

G.A.B. Meeting of April 17, 2012

Supplemental Materials for Open Session

Agenda Items D and E.

Wisconsin Government Accountability Board

Candidates Registered by Office

2012 MAY 8 RECALL PRIMARY/ELECTION - 05/08/2012

Receipt #	ID	Candidate	Party	Declaration of Candidacy Date	Ethics Board Statement Date	Nomination Papers Date	Valid Signatures	Ballot Status
				Incumbent:	Scott Walker			Primary General
		GOVERNOR						
2012MAYREC-011	105247	ARTHUR KOHL-RIGGS 849 E Washington Ave Ste 102 Madison, WI 53703-2965	Republican	4/10/2012	4/12/2012	4/10/2012	2182	
2012MAYREC-009	105240	MICHAEL J. MANGAN 2304 S 62Nd St West Allis, WI 53219-2145	Republican	4/9/2012		4/10/2012	303	
104235		PATRICK J. O'BRIEN W5603 County Road Nn New Glarus, WI 53574-9712	Republican				0	
102575		SCOTT WALKER Po Box 620437 Middleton, WI 53562-0437	Republican		4/13/2012		0	
2012MAYREC-002	101475	TOM BARRETT 5030 W Washington Blvd Milwaukee, WI 53208-1701	Democratic	4/10/2012	4/13/2012	4/10/2012	3455	
105256		THOMAS EMERY ELBERT Po Box 168 New Richmond, WI 54017-0168	Democratic				0	
2012MAYREC-004	103961	KATHLEEN FALK 420 S Blount St Madison, WI 53703-3511	Democratic	4/10/2012		4/10/2012	3654	
2012MAYREC-020	105113	GLADYS R. HUBER 707 W Pioneer Rd Mequon, WI 53097-1732	Democratic	4/10/2012	4/13/2012	4/10/2012	3659	
2012MAYREC-007	100216	DOUG LA FOLLETTE 1211 Rutledge St Apt 3 Madison, WI 53703-3840	Democratic	4/6/2012	2/22/2012	4/10/2012	3520	
2012MAYREC-005	104443	KATHLEEN VINEHOUT W1490 Cesler Valley Rd Alma, WI 54610-8316	Democratic	4/6/2012	3/21/2012	4/10/2012	2875	
103436		MICK L. WYNHOFF 1509 Rapids Dr Ste 28 Racine, WI 53404-2300	Democratic				0	
105259		KEITH B. DICKINSON 5069 W Clayton Rd Fitchburg, WI 53711-5707	Independent				0	
2012MAYREC-021	105051	HARI TRIVEDI 16880 Vanderbilt St Brookfield, WI 53005-2777	Independent	4/10/2012		4/10/2012	2274	
103632		NATHAN GRAEWIN E18097 Shaker Rd Elroy, WI 53929-9626	Libertarian	2/24/2012			0	

Wisconsin Government Accountability Board

Candidates Registered by Office

2012 MAY 8 RECALL PRIMARY/ELECTION - 05/08/2012

Receipt #	ID	Candidate	Party	Declaration of Candidacy Date	Ethics Board Statement Date	Nomination Papers Date	Valid Signatures	Ballot Status
Office:	GOVERNOR			Incumbent:	Scott Walker			
	105154	DUSTIN MATTHEW JOHNSON 909 N Appleton St Appleton, WI 54911-4505	Revolution				0	Primary
		Office Subtotal: 15						General
Office:	LIEUTENANT GOVERNOR			Incumbent:	Rebecca Kleefisch			
	104890	REBECCA KLEEFISCH W357 N6189 Spinnaker Drive	Republican				0	
2012MAYREC-022	105242	BRUCE BERMAN 421 Van Cleve Ave Marinette, WI 54143-1435	Democratic	3/28/2012		4/10/2012	848	
2012MAYREC-006	105228	MAHLON MITCHELL 2574 Targhee St Fitchburg, WI 53711-5493	Democratic	4/10/2012	4/13/2012	4/10/2012	4000	
2012MAYREC-018	102635	DALE PAUL 605 W Pleasant St Portage, WI 53901-2013	Democratic	4/10/2012	4/10/2012	4/10/2012	927	
2012MAYREC-023	105221	IRA ROBINS 9766 W Tower Ave Milwaukee, WI 53224-2941	Democratic	3/6/2012		4/10/2012	2023	
2012MAYREC-019	104468	ISAAC WEIX 715 21st Ave E Menomonie, WI 54751-4130	Democratic	4/10/2012	4/9/2012	4/10/2012	4000	
		Office Subtotal: 6						
Office:	RECALL STATE SENATE-DISTRICT 13			Incumbent:	Scott L. Fitzgerald			
	103112	SCOTT FITZGERALD N4692 Maple Rd Juneau, WI 53039-9514	Republican		2/13/2012		0	
2012MAYREC-001	105214	LORI COMPAS 326 Garfield St Fort Atkinson, WI 53538-1409	Democratic	4/10/2012	4/10/2012	4/2/2012	797	
2012MAYREC-012	105251	GARY ELLERMAN N8081 Springer Rd Lake Mills, WI 53551-9635	Democratic	4/10/2012	4/12/2012	4/10/2012	773	
2012MAYREC-016	104814	TERRY VIRGIL W9194-24 Ripley Road	Libertarian	4/10/2012	4/12/2012	4/10/2012	477	
		Office Subtotal: 4						

Wisconsin Government Accountability Board

Candidates Registered by Office

2012 MAY 8 RECALL PRIMARY/ELECTION - 05/08/2012

Receipt #	ID	Candidate	Party	Declaration of Candidacy Date	Ethics Board Statement Date	Nomination Papers Date	Valid Signatures	Ballot Status
				Incumbent:	Van Wanggaard			Primary General
Office:		RECALL STATE SENATE-DISTRICT 21						
	104422	VAN H. WANGGAARD 1246 Blaine Ave Racine, WI 53405-2913	Republican		4/12/2012		0	
	2012MAYREC-008	JOHN LEHMAN 708 Orchard St Racine, WI 53405-2354	Democratic	4/10/2012	2/6/2012	4/10/2012	790	
	105224	ANDREW JAMES MIELKE 2505 Marigold Ct Racine, WI 53402-1445	Democratic				0	
	2012MAYREC-014	TAMARA VAREBROOK Po Box 32 Union Grove, WI 53182-0032	Democratic	4/10/2012	4/11/2012	4/10/2012	531	
		Office Subtotal: 4						
Office:		RECALL STATE SENATE-DISTRICT 23						
	104124	TERRY MOULTON 980 118Th St Chippewa Falls, WI 54729-5674	Republican		3/29/2012		0	
	2012MAYREC-015	KRISTEN DEXTER 7410 Lakeview Dr Eau Claire, WI 54701-8329	Democratic	4/10/2012	4/13/2012	4/10/2012	800	
	2012MAYREC-017	JAMES ENGEL 2020 S Township Road Fall Creek, WI 54742	Democratic	4/6/2012	4/13/2012	4/10/2012	688	
		Office Subtotal: 3						
Office:		RECALL STATE SENATE-DISTRICT 29						
	2012MAYREC-003	JERRY PETROWSKI 720 136Th Ave Marathon, WI 54448-9184	Republican	4/10/2012	3/12/2012	4/10/2012	791	
	2012MAYREC-013	JIM BUCKLEY 615 4Th Ave Antigo, WI 54409-2216	Democratic	4/9/2012	4/9/2012	4/10/2012	800	
	2012MAYREC-010	DONNA SEIDEL 807 S 20Th St Wausau, WI 54403-9207	Democratic	4/10/2012	3/27/2012	4/10/2012	800	
		Office Subtotal: 3						

