

Wisconsin Supreme Court blocks Green Party presidential campaign from 2020 ballot

By Kevin Reed
16 September 2020

In a politically motivated and blatantly undemocratic ruling, the Wisconsin Supreme Court on Monday rejected a lawsuit by the Green Party requesting that its presidential and vice presidential candidates be added to the states' ballot for the November elections.

In the 4-3 unsigned decision, the court majority used the bogus claim that halting the distribution of absentee ballots and reprinting them to add the names of Howie Hawkins for president and Angela Walker for vice president would cause "confusion and undue damage" seven weeks ahead of Election Day.

The real reason the Green Party candidates are being kept off the ballot, however, is Democratic Party fears that votes cast for Hawkins and Walker will reduce support for the Biden-Harris ticket and thereby strengthen Trump's chances of winning the battleground state. Trump defeated Democrat Hillary Clinton in Wisconsin by less than 23,000 votes in 2016.

Conservative Justice Brian Hagedorn joined with three Democrats in the decision, which stated that "for this court to order the printing and mailing of replacement ballots containing the petitioners' names would create a substantial possibility of confusion among voters who had already received, and possibly returned, the original ballots."

The Wisconsin Supreme Court placed the blame for excluding Hawkins and Walker on the Green Party itself, claiming that it waited too long to file its request. The court wrote that "the petitioners delayed in seeking relief in a situation with very short deadlines."

However, the Green Party filed its brief with the state's top court within one week of being notified by the Wisconsin Elections Commission that it would not be on the ballot.

The court's decision acknowledged in a backhanded manner that the Green Party's democratic rights had been violated, but refused to address the constitutional issues.

The ruling stated: "Even if we would ultimately determine that the petitioners' claims are meritorious, given their delay in asserting their rights, we would be unable to provide meaningful relief without completely upsetting the election."

The Green Party filed its request on September 3 after the Wisconsin Elections Commission--made up of three Democrats and three Republicans--refused to put Hawkins and Walker on the ballot, even though they had complied with the state's ballot access requirements. The commission members were deadlocked three to three along party lines in two votes regarding approval, following a challenge to the signatures of registered voters submitted by the Green Party.

In a dissenting opinion, Wisconsin Supreme Court Chief Justice Patience Roggensack revealed critical details concerning the challenge to the Green Party signatures and the party's subsequent exclusion from the ballot, which the court majority left out of its ruling.

Judge Roggensack's dissent states: "The Order of the court gives some underlying facts, but it omits other undisputed facts that are important for the public to know. In so doing, the Order fails to disclose unlawful Commission actions to the public, which should be told what actually occurred here."

On August 4, the Green Party submitted nominating petitions with 3,966 signatures to the Wisconsin Elections Commission. The state's minimum requirement is 2,000 signatures to obtain ballot access.

On August 7, Allen Arntsen, a Madison, Wisconsin attorney with high-level connections to the Democratic Party establishment in Wisconsin, filed a "verified complaint" challenging 2,046 of the Green Party nominating signatures.

At a meeting of the commission on August 20, Arntsen's challenge was verified on just 57 signatures, and it appeared that the Green Party had 3,909

“presumptively valid signatures.” However, the commission administrator sent the Green Party a letter on August 21 “stating that since the Commission had certified a total of only 1,789 signatures, less than the 2,000 required for ballot access, Hawkins’ and Walker’s names would not be on the ballot for the November 3, 2020 general election.”

Initially, on September 10, the state Supreme Court ordered a halt to the production and distribution of ballots pending a decision on the Green Party case. By rejecting the lawsuit by Hawkins and Walker, the Supreme Court accepted entirely the spurious procedural arguments of the Democrats that millions of ballots had already been printed and, since ballots are different in cities and towns across the state, there would not be enough time to meet the federal deadline of mailing them by September 17.

Judge Roggensack concluded her dissent by writing: “This lawsuit is not about the Green Party sleeping on its rights. It is about the treatment that independent candidates from a small political party received from the Commission, who repeatedly refused to follow the law relative to nomination papers.”

The Wisconsin Supreme Court ruling follows by nine days the refusal of the US Supreme Court to hear the appeal of the Socialist Equality Party (SEP) against the unconstitutional ballot access laws in Michigan during the coronavirus pandemic. In this case, the lower courts and the Michigan Democrats argued persistently that the SEP should have been collecting signatures while COVID-19 was spreading rapidly across the state and in violation of the state government’s stay-at-home orders.

Also in Wisconsin, presidential candidate and rap music celebrity Kanye West was denied ballot access by the Elections Commission because his campaign officially submitted nominating petitions 14 seconds past the 5:00 pm deadline on August 4. A county circuit court judge ruled on September 11 that the commission’s decision to keep West off the ballot was justified. The West4Prez campaign has appealed this decision to the state Supreme Court, but no ruling has yet been issued.

The outcome of these cases is the judicial confirmation of the fact that ballot access laws in the US are the most undemocratic of any industrialized country in the world. In many US states, independent candidates and parties must collect tens of thousands of signatures from registered voters—with deadlines often requiring petitioning in the dead of winter—just to provide the voting public with an alternative to the two parties of the banks, corporations and financial elite.

In the state of Florida, for example, a presidential campaign seeking ballot access must satisfy the major party requirement, a membership of 5 percent of all registered voters in the state or 500,000 people, or the minor party requirement of 132,781 voter signatures on nominating petitions.

As of 1994, a party without previous ballot standing seeking to run a candidate in every race for the US House of Representatives and to have the candidates’ names appear on the ballot next the party’s name would need to have 1.5 million declared members or gather an equal number of signatures of registered voters on petitions spread across every district in the country.

Meanwhile, the undemocratic nature of the quadrennial US presidential elections is manifested in the existence of the Electoral College system, which is a violation of the principle of political equality referred to as “one man-one vote.” The institution of the Electoral College, established in Article II of the US Constitution, stipulates that the election of the president is determined by the number of Electoral College votes from each state, not the total vote of the public across all states.

Twice in the last five presidential elections, the Electoral College system has resulted in the election of a president who did not win the popular vote. In 2000, Republican George W. Bush received 271 electoral votes and 266 went to Democrat Al Gore, while Gore received 543,895 more popular votes than Bush. In 2016, Donald Trump received 304 electoral votes with 277 going to Hillary Clinton, while Clinton received 2,868,686 more popular votes than Trump.

To contact the WSWWS and the
Socialist Equality Party visit:

<http://www.wsws.org>