

State of Wisconsin\Government Accountability Board

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JUDGE THOMAS H. BARLAND
Chair

KEVIN J. KENNEDY
Director and General Counsel

MEMORANDUM

DATE: For the Meeting of January 13, 2015

TO: Members, Wisconsin Government Accountability Board

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

Prepared and Presented by:
Michael Haas
Elections Division Administrator

SUBJECT: 2015 Spring Election Ballot Access Challenges

Board staff has received only one challenge to the nomination papers of a candidate for state office at the 2015 Spring Election. This memorandum summarizes Board staff's review of that challenge.

Paul Bugenhagen Jr. against Linda Van De Water, Candidate for Waukesha County Circuit Court Judge Complaint EL15-1

Mr. Bugenhagen filed a challenge to the nomination papers of Judge Linda Van De Water, alleging that the form of her nomination papers is invalid because they contain the title "Judge" in the heading. Attached as Exhibit A is a copy of Mr. Bugenhagen's complaint, which includes a copy of Judge Van De Water's nomination paper form. The challenge applies to all of the nomination papers and therefore to the 400 signatures which Board staff determined to be valid.

Wis. Stat. §8.10(2)(b) states as follows:

Each nomination paper shall have substantially the following words printed at the top:

*I, the undersigned, request that the name of (insert candidate's last name plus first name, nickname or initial, and middle name, former legal surname, nickname or middle initial or initials if desired, **but no other abbreviations or titles**), residing at (insert candidate's street address) be placed on the ballot at the (spring or special) election to be held on (date of election) as a candidate so that voters will have the opportunity to vote for (him or her) for the office of (name of office). I am eligible to vote in the (name of jurisdiction or district in which candidate seeks*

*office). I have not signed the nomination paper of any other candidate for the same office at this election. **Emphasis added***

The complaint alleges that the phrase “but no other abbreviations or titles” refers to the entirety of the nomination paper. That interpretation of Section 8.10(2)(b) has never been adopted by the Government Accountability Board or by the State Elections Board in reviewing nomination papers. The provision related to excluding titles has been interpreted to apply only when the title is linked to the candidate’s name within the statement that is signed by electors or in the header of the document, to which the statement refers. On Judge Van De Water’s nomination papers, that statement reads:

I, the undersigned, request that the candidate, whose name and address are listed above, be placed on the ballot at the election described above as a candidate so that voters will have an opportunity to vote for him for the office listed above. . . .

The nomination papers include boxes which list the candidate’s name and address and the office she is seeking. The format of the nomination papers and language of the statement to be signed is consistent with the sample nomination paper form published by the G.A.B. on its website, as shown by the attached Form GAB-169 (Exhibit B). On both the sample form and Judge Van De Water’s nomination papers, the heading for the box listing the candidate’s name states “Candidate’s name: no titles may be used.” Under that heading the candidate listed “Linda M. Van De Water” as her name, and the title of “Judge” does not appear in that box. The title is therefore not linked to the candidate’s name which is incorporated into the statement which is signed by the electors.

Mr. Bugenhagen alleges that Judge Van De Water improperly used a title on her nomination papers by twice referring to herself as “Judge Linda Van De Water” at the top of the nomination papers, above the header with the candidate information. The G.A.B. and the State Elections Board have consistently permitted such uses of a title outside of the box listing the candidate’s name because biographical or campaign statements may be included on nomination papers. The specific statement that is verified by each signature refers back to the name listed in the box for the candidate’s name, not to extraneous information on the nomination paper.

Judge Van De Water’s campaign submitted a response to the complaint which is attached as Exhibit C. The response notes that Board staff preapproved the format of Judge Van De Water’s nomination papers on two occasions prior to their circulation, which is verified by the email communication attached as Exhibit D.

The response also asserts that the use of the title on Judge Van De Water’s nomination papers is not misleading to signers because she is the current incumbent for the office. While this would not necessarily permit the use of the title in the box listing the candidate’s name, it does distinguish this case from one considered by the Board in 2010.