Wisconsin Government Accountability Board

Candidates Registered by Office

Receipt #	ID	Candidate	Party	Declaration of Candidacy Date	Ethics Board Statement Date	Nomination Papers Date	Valid Signatures	Ballot Status
-----------	----	-----------	-------	-------------------------------	-----------------------------	------------------------	------------------	---------------

Total Number of Candidates: 35

Primary General

State of Wisconsin \ Government Accountability Board

212 East Washington Avenue, 3rd Floor
Post Office Box 7984
Madison, WI 53707-7984
Voice (608) 266-8005
Fax (608) 267-0500
E-mail: gab@wisconsin.gov
http://gab.wi.gov



JUDGE DAVID G. DEININGER
Chairperson

KEVIN J. KENNEDY
Director and General Counsel

MEMORANDUM

DATE: For the Meeting of April 17, 2012

TO: Members, Wisconsin Government Accountability Board

FROM: Kevin J. Kennedy
Director and General Counsel
Government Accountability Board

Prepared and Presented by:
Michael Haas, Staff Counsel

SUBJECT: Challenge to Nomination Papers of Gladys Huber, Isaac Weix, Gary Ellerman, Tamra Lyn Varebrook, James Engel, and James Buckley

Introduction:

April 10, 2012 was the deadline for filing nomination papers for offices to be elected in the May 8, 2012 Recall Elections involving the Offices of Governor, Lieutenant Governor, and Senate Districts 13, 21, 23, and 29. On Thursday, April 12, 2012, a Verified Complaint was filed to challenge ballot access of one candidate for each office, i.e., Gladys Huber (Governor), Isaac Wiex (Lt. Governor), Gary Ellerman (SD 13), Tamra Lyn Varebrook (SD 21), James Engel (SD 23), and James Buckley (SD 29). The Complaint also names the Republican Party of Wisconsin ("RPW") as a respondent. The complaint was filed on behalf of residents Judith Winzenz, Sarah Koeppen, Susan Finel, Debbie Christiansen, Donna Martin, and Richard Dennis O'Flyng.

Unlike most challenges to nomination papers considered by the Board, the Complaint in this matter does not contest the validity of specific signatures included on the petitions. Rather, the complaint alleges that each of the named candidates should be denied ballot access because they and the RPW have publicly acknowledged that the nomination papers were filed for the sole purpose of forcing a Democratic Party primary in each contest. As a result, the general recall elections for each office would take place on the same day, June 5, 2012. The Complaint alleges that the named candidates are simply supporting the efforts of the RPW and each incumbent subject to recall and the RPW, rather than mounting legitimate campaigns to seek the Democratic Party nomination for any of the offices. The Complaint alleges that each of the named candidates has submitted fraudulent documents to the Board and therefore should be denied ballot access. The Complaint also alleges that the candidates' actions constitute criminal election fraud.

For purposes of this memorandum, the above-named candidates are collectively referred to as “protest candidates.” Board staff recommends that the Board deny the challenges to the protest candidates because no statute prohibits an individual from submitting nomination papers and related documents without the support of the political party whose nomination is sought, or conducting a campaign for office for any political or strategic reason.

Challenges:

The Verified Complaint challenging the candidacies, of the above-named protest candidates, as well as most of the relevant statutes and administrative rules, are included in the Board materials. Copies of additional relevant statutes which were not included in the Board materials are attached in the supplemental materials.

The Complaint alleges that the RPW publicly announced and promoted a strategy of recruiting its representatives to fraudulently register as Democratic Party primary candidates in each of the recall elections, in order to trigger Democratic primary elections and require delaying all general recall elections until June 5, 2012, purportedly to give Republican Party incumbents facing recall a political advantage. The Complaint cites public statements and mailings of the RPW and protest candidates to support its claim that the RPW and the candidates expended funds and effort to obtain signatures on nomination papers even though the candidates never intended to represent the interests or political positions of the Democratic Party, or to affiliate with that party.

The Complaint alleges that each candidate submitted fraudulent documents to the Board related to their respective candidacies and political affiliation, and misrepresented themselves to the public and particularly to individuals who may have signed their nomination papers. Specifically, the Complaint alleges that each protest candidate falsified their campaign committee registration statement, declaration of candidacy form, and nomination papers.

Response to Challenges:

None of the protest candidates have filed a response to the challenges filed by Attorney Levinson on behalf of the complainants. Counsel for the Republican Party of Wisconsin (“RPW”) has indicated that it intends to file a response, which will be provided to the Board if it is received by 4:30 p.m. on Monday, April 16, 2012.

Analysis:

Based upon the public statements of the RPW and the protest candidates, as well as literature they have distributed, there is no material dispute regarding the facts related to the challenges, or that the intent of the RPW and the protest candidates is to require all recall elections to take place on June 5, 2012, presumably to benefit the campaigns of the Republican incumbents. The legal dispute is whether Wisconsin Statutes prohibit or penalize such tactics by disqualifying those candidates from having their names included on the election ballot.

In general, Wisconsin election laws do not require an individual to be a member of a political party to seek that party’s nomination in a primary election. The law also does not permit the Board to inquire into the motivations for an individual’s candidacy for office, an exercise which would inevitably lead to the Board, as a government agency, making subjective

judgments regarding the legitimacy of political candidacies, which would implicate the most protected forms of First Amendment rights of freedom of speech and association. Depending upon one's political perspective, the statements and actions of the protest candidates may be viewed as justified, clever, mischievous, or misleading. But Board staff cannot determine that they are illegal. They are products of political calculation and decision-making, and as such they can be rewarded or rejected during the course of the campaigns and elections. The purpose of elections is for voters to pass judgment on the ideas and positions of the candidates as they are debated in the crucible of the campaign.

As further outlined below, Board staff concludes that Wisconsin law does not permit the Board to deny ballot access to the protest candidates.

