

TEARMAN SPENCER
City Attorney

CELIA M. JACKSON
Special Deputy City Attorney

ODALO J. OHIKU
ROBIN A. PEDERSON
YOLANDA Y. MCGOWAN
TODD FARRIS
Deputy City Attorneys



Milwaukee City Hall Suite 800 • 200 East Wells Street • Milwaukee, Wisconsin 53202-3551
Telephone: 414.286.2601 • TDD: 414.286.2025 • Fax: 414.286.8550

HEIDI WICK SPOERL
GREGG C. HAGOPIAN
KATHRYN Z. BLOCK
THOMAS D. MILLER
JEREMY R. MCKENZIE
PETER J. BLOCK
JENNY YUAN
ALLISON N. FLANAGAN
HEATHER H. HOUGH
ANDREA J. FOWLER
PATRICK J. MCCLAIN
ELLENY B. CHRISTOPOULOS
HANNAH R. JAHN
JULIE P. WILSON
GREGORY P. KRUSE
JAMES M. CARROLL
MEIGHAN M. ANGER
ALEXANDER R. CARSON
ALEX T. MUELLER
ALEXANDER COSSI
LISA A. GILMORE
NICHOLAS R. SINRAM
TAVISS K. SMITH
KATHERINE A. HEADLEY
ANTHONY JACKSON
NICHOLAS ZALES
JENNIFER T. DEMASTER
JOHN MCNALLY III
STACY J. MILLER
Assistant City Attorneys

January 21, 2022

VIA EMAIL ONLY: elections@wi.gov; Nathan.Judnic@wisconsin.gov

Nathan W. Judnic
Staff Attorney
Wisconsin Elections Commission
212 East Washington Avenue, Third Floor
PO Box 7984
Madison, WI 53707-7984

RE: *Ieshuh Griffin v. City of Milwaukee Election Commission*
Case No. EL 22-02 (Filed January 13, 2022)

Dear Attorney Judnic:

Pursuant to Wis. Stat. § 5.06 and Wis. Adm. Code § EL 20.04(3), please consider this to be the verified answer of the City of Milwaukee Election Commission (“MEC”) to Ms. Griffin’s January 13, 2022 complaint (“Complaint”). For the reasons stated herein, Ms. Griffin’s complaint should be dismissed.

RESPONSES TO MS. GRIFFIN’S ALLEGATIONS

The MEC denies Ms. Griffin’s allegations in their entirety. More specifically:

- 1) “[MEC] refused to give my nomination signatures the presumption of validity . . . [r]efused to accept my affidavit and evidence of substantial compliance.” “[MEC] gave me false and contradictory statements . . . called me at the last minute to allege that 172 signatures were not certified . . . making up new rules only for me.”

These allegations are demonstrably inaccurate, based on the following:

- a. On Thursday, January 6, 2022, Ms. Griffin submitted 1,564 nomination signatures for the office of Mayor. She submitted an additional 30 signatures on Monday, January 10, 2022, for a total of 1,594.

