



Wisconsin Elections Commission

212 East Washington Avenue | Third Floor | P.O. Box 7984 | Madison, WI 53707-7984
(608) 266-8005 | elections@wi.gov | elections.wi.gov

MEMORANDUM

DATE: For the January 12, 2021 Commission Meeting

TO: Members, Wisconsin Elections Commission

FROM: Meagan Wolfe
Administrator

SUBJECT: **Ballot Access Challenges – Candidates for Non-Partisan Office – Spring 2021**

This Memorandum summarizes Commission staff’s review of challenges that have been filed to nomination papers of candidates for non-partisan office for the 2021 Spring Election. One challenge was filed against one candidate.

The burden of proof applicable to establishing or rebutting a challenge is clear and convincing evidence. Wis. Admin. Code EL § 2.07(4). Below, staff has summarized the challenge and response, and provided analysis and recommendations for the Commission’s consideration.

1. **Deborah Lynn Kerr Complaint against Shandowlyon Lyzette Hendricks-Williams**
Case No. EL 21-04

Signatures required for office: 2000
Signatures challenged: All Signatures

This complaint alleges that all nomination papers filed by Candidate Hendricks-Williams 1) improperly included a title in the header of her nomination papers, and 2) the residential address listed on her nomination papers is different than the address listed on her campaign finance registration statement.

Supplemental Signatures:

Candidate Hendricks-Williams filed supplemental signatures by the deadline. However, the supplemental signatures are contained on pages with the same header issue as alleged in the complaint.

Challenge to all nomination papers: Nomination papers include the candidate’s title in the header in contravention of Wis. Stat. § 8.10(2)(b).

The complainant alleges that the candidate’s nomination papers included the title of “Dr.” in the header of her nomination papers in contravention of Wis. Stat. § 8.10(2)(b).

Wisconsin Elections Commissioners

Ann S. Jacobs, chair | Marge Bostelmann | Julie M. Glancey | Dean Knudson | Robert Spindell | Mark L. Thomsen

Administrator
Meagan Wolfe

Candidate Response: Nomination papers substantially complied with the law and the Commission should give effect to the will of the electors.

Respondent states that Wis. Stat. § 8.10(2)(b) is a directory statute and that the inclusion of the title “Dr.” is at worst a minor deviation from the statute, which is an insufficient basis to disqualify the papers. Respondent further states that absent a legislative statement made “expressly and in clear language” that strict compliance is not necessary. Respondent states that she has substantially complied with applicable statutes and that Wis. Stat. § 8.10(2)(b) should be interpreted in a manner which would “give effect to the will of the electors.” Respondent further asserts that she relied on Commission staff advice, prior to circulation of nomination papers, that her nomination papers complied with applicable law.

Commission Staff Analysis and Recommendations

The statutory requirements for nomination papers filed by non-partisan candidates are contained in Wis. Stat. § 8.10(2)(b). Wisconsin Statute § 8.10(2)(b) states that 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.

“The burden is on the challenger to establish any insufficiency. If the challenger establishes that the information on the nomination paper is insufficient, the burden is on the challenged candidate to establish its sufficiency.” Wis. Admin. Code EL § 2.07(3)(a). The burden of proof applicable to establishing or rebutting a challenge is clear and convincing evidence.” Wis. Admin. Code EL § 2.07(4). “Each candidate for public office has the responsibility to assure that his or her nomination papers are prepared, circulated, signed, and filed in compliance with statutory and other legal requirements.” Wis. Admin. Code § EL 2.05(1). “[W]here any required item of information on a nomination paper is incomplete, the filing officer shall accept the information as complete if there has been substantial compliance with the law.” Wis. Admin. Code EL § 2.05(5).

The Commission has the statutory authority to refuse to place a candidate’s name on the ballot if the “nomination papers are not prepared, signed, and executed as required under this chapter.” Wis. Stat. § 8.30(1)(a).

Candidate Hendricks-Williams listed her title of “Dr.” in the header of all of her nomination papers which is specifically prohibited, “expressly and in clear language,” under Wis. Stat. § 8.10(2)(b). Additionally, the Commission instructions for completing a nomination paper for non-partisan office specifically states that “no titles are permitted.” The staff review nomination

paper templates as a courtesy to candidates and only review them as to form and not for candidate-specific information. Staff did not identify the use of the abbreviated title as a problem and did not alert the Hendricks-Williams campaign about the error.

Based on the plain language of the statute, Commission staff recommends sustaining the challenge and striking all signatures submitted by Candidate Hendricks-Williams.

Challenge to all nomination papers: Nomination papers include a residential address different than the address provided on the candidate's Campaign Finance Registration Statement (CF-1).

The complainant alleges that that candidate, in contravention to Wis. Stat. § 8.10(2)(c) listed the following residential address on her Nomination Papers: 3328 W. Silver Spring Drive in the City and County of Milwaukee, Wisconsin. However, this address is not the residential address that is listed on the candidate's Campaign Registration Statement. The candidate listed a PO Box 170494, Milwaukee, WI, 53217 as her residential address on this form.

Candidate Response: The residential address provided on the nomination papers is correct, and mailing address on the CF-1 form is inconsequential.

Respondent states that the address requested on the Campaign Registration Statement CF-1 form is a mailing address, not a residential address for voting purposes. Respondent reasserts that the residential address provided on her Nomination Papers is correct. Respondent further states that the evidence submitted by Complainant is not a true and correct copy of the form as-filed, but a PDF copy generated by the Wisconsin Campaign Finance Information System (CFIS).

