

September 29, 2013

To: State of Wisconsin Government Accountability Board

From: Timothy Swiggum, Candidate for 69<sup>th</sup> Assembly District

Re: Response to challenge of nomination papers

To whom it may concern:

I received notification around 4:30 in the afternoon on Friday September 27, 2013 by phone and by email that my nomination papers had been challenged. I understand the nature of the challenge and would like to submit my line by line reaction to the challenges. I will submit my response to each challenge in an attempt to prove that they were indeed signed by eligible voters with the intent to nominate me for the ballot. Most of the challenges involve slight mistakes by the signer but still show substantial intent and information to be included as valid signatures.

The attached list will attempt to follow the order outlined by Mr. Joe Fadness in his complaint filed September 27, 2013 at 4pm. I believe that although the complaints may be legitimate in nature, they are not sufficient to imply that the elector's signatures and information are not valid.

I have found three signatures that were stricken from the original count of the Government Accountability Board staff. I am in no way implying that they were not legitimate to question but I would argue that they are also sufficient to count as signatures before the board. I understand the deadline to correct these has likely passed but there was no reason to refute them until the close of business on Friday when there was not sufficient time.

Those signatures are as follows:

1. Page 12, line 3 was stricken due to a reference to the date. The date was 9/21/13 and the "1" in the 21 was hidden by the slash mark. It is otherwise a complete signature.
2. Page 15, line 5 was stricken due to an illegible address. The signer is a ward of his mother who signed below him showing the correct address. He is definitely eligible and I contend his intent was fair and honest.
3. Page 20, line 1. In this signature the year was left off the date. I believe the rest of the page would show that the intent was good and she is definitely a qualified elector.

The following pages will address the complaint received from Joe Fadness disputing the validity of my nomination papers. I hope the format is suitable and not confusing.

1. Page 5, numbers 6 and 7. Complaint states that the dates on these are not legible and although they are sketchy, the dates surrounding them clearly show what the date was of the other signers. Although not neatly done it represents no attempt to alter or adjust the date. I believe that both signatures are correct and valid.

2. Page 10, line 8. Complaint states that this signature contains an incomplete date due to the year being left off. All other signers on this page clearly showed the year on their dates and this represents a clear indication that the intent was not to hide the date. I believe this signature to be correct and valid.

3. Page 1, line 4. Complaint states that this signature is missing the municipal designation. The box was not checked as "city" but all other information is correct. I believe this should be counted as valid because the signer is showing no attempt to disrupt the process and is indeed without question an eligible voter. I believe this signature to be correct and valid.

4. Page 1, line 8. Complaint states a conflict of Municipality in the box. There is confusion there on the part of the signer and she does reside in the City of Colby. There is no intent to defraud or otherwise disrupt the election process. We have a voter who was possibly confused but none the less an eligible voter. I believe this signature to be valid.

5. Page 4, lines 4, 5 and 8. Complaint states these signatures are missing municipal information due to the unchecked box. I believe the fact that they have included complete addresses that these signatures are substantially complete enough to show that there is no attempt to subvert the election process. I believe these signatures to be correct and valid.

6. Page 5, line 6. Complaint states that complete address information was not included. I remember this man well, an 85 year old Veteran. He wrote his complete address but he wrote his city first and then his physical address. He did not check the municipal box which is not listed in the complaint. I believe this signer had no intent to subvert elections law and that his signature is more than valid. \*\*\* Note\*\*\* This signature was challenged twice in the complaint back in number 1 and again here. \*\*\*

7. Page 7, lines 2 and 3. Complaint states that signatures are missing the municipal information in the box. All other information is complete and there is no attempt to subvert the election process. These signatures are substantially complete and I believe to be correct and valid.

8. Page 13, line 9. Complaint states that this signature is lacking the municipal information. The signer has completed his full address and city. This signature is substantially complete to show that there is no intent to subvert the law. I believe this signature to be correct and valid.