In that matter, Judge Paul Reilly listed the title of Judge with his name as the candidate. The Board did not receive a challenge to his candidacy but the format was noted by Board staff and was reviewed by the Board. One Board member expressed concern that the use of the title might be misleading because Paul Reilly was a Circuit Court Judge who was circulating nomination papers for Court of Appeals, and some signers might get the mistaken impression that he was the current incumbent on the Court of Appeals. The Board member stated that, had a challenge been

filed, the Board may have been compelled to uphold the challenge to the nomination papers. A copy of the nomination papers used by Judge Reilly is attached as Exhibit E, along with a copy of the relevant excerpt of the January 14, 2010 Board meeting minutes addressing the matter (Exhibit F).

Judge Van De Water's case is distinguished in two aspects. First, she is the current incumbent in the office which she is seeking, and therefore there is no risk of misleading individuals asked to sign the nomination papers. Second, the title of "Judge" was not included in the header of the nomination papers where her name was listed.

Because Judge Van De Water's nomination papers substantially comply with the format required by the Statutes and the sample approved by the G.A.B., because the use of the candidate's title was not linked to the required listing of the candidate's name in the header of the nomination papers, and because Judge Van De Water's campaign relied on Board staff's preapproval of the nomination papers, Board staff recommends that the Board dismiss the complaint of Paul Bugenhagen and grant ballot access to Candidate Van De Water.

Recommended Motion: The Board adopts the staff analysis and recommendation outlined above, dismisses the complaint, and grants ballot access to Candidate Van De Water.

STATE OF WISCONSIN
GOVERNMENT ACCOUNTABILITY
BOARD

COMPLAINT FORM

Please provide the following information about yourself:

Name Paul Bugenhagen Jr

Address 20115 W National Avenue, New Berlin, WI 53146

Telephone number 262-347-7719

E-mail paulbugenhagenjr@yahoo.com

State of Wisconsin
Before the Government Accountability Board

The Complaint of Paul Bugenhagen Jr, Complainant against Linda M. Van De Water, Respondent, whose address is 20945 Bartlett Drive, Brookfield, WI 53045.

This complaint is under Wisconsin Statutes section 5.05; 8.07; and 8.10 and Wis. Adm. Code sections 2.05 and 2.07. I, Paul Bugenhagen Jr, allege that:

The nomination papers of Linda M. Van De Water for Waukesha County Circuit Court Judge, Branch 10 violate Wisconsin Statutes section 8.10 (2)(b). Linda Van De Water used the title of "Judge" in the heading of her nomination papers which is a violation of Wisconsin Statutes 8.10(2)(b) and against the clear instructions for preparing nomination papers for nonpartisan office provided by the Government Accountability Board (G.A.B.). The complainant has personally reviewed pages 1 through 45, Linda Van De Water pp. 1-45, of the nomination papers of Linda Van De Water filed with the G.A.B. and observed them to contain two instances of the title "Judge". In the first instance, the nomination papers of Linda Van De Water contain the following statement: "[w]ith a solid 12 year reputation on the bench Judge Linda Van De Water has been protecting and serving the citizens of Waukesha County with tough and fair decisions." In the second instance, the nomination papers of Linda Van De Water contain the following statement: "Re-Elect Judge Linda Van De Water Tuesday, April 7th". Attached is a copy of one of the nomination papers that contains the aforementioned titles.

Wisconsin Administrative Code section 2.05(1) requires all candidates to assure nomination papers are in compliance with statutory requirements. The board addressed this issue in 2010 and can refer to the minutes page 3 of 5 from the Government Accountability Board Meeting-Open Session from January 14, 2010 in considering the validity of the papers. Judge Myse's opinion was that nomination papers containing a title would be rejected if challenged. This complainant challenges the validity of nomination papers numbered 1 through 45 filed by Linda Van De Water, Linda Van De Water pp. 1-45, pursuant to Wisconsin Statutes section 5.05; 8.07; and 8.10 and Wis. Adm. Code sections 2.05 and 2.07.

Date: 1-6-15

[Signature]
Complainant's signature

I, Paul Bugenhagen Jr, being first duly sworn, on oath, state that I personally read the above complaint, and that the above allegations are true based on my personal knowledge and, as to those stated on information and belief, I believe them to be true.

[Signature]
Complainant's signature

STATE OF WISCONSIN)
) ss.

County of Waukesha),

Sworn to before me this 6th day of January, 2015 .



[Signature]
(Signature of person authorized to administer oaths)

My commission expires 9-8-2017, or is permanent.