Commission Staff Analysis and Recommendations

The statutory requirements for nomination papers filed by non-partisan candidates are contained in Wis. Stat. § 8.10(2)(c). Wisconsin Statute § 8.10(2)(c) states that each candidate shall include his or her mailing address on the candidate's nomination papers. Statute does not require that the mailing address listed on Nomination Papers be identical to the mailing address listed on the Campaign Registration Form.

“The burden is on the challenger to establish any insufficiency. If the challenger establishes that the information on the nomination paper is insufficient, the burden is on the challenged candidate to establish its sufficiency.” Wis. Admin. Code EL § 2.07(3)(a). The burden of proof applicable to establishing or rebutting a challenge is clear and convincing evidence.” Wis. Admin. Code EL § 2.07(4). “Each candidate for public office has the responsibility to assure that his or her nomination papers are prepared, circulated, signed, and filed in compliance with statutory and other legal requirements.” Wis. Admin. Code § EL 2.05(1). “[W]here any required item of information on a nomination paper is incomplete, the filing officer shall accept the information as complete if there has been substantial compliance with the law.” Wis. Admin. Code EL § 2.05(5).

The Commission has the statutory authority to refuse to place a candidate's name on the ballot if the “nomination papers are not prepared, signed, and executed as required under this chapter.” Wis. Stat. § 8.30(1)(a).

Candidate Hendricks-Williams listed 3328 W. Silver Spring Drive in the City and County of Milwaukee, WI as her residential address in compliance with Wis. Stat. § 8.10(2)(c). Candidate Hendricks-Williams listed P.O. Box 170494, Milwaukee, WI 53217 as her mailing address on her Campaign Registration Form. Complainant did not provide any further documentation to further support the allegation. Statute does not require that residential or mailing addresses listed on Nomination Papers be identical to the mailing address listed on a candidate's Campaign Registration Form.

Based on the above information, Commission staff recommends rejecting the challenge.

Recommended Motions:

- 1) The Commission sustains the first challenge to Candidate Hendricks-Williams as the header of her nomination papers included the title of "Dr." which is not allowed under Wis. Stat. § 8.10(2)(b), and strikes all signatures contained on the candidate's nomination papers.**
- 2) The Commission rejects the second challenge to Candidate Hendrick-Williams as the campaign registration statement was filed prior to the deadline and substantially complied with the applicable requirements.**
- 3) Candidate Hendricks-Williams is denied ballot access for the 2021 Spring Election for failure to submit the minimum number of valid nomination paper signatures.**

BEFORE THE STATE OF WISCONSIN ELECTIONS COMMISSION

IN THE MATTER of the Nomination Papers
Filed By Shandowlyon Lyzette Hendricks-
Williams with Respect to the Spring 2021
Election for State Superintendent of Public
Instruction.

File No. _____

VERIFIED COMPLAINT OF DEBORAH LYNN KERR

The Complainant, Deborah Lynn Kerr by her attorneys Maistelman & Associates, LLC by Attorney Michael S. Maistelman, alleges and shows as follows:

1. The Complainant, Deborah Lynn Kerr ("Complainant"), is an elector and candidate in the Spring 2021 Election for State Superintendent of Public Instruction and whose residential address is in the Village of Caledonia, County of Racine, Wisconsin residing at 6112 Stefanie Way.

2. The Respondent, Shandowlyon Lyzette Hendricks-Williams ("Respondent"), is upon information and belief a candidate in the Spring 2021 Election for State Superintendent of Public Instruction and whose residential address as listed on her Campaign Finance Statement is P.O. Box 170494, in the City and County of Milwaukee, Wisconsin.

3. On or about January 4, 2021, Respondent filed with the State of Wisconsin Elections Commission ("Elections Commission") Nomination Papers for Non-Partisan Office for the position of State Superintendent of Public Instruction. A typical Nomination paper of Respondent is attached hereto as Exhibit A and incorporated herein.

4. On or about January 5, 2021, Respondent filed with the Elections Commission Supplemental Nomination Papers for Non-Partisan Office for the position of State Superintendent of Public Instruction.

5. Upon information and belief, Respondent's Nomination papers were allegedly circulated between December 1, 2020, through January 5, 2021.

6. Respondent's Nomination papers allegedly consisted of a sufficient number of signatures so as to equal two-thousand (2000) signatures, the amount required for placement on the ballot for Spring 2021 Election for State Superintendent of Public Instruction. Petitioner is not aware of how many of Respondent's nomination signatures the Elections Commission has accepted or rejected.

CHALLENGES TO HEADING OF NOMINATION PAPERS

7. All of the preceding paragraphs are re-alleged and incorporated as if fully stated herein.

8. Wis. Stat. § 8.10(2)(b) and (c) requires that the heading of a nomination paper contain the following:

(b) 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**) [emphasis added], 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 (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.

(c) Each candidate shall include his or her mailing address on the candidate's nomination papers.

9. Respondent, in contravention to Wis. Stat. § 8.10(2)(b) listed the title "Dr." in the heading on each and every page of her Nomination Papers.