1. Campaign Registration Statement

Each of the protest candidates filed a registration statement for their respective campaign committees (Form GAB-1), as illustrated by Exhibit K of the Complaint. Form GAB-1 requires the candidate to indicate his or her political affiliation, and in each case the protest candidates indicated "Democratic." The candidate must sign the registration statement to certify that the information "is true, correct and complete, and that this is the only committee authorized to act on my behalf."

The requirement to file a registration statement is both a campaign finance regulation contained in Wis. Stat. §11.05(1), and a ballot access requirement under Wis. Stat. §8.15(4)(b). Form GAB-1 statements must be filed prior to a candidate raising or spending campaign contributions, and no later than the filing of the candidate's nomination papers. Failing to submit a completed registration statement may result in civil and criminal penalties. In addition, if no registration statement has been filed by the deadline for filing nomination papers, the candidate's name may not appear on the ballot, pursuant to Wis. Stat. §8.30(2).

The Complaint alleges that the protest candidates filed false information on their respective registration statements by indicating their party affiliation as "Democratic," and thereby provided false information to the Board by certifying that the registration statement was true and correct. The Complaint does not allege that the protest candidates failed to file any registration statement, and in fact, no statutorily-required information on the statements was omitted. While the "Party Affiliation" information is required by the Board's form, it is not listed in the information required on the form pursuant to Wis. Stat. §11.05(3). Given that the candidates' registration statements substantially complied with the statutory requirements, it is the conclusion of Board staff that the indication of party affiliation on those statements is not a basis for denying ballot access to the protest candidates.

2. Declaration of Candidacy

As required by Wis. Stat. 8.21(1), each candidate is required to file a declaration of candidacy (Form GAB-162) no later than the deadline for filing nomination papers. As illustrated by Exhibit L of the Complaint, each of the protest candidates filed a declaration of candidacy form in which they swore that they were a candidate representing the Democratic Party. The Complaint alleges that each such statement was fraudulent and made with the intent to mislead the Board and the public.

Wis. Stat. §8.21 lists information required to be contained on the declaration of candidacy, and that statutory provision does not include party affiliation as a required item on the form. Pursuant to Wis. Stat. §8.30(4), a candidate's name may not be placed on the ballot if the candidate fails to file a declaration of candidacy form by the filing deadline. The Complaint does not allege that the protest candidates failed to file declaration of candidacy forms.

As stated above, nominees who claim to represent a political party are determined by the candidates and their supporters, not by party officials or governmental filing officers. Candidates seeking to participate in a primary of one of the parties are not required to prove that they are members of that party or that they have the support of party members or leadership. A candidate may certainly, without interference by the government, be nominated and campaign as a candidate of a party while disavowing any of the official or stated positions of the party, or may change their stated positions between the time of circulating nomination papers and the election, or even after their election. For these reasons, Board staff believes that the protest candidates have substantially complied with the requirement to complete and file a declaration of candidacy, and the Board does not have the authority to look beyond the document to judge the political motivation or strategy of a candidacy.

3. Nomination Papers

Nomination papers were filed with the Board on behalf of each of the protest candidates, as required by Wis. Stat. §8.15. The introductory paragraph at the top of each nomination paper states that the signer requests the name of the listed candidate to be placed on the ballot as a candidate representing the Democratic Party, so that voters will have the opportunity to vote for that candidate. The Complaint alleges that each such nomination paper was fraudulent and made with the intent to mislead the Board and public, and therefore require that the Board deny ballot access to the protest candidates.

In addition to the reasons stated above regarding the nominating process and candidates' ability to determine the substance of their campaigns without interference from the government or political parties, Board staff believes this allegation also fails for other reasons. The nomination paper only requires that the candidate choose which party he or she seeks to represent, and does not claim that the candidate have or demonstrate any formal tie to or membership in the political party.

The Complaint alleges that members of the public were misled into signing nomination papers of the protest candidates because the candidates actually represent the interests of the Republican rather than Democratic Party, and that this misrepresentation caused signers to forfeited their right to sign nomination papers of another candidate. Wis. Stat. §8.15(2). No evidence is included in the Complaint to establish that any individual signer of the nomination papers was misled. Even if such instances occurred, the invalidity or disqualification of one or more signatures on a nomination paper does not affect the validity of any other signatures on that paper." Sec. GAB 2.07(3)(a).

The introductory language and the circulator's certification on the nomination paper only support placing the candidate's name on the ballot, not that the signers or circulators necessarily commit to supporting the candidate's ultimate election, or that they agree with the positions or principle of the political party named on the nomination papers. It is the opinion of Board staff that the form of the nomination papers filed by the protest candidates met the

substantial compliance standard, and that the Complaint does not meet the challengers' burden to establish any insufficiency in the forms.

For the above reasons, Board staff recommends that the Board deny the challenges included in the Complaint against the candidates identified as protest candidates. The Complaint also alleges violations of Wis. Stat. §12.13, which prohibits making false statements to election officials and falsifying any information in respect to a nomination paper or declaration of candidacy. Complaints alleging violations of Chapter 12 of the Statutes are required to be considered by the Board in closed session. Except for acknowledging that the Board has received such a complaint when it has been made public by the complainant, the Board and its staff are prohibited from disclosing information related to any investigation of such a complaint until it is resolved.

Recommended Motion: The Board denies the challenges to the nomination papers of candidates Gladys Huber, Isaac Weix, Gary Ellerman, Tamra Lyn Varebrook, James Engel, and James Buckley, and grants ballot access to those candidates for the respective Democratic Primary recall elections on May 8, 2012.

(4) **SCHOOL DISTRICT.** (a) There shall be a separate ballot for school district officers when so required, except as authorized in s. 5.655.

(b) In 1st class cities, the names of the candidates for the seat of the member elected at-large to the board of school directors shall be placed on the official city ballot and there shall be a separate ballot giving the names of the candidates for any seat to be filled on the board of school directors from any election district, except as authorized in s. 5.655. The names of candidates for the at-large seat shall be placed in the same column or row on the ballot.

(c) The arrangement of candidates for school board seats shall be determined by the school district clerk or the executive director of the city board of election commissioners by the drawing of lots not later than the 2nd Tuesday in January, or the next day if the first Tuesday is a holiday, if there is no primary, or not later than the 3rd day following the completion of the primary canvass if a primary is held. The method of determining arrangement shall be the same as provided in sub. (1) (b). Sufficient space shall be provided on the ballot for write-in candidates.

(4m) **METROPOLITAN SEWERAGE COMMISSION.** A separate ballot shall list the names of all candidates for metropolitan sewerage commission seats, if commissioners are elected under s. 200.09 (11) (am), except as authorized in s. 5.655. The names for the different seats shall be placed in separate columns or rows if more than one seat is contested at any election.

(5) **VILLAGE.** (ag) There shall be a separate ballot giving the names of all candidates for village offices, except as authorized in s. 5.655.

(ar) The offices to be filled shall be arranged on the official ballot in the order they are named in the statutes creating them. The names of the candidates shall be arranged by using the same method as that used by the board under sub. (1) (b). Sufficient space shall be left under each office for write-in candidates.

