ROCK COUNTY, WISCONSIN

Office of the Rock County Clerk 51 South Main Street Janesville, WI 53545

Lisa Tollefson, Rock County Clerk



Office (608) 757-5660 Fax (608) 757-5662 <u>www.co.rock.wi.us</u> Lisa.Tollefson@co.rock.wi.us

January 11, 2022

Response and Determination:

To Formal Complaint to Remove Unqualified Nomination Signatures for Lucas Carter Candidate for County Supervisory District 12

Parties are allowed to file nomination paper challenges with the appropriate filing officer. For Rock County Board Supervisor contests, the filing officer is the Rock County Clerk, Lisa Tollefson. On January 7, 2022 the complaint, "Exhibit A", was delivered to the Rock County Clerk by Mary Ann Sveom. The document was notarized. The complaint was delivered by email to the candidate challenged the same day as received, meeting the requirement for the filing officer to deliver the complaint within 24 hours of receipt. The candidate challenged delivered his response "Exhibit B" within the three calendar days of the challenge being filed.

As filing officer, I then examined any evidence offered by the parties when reviewing the complaint challenging the sufficiently of the nomination papers.

The burden is on the challenger to establish, by clear and convincing evidence, any insufficiency of the nomination papers and if the challenger does so, the burden then shifts to the challenged candidate to establish that the nomination papers or any challenged signatures are sufficient. Wis. Admn. Code EL §§ 2.07(2) and (3).

Below is the filing officer Lisa Tollefson's determination of each item in the complaint.

Individuals Previously Signed another candidates nomination papers:

The following signatures are invalid for Lucas Carter and should be removed and/or disqualified because these individuals previously already signed to nominate candidate April Whitledge:

Page 2 Line 2 - Signer Chris Butler previously signed for candidate April Whitledge.

Page 2 Line 6 - Signer Barbara Mickey previously signed for candidate April Whitledge.

Page 2 Line 8 - Signer Amber Blum previously signed for candidate April Whitledge.

Page 4 - Line 4 & 5. Signers Merle and Susan Fallin previously signed for Supervisor Candidate April Whitledge.

<u>Determination:</u> When the challenged was received, the Rock County Clerk's Office staff had completed its duplicate candidate check for Supervisory District 12. It is agreed the five signatures should be disqualified.

Response and Determination - Challenge to Nomination Papers for Lucas Carter

Name and Signature do not match. Address illegible:

Page 3 Line 5 - Name and signature do not match. Address illegible.

<u>Determination:</u> The printed name is Peggy Stark and the address is 933 Garfield. According to the guidance from the Wisconsin Elections Commission document "Nomination Paper Challenges - January 2018" Page 6.

"3. After reviewing both the signature and printed name of a signer, if the filing officer can discern a possible name, but may not be certain of the exact spelling of the name, the printed name is deemed legible and the signature shall be counted if otherwise valid."

The name and address are discernable. The signature is not disqualified.

Page 3 Line 6 - There is no such address in District 12

<u>Determination:</u> In reviewing 421 Yates Ave, this address does not exist in District 12. 1421 Yates Ave does exist in District 12. It is agreed that this signature should be disqualified.

Individuals do not live at the address listed

Page 3 Line 7 - Kimberly Hatley does not reside at this address

AMMINIA

Page 3 Line 9 - Kai Soler-King does not reside at this address. She resides at 1005 Mckinley Ave, Beloit, WI 53511-5027

Page 4 Line 3 - Melissa Peck does not reside at this address: She resides at 540 Lathrop Ter, South Beloit, IL 61080-1935

Page 5 Line 6 - Richard Loomis is not at this address. He resides in district 9 at 1941 S Fayette Ave, Beloit, WI 53511-3045

Page 5 Line 8 - Donald Krieg is not at this address. There is no record of a Donald Krieg in Rock County. Donald L. Krieg lives in Winnebago County in Illinois.

Page 7 Line 2,3 & 4 - Brittany, Brianna & Jessie Roberts reside at 2601 Colley Rd Lot 91, Beloit, WI 53511-9777. All three signatures should be removed.

<u>Determination:</u> Using guidance from the Wisconsin Elections Commission document "Nomination Paper Challenges - January 2018" Page 7.

"A complaint challenging the eligibility of a signatory to a nomination paper based on the signer's non-residency must be accompanied by reference to MyVote Wisconsin or "Who is My Legislator?" web searches, by a map of the district demonstrating that the address is outside the district, or by a signed statement from the election official, (municipal clerk or deputy clerk), whose responsibility it is to determine the residency of electors of the district. Without such references, the complainant challenger's bare assertion of the signer's non-residency is not sufficient to sustain the challenger's burden of proof."

The challenger has not provided sufficient proof the individuals do not live in the district. None of the above signatures will be disqualified.

Address illegible and incomplete

Page 5 Line 4 & 5 - Address illegible and incomplete.

<u>Determination</u>: Immediately upon reviewing the nomination the Rock County Clerk's office staff agreed the address street name was a shortened version of Saint Lawrence. It appears that the individuals completing the form has a large writing style and did not have enough room to completely write out Saint Lawrence. The individuals shortened the name of the street as one would shorten "Consolidated School Road" or "Martin Luther King Blvd".

Though the guidance from the Wisconsin Elections Commission document "Nomination Paper Challenges - January 2018" Page 7, does not directly address the shortening of street names. It does cover the shortening of Municipalities. 2023 Saint Lawrence is an address in District 12.

"Challenges to signatures alleged not to include the proper municipality of residence, where the municipality can be determined by other information contained on the nomination papers, pursuant to Wis. Admn. Code EL § 2.05(15)(c) have been rejected in the past. For instance, the municipality of "WFB" was determined by the mailing address to indicate "Whitefish Bay," or "Gtown" was determined by the zip code to indicate "Germantown."

These signatures will not be disqualified.

Name is illegible

Page 6 Line 9 is clearly not Valdez - Elector's actual name is illegible. Incorrect name of "Valdez" added after elector signed.

<u>Determination:</u> Between the written and printed name on this liine the Rock County Clerk's Office was able to determine the name as Jasmin Valadez. Further confirmation shows that Jasmin Valadez is a registered voter at the address listed on the nomination papers. This signature will not be disqualified.

Municipality is not listed with circulators address

Page 7 Lines 1-4 - This entire page should be removed and declared invalid because state statute requires an address for the individual circulating papers and that address must include a municipality. No municipality is listed next to the address "2223 Portland Ave."

Using guidance from the Wisconsin Elections Commission document "Nomination Paper Challenges - January 2018" Page 4.

"Staff has recommended finding substantial compliance for papers missing the municipality in the circulator's address where the circulator is the candidate and where the missing information is supplied by reference to other information on the same page (e.g., the candidate's address in the nomination paper heading)."

Since the circulator on this page is also the candidate, the municipality is list on the page. No signatures will be disqualified on this page.

Signer/Circulator claims residence other than stated on forms

Page 9 Line 5 – Signer is currently the subject of a complaint for residing in Dane County while serving as Rock County Supervisor in the district listed on the nomination papers. Copies of the complaint have been sent to Richard Greenlee, corporate counsel, Josh Smith, County Administrator, and Jacob Tayor, currently serving as Rock County Supervisor for District 16. Not a qualified elector and his signature should be removed. According to records produced by himself and sent to his employer, Mr. Taylor moved to Madison in 2019.

