

Democrats engineer removal of Green Party presidential candidates from Pennsylvania ballot

Kevin Reed
18 September 2020

In the second such action by a state court this week, the Pennsylvania state Supreme Court ruled Thursday the state could exclude Green Party candidates Howie Hawkins and Angela Walker from the ballot for the 2020 presidential elections.

In the 5-2 decision on partisan lines, the state supreme court overturned a lower court ruling that supported the Green Party against a decision by the Bureau of Elections to use an obscure technicality to throw out the nominating petitions that qualified their candidates for ballot status.

The ruling, which was endorsed by all five Democratic justices, states, “Because the procedures for nominating a candidate for office by nomination papers were not strictly followed here ... the Secretary is directed to remove both candidates’ names from the general election ballot.” The two Republican judges said in a dissenting opinion they agree that the nominating petitions had been filed improperly but that the Green Party should be given the opportunity to fix their paperwork.

As was the case in the ruling by the Wisconsin state Supreme Court on Monday, the political purpose of the Pennsylvania ruling is to keep the Green Party from providing an alternative for voters who might otherwise cast ballots for Democrats Joe Biden and Kamala Harris.

In the 2016 election, Hillary Clinton lost to Donald Trump by 11,000 votes in Michigan, 23,000 in Wisconsin, and 44,000 in Pennsylvania. In each state, Green Party presidential candidate Jill Stein received more votes than Clinton’s margin of defeat.

This led the Democrats, and their media apologists, to blame the Greens for a defeat which Clinton brought on herself by running a right-wing, anti-working-class campaign which allowed Trump to posture as the advocate of coal miners, steel workers, auto workers and others whose livelihood had been destroyed by the policies of big business and the Obama-Biden administration.

One conclusion drawn by the Democrats from the

experience of 2016 was that the basic democratic right of third parties to ballot access and of the public to vote for a candidate of their choosing must not be allowed to disrupt the two-party system of Wall Street, the Pentagon and the CIA. Over the past two months, they have blocked the Green Party from obtaining ballot status in Wisconsin and Pennsylvania and the Socialist Equality Party from obtaining ballot status in Michigan—the same three states which were the margin of defeat for Clinton in the Electoral College.

While the *World Socialist Web Site* and the Socialist Equality Party—which is running its own candidates Joseph Kishore for US President and Norissa Santa Cruz for US Vice President—have fundamental class and political differences with the Green Party, we defend their right to participate in the 2020 elections. We denounce the Democratic Party for its repeated and blatant abuse of ballot access procedural rules and the courts to have Hawkins and Walker kicked off the November ballot.

The background to the Pennsylvania Green Party case is a revealing example of how ballot access requirements in states across the country are used by the two-party system as barriers to the participation of third parties and alternative candidates attempting to run in US federal elections.

The Green Party gathered signatures of registered voters on nominating petitions between March and August 2 of this year for a slate of five candidates for both federal and state offices. On August 3, Timothy Runkle, Green Party candidate for Treasurer of Pennsylvania, submitted 8,500 signatures—a minimum of 5,000 is required—to the Office of the Secretary of the Commonwealth in Harrisburg.

At the time that the petitioning began in March, the Green Party candidates for President and Vice President were Elizabeth Faye Scroggin and Neal Taylor Gaye, acting as stand-ins for the eventual nominees of a party convention, and these candidates’ names were on the petitions submitted by Runkle to the state.

As the court ruling explains, Runkle’s submission

“included a notarized candidate affidavit for Howie Hawkins and a non-notarized affidavit for Angela Walker (‘Candidates’), who were nominated as the Green Party’s candidates for President and Vice President, respectively, at the national Green Party Convention on July 11, 2020.”

On August 10, the Green Party filed two Substitute Nomination Certificates with the Secretary seeking to formally replace Scroggin and Gale with Hawkins and Walker. At this point everything seemed to be going according to established procedure and the Green Party would be on the ballot in November.

Then, in a well-worn pattern of political skullduggery, Democratic Party functionaries known as “Objectors” proceeded to file a petition in the Commonwealth Court, “to have the Green Party slate removed from the general election ballot based upon the presidential and vice presidential candidates’ alleged failure to comply with the requirements of the Election Code pertaining to candidate affidavits and substitutions.”

The Objectors then filed an application with the court on August 24 for “summary relief” seeking to strike the nominations of the five candidates and the two substitutions from ballots that would be printed and distributed within two weeks.

Among the claims that the Objectors presented as reasons that the Green Party candidates should not be granted ballot status were: “Scroggin’s failure to affix her affidavit to the nominating paper,” “she faxed a copy of her affidavit, sans cover letter or any other explanatory material, to a general fax number without notifying the Department or following up to ensure that it was obtained” and lack of an original “wet” signature on her affidavit.

However, the Commonwealth Court ruled in favor of the Green Party and said that the Objectors were attempting to “elevate form over substance” and that a “bureaucratic snafu” does not constitute “a fatal defect.” The lower court also accepted the Green Party’s argument that the Objectors, i.e., the Pennsylvania Democratic Party, were engaged in “distraction and spaghetti on the wall litigation tactics. It simply does not stick.”

The appeal to the Pennsylvania Supreme Court was filed by Paul Stefano, a lawyer and Democratic Party Chairman from Lawrence County, and Tony C. Thomas, a Democratic Party activist from the Wilkes-Barre area.

Initially, in hearing the appeal, the Supreme Court halted the production of ballots throughout the state pending its decision. However, the Supreme Court majority ultimately overruled the Commonwealth Court’s decision precisely on the basis of “bureaucratic snafu” considerations, writing, “that defect was fatal to Scroggin’s nomination and, therefore, to Hawkins’ substitution. Accordingly, the

Secretary of the Commonwealth is directed to remove Howie Hawkins and Angela Walker from the general election ballot as the Green Party’s nominees for President and Vice President.”

There is near-unanimous support within the ruling political establishment for the attacks on basic electoral rights being carried out the both the Democrats and Republicans. In the ballot access lawsuit filed by the SEP in Michigan—which argued that the requirement to collect tens of thousands of signatures on petitions during the coronavirus pandemic was unconstitutional—judges appointed by both Republican and Democratic presidents came together with Michigan Democratic Governor Gretchen Whitmer to reject the case of the socialist candidates Kishore and Santa Cruz.

In an op-ed on Thursday, Gail Collins, a columnist for the *New York Times*, attacked all third-party candidates, defended the two-party system and expressed contempt for the rights of voters to choose an alternative. She wrote, “Throwing your support to a third-party candidate with no hope whatsoever of getting elected is, however, a good way to dodge responsibility.”

Collins also repeated the well-worn lie that Green Party candidate Ralph Nader—who received nearly three million votes in the 2000 election, and nearly 100,000 in Florida alone—was responsible for the victory of Republican George W. Bush and defeat of Democrat Al Gore. The reality was that the Republican Party, with the support of the US Supreme Court, halted the recounting of ballots in Florida and gave the election to Bush without Gore and the Democrats mounting a political fight to stop it.

Both Bush and Trump won because of the anti-democratic character of the US political system, including the Electoral College itself, the two-party system, which limits “official” politics to the twin parties of Wall Street, and a host of restrictions on media coverage and political participation. Nader, for example, was denied the right to participate in presidential debates, despite his millions of supporters. It is the capitalist class, which ruthlessly enforces the two-party political monopoly, which is responsible for the reactionary consequences.



To contact the WSWS and the Socialist Equality Party visit:

wsws.org/contact