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.....**Provided in 1/10/2025 Materials**

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BEFORE THE STATE OF WISCONSIN ELECTIONS COMMISSION

IN THE MATTER of the Nomination Papers
Filed by Jeff Wright with Respect to the
Spring 2025 Election for Wisconsin State
Superintendent of Public Instruction.

File No. _____

VERIFIED COMPLAINT OF NATALIA TAFT

The Complainant, Natalia Taft by her attorneys Maistelman & Associates, LLC by Attorney Michael S. Maistelman, alleges and shows as follows:

1. The Complainant, Natalia Taft ("Complainant"), is a qualified elector in the state of Wisconsin whose residential address is 1301 Cleveland Avenue, Racine, Wisconsin 53405.

2. The Respondent, Jeff Wright ("Respondent"), is upon information and belief a candidate in the Spring 2025 Election for Wisconsin State Superintendent of Public Instruction and whose residential address as listed on his Campaign Finance Statement is E3048 Marble Quarry Rd, Plain, Wisconsin 53577.

3. On or about January 6th, 2025, Respondent filed with the State of Wisconsin Elections Commission ("Elections Commission") Nomination Papers for Non-Partisan Office for the position of Wisconsin State Superintendent of Public Instruction. A typical Nomination paper of Respondent is attached hereto as Exhibit A and incorporated herein.

4. Upon information and belief, Respondent's Nomination papers were allegedly circulated between December 1, 2024, through January 6th, 2025.

5. Respondent's Nomination papers allegedly consisted of a sufficient number of signatures so as to equal two thousand (2000) signatures, the amount required for placement on the ballot for Spring 2025 Election for Wisconsin State Superintendent of Public Instruction. Petitioner is not aware of how many of Respondent's nomination signatures the Elections Commission has accepted or rejected.

CHALLENGES TO HEADING OF NOMINATION PAPERS

6. All of the preceding paragraphs are re-alleged and incorporated as if fully stated herein.

7. Wis. Stat. § 8.10(2)(b) requires that the heading of a nomination paper contain the following:

(b) Each nomination paper shall have substantially the following words printed at the top:

I, the undersigned, request that the name of (insert candidate's last name plus first name, nickname or initial, and middle name, former legal surname, nickname or middle initial or initials if desired, but no other abbreviations or titles residing at (insert candidate's street address) be placed on the ballot at the (spring or special) election to be held on (date of election) as a candidate **so that voters will have the opportunity to vote for (him or her) for the office of (name of office). I am eligible to vote in (name of jurisdiction or district in which candidate seeks office.)** [emphasis added]. I have not signed the nomination paper of any other candidate for the same office at this election.

8. Respondent, in contravention to Wis. Stat. § 8.10(2)(b) failed to list the full name of the office, to wit: Wisconsin Superintendent of Public Instruction nor the jurisdiction, (Wisconsin) in the heading on each and every page of his Nomination Papers.

9. Wis. Adm. Code § EL 2.05(5), entitled *Treatment and Sufficiency Nomination Papers* provides: “

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.

10. Respondent fails to even have the name *Wisconsin* anywhere in the header of his nomination paper.

11. In 2022, staff at the Wisconsin Elections Commission stated in two emails that “Wisconsin”, in a state-wide office must be listed as the jurisdiction in the header of the nomination papers. *See* Exhibit B attached hereto and incorporated herein.

12. There does not appear to be any court cases that address whether the full title of the office and jurisdiction of the office that a candidate is running for is substantially compliant if the candidate fails to list the full title of the office and the jurisdiction that they are running in.

13. There does appear to be any Elections Commission’s rulings that held that failure to provide the public with the full title of the office and the jurisdiction that a candidate is running is in substantial compliance.

14. It would seem to be mandatory that the nomination header must, at the very least, provide the public with the full title of the office and jurisdiction that the candidate is running in. The header states: “... **so that voters will have the opportunity to vote for (him or her) for the office of (name of office). I am eligible to vote in the jurisdiction or district in which the candidate named above seeks office.**” [emphasis added].

15. How can an elector know that they support someone for an office where the name of the office is not fully listed and that they are eligible to vote in the jurisdiction or district in which the candidate seeks office unless the jurisdiction is clearly stated in the header.