Page 9 - Lines 1-5. The entire page 9 should be declared invalid. All of page 9 was certified by Mr. Taylor. Mr. Taylor falsified his address on both line 5 and at the bottom of the page where he certified. Falsifying the certification is punishable under s. 12.13 (3) (a). Whoever violates is guilty of a Class I felony. Felons cannot be qualified circulators. Per 8.10 (3) (3) The certification of a qualified circulator under s. 8.15 (4) (a) shall be appended to each nomination paper. Per 8.15 (4) (a), The certification of a qualified circulator stating his or her residence with street and number, if any, shall appear at the bottom of each nomination paper. Because page 9 does not contain the proper and accurate address of the circulator, Mr. Taylor, all 5 signatures on this page must be declared invalid. Mr. Taylor currently resides at 321 Wisconsin Avenue, Madison, WI 53703 per an open records request. Additionally, he stated on a job application he moved to Madison. Furthermore, his girlfriend, Amy Gray, whom he was residing with, made a post on social media that her and him were going to visit Mr. Taylor's mother. One does not need to make a special trip to "visit" somebody if they reside at the same address.

<u>Determination</u>: The evidence provided shows Jacob Taylor stated he moved to Madison in March of 2019 as a reason for leaving a previous job. The application also shows Jacob Taylor as a student at UW-Madison.

A qualified elector is defined in Wis. Stat. § 6.02, as a U.S. citizen, 18 years of age or older, who has resided in the election district for at least 28 consecutive days before an election at which they offer to vote and who is not disqualified by virtue of one or more of the impediments described in Wis. Stat. § 6.03.

Once a person has met the residency requirement and qualifies as an elector of the district, they do not lose residency if they leave the district for a temporary purpose with an intent to return. Wis. Stat. § 6.10(5) and (11). Students fall under "temporary purpose with intent to return".

Our office is the custodian of the Declaration of Candidacy for County Board Supervisor District 16 from Jacob Taylor dated December 11, 2019. This document states this residence is 1330 Forest Ave, Beloit. The same address on the nomination papers.

As to the Facebook post from Jacob Taylor's girlfriend stating ..."we just went to visit them!" This does not provide sufficient information to prove that Jacob does not reside with his mom. Couples often refer to themselves as "we". They could have gone out for lunch, then went to see Jacob's mom's puppies.

The County Clerk does not have the authority to determine that someone is a felon. No signatures will be disqualified for this claim.

No address listed

Page 8 line 5 lists no address

<u>Determination</u>: The line contains ditto marks in the address box. Following guidance from the Wisconsin Elections Commission, if ditto marks are directly under a complete address, then the address is considered complete. This signature will not be disqualified.

Same person signed

Page 8 lines 2 & 3 appear identical, as if signed by the same person.

Page 8 Lines 4 & 5 appear to be signed by the same person . Ellen resides at the address listed but NIcholas resides at 7933 Strike Blvd, Fort Campbell, KY 42223-5529.

Page 9 Line 2 & 5 appear to be signed by the same person

<u>Determination</u>: I am not a hand-writing expert. While I am a notary and a passport acceptance agent for the U. S. Department of State, I have watched hundreds of individuals sign documents. It is rare for two individuals in the same household to sign similar, but it does happen. Though the challenger has raised concerns, they have not met the burden of clear and convincing evidence to support the disqualification of these signatures. These signatures will not be disqualified.

FINAL DETERMINATION:

Review of Signatures

	Original Count	After Determinations
Page 1	9	9
Page 2 (Lines 3,6 & 8 removed)	7	4
Page 3 (Line 6 removed)	10	9
Page 4 (Line 4 & 5 removed)	10	8
Page 5	10	10
Page 6	10	10
Page 7	4	4
Page 8	4	4
Page 9	5	5
Total number of valid	69	63
signatures		

After determinations, Lucas Carter has submitted over 50 valid signatures to be meet the requirement to be placed on the ballot for Rock County Supervisory District 12.

Lisa Tollefson Rock County Clerk Response and Determination – Challenge to Nomination Papers for Lucas Carter

Exhibit A - Complaint to Remove Unqualified Nomination Signatures

Exhibit B - Challenged Candidate Response to Complaint

Exhibit C - Wisconsin Elections Commission - Nomination Paper Challenges (Jan 2018)

Exhibit D - Chapter EL 2 Election Related Petitions

Exhibit A

Consider this a formal request and complaint to investigate and remove unqualified nomination signatures for Lucas Carter, Candidate for Rock County, WI Supervisor District 12.

JAN 07 2022

Unqualified signatures are referenced by line number and page number as indicated in the lower right hand corner of the submitted nomination pages.

Per Wisconsin State Statute 8.04 - Nomination paper signatures. If any person signs nomination papers for 2 candidates for the same office in the same election at different times, the earlier signature is valid and the later signature is invalid.

The following signatures are invalid for Lucas Carter and should be removed and/or disqualified because these individuals previously already signed to nominate candidate April Whitledge:

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Sincerely,

January 7, 2022

Subscribed and sworn to before me this 7th day of January 20 22 Notary Public, Rock County, WI

Commission Expires 05-09- 2025

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LUCAS CARTER			ON OF CIRCULATOR reside at	PORTLAND	AVE BE	LOT U	<u> </u>
(Name of circulator urther certify I am either a qualified elector of M culated this nomination paper and personally o at each person signed the paper with full knowle	visconsin, or a U.S. citizen, btained each of the signat edge of its content on the	tures on this paper. I kn date indicated opposite	I were a resident of this s	tate, would not be disc	qualified from voting u	inder Wis. Stat. Idate seeks to re	present. I know
vare that folsifying this certification is punishable	e under Wis, Stat. 9 12.13	m.	cut-			Page N	lo. 4

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Title of office (required) COUNTY BOARD SUPE		Branch, district or seat num Branch District Seat	_	ROCK COUNTY	ict in which candidate seeks of the fraquitie BOARD SUPERVISORY	DISTRICT 12
the undersigned, request that the candidate, who pportunity to vote for ⋈ him or □ her for the offi aper of any other candidate for the same office at	this election.	ole to vote in the jurisi	action or district in which	the candidate named al	ove seeks office. I have not sign	ed the nomination
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11 000		Kies	ature of circulators		Pag	e No. 5

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andidate's mailing address, including municipality for mailing i esidential address or voting municipality)	ourposes (required II different the	WI	53511	S spring	Mo/Day/Year	OZZ CLERK
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69 Rev. 2019-10 Wisconsin Elections Commission,	P.O. Box 7984, Madison, WI 53	707-7984		re of circulator)	amalla			Page	No. 7

9 of 21

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Jacob Tuntor		47 1.4	certify: I re		TOPEST /TU	le Be	D+ WI number, street, and municipality	¥.)
further certify I am either a qualified elector of irculated this nomination paper and personally that each person signed the paper with full know	Wisconsin, or a U.S. clti	zen, age 18 or of matures on this p	der who, if I paper. I kno	were a resident of the	is state, would no	ot be disqualified	from voting under Wis. 5	tat. §6.03. I person to represent. I kno

141	JIVIIIVATION FAFER	FOR INDINFARIISAN OF	rive	(5)				
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Candidate's mailing address, including municipality for mailing purposes (required if different residential address or voting municipality)	WI	53511	Type of election (required to spring Co special	Election date (required) Co No/Day/Year 04/05/2022	Taluse Marany data.			
Board of Supervisors	Branch, district or seat numi O dranch O District 12 O Seat	Pack	COUNTY BOARS	PSOSINGS SEGRET SHIP CONTROLLS CONTR	SIL 1718			
I, the undersigned, request that the candidate, whose name and residenti opportunity to vote for □ him or □ her for the effice listed above. I am e paper of any other candidate for the same office at this election. The municipality used for mailing purposes, when different th	ligible to vote in the jurisd	lction or district in which the can	didate named above s	eeks office. I have not signed	the nomination			
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, Jack Taylor		ON OF CIRCULATOR	Toron Ave	$\sim 10^{-1}$	1.+-			
Further certify I am either a qualified elector of Wisconsin, or a U.S. citiz circulated this romination paper and personally obtained each of the significant paper with full knowledge of its content on aware that faisfying this certification is punishable under Wis. Stat. § 12.	en, age 18 or older who, in natures on this paper. I kn the date indicated opposit 13(3)(a).	Circulator f I were a resident of this state, y now that the signers are electors	's residential address - Indu yould not be disqualifi of the jurisdiction or a	de number, street, and municipality, ed from voting under Wis. St district the candidate saeks to	at. §6.03. I personally o represent. I know s candidate. I am			

Jacob T. Taylor -

PROFESSIONAL SKILLS

- Experience with Forward and Umbraco
- Excellent communication skills particularly in customer relations.
- Experience in sales
- Experiences in canvassing and phone banking

EDUCATION

UW Madison - September 2019-Present

UW Whitewater - Rock County Associate of Arts and Sciences

Dean's list Spring 2018, Fall 2018, Spring 2019

F.J. Turner High School - High School Diploma earned June 2017

AP Scholar

References

Don Vruwink — Representative to the 43rd Assembly District.
608.266.3790 Rep.Vruwink@legis.wisconsin.gov
Janis Ringhand - Senator to the 15th Senate District
(608) 266-2253 Sen.Ringhand@legis.wisconsin.gov
Mark Spreitzer - Representative to the 45th district
(608) 266-1192 Rep.Spreitzer@legis.wisconsin.gov



PROFESSIONAL PROFILE

Motivated public servant eager to listen and respond to the needs of the community, especially issues related to criminal justice, and social and economic inequality.