10. Respondent, in contravention to Wis. Stat. § 8.10(2)(c) listed the following residential address on her Nomination Papers: 3328 W. Silver Spring Drive in the City and County

of Milwaukee, Wisconsin. However, this address is not the residential address that she listed on her Campaign Registration Statement. Respondent's Campaign Registration Statement is attached hereto as Exhibit B and incorporated herein.

CONCLUSION

11. Accordingly, Respondent has not submitted a sufficient number of signatures to be placed on the ballot for the Spring 2021 Election for State Superintendent of Public Instruction.

12. This Verified Complaint is made pursuant to E.L. §§ 2.05 - 2.07, Wis. Admin. Code, and Wis. Stat. Ch.8, and was served upon Respondent via electronic mail at the following email address as listed on Respondent's CF-1: shandowlyon@gmail.com.

WHEREFORE, Complainant respectfully requests that the Elections Commission conduct an investigation pursuant to E.L. §§ 2.05 - 2.07, Wis. Admin. Code, in conjunction with such other public officials as the Elections Commission, or the Executive Director thereof, may deem appropriate and determine the Nomination papers of the Respondent to be insufficient for the reasons set forth in this Verified Complaint.

Dated at Milwaukee, Wisconsin, this 8th day of January 2021.

By: 

Michael S. Maistelman
State Bar No. 1024681
Attorney for Complainant

P.O. ADDRESS:
8989 N Port Washington Rd
Suite 207
Milwaukee, WI 53217
414-908-4254
msm@maistelmanlaw.com

VERIFICATION

Deborah Lynn Kerr, being first duly sworn, on oath, deposes and says as follows:

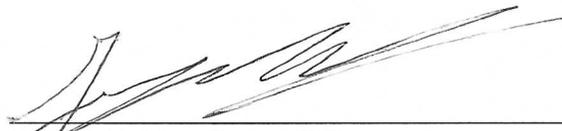
1. That she is an elector and a resident of the Village of Caledonia, County of Racine, Wisconsin and resides at 6112 Stefanie Way.
2. That she has read the foregoing Verified Complaint and that the same is true and correct, except as to those matters therein stated upon information and belief and, as to those matters, she believes them to be true.

Dated at Oak Creek Wisconsin this 8th day of January 2021



Deborah Lynn Kerr
Complainant

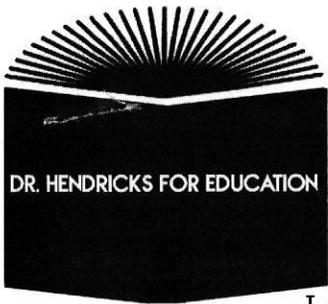
Subscribed and Sworn to before
me this 8th day of January 2021.



Notary Public, State of Wisconsin
My Commission Expires: 3/18/22.

Milwaukee County
State of WI

JURGEN NURAJ
NOTARY PUBLIC
STATE OF WISCONSIN



NOMINATION PAPER FOR NONPARTISAN OFFICE

EXHIBIT A

I, the undersigned, request that the name of
Dr. Shandowlyon Hendricks-Williams

Residing at 3328 W Silver Spring Drive, in the city of Milwaukee, WI 53209 be placed on the ballot at the Spring election to be held on April 6, 2021, as a candidate so that voters have the opportunity to vote for her for the office of

State Superintendent of Public Instruction for Wisconsin

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 the municipality of residence, is not sufficient. The name of the municipality of residence must always be listed.

Signatures of Electors	Print Name	Street & Number	Municipality of Residence	Zip Code	Date of Signing	Telephone & Email
	Lawrence Williams	4358 N 63rd St Upper 53216	<input checked="" type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City Milwaukee	53216	12/08 /2020	414-902-2801
	Yvonna Ormond	4619 N. 50th St 53218	<input type="checkbox"/> Town <input type="checkbox"/> Village <input checked="" type="checkbox"/> City Milwaukee	53218	12/8 /2020	414-628-3192
	Artaz Ford	8611 B W Capitol Dr	<input type="checkbox"/> Town <input type="checkbox"/> Village <input checked="" type="checkbox"/> City Milwaukee	53222	12/8 /2020	414-841-8277
	Shandi Giff	10105 W Virginia Ave	<input type="checkbox"/> Town <input type="checkbox"/> Village <input checked="" type="checkbox"/> City Milwaukee	53227	12/8 /2020	
	Myeshia Carter	PO Box 24100 2	<input type="checkbox"/> Town <input type="checkbox"/> Village <input checked="" type="checkbox"/> City Milwaukee	53224	12/8 /2020	262-424-2947
	Andrea Gaines	601 N. 29th St 53208	<input type="checkbox"/> Town <input type="checkbox"/> Village <input checked="" type="checkbox"/> City Milwaukee	53208	12/8 /2020	414-467-9232
	Sandy Rose	3245 N 45th St	<input type="checkbox"/> Town <input type="checkbox"/> Village <input checked="" type="checkbox"/> City Milwaukee	53216	12/9 /2020	414 779 5387
	Jude Wilke	3226 N 48th St	<input type="checkbox"/> Town <input type="checkbox"/> Village <input checked="" type="checkbox"/> City Milwaukee	53216	12/9 /2020	414-444-4214
	Jolani Harris	7846 W Sheridan Ave Apt 2	<input type="checkbox"/> Town <input type="checkbox"/> Village <input checked="" type="checkbox"/> City Milwaukee	53218	12/9 /2020	414-360-4934
	Ashley Curry	5514 W Center St	<input type="checkbox"/> Town <input type="checkbox"/> Village <input checked="" type="checkbox"/> City Milwaukee	53210	12/9 /2020	414-892-0127

CERTIFICATION OF CIRCULATOR

I, Yvonna Ormond, certify: I reside at 4619 N. 50th St. Milwaukee WI 53218
 (Name of Circulator) (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).

