

Additional documents that may be considered by the Commission as part of their challenge/ballot access deliberations.

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VIA EMAIL AND FEDERAL EXPRESS

August 23, 2024

Wisconsin Election Commission
P.O. Box 7985
Madison, WI 53717-7984
elections@wi.gov

Re: *Robert F. Kennedy, Jr. Withdrawal from Presidential Campaign*

Dear Commissioners:

I write on behalf of Robert F. Kennedy, Jr. to notify you that Mr. Kennedy is withdrawing from the 2024 general election and, therefore, his name should not appear on the ballot. Please find attached Mr. Kennedy's withdrawal statement.

If you have any questions or need any additional information, kindly contact me as soon as practicable. Otherwise, please confirm receipt of Mr. Kennedy's withdrawal via email at ebrehm@sirillp.com.

Very truly yours,

Elizabeth A. Brehm
Elizabeth A. Brehm, Esq.
Main: 888-747-4529
Direct: 929-220-2758
ebrehm@sirillp.com

Enc.

CERTIFICATE OF WITHDRAWAL

I, Robert F. Kennedy, Jr., a candidate for the office of President of the United States, hereby withdraw my candidacy from the 2024 United States Presidential Election, and I hereby formally request that my name not be printed on the ballot. This election is being conducted by the State of Wisconsin and is to be held on November 5, 2024.



Robert F. Kennedy, Jr.

STATE OF WISCONSIN
WISCONSIN ELECTIONS COMMISSION

IN THE MATTER OF:
DECLARATION OF CANDIDACY FILED BY
CORNEL WEST AND MELINA ABDULLAH WITH RESPECT TO
THE NOVEMBER 5, 2024 ELECTION FOR
PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES

DAVID STRANGE, INDIVIDUALLY AND AS
DEPUTY OPERATIONS DIRECTOR – WISCONSIN
FOR THE DEMOCRATIC NATIONAL COMMITTEE,
1437 N. Jefferson Street, Unit 308
Milwaukee, WI 53202

Complainant,

v.

Case No. EL 24-80

CORNEL WEST,
17242 Citron
Irvine, CA 92612

and

MELINA ABDULLAH,
2108 Wellington Rd.,
Los Angeles, CA, 90016

Respondents.

NOTICE OF SUPPLEMENTAL AUTHORITY

In support of his Verified Complaint, Complainant submits this Notice of Supplemental Authority, stating as follows:

1. On August 16, 2024, *after* Complainant¹ filed his Rebuttal, the Michigan Secretary of State's Office issued a decision ("Michigan Decision") excluding JFA from the November 2024 ballot in Michigan, based on a defective notarial act. A true and correct copy of the Michigan Decision is attached hereto as **Exhibit A**.

2. Complainant provides the Michigan Decision as supplemental authority supporting his Verified Complaint and the relief he seeks in this action. *See* Wis. Stat. § 809.19(10) (allowing for citation to supplemental authorities "[i]f pertinent authorities *decided after briefing* come to the attention of a party" (emphasis added)). The Commission may also take judicial notice of the Michigan Decision "at any stage of the proceeding." Wis. Stat. § 902.01(6); *see also Jamerson v. Dep't of Child. & Fams.*, 2013 WI 7, ¶82, 345 Wis. 2d 205, 824 N.W.2d 822 (Roggensack, J., concurring) (concluding that "the Department may take judicial notice" under Section 902.01(2)(b)). Complainant points the Commission to two aspects of the Michigan Decision pertinent here.

3. *First*, JFA presidential candidate Cornel West's "affidavit of identity" submitted to support his candidacy in Michigan was notarized in Colorado. Michigan's laws, like Wisconsin's, contains a reciprocity statute that recognizes the validity of out-of-state notarizations, but only to the extent they are effective under the law of the state where the notarial act was performed. *See* MCL 55.2855(a); Wis. Stat. § 140.11(1). Michigan applied Colorado law to determine the legal validity of West's notarization submitted in Michigan and concluded that because West's

¹ Capitalized words not otherwise defined have the same meaning as set forth in Petitioner's Verified Complaint.

notarization (by a Colorado notary) was ineffective under Colorado law, it was ineffective in Michigan. The same reasoning applies to the notarization of West's Declaration of Candidacy submitted in Wisconsin, although it is California's law that applies here and requires West's disqualification because the notarization of West's Declaration of Candidacy does not comply with California law. (*See* Rebuttal, ¶¶11-15.)

4. **Second**, in the response JFA filed with WEC, JFA invoked Wisconsin Statutes section 140.26. (Response, ¶2) As explained in the Rebuttal, that provision does not apply to notarial acts that are evident on the face of the document. (Rebuttal, ¶¶16-19) The Michigan Decision bolsters that conclusion. Colorado's notary laws contain a provision analogous to Wisconsin Statutes section 140.26. *See* § 24-21-526, C.R.S. ("Validity of notarial acts."). Michigan nonetheless concluded that the notarization of West's filing at issue there was invalid. There, like here, the defects in the notarial act were evident on the face of that document and could have been caught and fixed.

Dated August 23, 2024.

Prepared by:

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Attorneys for Complainant

VERIFICATION

David Strange, being duly sworn, on oath, deposes and says:

1. That David Strange is a qualified elector and resident of the State of Wisconsin.
2. That David Strange has read the foregoing Notice of Supplemental Authority and avers that the facts alleged therein are true and correct to the best of his knowledge, except as to those matters therein stated upon information and belief or based upon the exhibit filed in support of his Notice of Supplemental Authority, as to which matters he believes them to be true.

