STATE OF WISCONSIN ELECTIONS COMMISSION

HAD DELIVERED

COMPLAINT FORM

Please provide the following information about yourself:
Name John Petersen
Address 2387 Turnberry Dr. Beloit, WI 53511
Telephone Number 649 - 373 - 4288
E-mail JPP1931 o gmail. com
State of Wisconsin
Before the Elections Commission
The Complaint of John Petersen
, Complainant(s) against
, Respondent, whose
address is 51 S main St. Janesuille, WI 53545
This complaint is under 6 (Insert the applicable sections of law in chs. 5 to 10 and 12 and other laws relating to elections and election campaigns, other than laws relating to campaign financing)
I, John Petersen, allege that:
(See attached complaint and exhibits)

STATE OF WISCONSIN ELECTIONS COMMISSION

COMPLAINT FORM

Please provide the following information about yourself:
Name John Petersen
Address 2387 Turnberry Dr.
Telephone Number 608-373-4288
E-mail jpp1931@gmail.com
State of Wisconsin
Before the Elections Commission
The Complaint of John Petersen
, Complainant(s) against
Lisa Tollefson in her official capacity of Rock County Clerk, Respondent, whose
address is 51 S Main St, Janesville, WI 53545
This complaint is under WI Statute 5.06 (Insert the applicable sections of law in chs. 5 to 10 and 12 and other laws relating to elections and election campaigns, other than laws relating to campaign financing)
I, John Petersen allege that:
(See attached complaint and exhibits)
*

(Set forth in detail the facts that establish probable cause to believe that a violation has occurred. Be as specific as possible as it relates to dates, times, and individuals involved. Also provide the names of individuals who may have information related to the complaint. Use as many separate pages as needed and attach copies of any supporting documentation.) Date: January 21, 2022 Complainant's Signature
John Petersen , being first duly sworn, on oath, state that I personally read
the above complaint, and that the above allegations are true based on my personal knowledge and, as to those stated on information and belief, I believe them to be true.
Complainant's Signature
STATE OF WISCONSIN
County of Rock (county of notarization)
Sworn to before me this 21 day of
Danuary, 2022.
(Signature of person authorized to administer oaths)
My commission expires April 12, 2005, or is permanent.
Notary Public or Unice Sal Personal Barther (official title if not notary)
JACKIE PHAM Notary Public State of Wisconsin
Please send this completed form to:
Mail: Wisconsin Elections Commission

P.O. Box 7984

Madison, WI 53707-7984

Fax: (608) 267-0500

Email: elections@wi.gov

Wisconsin Election Commission Complaint

of John Petersen, Complainant

against

Lisa Tollefson in her official capacity as Rock County Clerk, Respondent

This complaint is brought under Wis. Stat. 5.06

On January 7th, 2022, a formal challenge was filed with the Rock County Clerk challenging the validity of several signatures and signature pages submitted by Mr. Robert Potter. A copy of that challenge is attached as **Exhibit 1**. A press release announcing the Clerk's determination was published January 12, 2022 and is included as **Exhibit 2**. A full copy of the Rock County Clerk's published determination including all exhibits is attached as **Exhibit 3**.

I am a resident and elector of Rock County. I am served by the office of the Rock County Clerk (Lisa Tollefson). The purpose of this complaint is to require the Rock County Clerk to conform her conduct to the law, be restrained from taking any action inconsistent with the law or be required to correct any action or decision inconsistent with the law or any abuse of the discretion vested in her by law.

I allege that the Clerk made several errors or abused her discretion in her determination.

Regarding "Complaint item 1" (Exhibit 3, page 1)

Wisconsin State Statute 8.10 sets forth requirements for nomination for spring elections. Wisconsin State Statute 8.10(3) states "The certification of a qualified circulator under s. 8.15 (4) (a) shall be appended to each nomination paper."

Wisconsin State Statute 8.15(4)(a) states "The circulator shall indicate the date that he or she makes the certification next to his or her signature."

EL 2.05(15)(b) states "An individual signature on a nomination paper may not be counted when any of the following occur: The signature is dated after the date of certification contained in the certificate of circulator."

The certification dates on pages 1, 3, and 4 were completed but upon review by the Clerk were determined to be incorrect or otherwise invalid at the time Robert Potter filed his nomination papers with Rock County Clerk Lisa Tollefson on January 4, 2022. EL 2.05 (3) "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."

Mr. Potter's nomination papers were considered filed when Ms. Tollefson had physical possession of them in accordance with EL 2.05 (2) which says "In order to be timely filed, all nomination papers shall be in the physical possession of the filing officer by the statutory deadline."

According to Exhibit B (Robert Potter's response to the challenge) included in the determination issued by Ms. Tollefson, Mr. Potter admitted to altering the dates stating:

"the date at the bottom of page 1,3 & 4 was altered by myself Robert Potter in front of Rock Co Clerk Lisa Tollefson because I signed and dated the nomination papers when I started circulating the papers, I didn't finish the full page on the initial day therefor I had to correct the date on the bottom of the page."

According to Ms. Tollefson's response to the challenge, she stated "Robert corrected the dates."

Mr. Potter did not add any missing dates or complete any incomplete information, but rather he altered information that was already on the filed documents.

Ms. Tollefson stated "I noticed that the certification dates on his papers corresponded with the dates on line 1 on the each page." The only way Ms. Tollefson would be able to thoroughly inspect "each page," of six pages, was if Mr. Potter filed the papers with the Clerk and the Clerk had physical possession of them. Had the papers not been in Ms. Tollefson's physical possession, Ms. Tollefson would not have been able to inspect all six pages of Mr. Potter's nomination papers.

Please refer to Per Wisconsin Statute Statute 5.06, this complaint may be accompanied by relevant supporting documents. **Exhibit 9** is video footage of the Rock County Clerk's office obtained through the Rock County Sheriff's Department. The video footage shows Robert Potter filed his nomination papers to County Clerk Lisa Tollefson on January 4, 2022. Lisa Tollefson accepted physical possession of these nomination papers and inspected them. After Ms. Tollefson inspected the nomination papers, she handed them back to Robert Potter and Robert Potter altered them. Robert Potter then re-filed his altered nomination papers with Lisa Tollefson.

According to EL 2.05 (4) "errors in information contained in a nomination paper, committed by either a signer or a circulator, may be corrected by an affidavit of the circulator, an affidavit of the candidate, or an affidavit of a person who signed the nomination paper. The person giving the correcting affidavit shall have personal knowledge of the correct information and the correcting affidavit shall be filed with the filing officer not later than three calendar days after the applicable statutory due date for the nomination papers."

Per EL 2.05 (4), the only prescribed method to correct errors is by an affidavit. If a candidate decides to correct the nomination papers, an affidavit is required. EL 2.05(4) does not allow an exception where an affidavit is not needed prior to filing nomination papers. Although the affidavit can be filed before the applicable statutory due date, it can also be filed not later than three calendar days after the applicable statutory due date for the nomination papers.

EL 2.05(4) states "errors in information contained in a nomination paper, committed by either a signer or a circulator, may be corrected by an affidavit of the circulator..." Not every candidate would necessarily need to correct errors; for instance, if a candidate had more signatures than required, he or she could choose to forgo the correction and affidavit. If Mr. Potter wanted to correct errors, and have all signatures counted, he should have done the correction as stated in EL 2.05(4) through an affidavit. Records show that there was no affidavit filed. (Exhibit 4) A verbal statement to the clerk is not sufficient. Mr. Potter altered the dates on his filed signature pages and the result was that several dates are now illegible and there is no accompanying affidavit that shows what the dates were previously or what they were corrected to. As a result, Mr. Potter's nomination pages 1, 3, and 4 (Exhibit 1 and Exhibit 3) are not in compliance with Wisconsin State Statute 8.15(4)(a) which requires that "The circulator shall indicate the date that he

or she makes the certification next to his or her signature." Illegible markings do not indicate dates, and changes must be made through an affidavit.

Regardless of whether or not Ms. Tollefson directed Mr. Potter to alter his original filed Nomination Papers rather than file an affidavit, Wis. Admin. Code § EL 2.05(1) states, "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."

According to the Wisconsin Election Commission document titled "NOMINATION PAPER CHALLENGES - January 2018," section 2(b) (Refer to Exhibit C within Exhibit 3) states:

"The circulator may correct errors in the certificate of the circulator, such as the circulator failed to sign or otherwise complete the certificate, or entered inadvertently erroneous data (for instance: the circulator dated the certificate before circulation, not after). If the circulator has not corrected these errors by affidavit by the correction deadline, the challenge must be approved and the signatures on those pages struck. Recommendations to this effect have been approved in prior cases. (emphasis added)"

I allege that Ms. Tollefson was incorrect to not approve the challenge and not strike the signatures on those pages. It is requested that the Wisconsin Election Commission find that pages 1, 3, and 4 of Mr. Potter's Nomination Papers be declared not filed in conformance with statute and that all signatures on these pages be stricken.

Regarding "Complaint Item 4" (Exhibit 3 pages 2-3)

The original challenge included an email from the Property Manager of Hawk's Ridge Apartments, Paige Jimenez, who manages the apartments located at 1730, 1752, and 1736 Gateway Blvd, in Beloit WI. The property manager was asked to verify the residency of eight signers presented to her. Her emailed response (refer to Exhibit A within Exhibit 3) stated that five individuals who signed do indeed reside within the apartment complex, but three individuals do not reside at addresses listed on signature pages within the apartment complex. The three who do not reside in the Hawk's Ridge apartment complex are:

- Signature page 2 line 7 Josh Fillmore (does not reside at 1730 Gateway Blvd. apt 24)
- Signature page 3 line 6 Sara Munz (does not reside at 1752 Gateway Blvd)
- Signature page 3 line 7— Betty Hawk (does not live at 1736 Gateway Blvd.)

The email verified the above 3 named individuals did not reside at the stated addresses and made no comment with regards to them having or not having a lease.

The County Clerk, in her determination offers:

- 1. The evidence supplied is an email that does not show the recipient.
- 2. There is no affidavit or notarized document to show additional authenticity.
- 3. In many instances, not all occupants of an apartment are on the lease.
- 4. The challenged candidate states in his response that he asked each individual if they lived at the residence.

