

Brief in support of SEP ballot access in Illinois

8 September 2006

The following is the brief by attorney Andrew Spiegel filed in support of ballot access for Joe Parnarauskis, submitted before the September 7 hearing of the Illinois State Board of Elections to determine whether or not to certify the SEP candidate. (See “As election board remains deadlocked: Illinois Democrats fail to remove SEP candidate from ballot”)

Candidate’s Supplemental Brief in Support of Ballot Access

Introduction

In view of the day long deadlock of the State Officers Electoral Board (“SOEB”) on August 31, 2006 and the subsequent deadlock of the State Board of Elections (“SBE”) that same day, the Candidate Joseph J. Parnarauskis (“Joe” or the “Candidate”) submits this supplemental brief in further support of his efforts to remain on the ballot in the 52nd Legislative District.

While the passing of Labor Day traditionally marks the start of the election campaign, for Joe it began in earnest in April, 2006, when he and a few dedicated volunteers began the *Kafkaesque* task of collecting thousands of signatures during the ninety day period allowed for such purposes.

In this Brief, the Candidate will show that his petition efforts gained local, national and even international attention especially when he was banned from petitioning in public areas around the Champaign and Urbana libraries. He will show that the Internet web site of the Socialist Equality Party (“SEP”) ran numerous articles on both his petitioning efforts and on his fight against the petitioning ban.

Finally, the Candidate will show that the Hearing Examiner, David A. Herman was correct in his conclusion that the objections to 44 pages of Joe’s nominating petitions should be overruled, that the objectors’ petition should be overruled and that the Candidate should appear on the ballot for the

November General Election.

I. Media Attention to the Candidate’s Campaign Left No Room For Doubt About the Office Being Sought.

A. Local Press Coverage Made It Clear Joe Was Running For State Senate In The 52nd Legislative District.

Part of the doubt about whether to accept Herman’s recommendation on the 44 sheets revolved around the question of whether there was any voter confusion about what office he was running for—were the 44 sheets misleading. There was no evidence that any voter questioned this, and any voter who paid attention to the media could have no doubt Joe was running for State Senate and not U.S. Senate. The objectors’ mere presumption in this regard cannot overcome the actual presumption in favor of ballot access.

The Candidate has attached hereto as Petitioner’s Group Exhibit B, a series of articles from the local press, and an Internet blog about Joe’s campaign. Both *The Daily Illini* and *The News Gazette* provided regular coverage of Joe’s campaign. There was even a cover story in *The Daily Illini*, with a photograph of Joe in the June 19th issue. The article fully described both the office Joe was seeking and the apparent paradox in that Joe’s main issue seemed to be a national one—the war in Iraq (Group Ex. B at B-2). Joe’s explanation of why he believed that war was also a local issue is also explained in that article (id., at B-3). Another article appeared in *The Daily Illini* two days later. Once again it described the State Senate race in the 52nd District (B-4—B-6 esp. B-5).

Internet bloggers also discussed the situation in the 52nd District. On one such blog, one of the people who actually signed Joe’s petition, posted the following comment”

Nathan on June 25, 2006, at 1:53:56 A.M. wrote:

I signed his petition about a month ago, and then he asked me if I have ever considered voting socialist. I kindly told him that I do not support commies.



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