12/9/2020, 2020
 (Date)

(Signature of Circulator)

**CAMPAIGN REGISTRATION STATEMENT
STATE OF WISCONSIN
CF-1**

IF A CANDIDATE DOES NOT FILE THIS STATEMENT BY THE DEADLINE FOR FILING NOMINATION PAPERS,
THE CANDIDATE'S NAME WILL NOT BE PLACED ON THE BALLOT.

NOTICE: ANY CHANGE OF INFORMATION ON THIS REGISTRATION STATEMENT MUST BE FILED WITHIN 10 DAYS.

CANDIDATE AND CANDIDATE COMMITTEE INFORMATION

Committee ID: 0106380

Name of the Candidate:	Party Affiliation:	Office Sought (Include Branch Number):	
Hendricks-Williams, Shandowlyon Lyzette	Non-Partisan (For non-partisan office)	Superintendent of Public Instruction, Superintendent of Public Instruction	
Residence Address (Number and Street):		Candidate Telephone Number (Residence):	
P O Box 170494		(414) 758-3539	
City, State and Zip:	Election Date:	Candidate Email:	
Milwaukee, WI 53217	04/06/2021	shandowlyon@gmail.com	
Committee Name:	Acronym:	Committee Type:	Committee Sub-Type:
Shandowlyon for State Superintendent		State Candidate	
Committee Address (Number and Street):	P O Box 170494, Milwaukee, WI 53217	Committee Email:	campaign@shandowlyon.com
Phone:	(414) 758-3539		

COMMITTEE TREASURER INFORMATION

Treasurer Name:	Peterson, Barbara Antoinette	Phone:	(414) 467-3655
Address (Number and Street):	P O Box 170494		
City, State and Zip:	Milwaukee, WI 53217		
Email:	campaign@shandowlyon.com		

DEPOSITORY INFORMATION

Name of Financial Institution:	Associated Bank	Pin:	*****
Address (Number and Street):	5350 W Fond du lac Ave		
City, State and Zip:	Milwaukee, WI 53216		

+++ EXEMPTION FROM FILING CAMPAIGN FINANCE REPORTS s.11.0104, Stats. +++

You may be eligible for an exemption from filing campaign finance reports. Consult the appropriate Campaign Finance Overview to determine if the registrant qualifies for exemption.

This registrant is eligible for exemption. This registrant will not accept contributions, make disbursements or incur obligations in an aggregate amount of more than \$2,000 in a calendar year.

This registrant is no longer eligible to claim exemption.

Shandowlyon Hendricks-Williams

Signature of Candidate or Treasurer

Date

CERTIFICATE

TREASURER

I, Peterson, Barbara Antoinette

certify the information in this statement is true and complete.

Signature _____ Treasurer _____

Date _____

CANDIDATE

I, Hendricks-Williams, Shandowlyon Lyzette

certify the information in this statement is true, correct and complete, and that this is the only committee authorized to act on my behalf.

Signature _____ Candidate _____

Date _____

THE INFORMATION ON THIS FORM IS REQUIRED BY ss.9.10(2)(d), 11.0203, STATS. FAILURE TO PROVIDE THE INFORMATION MAY SUBJECT YOU TO THE PENALTIES OF ss. 8.30(2), 11.1400, 11.1401, STATS.

Report Generated On: 12/09/2020

contained therein. The paper contained the honorific "Dr." along with Respondent's name. I forwarded the document again on December 2, 2020.

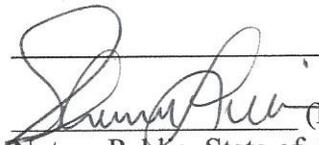
5. Ms. Hoag approved the language, including the "Dr." on December 2, 2020.
6. Had Ms. Hoag indicated that the "Dr." language was improper I would have removed that language.
7. A true and correct copy of the email exchange is appended hereto as Exhibit 3.

Executed in the State of Wisconsin, County of Milwaukee, this 10th day of January, 2021.




Chelsea Cross

Subscribed and sworn to before me
this 10th day of January, 2021



(NOTARY)
Notary Public, State of Wisconsin
My commission expires: 12/13/2022

From: [Chelsea Cross](#)
To: [Stacie H. Rosenzweig](#)
Subject: Fwd: Approve Nomination Paper
Date: Saturday, January 9, 2021 8:49:45 AM


Begin forwarded message:

From: "Hoag, Erin C - ELECTIONS" <erin.hoag@wisconsin.gov>
Date: December 2, 2020 at 13:14:57 CST
To: Chelsea Cross <Chelseavcross@gmail.com>
Subject: RE: **Approve Nomination Paper**

Hi Chelsea,
Thanks for your patience. This paper looks good. The circulator will just need to be sure to tell signers not to put PO boxes for their street addresses.

I hope this is helpful! Please let me know if you have further questions.

Best,
Erin Hoag
Elections Specialist
Wisconsin Elections Commission
212 East Washington Avenue, Third Floor
Madison, WI 53703
608-316-9161
elections.wi.gov

Wisconsin law now requires a photo ID to vote. For additional information, click [here](#).

