

**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](http://www.co.rock.wi.us)  
[Lisa.Tollefson@co.rock.wi.us](mailto:Lisa.Tollefson@co.rock.wi.us)

January 28, 2022

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

Re: *Peterson v. Tollefson*

To the Honorable Commissioners of the Wisconsin Elections Commission and  
Wisconsin Elections Commission Administrator:

Please find below, my response to the Complaint of John Peterson in the above-referenced matter.

**I. Regarding "Complaint Item 1" (Exhibit 3, page 1)**

Per Wis. Admin EL § 2.05(4) "Any information which appears on a nomination paper is entitled to a presumption of validity." Complainant does not dispute the actual validity of any signature at issue in "Item 1", nor does Complainant dispute the validity of the actual date ultimately signed by Potter upon submission of his nomination papers. Instead, complainant focuses on a perceived technical error that even if not corrected at the time that Mr. Potter turned in his nomination papers, could have been corrected by January 7, 2022, i.e. three days after the deadline for filing nomination papers of January 4, 2022. Complainant disputes the precise manner in which such error must be corrected, reading the Wis. Admin Ch EL so as to create a barrier to the ballot which is not there, and attempting to draw a line so finely as to make the result absurd.

There is no dispute that Mr. Potter was in the office to submit his nomination papers. Nor is there dispute that such papers were handed to me while Mr. Potter stood-by. However, as demonstrated by the security video footage (*see* Compl. Ex. 9), at the moment that Mr. Potter corrected the certification date on his nomination papers, they were in his physical possession and as such could be corrected by the circulator (*see id.* at 4:18, 4:38, & 4:47).

The Complainant's reliance on Wis. Admin. EL § 2.05(2) is misplaced and overstated. Section 2.05(2) states, "In order to be timely, all nomination papers shall be in the physical possession of the filling officer by the statutory deadline." Complainant

argues that this passage means that when the filing officer obtains physical possession of nomination papers, the submitter may no longer alter such papers in any manner. However, section 2.05(2) does not speak to alterations or corrections.

Instead, this section of the rules is to ensure that candidates know the manner in which nomination papers must be submitted to be considered timely, i.e. physical possession by the filing officer. This is in contrast to other portions of the Wisconsin Statutes, and Administrative Rules where submission by mail with a post mark by the submission deadline is acceptable. By way of illustration, in 2020, Kanye West did not succeed in submitting his papers in a timely manner and was disqualified from the ballot. Likewise a candidate that mails their paperwork into the filing officer must ensure the nomination papers are in the possession of the filing officer before the deadline. Mail that has been date stamped prior to the filing deadline does not meet compliance of being in possession of the filing officer unless it arrives before the deadline. This is similar to absentee ballots. Absentee ballots postmarked before Election Day are not counted unless they are returned by 8:00 p.m. on Election Day. No portion of section 2.05(2) was meant to be relied upon in determining when nomination papers may or may not be corrected. Nor, should it be interpreted to mean that as soon as a filing officer touches a filing the document is deemed filed and cannot be altered by the filer.

The Rock County Clerk's Office has set the practice of not considering nomination papers officially filed until the candidate and our office agree on the number of pages and the estimated number of signatures being submitted. To document that agreement, our office completes a *Nomination Paper Chain of Custody* form ("Chain of Custody Form") which when filled out includes: Candidate name, Office Sought, Date Filed, No. of sheets filed, Approx No. of Signatures, the printed name of the staff member who the nomination papers were received by, the signature of staff member receiving the papers, and contact information for the candidate. Only after completion of the Chain of Custody form, are the nomination papers date-stamped and accepted for filing. Mr. Potter's Nomination Paper Chain of Custody form is attached as Exhibit 1.

Indeed, at the time that Mr. Potter corrected the circulation certification he could have walked away with his nomination papers and not filed them, or filed them at a later time, so long as they were filed by January 4, 2022.

As a part of the process of preparing the Chain of Custody Form, I performed, as is customary for all elections related filings, a cursory and superficial review of Mr. Potter's nomination papers to determine whether there were any obvious omissions or inaccuracies in the information provided would result in rejection of the papers. (Compl. Ex. 9 at 3:59.) I perform this preliminary review with the submitter present to ensure that if there were any obvious errors that could result in the filing being rejected, that the submitter have the most direct and timely information about the submissions deficiency. In accordance with that practice, I recognized that the date articulated in the Certification of Circulator at the bottom of pages 1, 3, and 4 did not align with the dates of signatures for nominations. (Compl. Ex. 9 at 4:00.)

As I stated in my *Response and Determination: To Formal Complaint to Remove Unqualified Nomination Signatures for Robert Potter, Candidate for County Supervisor District 17* (see Resp. Ex. 2), “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.”

When Mr. Potter corrected his nomination papers they were in his physical possession and not filed with the clerk. (See Compl. Ex. 9 at 4:18, 4:38, & 4:47.) He had not received a Chain of Custody form, the papers had not been stamp received. (See *Id.*) As shown on the video, it is after that point that I walk from the front counter to another desk in the county clerk’s office to pick up a blank Nomination Paper Chain of Custody form (Compl. Ex. 9 at 6:00.)