My responses to each of the above statements are as follows:

- The recipient of the email is not relevant and the clerk gives no explanation as to why the name of the recipient is critical to the challenge. The apartment manager's emailed responses would be the same regardless of the email recipient.
- 2. The email from the property manager is included here as Exhibit A of Exhibit 3. In her determination (Exhibit 3), the Clerk offers no reason to suspect that the email is not authentic. Emails cannot arrive notarized. The entire challenge, which included the email, was notarized before being accepted by the Clerk. The Property manager, Paige Jimenez's email address (paige@teronomy.com) was included in the email and if the Clerk had a concern of authenticity she could have emailed the property manager to confirm her position and the information. Per Exhibit 4, the Clerk did not email the property manager.

EL 2.05(3) Treatment and sufficiency of nomination papers ... "Where circumstances and the time for review permit, the filing officer may consult maps, directories and other extrinsic evidence to ascertain the correctness and sufficiency of information on a nomination paper."

EL 2.07(1) Challenges to nomination papers..."the local filing officer shall review any verified complaint concerning the sufficiency of nomination papers of a candidate for local office that is filed with the local filing officer under s. 8.07, Stats. The filing officer shall apply the standards in s. EL 2.05 to determine the sufficiency of nomination papers, including **consulting extrinsic sources of evidence** under s. EL 2.05 (3)."

If there was a genuine concern of email authenticity, an email from the County Clerk to the property manager would have confirmed authenticity with minimal time and resources required by the Clerk.

Per Wisconsin Statute Statute 5.06, this complaint may be accompanied by relevant supporting documents. Attached is **Exhibit 5** which is a signed and witnessed letter from the property manager, Paige Jimenez stating she did indeed send the email confirming that three of the signatures in question were not residents of Hawk's Ridge residents.

- 3. "Per Wisconsin Statute Statute 5.06, "the complaint may be accompanied by relevant supporting documents." See Exhibit 6, which is a signed and witnessed statement from property manager Jimenez confirming that all tenants residing at Hawks Ridge Apartments are required to be included on the lease rental agreement. It's unclear why the Clerk even mentions a lease in her determination. She made the statement that "in many instances, not all occupants of an apartment are on the lease," but she offers nothing to support that statement. The law requires that signers reside at the given address. In her email, the property manager stated quite definitely that three individuals who signed Mr. Potter's papers do not live at the addresses they listed on the signature pages. Only one of the three non-residents who signed Mr. Potter's papers listed an apartment number. A visit to that apartment at 1730 Gateway Blvd. Apt 24, resulted in a signed and witnessed statement confirming that Josh Fillmore does not live at the apartment, and the tenant is Mr. Alex Short. See Exhibit 7. Mr. Potter also collected a signature from the resident at the same address in 2020, and records show (Exhibit 8, line 3) that Mr. Alex Short was the resident then as well.
- 4. By signing the signature pages, the circulator, Mr. Potter, in this case, certifies that he knows "that the signers are electors of the jurisdiction or district the candidate seeks to represent....I know their respective residences given." Mr. Potter did not know. It is proven that he obtained the

signature of a nonresident, Josh Fillmore allegedly from apartment 24 at 1730 Gateway Blvd (Exhibit 7). The actual tenant has confirmed by signed statement that Josh Fillmore does not live at that address. The property manager has signed a statement that confirms two other signatures are also from nonresidents: Betty Hawk and Sara Munz. Mr. Potter says that he asked each signer if they lived at the residence, but offered no evidence that he actually did ask each signer or that he asked the three specific signers in question. Even if Mr. Potter did ask each signer if they lived at the residence, he offered no proof that the signers were being truthful. The evidence actually shows that not all signers actually do reside at their address listed next to their signatures. Mr. Potter certified that he knew each signer's respective residence; he did not. The three signatures of Fillmore, Munz, and Hawk should be disqualified.

The email from Property Manager Jimenez was both clear and convincing evidence that Josh Fillmore, Sara Munz, Betty Hawk did not reside at the addresses listed on Mr. Potter's nomination papers. This email was particularly convincing for several reasons.

First, the email from Property Manager Jimenez was convincing because it was overwhelmingly favorable to Mr. Potter by confirming that 5 of the 8 (63%) individuals in question did in fact reside at the addresses listed on Mr. Potter's nomination papers. It is unlikely that an inauthentic email submitted by a challenger would be mostly favorable to the candidate being challenged unless it was in fact authentic.

Second, Property Manager Jimenez's email was convincing by being able to identify apartment numbers for all 5 of the confirmed residents, while Mr. Potter's nomination papers lacked apartment numbers for 4 of these 5.

Third, Property Manager Jimenez's email was convincing because the property manager was able to produce the correct name spelling of signer Roylen Peraza (page 2, line 3) which was illegible on the nomination papers. This additional information provided by the property manager – corrected name spellings and addition of apartment numbers – supplied in the email that was submitted as evidence to the Clerk should have helped establish the authenticity of the email and its content.

Finally, apartment numbers are not required on the signature pages, but providing them would have made it possible to obtain written statements from the other two signers that the property manager states do not reside at those addresses. Mr. Potter's only response to the statement that three signers do not live in the Hawk's Ridge Apartments is that "everyone who signed told me they lived in the apartment." He did not produce any proof of that when the signatures were challenged and the property manager maintains that three of the signers do not live at those addresses. (It should be noted that Mr. Potter did obtain notarized proof that other signatures challenged at other addresses were valid, but he did not prove that the three from the apartment were valid.)

EL 2.07(3)(a) The burden is on the challenger to establish any insufficiency. If the challenger establishes that the information on the nomination paper is insufficient, the burden is on the challenged candidate to establish its sufficiency.

EL 2.07(4), "The filing officer shall examine any evidence offered by the parties when reviewing a complaint challenging the sufficiency of the nomination papers of a candidate for state or local office. The burden of proof applicable to establishing or rebutting a challenge is clear and convincing evidence.

I believe the email from Property Manager Jimenez provided by the challenger was clear and convincing evidence that Josh Fillmore, Sara Munz, Betty Hawk did not reside at the addresses listed on Mr. Potter's

5

nomination papers. As such, I believe the challenger met their burden to establish an insufficiency. The response by Mr. Potter was not sufficient and Mr. Potter did not meet his burden to properly provide clear and convincing evidence to refute the challenge. Mr. Potter did refute other challenges by providing signed affidavits from other signers and had the opportunity to do the same for Josh Fillmore, Sara Munz, and Betty Hawk but was unable to do so. For the reasons stated herein, the 3 signatures for Josh Fillmore, Sara Munz, and Betty Hawk should be stricken and declared invalid, resulting in their removal from the total number of valid signatures obtained by Mr. Potter.

I allege that Ms. Tollefson was incorrect to not approve the challenge to the three non-resident signatures allegedly obtained at Hawk's Ridge Apartments:

- Signature page 2 line 7 Josh Fillmore (does not reside at 1730 Gateway Blvd. apt 24)
- Signature page 3 line 6 Sara Munz (does not reside at 1752 Gateway Blvd)
- Signature page 3 line 7— Betty Hawk (does not live at 1736 Gateway Blvd.)

The Complainant requests that the Wisconsin Elections Commission decide in favor of the Complainant and that the Respondent be required to correct her decision issued in response to the original challenge in accordance with the law.

Dated: January 21, 2022

John Petersen

JACKIE PHAM
Notary Public

State of Wisconsin

Exhibit List

- **Exhibit 1 -** The original challenge made to Rock County Clerk Lisa Tollefson of Robert Potter's nomination papers.
- Exhibit 2 A press release dated January 12, 2022 showing that the Rock County Clerk determined no signatures were disqualified for Robert Potter.
- **Exhibit 3** A copy of the decision made by the Rock County Clerk regarding the challenge of Robert Potter's nomination papers. This includes Exhibit A, Exhibit B, and Exhibit C.
- Exhibit 4 An open records request received from the Rock County Clerk showing that Robert Potter did not use an affidavit to correct his nomination papers and that no record exists showing the Rock County Clerk made any attempt to verify the email from apartment manager Paige Jimenez.
- Exhibit 5 A signed and witnessed letter from apartment manager Paige Jimenz confirming she sent the email that was part of Exhibit A within the Rock County Clerk's decision (Exhibit 3) and confirmed that three of Robert Potter's signers do not reside at the address listed.
- **Exhibit 6** A signed and witnessed letter for apartment manager Paige Jimenz that states all residents are required to be on the lease.
- Exhibit 7 A signed and witnessed letter from Mr. Alex Short states that Josh Fillmore does not live in his residence located at Apartment 24 at 1730 Gateway Blvd, Beloit, WI.
- Exhibit 8 Page 2 of Robert Potter's nomination signatures for the April 2020 election that shows Mr. Alex Short (line 3) signed for Robert Potter and resided at 1730 Gateway Blvd.
- **Exhibit 9** Video footage obtained from the Rock County Sheriff's Department showing Clerk possession of the signature papers before returning papers to Mr. Potter for changes to the dates. Footage was from Rock County Clerk's office on January 4, 2022.

Consider this a formal request and complaint to investigate and remove unqualified nomination signatures for Robert Potter, Incumbent and Candidate for Rock County, WI Supervisor District 17.

Unqualified signatures are referenced by line number and page number as indicated in the lower right hand corner of the submitted nomination pages.

Reasons for Signature Removal:

- 1. Per Wisconsin State Statute 8.40(2): "The circulator shall indicate the date that he or she makes the certification next to his or her signature." On pages 1, 3, and 4 the certification date of the circulator is not legible and/or it appears to be altered. Therefore, all signatures on pages 1, 3, and 4 must be deemed not valid and removed from the candidate's total. Falsifying the certification is punishable under s. 12.13 (3) (a).
- Page 1 Disqualify all 10 Signatures
- Page 3 Disqualify all 8 Signatures
- Page 4 Disqualify all 9 Signatures
- 2. Page 4, line 9 & 10 does not have the box for city or town checked. These 2 signatures should be disqualified.
- 3. Page 2, lines 1-5 and Page 3, lines 1-7 are not complete addresses as apartment numbers are not listed and signatures should be removed. Wisconsin State Statute 8.40(1) states that "Each signer of such a petition shall affix his or her signature to the petition, accompanied by his or her municipality of residence for voting purposes, the street and number, if any, on which the signer resides, and the date of signing." The apartment number is part of the street number on an address and because it is missing, it should be disqualified. This results in 12 signatures to be disqualified.
- 4. According to an email (attached) from Paige Jiminez, the Property Manager at Hawk's Ridge Apartments, the names of 3 signers have never lived at that address and therefore all 3 signatures should be removed and disqualified from the candidate's total:
- Josh Fillmore page 2 line 7
- Sara Munz page 3 line 6
- Betty Hawk page 3 line 7
- 5. Page 3, line 5, 6, and 7 all have illegible/altered dates. All 3 signatures should be removed, as per state statute 8.40(1) "The date of signing is required" and "No signature is valid under this subsection unless the signer satisfies the requirements under this subsection."
- 6. Page 6, line 6 There is no record of "Josh Warenn" at that address or anywhere in Rock County. This signature appears to be falsified.