Notary Public or (official title if not notary)

(Note: A sworn statement is required for complaints regarding actions of local election officials, pursuant to §5.06, Stats, and regarding violations of the campaign finance laws under Chapter 11, Stats. Complaints regarding violations of other statutes under the Board's jurisdiction are not required to be notarized.)

Please send this completed form to:

By mail, to Wisconsin Government Accountability Board, P.O. Box 7984, Madison, WI 53707-7984; by fax, to 608-267-0500; or by email to gab@wi.gov.

Complaints regarding actions of local election officials pursuant to §5.06, Stats. must also be mailed or personally served on the respondent, and the complainant must certify to that service in a cover letter to the Board



EXPERIENCE WAUKESHA COUNTY CAN COUNT ON

EX. A + 3

With a solid 12 year reputation on the bench Judge Linda Van De Water has been protecting and serving the citizens of Waukesha County with tough and fair decisions.

RE-ELECT JUDGE LINDA VAN DE WATER TUESDAY, APRIL 7TH

NOMINATION PAPER FOR NONPARTISAN OFFICE

Candidate's name; no titles may be used. LINDA M. VAN DE WATER		Street, fire, or rural route number; box number (if rural route); and name of street or road 20945 BARTLETT DRIVE			
Name of municipality for voting purposes CITY OF BROOKFIELD	Name of municipality for mailing purposes BROOKFIELD	State WI	zip code 53045	Type of election <input checked="" type="checkbox"/> Spring <input type="checkbox"/> special	Election date TUESDAY, APRIL 7, 2015
Title of office JUDGE	Branch, district or seat # BRANCH - 10	Name of jurisdiction or district in which candidate seeks office WAUKESHA COUNTY CIRCUIT COURT			

I, the undersigned, request that the candidate, whose name and address are listed above, be placed on the ballot at the election described above as a candidate so that voters will have the opportunity to vote for him for the office listed above. I am eligible to vote in the jurisdiction or district in which the candidate named above seeks office. I have not signed 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 the municipality of residence must always be listed.

Signatures of Electors	Printed Name of Electors	Street and Number or Rural Route (include box or fire no)	Residence Municipality	Date Signed 12/___/14
1. <i>MK Walker</i>	MK WALKER	20945 HUNTERS RUN BROOKFIELD	<input checked="" type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City	12/13/14
2. <i>Avis Browne</i>	Avis Browne	3265 S 149th New Berlin	<input type="checkbox"/> Town <input type="checkbox"/> Village <input checked="" type="checkbox"/> City	12/13/14
3. <i>Marty Brown</i>	Marty Brown	3265 S. 149th St New Berlin	<input type="checkbox"/> Town <input type="checkbox"/> Village <input checked="" type="checkbox"/> City	12/13/14
4. <i>Deb Margrett</i>	Deb Margrett	2620 El Rancho Drive Brookfield	<input type="checkbox"/> Town <input type="checkbox"/> Village <input checked="" type="checkbox"/> City	12-13-14
5. <i>Brian Huber</i>	BRIAN HUBER	20576 CATSKILL BROOKFIELD	<input checked="" type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City	12/13/14
6. <i>Jill C Vento</i>	JILL C VENTO	W3495 4695 KINGDOM DOUSMAN, WI	<input checked="" type="checkbox"/> Town OTTAWA <input type="checkbox"/> Village <input type="checkbox"/> City	12-15-14
7. <i>Debra Brockington</i>	DEBRA BROCKINGTON	2116 GRAYFOX CT WAUKESHA, WI	<input type="checkbox"/> Town <input type="checkbox"/> Village <input checked="" type="checkbox"/> City	12-15-14
8. <i>Wendy Treptow</i>	Wendy Treptow	14822 W Hickory Hills Dr New Berlin	<input type="checkbox"/> Town <input type="checkbox"/> Village <input checked="" type="checkbox"/> City	12-18-14
9. <i>LYNN LISINSKI</i>	Lynn Lisinski	N24W24223B Saddle Brook Pewaukee WI	<input type="checkbox"/> Town <input type="checkbox"/> Village <input checked="" type="checkbox"/> City	12-19-14
10. <i>Lawrence Ploetz</i>	Lawrence Ploetz	16820 Willow Ridge Ln Brookfield, WI	<input type="checkbox"/> Town <input type="checkbox"/> Village <input checked="" type="checkbox"/> City	12-19-14

CERTIFICATION OF CIRCULATOR: I, KATHRYN W. FOSTER certify: I reside at
 (Name of circulator)
1855 WESTMOOK TERRACE ELM GROVE
 (Circulator's residence - Include number, street, and municipality.)