16. The Elections Commission found substantial compliance even if a candidate lists additional information in the header of their nomination papers. *See Deborah Lynn Kerr v. Shandowlyon Lyzette Hendricks-Williams*, Case No. EL 21-04. In the *Kerr* case the Respondent listed the title “Dr.” in front of her name on her nomination papers, in violation of Wis. Stat. § 8.10(2)(b). In the *Kerr* case as opposed to the current case before you there was no confusion to the public as to the name of the office or

jurisdiction that candidate was running in. However, this is not the case in the matter before you. In this matter, Respondent failed to include material information, i.e., the jurisdiction and title of the office that he is running in. Therefore, Respondent's nomination papers were incomplete of crucial and material information.

CONCLUSION

17. Accordingly, Respondent has not submitted a sufficient number of signatures to be placed on the ballot for the Spring 2025 Election for Wisconsin State Superintendent of Public Instruction.

18. This Verified Complaint is made pursuant to E.L. §§ 2.05 - 2.07, Wis. Admin. Code, and Wis. Stat. Ch.8, and was served upon Respondent via electronic mail at the following email address as listed on Respondent's CF-1: jeff@jeffwrightforwisconsin.com.

WHEREFORE, Complainant respectfully requests that the Elections Commission conduct an investigation pursuant to E.L. §§ 2.05 - 2.07, Wis. Admin. Code, in conjunction with such other public officials as the Elections Commission, or the Executive Director thereof, may deem appropriate and determine the Nomination papers of the Respondent to be insufficient for the reasons set forth in this Verified Complaint.

Dated at Milwaukee, Wisconsin, this 8th day of January 2025.

By: Michael S Maistelman
Michael S. Maistelman
State Bar No. 1024681
Attorney for Complainant

P.O. ADDRESS:
7524 N. Navajo Rd.
Milwaukee, WI 53217
414-908-4254
414-447-0232 (fax)
414-333-9700 (cell)
msm@maistelmanlaw.com

VERIFICATION

Natalia Taft, being first duly sworn, on oath, deposes and says as follows:

1. That she is a qualified elector in the state of Wisconsin whose residential address is 1301 Cleveland Avenue, Racine, Wisconsin 53405.
2. That she has read the foregoing Verified Complaint and that the same is true and correct, except as to those matters therein stated upon information and belief and, as to those matters, she believes them to be true.

Dated at Milwaukee Wisconsin this 8th day of January 2025

Natalia Taft
Natalia Taft
Complainant

Subscribed and Sworn to before
me this 8th day of January 2025.

Carly Wilson
Notary Public, State of Wisconsin
My Commission Expires: 11/21/2027.





I, the undersigned, request the name of

Jeff Wright

Residing at E3048 Marble Quarry Rd, Plain, WI 53577, be placed on the ballot for the Spring election to be held on April 1, 2025 as a candidate, so that voters will have the opportunity to vote for him for the office of **State Superintendent of Public Instruction**.

Candidate's Municipality for Voting Purposes: Town of Bear Creek. Candidate mailing address: P.O Box 64, Prairie Du Sac, WI 53578.

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
	Sabrina Sedlar	4325 W Tripoli Ave Milwaukee WI 53220	<input type="checkbox"/> Town <input type="checkbox"/> Village <input checked="" type="checkbox"/> City Milwaukee	12-21-24
	Ashley Roemer	2251 W Vogel Ave	<input type="checkbox"/> Town <input type="checkbox"/> Village <input checked="" type="checkbox"/> City Milwaukee	12/21/24
	Adan Ortega	3201 S. 60th St.	<input type="checkbox"/> Town <input type="checkbox"/> Village <input checked="" type="checkbox"/> City Milwaukee	12-21-24
	Ritey Roemer	2251 W Vogel Ave	<input type="checkbox"/> Town <input type="checkbox"/> Village <input checked="" type="checkbox"/> City Milwaukee	12-21-24
	Emily Roemer	2251 W Vogel Ave	<input type="checkbox"/> Town <input type="checkbox"/> Village <input checked="" type="checkbox"/> City Milwaukee	12/21/24
	Lily Sedlar	4325 W Tripoli Ave	<input type="checkbox"/> Town <input type="checkbox"/> Village <input checked="" type="checkbox"/> City Milwaukee	12/21/24
	Meghan Sedlar	33901 Dream St.	<input checked="" type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City Burlington	12/21/24
	Laura Roemer	2251 W. Vogel Ave	<input type="checkbox"/> Town <input type="checkbox"/> Village <input checked="" type="checkbox"/> City Milwaukee	12/21/24
	Malek Abu-Shawish	6821 Bobolink Road	<input type="checkbox"/> Town <input type="checkbox"/> Village <input checked="" type="checkbox"/> City Racine	12/21/24
	James Sedlar	4325 W Tripoli Ave Milwaukee WI 53220	<input type="checkbox"/> Town <input type="checkbox"/> Village <input checked="" type="checkbox"/> City Milwaukee	12/21/24