As Mr. Potter was the circulator in question, and he had personal knowledge of when the signatures on the pages were obtained, he was able to ensure the information on his nomination papers was correct and to enter the correct date on the nomination papers. There was no need for him to file along with those papers an affidavit of correction because the papers had not yet been filed.

To require otherwise would create an absurd result, meaning anytime a circulator discovered that they had committed an error, no matter how minute or technical in nature, they would be required to swear out an affidavit articulating the error and file that with their nomination papers, even when those papers had not yet been filed with the filing officer. This would place an artificial barrier to ballot access, one that is not required anywhere within EL § 2.05 or the Wisconsin Statutes.

Further, Complaint argues that by correcting the date of circulation, Mr. Potter had made the dates “now illegible and there is no accompanying affidavit that shows what the dates were previously or what they were corrected to.” (See Compl. at 2.) Again, Complainant does not argue that the dates are incorrect, but instead argues that he is unable to read them. However, I was able to read them and so did not deem them illegible.

## II. Regarding “Complaint Item 4”

Complainant argues that the Wisconsin Elections Commission should substitute its judgement for that of the filing officer—here, the Rock County Clerk—and order that otherwise facially valid signatures should be struck from Mr. Potters nomination papers based upon what is alleged to be an email from an apartment building’s property manager asserting that some individuals do not reside at the addresses listed on the nomination papers. (Compl. at 5-6.) However, here, I properly exercised my discretion and found that the Challenger had not met their burden to establish that the signatories did not live at the address offered.

Pursuant to Wis. Stat. § 5.06, the Wisconsin Elections Commission may review whether an elections official has made a decision contrary to law, or “*abused the discretion vested to [her] by law.*” See Wis. Stat. § 5.06(1)(emphasis added). Wisconsin Law commits the determination on the sufficiency of nomination papers for an election of County Board Supervisor to the discretion of the County Clerk. See Wis. Admin. EL § 2.07(4). In evaluating such a challenge, “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.” *Id.* § 2.07(3). The burden of proof applicable to establishing or rebutting a challenge is clear and convincing evidence.” *Id.* § 2.07(4).

Here, in particular, the Complainant does not allege that I have misapplied any legal qualification for the signatories, only that the evidence that the Challenger supplied establishes that those signatories do not reside at the putative address. He alleges that I, instead, should have found the evidence supplied by the Challenger “clear and convincing.” See Compl. at 5-6. In other words, the Complainant disagrees with amount of convincing power that I determined that the offered evidence warranted—a clear act of discretion under Wis. Admin. EL §§ 2.05 and 2.07.

In other contexts, the Wisconsin Supreme Court has articulated that the review of the exercise of discretion shall be sustained if after examining the relevant facts, the proper standard was applied and using a demonstrably rational process, reached a conclusion that a reasonable person could reach. See *Lane v. Sharp Packaging Systems, Inc.*, 2002 WI 28, ¶19, 251 Wis. 2d 68, 640 N.W.2d 788.

In my Response and Determination regarding the challenge to Mr. Potter’s nomination papers, I found as follows: “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.” (Resp. Ex. 2 at 3.)

In addressing the email offered by the Challenger, I found it unconvincing in two manners. First, the email was not accompanied by any other documentation that would have authenticated either the sender, or corroborated the information contained within it. Clearly, this email had already been altered by redacting the name of the recipient. Given that, it was impossible for me to know if it had been altered in other manners. In this day and age, emails are notoriously easy to fake. While I did not have any reason to specifically believe that the email was inauthentic, I also did not have any specific facts to substantiate that it was. As there was no sworn statement accompanying the email establishing its authenticity, I did not find that the email was clear or convincing in establishing that the putative sender of the email had personal and sufficient knowledge of those who resided at the addresses in question. In other words, I did not believe that this email was clear or convincing in its power to show that those individuals did not live at the addresses shown.

Complaint argues that I should have made an investigation of the authenticity of the email myself. However, this is clearly not required by law. While Wisconsin Law allows for the filing officer to consult and review extrinsic sources, such acts are permissive, not mandatory, and it is still incumbent upon the party alleging insufficiency to meet their burden of proof. *See* Wis. Admin. EL § 2.07(3) (“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).”) & 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. *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.” (emphasis added)).

On Friday, January 7, 2022 two challenges to nomination papers were filed with the Rock County Clerk’s office. The challenges were then delivered to the challenged candidates within 24 hours as required. The challenged candidates had until Monday, January 10, 2022 to deliver responses to the county clerk’s office. Both responses were delivered to the county clerk’s office on Monday, January 10, 2022. The latest was delivered after 4:00 p.m.

Pursuant to EL § 2.07(2)(b) the filing officer must make a determination on a challenge by the date for certifying the election, or in this case by January 11, 2022. This left me with just 24 hours to make a determination on both challenges as well as fulfill my other duties as County Clerk. The circumstances of two challenges, each with a lengthy number of complaints and a short window to complete and write the determinations, did not allow for time to review other extrinsic evidence. Therefore it was a reasonable exercise of my discretion to reply solely on the materials provided by Challenger and not seek other extrinsic evidence.

Complainant also now offers Exhibit 6 to his Complaint in order to authenticate the email that was submitted with the initial challenge. However, Complaint Exhibit 6 was not included in the initial challenge and as such could not have been part of my determination. It should not be considered as a part of this complaint.

