their addresses or that their signatures were not "genuine" because they were printed.

"My neighbors have expressed anger and disgust over the attempt to deny the SEP ballot status by such means. They have responded by signing legal declarations that they are indeed registered voters. A number of my fellow auto workers have done the same. Many others would have signed such declarations, were it not for the patently unfair deadline imposed by the state.

"The exclusion of poor working class people, who are obliged to frequently change their addresses, penalizes them for the miserable conditions created by capitalism. These methods remind one of the poll tax and literacy tests in the Old South, which were used to exclude blacks from voting. Today, similar methods are being used to disenfranchise working people who understand that Kerry represents no real alternative to Bush, and who are looking for a party that fights for their basic needs—for an end to the war, for decent jobs and pay, and for a future for their children."

The SEP calls on all readers of the WSWWS and all supporters of democratic rights to demand that the Ohio Secretary of State's office place Bill Van Auken and Jim Lawrence on the statewide ballot. Send e-mail messages of protest to:

Kenneth Blackwell  
Ohio Secretary of State  
election@sos.state.oh.us

Please send copies to editor@wsws.org



To contact the WSWWS and the  
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