

**STATE OF WISCONSIN  
ELECTIONS COMMISSION**

COMPLAINT FORM

**Please provide the following information about yourself:**

Name Abraham A. Voelker

Address 738 Pine Pl, Rice Lake, WI 54868

Telephone Number 715-651-8825

E-mail @abevoelker.com

State of Wisconsin  
Before the Elections Commission

The Complaint of Abraham A. Voelker

\_\_\_\_\_, Complainant(s) against  
DeeAnn Cook in her official capacity as Barron County Clerk \_\_\_\_\_, Respondent, whose  
address is 335 E. Monroe Avenue, Room 2130, Barron, WI 54812.

This complaint is under Wis. Stat. § 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, Abraham A. Voelker, allege that:

(See attached)

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**State of Wisconsin  
Before the Elections Commission**

The Complaint of

Abraham A. Voelker,  
Complainant,

against

DeeAnn Cook in her official capacity as Barron County Clerk,  
Respondent

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This complaint is brought under Wis. Stat. § 5.06.

I, Abraham A. Voelker, allege that:

1. Complainant is a candidate for the Barron County Board of Supervisors for District 19 in the Spring 2022 election.
2. On or about January 7, 2022, Complainant filed a complaint challenging an opponent's nomination papers ("**Challenge**") with the election filing officer, Barron County Clerk DeeAnn Cook ("**Respondent**"). A true and correct copy of that complaint is attached hereto as **Exhibit 1**.
3. On or about January 11, 2022, Complainant received from Respondent via email a decision ruling against Complainant's challenge ("**Decision**"). A true and correct copy of that decision is attached hereto as **Exhibit 2**.

**Appeal of Respondent's Ruling to Wisconsin Elections Commission**

4. Wis. Stat. § 5.06 sets forth requirements for election compliance and appeal.
5. Wis. Stat. § 5.06(1) states that:

"Whenever any elector of a jurisdiction or district served by an election official believes that a decision or action of the official or the failure of the official to act with respect to any matter concerning nominations, qualifications of candidates, ... election administration or conduct of elections is contrary to law, or the official has abused the discretion vested in him or her by law with respect to any such matter, the elector may file a written sworn

complaint with the commission requesting that the official be required to conform his or 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 him or her by law.”

6. In Challenge, Complainant argued that an election opponent violated Wis. Stat. §§ 8.10, 8.15 and Wis. Admin. Code § EL 2.05 by filing nomination papers that did not have a circulator signature, then returning at a later date and attempting a correction by signing the already-filed nomination papers’ circulator signature field rather than filing a separate affidavit.


7. In Decision, Respondent ruled against Complainant’s Challenge and found that Complainant’s election opponent’s nomination papers are valid.

8. For the reasons provided in Challenge, Complainant believes that Respondent’s interpretation of statute and code is not in conformance with law, and exceeds Respondent’s discretion in administering statute. Therefore per Wis. Stat. § 5.06 Complainant is appealing Respondent’s decision to the Wisconsin Elections Commission.

WHEREFORE the Complainant requests:

- (1) that Respondent be required to correct Decision in conformance with the law;
- (2) that Respondent be restrained from taking any further action inconsistent with the law;
- (3) any other relief this Commission deems warranted.

Date: January 13, 2022



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Abraham A. Voelker

(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: 1/13/2022 Abraham A. Voelker  
Complainant's Signature

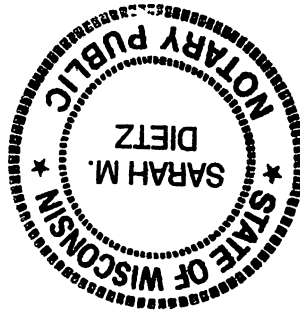
I, Abraham A. Voelker, being first duly sworn, on oath, state that I personally read the above complaint, and that the above allegations are true based on my personal knowledge and, as to those stated on information and belief, I believe them to be true.

Abraham A. Voelker  
Complainant's Signature

STATE OF WISCONSIN

County of Barron,  
(county of notarization)

Sworn to before me this 13<sup>th</sup> day of  
Jan, 2022.



Sarah M Dietz  
(Signature of person authorized to administer oaths)

My commission expires 3-3-2024, or is permanent.

Notary Public or Sarah M Dietz  
(official title if not notary)

**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](mailto:elections@wi.gov)

# EXHIBIT 1

## State of Wisconsin Before the Elections Commission

The Complaint of

Abraham A. Voelker,  
Complainant,

against

Jerry McRoberts,  
Respondent

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This complaint is brought under Wis. Stat. § 8.07 and Wis. Admin. Code § EL 2.07.

I, Abraham A. Voelker, allege that:

1. On or about December 2, 2021, Jerry McRoberts (“**Respondent**”) filed signatures and paperwork with Barron County Clerk DeeAnn Cook (“**Clerk**”) to get his name on the April 5, 2022 election ballot for the position of Barron County Board Supervisor for District 19.

### **Count I - Respondent Failed to Provide Circulator Signature on Nomination Papers**

2. Wis. Stat. § 8.10 sets forth requirements for nomination for spring elections.
3. Wis. Stat. § 8.10(3) states that “[t]he certification of a qualified circulator under s. 8.15 (4) (a) shall be appended to each nomination paper.”
4. Wis. Stat. § 8.15(4)(a) states that “[t]he certification of a qualified circulator ... shall appear at the bottom of each nomination paper...”
5. Wis. Admin. Code § EL 2.05 sets forth requirements for the treatment and sufficiency of nomination papers.
6. Wis. Admin. Code § EL 2.05(14) provides that “[n]o signature on a nomination paper shall be counted unless the elector who circulated the nomination paper completes and signs the certificate of circulator...”

7. Wis. Admin. Code § EL 2.05(16) states that “[a]fter a nomination paper has been filed, no signature may be added or removed.”

