

Election board to rule on ballot status of Illinois SEP candidate

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The Illinois State Board of Elections held its last hearing on Thursday before it renders its decision August 31 on whether Socialist Equality Party state Senate candidate Joe Parnarauskis should be placed on the ballot.

At the hearing, the Illinois Democrats again failed to prove their contention that the SEP did not have enough valid signatures to participate in the November elections, despite two months of scrutinizing the nominating petitions submitted by the SEP on June 26.

The proceeding before a board-appointed hearing examiner involved a review of legal arguments from the SEP and the Democratic Party, as well as evidence aimed at either increasing or decreasing the number of signatures the board has determined are valid.

At the beginning the month, the board determined that the SEP had 3,222 valid signatures, well above the 2,985 required to place Parnarauskis on the ballot in the 52nd District, which includes Champaign, Urbana and Danville in east central Illinois. At the hearing Thursday, the Democrats were able to reduce the SEP signature total by a mere 20, while the SEP restored the signatures of 27 voters that had been improperly disqualified during the records examination. At the end of the hearing the total number of valid signatures rose to 3,229—244 above the requirement.

The entire case of the Democratic Party now hinges on its efforts to throw out dozens of petition sheets containing the names of individuals who have already been proven to be legally registered voters. The pretext is the most petty of technicalities—the fact that 44 out of the 521 petition sheets submitted by the SEP list the office sought by Parnarauskis as “State Senator,” instead of “State Senator—52nd District.” If this objection is successful, the SEP will lose 295 signatures, bringing its total to 2,934, or 51 below the minimum.

Democratic Party attorneys claim the SEP “misled” voters by not including the district on these sheets. The argument is absurd on its face, since SEP supporters were petitioning in the self same district, and every petition sheet begins with: “We, the undersigned qualified voters of the 52nd State Senate Legislative District.”

At Thursday’s hearing, Parnarauskis testified that SEP supporters passed out thousands of fliers identifying him as a

candidate in the 52nd District and presented the hearing examiner with one of the handbills as evidence.

Pointing to the specious character of the Democrats’ argument, Andrew Spiegel, the attorney representing the SEP, said that every one of the thousands of objections filed by the Democratic Party should be thrown out because the Democrats incorrectly named the SEP candidate as “John,” instead of “Joe” Parnarauskis. In response, the Democratic attorney argued his clients’ objections should not be dismissed simply because of a “clerical error.”

The hearing examiner, David Herman, postponed any decision on this crucial question until he issues his final recommendation next week. Although he has indicated he will not throw out these petition sheets, the final decision on the matter rests with the State Board of Elections—a body made up of four Democrats and four Republicans with a long history of ruling against third-party candidates. The board will make its ruling August 31.

Courtney Nottage, an attorney for the Democrats, has already said he would “absolutely” go to court if the election board admitted the 44 sheets and voted to place the SEP candidate’s name on the ballot. A ruling by the Circuit Court of Sangamon County could take up to 30 days, and, if the Democrats lost, they would likely challenge the decision in appellate court.

It is clear the Democrats are willing to spare no expense to drag out this process—which began with their July 3 challenge to more than half of the nearly 5,000 signatures submitted by the SEP—in order to bar Parnarauskis from the ballot, or at the very least, tie up the party’s financial and human resources during the months leading up to Election Day.

Also representing the Illinois Democrats at the hearing was Michael Kasper, the party’s chief legal counsel and treasurer, who personally led the effort to bar independent presidential candidate Ralph Nader from the Illinois ballot in 2004 and is attempting to do the same thing this year against the entire Illinois Green Party slate. Both Kasper and Nottage work for a major corporate law firm in Chicago and enjoy close ties to leading Democratic politicians in the state, including state House Speaker Michael Madigan and state Senate President Emil Jones.

Kasper told this reporter he is “only a lawyer, doing what he

is retained to do.” In fact, his Democratic Party retainers have ordered Kasper to challenge every signature gathered by the SEP.

