

Following challenge from Democrats, Nevada Supreme Court removes Green Party's Jill Stein from ballot

Jacob Crosse
8 September 2024

Terrified that workers and youth outraged over unending war, climate change and spiraling inequality will break with the two big business parties, the Democratic Party and its allies have been filing lawsuits and challenges seeking to bar left-leaning independent and third parties from the ballot ahead of the 2024 election.

In furtherance of this anti-democratic campaign, on September 6 the Nevada Supreme Court ordered Jill Stein and the Nevada Green Party removed from the ballot despite the fact that petitioners for the party had submitted some 29,500 signatures, nearly three times the required minimum.

The highly undemocratic 5-2 decision will leave over 2 million Nevada voters with the “choice” of only three different candidates for president: the Democratic ticket of Harris-Walz, the Republicans and Trump-Vance or the Libertarian Party ticket.

None of judges on the Nevada Supreme Court claimed that all or a majority of the signatures collected by the Greens were invalid. Instead, the majority based their ruling on the fact that the Green Party did not circulate the correct circulator affidavit when collecting signatures; instead of using the circulator affidavit for “minor party ballot access,” the Greens used the circulator affidavit for “initiative and referendum petitions.”

Both the “minor party ballot access” and “initiative and referendum” petitions require the signers to be registered voters of Nevada and to provide their names, signatures and address, including city or town.

Nevertheless, in the court's opinion, “The Green

Party did not substantially comply with the requirements of circulator affidavits, and thus, the Green Party's signatures must be invalidated.”

The challenge in Nevada was brought forward by the Nevada State Democratic Party, represented by Todd Bice and Daniel Ross Brady of Pisanelli Bice, PLCC. Previous clients of the firm, according to the *Las Vegas Business Press*, include “Caesars Entertainment, City National Bank, Las Vegas Convention & Visitors Authority, MGM Resorts, the State of Nevada and United Health among other high-profile clients.”

In the dissent, Justice Douglas Herndon, joined by Justice Kristina Pickering, wrote that the majority's conclusion “excuses an egregious error by the Secretary of State's office that will result in a significant injustice ... that, under the circumstances presented in regard to that error ... violates the Green Party's substantive due process rights.”

Herndon explained that when the Green Party decided to launch its ballot access campaign in Nevada, members of the party sent a copy of the petition they were planning to circulate to the Nevada Secretary of State Francisco Aguilar (Democrat). The original petition sent to Aguilar, Herndon wrote, “included the proper circulator affidavit.”

However, an “employee with the Secretary of State's office replied by email to the Green Party stating, in relevant part, ‘It appears the petition document you may have are [is] an older version. ... Please use the document attached to begin collecting signatures.’”

Herndon continued:

The document the employee attached contained the *wrong* circulator affidavit, specifically the one used for circulating initiative or referendum petitions, instead of the correct circulator affidavit for minor party petitions for ballot access. The Green Party was not merely provided an incorrect form, rather, they were affirmatively told by the Secretary of State's office that the correct form the Green Party originally provided in their petition was outdated and they were affirmatively directed by the Secretary of State's office to use the specific form provided by that office in moving forward with their petition.

Herndon wrote that the Secretary of State's office took

an affirmative action by providing the Green Party with a form petition and directing the Green Party to use that form petition. It would be unreasonable to expect a minor party to thereafter double check the form petition provided by the Secretary of State, who is supposed to be the primary authority on elections in Nevada.

Crucially, Herndon observed that even if the Green Party "had determined that the form petition provided to it by the Secretary of State's office was incorrect, the Green Party would be placed in a legal limbo because it could not comply with the legal requirements for a circulator affidavit *and* the direction from the Secretary of State's office."

Nevertheless, the majority claimed that it was incumbent upon the Greens to review The Minor Party Qualification Guide 2024 and discern that they were provided incorrect information by the Secretary of State's office. The fact that the Secretary's office provided the Greens an incorrect form to circulate was "an unfortunate mistake."

Judge Herndon rejected the majority's characterization of the Secretary of State's error as an "unfortunate mistake," writing that it was a

"tremendous injustice" that "shocks the conscience, offends judicial notions of fairness, and contributes to a distrust in the election process in Nevada."

In a post on X, Stein characterized the court's decision as a "slap in the face to democracy, to the rule of law, and to millions of voters in [Nevada] who are now denied a real choice by the machinations of the corrupt political elite."

Jason Call, campaign manager for Stein, told the WSWS the Greens "are looking at a potential appeal to the Supreme Court to ask for a stay."

Call added:

There is no write-in option for Nevada, so if the decision holds it is very much a denial of democracy. ... It's unfathomable that citizens are being held responsible for an error made by the highest elections body in the state, but that's exactly what has happened. It appears the ruling is based on partisanship, and sets an extremely undemocratic precedent.



To contact the WSWS and the Socialist Equality Party visit:

wsws.org/contact