8. Wis. Admin. Code § EL 2.05(4) provides that “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.” (emphasis added).

9. Nomination Paper Challenges is a manual published by the Wisconsin Elections Commission, describing itself as:

“summarizing previous decisions of the State Elections Board and the Government Accountability Board 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.”<sup>1</sup>

10. On page four of the manual, under the subheading 2.b. Circulator Date and Signature, it states “[t]he circulator may correct errors in the certificate of the circulator, such as the circulator failed to sign or otherwise complete the certificate... 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” (emphasis added).

11. On December 15, 2021, Complainant made an in-person visit to the Barron County Clerk’s office where Clerk provided Complainant for public inspection three unnumbered pages of Nomination Paper for Nonpartisan Office (“**Nomination Paper**”) filed by Respondent. A true and correct copy of those papers as taken by Complainant’s cell phone camera on December 15, 2021 is attached hereto as **Exhibit A**. At this visit Complainant witnessed that the “Signature of circulator” field on every Nomination Paper was blank and Clerk commented that she would contact Respondent about it.

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<sup>1</sup> Wisconsin Elections Commission, *Nomination Paper Challenges*, (Jan. 2018), [https://elections.wi.gov/sites/elections.wi.gov/files/2019-02/Common%20Nomination%20Paper%20Challenges\\_Final%20%281\\_2018%29.pdf](https://elections.wi.gov/sites/elections.wi.gov/files/2019-02/Common%20Nomination%20Paper%20Challenges_Final%20%281_2018%29.pdf) accessed Jan. 5, 2022.

12. On January 4, 2022, Complainant again visited the Barron County Clerk's office where Clerk again provided Complainant with the same three unnumbered Nomination Paper pages for a second inspection. A true and correct copy of those papers as taken by Complainant's cell phone camera on January 4, 2022 is attached hereto as **Exhibit B**. At this visit, Complainant witnessed that the "Signature of circulator" field on every Nomination Paper was now filled in with signatures. Complainant inquired the Clerk if she had Respondent come back and fill in this field of the filed Nomination Papers and she responded affirmatively.

13. Based on the information above, Complainant believes that Respondent incorrectly filed his Nomination Papers without a circulator signature, and further erred by making changes to the filed Nomination Papers rather than providing a correcting affidavit as required by statute, making the Nomination Papers not valid in accordance with statute.

14. Regardless of whether or not Clerk directed Respondent to modify his original filed Nomination Papers rather than file an affidavit, Wis. Admin. Code § EL 2.05(1) states that it is the responsibility of the candidate to "assure that his or her nomination papers are prepared, circulated, signed, and filed in compliance with statutory and other legal requirements."

WHEREFORE the Complainant requests:

- (1) that all Nomination Papers filed by Respondent referred to above be declared not filed in conformance with statute;
- (2) that all Nomination Papers filed by Respondent referred to above be stricken;
- and
- (3) any other relief this Clerk deems warranted.

**Count II - Nomination Papers Invalidated By Respondent's Modification After Filing**

15. The preceding paragraphs are restated as though fully set forth herein.

16. As stated in Count I, Wis. Admin. Code § EL 2.05(16) provides that "[a]fter a nomination paper has been filed, no signature may be added or removed."

17. Between December 31, 2021 and January 3, 2022, Complainant corresponded via email with Wisconsin Elections Commission Elections Specialist Erin Hoag (“**WEC Specialist**”) summarizing Complainant’s concerns about Respondent’s Nomination Papers and inquiring if the concern is warranted. A true and correct copy of this correspondence printed as of January 5, 2022 is attached hereto as **Exhibit C**.

18. In the email thread, Complainant inquired “once the forms have already been filed with the clerk, can they be changed afterward in this way to fix these errors?” to which WEC Specialist replied that “[Complainant is] correct that these forms cannot be touched or changed once they have been handed in to the clerk.”

19. Complainant further inquired “[i]f the clerk already called in the circulator and had them modify the forms that were already filed, are those forms still valid for amendment with the affidavit or have they now been made invalid / challengeable?” and WEC Specialist responded with “yes, this is challengeable.”

20. Based on the information above, Complainant believes that Respondent’s Nomination Papers have been invalidated by adding signatures after having already been filed with Clerk, in violation of statute.

WHEREFORE the Complainant requests:

- (1) that all Nomination Papers filed by Respondent referred to above be declared not filed in conformance with statute;
- (2) that all Nomination Papers filed by Respondent referred to above be stricken;
- and
- (3) any other relief this Clerk deems warranted.

Date: January 7, 2022

  
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Abraham A. Voelker



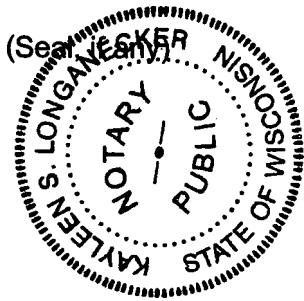
I, Abraham A. Voelker, being first duly sworn on oath state that I personally read the above complaint, and that the above allegations are true based on my personal knowledge and, as to those stated on information and belief, I believe them to be true.

Abraham A. Voelker

Abraham A. Voelker

STATE OF WISCONSIN     )  
  ) ss.  
COUNTY OF Barron     )

Signed and sworn to before me this 7<sup>th</sup> day of January, 2022 by Abraham A Voelker.



Kayleen Longenecker  
Signature of Notarial Officer

My commission expires: 10/16/2024  
or is permanent.

