

SEP campaign for state Senate

American “democracy” on display in Oregon’s new ballot access law

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The petition campaign by the Socialist Equality Party to put Christie Schaefer on the ballot for state Senate in Oregon’s 19th District continues to win broad support in spite of obstacles imposed by the state’s political establishment.

Schaefer, a service worker from Portland, is seeking ballot status as an independent candidate in the November election. To place Schaefer on the ballot, SEP petitioners must collect signatures from 750 registered voters in the legislative district, which includes a section of southwest Portland and the suburbs of West Linn, Wilsonville, Lake Oswego and Tualatin.

The signature-gathering effort is facing additional hurdles as a result of a restrictive new measure enacted on a bipartisan basis by Republican and Democratic state legislators.

Lawmakers in 2005 quietly drafted a law to ensure that any effort to break the hold of the two major parties on political power would face even greater obstacles than those already in place. As previously reported by the *World Socialist Web Site*, the *Oregonian*, the state’s largest newspaper, played a crucial role in keeping this assault on voters’ rights virtually secret from the public until it had been signed into law by Gov. Ted Kulongoski, a Democrat. (See “Oregon Democrats, GOP join forces against independent candidates”.)

Prior to the law’s enactment in July 2005, any registered voter in Oregon could have signed nominating petitions being circulated by Schaefer or other independent candidates. Now, petitioners must exclude anyone who cast a ballot in a primary election.

The law originated as House Bill 2614 in early 2005. It was introduced by Mary Nolan, a Portland Democrat, and Republican Derrick Kitts, the majority whip in the Oregon House. Describing their plan at a hearing in March of that year, lawmakers and their supporters, including the League of Women Voters, made little attempt to hide what motivated them.

The bid by Ralph Nader supporters to nominate him as a presidential candidate on Oregon’s 2004 ballot had served as a reminder that someone working outside the two-party monopoly can affect the outcome of a race. This is something the two major bourgeois parties cannot tolerate.

The Democratic Party’s vociferous adherence to the principle of exclusion was illustrated repeatedly in the United States during the 2004 election. Nader’s bid to simply appear on the ballot was opposed by Democratic officials nationally and in several states. In Oregon, the Democratic Party pulled out all stops to block his candidacy.

Nader had two possible routes to the Oregon ballot, and he was unsuccessful in both. One required gathering 1,000 registered voters at

a nominating convention and obtaining their signatures. Democrats openly called on their supporters to attend the convention and then refuse to sign the petition. Moses Ross, an official with the Multnomah County Democrats, told the media that if as few as 100 Democrats participated, “it will accomplish our goal” of thwarting a Nader candidacy. The tactic worked.

Nader supporters then launched a broader petition campaign to collect the required 15,300 signatures. The Service Employees International Union (SEIU), which was backing Democrat John Kerry, took the unprecedented step of spending \$25,000 to block Nader by charging fraud on the part of his supporters, going so far as to send union “investigators” to the homes of Nader canvassers to warn them against falsifying signatures. No charges were ever filed.

The battle culminated in the state capitol of Salem, where Oregon’s top elections official, Democrat Bill Bradberry, threw out more than 2,300 voters’ signatures on technical grounds, including the fact that some petition sheets weren’t numbered properly. Although he was sharply rebuked by a county judge for exceeding his authority, Bradberry was ultimately supported by the Oregon Supreme Court, which ruled that Nader not be placed on the ballot.

The law approved by Oregon lawmakers in 2005 essentially was an attempt to accomplish by statute what previously had to be accomplished by more thuggish methods.

During one committee hearing on the bill, Rep. Derrick Kitts cynically offered a “hypothetical” example of the law in action: “If I voted in my Republican primary,” he explained to a fellow lawmaker who asked for clarification of the law’s impact, “I couldn’t go try to nominate Ralph Nader.”

Was this bill, then, a response to the “fiasco” inspired by Nader’s candidacy?

“No,” Kitts replied.

Mary Nolan, the bill’s Democratic co-sponsor, was more forthright in admitting that the legislation was a direct response to Nader’s attempt to intervene in the 2004 election. Finally, she offered the popular catch phrase that the bill’s supporters, including the League of Women Voters, disingenuously summoned to justify support for the bill.

“One person, one vote,” Nolan said. “This bill ensures that that same principle applies to nominating processes in which electors, voters, choose people who will be candidates for partisan offices.”

The arguments used to justify restrictions on who may sign an independent nominating petition reek of hypocrisy and reaction. Fundamentally, Democrats and Republicans in Oregon are attempting

to preserve the two-party monopoly whose appeal to voters is clearly on the wane.

One person, one vote? How, pray tell, does a registered voter's signature, followed by a street or mailing address, constitute a "vote" that is cast in a *secret* ballot?

Even if one accepts the premise that voters who cast a ballot in the primary ought to be prohibited from subsequently signing a candidate's nominating petition, an examination of Oregon's primary results in the gubernatorial race illustrates the reality that thousands of Oregon voters have been disenfranchised.