Second, even if the email was actually from the person who it was purported to be from, I did not find its contents to be particularly convincing. The only statements made in the email were cursory and conclusory. The email states with regard to Mr. Fillmore: “Does not live here/Never has at this address!” and “No record of her living here!” (See. Compl. Ex. 1 at 9.) There was no explanation of how the property manager arrived at this conclusion, what records they consulted, if any, and there was no corroborating evidence supplied by either the property manager, or the Challenger at the time the challenge was filed.

As I stated in my Review and Determination, there may be reasonable explanations as to why a property manager may not be aware that a person is residing at a particular residence. Just because someone manages a property does not mean that they have perfect knowledge of who is or is not residing in a particular unit at any

given time. It's reasonable that a property manager could be unaware that an apartment's lessee has allowed other individuals who are not on the lease to reside in the apartment, and accordingly may not be aware of all of the residents of the unit. Given this, I did not find that an email, even if from the property manager, was particularly convincing to establish that the signatories did not reside at these addresses, particularly, without any explanatory context of how the property manager arrived at these conclusions.

Finally, Complainant offers four reasons why I should have found the email offered as clear and convincing evidence that the signatories do not reside at the addresses listed. (Compl. at 5.) However, none of those reasons actually address the deficiencies listed above. Each, instead, attempts to link the convincing power of the email to how it relates to the other residents listed, or by trying to shift the burden of proof back on Mr. Potter. In any event, none of these arguments even if offered as a part of the original challenge, which they were not, would have convinced me by clear and convincing evidence that the signatories did not live at the offered residences as they do nothing to fill in the holes in convincing power that I found the most important.

### III. Conclusion

For the reasons stated above, I respectfully request that the Wisconsin Elections Commission find that my review and determination of the Complainant's challenge to the sufficiency of Mr. Potter's nomination papers was not contrary to law, sustain the exercise of my discretion, and dismiss this complaint.

Sincerely,



Lisa Tollefson  
Rock County Clerk

Enc.

State of Wisconsin                     )  
  )SS.  
County of Rock                         )

On this 28<sup>th</sup> day of January, 2022, Lisa Tollefson, Rock County Clerk, personally appeared before me, Kristine Kleisner, and subscribed and sworn, fixed her signature above.

Kristine Kleisner  
Signature

My Commission Expires: 05-19-2023

Seal:



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](http://www.co.rock.wi.us)  
[CountyClerk@co.rock.wi.us](mailto:CountyClerk@co.rock.wi.us)

NOMINATION PAPER CHAIN OF CUSTODY

Candidate: ROBERT POTTER  
Office Sought: COUNTY BOARD SUPERVISOR #17  
Date Filed: 1-4-2022  
No. of sheets filed: 6  
Approx No. of signatures: 55  
Nomination Papers Received by: LISA TOLLEFSON



Signature: \_\_\_\_\_

A handwritten signature in dark ink, appearing to be "Jr", written over a horizontal line.

The County Clerk's Office will review for valid signatures.  
How would you like to be notified?

\_\_\_\_\_  
Email \_\_\_\_\_ Mail \_\_\_\_\_  
X Phone No. 608-516-8613

**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](http://www.co.rock.wi.us)  
[Lisa.Tollefson@co.rock.wi.us](mailto: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 sufficiency 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.**

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

**Determination of Item 1:** 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.

Determination of Item 2: 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.

Determination of Item 3: 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

Determination of Item 4: 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 met 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."

Determination of Item 5: 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.

Determination of Item 6: 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 ineligible to hold public office.

Determination of Item 7: 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.

Determination of Item 8: 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.

*Response and Determination – Challenge to Nomination Papers for Robert Potter*

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

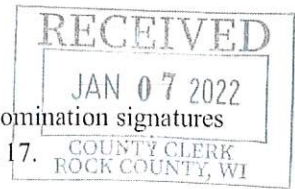
Exhibit A - Complaint to Remove Unqualified Nomination Signatures

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



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.

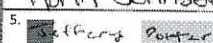

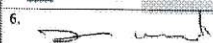
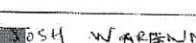
Unqualified signatures are referenced by line number and page number as indicated in the lower right hand corner of the submitted nomination pages.

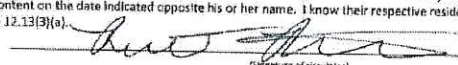
## **Reasons for Signature Removal:**

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.

5.			210 Kensington	<input checked="" type="checkbox"/> Beloit	1/3/2022 ✓
6.			420 LATHES	<input checked="" type="checkbox"/> Beloit	1/3/22 ✓
7.				<input type="checkbox"/> Town	
8.				<input type="checkbox"/> Village	
9.				<input type="checkbox"/> City	
10.				<input type="checkbox"/> Town	
				<input type="checkbox"/> Village	
				<input type="checkbox"/> City	

**CERTIFICATION OF CIRCULATOR**  
 I, Robert Potter (Name of circulator) certify I reside at 2518 Hawthorne Dr (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 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: 1-3-22 (Date) Signature of circulator: 

EL-169 | Rev. 2019-10 | Wisconsin Elections Commission, P.O. Box 7984, Madison, WI 53707-7984 | 608-761-7078 | web: elections.wisconsin.gov | email: elections@wisconsin.gov

Page No. 6

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.