Notary Public or:  
MAR III / Notary  
Title (and Rank)

EXHIBIT A

**NOMINATION PAPER**

Candidate's name (required; no titles may be used): **Jerry McRoberts**

Candidate's mailing address, including municipality (required if different than address of voting municipality): **752 Pine Place, Rice Lake**

Title of office (required): **Barron County Board of Supervisors**

County: **WI** District: **#19** State (required): **WI** ZIP code: **54868**

Branch, district or seat number (required if applicable): **WI #19**

Form of law:  general  special

Name of jurisdiction or district in which candidates seek office: **Barron County Board of Supervisors**

Candidate's municipality for official purposes (required): **Rice Lake**

Candidate's municipality for voting purposes (required if different than above): **Rice Lake**

The undersigned, 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 voters will have the opportunity to vote for him or 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 paper of any other candidate for the same office at this election.

The municipality used for mailing purposes, when different than municipality of residence, is not sufficient. The name of the municipality of residence must always be listed.

1.	2.	3.	4.	5.	6.	7.	8.	9.	10.
Signatures of Electors	Printed Name of Electors	Residential Address (No P.O. Box Addresses) (Rural address must also include box or fire no.)	Municipality of Residence (Check the type and write the name of your municipality for voting purposes.)	Date of Signing Mo/Da/Year					
<i>Jerry McRoberts</i>	<b>Jerry McRoberts</b>	<b>752 Pine Place</b>	<input type="checkbox"/> Town <input checked="" type="checkbox"/> Village <input type="checkbox"/> City	<b>12-1-21</b>					
<i>Carol McRoberts</i>	<b>Carol McRoberts</b>	<b>752 Pine Pl.</b>	<input type="checkbox"/> Town <input checked="" type="checkbox"/> Village <input type="checkbox"/> City	<b>12-1-21</b>					
<i>Nathan Thurns</i>	<b>Nathan Thurns</b>	<b>1610 W. Allen St</b>	<input type="checkbox"/> Town <input checked="" type="checkbox"/> Village <input type="checkbox"/> City	<b>12-1-21</b>					
<i>Duke Thurns</i>	<b>Duke Thurns</b>	<b>1610 W. Allen St.</b>	<input type="checkbox"/> Town <input checked="" type="checkbox"/> Village <input type="checkbox"/> City	<b>12-1-21</b>					
<i>Averyn Brust</i>	<b>Averyn Brust</b>	<b>1600 Augusta St</b>	<input type="checkbox"/> Town <input checked="" type="checkbox"/> Village <input type="checkbox"/> City	<b>12-1-21</b>					
<i>Kathryn M Brust</i>	<b>Kathryn Brust</b>	<b>1600 Augusta St.</b>	<input type="checkbox"/> Town <input checked="" type="checkbox"/> Village <input type="checkbox"/> City	<b>12-1-21</b>					
<i>Mary Bentley</i>	<b>Mary Bentley</b>	<b>1504 Augusta St</b>	<input type="checkbox"/> Town <input checked="" type="checkbox"/> Village <input type="checkbox"/> City	<b>12-1-21</b>					
<i>Karen Dows-</i>	<b>Karen Dows-</b>	<b>412 Koyal Cr</b>	<input type="checkbox"/> Town <input checked="" type="checkbox"/> Village <input type="checkbox"/> City	<b>12-1-21</b>					
<i>Mark Becke</i>	<b>Mark Becke</b>	<b>412 Koyal Cr</b>	<input type="checkbox"/> Town <input checked="" type="checkbox"/> Village <input type="checkbox"/> City	<b>12-1-21</b>					

CERTIFICATION OF CIRCULATOR

I, **Jerry McRoberts** (Name of circulator) certify: I reside at **752 Pine Place** (Circulator's residential address - include number, street, and municipality) **Rice Lake, WI**

I further certify I am either a qualified elector 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. § 6.03. I personally circled this nomination 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 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 falsifying this certification is punishable under Wis. Stat. § 12.13(3)(a).

(Date) **12-2-21** (Signature of circulator) \_\_\_\_\_

Page No. \_\_\_\_\_



**NOMINATION PAPER FOR NONPARTISAN OFFICE**

Candidate's name (required; no titles may be used): **Jerry McRoberts**  
 Candidate's residential address (required; No P.O. Box addresses): **752 Pine Place**  
 Candidate's mailing address, including municipality for mailing purposes (required if different than residential address or voting municipality): **752 Pine Place, Rice Lake**  
 State (required): **WI** Zip code: **54868**  
 Type of election (required):  Spring  Special  
 Candidate's municipality for voting purposes (required):  Town  Village  City  Town  Village  City  
 Election date (required; Do not use primary date): **12/01/21**

The municipality used for mailing purposes, when different than municipality of residence, is not sufficient. The name of the municipality of residence must always be listed.

1.	2.	3.	4.	5.	6.	7.	8.	9.	10.
Signatures of Electors	Printed Name of Electors	Residential Address (No P.O. Box Addresses) (Street and Number or Rural Route Rural address must also include box or fire no.)	Municipality of Residence (Check the type and write the name of your municipality for voting purposes)	Date of Signing Mo/Day/Year					
<i>[Signature]</i>	JANEY BARNEBY	665 Pine Cir.	Rice Lake	12/1/21					
<i>[Signature]</i>	Steve Johnson	605 Pine Place	Rice Lake	12-1-21					
<i>[Signature]</i>	Bob Schmidt	604 Pine Place	Rice Lake	12-1-21					
<i>[Signature]</i>	Guina Kramer	521 Pine Place	Rice Lake	12-1-21					
<i>[Signature]</i>	Philip Kramer	521 Pine Place	Rice Lake	12-1-21					
<i>[Signature]</i>	KATE FROD	704 PINE PLACE	RICE LAKE	12/1/2021					
<i>[Signature]</i>	BENNY KHARRA	727 PINE PL	RICE LAKE	12-01-21					
<i>[Signature]</i>	Kim Baker	757 Pine Pl	Rice Lake	12-01-21					
<i>[Signature]</i>	Eric Nudel	756 Pine Pl	Rice Lake	12-1-21					
<i>[Signature]</i>	Kathy Nudel	756 Pine Pl	Rice Lake	12-1-21					

**CERTIFICATION OF CIRCULATOR**

I further certify I am either a qualified elector 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. 96.03. I personally circulated this nomination 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 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 falsifying this certification is punishable under Wis. Stat. § 12.13(3)(a).