In the course of Thursday’s hearing, the Democrats attempted—and failed—to strike the signatures of scores of voters who had printed their names instead of signing them in cursive. When Kasper was caught attempting to throw out the name of one “out of district” voter who had already been stricken by the election board, he lamented, “Hell, it’s worth a try.”

Kasper argued that a person who signed a voter registration form when he renewed his driver’s license was not actually a registered voter, but only an “applicant” until some undisclosed time when the “government checks the information.”

By the end of the seven-hour process, Kasper announced cynically that the entire day’s work—just one of the many forced upon the SEP by the bad-faith efforts of the Democrats—had netted the SEP only “one signature per hour.” In fact, despite utilizing a small army of attorneys and interns to dissect every signature on the SEP petitions, the Democrats have failed to achieve their aim.

In his conduct, the hearing examiner—a Republican—showed the unity of both big business parties against any challenge to their political monopoly, expressing his disdain for the democratic inclusion of as many voters as possible. For example, Herman ruled that the SEP could not gather any additional evidence showing that the election board had improperly disqualified voters. The SEP asked for additional time to find such voters, particularly since students at the University of Illinois were just returning from the summer break and classes would not resume until August 23.

The SEP prepared a list of 59 such voters for the hearing, along with affidavits and printouts of voter registration information. Herman ruled that this evidence was insufficient, siding with the Democrats, who questioned the registration dates on information from the Champaign County Clerk’s office. He then ordered that the dates be confirmed on the database maintained by the Board of Elections.

Once this began, however, Herman changed the rules of the game, and insisted that each signature had to be compared with the one on the state registration rolls. On this basis, Herman threw out half of the recovered voters, discarding names because a single digit was transposed, someone had used a nickname or maiden name when signing, or because his or her signature did not exactly match the one on the registration card.

The SEP attorney, Andrew Spiegel, presented an extensive legal argument challenging the restrictive signature requirements set by the state of Illinois for new political parties. Raising fundamental democratic issues, Spiegel argued that the signature requirements violated both the First and Fourteenth Amendments to the US Constitution—guaranteeing free speech, free assembly and the right to vote—as well as the state constitution’s guarantee of “free and equal elections.”

The Illinois General Assembly’s ballot access requirements

had repeatedly been found “constitutionally defective,” Spiegel said, citing several rulings by the US Supreme Court, including those involving the Communist Party and the Socialist Workers Party in the 1970s and 1980s.

He noted the ambiguous character of the election board’s requirement that new parties submit not less than 5 percent of the number of persons who voted in a particular district during the previous general election. This could be interpreted, the attorney said, to mean five percent of all the ballots cast in such a district, or five percent of the votes cast for the particular office being sought by the new party candidate.

For example, 100,000 people may have voted for governor in the 52nd district in the last election, and only 10,000 for state senator. Under the state’s provisions, the SEP had to collect five percent of the higher number.

According to the number of votes cast in the last election for state senator in the 52nd district, the signature requirement should be 2,882, not the 2,985 set by the state Board of Elections, Spiegel argued. Since Parnarauskis had already attained that figure—and would still have at least that many even if the board sided with the Democrats’ request to throw out the 44 petition sheets—the SEP candidate should be placed on the ballot, Spiegel said.

The Democratic attorney argued for the highest possible signature requirements. Herman, the hearing examiner, indicated he would support the Democrats on this matter, saying that if he granted the SEP relief it would require recalculating the minimum signature requirements in every legislative district in the state of Illinois.

At the conclusion of the hearing, Spiegel restated that the SEP had “far in excess of the incorrectly calculated minimum signature requirement” and that the Democrats’ frivolous objection should be thrown out.

The Socialist Equality Party calls on all its supporters and all those who defend democratic rights to flood the offices of the Illinois State Board of Elections with letters of protest demanding that it place SEP candidate Joe Parnarauskis on the ballot. Emails can be sent to the Illinois State Board of Elections at webmaster@elections.state.il.us. Please send copies of all messages to the WSWs.

The SEP and the *World Socialist Web Site* also call on all supporters and readers to donate to the SEP election fund to defray the costs of the fight against this antidemocratic process (Make a donation today!)



To contact the WSWs and the Socialist Equality Party visit:

wsws.org/contact