- b. MEC staff reviewed the signatures submitted by Ms. Griffin (and all other mayoral candidates who submitted signatures) for facial sufficiency, consistent with Wis. Adm. Code § EL 2.05(3), which requires the filing officer to “determine the facial sufficiency of the papers filed” and allows the filing officer to “consult maps, directories and other extrinsic evidence to ascertain the correctness and sufficiency of information on a nomination paper.” As a result of this review, MEC staff was able to verify 1,424 of the 1,594 signatures submitted by Ms. Griffin, thus putting her below the 1,500 signature threshold for appearing on the ballot.
 - c. MEC staff contacted Ms. Griffin at approximately 2:00 p.m. on Tuesday, January 11, 2022 to inform her that 1,424 of her 1,594 submitted signatures had been verified. There was no disparate treatment between Ms. Griffin and other potential candidates in this (or any other) respect. The same methods and levels of scrutiny were used to review Ms. Griffin’s signatures and those of all other mayoral candidates. Signatures were reviewed as they were received from all candidates, and all candidates were updated regarding the number of valid signatures submitted as promptly as possible.
 - d. MEC Executive Director Claire Woodall-Vogg met with Ms. Griffin in person at approximately 3:00 p.m. on Tuesday, January 11, 2022 to review the MEC staff signature verification process with her. Ms. Woodall-Vogg provided Ms. Griffin with a page-by-page summary of the signatures that were deemed valid/invalid.
 - e. As she was entitled to do per Wis. Adm. Code § EL 2.05(4), Ms. Griffin submitted two corrective affidavits to the MEC on Wednesday, January 12, and Friday, January 14, 2022. These affidavits provided corrective information regarding issues with dates and addresses that had previously resulted in signature disqualifications.
 - f. After reviewing both corrective affidavits, Ms. Woodall-Vogg recommended to the Milwaukee Board of Election Commissioners at its January 17, 2022 meeting that 88 of Ms. Griffin’s previously disqualified signatures be restored, thus resulting in 1,516 valid signatures and placing Ms. Griffin beyond the 1,500 signature threshold. The Board of Election Commissioners accepted this recommendation and unanimously voted to place Ms. Griffin on the ballot for the mayoral primary election.
- 2) “[MEC] is making up new rules . . . [and] being bribed . . .” because MEC ignored evidence of candidates Johnson and Taylor engaging in “election fraud and voter intimidation” by leaving nomination papers unattended on counters in local businesses, thus “disenfranchise[ing] the will of the voters.”

Ms. Griffin has provided absolutely no evidence demonstrating that MEC is “making up new rules” and “being bribed.” MEC categorically denies these inflammatory and ridiculous allegations.

The MEC thoroughly reviewed Ms. Griffin's complaints regarding mayoral candidates Lena Taylor and Cavalier Johnson, including video footage referenced by Ms. Griffin as possible evidence. While the video footage does appear to show nomination papers for candidates Taylor and Johnson left unattended in public locations, there is no accompanying evidence that any particular sheets or signatures submitted by either candidate were improperly obtained or otherwise invalid. Further, the remedy that Ms. Griffin demanded—that both candidates be removed from the ballot—is completely unsupported by the applicable statutes and regulations, particularly as Ms. Griffin failed to identify a single signature, let alone a sheet of signatures, that was erroneously accepted by the MEC.

Upon completion of MEC's investigations, Ms. Woodall-Vogg concluded that Ms. Griffin's complaints regarding candidates Johnson and Taylor did not meet the "clear and compelling evidence" standard set forth in Wis. Adm. Code § EL 2.07(4) and that Ms. Griffin had therefore failed to meet her burden as the challenger, per Wis. Adm. Code § EL 2.07(3)(a). After hearing from Ms. Griffin and from representatives of both the Johnson and Taylor campaigns (both of which timely filed verified responses to Ms. Griffin's complaints) at its January 17, 2022 meeting, the Milwaukee Board of Election Commissioners unanimously voted to sustain Ms. Woodall-Vogg's conclusions and to deny Ms. Griffin the relief she requested.

CONCLUSION

Again, the MEC denies all allegations of wrongdoing or disparate treatment raised by Ms. Griffin and respectfully requests that her complaint be dismissed, as it is unsupported by any credible evidence. Please note that the electronic signature of legal counsel follows regarding all legal arguments raised herein, as does the verification of Ms. Woodall-Vogg regarding all factual assertions.

Respectfully,

Electronically signed by James M. Carroll

James M. Carroll
Assistant City Attorney

VERIFICATION

STATE OF WISCONSIN)
) SS
MILWAUKEE COUNTY)

I, Claire Woodall-Vogg, being first duly sworn, on oath, state that the factual assertions contained in the above are true and correct based upon my personal knowledge.

Dated at Milwaukee, Wisconsin this 21st day of January, 2022.

Claire Woodall-Vogg
Claire Woodall-Vogg

Subscribed and sworn to before me this
21st day of January, 2022.

Deborah L Craig
Notary Public, State of Wisconsin
My commission expires 3/23/23