I certify: I reside at 752 Pine Place Rice Lake WI 54868  
 (Circulator's residential address - include number, street, and municipality)

I further certify that each person who signed this paper is aware that falsifying this certification is punishable under Wis. Stat. § 12.13(3)(a).



Candidate's name (required): no titles may be used.  
**Jerry McR**  
 Candidate's mailing address, including residential address or voting municipality:  
**752 Pine Place,  
 Barron County**

Candidate's name (required): no titles may be used.  
**Jerry McRoberts**  
 Candidate's mailing address, including residential address or voting municipality:  
**752 Pine Place, Rice Lake**  
**Barron County Board of Supervisors**

Street, floor, or rural route number:  
**752 Pine Place**  
 State (required):  
**WI**  
 Zip code:  
**54868**

Ballot, district or seat number (required if applicable):  
**#19**  
 Name of jurisdiction or district in which candidate seeks office (required):  
**Barron County Board of Supervisors District #19**

Candidate's municipality for ballot purposes (required):  
 Special  
 Spring  
 Fall  
**April 5, 2021**

Candidate's municipality for election purposes (required):  
 Special  
 Spring  
 Fall  
**April 5, 2021**

1. The undersigned, 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 voters will have the opportunity to vote for him or 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 paper of any other candidate for the same office at this election.

The municipality used for mailing purposes, when different than municipality of residence, is not sufficient. The name of the municipality of residence must always be listed.

1.	Signature	Printed Name of Electors	Residential Address (No P.O. Box Addresses) Street and Number or Rural Route (Rural address must also include box or fire no.)	Municipality of Residence Check the type and write the name of your municipality for voting purposes.	Date of Signing Mo/Day/Year
1.	<i>John</i>	<b>Samuel S. Koehler</b>	<b>1604 W. Allen St Rice Lake</b>	<input type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City	<b>12/1/2021</b>
2.	<i>Carole</i>	<b>Carolyn A. Koehler</b>	<b>1604 W. Allen St Rice Lake</b>	<input type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City	<b>12/1/2021</b>
3.	<i>Maria</i>	<b>Lori J. Becker</b>	<b>1603 W. Alameda Rice Lake</b>	<input type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City	<b>12/1/21</b>
4.	<i>Chris</i>	<b>Ken Peterson</b>	<b>1608 Augusta Rice Lake</b>	<input type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City	<b>12-1-21</b>
5.	<i>Alice</i>	<b>Stanley N. Bergum</b>	<b>230 Washington Ave Rice Lake</b>	<input type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City	<b>12-1-2021</b>
6.	<i>Kath</i>	<b>Norma Bergum</b>	<b>230 Washington Ave Rice Lake</b>	<input type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City	<b>12/1-2021</b>
7.	<i>Ma</i>	<b>Joe Esmeit</b>	<b>510 Pine Pl Rice Lake</b>	<input type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City	<b>12-1-2021</b>
8.	<i>Joe</i>	<b>James Schmucke</b>	<b>715 Pine Place Rice Lake</b>	<input type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City	<b>12/1/21</b>
9.	<i>Al</i>	<b>Stacy E. Byron</b>	<b>780 Pine A. Rice Lake</b>	<input type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City	<b>12/1/21</b>
10.	<i>M</i>	<b>David Binelle</b>	<b>781 Pine Pl. Rice Lake</b>	<input type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City	<b>12/1/21</b>

1. I further certify I am either a qualified elector 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. §6.03. I personally circulated this nomination 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 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 falsifying this certification is punishable under Wis. Stat. § 12.13(3)(a).

I further certify I am either a qualified elector 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. §6.03. I personally circulated this nomination 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 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 falsifying this certification is punishable under Wis. Stat. § 12.13(3)(a).

CERTIFICATION OF CIRCULATOR  
 certify: I reside at **752 Pine Place** **Rice Lake** **Wis**  
 (Circulator's residential address - include number, street, and municipality.)  
 (Date) **12-2-21**  
 (Signature of circulator)  
 Page No. 1



EXHIBIT B

NOMINATION PAPER FOR NONPARTISAN OFFICE

Candidate's name (required); no titles may be used:  
**Jerry McRoberts**

Candidate's residential address (required). No P.O. Box addresses  
 Street, line, or rural route number, box number (if rural route); and name of street or road  
**752 Pine Place**

Candidate's mailing address, including municipality for mailing purposes (required if different than residential address or voting municipality)  
**752 Pine Place, Rice Lake**

Title of office (required):  
**Barron County Board of Supervisors**

Branch, district or seat number (required if applicable)  
 Branch  District **#19**

State (required):  
**WI**

Zip code:  
**54868**

Type of election (required):  
 Spring  Special

Name of jurisdiction or district in which candidate seeks office (required):  
**Barron County Board of Supervisors District #19**

Candidate's municipality for voting purposes (required)  
 Town  Village  City  
**Rice Lake**

Election date (required) Do not use primary date:  
**April 5, 2022**

I, the undersigned, 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 voters will have the opportunity to vote for him or 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 paper of any other candidate for the same office at this election.

The municipality used for mailing purposes, when different than municipality of residence, is not sufficient. The name of the municipality of residence must always be listed.