- 7. Based on the handwriting, it appears obvious that a single individual signed multiple times under different names. This is only permitted if the voter has a disability and there is no evidence of this. The following signatures should be disqualified based on handwriting analysis::
- Page 1 lines 3 and 4. The same individual signed both names on these lines...
- Page 6 line 5 and 6. The same individual signed both names on these lines. Furthermore, the handwriting on these lines matches the handwriting of Robert Potter who is both the candidate and the individual who signed to certify the signatures on this page. Falsifying the certification is punishable under s. 12.13 (3) (a). Whoever violates is guilty of a Class I felony. It is recommended these signatures are investigated by a handwriting expert and if it is determined that Robert Potter falsified these signatures and the certification of those signatures, he should be charged with a Class I felony and be ineligible to hold public office.

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8. Page 1, line 5 - Jay Boschi does not reside at this address. It is the home of his parents John and Mary. He resides at 602 Stoecker Farm Ave, Mukwonago, WI 53149-8278. This signature should be disqualified.

After removing the above complaints, candidate Robert Potter should be disqualified from his name appearing on the ballot for Rock County District Supervisor #17 as his total number of qualified signatures is below 50.

Date:	January 7, 2022	

Sincerely

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Robert Potter 2518 Hawthorne Dr. Beloit TRE 04/05/2022 WI 53511 Rock County Board of Supervisor

If the underragned, request that the candidate, whose some and residential address are lated above, the placed on the halist at the discion described above as a candidate so that voters will be a discount on the candidate of the Rock County Board of Supervisory District 17 Residential Address (No P.O. Box Addresses) Street and Number or Rural Route (Rural address must also writisks box or fire no.) Signatures of Electors Printed Name of Electors Date of Signing Mo/Day/Year Robert Potter 2518 Howthorne Dr Bloit 1/1/22 226262 2262 Winchester Belot Cor Bosch TAY 2244 WINCHESTER DO BELO, + Mary Boschi 2246 WINCHEST- Dr -2-7022 Lynette Collins 2 Preloit auts Chutunan DV. 17.88 Charles E. Collins 2645 Charsworth Dr. 1-2:22 Acen N. Walsh 4719 E Needhan Rd 01/02/22 Tutle Danielle Propagio 4719 I need him Ed 01/02/22 CERTIFICATION OF CIRCULATOR CERTIFY: I reside at 2.518 I Turther certify I am either a qualified elector of Wisconsin, or a U.S. chizen, age 18 or older who, if I were a resident of this state, would not be disqualified from vuling under Wis. Stat. § 6.03. I personally circulated this normalion paper and personally obtained each of the signatures on this paper. I know that the signers are electors of the jurisdiction or district the candidate veeks to represent. I know that each paper with full knowledge of its content on the data philicated opposite is or her name. I know their respective residences given. I intent to support the candidate, I am aware that fastifying rists certification is punishable under Wis Stat. § 12.13[3](a).

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04/05/2022 spring U special 2518 Hawthorne Dr. Beloit WI 53511 late seed office (required) reprint if con Li Branch District 17 Rock County Board of Supervisor Rock County Board of Supervisory District 17 the underlighed, request that the candidate, whose name and residential address are listed above, be placed on the ballot at the election described above as a candidate so that outers will have the opportunity to vote for \Box him or \Box her for the office listed above. I am eligible to vote in the jurisdiction or district in which the candidate named above seeks office. I have not signed the nomination appear of any other candidate for the same office at this election. The municipality used for malling purposes, when different than municipality of residence, is not sufficient. The name of the municipality of residence must all Residential Address (No P.O. Box Addresses)
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(Kural address must also Include box or fire no.) Municipality of Residence Check the type and write the name of your municipality for voting Signatures of Electors Printed Name of Electors Date of Signing Mo/Day/Year purposes. 01-03-27 3 Beloit Michelle Dodson elle Dod 1.3,22 Marline K. Holm Marline Holmes 1-3-22 3/22 NOTE BOGGS 2592 HOWHLORIFE DR 3/22 25% Hawther new X 6014 2530 Howthona Balo.t Johns 5 STEVEN JOHNSON BELOUT 2775 E COUNTY RD. 9 1-3-21 Belost 27.25 E COUNTY RD S 3-21 CERTIFICATION OF CIRCULATOR Threen certify: I reside at I further certify I am either a qualified electro of Wisconsin, or a U.S. citizen, age 18 or older who, if I were a resident of this state, would not be disqualified from voting under Wis. Stat. 56.03. I personally circulated this nomination paper and personally obtained each of the signatures on this paper. I know that the signers are electros of the jurisdiction or district the candidate seeks to represent. I know that each person signed the paper with full knowledge of its content on the date indicated opposite his or her name. I know their respective residences given. I intend to support this candidate. I am aware that

[bash] plus certification is quantitable under Wis. Stat. § 12.13(3)(a).

[bash] [bash

Page No. 5

EL-169 | Nev. 2019-10 | Wisconsin Elections Commission, P.O. Box 7084, Madison, Wi 53707-7984 | 608-261-2028 | web: elections witgov | email elections@migro

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-169 Rev. 2019-10 Wisconsin Election, Commission, P	O Box 7094 Madican Mil	A	11 500 251 2020	fairmand contains		_		Page	No. 6	

From: Paige Jimenez <paige@teronomy.com>

Subject: RE: Residency Verification - Audit for District 17 in Rock County Wisconsin (Please verify 8

Date: January 6, 2022 at 4:44:03 PM CST

To: "

Hi

Thank you for your email - I am the Property Manager of Hawk's Ridge Apartments!

Below is the information you requested:

1730 Gateway Blvd - 5 Residents to Verify:

Chris Brown - 1730 Gateway Blvd. #009 Beloit, WI 53511 - yes, he is a resident at this address!

Tammy Ziemer - 1730 Gateway Blvd. #003 Beloit, VM 53511 - yes, she is a resident at this address!

Brylen Peruza – Incorrect Name Spelling – Roylen Peraza is a resident at 1730 Gateway Blvd. #002 Beloit, WI 53511

Josh Fillmore - Does not live here/Never has at this address!

Kelsey Kirschbaum - 1730 Gateway Blvd. #019 Beloit, WI 53511 - yes, she is a resident at this address!

1752 Gateway Blvd - 2 Residents to Verify:

Ben Johnson - 1752 Gateway Blvd. #312 Beloit, WI 53511 - I have a Ben Johnson in unit #312, but never #311!

Sara Munz - No record of her ever living here!

1736 Gateway Blvd - 1 Resident to Verify:

Betty Hawk - No record of her ever living here!

I hope this helps – Please let me know if you have any further questions or concerns! @

Thanks,

EXhibit 2

ROCK COUNTY, WISCONSIN
Office of the Rock County Clerk
51 South Main Street
Janesville, WI 53545

Lisa Tollefson, Rock County Clerk



Office (608) 757-5660 Fax (608) 757-5662 www.co.rock.wi.us Lisa.Tollefson@co.rock.wi.us

***** PRESS RELEASE *****

January 12, 2022

Determinations for Challenges to Nomination Papers Completed

The Rock County Clerk has completed determinations to challenges to nomination papers for Lucas Carter (Candidate for County Supervisor District 12) and Robert Potter (Candidate for County Supervisor District 17). Six signatures were disqualified for Lucas Carter. No signatures were disqualified for Robert Potter. Both candidates have qualified for ballot placement.

Determinations can be found at: https://www.co.rock.wi.us/county-clerk-press-releases

Lisa Tollefson Rock County Clerk

Exhibit 3

ROCK COUNTY, WISCONSIN Office of the Rock County Clerk 51 South Main Street Janesville, WI 53545

Lisa Tollefson, Rock County Clerk



Office (608) 757-5660 Fax (608) 757-5662 www.co.rock.wi.us Lisa.Tollefson@co.rock.wi.us

January 11, 2022

Response and Determination:

To Formal Complaint to Remove Unqualified Nomination Signatures for Robert Potter, Candidate for County Supervisory District 17

Parties are allowed to file nomination paper challenges with the appropriate filing officer. For Rock County Board Supervisor contests, the filing officer is the Rock County Clerk, Lisa Tollefson. On January 7, 2022 the complaint, "Exhibit A", was delivered to the Rock County Clerk. The document was notarized, but the name the complainant is unreadable. Leaving the Rock County Clerk no way to directly respond to the complainant. The complaint was delivered by email to the candidate challenged the same day as received, meeting the requirement for the filing officer to deliver the complaint within 24 hours of receipt. The candidate challenged delivered his response "Exhibit B" within the three calendar days of the challenge being filed.

As filing officer, I then examined any evidence offered by the parties when reviewing the complaint challenging the sufficiently of the nomination papers.

The burden is on the challenger to establish, by clear and convincing evidence, any insufficiency of the nomination papers and if the challenger does so, the burden then shifts to the challenged candidate to establish that the nomination papers or any challenged signatures are sufficient. Wis. Admn. Code EL §§ 2.07(2) and (3).

Below is the filing officer's determination of each item in the complaint.

Complaint Item 1.