I further certify I am either a qualified elector of Wisconsin, or a U.S. citizen, age 18 or older who, if I were a resident of this state, would not be disqualified from voting under Wis. Stat. §6.03. I personally circulated this nomination paper and 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 represent. 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 candidate. I am aware that falsifying this certification is punishable under Wis. Stat. § 12.13(3)(a).

December 21 2014 *Kathryn W Foster*
 (Date) (Signature of circulator)

EX. B

NOMINATION PAPER FOR NONPARTISAN OFFICE

Candidate's name; no titles may be used. _____
 Street, fire, or rural route number; box number (if rural route); and name of street or road _____

Name of municipality for voting purposes <input type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City	Name of municipality for mailing purposes <input type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City	State WI	zip code	Type of election <input type="checkbox"/> spring <input type="checkbox"/> special	Election date
Title of office _____		Branch, district or seat number <input type="checkbox"/> Branch <input type="checkbox"/> District <input type="checkbox"/> Seat	Name of jurisdiction or district in which candidate seeks office		

I, the undersigned, request that the candidate, whose name and address are listed above, be placed on the ballot at the election described above as a candidate so that voters will have the opportunity to vote for him or her for the office listed above. I am eligible to vote in the jurisdiction or district in which the candidate named above seeks office. I have not signed 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 the municipality of residence must always be listed.

Signatures of Electors	Printed Name of Electors	Street and Number or Rural Route Rural address must also include box or fire no	Municipality of Residence Provide name of municipality	Date of Signing
1.			<input type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City	
2.			<input type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City	
3.			<input type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City	
4.			<input type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City	
5.			<input type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City	
6.			<input type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City	
7.			<input type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City	
8.			<input type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City	
9.			<input type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City	
10.			<input type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City	

CERTIFICATION OF CIRCULATOR

I, _____ (Name of circulator) certify: I reside at _____ (Circulator's residence - Include number, street, and municipality.)
 I further certify I am either a qualified elector of Wisconsin, or a U.S. citizen, age 18 or older who, if I were a resident of this state, would not be disqualified from voting under Wis. Stat. §6.03. I personally circulated this nomination paper and 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 represent. 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 candidate. I am aware that falsifying this certification is punishable under Wis. Stat. § 12.13(3)(a).

Haas, Michael R - GAB

From: Viola Hammelman <wi_viola@live.com>
Sent: Monday, January 12, 2015 3:56 PM
To: Haas, Michael R - GAB
Subject: Complaint response
Attachments: Reilly nomination papers.pdf

The nomination papers of Linda M. Van De Water for Waukesha County Circuit Court Judge, Branch 10 do NOT violate Wisconsin Statutes section 8.10 (2)(b).

1) They were pre-approved before printing and usage by both GAB Elections Specialist Jennifer Webb (11/26/14) and Campaign Auditor Richard Bohringer (12/01/14). In fact, when we secondarily checked with Mr. Bohringer it was to clarify that the title of "Judge" is NOT being used within the "form" required by statute, but rather above the form area where a campaign message is allowed.

2) Secondly, Judge Van De Water IS currently serving as Waukesha County Circuit Court Branch 10 Judge therefore is not in any way misleading nomination form signers. This was, I believe, the concern expressed by Judge Myse during the GAB meeting January 14, 2010 when former *Circuit Court* Judge Reilly was using the title of 'judge' on his nomination papers for his *Court of Appeals* District II campaign.

We respectfully ask that this matter be dismissed.

Sincerely,
Viola Hammelman
Campaign Manager

Vi Hammelman
414.403.3451
www.linkedin.com/in/vi007/

"Successful organizations spring from the actions of committed, knowledgeable people, distinguished by the way they choose to view each other, their jobs, their organization, and the processes that integrate them all."
John Carver

Haas, Michael R - GAB

From: Viola Hammelman <wi_viola@live.com>
Sent: Friday, January 09, 2015 4:24 PM
To: Haas, Michael R - GAB
Subject: FW: Judge Linda Van De Water

Vi Hammelman
414.403.3451

www.linkedin.com/in/vi007/

"Successful organizations spring from the actions of committed, knowledgeable people, distinguished by the way they choose to view each other, their jobs, their organization, and the processes that integrate them all."
John Carver

From: Jennifer2.Webb@wisconsin.gov
To: wi_viola@live.com
Date: Wed, 26 Nov 2014 10:21:48 -0600
Subject: RE: Judge Linda Van De Water

Vi,

The format of the nomination papers for Linda Van De Water has been approved. As of today, our records indicate that her campaign registration statement (form GAB-1) has been submitted. The following two forms are also required, along with the nomination papers.

