

# Illinois election board still deadlocked on SEP candidate

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With the clock ticking and ballots scheduled to be printed within a matter of days, the Illinois election board remained deadlocked at a meeting yesterday in Springfield. While Socialist Equality Party candidate in the 52nd state Senate district Joseph Parnaruskis has not been removed from the ballot, the four Democrats on the eight-member State Board of Elections (SBE) are continuing to block the vote needed to certify his name for the November 7 ballot.

The SEP filed in court on September 12 for an emergency “writ of mandamus,” or court order, compelling the election board to come to a consensus and certify Parnaruskis, since they had passed the statutory deadline of September 1. The writ would also compel the local election authorities to print Parnaruskis’s name on the November ballot. Judge Patrick Kelly decided to hear the merits of the case only after the next scheduled meeting of the election board, September 18, saying he would give the board one last chance to “make its own decision.”

Since the board remains deadlocked, Judge Kelly will hear the SEP’s case this morning, September 19, at the Sangamon County courthouse.

When the board met yesterday, there was little discussion of Parnaruskis’s case. Chairman Jesse Smart merely asked whether or not anyone had changed his or her position, and when his question was met with silence from the board, he concluded that the board was still stuck at a 4-4 deadlock. Smart indicated that his question to the board was largely a pro forma gesture; “We have to show [Judge Kelly] we weren’t ignoring him,” he said.

The board then adjourned into an executive session—which was not open to the public—to discuss “pending litigation,” after which it was announced that the board had unanimously voted to select Attorney

General Lisa Madigan to represent them in court on September 19. Lisa Madigan is the daughter of House Speaker Michael Madigan, the highest-ranking Democrat in the Illinois House of Representatives. The elder Madigan’s legal counsel is Michael Kasper, who along with Courtney Nottage—the former attorney for Democratic Senate President Emil Jones—represented the two Democratic precinct committeemen who filed the original objections against Parnaruskis’s nominating petitions.

Defendants in the SEP’s lawsuit include, in addition to the State Board of Elections, the county clerks of Champaign and Vermilion counties and the Danville Election Commission, who are responsible for the printing of the ballots in the 52nd state Senate district. These local election officials are preparing to print tens of thousands of ballots without Parnaruskis’s name on them, even though his name was not removed from the ballot and they have no statutory power to remove candidates from the ballot.

It has recently come to the attention of the SEP that the county clerk of Vermilion County, Lynn Foster, an elected official, participated in the records examination of Parnaruskis’s petition sheets last month, at which time the Democrats attempted to arbitrarily throw out the signatures of hundreds of registered voters. Additionally, the director of the Danville Election Commission, Barbara Dreher, is the wife of John Dreher, one of the original objectors.

While the Illinois election board was meeting yesterday, the SEP filed a motion for summary judgment in its lawsuit against the board and local officials, observing that “there is no genuine issue of material fact and [Parnaruskis] is entitled to judgment as a matter of law on an expedited basis....”

In his brief in support of summary judgment, Andrew

Speigel, the attorney representing the SEP, argues that Parnarauskis has “a clear statutory right to have his name printed on the ballot in the 52nd Legislative District” according to the US Constitution as well as the Illinois state constitution, that mandamus, or a court edict, is the only available legal remedy, and that there is a long history of emergency mandamus being used for that purpose.

Finally, Speigel observes that when “the SBE is in the position of certifying candidates’ names for the ballot, it acts in a purely ministerial function.” That is, it is not at the discretion of the election board to certify the candidates it likes and not to certify the others—it is its duty to certify all candidates that have met the legal requirements, and since no objection against Parnarauskis’s petitions was ever sustained, they are obligated to certify him.

Parnarauskis’s campaign submitted nominating petitions with the names of 4,990 voters in the district, well above the 2,985-signature requirement, to qualify for ballot status. After a thorough review of the Democrats’ objections, the board’s own hearing examiner, David Herman, as well as its legal counsel, advised the electoral board that Parnarauskis had collected hundreds more than the legal requirement, and as such should be placed on the ballot this November.

In addition to their continued obstruction of the SEP candidate, another revealing vote took place at the election board Monday. During a discussion of the guidelines for state election employees, the board was deadlocked on whether to provide additional bereavement leave after the death of a family or friend, with the four Democrats favoring additional days off and the four Republicans opposing it, on the grounds that workers should use their sick days to attend funerals.

Commenting on the vote, Republican commissioner Patrick Brady said, “We’ll have to get a judge to tell us what to do.” The Democrats quickly dropped their opposition, however, and the deadlock was broken as the board voted 5-2 to deny the workers their paid days off. On such matters, the Democrats have no trouble compromising. It is only when they face opposition from the left, such as the SEP campaign, that they are intransigent.

Meanwhile, back in Champaign, the campaign

manager for Parnarauskis, Tom Mackaman, met with the campaign chairmen for Parnarauskis’s two opponents yesterday to discuss a calendar of debates. Mackaman ran in 2004 for the office of state legislator in Illinois’ 103rd legislative district, prevailed against the bad-faith attempts by the Democratic Party to remove him from the ballot, and won nearly 4 percent of the vote.

The campaign managers representing Democratic candidate Mike Frerichs and Republican candidate Judith Meyers agreed that Parnarauskis would be invited to participate in as many as 19 debates between now and election day, although the Republican candidate could only guarantee attendance at nine of these.

Mackaman proposed that debates on the war in Iraq and attacks on civil liberties be held, as well as a debate on the two-party system itself. The chairs of the other campaigns indicated that they would not accept such a proposal, and insisted that discussion of the war is not relevant in a state senate race. Mackaman disagreed, saying the war was the most important issue facing district voters. Mackaman also insisted that debates take place at the University of Illinois and Parkland Community College, which had not been included in the list of debate locations proposed by the Democrat and Republican candidates.

Following the meeting, the two campaign managers for Frerichs and Meyers proposed that the discussion be considered “off the record.” Mackaman disagreed and said that, as far as the SEP is concerned, all contact among the campaigns should be public record.

Joe Parnarauskis will address a meeting hosted by the Students for Social Equality tomorrow, September 20. The meeting will begin at 7 p.m. in room 205 of Gregory Hall, on the corner of Wright and Armory streets on the campus of the University of Illinois. All students and workers from the 52nd District are warmly invited to attend.



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