(b) Only persons nominated under s. 8.05 shall be placed on the official ballots. If no nominations are made, the spaces for this office shall be left blank.

(6) **TOWN.** (a) Except as authorized in s. 5.655, there shall be a separate ballot giving the names of all candidates for elective town offices in the form prescribed by the board under s. 7.08 (1) (a). There shall be 2 ballot forms. One ballot form shall be used for the election of supervisors to numbered seats and one ballot form shall be used for the election of supervisors to unnumbered seats. On the ballot used for the election of supervisors to unnumbered seats, all supervisor candidates shall be listed together and the voting instructions shall state "Vote for not more than.... [insert number of supervisors to be elected] candidates". All towns shall elect their supervisors to unnumbered seats unless the annual town meeting adopts a plan to elect supervisors to numbered seats. The names of candidates for town office shall be arranged by using the same method as that used by the board under sub. (1) (b). A space shall be provided under each office on the ballot for a write-in candidate.

(b) Only the names of individuals nominated under s. 8.05 may be placed on the official ballot. If no nominations for an office are made, the space for that office shall be left blank.

(6m) **TOWN SANITARY DISTRICT COMMISSION.** Except as authorized in s. 5.655, a separate ballot shall list the names of all candidates for town sanitary district commission seats, if commissioners are elected under s. 60.74 and the boundaries of the district are not coterminous with the boundaries of one or more towns. The names for different seats shall be placed in separate columns or rows if more than one seat is contested at any election.

(7) **REFERENDUM BALLOTS.** Except as authorized in s. 5.655, there shall be a separate ballot setting forth all propositions requiring a vote in the form and manner provided by s. 5.64.

(8) **BALLOTS FOR PRESIDENTIAL VOTE.** (am) Except as authorized in s. 5.655, there shall be a separate ballot for each recognized political party filing a certification under s. 8.12 (1), listing

the names of all potential candidates of that party determined under s. 8.12 and affording, in addition, an opportunity to the voter to nominate another potential candidate by write-in vote or to vote for an uninstructed delegation to the party convention. The order of presidential candidates on the ballot shall be determined by lot by or under the supervision of the board. Each voter shall be given the ballots of all the parties participating in the presidential preference vote, but may vote on one ballot only.

(bm) Except as authorized in s. 5.655, a separate ballot shall be provided for use in each voting district.

(c) The official ballots for the presidential preference vote shall be securely fastened together at the bottom. The party receiving the greatest number of votes for governor at the preceding election shall have its ticket placed on top and the remaining party ballots shall follow in the same manner. A facsimile ballot notice shall be published as provided in s. 10.02.

History: 1971 c. 304 ss. 9 to 11, 29 (2); 1971 c. 336; 1973 c. 134; 1973 c. 334 s. 57; 1975 c. 93; 1977 c. 187, 427, 445, 449; 1979 c. 221, 260, 355; 1981 c. 377; 1983 a. 484; 1983 a. 532 s. 36; 1985 a. 29 s. 3202 (56); 1985 a. 89, 225; 1985 a. 304 ss. 28, 155; 1987 a. 391; 1989 a. 192, 290; 1993 a. 266; 1995 a. 16 s. 2; 1995 a. 201; 1999 a. 150 s. 672; 1999 a. 182; 2003 a. 24; 2005 a. 149; 2011 a. 45, 62.

The national democratic party has a protected right of political association and may not be compelled to seat delegates chosen in an open primary in violation of the party's rules. *Democratic Party of U.S. v. Wisconsin*, 450 U.S. 107 (1981).

5.62 Partisan primary ballots. (1) (a) At the partisan primary, the following ballot shall be provided for the nomination of candidates of recognized political parties for national, state and county offices and independent candidates for state office in each ward, in the same form as prescribed by the board under s. 7.08 (1) (a), except as authorized in s. 5.655. The ballots shall be made up of the several party tickets with each party entitled to participate in the primary under par. (b) or sub. (2) having its own ballot, except as authorized in s. 5.655. The ballots shall be secured together at the bottom. The party ballot of the party receiving the most votes for president or governor at the last general election shall be on top with the other parties arranged in descending order based on their vote for president or governor at the last general election. The ballots of parties qualifying under sub. (2) shall be placed after the parties qualifying under par. (b), in the same order in which the parties filed petitions with the board. Any ballot required under par. (b) 2. shall be placed next in order. At polling places where voting machines are used, each party shall be represented in one or more separate columns or rows on the ballot. At polling places where an electronic voting system is used other than an electronic voting machine, each party may be represented in separate columns or rows on the ballot.

(b) 1. Except as provided in subd. 2. and s. 5.64 (1) (e) 2., every recognized political party listed on the official ballot at the last gubernatorial election whose candidate for any statewide office received at least 1% of the total votes cast for that office and, if the last general election was also a presidential election, every recognized political party listed on the ballot at that election whose candidate for president received at least 1% of the total vote cast for that office shall have a separate primary ballot or one or more separate columns or rows on the primary ballot as prescribed in par. (a) and a separate column on the general election ballot in every ward and election district. An organization which was listed as "independent" at the last general election and whose candidate meets the same qualification shall receive the same ballot status upon petition of the chairperson and secretary of the organization to the board requesting such status and specifying their party name, which may not duplicate the name of an existing party. A petition under this subdivision may be filed no later than 5 p.m. on April 1 in the year of each general election.

2. Subdivision 1. applies to a party within any assembly district or county at any partisan primary election only if at least one candidate of the party for any national, state or county office qualifies to have his or her name appear on the ballot under the name of that party within that assembly district or county. The county clerk or county board of election commissioners shall provide a combined separate ballot or one or more separate columns or rows

5.62 ELECTIONS — GENERAL PROVISIONS; BALLOTS & VOTING Updated 09–10 Wis. Stats. Database 16

on the ballot that will permit an elector to cast a vote for a write-in candidate for the nomination of any such party for each national, state and county office whenever that party qualifies to be represented on a separate primary ballot or in one or more separate columns or rows under subd. 1. but does not qualify under this subdivision. The ballot shall include the name of each party qualifying for a separate ballot or one or more separate columns or rows on the ballot under each office, with the names of the candidates for each such party appearing in the same order in which the ballots of the parties would appear under par. (a).

(2) (a) Except as provided in par. (b) and s. 5.64 (1) (e) 2., any political organization may be represented on a separate primary ballot or in one or more separate columns or rows on the primary ballot as prescribed in sub. (1) (a) and in a separate column on the general election ballot in every ward and election district. To qualify for a separate ballot under this paragraph, the political organization shall, not later than 5 p.m. on April 1 in the year of the partisan primary, file with the board a petition requesting separate ballot status. The petition shall be signed by at least 10,000 electors, including at least 1,000 electors residing in each of at least 3 separate congressional districts. The petition shall conform to the requirements of s. 8.40. No signature obtained before January 1 in the year of filing is valid. When the candidates of a political organization filing a valid petition fulfill the requirements prescribed by law, they shall appear on a separate ballot or one or more separate columns or rows on the ballot for the period ending with the following general election.

