

State of Wisconsin\Government Accountability Board

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MEMORANDUM

DATE: April 13, 2012

TO: Wisconsin County Clerks
Milwaukee County Election commission

FROM: Government Accountability Board Staff

SUBJECT: Ballot Order Pending Challenges for May 8, 2012 Recall Primary and Other Relevant Information

CERTIFICATION OF NOMINATION AND BALLOT ORDER – PENDING CHALLENGES

BALLOTS MAY NOT BE PRINTED UNTIL THE GOVERNMENT ACCOUNTABILITY BOARD HEARS CHALLENGES ON TUESDAY, APRIL 17, 2012

Attached to this communication is the certification of candidates, *pending challenges*, for the May 8, 2012 Recall Primary. The certificate of nomination lists the offices to be voted for in your county. The listing of candidates' names for all offices to be voted on at the Recall Primary, in ballot order, is posted here:

http://gab.wi.gov/sites/default/files/page/candidates_on_ballot_5_8_12_recall_primary_pendin_20494.PDF

The offices of Governor and Lieutenant Governor will appear on ALL county ballots. Several counties will also have at least one State Senate office up for election (Senate Districts 13, 21, 23 and 29). The candidates listed must appear on the ballot in the order given.

Only Parties With More Than One Candidate for a Particular Office Participate in a Recall Primary.

The office of Governor is the only office that will have *both a Republican Primary and a Democratic Primary*. The offices of Lieutenant Governor and all four State Senate offices will only have a Democratic Primary. Under the Offices of Lieutenant Governor and each of the Senate Districts, only the Democratic candidates will appear. The Republican incumbents do not appear, except under the office of Governor. There is also no opportunity to write in candidates from the other ballot status party (Constitution Party).

Independent candidates will not appear on the primary ballot. They will appear on the June 5 Recall Election ballot. There are two independent candidates who have qualified for the June 5, 2012 Recall Election ballot:

<u>Candidate</u>	<u>Office</u>	<u>Statement of Principle</u>
Hari Trivedi	Governor	Independent
Terry Virgil	Senate 13	Libertarian

You will receive a separate Independent Candidate Certification.

CHALLENGES TO BALLOT ACCESS

Note: At the present time, there is one challenge to ballot status before the Government Accountability Board. Unfortunately, the challenge affects **all** offices up for election. The challenge alleges that the “protest candidates,” recruited by the Republican Party to run as Democratic candidates, have committed fraud by “making false

statements to an election official.” All offices have a “protest candidate” who has qualified for ballot access. The Government Accountability Board will meet on Tuesday morning, April 17, 2012 to hear the challenge. If the Board removes or adds any names, amended certificates of nomination will be sent.

The offices and candidates affected by challenges to ballot status are:

Governor:	Gladys R. Huber
Lieutenant Governor:	Isaac Weix
13 th State Senate District:	Gary Ellerman
21 st State Senate District:	Tamra Varebrook
23 rd State Senate District:	James Engel
29 th State Senate District:	Jim Buckley

The offices and candidates affected by staff recommendation to deny ballot status are:

Governor:

Michael J. Mangan
Thomas Emery Elbert
Michael L. Wynhoff
Keith B. Dickinson
Nathan Graewin
Dustin Matthew Johnson

State Senate District 21

Andrew James Mielke

The candidates recommended for *denial of ballot access* and *challenged candidates* may or may not be approved by the Board for ballot placement. Ballots may not be printed until the Board has made a ruling.

REGISTERED WRITE-IN CANDIDATE

There is one registered write-in candidate for the office of Governor. His name is Patrick J. O’Brien and he is running as a Republican. Please be sure your municipal clerks are advised of the registered write in so that they may alert their inspectors. When canvassing, Mr. O’Brien’s votes will be tallied in a separate column.

BALLOT PREPARATION

We’ve run into a stumbling block with respect to limitations of ES&S software. The Unity Election Management Software is unable to make the office of Governor one contest and still attribute write in votes to a particular party. In short, a party preference will be required for the office of Governor only. ES&S has been in communication with the G.A.B. staff and will provide instructions for programming and ballot preparation for the recall primary to those counties utilizing ES&S equipment.

TYPE B NOTICE

The Type B Notice is for the Recall Primary is attached. Delete any paragraphs that do not apply to your county. If you do not have a county or local referendum, please delete any reference to referendum. If you do not have a senate district recall, please omit the reference to senate district in the title and in the body of the notice. The Type B Notice, which includes instructions to the electors and sample ballots, must be published on the day before the election, May 7, 2012. Whenever a weekly newspaper is chosen for publication, the notice shall appear in the newspaper’s closest issue preceding the primary. You may choose to publish the Type B Notice on Saturday or Sunday preceding the primary if you determine that more effective notice will be given.

You must provide a copy of the Type B notice to municipal clerks for posting at each polling place on Election Day.

TYPE E NOTICE

The Type E Notice is published on the 4th Tuesday before a Special Primary (April 10) and the 3rd Tuesday before a Special Election (May 15). If the Type E Notice was not published on April 10, it must be published as soon as possible and supplemented with posting. If you publish the Type E Notices in your county, ensure that you use the most up-to-date notice and that the notice reflects the municipal clerk's correct office hours. Please remind your municipal clerks that only hospitalized electors, sequestered jurors and military electors away from their residence due to active duty may vote by absentee ballot on Election Day. The Sample Type E Notice is available on the G.A.B. website under "Clerks/Election Notices." <http://gab.wi.gov/clerks/notices>

If you have questions concerning information in this memorandum, please contact the Help Desk at 608-261-2028 or gab@wi.gov and ask to speak with an Elections Specialist.