Declaration of Candidacy (Form GAB-162)
Statement of Economic Interest (Form GAB-904)

Regards,

Jennifer Webb
Elections Specialist
Government Accountability Board
608-261-2030
jennifer.webb@wi.gov

From: Viola Hammelman [mailto:wi_viola@live.com]
Sent: Wednesday, November 26, 2014 9:59 AM
To: Webb, Jennifer - GAB
Subject: Judge Linda Van De Water

Vi Hammelman

Haas, Michael R - GAB

From: Viola Hammelman <wi_viola@live.com>
Sent: Friday, January 09, 2015 4:24 PM
To: Haas, Michael R - GAB
Subject: FW: Help! Judge Linda Van De Water
Attachments: Van De Water _ Modified GAB 169.doc

Vi Hammelman
414.403.3451

www.linkedin.com/in/vi007/

"Successful organizations spring from the actions of committed, knowledgeable people, distinguished by the way they choose to view each other, their jobs, their organization, and the processes that integrate them all."

John Carver

From: Richard.Bohringer@wisconsin.gov
To: wi_viola@live.com
CC: Jennifer2.Webb@wisconsin.gov
Date: Mon, 1 Dec 2014 15:46:39 -0600
Subject: RE: Help! Judge Linda Van De Water

Vi,

When we review the nomination papers, we are looking at the form required by statute. The first four lines you have at the top are additional 'campaign literature' which is allowed by statute. Unless something in judicial ethics would prohibit her from stating 'Re-Elect Judge ...' I am not sure of the possible violation.

As an incumbent judge, and one that has been elected in the past, this is not a false statement. The GAB would not view campaign literature with Re-Elect Senator Smith as a violation of the ethics code (using office for personal gain), so the same would be true for a judge. I am not familiar with all the additional restrictions placed upon judges with the judicial ethics rules.

If you have any questions, please contact me.

Richard Bohringer
Campaign Auditor
Government Accountability Board
(608) 267-7735

From: Viola Hammelman [mailto:wi_viola@live.com]
Sent: Monday, December 01, 2014 1:21 PM
To: Bohringer, Richard - GAB
Subject: Help! Judge Linda Van De Water

Richard, I sent this to Jennifer Webb and she approved. They are now printed but Judge Van De Water is telling me they are illegal saying re-Elect "Judge". Please confirm... as I said, they are now printed...

Vi Hammelman

414.403.3451

www.linkedin.com/in/vi007/

"Successful organizations spring from the actions of committed, knowledgeable people, distinguished by the way they choose to view each other, their jobs, their organization, and the processes that integrate them all."

John Carver

From: wi_viola@live.com

To: jennifer.webb@wi.gov

Subject: Judge Linda Van De Water

Date: Wed, 26 Nov 2014 09:59:25 -0600

Vi Hammelman

414.403.3451

www.linkedin.com/in/vi007/

"Successful organizations spring from the actions of committed, knowledgeable people, distinguished by the way they choose to view each other, their jobs, their organization, and the processes that integrate them all."

John Carver

EX. E

JUL 11

NOMINATION PAPER FOR OFFICE

I, the undersigned, request that the name of: Judge Paul F. Reilly

residing at 541 Country Crest Lane, Waukesha, WI 53188 be placed on the ballot at the spring election to be held on April 6, 2010, as a candidate so that voters will have the opportunity to vote for him for the office of:

COURT OF APPEALS DISTRICT 2

I am eligible to vote in Court of Appeals District 2. I have not signed the nomination paper of any other candidate for the same office at this election.

POST OFFICE ADDRESS WHEN DIFFERENT THAN MUNICIPALITY OF RESIDENCE IS NOT SUFFICIENT
THE NAME OF THE MUNICIPALITY OF RESIDENCE MUST ALWAYS BE LISTED.