Signatures of Electors	Printed Name of Electors	Residential Address (No P.O. Box Addresses) Street and Number or Rural Route (Rural address must also include box or fire no.)	Municipality of Residence Check the type and write the name of your municipality for voting purposes.	Date of Signing Mo/Day/Year
<i>Young McRoberts</i>	Terry McRoberts	752 Pine Place	<input type="checkbox"/> Town <input checked="" type="checkbox"/> Village <input type="checkbox"/> City Rice Lake	12-1-21
<i>Carol McRoberts</i>	Carol McRoberts	752 Pine Pl.	<input type="checkbox"/> Town <input checked="" type="checkbox"/> Village <input type="checkbox"/> City Rice Lake	12-1-21
<i>Marlene Thurns</i>	Marlene Thurns	1410 W. Allen St	<input type="checkbox"/> Town <input checked="" type="checkbox"/> Village <input type="checkbox"/> City Rice Lake	12-1-21
<i>Duke Thurs</i>	Duke Thurs	1410 W. Allen St.	<input type="checkbox"/> Town <input checked="" type="checkbox"/> Village <input type="checkbox"/> City Rice Lake	12-1-21
<i>Vern Brust</i>	Vern Brust	1600 Augusta St	<input type="checkbox"/> Town <input checked="" type="checkbox"/> Village <input type="checkbox"/> City Rice Lake	12-1-21
<i>Kathryn Brust</i>	Kathryn Brust	1600 Augusta St.	<input type="checkbox"/> Town <input checked="" type="checkbox"/> Village <input type="checkbox"/> City Rice Lake	12-1-21
<i>Mary Bentley</i>	Mary Bentley	1504 Augusta St	<input type="checkbox"/> Town <input checked="" type="checkbox"/> Village <input type="checkbox"/> City Rice Lake	12-1-21
<i>Renee Swanson</i>	Renee Swanson	412 Koyul Cr	<input type="checkbox"/> Town <input checked="" type="checkbox"/> Village <input type="checkbox"/> City Rice Lake	12-1-21
<i>Dave Swanson</i>	Dave Swanson	412 Koyul Cr	<input type="checkbox"/> Town <input checked="" type="checkbox"/> Village <input type="checkbox"/> City Rice Lake	12-1-21
<i>Mark Becker</i>	Mark Becker	1603 W. Allen St	<input type="checkbox"/> Town <input checked="" type="checkbox"/> Village <input type="checkbox"/> City Rice Lake	12-1-21

CERTIFICATION OF CIRCULATOR  
 I certify: I reside at 752 Pine Place Rice Lake, WI  
 (Circulator's residential address - include number, street, and municipality)

I further certify I am either a qualified elector 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. §6.03. I personally circulated this nomination 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 seeks to represent. I know that each person named 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 falsifying this certification is punishable under Wis. Stat. § 12.13(3)(a).

(Date) 12-2-21 (Signature of circulator) Jerry McRoberts

169 | Nov 2019-10 | Wisconsin Elections Commission, P.O. Box 7984, Madison, WI 53707-7984 | 608-261-2028 | web: elections.wis.gov | email:



**Jerry McRoberts**

752 Pine Place

Rice Lake

(Name of municipality)

Candidate's mailing address, including municipality for mailing purposes (required if different than residential address or voting municipality)

752 Pine Place, Rice Lake

WI

54868

Spring

April 5, 2022

Do not use primary date.

Barron County Board of Supervisors

#19

Barron County Board of Supervisors District #19

I, the undersigned, 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 voters will have the opportunity to vote for him or 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 paper of any other candidate for the same office at this election.

The municipality used for mailing purposes, when different than municipality of residence, is not sufficient. The name of the municipality of residence must always be listed.

Signatures of Electors	Printed Name of Electors	Residential Address (No P.O. Box Addresses) (Rural address must also include box or fire no.)	Municipality of Residence Check the type and write the name of your municipality for voting purposes.	Date of Signing Mo/Dav/Year
1. <i>Alack</i>	JAMES BARINER	665 Pine Crn.	<input type="checkbox"/> Town <input type="checkbox"/> Village <input checked="" type="checkbox"/> City	Rice Lake 12/1/21
2. <i>Steve Johnson</i>	Steve Johnson	605 Pine Place	<input type="checkbox"/> Town <input type="checkbox"/> Village <input checked="" type="checkbox"/> City	Rice Lake 12-1-21
3. <i>Bob Schmidt</i>	Bob Schmidt	604 Pine Place	<input type="checkbox"/> Town <input type="checkbox"/> Village <input checked="" type="checkbox"/> City	Rice Lake 12-1-21
4. <i>Gina Kramer</i>	Gina Kramer	521 Pine Place	<input type="checkbox"/> Town <input type="checkbox"/> Village <input checked="" type="checkbox"/> City	Rice Lake 12-1-21
5. <i>Philip Kramer</i>	Philip Kramer	521 Pine Place	<input type="checkbox"/> Town <input type="checkbox"/> Village <input checked="" type="checkbox"/> City	Rice Lake 12-1-21
6. <i>Kate Ford</i>	KATE FORD	704 PINE PLACE	<input type="checkbox"/> Town <input type="checkbox"/> Village <input checked="" type="checkbox"/> City	Rice Lake 12/1/2021
7. <i>Benny Karpis</i>	BENNY KARPIS	927 PINE PL	<input type="checkbox"/> Town <input type="checkbox"/> Village <input checked="" type="checkbox"/> City	Rice Lake 12-01-21
8. <i>Jim Baker</i>	Jim Baker	757 Pine Pl	<input type="checkbox"/> Town <input type="checkbox"/> Village <input checked="" type="checkbox"/> City	Rice Lake 12-01-21
9. <i>Eric Nuebel</i>	Eric Nuebel	756 Pine Pl	<input type="checkbox"/> Town <input type="checkbox"/> Village <input checked="" type="checkbox"/> City	Rice Lake 12-1-21
10. <i>Kathy Nuebel</i>	Kathy Nuebel	756 Pine Pl	<input type="checkbox"/> Town <input type="checkbox"/> Village <input checked="" type="checkbox"/> City	Rice Lake 12-1-21

**CERTIFICATION OF CIRCULATOR**

I certify: I reside at 752 Pine Place Rice Lake WI

(Circulator's residential address - include number, street, and municipality.)