MIKE ROEMER

(Name of circulator)

CERTIFICATION OF CIRCULATOR

certify: I reside at

2251 W VOGEL AVE, MLW 53221

(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).

12/21/2024

(Date)

12/28/24 MR

Mike Roemer

(Signature of circulator)

RE: Nomination Paper Review

Davies, Cody C - ELECTIONS <CodyC.Davies@wisconsin.gov>

Wed 04/27/2022 09:26

To: Carly Wilson <wilson@nationconsulting.com>;

Cc: ELECTIONS HelpDesk <elections@wisconsin.gov>;

Yep, absolutely. As long as you're including Wisconsin on there somewhere to indicate that it's the applicable jurisdiction for this office, you'd still be substantially complying with the statutory language.

From: Carly Wilson <wilson@nationconsulting.com>

Sent: Monday, April 25, 2022 11:39 AM

To: Davies, Cody C - ELECTIONS <CodyC.Davies@wisconsin.gov>

Cc: ELECTIONS HelpDesk <elections@wisconsin.gov>

Subject: RE: Nomination Paper Review

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

Ok, so if I added Wisconsin but didn't change the "I am eligible to vote in the jurisdiction...." etc part that would still be fine and in substantial compliance?

Carly Wilson (she/her/hers)
Senior Associate
Nation Consulting
(414) 940-7946

From: Davies, Cody C - ELECTIONS <CodyC.Davies@wisconsin.gov>

Sent: Monday, April 25, 2022 11:26 AM

To: Carly Wilson <wilson@nationconsulting.com>

Cc: ELECTIONS HelpDesk <elections@wisconsin.gov>

Subject: RE: Nomination Paper Review

Good morning,

This is pretty close. The only recommended edit would be to include Wisconsin as the jurisdiction in there somewhere. It's up to you as to how you want to do that, but the name of the jurisdiction is still required even for statewide offices. I believe other folks have replaced the "I am eligible to vote in the jurisdiction or district in which the candidate named above seeks office" with "I am eligible to vote in the State of Wisconsin" or something similar, which would satisfy the substantial compliance piece of the nomination paper statutes. Again, though, how to update the wording in the header is completely up to you folks.

Please let me know if you have any additional questions or concerns and I'd be happy to assist.

Thank you, Cody



Cody Davies
Elections Administration Specialist
Wisconsin Elections Commission
(608) 264-6763
codyc.davies@wi.gov

From: ELECTIONS HelpDesk <elections@wisconsin.gov> **Sent:** Monday, April 25, 2022 11:19 AM **To:** Davies, Cody C - ELECTIONS <CodyC.Davies@wisconsin.gov> **Subject:** FW: Nomination Paper Review

From: Carly Wilson <wilson@nationconsulting.com>
Sent: Monday, April 25, 2022 10:58 AM
To: ELECTIONS HelpDesk <elections@wisconsin.gov>
Subject: Nomination Paper Review

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

Hello,

Could you please let me know if there is any issues with these nomination papers before we start circulating them?

Thanks,

Carly Wilson (she/her/hers)
Senior Associate
Nation Consulting
(414) 940-7946

STATE OF WISCONSIN
BEFORE THE WISCONSIN ELECTIONS COMMISSION

IN THE MATTER OF the Certificate of Candidacy for the
Office of Jefferson County Circuit Court Judge, Branch 2
with respect to the April 1, 2025 Election

JENNIFER L. WEBER,

Case No. 25-04

Complainant,

v.

CORTNEY J. IVERSON,

Respondent.