SIGNATURES OF ELECTORS	STREET & NUMBER OR RURAL ROUTE Rural address must also include box or fire no.	MUNICIPALITY OF RESIDENCE (indicate Town, or Village)	DATE OF SIGNING	PRINT
	325 Weiss St. Apt. 2 Allenton, WI 53002-53188	Town of Addison	12/3/09	Peggy Swe
2.	1823 Stonebridge Rd, Waukesha, WI 53088	City of Waukesha	12/3/09	Kristen I
3.	178837505 Town of Denmark, WI 53088	Town of Denmark	12/3/09	Peggy Swe
4.	14555 WATER TOWN PLANK ROAD ELM GROVE, WI 53122	VILLAGE OF ELM GROVE	12/3/09	Andrew Kline
5.	1328 40th AVE, KENOSHA, WI 53144	CITY OF KENOSHA	12/3/09	Andrew Kline
6.	1335 W 2436 Westover Field Ct, Pewaukee, WI 53072	City of Pewaukee	12/3/09	Zane Lof
7.	61334 D0946 B Stone Bank Rd, Oconomowoc, WI 53066	Town of Merton	12/3/09	Lisa In
8.	1829 White Pine Trl, Richfield, WI 53076	Village of Richfield	12/4/09	Mark Sea
9.	2300 Judith Ave, Waukesha, WI 53188	City of Waukesha	12/4/09	Jason Van
10.	7102 Waleczak Rd, Friesland, WI 53126	CITY of Racine	12/4/09	Cindy L

CERTIFICATION OF CIRCULATOR

I, Kristin E Reilly (Name of circulator) certify:
 I reside at 541 Country Crest Lane, Waukesha WI 53188 (Circulator's residence - include number, street, and municipality).

I personally circulated this nomination paper and 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 represent. 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 candidate. I am aware that falsifying this certification is punishable under §12.13(3)(a), Wis. Stats. 12/4/09
Kristin Reilly (Signature of circulator)

(Date)

one shall be held. Moved by Judge Myse, seconded by Judge Nichol. Motion carried unanimously.



2. **Discussion of Paul Reilly matter**
 (Presented by Michael Haas)

Staff Attorney Michael Haas made a presentation to the Board about an issue involving the election for Court of Appeals Judge, District 2. One of the candidates included his title on the nomination papers (Judge Paul F. Reilly). Reilly, a circuit court judge, was advised of this irregularity by staff before the filing deadline, and chose not to submit additional signatures. No timely challenge was filed, but after the Board materials packet was distributed, staff received correspondence about the issue and there was news media coverage. Mr. Haas advised the Board that the prohibition of the use of titles on nomination papers is directory, and not mandatory.

Judge Reilly, appeared by telephone.

Judge Myse said that in circulating nomination papers with the title “judge” on them, Judge Reilly runs the risk of misrepresenting himself as an incumbent Court of Appeals Judge. He said it is proper for the Board to take no action, but cautioned that had there been an objection, it would be difficult not to sustain and reject the nomination papers containing the title.

The Board took no action on the matter.

F. **Legislative Panel on Board Early Voting Report and Recommendation**

Elections Division Administrator Nathaniel E. Robinson advised the Board that staff had endeavored to assemble a Legislative Panel of the Chairs and Ranking Members of the Senate and Assembly committees which consider legislation related to elections for a discussion of the Early Voting Report. Unfortunately, scheduling conflicts had arisen, preventing participation of a full panel. He introduced the Honorable Jeff Smith, Chair of the Assembly Committee on Elections and Campaign Reform.

Representative Smith said he appreciated the invitation to participate in a roundtable discussion with the Board. He and members of the Board discussed a wide range of issues related to the Early Voting Report and election administration in Wisconsin. He said that he and Senator Spencer Coggs, chair of the Senate Committee on Labor, Elections and Urban Affairs, would take the lead on sponsoring any legislation that comes out of the Early Voting Report.

G. **Election Administration – Ballot Access Report (continued)**

3. **Appeal of John O’Boyle**

Elections Division Administrator Nathaniel E. Robinson reported to the Board that John O’Boyle was initially not recommended for ballot status because his ballot access documents arrived late at G.A.B. offices. Mr. O’Boyle, appearing in person, explained that he sent his ballot access documents by Express Mail from Ellsworth, on January 4, 2010. He provided documentation indicating the