

State of Wisconsin
Wisconsin Elections Commission

The Complaint of DOUGLAS HYANT, Political Director,
Assembly Democratic Campaign Committee,
Complainant,

Against

NEC 07JUN2018 AM11:29

GABRIEL SZERLONG,
Respondent.

Verified Response and Request for Sanctions

I, Jennifer Toftness, on behalf of Gabriel Szerlong, based on information and belief, hereby state as follows:

1. I am a resident of the State of Wisconsin, a qualified elector, and the Executive Director of the Republican Assembly Campaign Committee with a mailing address of 148 East Johnson Street, Madison, Wisconsin 53703.
2. Gabriel Szerlong is the Republican candidate for the 43rd Assembly District.
3. On June 4, 2018, Doug Hyant, Political Director of the Assembly Democratic Campaign Committee, submitted a verified complaint to the Wisconsin Elections Commission challenging the validity of twenty (20) of the signatures on Gabriel Szerlong's nomination papers for on the basis of three alleged insufficiencies.
4. Respondent objects to 4 of the challenges for insufficiency.

I. Complainant's Challenge to Electors Residency

5. Respondent does not contest that the addresses found on Page 6, Line 5; Page 7, Line 1; Page 10, Line 7; Page 11, Line 10; Page 12, Line 1; Page 16, Line 1; Page 17, Line 6; Page 17, Line 8; Page 17, Line 9; Page 18, Line 1; Page 18, Line 9; Page 18, Line 10 may be outside the 43rd Assembly District.

II. Complainant's Challenge to Electors who Previously Signed Another Candidate's Papers

6. Respondent does not contest that the signatures found on Page 10, Line 3; Page 11, Line 1; Page 12, Line 2; Page 21, Line 1 may have previously signed another candidate's papers.

III. Complainant's Challenge to Electors who did not Provide Required Address and Municipality of Residence

7. As challenged by the Complainant, the elector on Page 2, Line 5 signed their name as "Greg Napert", with an address listed as "11506 N Walnut Ln, Town of Milton."
8. This address is clearly in the Town of Milton as evidenced by Respondent's "Exhibit 1" from the publicly available "myvote.wi.gov" website, that provides the public information on their municipality and voting address. Complainant's Exhibit D provides no information as to what municipality they alleged the elector actually resided in.
9. Request for Sanctions: Nomination Paper Challenges, January 2018, published by the Wisconsin Elections Commission provides that if the Board "finds, by a preponderance of the evidence, that a **challenge** or complaint is frivolous, order the complainant to forfeit up to the greater of \$500 or the expenses incurred by the WEC." (pg. 1) (emphasis added). Here, the Complainant intentionally or recklessly did not perform the simple search of the "myvote.wi.gov" website to see which municipality was correct for the elector, and provided no evidence for which municipality they assumed the elector resided in. We ask The Commission to find this challenge frivolous resulting in waste of time and effort by the Board, Staff, and Respondent and sanction the Complainant the greater of \$500 or the expenses incurred investigating this challenge.
10. As challenged by the Complainant, the elector on Page 2, Line 5 signed their name as "Sandra Napert", with an address listed as "11506 N Walnut Ln, Town of Milton."
11. This address is clearly in the Town of Milton as evidenced by Respondent's "Exhibit 1" from the publicly available "myvote.wi.gov" website, that provides the public information on their municipality and voting address. Complainant's Exhibit D provides no information as to what municipality they alleged the elector actually resided in.

12. Request for Sanctions: *Nomination Paper Challenges, January 2018*, published by the Wisconsin Elections Commission provides that if the Board “finds, by a preponderance of the evidence, that a **challenge** or complaint is frivolous, order the complainant to forfeit up to the greater of \$500 or the expenses incurred by the WEC.” (pg. 1) (emphasis added). Here, the Complainant intentionally or recklessly did not perform the simple search of the “myvote.wi.gov” website to see which municipality was correct for the elector, and provided no evidence for which municipality they assumed the elector resided in. We ask The Commission to find this challenge frivolous resulting in waste of time and effort by the Board, Staff, and Respondent and sanction the Complainant the greater of \$500 or the expenses incurred investigating this challenge.

13. As challenged by the Complainant, the elector on Page 22, Line 3 signed their name as “Paul Bower”, with an address listed as “8373 N Oak Ridge Dr, Town of Milton.”

14. This address is clearly in the Town of Milton as evidenced by Respondent’s “Exhibit 2” from the publicly available “myvote.wi.gov” website, that provides the public information on their municipality and voting address. Complainant’s Exhibit D provides no information as to what municipality they alleged the elector actually resided in.