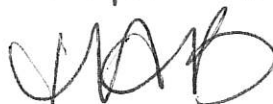
After removing the above complaints, candidate Robert Potter should be disqualified from his name appearing on the ballot for Rock County District Supervisor #17 as his total number of qualified signatures is below 50.

Sincerely,



**TAYLOR BRAUN**  
 Notary Public  
 State of Wisconsin

Date: January 7, 2022

Taylor Braun  


My commission expires 10/21/2024

# NOMINATION PAPER FOR NONPARTISAN OFFICE

Candidate's name (required); no titles may be used. <b>Robert Potter</b>		Candidate's residential address (required) No P.O. Box addresses Street, file, or rural route number; box number (if rural route); and name of street or road <b>2518 Hawthorne Dr, Beloit WI, 53511</b>		Candidate's municipality (required) <input type="checkbox"/> Town <input type="checkbox"/> Village <input checked="" type="checkbox"/> City <b>Beloit</b>	
Candidate's mailing address, including municipality for mailing purposes (required if different than residential address or voting municipality) <b>2518 Hawthorne Dr, Beloit</b>		State (required) <b>WI</b>	Zip code <b>53511</b>	Type of election (required) <input checked="" type="checkbox"/> Spring <input type="checkbox"/> Special	Election date (required if not the primary date) Mo/Da/Year <b>04/05/2022</b>
Title of office (required) <b>Rock County Board of Supervisor</b>		Branch, district or seat number (required if applicable) <input type="checkbox"/> Branch <input checked="" type="checkbox"/> District <input type="checkbox"/> Seat <b>17</b>		Name of jurisdiction or district in which candidate seeks office (required) <b>Rock County Board of Supervisory District 17</b>	

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 obtained 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 file no.)	Municipality of Residence (Check the type and write the name of your municipality for voting purposes.)	Date of Signing Mo/Da/Year
1.	Robert Potter	2518 Hawthorne Dr	<input type="checkbox"/> Town <input type="checkbox"/> Village <input checked="" type="checkbox"/> City Beloit	1/1/22 ✓
2.	Kate Anderson	2765 Chatsworth Dr	<input type="checkbox"/> Town <input type="checkbox"/> Village <input checked="" type="checkbox"/> City Beloit	1/1/2022 ✓
3.	Tim Quinn	2262 Winchester	<input type="checkbox"/> Town <input type="checkbox"/> Village <input checked="" type="checkbox"/> City Beloit	1/2/2022 ✓
4.	Lori Quinn	2262 Winchester	<input type="checkbox"/> Town <input type="checkbox"/> Village <input checked="" type="checkbox"/> City Beloit	1-2-2022 ✓
5.	JAY Boschi	2246 Winchester Dr	<input type="checkbox"/> Town <input type="checkbox"/> Village <input checked="" type="checkbox"/> City Beloit	1-2-2022 ✓
6.	Mary Boschi	2246 Winchester Dr	<input type="checkbox"/> Town <input type="checkbox"/> Village <input checked="" type="checkbox"/> City Beloit	1-2-2022 ✓
7.	Lynette Collins	2045 Chatsworth Dr.	<input type="checkbox"/> Town <input type="checkbox"/> Village <input checked="" type="checkbox"/> City Beloit	1-8-88 ✓
8.	Charles E. Collins	2645 Chatsworth Dr.	<input type="checkbox"/> Town <input type="checkbox"/> Village <input checked="" type="checkbox"/> City Beloit	1-2-22 ✓
9.	Aaron H. Walsh	4719 E Needham Rd	<input type="checkbox"/> Town <input type="checkbox"/> Village <input checked="" type="checkbox"/> City Tulhe	9/02/22 ✓
10.	Danielle Prohaska	4719 E Needham Rd	<input type="checkbox"/> Town <input type="checkbox"/> Village <input checked="" type="checkbox"/> City Tulhe	8/10/22 ✓

**Robert Potter**  
(Name of circulator)  
certify: I reside at **2518 Hawthorne Dr**  
(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 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)(b).

1-2-22

(Date)

(Signature of circulator)

EL 189 | Rev. 2015-10 | Wisconsin Elections Commission, P.O. Box 7884, Madison, WI 53707-7864 | 608-261-7633 | wv.elections.wi.gov | email: elections@wi.gov

Page No. **1**

# NOMINATION PAPER FOR NONPARTISAN OFFICE

Candidate's name (required); no titles may be used <b>Robert Potter</b>		Candidate's residence (required; No P.O. Box addresses; Street, fire, or rural route number, box number if rural route; and name of street or road) <b>2518 Hawthorne Dr, Beloit WI, 53511</b>		Candidate's municipality for 2018 purposes (required) <input type="checkbox"/> Town <input type="checkbox"/> Village <input checked="" type="checkbox"/> City <b>Beloit</b>	
Candidate's mailing address, including municipality for mailing purposes (required if different than residential address or voting municipality) <b>2518 Hawthorne Dr, Beloit</b>		State (required) <b>WI</b>	Zip code <b>53511</b>	Type of election (required) <input checked="" type="checkbox"/> Spring <input type="checkbox"/> Special	Election date (required) Do not use primary date <b>04/05/2022</b>
Voted office (required) <b>Rock County Board of Supervisor</b>		Branch, district or seat number (required if applicable) <input checked="" type="checkbox"/> District <input type="checkbox"/> Seat <b>17</b>		Name of jurisdiction or district in which candidate seeks office (required) <b>Rock County Board of Supervisors District 17</b>	