(b) Paragraph (a) applies to a party within any assembly district or county at any partisan primary election only if at least one candidate of the party for any national, state or county office qualifies to have his or her name appear on the ballot under the name of that party within that assembly district or county. The county clerk or county board of election commissioners shall provide a combined separate ballot or one or more separate columns or rows on the ballot that will permit an elector to cast a vote for a write-in candidate for the nomination of any such party for each national, state and county office whenever that party qualifies to be represented on a separate primary ballot or in one or more separate columns or rows under par. (a) but does not qualify under this paragraph. The ballot shall include the name of each party qualifying for a separate ballot or one or more separate columns or rows on the ballot under each office, with the names of the candidates for each such party appearing in the same order in which the ballots of the parties would appear under sub. (1) (a).

(3) The board shall designate the official primary ballot arrangement for statewide offices and district attorney within each prosecutorial district by using the same procedure as provided in s. 5.60 (1) (b). On each ballot and on each separate column or row on the ballot, the candidates for office shall be listed together with the offices which they seek in the following order whenever these offices appear on the partisan primary ballot: governor, lieutenant governor, attorney general, secretary of state, state treasurer, U.S. senator, U.S. representative in congress, state senator, representative to the assembly, district attorney and the county offices.

(4) (ag) The county clerk or county board of election commissioners shall designate the official primary ballot arrangement for all candidates filing nomination papers in that office.

(ar) Within a county the county clerk shall arrange the names of all candidates filing nomination papers with the clerk's office using the same method as that used by the board under s. 5.60 (1) (b).

(b) The county board of election commissioners in counties having a population of more than 500,000 shall prepare the official primary ballot. The commissioners shall arrange the names of all candidates for each office whose nomination papers are filed at the county level, using the same method as that used by the government accountability board under s. 5.60 (1) (b).

History: 1971 c. 304 ss. 12, 29 (2); 1971 c. 336; 1973 c. 334 s. 57; 1975 c. 93; 1977 c. 107, 427; 1979 c. 260, 311, 328; 1981 c. 377; 1983 a. 484; 1985 a. 304; 1987 a. 391;

1989 a. 31, 192; 1991 a. 316; 1993 a. 184; 1999 a. 182; 2005 a. 149; 2007 a. 1; 2011 a. 32, 75; s. 35.17 correction in (1) (a).

The filing of a proper petition by the requisite number of electors in a senate, assembly, or congressional district will qualify the political organization referred to in the petition as a party entitled to a separate ballot within the specific district only for all the state, congressional, legislative, and county offices for which an elector of that district may vote. The petition may be circulated commencing after any November general election and ending on the June 1 immediately prior to the next succeeding September primary. 61 Atty. Gen. 41.

5.64 General election ballots. At general elections all of the following ballots, when necessary, shall be provided for each ward:

(1) **OFFICIAL BALLOT.** (ag) Except as authorized in s. 5.655, there shall be a separate ballot giving the names of all candidates for president and vice president and for statewide, congressional, legislative, and county offices in the same form as prescribed by the board under s. 7.08 (1) (a).

(ar) 1. The ballot shall permit an elector to do any of the following:

b. Vote for individual candidates for each office.

c. Vote for a person whose name does not appear on the ballot for any office.

1m. When voting for president and vice president, the ballot shall permit an elector to vote only for the candidates on one ticket jointly or to write in the names of persons in both spaces.

2. When voting for governor and lieutenant governor, the ballot shall permit an elector to vote only for the candidates on one ticket jointly or write in the names of persons in both spaces.

(b) The names of the candidates for the offices of president and vice president that are certified under s. 8.16 (7) or that are contained in nomination papers filed under s. 8.20 shall appear on the ballot in the form prescribed in s. 7.08 (2) (a). The names of the candidates on the regular party tickets nominated at the primary or replacements appointed under s. 8.35 (2) shall appear in a separate column under the party designation. The columns shall be arranged from left to right according to rank, based on the number of votes received by each party's candidate for president or governor at the last general election beginning with the party that received the most votes. To the right of the columns for parties qualifying under s. 5.62 (1) (b) shall be placed the columns for parties qualifying under s. 5.62 (2) in the same order in which the parties filed petitions with the board. Any column required under par. (e) 2. shall be placed next in order. To the right of the party columns shall be a column for the names of independent candidates for each office, or more than one column if the first column does not provide sufficient space for the names of all such candidates.

(d) The offices shall be arranged beginning with president and vice president or governor and lieutenant governor, whenever these offices are filled, and then the remaining offices in the order designated under s. 5.62 (3).

(e) 1. Except as provided in subd. 2., each candidate's name shall be placed in the column of the party by which nominated or if independent, in a column designated independent and all candidates for the same office shall appear within the same rows on the ballot. If a separate column is provided to write in the names of any party candidates under subd. 2., the column shall appear before the column designated independent with the spaces provided to write in the names of the candidates for each such party appearing in the same order in which the columns of their parties would appear under par. (b). Along with the names of the independent candidates shall appear the party or principle of the candidates, if any, in 5 words or less, as shown on their nomination papers. Independent candidates for the same county office shall be listed in the same manner in an order drawn by lot by or under supervision of the county clerk or board of election commissioners.

2. There shall be a separate column for the candidates of each party qualifying for that column under s. 5.62 (1) (b) or (2), except that if, within any assembly district or county, there are no candidates for any national, state or county office representing such a

pledging his or her preference for or support of any person for such office or nomination.

(b) This section does not apply to money paid or agreed to be paid for or on account of authorized legal expenses which were legitimately incurred at or concerning any election.

(c) This section does not apply where an employer agrees that all or part of election day be given to its employees as a paid holiday, provided that such policy is made uniformly applicable to all similarly situated employees.

(d) This section does not prohibit any person from using his or her own vehicle to transport electors to or from the polls without charge.

(e) This section does not apply to any promise by a candidate to reduce public expenditures or taxes.

History: 1973 c. 334; 1975 c. 93; 1983 a. 484; 1991 a. 316; 1993 a. 213.

There are constitutional limits on the state's power to prohibit candidates from making promises in the course of an election campaign. Some promises are universally acknowledged as legitimate, indeed indispensable to decisionmaking in a democracy. *Brown v. Hartlage*, 456 U.S. 45 (1982).

12.13 Election fraud. (1) ELECTORS. Whoever intentionally does any of the following violates this chapter:

(a) Votes at any election or meeting if that person does not have the necessary elector qualifications and residence requirements.

(b) Falsely procures registration or makes false statements to the municipal clerk, board of election commissioners or any other election official whether or not under oath.

