

Democratic California Governor Newsom argues that allowing SEP candidates on the ballot would cause “frustration of the democratic process”

By Isaac Finn
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State officials in California filed a response on Friday to the lawsuit filed by the Socialist Equality Party’s (SEP) candidates for President and Vice President, Joseph Kishore and Norissa Santa Cruz, against Democratic Governor Gavin Newsom and Secretary of State Alex Padilla.

In the lawsuit, filed June 30, the SEP’s candidates are challenging the state’s requirement that they gather and submit nearly 200,000 physical signatures in a 15-week period between April 24 and August 7 in order to appear on the November 3 ballot. As the COVID-19 pandemic rages out of control in California, these requirements are effectively impossible to meet without risking human life.

The SEP’s candidates are arguing that these requirements, which do not apply to Democratic and Republican candidates, are unconstitutional and that enforcing them during the pandemic constitutes voter suppression.

The California Attorney General’s office, which represents Newsom and Padilla, acknowledged the requirements and declared the state’s intention to enforce them. They claimed that if the SEP candidates prevail in their lawsuit, the result would be “an unmanageable and overcrowded ballot for the November presidential general election that would cause voter confusion and frustration of the democratic process.”

In the Kafkaesque jargon of these Democratic Party officials, allowing the SEP candidates on the ballot would “frustrate the democratic process.” They do not explain what they mean by “voter confusion.” Perhaps

they mean that a voter could become so “confused” that he or she would vote for the “wrong” candidate.

According to Newsom and Padilla, the SEP should have gathered the signatures anyway, regardless of the pandemic. The SEP candidates “could have begun gathering signatures no later than May 1, 2020,” they write. The SEP candidates “had 14 weeks out of the 15-week period to collect signatures in person for independent nomination.”

Newsom and Padilla specifically suggest that the SEP should have deployed “66 signature gatherers, working five days a week for 15 weeks, to obtain the requisite number of signatures.”

If SEP supporters had attempted to do this, they would have risked death, both for themselves as well as for their loved ones and the general public.

In the past two weeks, according to statistics displayed on Newsom’s own website, there have been 109,910 new cases in California and 1,104 new deaths. This is more deaths in two weeks, in the state of California alone, than the death toll of South Korea and Denmark combined over the entire course of the pandemic.

The state’s hospitals also reported a 27.8 percent increase in hospitalizations over a 14-day period ending on Monday.

Newsom’s position in the SEP lawsuit is in striking contrast to his other statements and actions. Such is the scale of the disaster in California that Newsom himself was compelled on Monday to issue an order rolling back the state’s efforts to reopen, ordering a long list of categories of businesses to close for indoor and outdoor

service.

The position of Newsom and Padilla is determined by politics, not reality. The Democratic Party throughout the country is frightened by the notion that the SEP candidates could win significant numbers of votes if allowed on the ballot, under conditions where both Democratic and the Republican candidates are widely viewed with skepticism and mistrust, if not outright hostility.

The Democratic Party officials responding to the lawsuit filed by Kishore and Santa Cruz also argued that if the SEP candidates appear on the ballot, this will “irreparably harm the public interest.” They are arguing that the SEP candidates were not “diligent” since they did not attempt to gather any signatures during the ongoing statewide lockdown. The SEP is contending that no reasonably diligent candidates can or will meet the state’s requirements, as the state officials well know.

In their initial filing, the SEP candidates argued that gathering hundreds of thousands of signatures during the pandemic would be impossible without putting their supporters and the general public at risk. The lawsuit cites an order from Governor Newsom in March, where he warns that “in-person voting presents risks to public health and safety in light of the COVID-19 pandemic, and could risk undermining social distancing measures imposed by the State Public Health Officer.”

Despite Newsom issuing a stay-at-home order on March 19, his attorneys have claimed that California’s public health orders “at most restricted [the SEP’s] ability to gather in-person signatures by one week,” since an exception was subsequently allowed in the law for election-related activity.

Newsom and Padilla do not explain how campaigners could gather in-person signatures without exposing themselves and potential signatories to COVID-19. Nor do they address the reality that approaching a stranger on a sidewalk with leaflets and a clipboard in the summer of 2020 is totally impractical and likely to result in the person walking away or condemning the campaigner for failing to maintain social distancing.

Norissa Santa Cruz responded to Newsom and Padilla in a statement yesterday, calling their arguments a “farce of democracy.”

“It’s pure insanity that our campaign should be required to collect some 200,000 signatures in the

midst of a deadly pandemic, especially as cases continue to skyrocket in California and throughout the region,” she said. “This is the extent to which Gavin Newsom and the Democrats that run California are desperate to keep socialist candidates off the ballot.”

The SEP candidates are waging a similar challenge to impossible ballot access restrictions in the state of Michigan. Yesterday, Kishore and Santa Cruz filed an appeal to the federal Sixth Circuit Court of Appeals. The appeal challenges the decision of Republican-appointed District Judge Sean F. Cox, who ruled in favor of Democratic Michigan state officials last week. In his decision, he claimed that the SEP should have gathered the signatures regardless of the pandemic.

At the time of Cox’s ruling against the SEP candidates, health experts and Michigan’s Democratic Governor Gretchen Whitmer were warning that there was a “high risk” for a renewed outbreak of COVID-19 in the state.

In the California case, the SEP candidates’ formal legal response to Newsom and Padilla will be filed on Wednesday. The oral arguments, as well as the judge’s decision, are expected to take place next week.

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