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 firm no.)	Municipality of Residence Check the type and write the name of your municipality for voting purposes. <input type="checkbox"/> Town <input type="checkbox"/> Village <input checked="" type="checkbox"/> City	Date of Signing Mo/Day/Year
1.	Chris Born	1730 Gateway Blvd	Beloit	1-2-2022 ✓
2.	Tammy Ziemer	1730 Gateway Blvd	Beloit	1-2-22 ✓
3.	Taylor Black	1730 Gateway Blvd	Beloit	-2-22 ✓
4.	Mark E. Smith	1730 Gateway Blvd	Beloit	1.2.22 ✓
5.	Whitney Daniels	1730 Gateway Blvd	Beloit	1/2/22 ✓
6.	Austin Harner	1730 Gateway Blvd Apt 26	Beloit	1/2/22 ✓
7.	Josh Fillmore	1730 Gateway Blvd Apt 24	Beloit	1/2/22 ✓
8.	Sam Dancy	1730 Gateway Blvd Apt 22	Beloit	1/2/2022 ✓
9.	Ryan Grebb	1730 Gateway Blvd Apt 22	Beloit	1/2/2022 ✓
10.	Nelson Kirschbaum	1730 Gateway Blvd #19	Beloit	1/2/22 ✓

**CERTIFICATION OF CIRCULATOR**  
 I, Robert Potter (Name of circulator)  
 certify: I reside at 2518 Hawthorne Dr (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 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) 1-2-22 (Signature of circulator)

# NOMINATION PAPER FOR NONPARTISAN OFFICE

Candidate's name (required), no titles may be used. <b>Robert Potter</b>		Candidate's residence or address (required). No P.O. box addresses. Street, box, or rural route number (box or rural route), and name of street or road. <b>2518 Hawthorne Dr, Beloit WI, 53511</b>		Candidate's municipality for voting purposes (required). <input type="checkbox"/> Town <input type="checkbox"/> Village <input checked="" type="checkbox"/> City <b>Beloit</b>	
Candidate's mailing address, including municipality for mailing purposes (required if different than residential address or voting municipality). <b>2518 Hawthorne Dr, Beloit</b>		State (required) <b>WI</b>	Zip code <b>53511</b>	Type of election (required). <input checked="" type="checkbox"/> Spring <input type="checkbox"/> Special	Effective date (required) for use of primary date. <b>04/05/2022</b>
Municipality office (required) <b>Rock County Board of Supervisor</b>		Branch, district or local number (required if applicable). <input checked="" type="checkbox"/> District <b>17</b> <input type="checkbox"/> Seat		Name of jurisdiction or district in which candidate seeks office. <b>Rock County Board of Supervisory District 17</b>	

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 addresses must also include box or line no.)	Municipality of Residence Check the type and write the name of your municipality for voting purposes. <input type="checkbox"/> Town <input type="checkbox"/> Village <input checked="" type="checkbox"/> City	Date of Signing Mo/Day/Year
1. <i>Susan Watson</i>	<i>Susan Watson</i>	<i>1740 Gateway Blvd</i>	<i>Beloit</i>	<i>1/9/22</i>
2. <i>Teri Weiner</i>	<i>Teri Weiner</i>	<i>1740 Gateway</i>	<i>Beloit</i>	<i>1/2/22</i>
3. <i>Ben Johnson</i>	<i>Ben Johnson</i>	<i>1740 Gateway Blvd</i>	<i>Beloit</i>	<i>1/2/22</i>
4. <i>Ben Johnson</i>	<i>Ben Johnson</i>	<i>1752 Gateway Blvd</i>	<i>Beloit</i>	<i>1-2-22</i>
5. <i>Cristina Maclellan</i>	<i>Cristina Maclellan</i>	<i>1752 Gateway Blvd</i>	<i>Beloit</i>	<i>1/2/22</i>
6. <i>Sara Mura</i>	<i>Sara Mura</i>	<i>1752 Gateway Blvd</i>	<i>Beloit</i>	<i>1/2/22</i>
7. <i>Debra Hark</i>	<i>Debra Hark</i>	<i>1734 Gateway Blvd</i>	<i>Beloit</i>	<i>1/2/22</i>
8. <i>Luke Danielson</i>	<i>Luke Danielson</i>	<i>2015 Murphy Woods Rd</i>	<i>Beloit</i>	<i>1-2-22</i>
9. <i>April Danielson</i>	<i>April Danielson</i>	<i>2015 Murphy Woods Rd</i>	<i>Beloit</i>	<i>1-3-22</i>
10. <i>Julie Baggs</i>	<i>Julie Baggs</i>	<i>2542 Hawthorne Dr</i>	<i>Beloit</i>	<i>1-3-22</i>

*Robert Potter*  
(Name of circulator)

## CERTIFICATION OF CIRCULATOR

I certify I reside at *2518 Hawthorne Dr*

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).