Consider the 371,063 people from Multnomah County, the most populous of Oregon's 36 counties, who were registered to vote in the May primary elections. Of that number, 187,244 voters were registered as Democrats; 80,607 were on the rolls as Republicans. For the moment, let's just deal with these voters.

The Democratic and Republican parties in Oregon have closed primaries, which means that only those with the proper affiliation get to vote for their party's nominees. According to final results from May's elections, only 76,377 Democratic voters cast ballots for one of three Democratic nominees: Kulongoski, the incumbent, or challenger Jim Hill or Pete Sorenson.

The Republican field was more crowded, with eight candidates vying for the right to run in November against the winner of the Democratic primary. In this primary, a total of 32,040 registered Republicans voted for one of the eight candidates or opted for the "write-in" option.

The Multnomah County Elections Office reports that 78,660 Democrats voted in their primary; 33,506 Republicans voted in theirs. Each of these totals is *more* than the respective number that voted for a gubernatorial candidate.

In other words, 3,749 registered Democrats and Republicans in Multnomah County cast a ballot in this year's gubernatorial primary election, but did not cast a ballot *in that race*. Presumably, they sat that race out because they were not satisfied with their choices.

Nevertheless, all of those nearly 3,800 voters would have been barred, under the current law, from exercising their democratic right to sign the nominating petition for an independent candidate's gubernatorial bid. Why? Because the government had designated them as having already voted. The presumption is that if a voter cast a ballot, he or she must have voted for a candidate in every single race that appeared on the ballot. That presumption is demonstrably false.

"The impact of this law that prevents those who voted in the May primary from signing the petition of an independent candidate cannot be underestimated," said one SEP supporter. "At one location I obtained one—yes, one—signature and turned away six who would have signed but for the law. This has been our experience again and again. Without this law, we would have easily been over 1,000 signatures at this point."

Also not to be underestimated is the role played by the *Oregonian* in keeping the law under wraps as it was being drafted, thus ensuring that lawmakers would not face any significant opposition from the public.

House Bill 2614 was introduced by Kitts and Nolan in February of 2005 and was the subject of two public hearings held in March that received virtually no advance publicity. The *Oregonian* didn't refer to the legislation or its substance until June 14.

Deep inside the newspaper, in small type, a calendar item noted that a Senate committee would consider a bill that "prohibits an elector from participating in more than one nominating process for each

partisan public office to be filed at a general election." The hearing was to be held at 8:30 *that morning*.

Earlier this year, an SEP supporter contacted *Oregonian* reporter Harry Esteve, who finally got around to alerting the public about the new law in a front-page article in mid-January 2006—six months after it had been signed by Kulongoski. Esteve said that House Bill 2614 "kind of snuck up on us."

This is not accurate. The "political notebook" citing the legislation on June 14 was written by Jeff Mapes, who is the *Oregonian's* veteran political affairs reporter. Obviously, he knew about it.

Also, someone who testified against House Bill 2614 both in writing and in person, Portland attorney and Pacific Green Party activist Dan Meek, told the WSWWS last February that he issued two written press releases denouncing the legislation prior to its approval, and that "each went to several reporters at the *Oregonian*."

"The *Oregonian* was not just negligent," Meek told this writer in an email. "It willfully ignored my press releases and my testimony."

In the July 2005 vote to approve this legislation, 15 of the 17 "yes" votes in the Senate were cast by Democrats. In the House, 17 Democrats joined Republicans to approve the bill 39-7.

One lawmaker who voted against the bill was Sen. Ben Westlund, a Republican from eastern Oregon who this year dropped out of the party in order to run as an independent candidate for governor. Under the state's onerous election laws, he was required to collect more than 18,300 signatures to obtain ballot status.

Westlund eventually dropped out, even though he claimed to have collected 48,000 signatures. In an interview with the Portland newspaper *Willamette Week* published August 16, Westlund suggested that the new law's requirements left him the position of waging not one, but two campaigns: first, to persuade voters of the merits of his candidacy, and second, to persuade donors that he could get on the ballot in the first place.

"[A]s we were collecting them, it was the endorsement season," he told reporters. "So I'm going into endorsement interviews and I'm spending three-fourths of my time convincing people that, yes, I can get the signatures, as opposed to sharing my own vision for Oregon."

He added, "We were trying our dangdest, our damndest to win this thing. As we were not able to convince people completely that we'd be on the ballot, they were holding back support."

Oregon Democrats are not the only ones guilty of trying to sabotage the campaigns of independent candidates before election season even starts. Currently in Oregon, another gubernatorial candidate, from the ultra-right Constitution Party, Mary Starrett, faces a complaint filed by a Republican attorney (and former state lawmaker) who claims her candidacy is "legally flawed" because of a technicality. With the collapse of Westlund's independent campaign, Republicans are now opening fire on Starrett, a candidate seen as a threat to the party's nominee, Ron Saxton.



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