From: Chelsea Cross <chelseavcross@gmail.com>
Sent: Wednesday, December 2, 2020 1:11 PM
To: Hoag, Erin C - ELECTIONS <erin.hoag@wisconsin.gov>
Subject: Fwd: Approve Nomination Paper

See below.

Chelsea Cross
Cell: 414-324-0440

Stay positive. Test negative.

Begin forwarded message:

From: "chelsea@crossroadsolutions.org"
<chelsea@crossroadsolutions.org>
Subject: **Approve Nomination Paper**
Date: December 1, 2020 at 4:58:49 PM CST
To: erin.hoag@wisconsin.gov

Hi Erin,

Thanks for approving my other papers for Angela Cunningham for Judge.
Could you also please approve these for Dr. Hendricks? (I plan to add
image and logo after approval).

Thanks,

Chelsea Cross
414-324-0440

From: [Chelsea Cross](#)
To: [Stacie H. Rosenzweig](#)
Subject: Fwd: Approve Nomination Paper
Date: Friday, January 8, 2021 5:01:47 PM
Attachments: [Hendricks Nomination Papers.pdf](#)

Begin forwarded message:

From: Chelsea Cross <Chelseavcross@gmail.com>
Date: December 2, 2020 at 13:10:57 CST
To: erin.hoag@wisconsin.gov
Subject: **Fwd: Approve Nomination Paper**

See below.

Chelsea Cross
Cell: 414-324-0440
Stay positive. Test negative.

Begin forwarded message:

From: "chelsea@crossroadsolutions.org"
<chelsea@crossroadsolutions.org>
Subject: **Approve Nomination Paper**
Date: December 1, 2020 at 4:58:49 PM CST
To: erin.hoag@wisconsin.gov

Hi Erin,

Thanks for approving my other papers for Angela Cunningham for Judge. Could you also please approve these for Dr. Hendricks? (I plan to add image and logo after approval).

Thanks,

Chelsea Cross

414-324-0440

Deborah Lynn Kerr

Complainant,

v.

Shandowlyon Hendricks-Williams

Respondent.

VERIFIED RESPONSE TO COMPLAINT

Introduction

Respondent Shandowlyon Hendricks-Williams, candidate for State Superintendent of Public Instruction, by her attorneys Halling & Cayo S.C., by attorney Stacie H. Rosenzweig, submits this verified response to the complaint of Deborah Lynn Kerr (“Complainant”) in the above captioned matter.

It is undisputed that at least 2,621 qualified electors, from all corners of Wisconsin, support Respondent’s candidacy; Complainant has even conceded this point. Nonetheless, Complainant, another candidate for the Superintendent office, seeks to thwart the will of eligible voters by discounting their decision to sign Respondent’s nomination papers for no cognizable reason. In fact, and as the law makes clear, the nomination process, including the review and challenge process, is about protecting the central role voters hold in the process of deciding who is to represent them, and ensuring each voter’s voice is counted.

The law and the facts confirm that nomination papers containing sufficient valid signatures were properly filed in support of the Hendricks-Williams candidacy. The Commission should decline Complainant's attempt to thwart the will of these voters.

The applicable legal standards are well established. The law requires "substantial compliance" with its requirements for nomination papers, not literal perfection. *See* Wis. Admin Code EL § 2.05(5). Contrary to the premise of the challenge, "[t]he object of election laws is to secure the rights of duly qualified electors and not to defeat them." *Stahovic v. Rajchel*, 122 Wis. 2d 3, 70, 376, 363 N.W.2d 243, 246 (Ct. App. 1984). Unless otherwise provided, election statutes "shall be construed to give effect to the will of the electors, if that can be ascertained from the proceedings, notwithstanding informality or failure to fully comply with some of their provisions." Wis. Stat. § 5.01.

Wis. Admin Code EL §§ 2.05(4) and 2.07(3)(a) provide: "Any information which appears on a nomination paper is entitled to a presumption of validity," and "[t]he burden is on the challenger to establish any insufficiency." Complainants must satisfy their burden with "clear and convincing evidence."¹ Wis. Admin Code EL § 2.07(4). Complainant has failed to meet her burden in many respects.

Moreover, Complainant has not alleged any deficiencies with regard to the electors or their signatures, the circulators or their certifications, or the eligibility of the Respondent to hold the office she seeks. Complainant challenges the nomination papers in two hyper-technical respects—first, that by inserting the title "Dr." into the papers they are rendered fatally defective; second, and without any competent evidence, that Respondent did not properly list her residence address

¹ This is known as the "middle" burden of proof and it "requires a greater degree of certitude than that required in ordinary civil cases." *Kruse v. Horlamus Indus., Inc.*, 130 Wis. 2d 357,363,387 N.W.2d 64, 67 (1986).

on her nomination papers only because it did not match an address on a form submitted for a different purpose.

Neither of these challenges have merit and should be dismissed.

A. RESPONDENT’S NOMINATION PAPERS ARE SUFFICIENT TO ACCESS THE SPRING 2020 BALLOT

We acknowledge Respondent’s nomination papers do refer to her as “Dr.” However, this in no way should disqualify these papers as Complainant requests. First, even assuming *arguendo* that the “Dr.” should not have been there, this is at worst a *de minimis* deviation from a directory statute, which is an insufficient basis to disqualify the paper. Second, Respondent’s campaign affirmatively sought approval of the papers, including the “Dr.” language, from Commission Staff, and relied on said approval in circulating them.

