

CANDIDATE NYGREN CHALLENGE WORK SHEET

1. NAME OF CHALLENGERS - Sarah Scott and Jacob Hajdu
2. NAME OF CANDIDATE CHALLENGED – John Nygren
3. OFFICE SOUGHT BY CANDIDATE – 30th SD Recall Election
4. NUMBER SIGNATURES REQUIRED FOR OFFICE SOUGHT - 400
5. GROSS NUMBER OF SIGS. SUBMITTED BY CANDIDATE – Approx. 440
6. NUMBER OF SIGNATURES VERIFIED BY STAFF - 424
7. NUMBER OF PAGES CHALLENGED – 0
8. NUMBER OF CORRECTING AFFIDAVITS FILED - 0
9. TOTAL NUMBER OF INDIVIDUAL SIGNATURES CHALLENGED –

Beth Scott - 54
Jacob Hajdu – 39

10. REASONS FOR CHALLENGE TO INDIVIDUAL SIGNATURES

A. SIGNATORY ADDRESS OUTSIDE DISTRICT

Beth Scott challenged a total of 23 signatures for signatories residing outside the district (challenge Exhibits A-1 through A-23.) In addition, Jacob Hajdu challenged 20 signatures for signatories residing outside the district. Of Mr. Hajdu's challenges, only one is not represented in Ms. Scott's challenges and that is page 20, line 5 (337 W. Saint Augustine St., Pulaski). Staff originally verified all of these challenged signatures, so any challenges affirmed by the Board will result in a reduction in staff's verified total.

Staff reviewed the evidence submitted by the challengers and also verified each signatory's address on the Voter Public Access (VPA) application.

As for Ms. Scott's challenges identified as A-2 through A- 23, totaling 22 signatures, staff recommends that the Board affirm the challenge and invalidate the signatures because the signatories all reside outside the 30th SD.

Ms. Scott's challenge to page 9, line 9 (Paul Ryan 3010 Delcore Road) fails as VPA verifies that address is within the 30th SD. Furthermore, the supporting documentation for this challenge is for a S. Washington Street, De Pere address.

Mr. Hajdu's challenge to page 20, line 5 (337 W. Saint Augustine St.) may fail if the Board determines that since 337 S. Saint Augustine St. is within the 30th SD, the signature can be saved even though the address on the nomination paper clearly lists 337 W. Saint Augustine St. This is a factual impossibility because there are only North and South directionals for Saint Augustine Street.

Recommendation: Reduce Verified Total by 22.

B. SIGNATORY ADDRESS BLANK OR ILLEGIBLE/MISSING MUNICIPALITY:

Ms. Scott challenged a total of 23 signatures because the address cannot be determined by the address given (pursuant to GAB §2.05(12) and (15)(c), Wis. Adm. Code.) Ms. Scott's verified challenge identifies 25 signatures challenged; however, she duplicates the challenge to the signatures at page 25, line 7 and page 40, line 7. In addition, Mr. Hajdu challenged 4 signatures for similar reasons (one signature at page 21, line 10 two times.) One of Mr. Hajdu's challenges (page 9, line 3) is represented in Ms. Scott's challenges, so there is initially a total number of 29 signatures challenged between the two complainants.

Staff originally verified all of these signatures challenged. However, if the Board accepts staff's recommendations in Section A above for out of district challenges, the total remaining signatures for challenge here should be reduced by 4 (page 17, line 2; page 20, line 6; page 21, line 10; and page 46, line 1.) This would leave a total of 25 remaining challenged signatures upon signatory address issues.

Ms. Scott's challenges to the signatures found at "page 9, line 3", "page 19, line 4", "page 40, line 7", "page 47, line 6", and "page 47, line 7" and "page 52, line 1" should be affirmed. This totals 5 signatures that staff recommends rejecting. The remainder of Ms. Scott's challenges should fail based primarily on the presumption of validity and substantial compliance found in GAB §2.05(4) and (5), Wis. Adm. Code, and the challenger failing to meet the clear and convincing burden found in GAB §2.07(3)(a), Wis. Adm. Code.

