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**TO:** Kevin J. Kennedy (608) 267-0500  
**FROM:** Jeremy P. Levinson, Esq.  
**RE:** IN RE: PETITION FOR RECALL OF STATE SENATOR ALBERTA  
DARLING OF THE 8TH SENATE DISTRICT  
**DATE:** May 12, 2011  
**TIME:** 3:22pm  
**OUR FILE NUMBER:** 2629.002  
**# OF PAGES (INCLUDING COVER):** 4

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**Please see attached.**

**ANY QUESTIONS, PLEASE CALL:** Jennifer at (414) 271-0130

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**BEFORE THE WISCONSIN GOVERNMENT ACCOUNTABILITY BOARD**

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IN RE: PETITION FOR RECALL OF STATE  
SENATOR ALBERTA DARLING OF THE  
8<sup>TH</sup> SENATE DISTRICT

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**PETITIONERS' REBUTTAL OF  
SENATOR DARLING'S CHALLENGES TO PETITIONS**

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The Committee to Recall Darling, by its Attorney Jeremy P. Levinson, submits this rebuttal to Senator Alberta Darling's challenges to the recall petitions offered for filing against her.

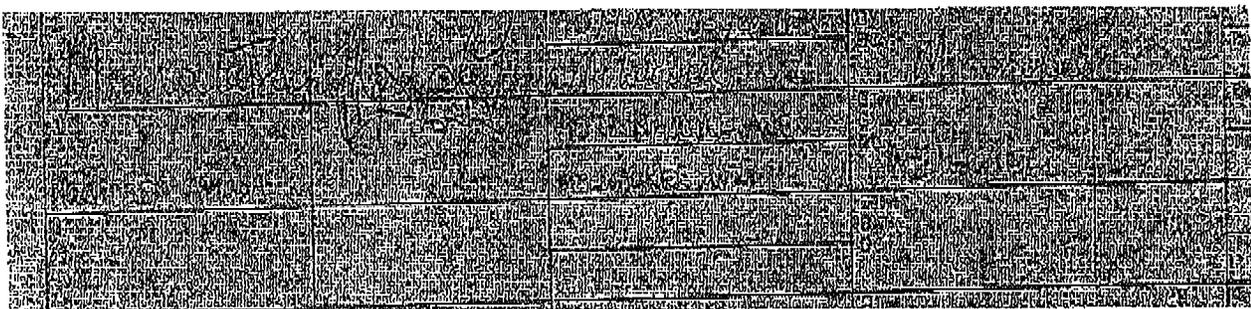
Darling's challenge begins with a peculiar attack on the statutory recall process, to which no response is warranted. Next, Darling repeats the same legal argument previously made in challenges submitted by Senators Kapanke, Hopper, Olson, Harsdorf, and Cowles – that the entire recall effort is a nullity because the individual elector who signed the Statement of Intent to Recall did not also, as an individual, file a registration statement under § 11.05(1), Wis. Stats., despite the fact that each recall committee filed a statement. To avoid needless repetition, the authorities and arguments set forth in the rebuttals to those challenges are incorporated herein as though fully set forth.

Like most of the above-named Senators, Darling proceeds to attack a discrete number of particular signatures, but in doing so merely confirms that substantially more valid, and unchallenged, signatures were offered for filing to trigger the recall election her constituents

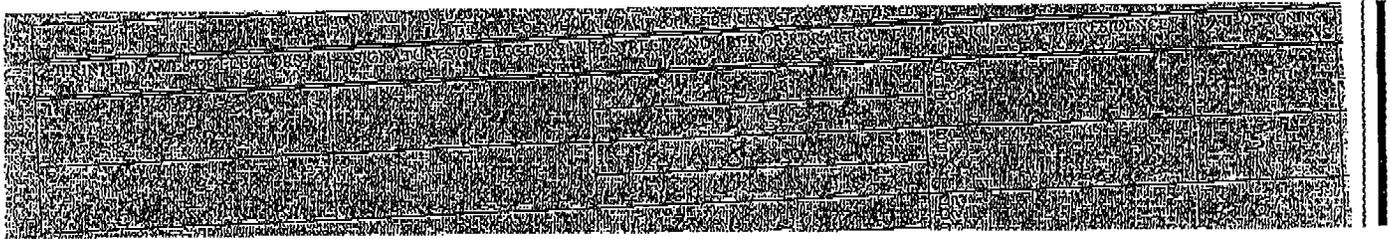
have demanded pursuant to the Wisconsin Constitution. Much of these attacks, however, do not have a factual basis. They rest merely on assertions that Darling was unable to verify particulars about signors to her satisfaction. The burden rests on the challenger seeking to have signatures ignored. The assertions that Darling could not read every stroke of a pen or “verify” any particular bit of factual minutiae are not challenges.

Further, a number of Darling’s arguments rest on standards that conflict with the most basic notion of good faith. For example, she demands that all signatures contained on a sizable number of petitions should be ignored because of “illegible certification.” *Hogan Aff.*, Ex. H. The .pdf file on the GAB’s website confirms that the bulk of the pages referenced were the subject of a technical glitch in the reproduction of those pages that simply cut off the bottom each page which contains the circulator’s certification. The certification is not “illegible.” It is obvious that these certifications were inadvertently omitted during duplication.

Claims of illegibility have a similarly tenuous relationship with the truth. For example, Darling attacks the signature found on line 3 of page 22. *Hogan Aff.*, Ex. J. In fact, all information needed to confirm the identity and residence of the signor and the validity of the signature is present and readable.



As another example, Exhibit J starts by attacking lines 1 and 2 of petition page 5:



Many of Darling's purported challenges rest on these sorts of dubious assertions and are without merit. Even if this were not the case, Darling's submission verifies that many more than the required number of valid signatures than required have been offered for filing.

**CONCLUSION**

A recall election should be ordered for the Wisconsin Senate's 8th District, currently held by Senator Alberta Darling.

Respectfully submitted this 12th day of May, 2011.



Jeremy P. Levinson (Wisconsin Bar No. 1026359)

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