*1-3-22*  
(Date)

(Signature of circulator)

Page No. **3**

# NOMINATION PAPER FOR NONPARTISAN OFFICE

Candidate's name (required), no titles may be used <b>Robert Potter</b>		Candidate's residential address (required) No P.O. Box addresses Street, lot, or rural route number; box number (if rural route); and name of street or road <b>2518 Hawthorne Dr, Beloit WI, 53511</b>		Candidate's municipality for mailing purposes (required) <input type="checkbox"/> Town <input type="checkbox"/> Village <input checked="" type="checkbox"/> City <b>Beloit</b>	
Candidate's mailing address, including municipality for mailing purposes (required) (different than residential address or voting municipality) <b>2518 Hawthorne Dr, Beloit</b>		State (required) <b>WI</b>	Zip code <b>53511</b>	Type of election (required) <input checked="" type="checkbox"/> Spring <input type="checkbox"/> Special	Election date (required) (To use one primary date, check one) <b>04/05/2022</b>
Title of office (required) <b>Rock County Board of Supervisor</b>		Branch, district or seat number (required if applicable) <input type="checkbox"/> District <input checked="" type="checkbox"/> District <input type="checkbox"/> Seat <b>17</b>		Name of jurisdiction or district in which candidate seeks office (required) <b>Rock County Board of Supervisory District 17</b>	

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.

Signature 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 box and write the name of your municipality for voting purposes.	Date of Signing Mo/Day/Year
1. <i>Lori Hein</i>	Lori Hein	1730 Gateway Apt 17	<input checked="" type="checkbox"/> Town <input type="checkbox"/> Village <input checked="" type="checkbox"/> City <b>Beloit</b>	1/2/22 ✓
2. <i>John Hein</i>	John Hein	1730 Gateway #17	<input checked="" type="checkbox"/> Town <input type="checkbox"/> Village <input checked="" type="checkbox"/> City <b>Beloit</b>	1/2/22 ✓
3. <i>Mary Henry</i>	Mary Henry	1740 Gateway #202	<input checked="" type="checkbox"/> Town <input type="checkbox"/> Village <input checked="" type="checkbox"/> City <b>Beloit</b>	1-2-22 ✓
4. <i>Mary Henry</i>	Mary Henry	1730 Gateway #005	<input checked="" type="checkbox"/> Town <input type="checkbox"/> Village <input checked="" type="checkbox"/> City <b>Beloit</b>	1-2-2022 ✓
5. <i>Graig Runzga</i>	Graig Runzga	2507 Hawthorne Dr	<input checked="" type="checkbox"/> Town <input type="checkbox"/> Village <input checked="" type="checkbox"/> City <b>Beloit</b>	1-3-2022 ✓
6. <i>Cyndi Pohl</i>	Cyndi Pohl	2507 Hawthorne Dr	<input checked="" type="checkbox"/> Town <input type="checkbox"/> Village <input checked="" type="checkbox"/> City <b>Beloit</b>	1/3/22 ✓
7. <i>Kathleen Maryott</i>	Kathleen Maryott	2515 Hawthorne Dr	<input checked="" type="checkbox"/> Town <input type="checkbox"/> Village <input checked="" type="checkbox"/> City <b>Beloit</b>	1/3/22 ✓
8. <i>Roger Maryott</i>	ROGER MARYOTT	2515 Hawthorne Dr	<input checked="" type="checkbox"/> Town <input type="checkbox"/> Village <input checked="" type="checkbox"/> City <b>Beloit</b>	1-3-22 ✓
9. <i>Clare Soenken</i>	Clare Soenken	2524 Hawthorne Dr	<input checked="" type="checkbox"/> Town <input type="checkbox"/> Village <input checked="" type="checkbox"/> City <b>Beloit</b>	1-3-22 ✓
10. <i>Clare Soenken</i>	Clare Soenken	2524 Hawthorne Dr	<input checked="" type="checkbox"/> Town <input type="checkbox"/> Village <input checked="" type="checkbox"/> City <b>Beloit</b>	1-3-22 ✓

*Robert Potter*  
(Name 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. §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(2)(a).  
1-3-22  
(Date)  
*Robert Potter*  
(Signature of circulator)

EL-159 | Rev. 10/9-10 | Wisconsin Elections Commission, P.O. Box 7964, Madison, WI 53702-7964 | (608) 261-2028 | web: elections.wis.gov | email: elections@wi.gov

Page No. 4

# NOMINATION PAPER FOR NONPARTISAN OFFICE

Candidate's name (required); no titles may be used. <b>Robert Potter</b>		Candidate's residential address (required): No P.O. Box addresses. Street, firm, or rural route number; box number if rural routing; and name of street or road. <b>2518 Hawthorne Dr, Beloit WI, 53511</b>		Candidate's municipality for mailing purposes (required) <input type="checkbox"/> Town <input checked="" type="checkbox"/> Village <input type="checkbox"/> City <b>Beloit</b>	
Candidate's mailing address, including municipality for mailing purposes (required if different than residential address or voting municipality): <b>2518 Hawthorne Dr, Beloit</b>		State (required) <b>WI</b>	Zip code <b>53511</b>	Type of election (required) <input checked="" type="checkbox"/> Spring <input type="checkbox"/> Special	Election date (required) Do not use primary date Month/Day/Year <b>04/05/2022</b>
Title of office (required) <b>Rock County Board of Supervisor</b>		Branch, district or seat number (required if applicable) <input type="checkbox"/> Branch <input checked="" type="checkbox"/> District <input type="checkbox"/> Seat <b>17</b>		Name of jurisdiction or district in which candidate seeks office (required) <b>Rock County Board of Supervisory District 17</b>	

