

**STATE OF WISCONSIN
BEFORE THE ELECTIONS COMMISSION**

GLORIA SMITH,

Complainant,

v.

Case No. EL 23-10

CITY OF MILWAUKEE ELECTION COMMISSION,

Respondent.

**VERIFIED RESPONSE OF RESPONDENT
CITY OF MILWAUKEE ELECTION COMMISSION**

INTRODUCTION

Respondent City of Milwaukee Election Commission, (“MEC”), acting by and through Assistant City Attorney Kathryn Z. Block, hereby submits the following response and asks the Wisconsin Elections Commission (“WEC”) to determine the legal issue presented in the January 17, 2023, verified complaint (“Complaint”) of Complainant Gloria (“Smith”).

FACTUAL BACKGROUND

On January 9, 2023, the Milwaukee Election Commission met to consider ballot placement of Shandowlyon Hendricks Reaves (“Hendricks Reaves”) on the ballot for a District 1 School Board seat.¹ Hendricks Reaves had submitted 103 pages of nomination papers and

¹ Note that after MEC Executive Director Claire Woodall-Vogg, (“Woodall-Vogg”), had informed Hendricks Reaves she would not be placed on the ballot, Hendricks Reaves and Elijah Reaves filed written objection to this determination, each styled as an Affidavit to Contest, (“Affidavits”). In Smith’s view, the MEC was without power to hear those Affidavits as they were complaints filed pursuant to Wis. Adm. Code EL 20.03. Frankly, in the MEC’s view, it seems of little moment whether the MEC was merely reviewing a decision made by its Executive Director

close to 950 signatures by the January 3, 2023 deadline. Wis. Stat. § 8.10(3)(i) provides, in relevant part:

(3) ...The number of required signatures on nomination papers filed under this section is as follows:

...

(i) For city officers in 1st class cities...not less than 400 nor more than 800 electors for members of the board of school directors elected from election districts.

In addition, Wis. Adm. Code § EL 2.05(3) provides, in relevant part: “The filing officer shall review all nomination papers filed with it, up to the maximum number permitted, to determine the facial sufficiency of the papers filed.” Here, Woodall-Vogg found that even after corrective affidavits were submitted, Hendriks Reaves only had 362 signatures for electors located in District 1 after reviewing the first 800 submitted. Based on Wis. Stat. § 8.10(3)(i) and Wis. Adm. Code § EL 2.05(3), Woodall-Vogg drafted a recommendation to the MEC that Hendricks Reaves not be placed on the ballot. (Complaint Ex. A)

However, at the January 9, 2023 MEC meeting, a member of the MEC drew attention to a video on the WEC’s website which alluded to resort to “supplemental” signatures a candidate submitted over the filing maximum listed in Wis. Stat. § 8.10(3) in the event a candidate did not have sufficient valid signatures. See, <https://elections.wi.gov/candidates/getting-ballot> at 12:40. Based on the MEC’s past practice of relying on WEC guidance and a desire to favor placement in case of doubt, the MEC voted unanimously to place Hendricks Reaves on the ballot.² (Complaint Ex. B).

(which it surely had the power to do), or as a filing under Wis. Adm. Code EL 2.07(1), (reviewable by WEC here), and reaches the one legal issue before it as MEC agrees it must do to resolve the appeal.

² Audio recordings of the MEC are not kept. Unofficial meeting minutes are attached to the Complaint.

ARGUMENT

The issue is a narrow, legal one: Proper interpretation of Wis. Stat. 8.10(3)(i) and Wis. Adm. Code EL 2.05(3). Although MEC leaves that to the WEC, and in so doing, only asks for as much clarity as possible.³

CONCLUSION

For the foregoing reasons the WEC should enter an appropriate judgment.

Dated this 7th day of February, 2023

Respectfully submitted,

Electronically signed by Kathryn Z. Block
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Attorney for Respondent Milwaukee Election
Commission
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³ Such clarity would likely only be necessary in the event a filing officer were limited to reviewing a maximum amount of signatures. Would a filing officer be limited to the first sequentially numbered signatures, no matter how many pages it took to locate the maximum number? Would signatures that were crossed out or marked in some other way by a circulator or candidate that they were invalid be counted by the filing officer toward the maximum total?

VERIFICATION

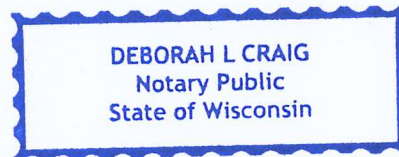
I, CLAIRE WOODALL-VOGG, being first duly sworn upon oath, state that I personally read the above Verified Response and that it is true and correct based upon my personal knowledge.

Dated this 7th day of February, 2023.

Claire Woodall-Vogg
Executive Director, Milwaukee Election Commission

Subscribed and sworn to before me this
7th day of February, 2023.

Notary Public, State of Wisconsin



My commission expires 3/23/23