*Jerry McRoberts*  
(Name of circulator)

I hereby certify that I am either a qualified elector 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. §6.03. I personally attested this nomination 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 seeks to represent. I know 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 that falsifying this certification is punishable under Wis. Stat. § 12.13(3)(a).

(Date)

*Jerry McRoberts*  
(Signature of circulator)

Page No.



**NOMINATION PAPER FOR NONPARTISAN OFFICE**

Candidate's name (required); no titles may be used: **Jerry McRoberts**

Candidate's residential address (required): No P.O. Box addresses  
 Street, line, or rural route number, box number (if rural route), and name of street or road  
**752 Pine Place**

Candidate's mailing address, including municipality (for mailing purposes) (required if different than residential address or voting municipality)  
**752 Pine Place, Rice Lake**

Title of office (required): **Barron County Board of Supervisors**

Branch, district or seat number (required if applicable):  
 Branch  District  Seat **#19**

State (required): **WI** Zip code: **54868**

Name of jurisdiction or district in which candidate seeks office (required):  
 spring  special  
**Barron County Board of Supervisors District #19**

Election date (required) (Do not use primary date):  
 City  Rice Lake (name of municipality)  
**April 5, 2022** Mo/Da/Year

I, the undersigned, 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 voters will have the opportunity to vote for him or 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 paper of any other candidate for the same office at this election.

The municipality used for mailing purposes, when different than municipality of residence, is not sufficient. The name of the municipality of residence must always be listed.

Signatures of Electors	Printed Name of Electors	Residential Address (No P.O. Box addresses) (Rural address must also include box or fire no.)	Municipality of Residence Check the type and write the name of your municipality for voting purposes.	Date of Signing Mo/Da/Year
<i>Samuel S. Koehl</i>	SAMUEL S. KOEHL	1604 W. ALLEN ST RICE LAKE	<input type="checkbox"/> Town <input type="checkbox"/> Village <input checked="" type="checkbox"/> City	12/1/2021
<i>Carolyn A. Koehl</i>	Carolyn A. Koehl	1604 W ALLEN ST RICE LAKE	<input type="checkbox"/> Town <input type="checkbox"/> Village <input checked="" type="checkbox"/> City	12/1/2021
<i>Lori J. Becker</i>	Lori J. Becker	1603 W. ALBERT LAKE RICE LAKE	<input type="checkbox"/> Town <input type="checkbox"/> Village <input checked="" type="checkbox"/> City	12/1/21
<i>Karen Peterson</i>	Karen Peterson	1608 Augusta RICE LAKE	<input type="checkbox"/> Town <input type="checkbox"/> Village <input checked="" type="checkbox"/> City	12-1-21
<i>Stanley N. Bergum</i>	STANLEY N. BERGUM	230 WASHINGTON AVE RICE LAKE	<input type="checkbox"/> Town <input type="checkbox"/> Village <input checked="" type="checkbox"/> City	12-1-2021
<i>Norma Bergum</i>	Norma Bergum	230 Washington Ave RICE LAKE	<input type="checkbox"/> Town <input type="checkbox"/> Village <input checked="" type="checkbox"/> City	12-1-2021
<i>Joe Estren</i>	Joe Estren	510 Pine Pl RICE LAKE	<input type="checkbox"/> Town <input type="checkbox"/> Village <input checked="" type="checkbox"/> City	12-1-2021
<i>James Schmucke</i>	James Schmucke	715 Pine Place RICE LAKE	<input type="checkbox"/> Town <input type="checkbox"/> Village <input checked="" type="checkbox"/> City	12/1/21
<i>Carolyn E. Byron</i>	Carolyn E. Byron	780 Pine Pl RICE LAKE	<input type="checkbox"/> Town <input type="checkbox"/> Village <input checked="" type="checkbox"/> City	12/1/21
<i>David Brindle</i>	DAVID BRINDLE	781 PINE PL. RICE LAKE	<input type="checkbox"/> Town <input type="checkbox"/> Village <input checked="" type="checkbox"/> City	12/1/21

**CERTIFICATION OF CIRCULATOR**  
 I certify: I reside at 752 Pine Place (Circulator's residential address - include number, street, and municipality.)  
Jerry McRoberts (Name of circulator)  
Rice Lake WI (Name of municipality)

I further certify I am either a qualified elector 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. §6.03. I personally circulated this nomination 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 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 falsifying this certification is punishable under Wis. Stat. § 12.13(3)(a).

12-2-21 (Date)

*Jerry McRoberts*  
 (Signature of circulator)

Page No.

## EXHIBIT C



Abe <abe@abevoelker.com>

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### Question about changes to an EL-169 after being filed

4 messages

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**Abe Voelker** <\_@abevoelker.com>  
To: Elections@wi.gov

Fri, Dec 31, 2021 at 1:54 PM

To Whom it May Concern:

I was reviewing EL-169 forms filed with my county clerk. I discovered some forms where the "signature of circulator" was not filled in. The clerk commented that they would have to call the circulator in and have them finish signing the forms.

My question is, once the forms have already been filed with the clerk, can they be changed afterward in this way to fix these errors?

Thanks,  
Abe

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**Hoag, Erin C - ELECTIONS** <erin.hoag@wisconsin.gov>  
To: "\_@abevoelker.com" <\_@abevoelker.com>

Mon, Jan 3, 2022 at 9:37 AM

Good morning Abe,

Thank you for reaching out to Wisconsin Elections Commission. You are correct that these forms cannot be touched or changed once they have been handed in to the clerk. However, your circulator(s) can submit correcting affidavits for each page that wasn't submitted. I have attached a sample correcting affidavit that can be used for this.

I hope this is helpful! Please let me know if you have further questions.