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. <input type="checkbox"/> Town <input checked="" type="checkbox"/> Village <input type="checkbox"/> City	Date of Signing Mo/Day/Year
1. <i>Max P. Dodson</i>	Max P. Dodson	2531 Hawthorne Dr	<input checked="" type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City <b>Beloit</b>	01-03-22 ✓
2. <i>Michelle Dodson</i>	Michelle Dodson	2531 Hawthorne Dr	<input checked="" type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City <b>Beloit</b>	1-3-22 ✓
3. <i>Marline K. Holmes</i>	Marline Holmes	2537 Hawthorne Dr	<input checked="" type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City <b>Beloit</b>	1-3-22 ✓
4. <i>Thomas R. Holmes</i>	Thomas R. Holmes	2537 Hawthorne Dr	<input checked="" type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City <b>Beloit</b>	1/3/22 ✓
5. <i>Nate Borge</i>	Nate Borge	2542 Hawthorne Dr	<input checked="" type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City <b>Beloit</b>	1/3/22 ✓
6. <i>Marice Voss</i>	Marice Voss	2536 Hawthorne Dr	<input checked="" type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City <b>Beloit</b>	1-3-22 ✓
7. <i>Steven Johnson</i>	Steven Johnson	2530 Hawthorne Dr	<input checked="" type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City <b>Beloit</b>	1-3-22 ✓
8. <i>Jean Johnson</i>	Jean Johnson	2725 E County Rd S	<input checked="" type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City <b>Beloit</b>	1-3-22 ✓
9. <i>Jean Johnson</i>	Jean Johnson	2725 E County Rd S	<input checked="" type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City <b>Beloit</b>	1-3-22 ✓
10.			<input type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City	

*Robert Potter* (Name of circulator)  
CERTIFICATION OF CIRCULATOR  
I certify: I reside at 2518 Hawthorne Dr (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. §6.53. 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).

(Date) 1-3-22  
(Signature of circulator) *Robert Potter*  
PL-169 | Rev. 2019-10 | Wisconsin Elections Commission, P.O. Box 7984, Madison, WI 53707-7984 | 608-261-2026 | web: elections.wi.gov | email: elections@wi.gov

Page No. 5

# NOMINATION PAPER FOR NONPARTISAN OFFICE

Candidate's name (required; no title may be used) <b>Robert Potter</b>		Candidate's residential address (required) No P.O. box addresses Street, fire, or rural route number, box number (if rural route), and name of street or road <b>2518 Hawthorne Dr, Beloit WI, 53511</b>		Candidate's municipality, for mailing purposes (required) <input type="checkbox"/> Town <input type="checkbox"/> Village <input checked="" type="checkbox"/> City <b>Beloit</b>	
Candidate's mailing address, including municipality for mailing purposes (required if different than residential address or voting municipality) <b>2518 Hawthorne Dr, Beloit</b>		State (required) <b>WI</b>		Zip code <b>53511</b>	
Type of office (required) <b>Rock County Board of Supervisor</b>		Precinct, election or seat number (required if applicable) <input type="checkbox"/> Urn <input checked="" type="checkbox"/> Election <input type="checkbox"/> Seat <b>17</b>		Type of election (required) <input checked="" type="checkbox"/> Spring <input type="checkbox"/> Special	
				Name of jurisdiction or district in which candidate seeks office (required) <b>Rock County Board of Supervisory District 17</b>	

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
1. <i>Jameson Heath</i>	Jameson Heath	2632 Sunshine Lane	<input checked="" type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City <b>Beloit</b>	1/3/2022 ✓
2. <i>Patrice Shanklin</i>	Patrice Shanklin	2634 Sunshine Lane	<input checked="" type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City <b>Beloit</b>	1/3/2022 ✓
3. <i>Patricia Dery</i>	Patricia Dery	2642 Sunshine Ln	<input checked="" type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City <b>Beloit</b>	1/3/2022 ✓
4. <i>Karin Johnson</i>	Karin Johnson	2937 Kensington	<input checked="" type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City <b>Beloit</b>	1/3/2022 ✓
5. <i>Jeffery Porter</i>	Jeffery Porter	2937 Kensington	<input checked="" type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City <b>Beloit</b>	1/3/2022 ✓
6. <i>Josh Warren</i>	JOSH WARREN	2429 LATHERS	<input checked="" type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City <b>Beloit</b>	1/3/22 ✓
7.			<input type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City	
8.			<input type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City	
9.			<input type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City	
10.			<input type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City	

*Robert Potter* (Name of circulator)  
 CERTIFICATION OF CIRCULATOR  
 certify: I reside at 2518 Hawthorne Dr  
 (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 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. § 12.19(3)(a).

1-3-22  
 (Date)

*[Signature]*  
 Signature of circulator

Page No. 6

**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:** ""

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, 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!

