

Illinois election board delays ruling on ballot status for SEP candidate

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The Illinois State Board of Elections (SBE) voted 5-3 to postpone a decision on granting ballot status to Socialist Equality Party state Senate candidate Joe Parnarauskis. The vote came at the board's general meeting held in Chicago on August 31, delaying at least until the board reconvenes on September 7 any decision on whether to certify Parnarauskis as the SEP candidate for state senator from the 52nd Legislative District, which includes Champaign, Urbana and Danville in east central Illinois.

The board's vote to delay its decision—despite the fact that the SEP has met all the legal requirements to participate in the November 7 elections—was the result of the intransigent opposition of the four Democratic Party members of the board, who in the course of a full day of deliberations repeatedly blocked the certification of the SEP candidate.

Earlier this week, David Herman, the hearing examiner appointed by the SBE to review the facts and legal arguments in the Democratic Party's challenge to the SEP nominating petitions, issued a recommendation that Parnarauskis be placed on the ballot.

Herman stated that the SEP had collected 3,229 valid signatures—well above the required 2,985. He rejected the Democratic Party's efforts to throw out 44 entire petition sheets, containing the names of 292 registered voters, on the grounds of a trivial technicality—the fact that the petitions indicated that Parnarauskis was running for "State Senator" instead of "State Senator—52nd Legislative District."

The State Board of Elections is made up of four Democrats and four Republicans appointed by the governor. The eight commissioners also sit on what is known as the State Officers Electoral Board (SOEB), which is charged with ruling on the validity of nominating petitions and objections made against them.

The commissioners reconvene as the State Board of Elections to certify the names of qualified candidates in all 110 electoral jurisdictions.

Thursday's meeting began with a motion before the State Officers Electoral Board to accept Herman's recommendation to place Parnarauskis on the ballot. The commissioners were deadlocked 4-4, with the four Democrats opposing Herman's recommendation and the four Republicans voting in favor. Under the rules of the Illinois State Election Board, it takes a majority vote of the members of the State Officers Electoral Board to take any affirmative action.

The tie vote was followed by a sharp dispute between the Republican and Democratic commissioners over the meaning of their own vote. Republican Bryan Schneider took the position that because of the deadlock, the SOEB had failed to attain a majority vote to sustain the objections against the SEP nominating petitions, and therefore the only action the body could take was to certify Parnarauskis, with the notation "objection pending."

Democratic commissioner William McGuffage rejected this and argued that since the motion to accept the recommendation had failed, they could not certify the candidate.

The commissioners then asked the election board's general counsel Steven Sandvoss for a legal ruling. Sandvoss, a Democrat, said the objections to the nominating petitions should still be in effect.

SEP attorney Andrew Spiegel objected, saying that according to the election code it takes a majority vote of the commissioners to remove a candidate from the ballot.

In the afternoon session the commissioners reconvened as the State Board of Elections. The Democrats on the board put forward a motion to certify

all the candidates for the ballot with the exception of Parnarauskis. They failed to get a majority, however, and the vote was again deadlocked at 4-4, with Republican commissioners opposing it, saying the decision not to certify all of the qualified candidates would be a violation of the board's statutory duty.

A heated debate then ensued, with Democratic commissioners saying that 44 petition sheets challenged by the Democrats could not possibly be valid. Republican commissioner Schneider argued that the board should accept the hearing examiner's recommendation to place Parnarauskis on the ballot, a recommendation, he said, that had been endorsed by the board's general counsel.

SEP attorney Spiegel intervened, urging the election board to follow a 1906 ruling by the Illinois State Supreme Court that equated the nominating process with the right to vote. He argued that the board had to begin with the presumption of ballot access and uphold the state constitution to support voting and ballot rights, not suppress them. If they did not vote to certify the SEP candidate, Spiegel said he would file a writ of mandamus to order the election board to fulfill its statutory duty.

Throughout the proceedings, Democrat McGuffage was the most determined to keep the SEP off the ballot. At one point Schneider said the Democrats' position was so outrageous that perhaps the election board should sue the SOEB to force them to do their duty, i.e., that the commissioners should sue themselves.

SEP attorney Spiegel also argued that the election board had inflated the number of signatures needed for third party candidates to attain ballot status. The real figure, he argued was 2,882, not 2,985.

One of the Democratic commissioners posed a hypothetical question: If the board granted a motion by the SEP to recalculate the minimum signature requirement, would the SEP accept the Democrats' demand to strike the 44 petitions? Given that such a procedure would mean that the SEP candidate was certified, Spiegel said it would be acceptable.

During a recess in the proceedings, Democratic commissioner Albert Porter asked the attorneys representing the SEP and the Democrats to resolve the dispute based on this proposal. After several calls to high-level Democratic Party officials, attorney Courtney Nottage said he would agree to the

certification without any provisos about "objection pending," because the Democrats were prepared to go to Circuit Court to appeal the board's decision. (A court will not review a case if all administrative measures to resolve the matter have not been exhausted).

Spiegel demanded that the board members put aside their partisan considerations and abide by the state constitution. He pointed to the close voting results in the last election in the 52nd legislative district—with less than 2 percent of the vote separating the Democratic loser from the Republican who was elected—and said the SEP candidate was being opposed because he would take votes away from the Democratic Party.

Democratic Commissioner John Keith denounced Spiegel's remarks, saying said there were no partisan politics involved in the dispute. However, during a break, Democratic commissioner McGuffage was heard saying, "We can't put this candidate on the ballot, it could affect the election."

A decision on the ballot status of the SEP candidate is to be made when the election board reconvenes next Thursday, September 7.

The Greens, whose entire state slate was also challenged by the Democratic Party, were certified at Thursday's meeting, based on the recommendation of their hearing examiner, who found that they had collected 2,000 more signatures than the 25,000 needed to run for governor and other statewide offices.

The Socialist Equality Party calls on all its supporters and all those who defend democratic rights to continue to flood the offices of the Illinois State Board of Elections with letters demanding that it place Joe Parnarauskis on the ballot. E-mails 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