(c) Registers as an elector in more than one place for the same election.

(d) Impersonates a registered elector or poses as another person for the purpose of voting at an election.

(e) Votes more than once in the same election.

(f) Shows his or her marked ballot to any person or places a mark upon the ballot so it is identifiable as his or her ballot.

(g) Procures an official ballot and neglects or refuses to cast or return it. This paragraph does not apply to persons who have applied for and received absentee ballots.

(h) Procures, assists or advises someone to do any of the acts prohibited by this subsection.

(2) ELECTION OFFICIALS. (a) The willful neglect or refusal by an election official to perform any of the duties prescribed under chs. 5 to 12 is a violation of this chapter.

(b) No election official may:

1. Observe how an elector has marked a ballot unless the official is requested to assist the elector; intentionally permit anyone not authorized to assist in the marking of a ballot to observe how a person is voting or has voted; or disclose to anyone how an elector voted other than as is necessary in the course of judicial proceedings.

2. Illegally issue, write, change or alter a ballot on election day.

3. Permit registration or receipt of a vote from a person who the official knows is not a legally qualified elector or who has refused after being challenged to make the oath or to properly answer the necessary questions pertaining to the requisite requirements and residence; or put into the ballot box a ballot other than the official's own or other one lawfully received.

4. Intentionally assist or cause to be made a false statement, canvass, certificate or return of the votes cast at any election.

5. Willfully alter or destroy a poll or registration list.

6. Intentionally permit or cause a voting machine, voting device or automatic tabulating equipment to fail to correctly register or record a vote cast thereon or inserted therein, or tamper with or disarrange the machine, device or equipment or any part or appliance thereof; cause or consent to the machine, device or automatic tabulating equipment being used for voting at an election with knowledge that it is out of order or is not perfectly set and adjusted so that it will correctly register or record all votes cast thereon or inserted therein; with the purpose of defrauding or

deceiving any elector, cause doubt for what party, candidate or proposition a vote will be cast or cause the vote for one party, candidate or proposition to be cast so it appears to be cast for another; or remove, change or mutilate a ballot on a voting machine, device or a ballot to be inserted into automatic tabulating equipment, or do any similar act contrary to chs. 5 to 12.

6m. Obtain an absentee ballot for voting in a nursing home or qualified retirement home, qualified community-based residential facility, qualified residential care apartment complex, or qualified adult family home under s. 6.875 (6) and fail to return the ballot to the issuing officer.

7. In the course of the person's official duties or on account of the person's official position, intentionally violate or intentionally cause any other person to violate any provision of chs. 5 to 12 for which no other penalty is expressly prescribed.

8. Intentionally disclose the name or address of any elector who obtains a confidential listing under s. 6.47 (2) to any person who is not authorized by law to obtain that information.

(3) PROHIBITED ACTS. No person may:

(a) Falsify any information in respect to or fraudulently deface or destroy a certificate of nomination, nomination paper, declaration of candidacy or petition for an election, including a recall petition or petition for a referendum; or file or receive for filing a certificate of nomination, nomination paper, declaration of candidacy or any such petition, knowing any part is falsely made.

(am) Fail to file an amended declaration of candidacy as provided in s. 8.21 with respect to a change in information filed in an original declaration within 3 days of the time the amended declaration becomes due for filing; or file a false declaration of candidacy or amended declaration of candidacy. This paragraph applies only to candidates for state or local office.

(b) Wrongfully suppress, neglect or fail to file nomination papers in the person's possession at the proper time and in the proper office; suppress a certificate of nomination which is duly filed.

(c) Willfully or negligently fail to deliver, after having undertaken to do so, official ballots prepared for an election to the proper person, or prevent their delivery within the required time, or destroy or conceal the ballots.

(d) Remove or destroy any of the supplies or conveniences placed in compartments or polling booths.

(e) Prepare or cause to be prepared an official ballot with intent to change the result of the election as to any candidate or referendum; prepare an official ballot which is premarked or which has an unauthorized sticker affixed prior to delivery to an elector; or deliver to an elector an official ballot bearing a mark opposite the name of a candidate or referendum question that might be counted as a vote for or against a candidate or question.

(f) Before or during any election, tamper with voting machines, voting devices or automatic tabulating equipment readied for voting or the counting of votes; disarrange, deface, injure or impair any such machine, device or equipment; or mutilate, injure or destroy a ballot placed or displayed on a voting machine or device, or to be placed or displayed on any such machine, device or automatic tabulating equipment or any other appliance used in connection with the machine, device or equipment.

(g) Falsify any statement relating to voter registration under chs. 5 to 12.

(h) Deface, destroy or remove any legally placed election campaign advertising poster with intent to disrupt the campaign advertising efforts of any candidate, or of any committee, group or individual under ch. 11, or alter the information printed thereon so as to change the meaning thereof to the disadvantage of the candidate or cause espoused. Nothing in this paragraph restricts the right of any owner or occupant of any real property, or the owner or operator of any motor vehicle, to remove campaign advertising posters from such property or vehicle.

(i) Falsely make any statement for the purpose of obtaining or voting an absentee ballot under ss. 6.85 to 6.87.

(j) When called upon to assist an elector who cannot read or write, has difficulty in reading, writing or understanding English, or is unable to mark a ballot or depress a lever or button on a voting machine, inform the elector that a ballot contains names or words different than are printed or displayed on the ballot with the intent of inducing the elector to vote contrary to his or her inclination, intentionally fail to cast a vote in accordance with the elector's instructions or reveal the elector's vote to any 3rd person.

(k) Forge or falsely make the official endorsement on a ballot or knowingly deposit a ballot in the ballot box upon which the names or initials of the ballot clerks, or those of issuing clerks do not appear.

(L) When not authorized, during or after an election, break open or violate the seals or locks on a ballot box containing ballots of that election or obtain unlawful possession of a ballot box with official ballots; conceal, withhold or destroy ballots or ballot boxes; willfully, fraudulently or forcibly add to or diminish the number of ballots legally deposited in a ballot box; or aid or abet any person in doing any of the acts prohibited by this paragraph.

(m) Fraudulently change a ballot of an elector so the elector is prevented from voting for whom the elector intended.

(n) Receive a ballot from or give a ballot to a person other than the election official in charge.

(o) Vote or offer to vote a ballot except as has been received from one of the inspectors.

(p) Receive a completed ballot from a voter unless qualified to do so.

(q) Solicit a person to show how his or her vote is cast.

(r) Remove a ballot from a polling place before the polls are closed.

(s) Solicit another elector to offer assistance under s. 6.82 (2) or 6.87 (5), except in the case of an elector who is blind or visually impaired to the extent that the elector cannot read a ballot.

(t) Obtain an absentee ballot as the agent of another elector under s. 6.86 (3) and fail or refuse to deliver it to such elector.