ORGANIZATIONS

College Democrats of Wisconsin - Youth Outreach. September 2017 - Present

Founded and served as chairperson for the UW Whitewater-Rock County College Democrats. Hosted forums for political candidates at UWW-Rock County and staffed events for candidates of the Democratic Party. Elected Vice-Chair of the College Democrats of Wisconsin in April 2019

Democratic Party of Rock County - Political Party. November 2018 - Present

Organized Get Out the Vote efforts for students in Rock County for 2018 midterms and April municipal elections. Hosted fundraising in collaboration with Young Democrats to raise funds for the party.

Whitewater Student Government - Student Governing

Elected to serve on the Whitewater Student Government on behalf of the students of the Rock County campus. Voted on policy proposed by the administration as well as introduced our own policy for the campus life at the Whitewater and Janesville campuses.

WORK EXPERIENCE

Legislative Intern-Wisconsin State Capital, Madison. January 2019 - Present

Assisted Representative Vruwink and staff with office tasks including legislative research, writing newsletters, responding to constituents, volunteering at events, and managing social media accounts.

Senior Intern June 2019

Front Desk Clerk- UW Whitewater ~ Rock County Solutions Center, Janesville. October 2018 — Present

Assisted in troubleshooting student problems, provided students with general information related to Rock County, responded to emails on behalf of UW Whitewater - Rock County, and completed other miscellaneous administrative tasks.

Salesperson and Customer Service- Family Video, Beloit. February 2018 - October 2018

Independently operated the store, kept movies organized and workplace orderly. Talked to customers and recommend movies based on their preferences.

Top 25% in sales throughout entire company in June 2018.

Yes

Are you a state Resident?

Yes

Do you have a valid drivers' license?

Yes

Drivers Licence from Which State?

WI

Reference 1

Representative Don Vruwink

Room 6 North

State Capitol

PO Box 8953

Madison, WI 53708

(608) 266-3790

Rep. Vruwink@legis.wisconsin.gov

Reference 2

Senator Janis Ringhand

Room 108 South

State Capitol

PO Box 7882

Madison, WI 53707

(608) 266-2253

Sen.Ringhand@legis.wisconsin.gov

Reference 3

Room 113 North

State Capitol

PO Box 8953

Madison, WI 53708

(608) 266-1192

Rep.Spreitzer@legis.wisconsin.gov

May we conduct a personal background check including contact of your references and review other records as my be required for some positions?

Yes

If no, please explain:

By submitting this document, I acknowledge that all information on this application is true to be the best of my knowledge and that any false or missing job related information may disqualify me from this position.

Yes

14 of 21

Dates Attended

09/04/2019-Present

Degrees Completed

N/A

Present/Most Recent Employer and Location

The Office of Representative Don Vruwink

Employment Dates

01/24/2019-Present

Reason for Leaving

Still employed

Duties

Served as intern:

Replied to constituent letters

Answered phone calls and emails

Wrote monthly ENewsletter

Created an Intern FAQ Folder

Helped with in district work

Trained other interns

Did miscellaneous work as directed

1. Employer and Location

UW Whitewater at Rock County

2909 Kellogg Avenue

Janesville, WI 53546

1. Employment Dates

10/22/2018-08/30/2019

1. Reason for Leaving

Moved to Madison

1. Duties

Assisted the Solutions Center front desk.

Helped students troubleshoot problems or referred them to appropriate department.

Completed miscellaneous office tasks as assigned.

2. Employer and Location

Family Video

1402 Liberty Ave

Beloit, WI 53511

2. Employment Dates

06/01/2018-10/12/2019

2. Reason for Leaving

I was awarded work study, and left to pursue a job at UW Whitewater at Rock County

2. Duties

Independently ran the Family video store.

Assisted customers in finding a movie or video game.

Rearranged movie titles

Took inventory

Deposited daily earning in the bank.

Open/Closed store.

Employment Sought

Part Time

If part time, list preference

Afternoon

Are you a US Citizen?

2

Macaulay, Lisa

From:

Biazel, Ted

Sent: To:

Monday, October 07, 2019 10:01 AM

Macaulay, Lisa

Subject

FW: New Senate Messenger Application was submitted

From: WSL-Software-Notification < WSL-Software-Notification@legis.wisconsin.gov>

Sent: Friday, October 04, 2019 11:19 AM

To: Blazel, Ted <Ted.Blazel@legis.wisconsin.gov>

Subject: New Senate Messenger Application was submitted

the form Senate Messenger Application was submitted, this is the list of values it contained, you can turn this email off under workflows in Umbraco Contour

Full Name

Jacob Taylor

Phone Number

Email

Present Address

Permanent Address

Date of Birth

Gender

Male

High School

FJ Turner High School

1231 E Inman Pkwy, Beloit, WI 53511

Dates Attended High School

09/01/2013-06/04/2017

High School Grade Completed

Senior

College

UW La Crosse

UW Whitewater at Rock County

Dates Attended College

09/01/2017-05/24/2019

College Degrees Completed

Associates of Arts and Science

Additional Education

UW Madison

5/25/2021

Forms - ssgt.cms.legis.wisconsin.gov

Reference 3

Room 113 North State Capitol PO Box 8953 Madison, WI 53708 (608) 268-1192 Rep.Spreitzer@legis.wisconsin.gov

May we conduct a personal background check including contact of your references and review other records as my be required for some positions?

Vac

If no, please explain:

By submitting this document, I acknowledge that all information on this application is true to be the best of my knowledge and that any false or missing job related information may disqualify me from this position.

Yes

Submitted

2 years ago

State

Approved

lď

121

Unique id

95f442a9-5e24-43e0-8e8a-52611b323482

4/4

5/25/2021

Forms - ssgt.cms.legis.wisconsin.gov

2. Employer and Location

Family Video 1402 Liberty Ave Beloit, WI 53511

2. Employment Dates

06/01/2018-10/12/2019

2. Reason for Leaving

I was awarded work study, and left to pursue a job at UW Whitewater at Rock County

2. Duties

Independently ran the Family video store. Assisted customers in finding a movie or video game. Rearranged movie titles Took inventory Deposited daily earning in the bank. Open/Closed store.

Employment Sought

Part Time

If part time, list preference

Afternoon

Are you a US Citizen?

Yes

Are you a state Resident?

Yes

Do you have a valid drivers' license?

Yes

Drivers Licence from Which State?