1. *Respondent’s Nomination Papers Comply with Statute and Administrative Code*

Complainant turns to Wis. Stat. § 8.10(2)(b), which provides language for nomination papers, as the basis for her challenge. The statute reads:

(b) 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.

As stated above, election statutes should be construed to effectuate the will of the elector, absent some indicia that strict compliance with a law is necessary. “The ‘will of the electorate’ rule is designed to ensure that an elector's vote will be counted even though there has been noncompliance with the election law as long as the defect is *de minimis*.” *Logic v. City of S.*

Milwaukee Bd. of Canvassers, 2004 WI App 219, ¶6, 277 Wis. 2d 421, 689 N.W.2d 692 (citations omitted). Put another way, case law indicates that only when the legislature has “provided in explicit language” that a document should not be counted is strict compliance with a statute mandatory. *See In re Hayden*, 105 Wis. 2d 468, 483, 313 N.W.2d 869, 876 (Ct. App. 1981) (citations omitted). Absent a legislative statement made “expressly and in clear language,” statutes should be considered “directory,” and strict compliance is not necessary. *Id.* A law that “merely provides that certain things shall be done in a given manner and time without declaring that conformity to such provisions is essential to the validity of the election should be construed as directory.” (*Id.*, citations and internal quote marks omitted.)

Here, there is no suggestion that including or not including “Dr.” on a nomination paper is “essential to the validity of the election,” or that the statute is mandatory rather than directory. Wis. Stat. § 8.10(b)(2) even provides that the paper shall have “substantially the following words,” not “exactly the following words,” at the top. There is no allegation that the information contained in the header is incomplete or insufficient to allow electors to determine the identity of the candidate or the office she is pursuing.

Additionally, administrative guidance directs the Commission to reject similar challenges to minor variations to the statutory language—for example, the “Common Nomination Paper Challenges”² guidance document allows for “variances in listing the office title,” (p. 2) and considers the candidate’s failure to designate their gender through the checkbox on the form as “an oversight of a technical requirement” (p. 3), and not as any basis to disqualify the papers.

² Available at https://elections.wi.gov/sites/elections.wi.gov/files/2019-02/Common%20Nomination%20Paper%20Challenges_Final%20%281_2018%29.pdf (last accessed January 9, 2021).

Further, Wis. Admin. Code EL 2.05(7) provides that the Commission “*shall accept* nomination papers which contain biographical data or campaign advertising.” (Emphasis added.) Surely, the fact that a candidate has a doctorate degree is “biographical data.” That it was included in the header portion of the paper and not elsewhere should have no bearing on this analysis.

Even assuming, without conceding, that including “Dr.” was irregular, and that the Respondent was not permitted to rely on the advice of the Commission tasked with providing such advice (as will be explained below), it was at most a *de minimis* violation of a directory statute and should not serve to disqualify Respondent. This challenge should be rejected.

2. Respondent Reasonably Relied on WEC Staff Advice Approving the Language Contained in her Nomination Papers

The Wisconsin Elections Commission is tasked by statute with administering and interpreting Wisconsin election law (other than that pertaining to campaign finance). *See* Wis. Stat. § 5.05. Commission staff, upon request of the candidate, will review specimen nomination papers prior to their circulation for compliance with law, and may suggest changes if information does not comply. Upon the information and belief of Respondent and in the personal experience of Respondent’s campaign manager Chelsea Cross,³ this service is routine and available to all candidates for state office at their request. Accordingly, given that the Commission offers this advice it is reasonable for a candidate to rely on this advice.

Respondent’s campaign, via Ms. Cross, did so in this instance, and the language including “Dr.” was approved. (See Cross Aff. and exhibit thereto.) Respondent reasonably relied on this approval and circulated her nomination papers. Penalizing candidates who circulate papers in

³ Her affidavit is submitted herewith.

reliance on the advice of Commission staff that these papers were lawful, especially when, as stated above, any alleged irregularity is *de minimis* and inessential to the administration of the election, would be manifestly unfair. *See Trump v. Biden*, 2020 WI 91, ¶ 25.

B. RESPONDENT RESIDES AT THE ADDRESS ON HER NOMINATION PAPERS

Complainant has raised the issue of Respondent’s residential address as a separate basis to disqualify her entire submission. However, Complainant does not even allege that Respondent does not live at the address shown on her nomination papers, only that it is not the same address listed on the Campaign Registration Statement (a document not submitted to prove residency to the *elections* commission, but to register a campaign with the *ethics* commission). As the information on the nomination papers is entitled to a presumption of validity, and it is the challenger’s burden to prove otherwise, these allegations are insufficient. Moreover, Respondent verifies that she lives at 3328 W. Silver Spring Drive, City of Milwaukee, WI 53209, as listed on her nomination papers. Accordingly, her address is correct and that should end the analysis.

However, even notwithstanding that factual certainty, Complainant relies on absolutely no competent evidence for her contentions. Instead, she points to a copy of Respondent’s CF-1 form. This is not, it should be noted, a true and correct copy of the as-filed form, but a PDF generated by the Wisconsin Campaign Finance Information System (CFIS) upon inquiry.⁴

We acknowledge that Respondent’s PO Box, which is obviously not a residence, is listed on the form produced by CFIS. However, we do not know why this form as produced through the CFIS system says “Residence Address,” as both the paper CF-1 form⁵ and the electronic form

⁴ Inquiries can be made at <https://cfis.wi.gov/Public/Registration.aspx?page=RegistrantList>. (Last accessed January 9, 2020.)