Mr. Hajdu's challenge to the signature at page 17, line 4 should fail because an address is listed above the 4th signature line and was bracketed off to apply to line 4. In addition, Mr. Hajdu's challenge to the signature at page 20, line 8 should fail because the address provided is in the 30th SD and Mr. Hajdu has provided no supporting evidence that it is not a valid residence.

Recommendation: Reduce Verified Total by 6.

C. SIGNATORY EARLIER SIGNED NOMINATION PAPER OF CANDIDATE FOR SAME OFFICE

Ms. Scott challenges two signatures for signatories having signed nomination papers for David Vander Leest prior to signing for John Nygren, pursuant to GAB §2.05(11), Wis. Adm. Code. These signatories are Kathy Adams (page 22, line 2) and Susan Snyder (page 34, line 8).

Recommendation: Reduce Verified Total by 2.

D. SIGNATORY SIGNED MORE THAN ONCE:

Ms. Scott challenges the signatures at page 28, line 3 and page 38, line 8, from someone from 1117 Langlade Avenue, Green Bay. It is undetermined if this is the same person or separate residents at this address, the signatures being different. Staff recommends rejecting this challenge based primarily on the presumption of validity and substantial compliance found in GAB §2.05(4) and (5), Wis. Adm. Code, and the challenger failing to meet the clear and convincing burden found in GAB §2.07(3)(a), Wis. Adm. Code.

Recommendation: No change.

E. SIGNATORY DID NOT SIGN FOR SELF:

Ms. Scott challenges one of two signatures at page 43, lines 3 and 4, because they appear to be in the same handwriting and thereby at least one person did not sign his or her own name in contravention of GAB §2.05(8-9), Wis. Adm. Code. Staff recommends rejecting this challenge based primarily on the presumption of validity and substantial compliance found in GAB §2.05(4) and (5), Wis. Adm. Code, and the challenger failing to meet the clear and convincing burden found in GAB §2.07(3)(a), Wis. Adm. Code.

Recommendation: No Change.

F. CIRCULATOR MISREPRESENTED PURPOSE:

Ms. Scott challenges the signature at page 41, line 7, because Marsha Lungstrom, the signatory, claims to have been misled by the circulator. Ms. Lungstrom provides a written statement further verified by the affidavit of Emily Kitchin. However, Ms. Lungstrom simply alleges that the circulator “did not tell her that the document was part of an effort to place Rep. John Nygren on the ballot” and “instead she was led to believe that the purpose of the document was to show support for Senator Hansen.” While there is statutory grounds for striking a signature in a recall petition due to misrepresentation of the purpose (§9.10(2)(m), Wis. Stats.) there is no similar provision for nomination papers. In addition, staff believes that the allegations here are not sufficient to establish

that the signatory was misled, despite the clear language at the top of the nomination paper and the large bolded print identifying John Nygren.

Recommendation: No Change.

G. MISCELLANEOUS CHALLENGES BY MR. HAJDU:

Mr. Hajdu challenges another 10 signatures for signatories various municipality infractions. In addition, Mr. Hajdu challenges signatures at page 9, line 4 and page 9, line 5, as well as at page 52, line 7 and page 52, line 8 because they are allegedly in the same handwriting.

With respect to the 10 signatures challenged for alleged municipality infractions, staff recommends that the Board reject all challenges. A municipality is always listed; however, most checked a couple boxes identifying sometimes town and village or village and city, for example.

Staff is concerned that the signatures found on page 9, lines 4 and 5, as well as on page 52, lines 7 and 8, do appear to be in the same handwriting; however, simply identifying that possibility without something more is not sufficient to defeat the presumption of validity and substantial compliance found in GAB §2.05(4) and (5), Wis. Adm. Code, and the challenger failing to meet the clear and convincing burden found in GAB §2.07(3)(a), Wis. Adm. Code.

Recommendation: No Change.

11. NUMBER OF SIGNATURES VERIFIED BY STAFF AFTER CHALLENGE:

Total Initially Verified by Staff:	424
Minus Recommended Challenges:	<u>30</u>
Total Verified After Challenge:	394