

**State of Wisconsin**  
**Before the Government Accountability Board**

RECEIVED  
2014 JUN -9 PM 12: 15  
GOVERNMENT  
ACCOUNTABILITY BOARD

The Response of  
REPUBLICAN ASSEMBLY CAMPAIGN COMMITTEE

Jennifer Toftness, Respondent on behalf of Kathy Bernier

In re: the Nomination Papers of: Candidate Kathy Bernier, 68<sup>th</sup> Assembly District

Joel Gratz, Complainant

**VERIFIED RESPONSE**

---

This response is under Chapter 8 of the Wisconsin Statutes and GAB 2 of the State of Wisconsin Administrative Code. I, Jennifer Toftness allege that:

1. I am a resident of the State of Wisconsin, a qualified elector, and the Executive Director of the Republican Assembly Campaign Committee with a mailing address of 148 East Johnson Street, Madison, Wisconsin 53703.
2. Kathy Bernier is the Republican candidate for the 68<sup>th</sup> Assembly District.
3. On June 5, 2014, Joel Gratz, Executive Director of the Assembly Democratic Campaign Committee, submitted a verified complaint to the GAB alleging Bernier's nomination papers contained approximately 115 insufficient signatures.

**COMPLAINANT'S ALLEGATIONS OF ILLEGIBLE "PRINT NAMES" ARE  
CLEARLY FRIVOLOUS AND SHOULD BE DISMISSED**

4. Pursuant to GAB 2.05(4), any information which appears on a nomination paper is presumed to be valid.
5. Of the 115 signatures alleged to be insufficient, approximately 10 are claimed to have an illegible "print name."
6. On April 10, 2014, GAB staff issued guidance on nomination paper standards and review, which was adopted unanimously by the Board on April 17, 2014. The guidance established the following standard regarding printed names:
  - a. If the filing officer can discern no part of the printed name, it should be deemed illegible and the signature should not be counted.

- b. 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 may be counted if otherwise valid.

GAB Memorandum re: Nomination Paper Standards and Review, To Wisconsin County Clerks et al., From Michael Haas, Elections Division Administrator, April 10, 2014; adopted April 17, 2014.

7. This standard is meant to ensure that signatures are invalidated only “when there is absolutely no readable information to determine the name of the signer.” *Id.*
8. Under this standard, all of the “print names” challenged by the Complainant as illegible are clearly valid, because a possible name can be easily discerned from them.
  - a. P.1 L.7: “David Staber”
  - b. P.3 L.3: “Kent Restern”
  - c. P.11 L.10: “Paul Geissler”
  - d. P. 14 L. 7: “Alex Chowane”
  - e. P. 14 L. 10: “Mike Wheeler”
  - f. P. 15 L. 6: “Scott Psak”
  - g. P. 17 L. 2: “Rex Rathburl”
  - h. P. 19 L. 4: “Lucas Anixeski”
  - i. P. 19 L. 9: “Brent Kurts”
  - j. P. 24 L. 7: “Lisa B. Nielsen”
9. All challenges from the Complainant regarding illegible names do not overcome the presumption of validity provided under GAB 2.05(4). All such challenges should be dismissed by the Board.

**COMPLAINANT’S ALLEGATIONS OF CURSIVE “PRINT NAMES” ARE  
CLEARLY FRIVOLOUS AND SHOULD BE DISMISSED**

10. The GAB guidance on new nomination paper standards, cited above, did not discuss the definition of a “printed” name. Rather, it stressed the intent to preserve the presumption of validity for the information contained on the nomination paper. *Id.* Yet, complainants seek to invalidate roughly 82 signatures because they are allegedly written in cursive, rather than printed.
11. However, most of the challenged names are not only quite legible, but are also undeniably printed, even under the strictest interpretation of what it means to “print” a name. For example, the complainant alleges that following “print names” are actually cursive: page 4, lines 2, 3, 4, 5 and 8, and page 5, lines 4 and 10. A quick look at those names shows they are printed and legibly read as follows, in order: “James Engad,” “Raymond Peterson,” “Lynn Norheim,” “Douglas Kranig,” “Ardy Robertson,” “Sue Steward,” “Marvel Barka.”

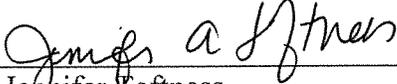
12. All challenges from the Complainant regarding “print names” are frivolous and do not come close to overcoming the presumption of validity provided under GAB 2.05(4). All such challenges should be dismissed by the Board.

**COMPLAINANT’S CHALLENGES TO SIGNERS’ RESIDENCE LOCATIONS DO NOT ESTABLISH REQUISITE PROBABLE CAUSE TO REBUT THE PRESUMPTION OF VALIDITY**

13. Complainant alleges that the following signatures are insufficient because they contain addresses for which Complainant says there is no way to verify whether they are located within the bounds of Assembly District 68:
  - a. P.2, L.8
  - b. P.5, L.6
  - c. P.5, L.8
  - d. P.5, L.9
14. According to Wis. Adm. Code GAB § 2.07(3)(a): “[t]he burden is on the challenger to establish any insufficiency.”
15. “To be considered by the Board, a complaint/challenge must establish probable cause to believe that a violation of election law has occurred.” GAB Memorandum to Challengers to Nomination papers, from GAB Staff Counsels, June 2, 2014.
16. The fact that the Complainant says they were unable to verify whether a given address belongs to an elector residing in Assembly District 68 does nothing to establish insufficiency and certainly does not establish probable cause to believe that a violation of election law has occurred. Accordingly, the challenges to the signatures noted above should be dismissed.

Date: June 9, 2014.

I, Jennifer Toftness, being first duly sworn on oath state that I personally read the above response, and that the above statements are true based on my personal knowledge and, as to those stated on information and belief, I believe them to be true.



\_\_\_\_\_  
Jennifer Toftness

Republican Assembly Campaign Committee