RESPONDENT’S RESPONSE TO COMPLAINT

Jennifer L. Weber (“Weber”) submitted a complaint alleging that Cortney J. Iverson (“Iverson”) is not eligible for the office of judge of Jefferson County, Branch 2, because Iverson will not have been an attorney licensed to practice law in Wisconsin for at least 5 years by “the election,” pursuant to Wis. Const. Art. VII, sec. 24(1), and, as a result, the Wisconsin Election Commission should deny her access to the ballot (despite implicitly acknowledging that Iverson will undoubtedly attain 5 years of being licensed to practice law in Wisconsin by the time she

would take office in August). Simply put, there is no support for Weber’s undemocratic challenge to Iverson’s candidacy, and said challenge should be swiftly rejected.¹

Iverson will have been licensed to practice law in Wisconsin for over 5 years by the time she would take office for Jefferson County, Branch 2, and, pursuant to Wis. Stat. § 8.21(2)(b) and clear Wisconsin precedent, that is all that matters and there is no basis to deny Iverson access to ballot. (Iverson Aff. 1-9, Ex. A). The only requirement imposed by the Legislature to appear on the ballot is filing the appropriate nomination papers and declaration of candidacy, which Iverson has fulfilled. Moreover, the Legislature clearly and specifically determined that the candidate need only meet the qualifications for the office “at the time he or she assumes [the] office.” Wis. Stat. § 8.21(2)(b). As such, Weber’s repeated assertion that Iverson must be licensed to practice law in Wisconsin for 5 years at the time of the election is unquestionably wrong.

I. THE COMMISSION MAY NOT DENY IVERSON BALLOT ACCESS WHEN SHE WILL SATISFY ALL NECESSARY QUALIFICATIONS BEFORE SHE TAKES OFFICE.

Weber’s sole argument is that, since Iverson will not have been licensed to practice law for 5 years by the time of the election, the Commission should deny her name from being placed on the ballot. While Weber’s argument appears plausible, at first pass, she clearly fails to acknowledge controlling Wisconsin law and precedent that is directly contrary to her assertion.

¹ Respondent submits this response to the complaint while reserving all rights and defenses under the Wisconsin Constitution, including the question of whether the Wisconsin Elections Commission has the authority to construe provisions of the Wisconsin Constitution relating to eligibility of judges or impose limitations on individuals running for judicial office. See *Gabler v. Crime Victims Rts. Bd.*, 2017 WI 67, ¶ 31, 376 Wis. 2d 147, 171, 897 N.W.2d 384, 396 (“Each branch’s core powers reflect zones of authority constitutionally established for each branch of government upon which any other branch of government is prohibited from intruding” and “to these areas of authority, ... any exercise of authority by another branch of government is unconstitutional.” (internal quotations omitted))

For example, in *State v. Hawerwas*, 254 Wis. 336, 36 N.W.2d 427 (1949), the Wisconsin Supreme Court addressed whether the Milwaukee Cty. Board of Election Commissioners may refuse to place the name of a judicial candidate, Michael Sullivan, on the ballot who did not attain the age of 25 prior to the primary or general election—but who would be 25 by the time he took office—pursuant to art. VII, sec. 10. At that time, Art. VII, sec. 10 read:

No person shall be eligible to the office of judge, who shall not, at the time of his election, be a citizen of the United States, and have attained the age of twenty-five years, and be a qualified elector within the jurisdiction for which he may be chosen

Id. at 341. That Court swiftly rejected the challenge to Michael Sullivan’s name being placed on the ballot. In particular, the Court held that there was no requirement, either through the Constitutional provision or statutes, that the candidate possess all qualifications prior to being placed on the ballot.

Rather, such qualifications must exist at the time of taking office and, if they don’t meet the qualifications at that time, the person may be subject to challenge—but that challenge is not one that takes place prior to placement on the ballot. *Id.* at 340. Indeed, the Court flatly rejected the idea that a candidate must meet the qualifications prior to the primary or general election:

The right of a candidate to have his name appear thereon is one created by the Legislature. Until the Legislature in the exercise of its power to regulate the exercise of the right of franchise, has prescribed as a part of the qualifications of a person who is seeking a place upon the official ballot that he shall be eligible to the office for which he is a candidate, neither the courts nor any administrative officer can so limit his right.

Id. at 340.