- Per Wisconsin State Statute 8.40(2): "The circulator shall indicate the date that he or she makes the certification next to his or her signature." On pages 1, 3, and 4 the certification date of the circulator is not legible and/or it appears to be altered. Therefore, all signatures on pages 1, 3, and 4 must be deemed not valid and removed from the candidate's total. Falsifying the certification is punishable under s. 12.13 (3) (a).
- Page 1 Disqualify all 10 Signatures
- Page 3 Disqualify all 8 Signatures
- Page 4 Disqualify all 9 Signatures

<u>Determination of Item 1</u>: When Robert Potter was about to submit his nomination papers to me, Rock County Clerk Lisa Tollefson, I noticed that the certification dates on his papers corresponded with the dates on line 1 on the each page. Without pointing out this error. I asked Robert Potter if he personally watched each person sign his papers. He

stated "Yes". Then I pointed out that the certification date should be the same date as or a date later than the last person signing to signify that you had personally watched each person sign the papers. Robert thought that he needed to date the certification the day he started getting signatures. Robert corrected the dates. Robert Potter was not falsifying the certification, he was correcting it. No signatures will be disqualified per Item 1.

Complaint Item 2.

2. Page 4, line 9 & 10 does not have the box for city or town checked. These 2 signatures should be disqualified.

<u>Determination of Item 2</u>: Using guidance from the Wisconsin Elections Commission document "Nomination Paper Challenges - January 2018" Page 7.

"The Commission and its staff have advised candidates and challengers that a signatory's failure to check the correct box to indicate "Town, Village or City" is not a basis for disqualifying a signature unless a challenger can show that the given address is outside the subject jurisdiction or district. For instance, the challenger needs to show that a given address has to be in the Village of X, not in the Town of X and, therefore is outside District Y. The signatory's error or omission in checking a box on a form is not sufficient evidence for a challenge."

It was determined by the Rock County Clerk's staff prior to approving the signatures on lines 9 & 10 that the addresses are in District 17. No signatures will be disqualified per Item 2.

Complaint Item 3.

3. Page 2, lines 1-5 and Page 3, lines 1-7 are not complete addresses as apartment numbers are not listed and signatures should be removed. Wisconsin State Statute 8.40(1) states that "Each signer of such a petition shall affix his or her signature to the petition, accompanied by his or her municipality of residence for voting purposes, the street and number, if any, on which the signer resides, and the date of signing." The apartment number is part of the street number on an address and because it is missing, it should be disqualified. This results in 12 signatures to be disqualified.

<u>Determination of Item 3</u>: Using guidance from the Wisconsin Elections Commission document "Nomination Paper Challenges - January 2018" Page 7.

"Staff has recommended that signatures be found in substantial compliance where the insufficiency is a missing apartment number. This recommendation has been approved in prior cases."

No signatures will be disqualified per Item 3, since the addresses are substantially in compliance.

Complaint Item 4.

- 4. According to an email (attached) from Paige Jiminez, the Property Manager at Hawk's Ridge Apartments, the names of 3 signers have never lived at that address and therefore all 3 signatures should be removed and disqualified from the candidate's total:
- Josh Fillmore page 2 line 7
- Sara Munz page 3 line 6
- Betty Hawk page 3 line 7

<u>Determination of Item 4</u>: The only evidence supplied by the challenger is an email that has been altered to not show the recipient. There is no affidavit or notarized document to show additional authenticity. In many instances, not all occupants of an apartment are on the lease. The challenged candidate states in his response that he asked each individual if they lived at the residence. "Everyone who signed told me they lived in the apartment." I do not believe the challenger has meet the burden to establish insufficiency in Item 4. No signatures will be disqualified.

Complaint Item 5.

5. Page 3, line 5, 6, and 7 all have illegible/altered dates. All 3 signatures should be removed, as per state statute 8.40(1) "The date of signing is required" and "No signature is valid under this subsection unless the signer satisfies the requirements under this subsection."

<u>Determination of Item 5</u>: Using guidance from the Wisconsin Elections Commission document "Nomination Paper Challenges - January 2018" Page 9.

"Wis. Admn. Code EL § 2.05(15)(a) allows for a signature to survive an incomplete date challenge if "the date can be determined by reference to the dates of other signatures on the paper." In the past, the Board policy has required that signatures on the first and last line of a nomination paper contain the complete date information, and not allowed missing date information on those lines to be determined by reference to the dates of other signatures on the page. However, in the context of a court case challenging the Board's application of Wis. Admn. Code EL § 2.05(15)(a), the WI Department of Justice (DOJ) has advised that the Board's interpretation of that rule was too restrictive in that it required incomplete dates to be "bracketed" by complete dates. The DOJ recommended that the Board equally apply the principle of determining missing date information by reference to other information on the page, even if the incomplete date appeared on the first or last signature line. This recommendation has been approved in prior cases."

As often happens at the beginning of the January, individuals must accustom themselves to the change in the year when writing dates. Finding dates that have been written over are understandable. The dates in question are also brackets by correct dates above and below. No signatures will be disqualified.

Complaint Item 6.

6. Page 6, line 6 - There is no record of "Josh Warenn" at that address or anywhere in Rock County. This signature appears to be falsified.

<u>Determination of Item 6</u>: The challenger gives no evidence to support their claim. No signatures will be disqualified.

Complaint Item 7.

- 7. Based on the handwriting, it appears obvious that a single individual signed multiple times under different names. This is only permitted if the voter has a disability and there is no evidence of this. The following signatures should be disqualified based on handwriting analysis::
- Page 1 lines 3 and 4. The same individual signed both names on these lines.
- Page 6 line 5 and 6. The same individual signed both names on these lines. Furthermore, the handwriting on these lines matches the handwriting of Robert Potter who is both the candidate and the individual who signed to certify the signatures on this page. Falsifying the certification is punishable under s. 12.13 (3) (a). Whoever violates is guilty of a Class I felony. It is recommended these signatures are investigated by a handwriting expert and if it is determined that Robert Potter falsified these signatures and the certification of those signatures, he should be charged with a Class I felony and be incligible to hold public office.

<u>Determination of Item 7</u>: The challenged candidate provided notarized documents from Tim Quin, Lori Quin and Jeffery Potter stating they signed Robert Potter's nomination papers. No signatures will be disqualified.

Complaint Item 8.

8. Page 1, line 5 - Jay Boschi does not reside at this address. It is the home of his parents John and Mary. He resides at 602 Stoecker Farm Ave, Mukwonago, WI 53149-8278. This signature should be disqualified.

<u>Determination of Item 8</u>: Using guidance from the Wisconsin Elections Commission document "Nomination Paper Challenges - January 2018" Page 7.

"A complaint challenging the eligibility of a signatory to a nomination paper based on the signer's non-residency must be accompanied by reference to MyVote Wisconsin or "Who is My Legislator?" web searches, by a map of the district demonstrating that the address is outside the district, or by a signed statement from the election official, (municipal clerk or deputy clerk), whose responsibility it is to determine the residency of electors of the district. Without such references, the complainant challenger's bare assertion of the signer's non-residency is not sufficient to sustain the challenger's burden of proof."

The challenger has not provided sufficient proof the individual does not live in the district. The signature will not be disqualified.

The challenger failed to provide sufficient evidence to disqualify any signatures. Robert Potter remains a candidate for Rock County Supervisory District 17.

Lisa Tollefson

Rock County Clerk

Exhibit A - Complaint to Remove Unqualified Nomination Signatures

Exhibit B - Challenged Candidate Response to Complaint

Exhibit C - Wisconsin Elections Commission - Nomination Paper Challenges (Jan 2018)

Exhibit D – Chapter EL 2 Election Related Petitions

Exhibit A

RECEIVED
JAN 0 7 2022

Consider this a formal request and complaint to investigate and remove unqualified nomination signatures for Robert Potter, Incumbent and Candidate for Rock County, WI Supervisor District 17.

Unqualified signatures are referenced by line number and page number as indicated in the lower right hand corner of the submitted nomination pages.

Reasons for Signature Removal:

- 4. Per Wisconsin State Statute 8.40(2): "The circulator shall indicate the date that he or she makes the certification next to his or her signature." On pages 1, 3, and 4 the certification date of the circulator is not legible and/or it appears to be altered. Therefore, all signatures on pages 1, 3, and 4 must be deemed not valid and removed from the candidate's total. Falsifying the certification is punishable under s. 12.13 (3) (a).
- Page 1 Disqualify all 10 Signatures
- Page 3 Disqualify all 8 Signatures
- Page 4 Disqualify all 9 Signatures
- 2. Page 4, line 9 & 10 does not have the box for city or town checked. These 2 signatures should be disqualified.
- 3. Page 2, lines 1-5 and Page 3, lines 1-7 are not complete addresses as apartment numbers are not listed and signatures should be removed. Wisconsin State Statute 8.40(1) states that "Each signer of such a petition shall affix his or her signature to the petition, accompanied by his or her municipality of residence for voting purposes, the street and number, if any, on which the signer resides, and the date of signing." The apartment number is part of the street number on an address and because it is missing, it should be disqualified. This results in 12 signatures to be disqualified.
- 4. According to an email (attached) from Paige Jiminez, the Property Manager at Hawk's Ridge Apartments, the names of 3 signers have never lived at that address and therefore all 3 signatures should be removed and disqualified from the candidate's total:
- Josh Fillmore page 2 line 7
- Sara Munz page 3 line 6
- Betty Hawk page 3 line 7
- 5. Page 3, line 5, 6, and 7 all have illegible/altered dates. All 3 signatures should be removed, as per state statute 8.40(1) "The date of signing is required" and "No signature is valid under this subsection unless the signer satisfies the requirements under this subsection."
- 6. Page 6, line 6 There is no record of "Josh Warenn" at that address or anywhere in Rock County. This signature appears to be falsified.

- 7. Based on the handwriting, it appears obvious that a single individual signed multiple times under different names. This is only permitted if the voter has a disability and there is no evidence of this. The following signatures should be disqualified based on handwriting analysis::
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8. Page 1, line 5 - Jay Boschi does not reside at this address. It is the home of his parents John and Mary. He resides at 602 Stoecker Farm Ave, Mukwonago, WI 53149-8278. This signature should be disqualified.

TAYLOR BRAUN

Notary Public
State of Wisconsin

After removing the above complaints, candidate Robert Potter should be disqualified from his name appearing on the ballot for Rock County District Supervisor #17 as his total number of qualified signatures is below 50.