(u) Provide false documentation of identity for the purpose of inducing an election official to permit the person or another person to vote.

(w) Falsify a ballot application under s. 6.18.

(x) Refuse to obey a lawful order of an inspector made for the purpose of enforcing the election laws; engage in disorderly behavior at or near a polling place; or interrupt or disturb the voting or canvassing proceedings.

(y) After an election, break the locks or seals or reset the counters on a voting machine except in the course of official duties carried out at the time and in the manner prescribed by law; or disable a voting machine so as to prevent an accurate count of the votes from being obtained; or open the registering or recording compartments of a machine with intent to do any such act.

(z) Tamper with automatic tabulating equipment or any record of votes cast or computer program which is to be used in connection with such equipment to count or recount votes at any election so as to prevent or attempt to prevent an accurate count of the votes from being obtained.

(ze) Compensate a person who obtains voter registration forms from other persons at a rate that varies in relation to the number of voter registrations obtained by the person.

(zm) Willfully provide to a municipal clerk false information for the purpose of obtaining a confidential listing under s. 6.47 (2) for that person or another person.

(zn) Disclose to any person information provided under s. 6.47 (8) when not authorized to do so.

(5) UNAUTHORIZED RELEASE OF RECORDS OR INVESTIGATORY INFORMATION. (a) Except as specifically authorized by law and except as provided in par. (b), no investigator, prosecutor,

employee of an investigator or prosecutor, or member or employee of the board may disclose information related to an investigation or prosecution under chs. 5 to 12, subch. III of ch. 13, or subch. III of ch. 19 or any other law specified in s. 978.05 (1) or (2) or provide access to any record of the investigator, prosecutor, or the board that is not subject to access under s. 5.05 (5s) to any person other than an employee or agent of the prosecutor or investigator or a member, employee, or agent of the board prior to presentation of the information or record in a court of law.

(b) This subsection does not apply to any of the following communications made by an investigator, prosecutor, employee of an investigator or prosecutor, or member or employee of the board:

1. Communications made in the normal course of an investigation or prosecution.

2. Communications with a local, state, or federal law enforcement or prosecutorial authority.

3. Communications made to the attorney of an investigator, prosecutor, employee, or member of the board or to a person or the attorney of a person who is investigated or prosecuted by the board.

History: 1973 c. 334; 1975 c. 85, 93, 199; 1977 c. 427, 447; 1979 c. 89, 249, 260, 311, 357; 1983 a. 183 s. 45; 1983 a. 192 s. 304; 1983 a. 484 ss. 135, 172 (3), 174; 1983 a. 491; 1985 a. 304; 1987 a. 391; 1989 a. 192; 1991 a. 316; 1999 a. 49; 2001 a. 16; 2003 a. 265; 2005 a. 451; 2007 a. 1; 2011 a. 23.

Sub. (5) does not apply to district attorneys or law enforcement agencies. It only applies to the government accountability board, its employees and agents, and the investigators and prosecutors retained by the board, and the assistants to those persons. OAG 7-09.

12.60 Penalties. (1) (a) Whoever violates s. 12.09, 12.11 or 12.13 (1), (2) (b) 1. to 7. or (3) (a), (e), (f), (j), (k), (L), (m), (y) or (z) is guilty of a Class I felony.

(b) Whoever violates s. 12.03, 12.05, 12.07, 12.08 or 12.13 (2) (b) 8., (3) (b), (c), (d), (g), (i), (n) to (x), (ze), (zm) or (zn) may be fined not more than \$1,000, or imprisoned not more than 6 months or both.

(bm) Whoever violates s. 12.13 (5) may be fined not more than \$10,000 or imprisoned for not more than 9 months or both.

(c) Whoever violates s. 12.13 (3) (am) may be required to forfeit not more than \$500.

(d) Whoever violates s. 12.035 or 12.13 (3) (h) may be required to forfeit not more than \$100.

(2) (a) If a successful candidate for public office, other than a candidate for the legislature or a candidate for national office, is adjudged guilty in a criminal action of any violation of this chapter under sub. (1) (a) committed during his or her candidacy, the court shall after entering judgment enter a supplemental judgment declaring a forfeiture of the candidate's right to office. The supplemental judgment shall be transmitted to the officer or agency authorized to issue the certificate of nomination or election to the office for which the person convicted is a candidate. If the candidate's term has begun, the office shall become vacant. The office shall then be filled in the manner provided by law.

(b) If a successful candidate for the legislature or U.S. congress is adjudged guilty in a criminal action of any violation of this chapter under sub. (1) (a) committed during his or her candidacy, the court shall after entering judgment certify its findings to the presiding officer of the legislative body to which the candidate was elected.

(3) Any election official who is convicted of any violation of this chapter shall, in addition to the punishment otherwise provided, be disqualified to act as an election official for a term of 5 years from the time of conviction.

(4) Prosecutions under this chapter shall be conducted in accordance with s. 11.61 (2).

History: 1973 c. 334; 1975 c. 85; 1977 c. 418 s. 924 (18) (e); 1977 c. 427; 1979 c. 249, 311, 328; 1983 a. 484; 1985 a. 304; 1997 a. 283; 1999 a. 49; 2001 a. 109; 2005 a. 451; 2007 a. 1.

Haas, Michael R - GAB

From: Lori Compas <lori.compas@gmail.com>
Sent: Sunday, April 15, 2012 9:37 PM
To: Haas, Michael R - GAB
Subject: Supplemental information regarding complaint
Attachments: Ellerman Nomination Papers.pdf

Hi Mr. Haas,

I wanted to tell you about a couple of things that have come to my attention over the weekend. This regards Gary Ellerman, the "fake Democrat" who is attempting to get on the ballot here in SD13 to force a primary. If you want me to file this info as a formal complaint I can certainly do that, but if it's too late to file a complaint please consider this supplemental information.

First off, my campaign coordinator has received a letter that Gary Ellerman sent to conservative Republican voters in his district with a plea for nomination signatures. In the letter Ellerman writes in part, "The Democrats will be holding their primary for Governor on May 8th, and we need to ensure that no Republican general elections will be held on the day when the democrats turn out in force to elect their liberal candidate." Here Mr. Ellerman makes it clear that it would be disadvantageous for a Republican to stand for general election on May 8. In the same letter he writes, "I plan to run in this senate election to ensure that Governor Walker, Lieutenant Governor Kleefisch, and Senator Fitzgerald stand for election on the same day." Here Mr. Ellerman admits that he wants to enter the race to ensure that Fitzgerald stands for election on the same day as other incumbent Republicans standing for general election.

Mr. Ellerman illustrates the advantage to be gained for Scott Fitzgerald in standing for general election on the same day as the other special elections taking place in the state, and then professes his motive for running in the election as ensuring that Scott Fitzgerald does indeed stand for election on that day.