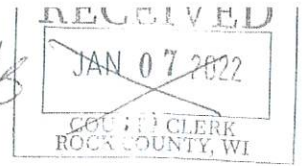
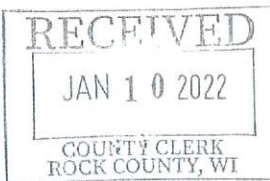
**1736 Gateway Blvd - 1 Resident to Verify:**

**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 they 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 individual 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.

RECEIVED  
JAN 10 2022  
COUNTY CLERK  
ROCK COUNTY, WI

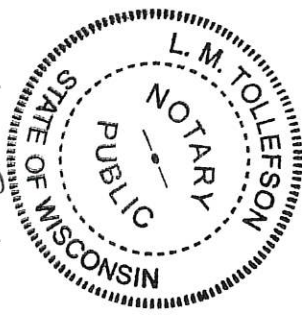
RECEIVED  
JAN 07 2022  
COUNTY CLERK  
ROCK COUNTY, WI

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.

*[Handwritten signature]*

Subscribed and sworn to before me  
this 10<sup>th</sup> day of Jan 2022  
Notary Public, Rock County, WI  
*[Handwritten signature]*  
Commission Expires 8-31-2023



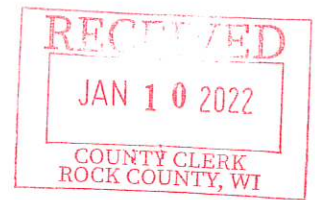
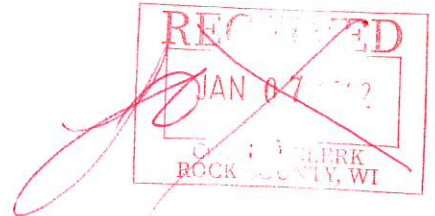
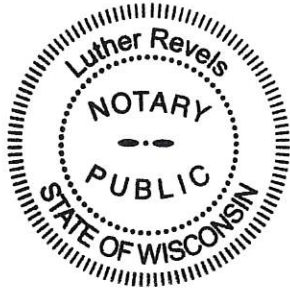
I Jeff Potter signed Robert Potter nomination papers for County Board Supervisor on January 3<sup>rd</sup>, 2022 outside of my home at 2937 Kensington Beloit Wi. As indicated on page 6 of his papers he submitted.

Jeffrey K Potter  
Jeffrey K Potter

1/10/22

Signed before me on 1/10/2022  
State of WI county of Rock  
Commission expires 11/12-24

Luther Revels



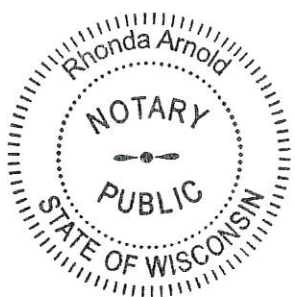
1-8-22

I Lori 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 submitted.

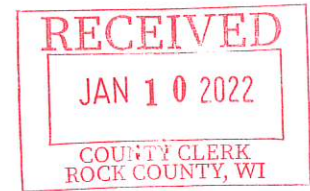
*Lori C Quinn*

I certify on this 8<sup>th</sup> day of January 2022, that the signature of Lori C. Quinn is true and official.

Rhonda Arnold  
Notary Public



Exp. 3-11-2025

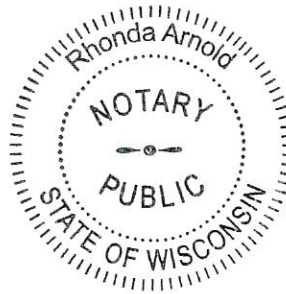


1-8-22

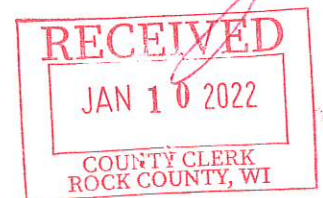
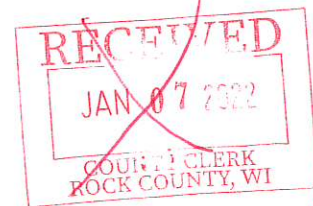
1 Tim Quinn signed Robert Potters  
nomination papers for Rock County  
Board of supervisors on 1-2-22  
in our home located at 2262  
Winchester Drive Beloit WI as indicated  
on page 1 of the papers he submitted  
Tim Quinn

I certify on this 8<sup>th</sup> 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**

Challenge: 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**

Challenge: 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**

Challenge: 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.

Challenge: 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**

Challenge: The candidate has not completed the gender identification checkbox in the candidate certification statement.

Analysis: 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**

Challenge: 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**

Challenge: 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.

Challenge: 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**

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

Analysis: 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**

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

Analysis: 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.

Analysis: 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.

Challenge: 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.

Challenge: 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.

Analysis: 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**

Challenge: 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).

# 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 Treatment and sufficiency of election petitions.  
EL 2.11 Challenges to election petitions.

**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, 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; r. and recr. Register, January, 1994, No. 457, eff. 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, eff. 10-1-01; **correction in (7) made under s. 13.92 (4) (b) 7., Stats., Register June 2016 No. 726.**

**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, January, 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. 552; 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 valid.

(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.