

# West Virginia Supreme Court rules against independent petitioner

Naomi Spencer—SEP candidate for West Virginia House District 16  
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On September 12, the West Virginia Supreme Court of Appeals upheld a lower court decision barring a former Democratic state Senator from an independent run for office. The candidate, Erik Wells, was declared ineligible to appear on the ballot for Kanawha County Clerk, the court ruled, because he did not change his party registration to independent before petitioning. Wells testified that he did not make the decision to file for candidacy until after the primary elections.

With Wells' name stricken from the ballot, the Republican incumbent clerk, Vera McCormick, will run unopposed in November. McCormick also chairs the county's Ballot Commission, which certifies who appears on the ballot in Kanawha County. It was on McCormick's behalf that Kanawha County Prosecutor Chuck Miller filed a complaint against Wells' campaign in the Kanawha Circuit Court in Charleston last month.

The court said it would release a detailed opinion "in due course," but declared Wells' candidacy "disallowed." "The Kanawha County Clerk is ordered to take whatever measures are necessary to ensure that Erik Patrick Wells does not appear on the 2016 General Election Ballot for the Office of County Clerk of Kanawha County," the order states.

As an independent candidate for the state House of Delegates in District 16, I want to register my opposition to this decision. There is no law stipulating that only people registered as independent may run as independent candidates in West Virginia. It is a violation of the constitutional rights of Erik Wells and those of the public, and the effect is to further restrict ballot access in the state.

The ruling impacts other races in the state. The Secretary of State's office has advised county clerks that candidates are disqualified from running as

independents if they are registered with any of four recognized parties in the state: Democratic, Republican, Libertarian or Mountain (Green) parties. Statewide, at least seven other candidates may be removed from the ballot.

Leaving aside whatever motivations Wells may have had in pursuing a candidacy outside of the primary process of the Democratic Party, the court ruling disregards the more than 1,000 residents of Kanawha County who signed Wells' petitions to be included as a candidate, and leaves voters no choice for office of clerk in November. The result is the further curtailment of an already highly undemocratic process.

In fact, some opponents of Wells have suggested further restricting the process, by allowing only voters who are registered independent to sign petitions. This demand would render virtually impossible the task of collecting signatures equivalent to 1 percent of the total votes cast for many positions. This requirement is already difficult in urban areas like Kanawha County or my district in Huntington.

At bottom, ballot access laws are about restricting "access," not facilitating it. Independent candidates with the least political influence or money at their disposal are required to meet the most onerous requirements. The Democratic and Republican Party machines, meanwhile, rest on war chests filled by big business and the wealthy. They exercise near-total domination of the media, and routinely turn to the courts to fend off electoral challenges.

My own campaign, by contrast, achieved ballot status through appealing directly to the democratic sentiments of the working class. Socialist Equality Party campaigners gathered hundreds of signatures from voters who felt that I had a right to be on the ballot and represent a socialist perspective, even in some cases

people who characterized themselves as political conservatives. Countless registered Democrats and Republicans expressed a desire to see more third parties and independent candidates as options on the ballot. It was clear that many voters saw the system as rigged for the benefit of the corporate elite, and that the working class was not being given a real choice in the two-party system.

On November 8, I urge voters in West Virginia to cast a class-conscious ballot by writing in the Socialist Equality Party's presidential ticket, Jerry White and Niles Niemuth. In the District 16 House of Delegates, I ask for your vote.

Most importantly, beyond this election, I appeal to workers and young people to take forward the struggle for a genuine political alternative for the working class by supporting and joining the Socialist Equality Party.



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