

# SEP candidate restored to ballot in West Virginia

Our reporter  
23 September 2016

On Thursday, a federal judge in Huntington, West Virginia granted an emergency motion filed by Naomi Spencer, Socialist Equality Party candidate for House of Delegates District 16, to halt the Secretary of State's exclusion of independent candidates from the ballots statewide.

In his ruling, Judge Robert C. Chambers issued a preliminary injunction against Secretary of State Natalie Tennant to prevent the modification of ballots—already printed with the names of previously certified independent candidates—and to inform county clerks that independent candidates should not be removed.

The ruling applied not only to Spencer and co-plaintiff Darrell Castle of the Constitution Party, but to all independent candidates who did not meet a January deadline imposed retroactively on candidates who had followed all instructions outlined by the Secretary of State herself. The judge issued a broad verbal ruling, including a declaration that a January deadline for independent candidates is unconstitutional.

Spencer was notified by email by the Secretary of State's office late Thursday afternoon that her candidacy had been "already re-certified" on the Cabell and Lincoln County ballots.

In a statement to the press following the ruling, Spencer stressed the broader implications and context of the case. "There are fundamental democratic rights at stake in this case," she said. "Not only are the constitutional rights of the candidates at stake, but, more fundamentally, the rights of the population as a whole.

"If the Secretary of State's decision was allowed to go forward, everyone who signed petitions to place independent candidates on the ballot, including the hundreds who signed our petitions, would have been

denied the right to a choice beyond the Democrats and Republicans in November."

"In the working class and among young people throughout the country, there is immense anger and disaffection with the Democrats and Republicans," Spencer told reporters. "Hillary Clinton and Donald Trump are most unpopular major party nominees in modern US history. The public is tired of war, inequality, police violence and attacks on their democratic rights. It is precisely for this reason that everything is done to maintain the political stranglehold of the two-party system.

"The Socialist Equality Party takes the defense of democratic rights very seriously," she added. "Workers have the *right* to hear independent perspectives. They have the *right* to vote for candidates that they support. They have the *right* not to be forced to choose between two parties that they despise. We urge workers and young people in West Virginia and throughout the country to defend these rights as part of a broader struggle to mobilize the working class on an independent basis."

Ballot rights expert Richard Winger, editor of *Ballot Access News*, welcomed the ruling. He told the *World Socialist Web Site* that although it was in keeping with precedents in favor of independent candidate ballot access cases, it was unusual in the current political climate. "This is the fifty-sixth time a judge has said early deadlines is unconstitutional." He added, "In a period of great tension, judges, journalists, they are all tense. Judges will not rule favorably. This is the first time this month a judge has ruling in our favor [of ballot access]."

Winger pointed to recent rulings in Florida, where three minor parties were removed from the ballots, and in Arkansas and Alabama where Reform Party

presidential candidate Rocky de la Fuente was denied a place on the ballot. “It’s been a horrible month. I can’t remember a worse time,” he said.

“The elite in this country really don’t believe in popular democracy,” Winger added. “They don’t think people are capable of rational choices. That’s especially true of the Democrats.”

Spencer said that she would now intensify the SEP’s campaign to bring a socialist and internationalist perspective to workers and youth in West Virginia and throughout the region.



To contact the WSWS and the  
Socialist Equality Party visit:

**[wsws.org/contact](https://wsws.org/contact)**