W

Reference 1

Representative Don Vruwink Room 6 North State Capitol PO Box 8953 Madison, WI 53703 (608) 266-3790 Rep.Vruwink@legis.wisconsin.gov

Reference 2

Senator Janis Ringhand Room 108 South State Capitol PO Box 7882 Madison, WI 53707 (608) 266-2253 Sen.Ringhand@legis.wisconsin.gov

18 of 21

5/25/2021

Forms - ssgt.cms.legia.wisconsin.gov

Associates of Arts and Science

Additional Education

UW Madison

Dates Attended

09/04/2019-Present

Degrees Completed

N/A

Present/Most Recent Employer and Location

The Office of Representative Don Vruwink

Employment Dates

01/24/2019-Present

Reason for Leaving

Still employed

Duties

Served as intern: Replied to constituent letters Answered phone calls and emails Wrote monthly ENewstetter Created an Intern FAQ Folder Helped with in district work Trained other Interns Did miscellaneous work as directed

1. Employer and Location

UW Whitewater at Rock County 2909 Kellogg Avenue Janesville, WI 53546

1. Employment Dates

10/22/2018-08/30/2019

1. Reason for Leaving

Moved to Madison

1. Duties

Assisted the Solutions Center front dask, Helped students troubleshoot problems or referred them to appropriate department. Completed miscellaneous office tasks as assigned.

/25	

Forms - ssgt.cms.legis.wisconsin.gov

Full Name

Jacob Taylor

Phone Number



Email



Present Address



Permanent Address



Date of Birth



Gender

Male

High School

FJ Turner High School 1231 E Inman Plovy, Beloit, WI 53511

Dates Attended High School

09/01/2013-06/04/2017

High School Grade Completed

Senior

College

11/2

UW La Crosse UW Whitewater at Rock County

Dates Attended College 09/01/2017-05/24/2019

College Degrees Completed

https://ssgt.cms.legis.wisconsin.gov/umbraco/#/forms/form/entries/998aab05-777b-47eo-a1c4-32c774083492

20 of 21

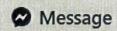
1/4

















8 Comments



Share



Susan Frank Oh my gosh... did you get PUPPIES??? What kind are they? What a cute photo 💞

47w





Amy Gray

Susan Frank unfortunately no! Jacob's mom fosters LOTS of animals so we just went to visit them! The momma is some kind of heeler mix and we don't know what dad is! Thank you!!

21 of 21

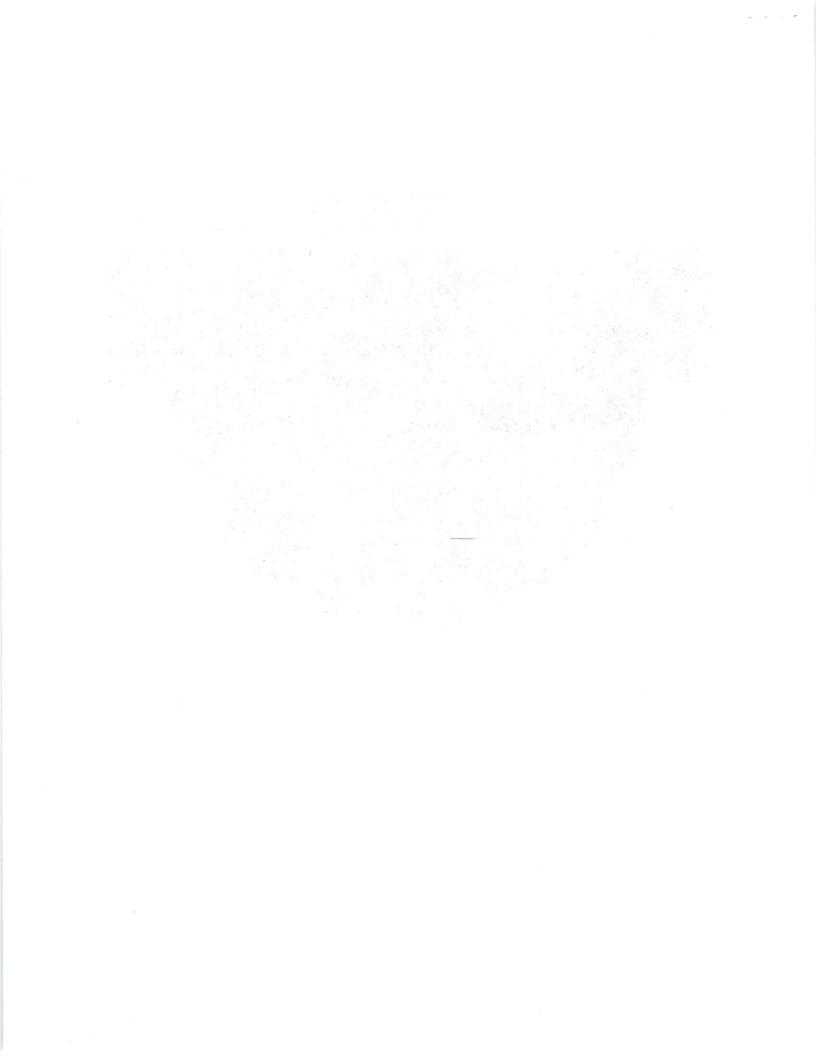


Exhibit B

Consider this a formal response to the complaint filed on January 7, 2022 regarding the nomination signatures for Lucas Carter, Candidate for Rock County, WI Supervisor District 12.

Signatures that should be considered qualified are referenced by line number and page number as indicated in the lower right hand corner of the submitted pages.

Page 3 Line 5 – The printed name states "Peggy Stark" and the address clearly reads "933 Garfield". The signature itself is not relevant, as long as the printed name is legible. See page 6 of the Common Nomination Paper Challenges (henceforth referred to as CNPC) guidelines below:

3. After reviewing both the signature and printed name of a signer, if the filing officer can discern a possible name, but may not be certain of the exact spelling of the name, the printed name is deemed legible and the signature shall be counted if otherwise valid.

Page 3 Line 6 – see below

Page 3 Line 7 – see below

Page 3 Line 9 - see below

Page 4 Line 3 - see below

Page 5 Line 6 - see below

Page 5 Line 8 - see below

Page 7 Line 2,3 & 4 - see below

JAN 1 0 2022

COUNTY CLERK
ROCK COUNTY, WI

These challenges regard claims that some electors live outside the district. The challenger has failed to meet the burden of proof to demonstrate their claims, which is insufficient for a challenge. More detail is provided in the CNPC guidelines, page 7 excerpt listed below (emphasis mine):

Challenge: The elector lives outside the district.

Analysis: A complaint challenging the eligibility of a signatory to a nomination paper based on the signer's non-residency must be accompanied by reference to MyVote Wisconsin or "Who is My Legislator?" web searches, by a map of the district demonstrating that the address is outside the district, or by a signed statement from the election official, (municipal clerk or deputy clerk), whose responsibility it is to determine the residency of electors of the district. Without such references, the complainant challenger's bare assertion of the signer's non-residency is not sufficient to sustain the challenger's burden of proof. Time permitting, Commission staff may attempt to verify the location of the address via MyVote Wisconsin and WisVote. This policy has been approved in prior cases.

Page 5 Line 4 & 5 - This challenge is not specifically addressed in the CNPC guidelines, but a similar issue is referenced (*see below, from page 7*). Abbreviation is allowed if the intent is clear, in this case "Saint Lwa" clearly refers to St. Lawrence Ave in Beloit, which corresponds to the house number (2023) given for both lines.

<u>Challenge:</u> The elector's address is incomplete because the elector has abbreviated the name of the municipality.

<u>Analysis:</u> Challenges to signatures alleged not to include the proper municipality of residence, where the municipality can be determined by other information contained on the nomination papers, pursuant to Wis. Admn. Code EL § 2.05(15)(c) have been rejected in the past. For instance, the municipality of "WFB" was determined by the mailing address to indicate "Whitefish Bay," or "Gtown" was determined by the zip code to indicate "Germantown."

Page 6 Line 9 – The circulator added "Valdez" in error. This was intended to clarify the "-dez" ending which is somewhat legible but ambiguous in the printed name. Because the rules only allow for a circulator to add notes to address or date information, this note should be ignored, and the Clerk should make the determination of whether the signer's last name "Valadez" is sufficiently legible.

