

WISCONSIN ELECTIONS COMMISSION

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MEMORANDUM

TO: Members, Wisconsin Elections Commission

FROM: Meagan Wolfe, Interim Administrator
Wisconsin Elections Commission

DATE: For the Meeting of September 11, 2018

Prepared and Presented by:

Richard Rydecki
Assistant Administrator

SUBJECT: Ballot Access for Recall Election Candidates – Trempealeau County District Attorney

This memorandum presents a summary of recall time lines, ballot access processes and certification of candidates who are requesting ballot access for the Trempealeau County District Attorney recall election scheduled for October 2, 2018. If more than one candidate of the same party qualifies for the ballot, the primary for that party occurs on October 2, 2018 and the recall election will be conducted in conjunction with the November 6, 2018 General Election.

May 25, 2018

The Committee to Recall Taavi McMahan, Trempealeau County District Attorney, registered with the Wisconsin Elections Commission (WEC) as a recall committee and filed an Intent to Circulate a recall petition.

That same day WEC staff communicated with the officeholder and the committee by email, and advised each of the following:

- Collection of petition signatures may commence as soon as registration of the recall committee is complete.
- The deadline to offer the petition for filing to the WEC is Tuesday, July 24, 2018, pursuant to §§9.10(2)(d) and 990.001(4)(c), Wis. Stats.
- No signature may be dated before May 25th nor after July 24th, 2018. §9.10(2)(d).
- The recall petition must be signed by electors of Trempealeau County equal to 25% of the vote cast for Governor in Trempealeau County at the General Election of 2014. Based on the

total votes cast of 10,731, staff certified that a minimum of 2,683 valid signatures must be submitted for the petition to be considered. §9.10(2)(d).

July 23, 2018

The petition was offered for filing on Monday, July 23, 2018. Staff immediately began reviewing the petition for sufficiency and found that the petition contained more than the required number of qualifying signatures of Trempealeau County electors.

August 22, 2018

The Commission carefully reviewed the petition and found that the petition to recall District Attorney Taavi McMahon contained 3,149 qualifying signatures of the electors of Trempealeau County and, based on that finding, ordered that the petition is sufficient to recall District Attorney McMahon and to order a recall election. The petition was filed in the office of the WEC on August 22, 2018.

The recall election was ordered for Tuesday, October 2, 2018. If a primary is necessary, the primary shall be held on October 2, 2018 and the recall election shall be held on Tuesday, November 6, 2018. §9.10(3)(b).

Persons seeking nomination as candidates for the recall election could circulate nomination papers immediately upon the issuance of the recall election order. Nomination papers must contain not less than 200 nor more than 400 signatures of qualified electors of Trempealeau County. The nomination papers were due in the WEC office no later than 5 p.m. on Tuesday, September 4, 2018. §9.10(3)(c). The officeholder is a candidate automatically unless he resigns within 10 days of the filing of the petition.

Tuesday, September 4, 2018

September 4, 2018 was the deadline for prospective candidates for this office to file nomination papers with the WEC. One Republican and one Democratic candidate timely filed nomination papers and other required ballot access documents. Staff found that both candidates' nomination papers and documents were sufficient to qualify for the ballot. The incumbent, a Democrat, did not resign and is a candidate. There are two Democratic candidates which triggers a primary in the Democratic Party. WEC staff has drawn for ballot order of the Democratic candidates, in order to give the Trempealeau County Clerk as much time as possible to format and print ballots.

Friday, September 7, 2018

September 7, 2018 at 4:30 p.m. was the deadline for challenges to the recall nomination papers that were filed. The WEC received no challenges.

Recommended Motion:

The Commission certifies primary ballot status for the two Democratic candidates and certifies election ballot status for the Republican candidate whose names appear on the Candidate Tracking by Office report.

The winner of the Democratic primary will appear on the recall election ballot along with the Republican candidate.