Sincerely,

Date: January 7, 2022

Braun

Page 2 of 9

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From: Paige Jimenez <paige@teronomy.com>

Subject: RE: Residency Verification - Audit for District 17 in Rock County Wisconsin (Please verify 8 people)

Date: January 6, 2022 at 4:44:03 PM CST

To: "

н

Thank you for your email - I am the Property Manager of Hawk's Ridge Apartments!

Below is the information you requested:

1730 Gateway Blvd - 5 Residents to Verify:

Chris Brown - 1730 Gateway Blvd, #009 Beloit, WI 53511 - yes, he is a resident at this address!

Tammy Zlemer - 1730 Gateway Blvd. #003 Beloit, WI 53511 - yes, she is a resident at this address!

Brylen Peruza – Incorrect Name Spelling – Roylen Peraza is a resident at 1730 Gateway Blvd. #002 Beloit, WI 53511

Josh Fillmore - Does not live here/Never has at this address!

Kelsey Kirschbaum - 1730 Gateway Blvd. #019 Beloit, WI 53511 - yes, she is a resident at this address!

1752 Gateway Blvd - 2 Residents to Verify:

Ben Johnson – 1752 Gateway Blvd. #312 Beloit, WI 53511 – I have a Ben Johnson in unit #312, but never #311!

Sara Munz - No record of her ever living here!

1736 Gateway Blvd - 1 Resident to Verify:

Betty Hawk - No record of her ever living here!

I hope this helps - Please let me know if you have any further questions or concerns!

Thanks,

Exhibit B





I Robert Potter would like to respond to the formal request to invalidate and remove me from the ballot for April's election

In response to reason number one, the date at the bottom of page 1,3 & 4 was altered by myself Robert Potter in front of Rock Co Clerk Lisa Tollefson because I signed and dated the nomination papers when I started circulating the papers, I didn't finish the full page on the initial day therefor I had to correct the date on the bottom of the page.

In response to Reason number two, on page 4 line 9 & 10 the complaint is correct my next-door neighbors mistakenly forgot to check the box indicating if they reside in the city, town or village. I didn't notice the error prior to submitting my papers. But I have read the challenge and understand that this is not valid reason to disqualify the signature.

In response to reason number three, on page 2 lines 1-5 and page 3 lines 1-7 are not completed addresses because the apartment numbers are not listed. I have read the challenge and understand that this is not a valid reason to disqualify the signatures.

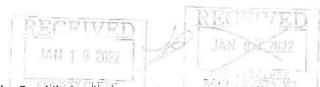
In response to reason number four, the email from the property manager at hawk's ridge apartments I wasn't aware it was legal for the property manager to release the names of its residence to private citizens asking. I can't dispute the claims that 3 of the signers are not on the lease of the apartment but I can say that when I knock on doors and people answer I ask if the live at the residence. If they answer yes that's when I ask them to sign my nomination papers, how do I know if they're the significant other of the lease holder or the person renting the apartment. Everyone who signed told me they lived in the apartment.

In response to reason number five, page three line 5, 6 & 7 all have altered dates its true all three have sloppily written dates. It was the second day of the new year, and some people weren't careful printing the date on the page.

In response to reason number six, page six line six when I ask people to sign the nomination papers, I don't ask to see a drivers license to prove their name and address when a person says they live at an address I wasn't aware I needed to verify the information myself.

In response to reason number seven, the handwriting which is "OBVIOUS" that a single induvial signed multiple times under multiple different names is complete Bull Shit and I am sorry I used this language but I am so upset that people can make these fact less accusations I have paid to have a public notary witness my signers on page 1 lines 3 & 4 write out an affidavit that they themselves filled out their names on the paperwork submitted. These people have signed my nomination forms every time I have run for office.

In response to page 6 line 5 & 6 line 5 is jeff potter my cousin who signed his own name directly below his fiancé, he was out of town ice fishing for the week when I had the public notary available my hope is he will be home Monday prior to turning in my response to all this. As far as the signer on line 6 I have no idea who this Josh Warenn is he is a guy who was at my cousins apartment complex who just happen to be walking by when were outside he gave said he lived in lathers woods which is in my district so he signed.



Finally response to complaint number 8, page 1 line 5 Jay Boschi's legal name is John but I've known him my entire life and he has always gone by Jay and he has signed my previous nomination papers as Jay also. The person who filed the complaint did some good research his sons name is Jay who does live in Mukwonago he is a fire fighter there I grew up playing hockey with him.

In closing if I'm removed from the ballot for a reason of someone not being on a lease at the apartment complex they told me they lived at I will understand I guess going forward I'll have to ask for proof of residence. But I will not standby and let someone make false claims of me falsifying papers by signing a persons name, I run for this position to try to make my community a better place not to be accused of illegal actions.

Subscribed and sworn to before me this 10th day of Jan 2

Notary Public, Rock County, W1

Commission Expires_

1 Jeff Potter signed Robert Potter nomination papers for County Board Supervisor on January 3rd, 2022 outside of my home at 2937 Kensington Beloit Wi. As indicated on page 6 of his papers he submitted.

Jeffreyk Potter Jobbry Hotter 1/10/22 PIAN KO TO

IAM TO 2022

Signed before me on 1/10/2022 Thate of WI country of ROCK COMMISSION expires 11/12-24



I Cori Quinn signed Robert Potter nomination papers for Rock County Board of Supervisors on January 2, 2022 in our home located at 2262 winchester Dr. Beloit, wi as indicated on page 1 of his papers he susmitted.

Soi C Quin

I certify on this 8th day of Jamony 2022, that the signature of Lori C. Quinn is true and official.



Rhonda Amold Notary Public

Exp 3-11-2025



1 Tim Quim signed Robert Potters

nomination papers for Kock County

Board of supervisors on 1-2-22

In our home Located at 2262

wincester Drive Beloit WI as Indicated

on page I of the papers he subnitted

Tim Quim

I certify on this 8th day of January 2022, that the signature of Tim Quinn is true and official.



Rhonda Arnold Notary Public

Exp. 3-11-2025



Exhibit C

NOMINATION PAPER CHALLENGES

January 2018



Wisconsin Elections Commission 212 East Washington Avenue, Third Floor P.O. Box 7984 Madison, WI 53707-7984

Phone: (608) 266-8005 FAX: (608) 267-0500 http://elections.wi.gov

Introduction

Parties wishing to challenge nomination papers of state and federal candidates file such challenges with the Wisconsin Elections Commission (WEC). Parties wishing to appeal a decision of a local election official regarding nomination papers or challenges related to local candidates may also file a complaint with the WEC. In either case, parties are reminded that the Board may, if it 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. in investigating the complaint.

The requirements and standards related to nomination papers and challenges to nomination papers are governed generally by Ch. 8, Wis. Stats, and EL Ch. 2, Wis. Admn. Code. Pursuant to Wis. Admn. Code EL §2.05(5), "where a required item of information on a nomination paper is incomplete, the filing officer shall accept the information as complete if there has been substantial compliance with the law." Furthermore, any information on a nomination paper is entitled to a presumption of validity. Wis. Admn. Code EL § 2.05(4). Both challenges and responses must be verified (notarized) and may include supporting documentation. The burden is on the challenger to establish, by clear and convincing evidence, any insufficiency of the nomination papers and if the challenger does so, the burden then shifts to the challenged candidate to establish that the nomination papers or any challenged signatures are sufficient. Wis. Admn. Code EL §§ 2.07(2) and (3).

Over the years, WEC staff and its governing body have analyzed numerous types of challenges and developed a consistent methodology for resolving the most common challenges that have been filed. This document should hopefully help candidates and political parties concentrate their efforts on challenges with a supportable legal basis, and reduce the filing of frivolous challenges or those involving legal issues which have been well settled.

While challenges are not limited to those described in the administrative rules, there are two general categories of challenges – challenges to the header of the nomination papers which may result in declaring all signatures contained on nomination papers using that header to be invalid, and challenges to individual signatures which do not affect the validity of other signatures on the nomination papers.

Please Note: This document summarizes previous decisions of the State Elections Board, the Government Accountability Board and the Wisconsin Elections Commission related to the most common challenges to nomination papers and other election petitions. It is intended to itemize and consolidate previous decisions which state and local filing officers may rely on as precedents regarding the general legal questions and principles involved. However, the facts of individual circumstances and challenges vary, and the application of these principles will be determined on a case by case basis.

Summary of Previous Board Decisions - Common Nomination Paper Challenges

1. Candidate Information (Header Portion of Paper)

None of the information in the header of the nomination paper, (i.e., candidate's name, candidate's address, political party represented, date of election, office sought, name of jurisdiction or district in which candidate seeks office), may be altered, amended, corrected or added after circulation of the nomination paper. This is the nomination information that each signatory saw and relied upon in deciding to sign the paper in support of placing the candidate's name on the ballot.

a. Office Title and District Designation

<u>Challenge:</u> Irregularities in the title of the office or the district number as required by Wis. Stat. §§ 8.10(2)(b), 8.15(a).

Analysis: Staff has typically allowed for variances in listing the office title, such as "Assembly," "Representative," "State Assembly." In the past, staff determined that the papers were sufficient as long as the electors could determine the office and district the candidate was pursuing by other information provided in the nomination paper heading. Additionally, where the title or district designations are illegible or in the incorrect boxes, staff has found these pages to substantially comply when the required information could be determined elsewhere in the nomination paper heading. This recommendation has been approved in prior cases.

b. Election Date

<u>Challenge:</u> Incomplete or missing date of election as required by Wis. Stat. §§ 8.10(2)(b), 8.15(5)(a).

Analysis: When a date of election is completely missing from a petition, staff has recommended approving the challenge and striking the signatures on those pages. When a date is listed but incomplete or incorrect (e.g., using the date of the primary, not indicating the year, indicating the month and year but not the day, indicating an incorrect date, or incorrectly indicating "general" as the type of election on the petition heading), past policy for this Board and the former Elections Board found substantial compliance with Wis. Stat. §§ 8.10 or 8.15 where there was sufficient notice to the signers that the candidate was seeking office at the election immediately following circulation of the nomination papers. Consequently, staff has typically allowed for irregularities in the listed election date where it can be determined that electors understood the nomination papers were for the fall election event. This recommendation has been approved in prior cases.

c. Candidate Address

<u>Challenge:</u> The candidate has not specified a municipality for voting purposes.

