

State election authorities to review Democratic Party challenge to SEP petitions in Illinois

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On Tuesday, August 1, the Illinois State Board of Elections will begin a “records examination” of the objections filed by the Illinois Democratic Party against the nominating petitions of Socialist Equality Party state senate candidate Joe Parnaruskis. This process, which will take place at the election board’s offices in the Illinois capital of Springfield, will involve comparing the signatures and addresses of thousands of voters who signed the SEP petitions to information on voter registration lists maintained by the Board of Elections.

The state election board—a body made up of four Democrats and four Republicans—made the decision to proceed with the records examination despite clear evidence that the Democratic objection had no basis in fact. Like a similar objection against the SEP candidate for state legislature in 2004, it is a bad-faith effort aimed solely at barring a socialist candidate from the ballot.

During the records examination SEP volunteers will act as “watchers” as election officials, working on five computer terminals, rule on whether to sustain or overrule the objections made by the Democrats to nearly half of the 4,991 signatures submitted by the party. It is expected that the Democrats will uphold hundreds of their objections, even in the face of clear evidence to the contrary, in order to further drag out the process to include such activities as using handwriting experts and obtaining affidavits from voters to verify their signatures and addresses.

In 2004 Democratic Party watchers were given explicit instructions to uphold every objection, and went so far as to object to the signature of a county clerk employee who was doing the record examination, as well as the signature of Tom Mackaman, the SEP candidate himself. Their obstruction was so obvious the Champaign County Clerk denounced the effort as “purely a harassment challenge,” adding that he would have awarded attorney’s fees to Mackaman if there were a legal provision to do so.

The Socialist Equality Party calls on all of its supporters and every one who defends basic rights to denounce this travesty of democracy and send letters of protest to the Illinois State Board of Elections at: webmaster@elections.state.il.us

On June 26, the SEP filed 4,991 signatures, well beyond the 2,985 required by state law, to place a new party candidate on the ballot for state senate in the 52nd Legislative District. On July 3, two Democratic committeemen from Danville, Illinois—Gregory Lietz and John Dreher—filed an objection against nearly half of the signatures on the nominating petitions and, claiming that Parnaruskis’s supporters had not collected enough valid signatures, requested that the election board not place his name on the ballot for the November elections.

Although the numbers are still fluctuating according to the State Board of Elections, the Democrats have objected to at least 2,330 signatures. This includes 1,874 which the Democrats allege belong to persons who

are not registered at the address listed next to their signature; 12 signatures that are “not genuine” (a slander, meaning these signatures may have been forged); and another 323 belonging to persons allegedly living outside the 52nd District. The Democrats also claimed that 21 signatures had incomplete or missing addresses, five belonged to persons who signed the petition more than one time, and 95 signatures were printed, not written. The latter so-called violation is not even accepted as a legitimate objection, according to State Board of Elections rules.

Attorneys for the Democratic Party are arguing that “printed, not signed” objections should be upheld. In addition they are demanding that 44 sheets of petitions—including more than 400 signatures—be tossed out entirely because the heading on the petition listed the office Parnaruskis is running for as “State Senate,” not “State Senate—52nd Legislative District.” The Democratic Party claims this omission on less than 10 percent of the petitions circulated by the SEP is proof the party was “misleading” voters about what office Parnaruskis is seeking. Every petition, however, begins with the preamble “We, the undersigned, qualified voters of the 52nd State Senate Legislative District...”

Although the number of objections is still being disputed, the SEP must “recover” somewhere between 350 and 550 signatures from the more than 2,300 to which objections have been filed.

An internal examination of the objections conducted by the SEP has revealed that the Democrats have indiscriminately objected to signatures of several hundred legitimately registered voters. Working with limited resources and inadequate databases supplied by the state election board, SEP supporters have spent more than 100 man-hours verifying the names and addresses of petition signers. With three quarters of the petition sheets examined, the SEP has found more than 500 of the challenged signatures belong to voters whose information on the petition perfectly matches the information on their voter registration rolls. Hundreds of signers the Democrats claimed were registered at different addresses, were, in fact, registered at the exact same address they placed next to their signatures. Others, whom the Democrats claimed lived outside of the 52nd District, are registered in the proper district.

The only explanation for this behavior, which cannot be explained as anything less than a criminal violation of the rights of the people of Illinois to vote for a candidate of their choice, is that the Democrats were arbitrarily striking out signatures in order to bring the number below the threshold needed to place Parnaruskis on the ballot.

Beyond the indiscriminate character of their objections it appears that the Democratic Party filed many of its challenges based on outdated voter information from Champaign County, where the SEP collected the vast majority of its signatures. More than 60 voters found to be registered at a different address on the database used by the Democrats were actually registered at the address they placed next to their names, according to an

updated version of the database provided by Champaign County officials. The fact that the Democrats did not bother to get up-to-date information only underscores their contemptuous attitude to voters and should be grounds enough to throw out their objection.

Based on the initial data uncovered by the SEP two weeks ago, Andrew Spiegel, the attorney representing the SEP, filed a Motion to Strike and Dismiss on July 11, calling on the State Board of Elections to toss out the Democratic objections and place Parnaruskis on the ballot. Spiegel argued that the SEP had gathered enough evidence of the bad-faith character of the Democrats' objection to preclude a lengthy and costly "records examination" process, and that the record of such fraudulent challenges, including against Tom Mackaman in 2004, placed the onus on the Democrats to prove the validity of their challenge before proceeding with the records examination.