Likewise, the Supreme Court held similarly in *State ex rel. Barber v. Circuit Court for Marathon County et al.*, 178 Wis. 468, 190 N.W.563 (1922). *Barber* dealt with the election of a State Senator and whether he was eligible to be placed on the ballot due to a prior conviction,

which was later pardoned. The Court held that the candidate is not precluded from placement on the ballot when he has fulfilled all the statutory prerequisites to placing his name on the ballot, even if he may later prove to be ineligible for the office he seeks:

It is perfectly plain in the light of the conditions which existed at the time of the adoption of the Constitution, and in view of the fact that the Legislature has carefully refrained from lodging either with the judicial branch or with any administrative officer the power to limit free choice by the elector, that he still enjoys the right to vote for whom he will, whether the person voted for be eligible or ineligible, qualified or disqualified. The Legislature has declared that a plurality of a political party to which an elector belongs may designate as a candidate for public office whom they choose without regard to eligibility or qualifications. If the one so designated is in fact ineligible, the question of eligibility becomes a judicial question after the election when he has received a plurality of votes and is seeking the title to the office for which he is a candidate. It has been so held in other jurisdictions.

Id. at 567. In fact, the Court pointed out that the “only requirement found in the statute as a condition precedent to the right of a nominee to a place upon a ballot is that he file a declaration that, if elected, he will accept the office and qualify therefore.” *Id.* at 568. See also Wis. Stat. § 8.21(2)(b).

Just like in *Sullivan* and *Barber*, there is no statutory requirement that Iverson meet the qualifications for the judicial office in order to be a candidate for that office or be placed on the ballot. To the contrary, the statutory requirements for candidacy directly refute Weber’s contention:

The declaration shall contain the name of the candidate in the form specified under s. 8.10(2)(b) for candidates for nonpartisan office . . . and shall state all of the following: . . .

(b) That the signer meets, **or will at the time he or she assumes office meet, applicable age, citizenship, residency, or voting qualification requirements, if any prescribed by the constitutions and laws of the United States and of this state.**

Wis. Stat. § 8.21(2)(b). Iverson will meet the qualifications for the office at the time she assumes the judicial office on August 1, 2025 since she will be licensed to practice law in Wisconsin for over 5 years at that time, which is exactly what she certified in her declaration of candidacy. (Iverson Aff. ¶¶ 5-9, Ex. A). Regardless, while Weber conflates the requirements for office (which are set forth in Wis. Const. Art. VII, sec. 24(1)) with the requirements to be placed on the ballot (which are met by filing the declaration of candidacy and nomination papers), Weber cites to no provision in the election code that would require Iverson to hold all qualifications in order to be placed on the ballot—and none exists, other than § 8.21 requiring that she certify that she will meet the qualifications at the time she assumes office. Neither an executive agency nor a court may insert an additional or different requirement that Iverson meet all qualifications for the office prior to being placed on the ballot. Wis. Const. Art. IV, sec. 1 (“The legislative power shall be vested in a senate and assembly.”); *State v. Kohler*, 200 Wis. 518, 228 N.W. 895, 906 (1930) (“the power of the state to deal with elections . . . is vested in the senate and assembly to be exercised under the provisions of the Constitution”).

In attempt to sidestep these foundational deficiencies to her challenge, Weber points to Wis. Stat. § 8.30 and requests that the Commission invoke its discretionary authority to deny Iverson access to the ballot—but this too fails. First, as discussed further below, Iverson fully and accurately completed the declaration of candidacy. It is undisputed that Iverson will have been licensed to practice law for over 5 years by the time she would take office on August 1, 2025 and, therefore, accurately completed the declaration of candidacy and fully complied with Wis. Stat. § 8.21 in that regard. (Iverson Aff. ¶¶ 5-7). Second, what Weber is really arguing is that Iverson is ineligible for placement on the ballot. But, as noted above, there is no basis in fact or law to support such a contention.

II. IVERSON ACCURATELY COMPLETED THE DECLARATION OF CANDIDACY, FULFILLED HER FILING REQUIREMENTS, AND ALL REQUIREMENTS TO GAIN BALLOT ACCESS.

Iverson completed and submitted her declaration of candidacy on January 6, 2025.

(Iverson Aff. ¶ 6, Ex. A). In addition to completing all aspects of the declaration of candidacy,

Iverson affirmed the following, as stated in the declaration:

I meet **or will meet at the time I assume office** the applicable age, citizenship, residency and voting qualification requirements, if any prescribed the constitutions and laws of the United States and the State of Wisconsin, and that I will otherwise qualify for office, if nominated and elected.

