



Wisconsin Elections Commission

201 West Washington Avenue | Second Floor | P.O. Box 7984 | Madison, WI 53707-7984
(608) 266-8005 | elections@wi.gov | elections.wi.gov

January 6, 2023

Paul Knuppel
W2455 Block Road
Appleton, WI 54915

Cynthia Sieracki
Town of Buchanan Clerk/Treasurer
N178 County Road N
Appleton, WI 54915

Sent via email: knupps1@yahoo.com; cynthias@townofbuchanan.wi.gov

Re: Complaint Filed with Wisconsin Elections Commission
EL 23-01: Paul Knuppel v. Cynthia Sieracki

Dear Mr. Knuppel,

On January 6, 2023, the Wisconsin Elections Commission (Commission) received a sworn complaint from you that names Clerk Sieracki as the respondent. Wis. Admin. Code § EL 20.04(1) requires that our office review the complaint and determine within 10 business days whether the complaint is timely, is sufficient as to form, and states probable cause.

Your complaint is timely, but otherwise fails to meet the requirements for consideration. The complaint alleges that the respondent improperly denied ballot access, despite missing nomination paper header information, because of the principles of presumption of validity and substantial compliance found in administrative code. These arguments fail to meet probable cause standards under the facts presented. Therefore, I am returning the complaint to you without prejudice pursuant to Wis. Stat. § 5.06 and Wis. Admin. Code § EL 20.04(1) and (2).

Sufficiency as to Probable Cause

Your complaint names your municipal clerk as the respondent and alleges that she erred in her ballot access decision because the principles of presumption of validity and substantial compliance support the partial title of the office sought written in your nomination paper header, even in the absence of a specific seat number. Additionally, you note that the clerk was aware of the seat you were seeking, and the deputy clerk would not allow a corrective affidavit to be submitted. Each of those allegations and the supporting evidence submitted fails to show probable cause to believe that a violation of election law occurred. While you cited Wisconsin Administrative Code § EL 2.05 (4) and (5) in discussing the presumption of validity and substantial compliance, you failed to acknowledge § EL 2.05(1): “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.”

In addition, various provisions of Wisconsin Statutes Chapter 8 require the following with regard to nomination of candidates in different contexts: “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

Wisconsin Elections Commissioners

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

Administrator
Meagan Wolfe

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.”

This statutory requirement is in place to ensure that each local resident signing the nomination papers are properly advised as to the person/office they are nominating, the qualifications of the candidate, and the applicability of the signer’s own qualifications to vote for the office listed. In this case, the signers of your papers would not have been adequately advised as to the office you were seeking.

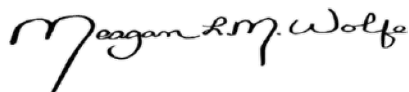
Finally, you indicate in your filing that the clerk was aware of the office you were seeking, and her deputy would not allow you to file a corrective affidavit. As noted above, the statutory header requirements are in place to inform the signers, not the clerk, and thus the clerk’s knowledge of the seat you were seeking is of no consequence. As to the denial of a corrective affidavit, the clerks acted properly. The Commission has long held that the header section of nomination papers is not correctable. If anything, the admission that you tried to file a corrective affidavit further supports the validity of the respondent’s decision, in that there was a tacit acknowledgement that the missing information needed to be there. Either way, retroactive correction of the header is not allowable under Wisconsin law, and thus this complaint is returned for failure to meet the minimum probable cause requirements for consideration.

Conclusion

I am returning the complaint, without prejudice, pursuant to Wis. Admin. Code § EL 20.04(2), as it fails to meet the probable cause requirements of a complaint. I have specified the defects in the complaint and provided information needed to cure the defects. The issues described in this letter may be addressed and resubmitted if you believe there is another legal argument under which the respondent did not comply with the law.

The Commission now considers this matter closed.

Sincerely,



Meagan Wolfe, Commission, Administrator

cc: Members, Wisconsin Elections Commission