Page 7 Lines 1-4 – No municipality is listed next to circulator address; however, it is listed correctly at the top of the page. See excerpt below from page 4 of the CNPC guidelines:

<u>Challenge:</u> The circulator's address, required by Wis. Stat. §§ 8.10(3), 8.15(4)(a), is insufficient because the circulator has not indicated the municipality of residence.

<u>Analysis:</u> Staff has recommended finding substantial compliance for papers missing the municipality in the circulator's address where the circulator is the candidate and where the missing information is supplied by reference to other information on the same page (e.g., the candidate's address in the nomination paper heading).

Pages 8 and 9- Jacob Taylor's current address of residence is 1330 Forest Ave, Beloit, Wisconsin 53511. I have attached his signed affidavit regarding this issue. Please note that time constraints did not allow the affidavit to be notarized, but a notarized copy can be obtained if requested. I have also included a snapshot of Mr. Taylor's current voter registration information from MyVote Wisconsin, as well as a tax filing showing his address listed at 1330 Forest Ave. Also, the mere existence of a complaint does not invalidate the reality that Mr. Taylor's established permanent residence is 1330 Forest Avenue in Beloit. The evidence provided by the challenger is circumstantial and not accurate in regard to Mr. Taylor's current situation. Also, it must be stressed that Mr. Taylor is not a felon, and it is beyond the authority of the clerk's office to convict him as such.

Sincerely,

January 10, 2022

Notary Public

15mael Luna

Title and Rank

Ganker

Date of Commission Expiry

102/2022

MY VOTER INFORMATION

▲Taylor, Jacob Thomas

Status: You are Registered to Vote: Current Address: 1330 Forest Ave . Beloit, WI 53511

Update Name

Update Address

MY NEXT ELECTION

2022 Spring Election

Tuesday, April 5, 2022



Polling Place: Gaston Elementary School | 1515 W Grand Ave. Beloit, W | 53511

Hours: 7.00 AM - 8.00 PM

City Of Beloit - Ward 05

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Form 1099-INT

www.rs.gov Form1099/0

Department of the Treasury - Internal Revenue Service

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Affidavit

State of Wisconsin, County of Rock

Signature of Individual___

My current legal name is Jacob Taylor, and my current occupation is County Supervisor . I am presently 23 years old, and my current address of residence is 1330 Forest Ave, Beloit, Wisconsin 53511.

Objections were made to my circulation of nomination papers for Lucas Carter citing that I live at an address in Madison, Wisconsin. I do not live at the address listed, though I did at the time of my application to the Senate Sergeants Office in the fall of 2019. I since returned to living at the Forest Avenue address in Beloit in the home my parents own, as is reflected in mine and my parents taxes, as well as my voting address. The signatures circulated by me should be considered valid for the purposes of placing Mr. Carter on the ballot for the Spring 2022 election..

I hereby state that the information above is true, to the best of my knowledge. I also confirm that the information here is both accurate and complete, and relevant information has not been omitted.

Date	
	Notary Public
	Title And Rank
	Date Of Commission Expir

Exhibit C

NOMINATION PAPER CHALLENGES

January 2018



Wisconsin Elections Commission 212 East Washington Avenue, Third Floor P.O. Box 7984 Madison, WI 53707-7984

Phone: (608) 266-8005 FAX: (608) 267-0500 http://elections.wi.gov

Introduction

Parties wishing to challenge nomination papers of state and federal candidates file such challenges with the Wisconsin Elections Commission (WEC). Parties wishing to appeal a decision of a local election official regarding nomination papers or challenges related to local candidates may also file a complaint with the WEC. In either case, parties are reminded that the Board may, if it finds, by a preponderance of the evidence, that a challenge or complaint is frivolous, order the complainant to forfeit up to the greater of \$500 or the expenses incurred by the WEC. in investigating the complaint.

The requirements and standards related to nomination papers and challenges to nomination papers are governed generally by Ch. 8, Wis. Stats, and EL Ch. 2, Wis. Admn. Code. Pursuant to Wis. Admn. Code EL §2.05(5), "where a required item of information on a nomination paper is incomplete, the filing officer shall accept the information as complete if there has been substantial compliance with the law." Furthermore, any information on a nomination paper is entitled to a presumption of validity. Wis. Admn. Code EL § 2.05(4). Both challenges and responses must be verified (notarized) and may include supporting documentation. The burden is on the challenger to establish, by clear and convincing evidence, any insufficiency of the nomination papers and if the challenger does so, the burden then shifts to the challenged candidate to establish that the nomination papers or any challenged signatures are sufficient. Wis. Admn. Code EL §§ 2.07(2) and (3).

Over the years, WEC staff and its governing body have analyzed numerous types of challenges and developed a consistent methodology for resolving the most common challenges that have been filed. This document should hopefully help candidates and political parties concentrate their efforts on challenges with a supportable legal basis, and reduce the filing of frivolous challenges or those involving legal issues which have been well settled.

While challenges are not limited to those described in the administrative rules, there are two general categories of challenges – challenges to the header of the nomination papers which may result in declaring all signatures contained on nomination papers using that header to be invalid, and challenges to individual signatures which do not affect the validity of other signatures on the nomination papers.

Please Note: This document summarizes previous decisions of the State Elections Board, the Government Accountability Board and the Wisconsin Elections Commission related to the most common challenges to nomination papers and other election petitions. It is intended to itemize and consolidate previous decisions which state and local filing officers may rely on as precedents regarding the general legal questions and principles involved. However, the facts of individual circumstances and challenges vary, and the application of these principles will be determined on a case by case basis.

Summary of Previous Board Decisions - Common Nomination Paper Challenges

1. Candidate Information (Header Portion of Paper)

None of the information in the header of the nomination paper, (i.e., candidate's name, candidate's address, political party represented, date of election, office sought, name of jurisdiction or district in which candidate seeks office), may be altered, amended, corrected or added after circulation of the nomination paper. This is the nomination information that each signatory saw and relied upon in deciding to sign the paper in support of placing the candidate's name on the ballot.

a. Office Title and District Designation

<u>Challenge:</u> Irregularities in the title of the office or the district number as required by Wis. Stat. §§ 8.10(2)(b), 8.15(a).

<u>Analysis:</u> Staff has typically allowed for variances in listing the office title, such as "Assembly," "Representative," "State Assembly." In the past, staff determined that the papers were sufficient as long as the electors could determine the office and district the candidate was pursuing by other information provided in the nomination paper heading. Additionally, where the title or district designations are illegible or in the incorrect boxes, staff has found these pages to substantially comply when the required information could be determined elsewhere in the nomination paper heading. This recommendation has been approved in prior cases.

b. Election Date

<u>Challenge:</u> Incomplete or missing date of election as required by Wis. Stat. §§ 8.10(2)(b), 8.15(5)(a).

Analysis: When a date of election is completely missing from a petition, staff has recommended approving the challenge and striking the signatures on those pages. When a date is listed but incomplete or incorrect (e.g., using the date of the primary, not indicating the year, indicating the month and year but not the day, indicating an incorrect date, or incorrectly indicating "general" as the type of election on the petition heading), past policy for this Board and the former Elections Board found substantial compliance with Wis. Stat. §§ 8.10 or 8.15 where there was sufficient notice to the signers that the candidate was seeking office at the election immediately following circulation of the nomination papers. Consequently, staff has typically allowed for irregularities in the listed election date where it can be determined that electors understood the nomination papers were for the fall election event. This recommendation has been approved in prior cases.

c. Candidate Address

Challenge: The candidate has not specified a municipality for voting purposes.

Analysis: Challenges to petitions where the candidate has not specified a municipality for voting purposes have been rejected in the past. Wis. Stat. §§ 8.10(2)(c) and 8.15(5)(b) provide that "[e]ach candidate shall include his or her mailing address on the candidate's nomination papers," but is silent with regards to inclusion of municipality for voting purposes. The established policy of the Commission in reviewing nomination papers has been to find substantial compliance with Wis. Stat. §§ 8.10 and 8.15 by presuming the validity of the information listed unless evidence to the contrary is presented. Absent such evidence, the municipality listed for voting purposes is presumed to be the same as the municipality listed for mailing purposes.

