SEP candidate sues Illinois election board to gain ballot status

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On Tuesday, Socialist Equality Party candidate Joseph Parnarauskis filed a lawsuit against the Illinois State Board of Elections (SBE), demanding that it break its deadlock and certify him for the November 7 ballot. Parnarauskis is running for state Senate from the 52nd Legislative District, which includes Champaign-Urbana and Danville in east central Illinois.

Due to the intransigent opposition of the board's four Democratic Party members, the SBE missed the September 1 deadline for the certification of the SEP candidate. Meanwhile, election officials in the 52nd Legislative District are preparing to print ballots without Parnarauskis's name.

On August 31, the SBE certified every candidate in the state's 110 election jurisdictions except Parnarauskis. This occurred after Democratic commissioners voted against the recommendation of the board's own examiner to put the SEP on the ballot because he had met the signature requirement. Despite having failed to prove their frivolous objections to Parnarauskis's nominating petitions, the Democrats have prevented the board from amending the list of certified candidates to include his name—a flagrant violation of their legal obligation to certify a candidate who has met the state's requirements for ballot status.

Because of this politically motivated obstruction, Parnarauskis has been placed in an unprecedented legal limbo. He has not been officially removed from the ballot because a majority of board members never voted to sustain the objection to his petitions. The motion to sustain failed by a tie vote. However, the board has failed to carry out its statutory duty to certify all qualified candidates.

The SEP filed two separate motions in the Sangamon County courthouse in Springfield, Illinois.

The first asked the judge to issue a temporary restraining order and preliminary injunction to halt the printing of the ballots for 10 days, pending a decision by the court on Parnarauskis's suit to compel the SBE to place him on the ballot.

The action, which is directed towards the county clerks of Champaign and Vermilion counties, as well as the Danville Election Commission, says, "Both the Plaintiff and the voters in the 52nd Legislative District will suffer irreparable harm to their 1st and 14th amendment rights under the US Constitution and to their Article I and Article III rights under the State Constitution if the candidate's name does not appear on the ballot to be used for the November 7th general election."

It has come to the attention of the SEP that two of the election officials preparing to print the ballots without the SEP candidate's name have close connections to or were directly involved with the Democratic Party officials who conspired to bar the SEP candidate from the ballot. The director of the Danville Election Commission, Barbara Dreher, for example, is the wife of John E. Dreher, the Democratic precinct committeeman who filed the original objection against the SEP petitions.

Lynn Foster, the Vermilion County Clerk, was part of the Democratic Party team that reviewed the SEP petitions during the two-day records examination in August, during which time they attempted to throw out the signatures of thousands of registered voters.

Thus, voters in the 52nd District are confronted with a truly Orwellian situation: the individuals entrusted with the guaranteeing free and fair elections in the district are the same ones involved in the anti-democratic effort to exclude the SEP candidate from the ballot.

The second motion filed by the SEP's attorney called

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on the court to issue an emergency "writ of mandamus"—a command or directive—to certify the SEP candidate. It observed that the SEP candidate "has complied with and performed all legal conditions" and said it became "the duty of the SBE and its individual members to certify Parnarauskis's name on the ballot" on August 31 after the board members failed to sustain the objection to his nominating petitions.

The motion continues: "The SBE and its individual members then and there refused and still refuse to certify [Parnarauskis] for placement on the ballot in the 52nd Legislative District despite the fact that [he] has not been removed from the ballot." It concludes by urging the judge to order the SBE and its individual members to certify the SEP candidate and order any ballots without his name to be destroyed and replaced with ballots including his name. It furthermore asks that the SBE defendants pay all costs and expenses incurred by the SEP candidate for bringing the legal action.

The judge who took the case, Patrick Kelly, ruled against the first motion for a temporary restraining order, saying it was not necessary since the court could order the printing of new ballots that included the SEP candidate's name. He suggested that any "prudent" county clerk would simply not print ballots without Parnarauskis's name on them, knowing that the court had not yet made a decision.

Judge Kelly decided he would hear the merits of the mandamus case after the Illinois election board's next meeting, which will take place on September 18.

With the threat of mandamus action hanging over their heads, the board may be less inclined to continue stalling. However, should the board deadlock again, Judge Kelly will hear the case on Tuesday morning, September 19.

The Democrats could still stall the proceedings through various legal maneuvers, including exercising their option to ask the chief judge to select a different judge to hear the case. The SEP also has that option.

Should the board vote on Monday to certify Parnarauskis, the Democratic lawyers have indicated they will immediately petition for judicial review, and will most likely file their lawsuit in Cook County—a county notorious for judges elected with the support of the Democrats' political machine.

Referring to the US Supreme Court's unprecedented intervention in the 2000 presidential elections, Andrew Speigel, the attorney representing Parnarauskis, told the *World Socialist Web Site*, "It's a sad time in America when we have to rely on the courts to tell us who our president should be as well as who can be on the ballot."

In a radio interview Tuesday, Parnarauskis said, "We intend to wage an aggressive campaign to point out the truly undemocratic character of not only the Democrats' efforts, but of the entire political process. How can ordinary Americans express their opposition to the government's policies of war and attacks on living standards if they are denied the right to vote for a candidate that expresses those concerns?"

The Democrats' continued efforts to keep Parnarauskis off the ballot have generated attention in the local press. On Tuesday, a front-page article in the University of Illinois student newspaper, the *Daily Illini*, reported on the latest developments in the SEP's legal fight, and quoted Parnarauskis as saying, "Regardless of the board's decision, we intend to go forward with the campaign. If necessary, I intend to run as a write-in candidate."

The SEP candidate will hold a public meeting at the university on Wednesday, September 20 to explain the significance of his struggle for ballot access and the necessity of building a socialist alternative to the two-party monopoly and the profit system it defends.

The Socialist Equality Party urges its supporters and all those who defend democratic rights to email letters of protest to the State Board of Elections at webmaster@elections.state.il.us. Please send copies of all messages to the WSWS.

The fight to attain ballot status also requires substantial resources for legal fees and other costs. Please send donations to: http://www.socialequality.com/donate.html

To contact the WSWS and the Socialist Equality Party visit:

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