

State of Wisconsin \ Government Accountability Board

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JUDGE THOMAS H. BARLAND
Chairperson

KEVIN J. KENNEDY
Director and General Counsel

MEMORANDUM

DATE: For the Meeting of June 27, 2011

TO: Members, Wisconsin Government Accountability Board

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

Prepared Kevin J. Kennedy and Presented by:
Shane Falk and Michael Haas, Staff Counsels

SUBJECT: Challenge to Nomination Papers of David Vanderleest

June 21, 2011 was the deadline for filing nomination papers for offices to be elected in the July 19, 2011 Recall Elections for Senate Districts 12, 22, and 30. On Friday, June 24, 2011 Linda Patzke submitted a challenge to the nomination papers of David Vanderleest, a candidate for the office State Senator from the 30th Senate District.

The challenge consisted two sets of allegations. The first allegation was that Mr. Vanderleest listed an incorrect address on his Declaration of Candidacy form, as well as on the certificate he signed as a circulator for many of the nomination papers. If affirmed, this challenge would strike most, if not all, of the signatures. Staff cannot fully evaluate this challenge until receiving the response of Mr. Vanderleest, which is due at 8:00 a.m. on June 27, 2011.

The challenge also contains a second set of allegations pertaining to individual signatures, which are summarized on the charts included as Exhibits A and B, as well as supporting exhibits. The challenge alleges that 50 signatories reside outside of the 30th Senate District, that 54 signatures contain invalid addresses (two are also included in the out-of-district category), and that 3 other signatures should be struck for several reasons.

Each category of challenges, and the basis for each of staff's recommendations, is described in the accompanying Worksheet. Staff recommends affirming 37 challenges to individual signatures, all of which appear to reside outside of the Senate District. Staff recommends denying all other challenges regarding insufficient addresses and other allegations. Based upon staff's original calculation of 462 valid signatures, striking 37 signatures would result in certifying 425 valid signatures, pending staff's review and recommendations regarding the sufficiency of the address stated by Mr. Vanderleest on his Declaration of Candidacy form and which he listed as a circulator.

Recommendation

Staff recommends the Board adopt the following motions:

1. Pending further staff recommendations regarding the address listed by Mr. Vanderleest on his Declaration of Candidacy and his circulator's certification, the Government Accountability Board makes a preliminary finding that the nomination papers submitted by David Vanderleest contain 425 valid signatures as reflected by the staff analysis set out in this memorandum and accompanying challenge worksheet which are adopted by the Board and incorporated by reference in this motion.
2. The Government Accountability Board's final determination regarding the sufficiency of nomination papers submitted by David Vanderleest will be made following staff's evaluation of any response filed by Mr. Vanderleest and consideration of staff's recommendation.