Best,

**Erin Hoag**

Elections Specialist

Wisconsin Elections Commission

[212 East Washington Avenue](#), Third Floor

Madison, WI 53703

608-261-2004

[elections.wi.gov](http://elections.wi.gov)

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**From:** ELECTIONS HelpDesk <[elections@wisconsin.gov](mailto:elections@wisconsin.gov)>  
**Sent:** Monday, January 3, 2022 9:30 AM



**To:** Hoag, Erin C - ELECTIONS <erin.hoag@wisconsin.gov>  
**Subject:** FW: Question about changes to an EL-169 after being filed


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**From:** Abe Voelker <@abevoelker.com>  
**Sent:** Friday, December 31, 2021 1:54 PM  
**To:** ELECTIONS HelpDesk <elections@wisconsin.gov>  
**Subject:** Question about changes to an EL-169 after being filed

**CAUTION: This email originated from outside the organization.  
Do not click links or open attachments unless you recognize the sender and know the content is safe.**

[Quoted text hidden]

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 **Sample Correcting Affidavit\_Circulator\_cert language missing.doc**  
25K

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**Abe Voelker** <@abevoelker.com>  
To: "Hoag, Erin C - ELECTIONS" <erin.hoag@wisconsin.gov>  
Cc: Elections@wi.gov

Mon, Jan 3, 2022 at 12:32 PM

Good afternoon Erin,

Thank you for that information. One clarification for context, these are not my EL-169 forms but rather an opponent's which I may be challenging. I have two follow-up questions if you don't mind:

1. Can the correcting affidavit be provided to the clerk after the filing deadline (tomorrow, 01/04 at 5pm), or must it be filed before then?
2. If the clerk already called in the circulator and had them modify the forms that were already filed, are those forms still valid for amendment with the affidavit or have they now been made invalid / challengeable?

Thank you,  
Abe

[Quoted text hidden]

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**Hoag, Erin C - ELECTIONS** <erin.hoag@wisconsin.gov>  
To: Abe Voelker <@abevoelker.com>

Mon, Jan 3, 2022 at 12:56 PM

Hello Abe,

Can you let me know what municipality you're running in? Regardless, the candidate has three days after the filing deadline to submit the correcting affidavits. You also have three days after the filing deadline to file a challenge and yes, this is challengeable.

Best,

Erin

[Quoted text hidden]

# EXHIBIT 2

January 11, 2022

VIA E-MAIL AND U.S. POSTAL SERVICE

Abraham A. Voelker  
738 Pine Place  
Rice Lake, WI 54868

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**DECISION OF LOCAL FILING OFFICER REGARDING THE COMPLAINT  
OF ABRAHAM A. VOELKER AGAINST JERRY McROBERTS**

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**DECISION:**

**After review of the Complaint filed by Abraham A. Voelker against Jerry McRoberts and after considering the facts and Wisconsin Administrative Code Chapter EL 2 entitled Election Related Petitions, it is the decision of this Local Filing Officer, for the reasons set forth below, that the challenge asserted by Abraham A. Voelker is invalid and that Jerry McRoberts has satisfactorily filed his nomination papers to have his name on the ballot for the April election.**

**Factual Background:**

On or about December 2, 2021, Jerry McRoberts filed Nomination Papers for Nonpartisan Office with the Barron County Clerk DeeAnn Cook to have his name placed on the ballot for the April 5, 2022 election for the District 19 seat for the Barron County Board of Supervisors.

On or about December 15, 2021, the Complainant, Abraham A. Voelker, came to the Barron County Clerk's Office and made a public inspection of the documents that Jerry McRoberts filed which consisted of three pages. They were titled "Nomination Paper for Nonpartisan Office". The Complainant took a picture of each of the pages that day and they are attached to his Complaint as Exhibit A. As noted in the Complaint, the "Signature of circulator" line under the "Certification of Circulator" portion of the document was left blank on each of the three pages filed. The address portion was filled out and it was dated 12-2-21. Under the "Name of circulator" line Jerry McRoberts had signed his name on each of the three pages.

On January 4, 2022, the Complainant came to the Barron County Clerk's Office and made a public inspection of the same three pages of the Nomination Paper for Nonpartisan Office. The Complainant took pictures of each of the pages on January 4, 2022 and they are attached to his Complaint as Exhibit B. On each of the three pages under the "Signature of circulator" line Jerry

McRoberts had signed his name. As stated in the Complaint, the Complainant inquired with the Clerk if she had contacted Jerry McRoberts to let him know that he had not signed the documents and if he then came in to sign them, and as noted in the Complaint the answer was in the affirmative.

The Complainant filed the Complaint with the Barron County Clerk on January 7, 2022 at approximately 4:30 pm alleging two counts as follows: Count I – Respondent Failed to Provide Circulator Signature on Nomination Papers; and Count II – Nomination Papers Invalidated By Respondent’s Modification After Filing. Pursuant to Wisconsin Administrative Code EL 2.07 (2) (b) the elections commission or the local filing officer shall decide the challenge with or without a hearing after the deadline for filing a response to the challenge, but not later than the date for certifying candidates to the ballot.

**Analysis:**

Wisconsin Statute Section 8.10 sets forth the requirements for nominations for spring election. It provides that candidates for office to be filled at the spring election shall be nominated by nomination papers which may be circulated no sooner than December 1 preceding the election and may be filed no later than 5 p.m. on the first Tuesday in January preceding the election. In this instance the deadline was January 4, 2022. Section 8.10 (3) provides that “The certification of a qualified circulator under s. 8.15 (4) (a) shall be appended to each nomination paper.”

Wisconsin Statute Section 8.15 (4) provides in part that “[t]he 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. . . .”

Wisconsin Administrative Code Section EL 2.07 Challenges to nomination papers provides that 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.