Analysis: Challenges to petitions where the candidate has not specified a municipality for voting purposes have been rejected in the past. Wis. Stat. §§ 8.10(2)(c) and 8.15(5)(b) provide that "[e]ach candidate shall include his or her mailing address on the candidate's nomination papers," but is silent with regards to inclusion of municipality for voting purposes. The established policy of the Commission in reviewing nomination papers has been to find substantial compliance with Wis. Stat. §§ 8.10 and 8.15 by presuming the validity of the information listed unless evidence to the contrary is presented. Absent such evidence, the municipality listed for voting purposes is presumed to be the same as the municipality listed for mailing purposes.

<u>Challenge:</u> The space in the header for candidate street number, fire number, rural route number, box number if a rural route and street name is blank.

Analysis: When the candidate's basic address information (number and name of street) is blank in the header, staff has recommended approving the challenge and striking the signatures on those pages. Wis. Stat. §§ 8.10(2)(b) and (c), 8.15(5)(a) and (b) clearly indicate that a candidate's address must appear on the nomination paper to provide signers the opportunity to evaluate the candidate prior to supporting their nomination. Similar to a blank date of election in the header, the Commission has found that papers must contain a minimum amount of information about the candidate and the election for which they are asking to be nominated, for the paper to substantially comply with the law. This recommendation has been approved in prior cases.

d. Candidate Certification

<u>Challenge:</u> The candidate has not completed the gender identification checkbox in the candidate certification statement.

<u>Analysis:</u> Staff has considered such an omission to be an oversight of a technical requirement and have considered papers that are otherwise correct to be in substantial compliance with statutory requirements. This recommendation has been approved in prior cases.

e. Candidate Dates of Circulation

<u>Challenge:</u> The candidate circulated nomination papers prior to the date he or she filed a campaign registration statement or declaration of candidacy.

Analysis: Staff has recommended dismissing these challenges. Wis. Stat. §§ 8.10(5), 8.15(4)(b) provide that if a candidate has not filed a campaign registration statement prior to the time of filing nomination papers, "the candidate shall file the statement with the papers." Wis. Stat. § 8.21(1) provides that each candidate shall file a declaration of candidacy "no later than the latest time provided for filing nomination papers." This recommendation has been approved in prior cases.

2. Circulator Information

a. Circulator Address

<u>Challenge:</u> The circulator's address, required by Wis. Stat. §§ 8.10(3)(a) or 8.15(4)(a), is insufficient because the circulator has not indicated type of municipality of residence (e.g., "Town of" or "City of").

Analysis: Staff has recommended dismissing these challenges. Wis. Stat. §8.15(4)(a) (Wis. Stat. §8.10(3) incorporates the standard in §8.15(4)(a)) states in the relevant portion that "the certification of a qualified circulator stating his or her residence with street and number, if any, shall appear at the bottom of each nomination paper, stating he or she personally circulated the nomination paper and personally obtained each of the signatures." There is no separate requirement that the circulator indicate the type of municipality of residence. This recommendation has been approved in prior cases.

<u>Challenge:</u> The circulator's address, required by Wis. Stat. §§ 8.10(3), 8.15(4)(a), is insufficient because the circulator has not indicated the municipality of residence.

Analysis: Staff has recommended finding substantial compliance for papers missing the municipality in the circulator's address where the circulator is the candidate and where the missing information is supplied by reference to other information on the same page (e.g., the candidate's address in the nomination paper heading). Staff has typically struck signatures on pages in which the circulator was someone other than the candidate, and the certification of circulator did not include the circulator's municipality. Staff has determined that the circulator's 'residence' should include the name of their municipality for it to substantially comply with the statutory requirement. This recommendation has been approved in prior cases.

b. Circulator Date and Signature

<u>Challenge:</u> The date of certification is incomplete or incorrect, as required by Wis. Stat. §§ 8.10(3), 8.15(4)(a).

<u>Analysis</u>: The circulator may correct errors in the certificate of the circulator, such as the circulator failed to sign or otherwise complete the certificate, or entered inadvertently erroneous data (for instance: the circulator dated the certificate before circulation, not after). If the circulator has not corrected these errors by affidavit by the correction deadline, the challenge must be approved and the signatures on those pages struck. Recommendations to this effect have been approved in prior cases.

3. Elector Signatures

Only one signature per person for the same office is valid. In addition to his or her signature, in order for the signature to be valid, each signer of a nomination paper shall legibly print his or her name in a space provided next to his or her signature and shall list his or her municipality of residence for voting purposes, the street and number, if any, on which the signer resides, and the date of signing. Wis. Stat. §§ 8.10(4)(b), 8.15(2).

a. Multiple Signatures

<u>Challenge:</u> The elector has signed nomination papers for more than one candidate for the same office.

<u>Analysis:</u> Where the elector has signed another candidate's papers prior to the signature on the challenged papers, the later signatures should be struck. This recommendation has been approved in prior cases.

b. Signature

Challenge: The elector has "signed" with a printed name.

Analysis: Staff has allowed signatures where the name has been printed. Wis. Admn. Code EL § 2.05(8) requires that the elector "sign his or her own name;" the rule does not require that the signature be made in cursive. The dictionary definition of "signature" simply states that it is "the name of a person written with his own hand." Staff recommendations that signatures be permitted where both the "printed name" and "signature" have been printed have been approved in prior cases.

Challenge: The elector's signature is illegible.

Analysis: Staff has recommended denying challenges that alleged that signatures are illegible. Wis. Stat. §§ 8.10(4)(b), 8.15(2) require each signer of a nomination paper to provide a signature and address. There is no requirement that a signature must be legible, and individual signers mark their signatures in a wide variety of ways (e.g., by marking an "X"). This recommendation has been approved in prior cases.

c. Printed Name

Challenge: The elector's printed name is illegible or in cursive.

Analysis: Challenges to printed names were first considered and decided by the former Government Accountability Board in 2014. The statutory requirement is that "... in order for the signature to be valid, each signer of a nomination paper shall legibly print his or her name in a space provided next to his or her signature" Wis. Stat. §§ 8.10(4)(b) and 8.15(2).

There are some practical difficulties in determining an objective standard for a legibly printed name. For example, some signatures are clearly legible but the "printed name" may have been written in cursive, or included some letters that were not separated, as a dictionary definition of "printed" might require.

Based upon the WEC's experience in evaluating printed names on nomination papers, as well as the stated legislative intent of 2013 Act 160 and related administrative rules, the WEC has developed standards and guidance for local election officials charged with reviewing nomination papers and other election petitions. The legislative record

emphasized that the purpose of Act 160 was to preserve the ability of opposing candidates to identify petition signers in order to consider filing challenges, and not to reject signatures that were legible. At its meeting of October 28, 2014, the Government Accountability Board directed its staff and local filing officers to apply the following standards to determine the sufficiency of signatures and printed names on nomination papers and other election petitions:

- 1. The filing officer shall confirm that the signer has completed information in both the "Signature" box and the "Printed Name" box of the nomination paper or other election petition. The signature may be marked as the signer customarily marks his or her signature, including by using an "X" or by using either traditional printed letters or a handwritten signature. Similarly, the signer's printed name is not required to include only letters that are separated from one another.
- 2. If the filing officer can discern no part of the signer's name, after reviewing both the signature and the printed name, it should be deemed illegible and the signature should not be counted.
- 3. After reviewing both the signature and printed name of a signer, if the filing officer can discern a possible name, but may not be certain of the exact spelling of the name, the printed name is deemed legible and the signature shall be counted if otherwise valid.
- 4. The filing officer is not required to consult extrinsic sources of information (voter registration records, telephone directories, etc.), but may do so if it assists the filing officer in discerning a possible name.
- 5. The signer must print his or her name, and the signer must execute a correcting affidavit if the printed name is missing or insufficient for the signature to be counted. However, a circulator may print the name of a signer with a disability who requests such assistance.

While requiring some subjective judgment by filing officers, these standards accurately capture the intent of 2013 Act 160 and do not require a hyper-technical application of the phrase "legibly print." In reviewing nomination papers and other election petitions, WEC staff and local filing officers will be able to apply a common-sense approach which does not eliminate legible names simply because letters in a printed name are connected or cross over one another. In essence, the printed name requirement is used to clarify or complete a signature which may not be legible or readable, not to invalidate signatures on the basis of a name failing to meet a literal definition of "printed."

d. Signature Address

Wis. Stat. §§ 8.10(4)(b), 8.15(2) require that a signer of a nomination paper "shall list his or her municipality of residence for voting purposes, the street and number, if any, on which the signer resides." Errors in which the elector used an address or listed a municipality which does not reflect

his or her actual residence or wrote an incomplete address may be corrected by the elector or by the circulator in a correcting affidavit filed by the correction deadline.

Challenge: The elector's address is missing an apartment number.

<u>Analysis:</u> Staff has recommended that signatures be found in substantial compliance where the insufficiency is a missing apartment number. This recommendation has been approved in prior cases.

<u>Challenge:</u> The elector's address is missing the municipality designation or the elector has checked a box in error.

Analysis: The Commission and its staff have advised candidates and challengers that a signatory's failure to check the correct box to indicate "Town, Village or City" is not a basis for disqualifying a signature unless a challenger can show that the given address is outside the subject jurisdiction or district. For instance, the challenger needs to show that a given address has to be in the Village of X, not in the Town of X and, therefore is outside District Y. The signatory's error or omission in checking a box on a form is not sufficient evidence for a challenge.

<u>Challenge:</u> The elector's address is incomplete because the elector has abbreviated the name of the municipality.

Analysis: Challenges to signatures alleged not to include the proper municipality of residence, where the municipality can be determined by other information contained on the nomination papers, pursuant to Wis. Admn. Code EL § 2.05(15)(c) have been rejected in the past. For instance, the municipality of "WFB" was determined by the mailing address to indicate "Whitefish Bay," or "Gtown" was determined by the zip code to indicate "Germantown."

Challenge: The elector has used a P.O. Box as his or her address.

<u>Analysis:</u> Commission policy has been to accept signatures with a P.O. Box rather than a residential address if the entire municipality in which the P.O. Box is located is within the candidate's District.