Signed in Milwaukee, Wisconsin this 23rd day of August, 2024.



David Strange

Subscribed and sworn to before me
this 23rd day of August, 2024.

Nancy A. Haselwood

Printed Name: Nancy A. Haselwood
Notary Public, State of Wisconsin

My commission expires: 8-13-24





STATE OF MICHIGAN
JOCELYN BENSON, SECRETARY OF STATE
DEPARTMENT OF STATE
LANSING

August 16, 2024

Cornel West
17242 Citron
Irvine, CA 92612

Dear Mr. West:

The Department of State (Department) writes regarding your qualification to appear on the November 5, 2024 general election ballot as a candidate for United States President. For the reasons described below, the Department is required by law to disqualify you, and the Department will not certify you as candidate on ballots for the November 5, 2024 general election. The information contained in this letter is based on a review of the Affidavit of Identity you submitted to the Department on June 17, 2024.

Challenges were filed with the Department by Mark Brewer, on behalf of Rosa Holliday, to the affidavits of identity submitted by yourself and Melina Abdullah on July 23, 2024. The Department notified you on July 26, 2024, via email to team@cornelwest2024.com, of the challenge to the affidavits of identity. The Department gave you until August 2, 2024 to submit a response, but to date no response has been submitted.

Michigan Election Law requires candidates filing nominating petitions to submit an affidavit of identity to be certified for elections. Candidates nominated for the office of President and Vice President are not required to file an affidavit of identity, but candidates filing to run without party affiliation by submitting petition signatures are required to submit an affidavit of identity.¹ [MCL 168.558\(1\)](#). Your affidavit of identity was notarized by Dana L. Manning acting in the State of Colorado. The Michigan Law on Notarial Acts provides reciprocity for notarial acts performed in other states if they comply with the laws in the state where the notarial act is performed.² [MCL 55.285a](#).

Colorado statute governing the Certificate of Notarial Act outlines the requirements for certificates and provides examples of acceptable certificates.³ [CRS 24-21-516](#). The Department reviewed the question of whether the notarization by Dana L. Manning on your affidavit of identity complied with Colorado's Colorado Revised Uniform Law on Notarial Acts (RULONA), [§§ 24-21-501, C.R.S., et seq.](#)⁴ After reviewing your affidavit of identity and contacting the Colorado Secretary of State for guidance, we concluded that the notarization attempt by Dana L. Manning does not conform with Colorado law in at least four respects:

- The document being notarized contained unfilled blanks. ([§ 24-21-525\(7\), C.R.S.](#));
- The notary certificate failed to identify what notarial act was being performed. ([§ 24-21-516\(1\), C.R.S.](#));
- The notary certificate failed to include her title of office. ([§ 24-21-516\(1\), C.R.S.](#)); and
- The notary public's stamp was on a separate sheet of paper and not included with the notary public's certificate. ([§ 24-21-516\(1\), C.R.S.](#)).

¹ [MCL - Section 168.558 - Michigan Legislature](#)

² [MCL - Section 55.285a - Michigan Legislature](#)

³ [C.R.S. 24-21-516 – Short form certificates \(2023\) \(public.law\)](#)

⁴ [C.R.S. 24-21-501 – Short title \(2023\) \(public.law\)](#)

The Michigan Supreme Court has instructed that a petition must strictly comply with the preelection form and content requirements identified in the Michigan Election Law, MCL 168.1 et seq., *Stand Up For Democracy v Secretary of State*, 492 Mich 588; 822 NW2d 159 (2012). The court applied the same strict compliance standard to AOI's filed by candidates in *Stumbo v Roe*, 332 Mich App 479; 957 NW2d 830 (2020).

The Michigan Election Law provides that an affidavit of identity is required to be signed and notarized. “[a]n officer shall not certify to the board of election commissioners the name of a candidate who fails to comply with this section, or the name of a candidate who executes an affidavit of identity that contains a false statement with regard to any information or statement required under this section.” MCL 168.558(4). Under Michigan law, there must be strict compliance with each of the AOI requirements. *Stumbo v Roe*, 332 Mich App 479; 957 NW2d 830 (2020). Your affidavit of identity was not notarized in compliance with the laws of the state where it was notarized (Colorado), and therefore is not a valid notarization under the *Michigan Law on Notarial Acts*.⁵

Accordingly, pursuant to MCL 168.558(4), the Department is required by law to disqualify you from the November 5, 2024 general election ballot for the office of United States President because the Affidavit of Identity that you submitted to the Department on June 17, 2024 was not properly notarized. Because the Department has concluded that you are disqualified based upon the improper notarization, it is not necessary for the Department to consider the other arguments raised in the challenge. In addition, because you have been disqualified, Melina Abdullah will also not appear on the ballot as your candidate for vice-president under MCL 168.590d.

If you wish to dispute your disqualification and have evidence to rebut the items listed above, you may contact the Department within five days of receipt of this letter. All materials must be sent to the Bureau of Elections, Michigan Department of State, Richard H. Austin Building, 430 West Allegan Street, Lansing, Michigan 48918.

Sincerely,



Jonathan Brater
Director of Elections
Michigan Bureau of Elections

C: Mark Brewer, Attorney for Challenger

⁵ [MCL - Act 238 of 2003 - Michigan Legislature](#)