⁵ Available at https://ethics.wi.gov/Resources/CF-1_Registration_Statement.pdf, appended hereto as Exhibit 1, and incorporated herein by reference.

available through the Campaign Finance Information System (CFIS),⁶ which are the forms into which data are entered by campaigns, seek a candidate “mailing address,” which is what the Respondent provided when filling out this form.

The challenge to Respondent’s address is meritless and should be disregarded.

Conclusion

Respondent Shandowlyon Hendricks-Williams respectfully requests rejection of the challenges as described above and placement on the Spring 2021 ballot.

Dated January 11, 2021,

HALLING & CAYO, S.C.
Attorneys for Respondent



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POST OFFICE ADDRESS:

320 E. Buffalo Street
Suite 700
Milwaukee, WI 53202
(414) 271-3400
FAX (414) 271-3841

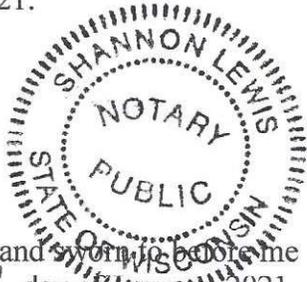
(Candidate verification appended hereto.)

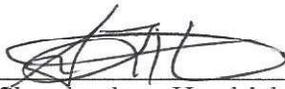
⁶ Available at <https://cfis.wi.gov/Public/Registration.aspx?page=Committee> (last accessed January 8, 2021). A screenshot of the form as displayed through a Web browser is appended hereto as Exhibit 2 and is incorporated herein by reference.

VERIFICATION

I, Shandowlyon Hendricks-Williams, being first duly sworn upon oath, state that I personally read the above response and the exhibits appended thereto, and that the statements contained in the response are true and correct based on my personal knowledge, or that on my information and belief, I believe them to be true.

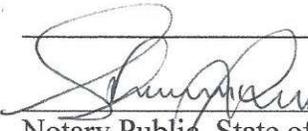
Executed in the State of Wisconsin, County of Milwaukee, this 10th day of January, 2021.





Shandowlyon Hendricks-Williams

Subscribed and sworn to before me this 10th day of January, 2021.



(NOTARY)
Notary Public, State of Wisconsin
My commission expires: 12/13/2022



CAMPAIGN FINANCE REGISTRATION STATEMENT

STATE OF WISCONSIN

Note: An amended registration statement must be filed within 10 days of any changes in information.

1. Is this an Amendment? <input type="checkbox"/> No <input type="checkbox"/> Yes If yes, please enter your committee number:	Committee Number
--	---------------------------------

SECTION A: GENERAL INFORMATION

A1. Candidate Committee/Committee/Conduit Name		A2. Registrant Type (Choose One)			
A3. Email		A4. Phone		<input type="checkbox"/> Candidate <input type="checkbox"/> Referendum <input type="checkbox"/> Recall <input type="checkbox"/> Conduit <input type="checkbox"/> Political Action (PAC) <input type="checkbox"/> Independent Expenditure (IEC) <input type="checkbox"/> Political Party <input type="checkbox"/> Legislative Campaign Committee	
A5. Mailing Address			A6. City		A7. State
A8. Zip					
Depository Institution Information					
A9. Institution Name		A10. Street Address		A11. City	
A12. State		A13. Zip			
Treasurer/Administrator Information					
A14. Name		A15. Email		A16. Phone	
A17. Mailing Address			A18. City		A19. State
A20. Zip					
Other Officers (Optional)					
<i>Independent and local non-partisan candidates: Indicate by an asterisk (*) which officers are authorized to fill a vacancy in nomination due to death of candidate.</i>					
A21. Name		A22. Title		A23. Email	
A24. Phone		A25. Name		A26. Title	
A27. Email		A28. Phone			
Filing Exemption				A29. Exemption Affirmation	
<i>Registrants that will not accept contributions, make disbursements, or incur obligations in an aggregate amount of more than \$2,000 in a calendar year are eligible for exemption from filing campaign finance reports. Exempt status is effective only for the calendar year in which it is granted. Registrants wishing to remain on exempt status must renew each year. Candidates may not claim exemption in the year of their election before the day they appear on the ballot.</i>				<input type="checkbox"/> Yes, this registrant is eligible for exemption <input type="checkbox"/> No, this registrant is not eligible for exemption	

SECTION B: CANDIDATE COMMITTEES

B1. Office Sought (include District/Branch)		B2. Political Party		B3. Election Date	
Candidate Information					
B4. Name		B5. Email		B6. Phone	
B7. Mailing Address			B8. City		B9. State
B10. Zip					
Second Candidate Committee				B11. Is this your only registered candidate committee in Wisconsin?	
<i>An individual who holds a state or local elective office may establish a second candidate committee to pursue another state or local office.</i>				<input type="checkbox"/> Yes, this is my only candidate committee in Wisconsin <input type="checkbox"/> No, this is my second candidate committee in Wisconsin	
B12. Other Office Held or Sought (include District/Branch) Only complete B12 if you responded "No" to B11.					