(*Id.*, emphasis added). As noted above, the declaration of candidacy form, EL-162, promulgated and published by the Wisconsin Elections Commission, aptly indicates that a candidate must be able to meet the qualifications for the office sought “at the time [the candidate] assume[s] office.” Indeed, as determined by the Wisconsin Supreme Court, as long as Iverson can meet the qualifications by the time she would take office, there is no basis to deny her the right to run for the office or place her name on the ballot. *State v. Hawerwas*, 254 Wis. 336, 36 N.W.2d 427 (1949); *State ex rel. Barber v. Circuit Court for Marathon County et al.*, 178 Wis. 468, 190 N.W.563 (1922).

Iverson clearly will have been licensed as an attorney in Wisconsin for 5 years by the time she would take office on August 1, 2025 and has fulfilled all other requirements for her candidacy promulgated by the Legislature. Wis. Stat. § 753.01 (the term for circuit judge is 6 years and “until the successor is elected and qualified, commencing with the August 1 next succeeding the election”). Therefore, she has the absolute right to be placed on the ballot and there is no basis to deny her that right.

CONCLUSION

For the reasons set forth above,² Respondent Cortney J. Iverson respectfully requests that the Commission dismiss the complaint and deny the relief requested.

Respectfully submitted this 13th day of January 2025.

LAW FIRM OF CONWAY, OLEJNICZAK & JERRY, S.C.
Attorneys for Respondent.

Electronically signed by Kurt A. Goehre

Kurt A. Goehre (#1068003)
231 South Adams Street
P.O. Box 23200
Green Bay, WI 54305-3200
Telephone: (920) 437-0476
Facsimile: (920) 437-2868
E-mail: kag@lcojlaw.com

#5287901

² Additionally, Iverson incorporates by reference her response and affidavit to the complaint filed by Theresa Beck, which is substantially similar to the complaint filed by Weber.

STATE OF WISCONSIN
BEFORE THE WISCONSIN ELECTIONS COMMISSION

IN THE MATTER OF the Certificate of Candidacy for the
Office of Jefferson County Circuit Court Judge, Branch 2
with respect to the April 1, 2025 Election

JENNIFER L. WEBER,

Complainant,

v.

CORTNEY J. IVERSON,

Respondent.

AFFIDAVIT AND VERIFIED RESPONSE BY CORTNEY J. IVERSON

STATE OF WISCONSIN)
)
COUNTY OF OCONTO)

Cortney Iverson, being of lawful age and duly sworn upon her oath, deposes and states as follows:

1. I am over the age of 18 and have personal knowledge to testify as to the matters set forth herein, which are true and accurate.
2. I am a resident of Jefferson County, Wisconsin.
3. I am a licensed attorney, in good standing, in the State of Wisconsin.
4. I was admitted to the State of Wisconsin to practice law on May 27, 2020.
5. I have properly completed and submitted my declaration of candidacy for the office of Circuit Court of Jefferson County, Branch 2, and the corresponding nomination papers required under Wis. Stat. c. 8 and Wis. Admin. Code EL c. 2.

6. In particular, in the declaration of candidacy form, EL-162, I certified that “I meet or will meet at the time I assume office the applicable . . . voting qualification requirements, if any, prescribed by the constitutions and laws of the United States and the State of Wisconsin, and that I will otherwise qualify for office, if nominated and elected.” The declaration of candidacy is attached hereto and marked as **Exhibit A**.

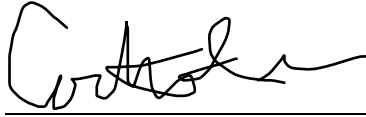
7. The above certification is consistent with the requirement set forth by the Legislature in Wis. Stat. § 8.21(2)(b) and is true and correct.

8. In the event that the majority of the electorate determines that I should obtain the judicial office for the Circuit Court of Jefferson County, Branch 2, I will not obtain that office until August 1, 2025 pursuant to Wis. Stat. § 753.01.

9. I will have been licensed to practice law in Wisconsin for 5 years on May 27, 2025 and, therefore, I will have been licensed to practice law in Wisconsin for over 5 years by August 1, 2025, which meets the statutory qualification for my candidacy set forth in Wis. Stat. § 8.21(2)(b).

10. Regardless, I will meet all necessary qualifications for the office of judge of the Circuit Court of Jefferson County, Branch 2, before taking that office.

Subscribed and sworn before me this 11 day of January, 2025.