Challenge: The elector lives outside the district.

Analysis: A complaint challenging the eligibility of a signatory to a nomination paper based on the signer's non-residency must be accompanied by reference to MyVote Wisconsin or "Who is My Legislator?" web searches, by a map of the district demonstrating that the address is outside the district, or by a signed statement from the election official, (municipal clerk or deputy clerk), whose responsibility it is to determine the residency of electors of the district. Without such references, the complainant challenger's bare assertion of the signer's non-residency is not sufficient to sustain the challenger's burden of proof. Time permitting, Commission staff may attempt to verify the location of the address via MyVote Wisconsin and WisVote. This policy has been approved in prior cases.

e. Signature Date

<u>Challenge:</u> The date of the elector's signature, as required by Wis. Stat. §§ 8.10(4)(a), 8.15(2), is incomplete or missing.

Analysis: Wis. Admn. Code EL § 2.05(15)(a) allows for a signature to survive an incomplete date challenge if "the date can be determined by reference to the dates of other signatures on the paper." In the past, the Board policy has required that signatures on the first and last line of a nomination paper contain the complete date information, and not allowed missing date information on those lines to be determined by reference to the dates of other signatures on the page. However, in the context of a court case challenging the Board's application of Wis. Admn. Code EL § 2.05(15)(a), the WI Department of Justice (DOJ) has advised that the Board's interpretation of that rule was too restrictive in that it required incomplete dates to be "bracketed" by complete dates. The DOJ recommended that the Board equally apply the principle of determining missing date information by reference to other information on the page, even if the incomplete date appeared on the first or last signature line. This recommendation has been approved in prior cases.

Challenge: The elector's signature is dated after the date of the circulator's certification.

Analysis: Staff has struck these signatures pursuant to the Commission's administrative rules that provide that a signature may not be counted if it is dated after the date of the certificate of the circulator. Wis. Admn. Code EL § 2.05(15)(b).

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Exhibit D

Chapter EL 2

ELECTION RELATED PETITIONS

EL 2.05 Treatment and sufficiency of nomination papers. EL 2.07 Challenges to nomination papers.	EL 2.09 EL 2.11	Treatment and sufficiency of election petitions, Challenges to election petitions,	
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Note: Chapter EIBd 2 was renumbered chapter GAB 2 under s. 13.92 (4) (b) 1., Stats., and corrections made under s. 13.92 (4) (b) 2. and 7., Stats., Register April 2008 No. 628. Chapter GAB 2 was renumbered Chapter EL 2 under s. 13.92 (4) (b) 1., Stats., Register June 2016 No. 726.

- EL 2.05 Treatment and sufficiency of nomination papers. (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.
- (2) In order to be timely filed, all nomination papers shall be in the physical possession of the filing officer by the statutory deadline. Each of the nomination papers shall be numbered, before they are filed, and the numbers shall be assigned sequentially, beginning with the number "1". Notwithstanding any other provision of this chapter, the absence of a page number will not invalidate the signatures on that page.
- (3) 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. Where circumstances and the time for review permit, the filing officer may consult maps, directories and other extrinsic evidence to ascertain the correctness and sufficiency of information on a nomination paper.
- (4) Any information which appears on a nomination paper is entitled to a presumption of validity. Notwithstanding any other provision of this chapter, errors in information contained in a nomination paper, committed by either a signer or a circulator, may be corrected by an affidavit of the circulator, an affidavit of the candidate, or an affidavit of a person who signed the nomination paper. The person giving the correcting affidavit shall have personal knowledge of the correct information and the correcting affidavit shall be filed with the filing officer not later than three calendar days after the applicable statutory due date for the nomination papers.
- (5) Where any required item of information on a nomination paper is incomplete, the filing officer shall accept the information as complete if there has been substantial compliance with the law.
- (6) Nomination papers shall contain at least the minimum required number of signatures from the circuit, county, district or jurisdiction which the candidate seeks to represent.
- (7) The filing officer shall accept nomination papers which contain biographical data or campaign advertising. The disclaimer specified in s. 11.1303 (2), Stats., is not required on any nomination paper.
- (8) An elector shall sign his or her own name unless unable to do so because of physical disability. An elector unable to sign because of physical disability shall be present when another person signs on behalf of the disabled elector and shall specifically authorize the signing.
- (9) A person may not sign for his or her spouse, or for any other person, even when they have been given a power of attorney by that person, unless sub. (8) applies.
- (10) The signature of a married woman shall be counted when she uses her husband's first name instead of her own.
- (11) Only one signature per person for the same office is valid. Where an elector is entitled to vote for more than one candidate for the same office, a person may sign the nomination papers of

as many candidates for the same office as the person is entitled to vote for at the election.

- (12) A complete address, including municipality of residence for voting purposes, and the street and number, if any, of the residence, (or a postal address if it is located in the jurisdiction that the candidate seeks to represent), shall be listed for each signature on a nomination paper.
- (13) A signature shall be counted when identical residential information or dates for different electors are indicated by ditto marks.
- (14) No signature on a nomination paper shall be counted unless the elector who circulated the nomination paper completes and signs the certificate of circulator and does so after, not before, the paper is circulated. No signature may be counted when the residency of the circulator cannot be determined by the information given on the nomination paper.
- (15) An individual signature on a nomination paper may not be counted when any of the following occur:
- (a) The date of the signature is missing, unless the date can be determined by reference to the dates of other signatures on the paper.
- (b) The signature is dated after the date of certification contained in the certificate of circulator.
- (c) The address of the signer is missing or incomplete, unless residency can be determined by the information provided on the nomination paper.
- (d) The signature is that of an individual who is not 18 years of age at the time the paper is signed. An individual who will not be 18 years of age until the subject election is not eligible to sign a nomination paper for that election.
- (e) The signature is that of an individual who has been adjudicated not to be a qualified elector on the grounds of incompetency or limited competency as provided in s. 6.03 (3), Stats., or is that of an individual who was not, for any other reason, a qualified elector at the time of signing the nomination paper.
- (16) After a nomination paper has been filed, no signature may be added or removed. After a nomination paper has been signed, but before it has been filed, a signature may be removed by the circulator. The death of a signer after a nomination paper has been signed does not invalidate the signature.
- (17) This section is promulgated pursuant to the direction of s. 8.07, Stats., and is to be used by election officials in determining the validity of all nomination papers and the signatures on those papers.

History; Emerg. cr. 8–9–74; cr. Register, November, 1974, No. 227, cff. 12–1–74; cmerg. r. and recr. cff. 12–16–81; cmerg. r. and recr. cff. 6–1–84; cr. Register, November, 1984, No. 347, cff. 12–1–84; r. and recr. Register, January, 1994, No. 457, cff. 2–1–94; CR 00–153; am. (2), (4), and (14), r. (15), renum. (16), (17), and (18) to be (15), (16) and (17), and am. (15) (b) as renum, Register September 2001 No. 549, cff. 10–1–01; correction in (7) made under s. 13.92 (4) (b) 7., Stats., Register June 2016 No. 750.

EL 2.07 Challenges to nomination papers. (1) The elections commission shall review any verified complaint concerning the sufficiency of nomination papers of a candidate for state office that is filed with the elections commission under ss. 5.05 and 5.06, Stats.: and the local filing officer shall review any verified complaint concerning the sufficiency of nomination papers of a candidate for local office that is filed with the local fil-

ing officer under s. 8.07, Stats. The filing officer shall apply the standards in s. EL 2.05 to determine the sufficiency of nomination papers, including consulting extrinsic sources of evidence under s. EL 2.05 (3).

- (2) (a) Any challenge to the sufficiency of a nomination paper shall be made by verified complaint, filed with the appropriate filing officer. The complainant shall file both an original and a copy of the challenge at the time of filing the complaint. Notwithstanding any other provision of this chapter, the failure of the complainant to provide the filing officer with a copy of the challenge complaint will not invalidate the challenge complaint. The filing officer shall make arrangements to have a copy of the challenge delivered to the challenged candidate within 24 hours of the filing of the challenge complaint. The filing officer may impose a fee for the cost of photocopying the challenge and for the cost of delivery of the challenge to the respondent. The form of the complaint and its filing shall comply with the requirements of ch. EL 20. Any challenge to the sufficiency of a nomination paper shall be filed within 3 calendar days after the filing deadline for the challenged nomination papers. The challenge shall be established by affidavit, or other supporting evidence, demonstrating a failure to comply with statutory or other legal requirements.
- (b) The response to a challenge to nomination papers shall be filed, by the candidate challenged, within 3 calendar days of the filing of the challenge and shall be verified. After the deadline for filing a response to a challenge, but not later than the date for certifying candidates to the ballot, the elections commission or the local filing officer shall decide the challenge with or without a hearing.
- (3) (a) The burden is on the challenger to establish any insufficiency. If the challenger establishes that the information on the nomination paper is insufficient, the burden is on the challenged candidate to establish its sufficiency. The invalidity or disqualification of one or more signatures on a nomination paper shall not affect the validity of any other signatures on that paper.
- (b) If a challenger establishes that an elector signed the nomination papers of a candidate more than once or signed the nomination papers of more than one candidate for the same office, the 2nd and subsequent signatures may not be counted. The burden of proving that the second and subsequent signatures are that of the same person and are invalid is on the challenger.
- (c) If a challenger establishes that the date of a signature, or the address of the signer, is not valid, the signature may not be counted.
- (d) Challengers are not limited to the categories set forth in pars. (a) and (b).
- (4) The filing officer shall examine any evidence offered by the parties when reviewing a complaint challenging the sufficiency of the nomination papers of a candidate for state or local office. The burden of proof applicable to establishing or rebutting a challenge is clear and convincing evidence.
- (5) Where it is alleged that the signer or circulator of a nomination paper does not reside in the district in which the candidate being nominated seeks office, the challenger may attempt to establish the geographical location of an address indicated on a

nomination paper, by providing district maps, or by providing a statement from a postmaster or other public official.