In short, Mr. Ellerman states that he wants to force a Democratic primary in order to give an advantage to an incumbent Republican.

Mr. Ellerman made the same point in a recent article appearing in the *Jefferson County Daily Union*, where he said running in the Democratic primary as a fake Democrat would "create a primary situation for Lori Compas so Fitzgerald didn't have to do a regular election during the primary - he could do it with everyone else when the gubernatorial election is held." This article can be found on the Daily Union website at:

<http://dailyunion.com/Main.asp?SectionID=36&SubSectionID=110&ArticleID=11180>

I've attached a scan of the letter and we can bring you the original if you want. Please note the disclaimer at the bottom of the letter, stating that the letter was paid for by the Republican Party of Wisconsin.

Secondly, Mr. Ellerman's actions have also generated confusion among voters. While I was out talking with voters yesterday (Saturday, April 14), I encountered many people who were confused about the fake Democrat situation. In fact, I spoke with one woman who had heard about the fake Democrats running in the primary and she wanted to see proof that I was a "real Democrat." **She asked if the ballot would indicate who the fake Democrat was.** Other voters asked me to tell them Mr. Ellerman's name so they could research the matter themselves.

My campaign has been forced to allocate resources to voter education aimed at reducing the confusion caused by Mr. Ellerman's dishonesty. Without Mr. Ellerman's dishonesty, there would be no confusion

and my campaign would not have to direct resources toward this issue and away from campaigning against Scott Fitzgerald. This gives Scott Fitzgerald a further advantage.

I'm no lawyer, but I've read the statute (§ 12.13(3)(a)) and it's perfectly clear. Mr. Ellerman committed election fraud when he swore under oath and signed his papers stating that he would represent the interests of the Democratic party.

Please don't let this stand.

I can testify under oath at Tuesday's hearing if that would be helpful.

Thanks for your attention to this matter and I look forward to hearing back from you soon.

Kind regards

Lori Compas.
920-397-9749

HELP ENSURE ELECTION FAIRNESS

SUPPORT GARY ELLERMAN'S CANDIDACY!

March 31, 2012

Dear Fellow Conservative,

In November of 2010, a nationwide wave swept conservative-minded legislators into office, and we finally got rid of the liberal tax-and-spend crowd, giving us hope for a brighter future.

In a few short months, the Republican-controlled state legislature reformed our state's business climate, fixed a \$3.6 billion budget deficit without raising taxes, and laid the foundation for an economic turnaround that would have been impossible if Democrats had been in charge.

Now, **the same liberal Democrats and their union allies who got us into that fiscal mess in the first place have launched recalls** against four Republican state senators, including our very own state senator, Scott Fitzgerald.

The Democrats will be holding their primary for Governor on May 8th, and we need to ensure that no Republican general elections will be held on the day when the Democrats turn out in force to elect their liberal candidate.

Right now, the Democrats control the dates for recall elections through the primary process, and they would love nothing more than to split up the recall general election dates. To ensure that every one of these baseless recall elections is held on the same date, we need to make sure Democrat challengers face primaries to ensure election fairness.

I plan to run in this senate election to ensure that Governor Walker, Lieutenant Governor Kleefisch, and Senator Fitzgerald stand for election on the same day. I need to collect 800 nomination signatures within the next 10 days to ensure my name is added to the ballot.

Wisconsin is finally on the right track, and now is not the time to go back to the failed liberal policies that lost our state 150,000 jobs, caused skyrocketing unemployment, and buried us under a \$3.6 billion budget deficit. We need our bold Republican leaders to continue moving Wisconsin forward.

Please sign the enclosed nomination paper and return it immediately.

(over)

Here's how this works:

- Sign the form yourself, and fill out the circulator section at the bottom of the form.
- If you can get more signatures, have your friends and family sign it too. Make sure they fill it out completely, including their name, address, municipality of residence, date, and signature. Note, **both** address and municipality **must** be provided. Also, P.O. boxes are not valid.
- Make sure you only circulate this form to **residents** of the 13th Senate District.
- Residents must be qualified electors (at least 18 years old) and be full-time residents of the State of Wisconsin, 13th Senate District.
- After you have finished circulating the form, check to make sure it has been filled out completely, then complete the bottom portion of the form with your name, address, municipality of residence, signature, and date.
- Mail completed forms back ASAP. I have enclosed a pre-addressed envelope for you to use. Most importantly, in order for us to submit these on time, **we need you to drop them in the mail immediately.**

The future of our state is under attack from liberal activists and their union allies, and signing my nomination paper is the first step in fighting back and ensuring that all primary and general elections are held on the same dates.

It's time to stand with our strong Republican incumbents, and ensure we have a fair election process.

Thank you for your support,

Gary Ellerman
Lake Mills, WI

PS – Please return the form immediately...we have less than two weeks to collect 800 signatures, and need time to process them...please fill this out and send it in today!!!

NOMINATION PAPER FOR PARTISAN OFFICE

I, the undersigned, request the name of

Gary Ellerman

resides at N8081 Springer Rd, Lake Mills, WI 53551 (Town of Waterloo), be placed on the ballot at the special election to be held on May 8th, 2012, as a candidate representing the
 rafic Party so that voters will have the opportunity to vote for him for the office of State Senator, in Wisconsin's 13th Senate District. I am eligible to vote in the 13th Senate District and have not
 the nomination paper of any other candidate for the same office at this election.

THE MUNICIPALITY USED FOR MAILING PURPOSES, WHEN DIFFERENT THAN MUNICIPALITY OF RESIDENCE, IS NOT SUFFICIENT. THE NAME OF MUNICIPALITY OF RESIDENCE MUST ALWAYS BE LISTED.

SIGNATURE OF ELECTOR	ADDRESS (HOUSE NUMBER & STREET) <i>(Rural Address must include box or fire number)</i>	CITY, ZIP	MUNICIPALITY OF RESIDENCE <i>(Check Town, Village, or City)</i>	DATE OF SIGNING
1.			<input type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City	, 2012
2.			<input type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City	, 2012
3.			<input type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City	, 2012
4.			<input type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City	, 2012
5.			<input type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City	, 2012
6.			<input type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City	, 2012
7.			<input type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City	, 2012
8.			<input type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City	, 2012
9.			<input type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City	, 2012
10.			<input type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City	, 2012

CERTIFICATION OF CIRCULATOR

(Name of circulator) _____, certify, I reside at _____, Wisconsin.
 (Circulator's residence - Include house number, street, and municipality of residence.)

I have personally obtained each of the signatures on this paper. I know that the signers are electors of the jurisdiction or district the candidate seeks to
 nly. I know that each person signed the paper with full knowledge of its content on the date indicated opposite his or her name. I know their respective residences given. I intend to support this
 ite. I am aware that falsifying this certification is punishable under S. 12.13(3)(a), Stats.

(Date) _____, 2012

(Signature of circulator)

Page Number _____