SECTION C: RECALL COMMITTEES

C1. Name of Official Subject to Recall		C2. Office of Official Subject to Recall		C3. <input type="checkbox"/> Support <input type="checkbox"/> Oppose	
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CAMPAIGN FINANCE REGISTRATION STATEMENT

STATE OF WISCONSIN

Note: An amended registration statement must be filed within 10 days of any changes in information.

SECTION D: PAC, IEC, AND CONDUITS

D1. Sponsoring Organization	D2. Email	D3. Phone	
D4. Mailing Address	D5. City	D6. State	D7. Zip

SECTION E: POLITICAL PARTY & LEGISLATIVE CAMPAIGN COMMITTEES

E1. Political Party (Name candidates appear under on a ballot)	E2. Does the Committee have a Segregated Fund? <input type="checkbox"/> No <input type="checkbox"/> Yes			
Segregated Fund Depository Institution Information (if applicable)				
E3. Institution Name	E4. Street Address	E5. City	E6. State	E7. Zip

SECTION F: REFERENDA COMMITTEES

F1. Nature of Referendum (if applicable)	F2. <input type="checkbox"/> Support <input type="checkbox"/> Oppose
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SECTION G: CERTIFICATION

Accurate Information

I certify that I am an authorized representative of the registrant and that to my knowledge all of the information contained within this registration is true, correct, and complete.

Timely Amendments

I am aware of the requirement to amend this registration statement within 10 days of any change of information contained within, as well as the requirement to register within 10 days of meeting the requirements to register under Chapter 11 of Wisconsin Statutes.

Records Retention

I further acknowledge the requirement to maintain the records of the registrant in an organized and legible manner for three years from the date of the most recent election in which this registrant participated.

Ongoing Compliance

This registrant shall continue to maintain its registration and comply with all applicable reporting requirements under Chapter 11 of Wisconsin Statutes.

Treasurer/Administrator

G1. Printed Name	G2. Signature	G3. Date
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Candidate (if applicable)

G4. Printed Name	G5. Signature	G6. Date
-------------------------	----------------------	-----------------



FORM INSTRUCTIONS

CAMPAIGN FINANCE REGISTRATION STATEMENT (CF-1)

Note: Use of this form is required by the Ethics Commission for registration of a political committee or conduit under Chapter 11 of Wisconsin Statute. Completion of this form is mandatory for committees that file on paper. It is not the Commission's intention to use any personally identifiable information from this form for any other purpose.

Item 1. Is this an amendment? Check the appropriate box. If "Yes" is checked, enter the committee ID number if you have one. If "No" is checked, proceed directly to Section A.

Section A: General Information. All candidates, committees, and conduits must complete section A.

Item A1: Committee/Conduit Name. All committees and conduits must have a name. It is not required that the name include the candidate or organization's name, but it is recommended, e.g., Friends of John Smith. A political party committee wishing to operate under the same name as a state political party committee must receive authorization from that state party (WIS. STAT. § 11.0101(26)(a)1).

Depository Institution Information. All committees and conduits must designate a depository institution. While it is recommended that all committees have a designated campaign depository account, candidates who will serve as their own treasurer may designate a single personal account to serve as the committee depository account and may intermingle personal and campaign funds (WIS. STAT. § 11.0201(2)(b)).

Treasurer/Administrator Information. Each committee must appoint a treasurer and each conduit must appoint an administrator. Any adult may serve as a treasurer or administrator. A candidate may serve as his or her own treasurer. If a candidate is serving as their own treasurer, please indicate so in this section.

Section B: Candidate Committees. Candidate committees must complete section B. No other committee type should complete section B.

Section C: Recall Committees. Recall committees must complete section C. No other committee type should complete section C.

Section D: PAC, IEC, and Conduits. Political action committees, independent expenditure committees, and conduits must complete section D. No other committee type should complete section B. All fields in section D refer to the sponsoring organization's contact information.

Section E: Political Party and Legislative Campaign Committees. Only political party committees and legislative campaign committees should complete section E.

Item E2. A political party or a legislative campaign committee may establish a segregated fund for purposes other than making contributions to a candidate committee or making disbursements for express advocacy (WIS. STAT. § 11.1104(6)). It is recommended that the committee maintain the segregated fund in a depository account separate from the primary account, but it is not required.

Items E3 - E7. If the segregated fund is maintained with the same depository institution as the primary account, write "Same as primary account." in E3.

Section F: Referendum Committees. Only referenda committees should complete section F.

Section G: Certification. All committees and conduits must complete section G.

Wisconsin Campaign Finance Information System

Candidate Committee Registration CF-1

STEP 1 **STEP 2** STEP 3 STEP 4

Committee Type
 Committee Type*

Candidate Information

First Name*

Middle Name

Last Name*

Email*

Phone*

Phone 2

Election*

Party Affiliation*

Office*

District/County

Branch

Mailing Address: Same as Candidate Mailing Address

Address Line 1*

Address Line 2

City*

State*

Zip*

Committee Information

Committee Name*

Acronym (if any)

Choose a 4-digit PIN. This PIN will be used to electronically sign reports and registration amendments.
 PIN*

Email*

Phone*

Phone 2

Mailing Address: Same as Candidate Mailing Address

Address Line 1*

Address Line 2

City*

State*

Zip*

Treasurer Information

First Name*

Middle Name

Last Name*

Email*

Phone*

Phone 2

Mailing Address: Same as Candidate Mailing Address

Address Line 1*

Address Line 2

City*

State*

Zip*