15. Request for Sanctions: *Nomination Paper Challenges, January 2018*, published by the Wisconsin Elections Commission provides that if the Board “finds, by a preponderance of the evidence, that a **challenge** or complaint is frivolous, order the complainant to forfeit up to the greater of \$500 or the expenses incurred by the WEC.” (pg. 1) (emphasis added). Here, the Complainant intentionally or recklessly did not perform the simple search of the “myvote.wi.gov” website to see which municipality was correct for the elector, and provided no evidence for which municipality they assumed the elector resided in. We ask The Commission to find this challenge frivolous resulting in waste of time and effort by the Board, Staff, and Respondent and sanction the Complainant the greater of \$500 or the expenses incurred investigating this challenge.

16. As challenged by the Complainant, the elector on Page 22, Line 4 signed their name as “Teresa Riesferer”, with an address listed as “4523 E M H Townline Rd, Town of Milton.”

17. This address is clearly in the Town of Milton as evidenced by Respondent’s “Exhibit 3” from the publicly available “myvote.wi.gov” website, that provides the public information on their municipality and voting address. Complainant’s Exhibit D provides no information as to what municipality they alleged the elector actually resided in.

18. Request for Sanctions: *Nomination Paper Challenges, January 2018*, published by the Wisconsin Elections Commission provides that if the Board “finds, by a preponderance of the evidence, that a **challenge** or complaint is frivolous, order the complainant to forfeit up to the greater of \$500 or the expenses incurred by the WEC.” (pg. 1) (emphasis added). Here, the Complainant intentionally or recklessly did not perform the simple search of the “myvote.wi.gov” website to see which municipality was correct for the elector, and provided no evidence for which municipality they assumed the elector resided in. We ask The Commission to find this challenge frivolous resulting in waste of time and effort by the Board, Staff, and Respondent and sanction the Complainant the greater of \$500 or the expenses incurred investigating this challenge.

IV. Relief & Sanctions

19. Respondent asks that The Commission not substantiate the Complainant's challenges to the 4 signatures and electors for with the Respondent has shown in Sections I through III to be valid. With those 4 valid signatures removed from the Complainant's list of 20 challenges, that leaves the Complainant with only 16 acceptable challenges. Given that the Respondent turned in 210 accepted signatures, and subtracting the 16, that leaves the Respondent with 196 valid signatures, before considering supplemental signatures.
20. Prior to the June 1st deadline, the respondent submitted an additional 40 supplemental signatures. A simple review of the respondent's Election Commission file would show these signatures. With the addition of these supplemental signatures the Respondent will be substantially over the needed 200 signatures to achieve ballot access and the Respondent requests that he be placed on the ballot.
21. The Respondent requests a forfeiture or sanctions against the complainant for the three frivolous challenges by the Complainant as detailed in Paragraphs 9, 12, 15, and 18 of this Response.

Respectfully Submitted,

6/7/2018

Date

Jennifer A. Johnson

Respondent

148 E. Johnson St

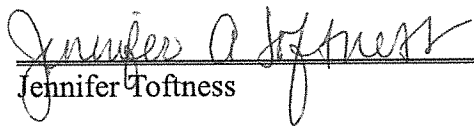
Address

Madison WI 53703

Address

CERTIFICATION

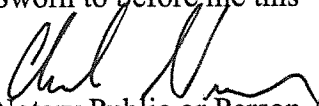
I, Jennifer Toftness, being first duly sworn upon oath, state that I personally read the above complaint and that the above allegations are true and correct based on my personal knowledge and, as to those allegations stated on information and belief, I believe them to be true.



Jennifer Toftness

State of Wisconsin)
) ss
County of Dane)

Sworn to before me this 7th day of June, 2018.

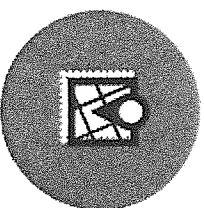

Notary Public or Person Authorized
to Administer Oaths

My commission expires
Or, is permanent.

Exhibit 1

Showing Polling Place for: 11506 N Walnut Ln , FORT ATKINSON, WI 53538-9222

Address incorrect? [Contact your clerk](#) or [search again](#)



Milton Town Hall

23 1st St, Milton, WI 53563-1122 [Get Directions](#)

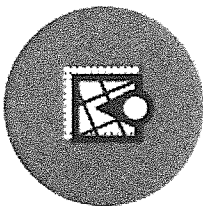
Polling Place Hours: Tuesday, August 14, 2018 7.00 AM - 8.00 PM

Town Of Milton - Ward 1

Exhibit 2

Showing Polling Place for: 8373 N Oak Ridge Dr , MILTON, WI 53563-9708

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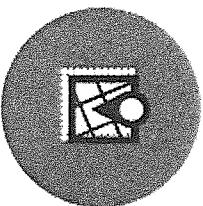
Polling Place Hours: Tuesday, August 14, 2018 7.00 AM - 8.00 PM

Town Of Milton - Ward 1

Exhibit 3

Showing Polling Place for: 4523 E M H Townline Rd , MILTON, WI 53563-9411

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Polling Place Hours: Tuesday, August 14, 2018 7.00 AM - 8.00 PM

Town Of Milton - Ward 1