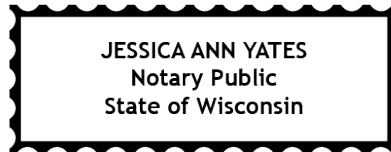


Cortney Iverson

This notarial act was an online notarization
This notarial act involved the use of communication technology.



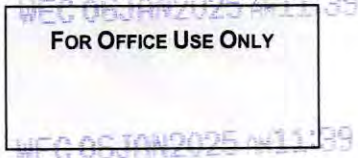
Jessica Ann Yates
Remote Online Notary
Notary Public, State of Wisconsin.
My Commission Expires:09/15/2025



#5288036

Declaration of Candidacy

(See instructions for preparation on back)



Is this an amendment?

Yes (if you have already filed a DOC for this election)

No (if this is the first DOC you have filed for this election)

I, Cortney Iverson, being duly sworn, state that
Candidate's name

I am a candidate for the office of Jefferson County Circuit Court Judge, Branch 2
Official name of office - include district, branch or seat number

representing _____
If partisan election, name of political party or statement of principle - five words or less (Candidates for nonpartisan office may leave blank.)

and I meet or will meet at the time I assume office the applicable age, citizenship, residency and voting qualification requirements, if any, prescribed by the constitutions and laws of the United States and the State of Wisconsin, and that I will otherwise qualify for office, if nominated and elected.

I have not been convicted of a felony in any court within the United States for which I have not been pardoned.¹

My present address, including my municipality of residence for voting purposes is:

W9211	Red Feather Dr.	Cambridge, WI	53523	Town of <input checked="" type="checkbox"/>	Oakland
House or fire no.	Street Name	Mailing Municipality and State	Zip code	Village of <input type="checkbox"/>	
				City of <input type="checkbox"/>	

My name as I wish it to appear on the official ballot is as follows:

Cortney J. Iverson

(Any combination of first name, middle name or initials with surname. A nickname may replace a legal name.)

Cortney J. Iverson
(Signature of candidate)

STATE OF WISCONSIN }
County of Dane } ss.
(County where oath administered)

Subscribed and sworn to before me this 6th day of January, 2025.

Regina Anneliese Hein
(Signature of person authorized to administer oaths)

Notary Public or other official _____
(Official title, if not a notary)

If Notary Public: My commission expires 8/20/27 or is permanent



The information on this form is required by Wis. Stat. § 8.21, Art. XIII, Sec. 3, Wis. Const., and must be filed with the filing officer in order to have a candidate's name placed on the ballot. Wis. Stats. §§ 8.05 (1)(j), 8.10 (5), 8.15 (4)(b), 8.20 (6), 120.06 (6)(b), 887.01.

¹ A 1996 constitutional amendment bars any candidate convicted of a misdemeanor which violates the public trust from running for or holding a public office. However, the legislature has not defined which misdemeanors violate the public trust. A candidate convicted of any misdemeanor is not barred from running for or holding a public office until the legislature defines which misdemeanors apply.

STATE OF WISCONSIN
BEFORE THE WISCONSIN ELECTIONS COMMISSION

IN THE MATTER OF the Certificate of Candidacy for the
Office of Jefferson County Circuit Court Judge, Branch 2
with respect to the April 1, 2025 Election

THERESA A. BECK,

Case No. EL 25-05

Complainant,

v.

CORTNEY J. IVERSON,

Respondent.

RESPONDENT'S RESPONSE TO COMPLAINT

Theresa A. Beck ("Beck") submitted a complaint alleging that Cortney J. Iverson ("Iverson") is not eligible for the office of judge of Jefferson County, Branch 2, because Iverson will not have been an attorney licensed to practice law in Wisconsin for at least 5 years by "the election," pursuant to Wis. Const. Art. VII, sec. 24(1), and, as a result, the Wisconsin Election Commission should deny her access to the ballot (despite implicitly acknowledging that Iverson will undoubtedly attain 5 years of being licensed to practice law in Wisconsin by the time she

would take office in August). Simply put, there is no support for Beck’s undemocratic challenge to her opponent’s candidacy, and said challenge should be swiftly rejected.¹