<u>Challenge:</u> The space in the header for candidate street number, fire number, rural route number, box number if a rural route and street name is blank.

Analysis: When the candidate's basic address information (number and name of street) is blank in the header, staff has recommended approving the challenge and striking the signatures on those pages. Wis. Stat. §§ 8.10(2)(b) and (c), 8.15(5)(a) and (b) clearly indicate that a candidate's address must appear on the nomination paper to provide signers the opportunity to evaluate the candidate prior to supporting their nomination. Similar to a blank date of election in the header, the Commission has found that papers must contain a minimum amount of information about the candidate and the election for which they are asking to be nominated, for the paper to substantially comply with the law. This recommendation has been approved in prior cases.

d. Candidate Certification

<u>Challenge:</u> The candidate has not completed the gender identification checkbox in the candidate certification statement.

<u>Analysis:</u> Staff has considered such an omission to be an oversight of a technical requirement and have considered papers that are otherwise correct to be in substantial compliance with statutory requirements. This recommendation has been approved in prior cases.

e. Candidate Dates of Circulation

<u>Challenge:</u> The candidate circulated nomination papers prior to the date he or she filed a campaign registration statement or declaration of candidacy.

Analysis: Staff has recommended dismissing these challenges. Wis. Stat. §§ 8.10(5), 8.15(4)(b) provide that if a candidate has not filed a campaign registration statement prior to the time of filing nomination papers, "the candidate shall file the statement with the papers." Wis. Stat. § 8.21(1) provides that each candidate shall file a declaration of candidacy "no later than the latest time provided for filing nomination papers." This recommendation has been approved in prior cases.

2. Circulator Information

a. Circulator Address

<u>Challenge:</u> The circulator's address, required by Wis. Stat. §§ 8.10(3)(a) or 8.15(4)(a), is insufficient because the circulator has not indicated type of municipality of residence (e.g., "Town of" or "City of").

Analysis: Staff has recommended dismissing these challenges. Wis. Stat. §8.15(4)(a) (Wis. Stat. §8.10(3) incorporates the standard in § 8.15(4)(a)) states in the relevant portion that "the certification of a qualified circulator stating his or her residence with street and number, if any, shall appear at the bottom of each nomination paper, stating he or she personally circulated the nomination paper and personally obtained each of the signatures." There is no separate requirement that the circulator indicate the type of municipality of residence. This recommendation has been approved in prior cases.

<u>Challenge:</u> The circulator's address, required by Wis. Stat. §§ 8.10(3), 8.15(4)(a), is insufficient because the circulator has not indicated the municipality of residence.

<u>Analysis:</u> Staff has recommended finding substantial compliance for papers missing the municipality in the circulator's address where the circulator is the candidate and where the missing information is supplied by reference to other information on the same page (e.g., the candidate's address in the nomination paper heading). Staff has typically struck signatures on pages in which the circulator was someone other than the candidate, and the certification of circulator did not include the circulator's municipality. Staff has determined that the circulator's 'residence' should include the name of their municipality for it to substantially comply with the statutory requirement. This recommendation has been approved in prior cases.

b. <u>Circulator Date and Signature</u>

<u>Challenge:</u> The date of certification is incomplete or incorrect, as required by Wis. Stat. §§ 8.10(3), 8.15(4)(a).

<u>Analysis</u>: The circulator may correct errors in the certificate of the circulator, such as the circulator failed to sign or otherwise complete the certificate, or entered inadvertently erroneous data (for instance: the circulator dated the certificate before circulation, not after). If the circulator has not corrected these errors by affidavit by the correction deadline, the challenge must be approved and the signatures on those pages struck. Recommendations to this effect have been approved in prior cases.

3. Elector Signatures

Only one signature per person for the same office is valid. In addition to his or her signature, in order for the signature to be valid, each signer of a nomination paper shall legibly print his or her name in a space provided next to his or her signature and shall list his or her municipality of residence for voting purposes, the street and number, if any, on which the signer resides, and the date of signing. Wis. Stat. §§ 8.10(4)(b), 8.15(2).

a. Multiple Signatures

<u>Challenge:</u> The elector has signed nomination papers for more than one candidate for the same office.

<u>Analysis:</u> Where the elector has signed another candidate's papers prior to the signature on the challenged papers, the later signatures should be struck. This recommendation has been approved in prior cases.

b. Signature

<u>Challenge:</u> The elector has "signed" with a printed name.

Analysis: Staff has allowed signatures where the name has been printed. Wis. Admn. Code EL § 2.05(8) requires that the elector "sign his or her own name;" the rule does not require that the signature be made in cursive. The dictionary definition of "signature" simply states that it is "the name of a person written with his own hand." Staff recommendations that signatures be permitted where both the "printed name" and "signature" have been printed have been approved in prior cases.

<u>Challenge:</u> The elector's signature is illegible.

Analysis: Staff has recommended denying challenges that alleged that signatures are illegible. Wis. Stat. §§ 8.10(4)(b), 8.15(2) require each signer of a nomination paper to provide a signature and address. There is no requirement that a signature must be legible, and individual signers mark their signatures in a wide variety of ways (e.g., by marking an "X"). This recommendation has been approved in prior cases.

c. Printed Name

<u>Challenge:</u> The elector's printed name is illegible or in cursive.

Analysis: Challenges to printed names were first considered and decided by the former Government Accountability Board in 2014. The statutory requirement is that ". . . in order for the signature to be valid, each signer of a nomination paper shall legibly print his or her name in a space provided next to his or her signature" Wis. Stat. §§ 8.10(4)(b) and 8.15(2).

There are some practical difficulties in determining an objective standard for a legibly printed name. For example, some signatures are clearly legible but the "printed name" may have been written in cursive, or included some letters that were not separated, as a dictionary definition of "printed" might require.

Based upon the WEC's experience in evaluating printed names on nomination papers, as well as the stated legislative intent of 2013 Act 160 and related administrative rules, the WEC has developed standards and guidance for local election officials charged with reviewing nomination papers and other election petitions. The legislative record

emphasized that the purpose of Act 160 was to preserve the ability of opposing candidates to identify petition signers in order to consider filing challenges, and not to reject signatures that were legible. At its meeting of October 28, 2014, the Government Accountability Board directed its staff and local filing officers to apply the following standards to determine the sufficiency of signatures and printed names on nomination papers and other election petitions:

- 1. The filing officer shall confirm that the signer has completed information in both the "Signature" box and the "Printed Name" box of the nomination paper or other election petition. The signature may be marked as the signer customarily marks his or her signature, including by using an "X" or by using either traditional printed letters or a handwritten signature. Similarly, the signer's printed name is not required to include only letters that are separated from one another.
- 2. If the filing officer can discern no part of the signer's name, after reviewing both the signature and the printed name, it should be deemed illegible and the signature should not be counted.
- 3. After reviewing both the signature and printed name of a signer, if the filing officer can discern a possible name, but may not be certain of the exact spelling of the name, the printed name is deemed legible and the signature shall be counted if otherwise valid.
- 4. The filing officer is not required to consult extrinsic sources of information (voter registration records, telephone directories, etc.), but may do so if it assists the filing officer in discerning a possible name.
- 5. The signer must print his or her name, and the signer must execute a correcting affidavit if the printed name is missing or insufficient for the signature to be counted. However, a circulator may print the name of a signer with a disability who requests such assistance.

