

# Wisconsin officials move to exclude SEP candidates from ballot

Our reporter  
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In a politically motivated attack, election officials in Wisconsin have moved to prevent the Socialist Equality Party candidates for US president and vice president from being placed on the November ballot.

On Friday, August 3, SEP supporters filed nominating petitions containing more than 3,200 signatures, well above the legal requirement of 2,000, to place Jerry White and Phyllis Scherrer on the ballot. The signatures were gathered in only eight days, demonstrating broad popular support for a political alternative to Barack Obama and Mitt Romney, the Democratic and Republican candidates, and the anti-working class austerity policies of both big business parties.

On Tuesday, August 7, a representative of the Wisconsin Government Accountability Board (GAB) informed the SEP that the staff of the election board had rejected all of the nominating petitions because of an alleged flaw in the heading of each petition. David Buerger, the election specialist at the GAB, said two of the ten presidential electors on the petition sheets did not reside in the congressional districts where they were listed. On this basis, he said, all 3,200 signatures were disqualified.

This is a brazenly anti-democratic attack on the Socialist Equality Party as well as the thousands of workers, students and young people who signed petitions in Milwaukee, Madison, Kenosha, LaCrosse and other cities to put the SEP candidates on the ballot. Moreover, it directly contravenes a recent Wisconsin Supreme Court decision on ballot access.

In many states there is no requirement to list electors—volunteers who vote in the Electoral College (itself an archaic and anti-democratic institution) for the nominated candidates in the event that they win the election. In Wisconsin, however, in addition to meeting the hurdle of thousands of signatures, election authorities require that “third party” candidates list the name and

address of an elector from each of the eight congressional districts, plus two other at-large electors, on the nominating petitions.

The SEP electors were listed under the congressional districts where they are currently registered, according to federal maps of US congressional districts widely available on the Internet. However, Buerger said, the two municipalities in question—Whitefish Bay outside of Milwaukee and Spring Green in the central part of the state—were now part of different congressional districts because of the redistricting of the state by the Republican state legislature.

The process of redistricting was very unclear and politically charged. According to one account from the *Wisconsin State Journal*: “A federal court in March [2012] took redistricting out of the hands of the Legislature, saying the political environment was so toxic that lawmakers were incapable of making even the few changes needed to bring the new maps into compliance with federal law.”

New congressional district lines were under appeal in the US Supreme Court until June 18, 2012. This was only 13 days before July 1—the date that “third party” candidates were allowed to begin circulating nominating petitions.

In a letter to the SEP candidates, Buerger said the petitions contained a “fatal flaw” and that the election authorities “may refuse to place the candidate’s name on the ballot” if “the nominating papers are not prepared, signed or executed as required” under election laws.

Buerger acknowledged: “It appears that the error may be due to the decennial redistricting process. Both of these electors were formerly in their respective congressional districts, but were redistricted into other congressional districts as the result of 2011 Wisconsin Act 44 (reapportioning the congressional districts).”

The election official said the SEP had until next

Tuesday, August 14, to submit a written objection to the staff's determination and could appear in person "to briefly present your argument to the Board" at the next scheduled meeting of the Government Accountability Board on August 28.

A final bureaucratic note towards the bottom of the letter reads, "Number of Valid Signatures: 0," and "Addresses for two electors (3rd and 5th districts) are not in those districts. This disqualifies all signatures."

Although SEP supporters turned the nominating petitions into the GAB more than four days before the August 7 deadline, Buerger did not contact the SEP until a few hours before the 5 pm deadline four days later, making it impossible for the SEP to rectify the alleged problem.

The residency requirement cited by the GAB is entirely bogus and has already been overturned by the Wisconsin Supreme Court. In 2004, the Democratic Party used the identical tactic in an effort to bar independent candidate Ralph Nader from the ballot in Wisconsin, but its effort was nullified by the state Supreme Court.

Nader had listed 10 electors, but one listed as living in one congressional district actually lived in another. The Democratic Party first asked the state Elections Board—the predecessor of the GAB—to exclude Nader from the ballot on those grounds, but the Elections Board refused. The Democrats then filed suit in Dane County, and Circuit Judge Michael Nowakowski ordered Nader off the ballot.

An October 1, 2004 Associated Press article, posted on the First Amendment Center web site, explains the grounds cited by the state Supreme Court for overturning the lower court decision:

"The Supreme Court reversed that decision, ruling the residency requirement for congressional district electors is not mandatory. Thus, it ruled the Elections Board properly exercised its authority when it overlooked the mistake last week and ruled that Nader should be on the ballot.

"Justice David Prosser noted the elector at issue believed he still lived in one district but had been switched to another when congressional boundaries were redrawn. 'The issue to me is whether this kind of error is enough to throw someone off the ballot,' Prosser said."

The fact that this identical issue has already been litigated only underscores that the GAB officials do not have the slightest grounds to bar the SEP candidates from the ballot and are simply fishing for any excuse to do so, regardless of how frivolous. One of their aims is to force the SEP to expend large financial and human resources

that could better be devoted to campaigning for the party's policies.

Whether the Democrats or Republicans—or both—are behind this effort, its aim is to prevent workers and young people from having a political alternative on the ballot that represents their class interests.

The move to bar the SEP candidates provoked immediate outrage from the two electors whose credentials were challenged. "Of course this is undemocratic," Richard, a retired worker, said. "But I am not surprised. The whole system is gamed towards the two dominant parties that are indistinguishable from each other. It was never set up for the masses, but it is much worse than it was. No one is going to be allowed to threaten them in the election."

The other elector who was challenged, Jessica, a student, said, "There has been a lot of confusion on voting in the state of Wisconsin. The last time I voted, which was only a few months ago in the recall election, I was in the 5th District. So, I signed on under the assumption that I could serve as a presidential elector from the 5th District. It is not clear to me that redistricting plans have been put in place. I'm not going to be the only voter to go to the polls in November to discover that I'm no longer in the district I just voted in.

"We supposedly live in a democracy, but this is certainly not democratic. Anybody should be on the ballot if that is what people want. But the election authorities are not listening to Wisconsin voters, not representing the people as should be done in an election year."

The Socialist Equality Party will wage an aggressive fight to assure that our candidates' names are placed on the Wisconsin ballot in November. We call on all of our supporters to join this fight by donating to cover the legal costs of this battle and making our campaign as widely known as possible.

*For more information on the SEP campaign and to get involved, visit [socialequality.com](http://socialequality.com).*



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Socialist Equality Party visit:

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