History: Emerg. cr. 8–9–74; cr. Register, November, 1974. No. 227, eff. 12–1–74; emerg. r. and recr. eff. 12–16–81; emerg. r. and recr. eff. 6–1–84; cr. Register, November, 1984. No. 347, eff. 12–1–84; emerg. am. (1), (4) to (6), eff. 6–1–86; am. (1), (4) to (6), Register, November, 1986, No. 371, eff. 12–1–86; r. and recr. Register, Lovember, 1986, No. 371, eff. 12–1–86; r. and recr. Register Journary, 1994, No. 457, eff. 2–1–94; CR 00–153; am. (2) (a) and (b), Register September 2001 No. 549, eff. 10–1–01; reprinted to restore dropped copy in (2) (b), Register December 2001 No. 525; correction in (1) made under s. 13.92 (4) (b) 7., Stats., Register April 2008 No. 628; correction in (1), (2) (b) made under s. 13.92 (4) (b) 6., Stats., and correction in (1), (2) (a) made under s. 13.92 (4) (b) 7., Stats., Register June 2016 No. 726.

- **EL 2.09** Treatment and sufficiency of election petitions. (1) Except as expressly provided herein, the standards established in s. EL 2.05 for determining the treatment and sufficiency of nomination papers are incorporated by reference into, and are made a part of, this section.
- (2) In order to be timely filed, all petitions required to comply with s. 8.40, Stats., and required by statute or other law to be filed by a time certain, shall be in the physical possession of the filing officer not later than the time set by that statute or other law.
- (3) All petitions shall contain at least the number of signatures, from the election district in which the petition was circulated, equal to the minimum required by the statute or other law establishing the right to petition.
- (4) Only one signature per person for the same petition, is val-
- (5) This section applies to all petitions which are required to comply with s. 8.40, Stats., including recall petitions, and to any other petition whose filing would require a governing body to call a referendum election.

History: Cr. Register, January, 1994. No. 457, eff. 2–1–94; correction in (1) made under s. 13.92 (4) (b) 7., Stats., Register June 2016 No. 726.

- **EL 2.11 Challenges to election petitions. (1)** Except as expressly provided herein, the standards established in s. EL 2.07 for determining challenges to the sufficiency of nomination papers apply equally to determining challenges to the sufficiency of petitions required to comply with s. 8.40, Stats., including recall petitions, and to any other petition whose filing requires a governing body to call a referendum election.
- (2) (a) Any challenge to the sufficiency of a petition required to comply with s. 8.40, Stats., shall be made by verified complaint filed with the appropriate filing officer. The form of the complaint, the filing of the complaint and the legal sufficiency of the complaint shall comply with the requirements of ch. EL 20; the procedure for resolving the complaint, including filing deadlines, shall be governed by this section and not by ch. EL 20.
- (b) The complaint challenging a petition shall be in the physical possession of the filing officer within the time set by the statute or other law governing the petition being challenged or, if no time limit is specifically provided by statute or other law, within 10 days after the day that the petition is filed.
- (3) The response to a challenge to a petition shall be filed within the time set by the statute or other law governing that petition or, if no time limit is specifically provided by statute or other law, within 5 days of the filing of the challenge to that petition. After the deadline for filing a response to a challenge, the filing officer shall decide the challenge with or without a hearing.

History: Cr. Register, January, 1994. No. 457, eff. 2–1–94; correction in (1), (2) (a) made under s. 13.92 (4) (b) 7., Stats., Register June 2016 No. 726.

Exhibit 4

On Wednesday,	January 19th,	2022 at 1:18 PM	, Lisa Tollefson≪	Lisa.Tollefson@co	.rock.wi.us>
wrote:					

Thank you for clarifying your request. Responses are below,

Lisa Tollefson

Rock County Clerk

51 S Main St.

Janesville WI 53545

608-757-5660

Lisa.Tollefson@co.rock.wi.us

From: RockCountyVoter [mailto:RockCountyVoter@protonmail.com]

Sent: Tuesday, January 18, 2022 4:21 PM

To: Lisa Tollefson < Lisa. Tollefson@co.rock.wi.us >

Subject: Fw: Open Records Request re: Robert Potter Challenge

Hello,

I am just checking on the status of my open records request from yesterday. Could you please confirm my email was received and let me know the approximate waiting time for this request?

Also, I would like to modify **Request #4** to be for the nomination papers for candidate Robert Potter when he ran in the 2020 and 2018 Rock County Supervisor races (not 2016).

Thank you!

Dear Lisa Tollefson:

This is an open records request with regards to your recent determination on the challenge to Robert Potter's nomination papers.

Request #1

Could you please send me a copy the affidavit that Robert Potter submitted to correct the circulator dates on his Rock County Supervisor District #17 nomination papers?

No record exists.

Request #2

Could you please provide a record of a voter registration for the following people?

Josh Fillmore - page 2 line 7 (1730 Gateway Blvd)

Sara Munz - Page 3 line 6 (1752 Gateway Blvd)

Betty Hawk - page 3 line 7 (1736 Gateway Blvd)

Josh Warenn - page 6 line 6 (2429 Lathers)

The Rock County Clerk is not the custodian of these records. Note: Individuals signing nomination papers are not required to be registered voters.

Request #3:

Could you please provide a record (such as an email or any other form of communication) that shows you attempted to contact apartment manager Paige Jimenez to verify the authenticity of the email that was submitted in the nomination paper challenge?

No record exists.

EL2.07 (4) The filing officer shall examine any evidence offered by the parties when reviewing a complaint challenging the sufficiency of the nomination papers of a candidate for state or local office.

The burden of proof applicable to establishing or rebutting a challenge is clear and convincing evidence.

Similar to a trial, only the evidence presented is used. The judge or jury does not find more evidence to make a ruling.

Request #4:

Could you please send me the nomination papers for candidate Robert Potter when he ran in the 2016 and 2018 Rock County Supervisor races?

Nomination papers for 2018 and 2020 are attached.

January 20, 2022

I, Pamela Charles, walked into the Hawk's Ridge Apartment office at approximately 12:15 PM on January 20, 2022 and spoke with Hawk's Ridge Property Manager Paige Jimenez. I witnessed Ms. Paige Jimenez sign a letter confirming that she sent an email on 01/06/2022 which included verification that Josh Fillmore, Sara Munz, and Bette Hawk are not residents of Hawk's Ridge Apartments and that there is no record that they have ever lived there. The letter that I witnessed Ms. Jimenez sign is attached.

Pamela Charles

Date

JACKIE PHAM Notary Public

State of Wisconsin

Paige Jimenez

Property Manager Hawk's Ridge Apartments Office: (608) 313-1000

Cell: (608) 295-9520

January 19, 2022

To Whom it May Concern;

I am the Property Manager of Hawk's Ridge Apartments. On January 6, 2022, I emailed the following information in an effort to confirm residency of individuals who signed nomination papers:

1730 Gateway Blvd - 5 Residents to Verify:

Josh Fillmore – Does not live here/Never has at this address!

1752 Gateway Blvd - 2 Residents to Verify:

Sara Munz – No record of her ever living here!

1736 Gateway Blvd - 1 Resident to Verify:

Betty Hawk – No record of her ever living here!

I hope this helps – Please let me know if you have any further questions or concerns!

Thanks,

Property Manager

Paige Jimenez

Hawk's Ridge Apartments

Office: (608) 313-1000 Cell: (608) 295-9520

Withered by - Panch 1-202022 Pamela Charles

Paige Jimenez

Property Manager Hawk's Ridge Apartments Office: (608) 313-1000

Cell: (608) 295-9520

January 19, 2022

To Whom it May Concern;

All tenants residing in Hawks Ridge Apartments are required to be included in the lease/rental agreement.

Paige Jimenez

Property Manager

1-20-2022

Pamela Charles

(Witness)

1-21-2022

I was the witness in the signature of the above statement by Paige Jimenez

Panan

JACKIE PHAM Notary Public State of Wisconsin On January 20, 2022, at approximately 6:00 PM, I visited Mr. Alex Short at 1730 Gateway Blvd apt #24. Mr. Short explained to me that Josh Fillmore does not live at his apartment and he signed a statement affirming that Josh Fillmore does not live at 1730 Gateway Blvd apt #24. I witnessed his signature.

Pamela Charles

Date

JACKIE PHAM Notary Public

State of Wisconsin

01/20/2022

I am the tenant of 1730 Gateway Blvd, apt # 24. Josh Fillmore does not live at this address.

01-20-22

Alex Short

1730 Gateway Blvd

Beloit, WI

Witness by:

Pamela Charles

__ 01-20-2622

Exhib; +8

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	1 Como	1/5/20	D Town D willage Today	CINE KANNELAND	SOL CANPO	La James	
		Date of Signing Mo/Day/Year	Municipality of Residence Check the type and write the name of your municipality for voting purposes.	Residential Address (No P.O. Box Addresses) Street and Number or Rural Route (Rural address must also include box or fire no.)	Printed Name of Electors		
5		vays be listed.	micipality of residence must alv	dence, is not sufficient. The name of the mu	es, when different than municipality of resid	The municipality used for mailing purpos	
- 6			d above as a candidate so that voter over seeks office. I have not signed	s, be placed on the ballot at the election described iction or district in which the candidate named ab	ose name and residential address are listed above fice listed above. I am eligible to vote in the jurisdi It this election.	opportunity to vote for \(\sigma\) him or \(\sigma\) her for the office listed above paper of any other candidate for the same office at this election.	
Type of election (required) A	C		card of Superuso	County B	District N Capatro	COUNTY SUPERVISOR	
Type of election (required) State (required) Tip code Type of election (required)		20	ict in which candidate seeks office (required)	Name of	1	Title of office (required)	
3		not use primary date.)	Zip code	Sta	Candidate's mailing address, including municipality for mailing residential address or voting municipality)	
	(purposes (required)	Candidate's municipality for <u>voting</u> Town Village Village	Street, fire, or rural route number; box number (if rural route); and name of street or road 25 18 Hawthorn DT	Street, lire, or rural route nou 25 18 Hawt	Robert Potter	

~~9 | Rev. 2019-10 | Wisconsin Elections Commission, P.O. Box 7984, Madison, WI 53707-7984 | 608-261-2028 | web: elections.wi.gov | email:

aware that falsifying this certification is punishable under Wis. Stat. § 12.13(3)(a). $-S-Z\odot$

that each person signed the paper with full knowledge of its content on the date indicated opposite his or her name. I know their respective residences given. I intend to support this candidate. I am

(Signature of rirrulator)

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