While requiring some subjective judgment by filing officers, these standards accurately capture the intent of 2013 Act 160 and do not require a hyper-technical application of the phrase "legibly print." In reviewing nomination papers and other election petitions, WEC staff and local filing officers will be able to apply a common-sense approach which does not eliminate legible names simply because letters in a printed name are connected or cross over one another. In essence, the printed name requirement is used to clarify or complete a signature which may not be legible or readable, not to invalidate signatures on the basis of a name failing to meet a literal definition of "printed."

d. Signature Address

Wis. Stat. §§ 8.10(4)(b), 8.15(2) require that a signer of a nomination paper "shall list his or her municipality of residence for voting purposes, the street and number, if any, on which the signer resides." Errors in which the elector used an address or listed a municipality which does not reflect

his or her actual residence or wrote an incomplete address may be corrected by the elector or by the circulator in a correcting affidavit filed by the correction deadline.

Challenge: The elector's address is missing an apartment number.

<u>Analysis:</u> Staff has recommended that signatures be found in substantial compliance where the insufficiency is a missing apartment number. This recommendation has been approved in prior cases.

<u>Challenge:</u> The elector's address is missing the municipality designation or the elector has checked a box in error.

<u>Analysis:</u> The Commission and its staff have advised candidates and challengers that a signatory's failure to check the correct box to indicate "Town, Village or City" is not a basis for disqualifying a signature unless a challenger can show that the given address is outside the subject jurisdiction or district. For instance, the challenger needs to show that a given address has to be in the Village of X, not in the Town of X and, therefore is outside District Y. The signatory's error or omission in checking a box on a form is not sufficient evidence for a challenge.

<u>Challenge:</u> The elector's address is incomplete because the elector has abbreviated the name of the municipality.

<u>Analysis:</u> Challenges to signatures alleged not to include the proper municipality of residence, where the municipality can be determined by other information contained on the nomination papers, pursuant to Wis. Admn. Code EL § 2.05(15)(c) have been rejected in the past. For instance, the municipality of "WFB" was determined by the mailing address to indicate "Whitefish Bay," or "Gtown" was determined by the zip code to indicate "Germantown."

Challenge: The elector has used a P.O. Box as his or her address.

<u>Analysis:</u> Commission policy has been to accept signatures with a P.O. Box rather than a residential address if the entire municipality in which the P.O. Box is located is within the candidate's District.

Challenge: The elector lives outside the district.

Analysis: A complaint challenging the eligibility of a signatory to a nomination paper based on the signer's non-residency must be accompanied by reference to MyVote Wisconsin or "Who is My Legislator?" web searches, by a map of the district demonstrating that the address is outside the district, or by a signed statement from the election official, (municipal clerk or deputy clerk), whose responsibility it is to determine the residency of electors of the district. Without such references, the complainant challenger's bare assertion of the signer's non-residency is not sufficient to sustain the challenger's burden of proof. Time permitting, Commission staff may attempt to verify the location of the address via MyVote Wisconsin and WisVote. This policy has been approved in prior cases.

e. Signature Date

<u>Challenge:</u> The date of the elector's signature, as required by Wis. Stat. §§ 8.10(4)(a), 8.15(2), is incomplete or missing.

Analysis: Wis. Admn. Code EL § 2.05(15)(a) allows for a signature to survive an incomplete date challenge if "the date can be determined by reference to the dates of other signatures on the paper." In the past, the Board policy has required that signatures on the first and last line of a nomination paper contain the complete date information, and not allowed missing date information on those lines to be determined by reference to the dates of other signatures on the page. However, in the context of a court case challenging the Board's application of Wis. Admn. Code EL § 2.05(15)(a), the WI Department of Justice (DOJ) has advised that the Board's interpretation of that rule was too restrictive in that it required incomplete dates to be "bracketed" by complete dates. The DOJ recommended that the Board equally apply the principle of determining missing date information by reference to other information on the page, even if the incomplete date appeared on the first or last signature line. This recommendation has been approved in prior cases.

Challenge: The elector's signature is dated after the date of the circulator's certification.

<u>Analysis:</u> Staff has struck these signatures pursuant to the Commission's administrative rules that provide that a signature may not be counted if it is dated after the date of the certificate of the circulator. Wis. Admn. Code EL § 2.05(15)(b).

Exhibit D

Chapter EL 2

ELECTION RELATED PETITIONS

EL 2.05 Treatment and sufficiency of nomination papers. EL 2.09 Treatment and sufficiency of election petitions. EL 2.07 Challenges to nomination papers. EL 2.11 Challenges to election petitions.

Note: Chapter EIBd 2 was renumbered chapter GAB 2 under s. 13.92 (4) (b) 1., Stats., and corrections made under s. 13.92 (4) (b) 2. and 7., Stats., Register April 2008 No. 628. Chapter GAB 2 was renumbered Chapter EL 2 under s. 13.92 (4) (b) 1., Stats., Register June 2016 No. 726.

- **EL 2.05 Treatment and sufficiency of nomination papers. (1)** Each candidate for public office has the responsibility to assure that his or her nomination papers are prepared, circulated, signed, and filed in compliance with statutory and other legal requirements.
- (2) In order to be timely filed, all nomination papers shall be in the physical possession of the filing officer by the statutory deadline. Each of the nomination papers shall be numbered, before they are filed, and the numbers shall be assigned sequentially, beginning with the number "1". Notwithstanding any other provision of this chapter, the absence of a page number will not invalidate the signatures on that page.
- (3) The filing officer shall review all nomination papers filed with it, up to the maximum number permitted, to determine the facial sufficiency of the papers filed. Where circumstances and the time for review permit, the filing officer may consult maps, directories and other extrinsic evidence to ascertain the correctness and sufficiency of information on a nomination paper.
- (4) Any information which appears on a nomination paper is entitled to a presumption of validity. Notwithstanding any other provision of this chapter, errors in information contained in a nomination paper, committed by either a signer or a circulator, may be corrected by an affidavit of the circulator, an affidavit of the candidate, or an affidavit of a person who signed the nomination paper. The person giving the correcting affidavit shall have personal knowledge of the correct information and the correcting affidavit shall be filed with the filing officer not later than three calendar days after the applicable statutory due date for the nomination papers.
- (5) Where any required item of information on a nomination paper is incomplete, the filing officer shall accept the information as complete if there has been substantial compliance with the law.
- **(6)** Nomination papers shall contain at least the minimum required number of signatures from the circuit, county, district or jurisdiction which the candidate seeks to represent.
- (7) The filing officer shall accept nomination papers which contain biographical data or campaign advertising. The disclaimer specified in s. 11.1303 (2), Stats., is not required on any nomination paper.
- (8) An elector shall sign his or her own name unless unable to do so because of physical disability. An elector unable to sign because of physical disability shall be present when another person signs on behalf of the disabled elector and shall specifically authorize the signing.
- **(9)** A person may not sign for his or her spouse, or for any other person, even when they have been given a power of attorney by that person, unless sub. (8) applies.
- (10) The signature of a married woman shall be counted when she uses her husband's first name instead of her own.
- (11) Only one signature per person for the same office is valid. Where an elector is entitled to vote for more than one candidate for the same office, a person may sign the nomination papers of

as many candidates for the same office as the person is entitled to vote for at the election.

- (12) A complete address, including municipality of residence for voting purposes, and the street and number, if any, of the residence, (or a postal address if it is located in the jurisdiction that the candidate seeks to represent), shall be listed for each signature on a nomination paper.
- (13) A signature shall be counted when identical residential information or dates for different electors are indicated by ditto marks.
- (14) No signature on a nomination paper shall be counted unless the elector who circulated the nomination paper completes and signs the certificate of circulator and does so after, not before, the paper is circulated. No signature may be counted when the residency of the circulator cannot be determined by the information given on the nomination paper.
- (15) An individual signature on a nomination paper may not be counted when any of the following occur:
- (a) The date of the signature is missing, unless the date can be determined by reference to the dates of other signatures on the paper.
- (b) The signature is dated after the date of certification contained in the certificate of circulator.
- (c) The address of the signer is missing or incomplete, unless residency can be determined by the information provided on the nomination paper.
- (d) The signature is that of an individual who is not 18 years of age at the time the paper is signed. An individual who will not be 18 years of age until the subject election is not eligible to sign a nomination paper for that election.
- (e) The signature is that of an individual who has been adjudicated not to be a qualified elector on the grounds of incompetency or limited competency as provided in s. 6.03 (3), Stats., or is that of an individual who was not, for any other reason, a qualified elector at the time of signing the nomination paper.
- (16) After a nomination paper has been filed, no signature may be added or removed. After a nomination paper has been signed, but before it has been filed, a signature may be removed by the circulator. The death of a signer after a nomination paper has been signed does not invalidate the signature.
- (17) This section is promulgated pursuant to the direction of s. 8.07, Stats., and is to be used by election officials in determining the validity of all nomination papers and the signatures on those papers.