9. Page 14, line 8. Complaint states that this signature does not include the municipal information in the box. All other information is complete. I believe this signature to be correct and valid.

10. Page 15, lines 6-10. These 5 signatures are missing only the municipality box checked. All addresses are complete and show no intent to subvert the law. I believe all 5 of these signatures to be correct and valid.

11. Page 19, lines 4, 9 and 10. Complaint states that these signatures do not include the municipal information. Although the box is not checked the addresses are clearly complete. These 3 signatures are substantially completed and there is no sign of any intent to subvert the process. I believe that all 3 signatures are correct and valid.

12. Page 9, line 4. Complaint states that signature does not contain a valid physical address. The signer, although showing no intent to subvert the law, wrote a Post Office box instead. Given the addresses before and after it could be shown that she lives on 4<sup>th</sup> Avenue in Edgar. I believe this signature to be correct and valid as an eligible voter. There is no intent shown to subvert the law.

13. Page 8, line 3. Complaint states that the signer is a felon without probation completed. I do not dispute the finding of the complainant. There was no knowledge of the past history of the signer at that time.

14. Page 11, line 6. Complaint states that the signer is a felon who has not completed probation and therefore not eligible. I do not dispute the finding of the complainant. There was no way to know the history of the signer previously.

15. Page 13, lines 1 and 2. Complaint states that the address given is a business and that a Facebook page is proof that one signer lives in Withee outside the district. I have obtained a written statement that shows that the signers do indeed live at the business which is the Woodland Hotel. The hotel contains several apartments and one of the signers is the kitchen manager at the hotel. They do indeed live there. I believe these 2 signatures are correct and valid.

16. Page 17, lines 2 and 3. Complaint states that the signers are outside the district. I do not dispute the findings of the complainant on these 2 signatures. The City of Marshfield is somewhat of a maze due to redistricting.

17. Page 17 line 4. Complaint states that the signer is ineligible due to being a felon who has not completed probation. I do not dispute the finding of the complainant. It is impossible to know at the time of signing of a person's history.

18. Page 17, line 7. Complaint states that the address listed is a business. That is not in dispute but to my belief Mike Arneson, proprietor of the business, lives above it in the same building and address. It is possible that the signer has several addresses. I believe this signature to be correct and valid.

19. Page 7 lines 4 and 5. Complaint states that the signatures appear to be in the same writing. While I can see the argument of the complainant and I was not in the house to see who physically signed, both the husband and wife were present at the door when I spoke with them. They went in to sign. I do not know if one signed for both but I believe they are both eligible voters and the signatures should be considered valid. I do not believe there was any attempt to subvert the law. Another point to make would be that if it is determined that it is the same signature then only one signature should be disqualified.

20. Complaint states that there are only 178 valid signatures, 22 short of the required 200. There were a total of 32 complaints lodged on the nomination papers. I have confidence that a minimum of 24 of those complaints lack sufficient enough evidence to disqualify them as electors. I have acknowledged that 5 of those complaints are valid and that 3 of them are questionable. Given this argument then I contend that I have a minimum of 202 (relating only to the Fadness complaint) signatures that would be sufficient to be placed on the ballot.

21. Complaint states that Tim Swiggum is ineligible to be placed on the ballot. I contend that there are sufficient signatures that meet the minimum proof that the signatories are eligible electors. I believe that I have met the criteria to be placed on the ballot for the 69<sup>th</sup> Assembly District Special Election to be held November 19, 2013.

**I, Timothy F. Swiggum, believe all of the information presented to be complete and truthful to the best of my knowledge. I believe that the intent of the complaint is to reduce competition in a lawful election for one party or the other. In our Democratic Republic and in the State of Wisconsin, I believe the goal should be to present as much transparency and honesty into the election process as possible. There has been no intent to subvert the system in this process and I hope that I will be included on the ballot for the 69<sup>th</sup> Assembly District election on November 19<sup>th</sup>.**

Prepared by: Timothy F. Swiggum