BEFORE THE WISCONSIN ELECTIONS COMMISSION

In the Matter of)
Richard Strohm, Complainant)
Nicholson for Senate, Respondent)

VERIFIED RESPONSE

 I, Adam Chewning, the Chief Operating Officer for the Nicholson for Senate Campaign, based on both personal knowledge and on information and belief, hereby state as follows.

I. BACKGROUND

- 2. The complaint challenges the signatures collected by circulators that are not Wisconsin residents.
- 3. Respondents assert that: (1) it is well established that the statutory requirement that petition circulators be residents of Wisconsin has been declared unconstitutional; (2) the State of Wisconsin has been permanently enjoined from enforcing the residency requirement found in Wis. State. §§8.15(4)(a) and 8.40(2) for over fifteen years; and (3) the complaint is frivolous.

II. ARGUMENT

- 4. The Complaint seeks to discount over 2,700 signatures because the nominating paper circulators are not residents of Wisconsin.
- 5. In 2003, the statutes requiring nomination paper circulators to be qualified electors in (and therefore residents of) Wisconsin was declared violative of the First Amendment of the United States Constitution, and the State of Wisconsin was permanently enjoined from enforcing the residency requirement for petition circulators. *Frami v. Ponto*, 255 F.Supp.2d 962 (2003).
- 6. In *Frami*, the Court ruled that the Wisconsin statue requiring that person circulating nominating petitions reside in Wisconsin was an impermissible restriction on the First Amendment rights of both the candidate and the circulators.
- 7. In declaring the residency requirement unconstitutional, the *Frami* Court also noted that petition circulation is core political speech because it involves

interactive communication concerning political change during which First Amendment protection is at its zenith.

III. CONCLUSION

- 8. For the foregoing reasons, the Respondent asks that the sworn complaint be dismissed.
- 9. Respondent also asks that the Wisconsin Election Commission find the complaint to be frivolous as it relates to the residency of those individuals circulating nominating papers and assess a \$500 penalty against the Complainant. The frivolous nature of the complaint is evidenced by Complainant's decision to ignore a well-settled area of the law, wasting time and resources of the State of Wisconsin.
- I, Adam Chewning, being duly sworn on oath state that I personally read the above response and that the statements are true based on my personal knowledge, and as to those stated in information and belief, I believe them to be true.

FURTHER AFFIANT SAYETH NOT		Adam Chewning
STATE OF WISCONSIN)	
)	
County of Waukesha)	

This document was signed before me on June 6, 2018, by Adam Chewning.

Notary Public, State of Wisconsin

SANDRA SAWICKI Notary Public State of Wisconsin

My Commission expires 4.13.19 or is permanent.

CERTIFICATE OF SERVICE

I, Adam Chewning, hereby certify that on this 6^{th} day of June 2018, a true and correct copy of this verified response was served by electronic mail on the following:

Richard Strohm, Complainant 1995 Knob Rd. Burlington, WI 53105 rastrohm@genevaonline.com

Wisconsin Elections Commission 212 E. Washington Avenue, 3rd Floor Madison, WI 53703 <u>elections@wi.gov</u>

> ADAM CHEWNING Chief Operating Officer Nicholson for Senate P.O. Box 454

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