History: Emerg. cr. 8–9–74; cr. Register, November, 1974, No. 227, eff. 12–1–74; emerg. r. and recr. eff. 12–16–81; emerg. r. and recr. eff. 6–1–84; cr. Register, November. 1984, No. 347, eff. 12–1–84; r. and recr. Register, January, 1994, No. 457, eff. 2–1–94; CR 00–153; am. (2), (4), and (14), r. (15), renum. (16), (17), and (18) to be (15), (16) and (17), and am. (15) (b) as renum., Register September 2001 No. 549, eff. 10–1–01; correction in (7) made under s. 13.92 (4) (b) 7., Stats., Register June 2016 No. 726.

EL 2.07 Challenges to nomination papers. (1) The elections commission shall review any verified complaint concerning the sufficiency of nomination papers of a candidate for state office that is filed with the elections commission under ss. 5.05 and 5.06, Stats.; and the local filing officer shall review any verified complaint concerning the sufficiency of nomination papers of a candidate for local office that is filed with the local fil-

ing officer under s. 8.07, Stats. The filing officer shall apply the standards in s. EL 2.05 to determine the sufficiency of nomination papers, including consulting extrinsic sources of evidence under s. EL 2.05 (3).

- (2) (a) Any challenge to the sufficiency of a nomination paper shall be made by verified complaint, filed with the appropriate filing officer. The complainant shall file both an original and a copy of the challenge at the time of filing the complaint. Notwithstanding any other provision of this chapter, the failure of the complainant to provide the filing officer with a copy of the challenge complaint will not invalidate the challenge complaint. The filing officer shall make arrangements to have a copy of the challenge delivered to the challenged candidate within 24 hours of the filing of the challenge complaint. The filing officer may impose a fee for the cost of photocopying the challenge and for the cost of delivery of the challenge to the respondent. The form of the complaint and its filing shall comply with the requirements of ch. EL 20. Any challenge to the sufficiency of a nomination paper shall be filed within 3 calendar days after the filing deadline for the challenged nomination papers. The challenge shall be established by affidavit, or other supporting evidence, demonstrating a failure to comply with statutory or other legal requirements.
- (b) The response to a challenge to nomination papers shall be filed, by the candidate challenged, within 3 calendar days of the filing of the challenge and shall be verified. After the deadline for filing a response to a challenge, but not later than the date for certifying candidates to the ballot, the elections commission or the local filing officer shall decide the challenge with or without a
- (3) (a) The burden is on the challenger to establish any insufficiency. If the challenger establishes that the information on the nomination paper is insufficient, the burden is on the challenged candidate to establish its sufficiency. The invalidity or disqualification of one or more signatures on a nomination paper shall not affect the validity of any other signatures on that paper.
- (b) If a challenger establishes that an elector signed the nomination papers of a candidate more than once or signed the nomination papers of more than one candidate for the same office, the 2nd and subsequent signatures may not be counted. The burden of proving that the second and subsequent signatures are that of the same person and are invalid is on the challenger.
- (c) If a challenger establishes that the date of a signature, or the address of the signer, is not valid, the signature may not be
- (d) Challengers are not limited to the categories set forth in pars. (a) and (b).
- (4) The filing officer shall examine any evidence offered by the parties when reviewing a complaint challenging the sufficiency of the nomination papers of a candidate for state or local office. The burden of proof applicable to establishing or rebutting a challenge is clear and convincing evidence.
- (5) Where it is alleged that the signer or circulator of a nomination paper does not reside in the district in which the candidate being nominated seeks office, the challenger may attempt to establish the geographical location of an address indicated on a

nomination paper, by providing district maps, or by providing a statement from a postmaster or other public official.

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History: Emerg. cr. 8-9-74; cr. Register, November, 1974, No. 227, eff. 12-1-74; History: Emerg. cr. 8–9–/4; cr. Register, November, 19/4, No. 22/, etr. 12–1–/4; emerg. r. and recr. eff. 12–16–81; emerg. r. and recr. eff. 6–1–84; cr. Register, November, 1984, No. 347, eff. 12–1–84; emerg. am. (1), (4) to (6), eff. 6–1–86; am. (1), (4) to (6), Register, November, 1986, No. 371, eff. 12–1–86; r. and recr. Register, January, 1994, No. 457, eff. 2–1–94; CR 00–153: am. (2) (a) and (b), Register September 2001 No. 549, eff. 10–1–01; reprinted to restore dropped copy in (2) (b), Register December 2001 No. 552; correction in (1) made under s. 13.92 (4) (b) 7., Stats., Register April 2008 No. 628; correction in (1), (2) (b) made under s. 13.92 (4) (b) 6., Stats., and correction in (1), (2) (a) made under s. 13.92 (4) (b) 7., Stats., Register Iune 2016 No. 726 June 2016 No. 726.

- EL 2.09 Treatment and sufficiency of election peti**tions.** (1) Except as expressly provided herein, the standards established in s. EL 2.05 for determining the treatment and sufficiency of nomination papers are incorporated by reference into, and are made a part of, this section.
- (2) In order to be timely filed, all petitions required to comply with s. 8.40, Stats., and required by statute or other law to be filed by a time certain, shall be in the physical possession of the filing officer not later than the time set by that statute or other law.
- (3) All petitions shall contain at least the number of signatures, from the election district in which the petition was circulated, equal to the minimum required by the statute or other law establishing the right to petition.
- (4) Only one signature per person for the same petition, is val-
- (5) This section applies to all petitions which are required to comply with s. 8.40, Stats., including recall petitions, and to any other petition whose filing would require a governing body to call a referendum election.

History: Cr. Register, January, 1994, No. 457, eff. 2-1-94; correction in (1) made under s. 13.92 (4) (b) 7., Stats., Register June 2016 No. 726.

- **EL 2.11 Challenges to election petitions. (1)** Except as expressly provided herein, the standards established in s. EL 2.07 for determining challenges to the sufficiency of nomination papers apply equally to determining challenges to the sufficiency of petitions required to comply with s. 8.40, Stats., including recall petitions, and to any other petition whose filing requires a governing body to call a referendum election.
- (2) (a) Any challenge to the sufficiency of a petition required to comply with s. 8.40, Stats., shall be made by verified complaint filed with the appropriate filing officer. The form of the complaint, the filing of the complaint and the legal sufficiency of the complaint shall comply with the requirements of ch. EL 20; the procedure for resolving the complaint, including filing deadlines, shall be governed by this section and not by ch. EL 20.
- (b) The complaint challenging a petition shall be in the physical possession of the filing officer within the time set by the statute or other law governing the petition being challenged or, if no time limit is specifically provided by statute or other law, within 10 days after the day that the petition is filed.
- (3) The response to a challenge to a petition shall be filed within the time set by the statute or other law governing that petition or, if no time limit is specifically provided by statute or other law, within 5 days of the filing of the challenge to that petition. After the deadline for filing a response to a challenge, the filing officer shall decide the challenge with or without a hearing.

History: Cr. Register, January, 1994, No. 457, eff. 2–1–94; correction in (1), (2) (a) made under s. 13.92 (4) (b) 7., Stats., Register June 2016 No. 726.