

Michigan Governor Whitmer argues SEP candidates should have petitioned for ballot status during the peak of the pandemic

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Responding on Monday to the lawsuit filed by the Socialist Equality Party (SEP) presidential campaign against undemocratic ballot access laws in Michigan, state assistant attorneys general representing Michigan's Democratic Governor Gretchen Whitmer argued that the SEP should have been collecting signatures throughout the pandemic, which would have both violated the law and endangered public health and safety.

"From March 10, 2020, the date the Governor first declared an emergency, to the present, Plaintiffs could have been circulating petitions and collecting signatures," the government brief reads.

Joseph Kishore, SEP candidate for US president, and Norissa Santa Cruz, SEP candidate for US vice president, filed their lawsuit on June 18 against Democratic Party Governor Gretchen Whitmer, Secretary of State Jocelyn Benson and Director of the Michigan Bureau of Elections Jonathan Brater. The lawsuit argues that the state's ballot access requirement of collecting 30,000 signatures is unconstitutional during the pandemic.

The SEP candidates' lawsuit explained that enforcing these rules during the coronavirus "will leave socialist voters like Plaintiffs and their supporters, who for reasons of political principle are unable to vote for non-socialist candidates, unable to vote at all. This conduct subverts the election process, constitutes voter suppression, and arbitrarily restricts the rights of socialists to run in elections and vote for candidates that share their views."

In their politically motivated 31-page response to the candidates' motion, the defendants from the State of Michigan claim that the ballot access requirement

cannot be lifted because the SEP should have been collecting signatures on petitions before, during and after the initial March 10 state of emergency declaration by Whitmer, thus threatening the lives of members, supporters and the voting public.

Late Monday, the SEP candidates filed a reply to the defendants' response to the lawsuit. In response to the government's claim that the SEP should have sent volunteers into the pandemic to gather signatures, Kishore and Santa Cruz's attorney argued: "Michigan voters and candidates cannot be required to risk death to exercise their most fundamental democratic rights. Defendants suggest that Plaintiffs should have sent their supporters out to be infected and killed in order to comply with a petty administrative requirement, pointing to the fact that Plaintiffs have not gathered a single signature to date. Of course they have not; to attempt to do so would have placed health and lives at risk."

Contained in the defendants' legal argument is a glaring contradiction that exposes both their political prejudice in attempting to keep the SEP candidates off the ballot in Michigan and the real attitude of the Democratic Party, despite public statements to the contrary, to social distancing and the health and safety of the working class during the pandemic.

Governor Whitmer issued a series of five executive orders—on March 10, March 13, March 16, March 17 and March 23—that progressively shut down activity in the state in the face of the rapid spread of the coronavirus.

The attorneys for the Democrats argue that members and supporters of the SEP should have been approaching eligible Michigan voters—who had been

ordered to “stay in their place of residence” other than to perform essential functions of life—to sign petitions during the critical weeks when the coronavirus was reaching a peak of more than 1,500 cases and 160 deaths per day in Michigan.

Anyone who has ever been involved in gathering valid signatures of registered voters for the purpose of ballot access knows that this activity is incompatible with social distancing requirements.

Further exposing the Democrats’ contempt for the rights of the working class and youth, the response states that if the SEP had members or supporters who had health concerns about gathering signatures from the voting public during the pandemic, then the party should have “recruited otherwise healthy individuals to circulate petitions.”

This position directly contradicts the public statement on March 23 of Governor Whitmer, who said: “Young people, I’m talking to you now. You’re not immune from this. You can get this virus. And in fact, 40 percent of the hospitalizations and positive cases are among people 20 to 49... The fact of the matter is, in America, we are seeing severe consequences in our younger people in ways that they haven’t seen in other parts of the world.”

Another claim made by the assistant attorneys general against removing the Michigan signature requirement during the pandemic is that the SEP should have collected signatures in 2019 or even in earlier years in order to obtain ballot status. The Michigan Democrats know very well that the SEP announced Kishore and Santa Cruz as the party’s candidates for the 2020 elections in January, so this argument has no meaning.

Meanwhile, Michigan’s ballot access laws require a six-month window within which the signatures must be collected, so even if the petitioning had begun in the fourth quarter of 2019, it would still have come up against the pandemic in early 2020.

Finally, the defendants’ response reveals that the ballot access laws in Michigan had been struck down as unconstitutional in May, and the Secretary of State’s office failed to notify the SEP of the fact that the signature requirement had been reduced from 30,000 to 12,000 signatures.

Pointing to the basic democratic questions involved in the ballot access fight in Michigan, the SEP’s reply brief states: “It is not the Plaintiffs who have failed to

exercise adequate diligence, but Defendants. It is Defendants who have failed over a protracted period to take effective action to ensure that the elections remain free, open, and fair, despite the pandemic. The conduct of the elections is their responsibility. It is not Plaintiffs that require the signatures, but Defendants. Plaintiffs are simply asking to be on the ballot. Plaintiffs should be able to exercise their most fundamental democratic rights without exposing themselves to the danger of infection and death in fulfilling the administrative requirements established and enforced by Defendants.”

The SEP reply notes that the WSWs was unique in warning of the danger of the virus as early as January. The brief cites the January 28, 2020 perspective on the *World Socialist Web Site*, which warned: “The outbreak has exposed the enormous vulnerability of contemporary society to new strains of infectious disease, dangers for which no capitalist government has adequately prepared.”

The SEP and WSWs will continue to expose the antidemocratic methods used by the two-party duopoly to keep independent socialist candidates from the ballot.



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