In his reply to Spiegel's motion to dismiss, Courtney Nottage, the attorney for the two Democratic objectors, ignored the evidence of election fraud by his sponsors and argued instead that dismissing the objection would violate the "rights" of his clients to challenge the petitions of third party candidates. "To suggest that the objections now at issue are nothing more than harassment," the attorney stated, "ignores the historical statutory rights of the Objectors, and the precedent of those who have invoked these rights in the past, to ensure that only qualified candidates gain access to the ballot, which is truly an important aspect of the electoral process and the representative form of government as we know them today."

The only "precedent" the Democrats and Republicans have established is to use the most illicit and base means to deprive third party candidates access to the ballot, in order to uphold the two-party monopoly and confine political debate in this country to what is acceptable to the corporate interests that bankroll both big business parties. The disenfranchisement of tens of millions of citizens is presumably what the Democratic Party attorney means by upholding the "electoral process and the representative form of government as we know them today."

The Illinois Democrats are employing experienced legal thugs to pursue its challenge against the Socialist Equality Party. Nottage, who works for a top Chicago law firm, Fletcher, Topol, O'Brien & Kasper, has conducted dirty work for the Illinois Democrats in the past—including the exclusion of independent presidential candidate Ralph Nader from the state ballot in 2004. During the 1990s he was the chief legal counsel and then chief of staff for the current Illinois State Senate President Emil Jones, Jr., one of the top Democratic machine politicians in the state, and the "political godfather" of US Senator Barack Obama. Nottage also served as a technical review lawyer for the speaker of the Illinois House of Representatives, Michael J. Madigan, another state Democratic powerbroker.

Nottage is serving as co-counsel with Michael Kasper, the top attorney for the Illinois Democratic Party, who personally led the campaign to keep Nader off the ballot in 2004, and who is leading the effort this year to keep the Illinois Green Party's entire statewide slate off the ballot.

The Greens, who have submitted over 30,000 signatures to place their candidates, including gubernatorial candidate Rich Whitney, on the ballot have also presented evidence of thousands of bad-faith objections, including a challenge to Whitney's own signature. Party supporters say they have recovered up to three-quarters of the signatures challenged by the Democrats in cities such as Rockford, Illinois, including those of prominent community leaders. Nevertheless, the hearing examiner appointed by the State Board of Elections indicated that she did not believe a 77 percent rate of unjustified objections indicated that the Democrats had filed a bad-faith challenge. To prove this, she said, the Democrats would have had to have challenged virtually every one of the more than 30,000 signatures filed by the Illinois Greens.

The Republicans on the State Elections Board have collaborated with

the Democrats in depriving the rights of the SEP and the Greens and upholding the entire undemocratic conspiracy used to exclude third party candidates.

On July 19—after learning that the State Board of Elections would not even begin the records examination process until August 1, reportedly because the state board had not updated its registration rolls since 2003—SEP attorney Andrew Spiegel filed a motion calling for the relocation of the records examination to the Champaign County Clerk's office, which has an updated version of the registration rolls. In his motion, Spiegel asked for a "random sampling, rather than a full records examination," in order to "assist the parties in determining whether the current objectors' petition has been prepared in good faith and not for the purposes of harassment, a real concern in view of the bad faith objectors' petition filed against SEP candidate Thomas Mackaman in 2004 by minions of the Democratic Party and in view of the present assessment of the lack of merit in the vast majority of the objections in this case."

The SEP attorney also argued that both Joe Parnaruskis and most of his volunteers who would be acting as "watchers" during the records exam are located in Champaign County or nearby and it would represent a great inconvenience to them to make the daily three- to four-hour round-trip to Springfield. The SEP candidate, Spiegel noted, is a full-time nurse at a mental health facility in Champaign County and should not be far from the facility for any extended period of time at this juncture. "In these circumstances," the SEP attorney stated, "it would amount to a denial of due process to delay the records examination for nearly two weeks when a random sampling of the challenged signatures, undertaken now in Champaign County, could very well obviate the need for a full records exam and allow the candidate to focus his available time and resources on campaigning, rather than on this exercise."

Despite this record of trampling on the democratic rights of voters and the damning evidence compiled by the SEP, David Herman, the Republican attorney assigned to the SEP case by the election board, ruled against Spiegel's motion. On July 21, Herman wrote that there was "no statutory basis to order a random sampling of the objections to occur in Champaign County, and to do so would be in direct violation of statute." While ignoring evidence of repeated election fraud by the Democrats, Herman acknowledged, "each and every objection asserted by the Objectors in this matter may not be sustainable." Nevertheless, he said, the objection had been filed based on requirements set forth in Illinois Election Code, and that "The State Board of Elections cannot make a determination as to whether each and every objection should be overruled or sustained unless a full records examination is conducted."

In a particular bit of cynicism Herman claimed the request to move the records exam ignored the "expense and extreme inconvenience of transporting staff and equipment" to Champaign, while saying nothing of the burden placed on Parnaruskis and the SEP, let alone the cost in time, manpower and financial resources the entire antidemocratic process places on any third party candidates challenging the two-party dictatorship.



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