Section EL 207 (2) provides in part that “[a]ny challenge to the sufficiency of a nomination paper shall be made by verified complaint” and that “[t]he 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”. Additionally, s. EL 207 (2) provides that “[a]ny challenge to the sufficiency of a nomination paper shall be filed within 3 calendar days after the filing deadline for the challenged nomination papers.”

In this case, a verified complaint was filed at approximately 4:30 pm on January 7, 2022, which is within 3 days of the filing deadline of January 4, 2022. The challenge complaint was personally delivered to Jerry McRoberts on the evening of January 7, 2022 within the 24 hour required time period.

The Complainant request under Count I that all Nomination Papers filed by the Respondent be declared not filed in conformance with the statute and be stricken based upon the fact that the

signature of the circulator was not on the certification section of the documents when they were filed with the local filing officer. The Complaint cites Wis. Admin. Code Sec. EL 2.05 (14) which provides that “[n]o signature on a nomination paper shall be counted unless the elector who circulated the nomination paper completes and signs the certificate of circulator...”

The Complaint further argues that after a nomination paper has been filed that no signature may be added or removed and that errors contained in nomination papers may be corrected by an affidavit; however, a signature was added but no affidavit of correction was filed. In support the Complaint cites Wis. Admin. Code Sec. EL 2.05 (16) that “[a]fter a nomination paper has been filed, no signature may be added or removed.” Additionally, Wis. Admin. Code Sec. EL 2.05 (4) provides that “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 Complaint alleges under Count II that the Nomination Papers were invalidated by the Respondent’s modification after the filing of the papers. The Complaint again cites Wis. Admin. Code Sec. EL 2.05 (16) that “[a]fter a nomination paper has been filed, no signature may be added or removed.” The Complainant believes that Respondent’s Nomination Papers had been invalidated by his adding his signature after having filed the papers with the Clerk, and requests under Count II that all Nomination Papers filed by the Respondent be declared not filed in conformance with the statute and be stricken based upon the fact that the signature of the circulator was not on the certification section of the documents when they were filed with the local filing officer.

**Count I:**

As to the allegations raised in Count I the Complaint relies upon Wisconsin Administrative Code Sections 2.05 (14); 2.05 (16) and 2.05 (4).

Section 2.05 (14) provides that “[n]o 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.” There is no doubt that the signature was not signed before it was circulated. In fact, that is the issue in that it was signed after it had been filed. Subdivision (14) requires the circulator to complete and sign the nomination paper after it had be circulated; however, nothing in sub. (14) addresses the issue of whether it is permissible for the circulator to sign the document after it has been filed but before the filing deadline. Therefore, it must be read in conjunction with Section 2.05 (16).

Section 2.05 (16) provides that “[a]fter 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 Complainant interprets this to apply to both to signers and to the circulator; however, this is not so clear. A reading of the entire paragraph leads to a different conclusion. The language is directed to signers, not the circulator. The last sentence speaks to the death of a signer after the nomination paper has been signed and does not have the effect of invalidating the signature. The second sentence speaks to the ability of the circulator to remove a signature of a signer before it is filed. Therefore, the language in the

first sentence that after the nomination paper has been filed that no signature may be added or removed logically means the signature of signers and not the circulator.

Section 2.05 (4) provides as follows:

“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 file with the filing officer not later than three calendar days after the applicable statutory due date for the nomination papers.”

First, this paragraph provides that there is a presumption of validity regarding the information that appears on the nomination papers. Secondly, it provides that an affidavit correcting an error “**may**” be filed, but does not mandate that is shall be file.

In this situation, there was not so much an error in information, but rather the failure of the circulator to sign the under the certification section. This deficiency was corrected by the addition of the signature prior to the deadline for filing the papers despite the fact that they had already been filed. Nothing in Section EL 2.05 prevents the circulator from signing the certification after filing but prior to the deadline. Based upon this interpretation an affidavit of correction is not necessary.

#### **Count II:**

Count II relies again on the interpretation of Section 2.05 (16) that “[a]fter a nomination paper has been filed, no signature may be added or removed” to the proposition that the Nomination Papers were invalidated by the Respondent’s modification after the filing. In short, by adding his signature under the certification section as circulator. As addressed above under the analysis of Count I, I do not find this interpretation of the Administrative Code to be correct. This section speaks to the signatures of the signers and not the circulator.

#### **Conclusion:**

Wisconsin Administrative Code Section EL 2.05 (5) provides, that “[w]here 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.”

Based upon the facts and circumstances involved, I find that there has been substantial compliance. Jerry McRoberts did sign the nomination paper, but signed it where it states “Name of Circulator”. Additionally, he did come personally before me and sign each of the pages of the Nomination Papers in the correct location prior to the deadline for filing the papers. There was no question that he circulated the papers himself and he is not a person unknown to me. There was a good faith attempt to correct what was lacking and I find that

there was substantial compliance with the requirements under the law. Therefore, I find that the challenge is invalid and that Jerry McRoberts has satisfactorily filed his nomination papers to have his name on the ballot for the April election.

January 11, 2022  
Date

DeeAnn Cook  
DeeAnn Cook, County Clerk  
Barron County

**Appeal Rights:**

Wisconsin Administrative Code Section EL 2.07 - Challenges to nomination papers provides that 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.

Wisconsin Administrative Code Section EL 2.07 (2) (b) provides that after the deadline for filing a response to a challenge, but not later than the date for certifying candidates to the ballot, the local filing officer shall decide the challenge with or without a hearing.

**Wisconsin Statute Section 5.06 (3) provides: "[a] complaint under this section shall be filed promptly so as not to prejudice the rights of any other party. In no case may a complaint relating to nominations, qualifications of candidates or ballot preparation be filed later than 10 days after the complainant knew or should have known that a violation of law or abuse of discretion occurred or was proposed to occur.**

An appeal/complaint of this decision should be directed to the Wisconsin Elections Commission. For more information regarding submitting a complaint you can call the Wisconsin Elections Commission at (608) 261-2028.