Iverson will have been licensed to practice law in Wisconsin for over 5 years by the time she would take office for Jefferson County, Branch 2, and, pursuant to Wis. Stat. § 8.21(2)(b) and clear Wisconsin precedent, that is all that matters and there is no basis to deny Iverson access to ballot. (Iverson Aff. 1-9, Ex. A). The only requirement imposed by the Legislature to appear on the ballot is filing the appropriate nomination papers and declaration of candidacy, which Iverson has fulfilled. Moreover, the Legislature clearly and specifically determined that the candidate need only meet the qualifications for the office “at the time he or she assumes [the] office.” Wis. Stat. § 8.21(2)(b). As such, Beck’s repeated assertion that Iverson must be licensed to practice law in Wisconsin for 5 years at the time of the election is unquestionably wrong and she falls far short of her burden to establish that Iverson’s candidacy is insufficient. Wis. Admin. EL Code 2.07(3)(a). As such, Beck’s empty attempt to circumvent her opponent’s candidacy must be denied.

I. THE COMMISSION MAY NOT DENY IVERSON BALLOT ACCESS WHEN SHE WILL SATISFY ALL NECESSARY QUALIFICATIONS BEFORE SHE TAKES OFFICE.

Beck’s entire argument rests on the assertion that, since Iverson will not have been licensed to practice law for 5 years by the time of the election, the Commission should deny her name from being placed on the ballot. While Beck’s argument appears plausible, at first pass,

¹ Respondent submits this response to the complaint while reserving all rights and defenses under the Wisconsin Constitution, including the question of whether the Wisconsin Elections Commission has the authority to construe provisions of the Wisconsin Constitution relating to eligibility of judges or impose limitations on individuals running for judicial office. See *Gabler v. Crime Victims Rts. Bd.*, 2017 WI 67, ¶ 31, 376 Wis. 2d 147, 171, 897 N.W.2d 384, 396 (“Each branch’s core powers reflect zones of authority constitutionally established for each branch of government upon which any other branch of government is prohibited from intruding” and “to these areas of authority, ... any exercise of authority by another branch of government is unconstitutional.” (internal quotations omitted))

she clearly fails to acknowledge controlling Wisconsin law and precedent that is directly contrary to her assertion. In fact, Beck does not cite to a single Wisconsin case that supports her incomplete and incorrect theory,² and she ignores clear precedent refuting her position.

For example, in *State v. Hawerwas*, 254 Wis. 336, 36 N.W.2d 427 (1949), the Wisconsin Supreme Court addressed whether the Milwaukee Cty. Board of Election Commissioners may refuse to place the name of a judicial candidate, Michael Sullivan, on the ballot who did not attain the age of 25 prior to the primary or general election—but who would be 25 by the time he took office—pursuant to art. VII, sec. 10. At that time, Art. VII, sec. 10 read:

No person shall be eligible to the office of judge, who shall not, at the time of his election, be a citizen of the United States, and have attained the age of twenty-five years, and be a qualified elector within the jurisdiction for which he may be chosen

Id. at 341. That Court swiftly rejected the challenge to Michael Sullivan’s name being placed on the ballot. In particular, the Court held that there was no requirement, either through the Constitutional provision or statutes, that the candidate possess all qualifications prior to being placed on the ballot.

Rather, such qualifications must exist at the time of taking office and, if they don’t meet the qualifications at that time, the person may be subject to challenge—but that challenge is not one that takes place prior to placement on the ballot. *Id.* at 340. Indeed, the Court flatly rejected the idea that a candidate must meet the qualifications prior to the primary or general election:

The right of a candidate to have his name appear thereon is one created by the Legislature. Until the Legislature in the exercise of its power to regulate the exercise of the right of franchise, has prescribed as a part of the qualifications of a person who is seeking a place upon the official ballot that he shall be eligible to the office for which he is a candidate, neither the courts nor any administrative officer can so limit his right.

² As noted later in this brief, Beck cites to *In re Raineri*, 102 Wis. 2d 418, 306 N.W.2d 699 (1981), but that case does not support Beck’s assertion.

Id. at 340.

Likewise, the Supreme Court held similarly in *State ex rel. Barber v. Circuit Court for Marathon County et al.*, 178 Wis. 468, 190 N.W.563 (1922). *Barber* dealt with the election of a State Senator and whether he was eligible to be placed on the ballot due to a prior conviction, which was later pardoned. The Court held that the candidate is not precluded from placement on the ballot when he has fulfilled all the statutory prerequisites to placing his name on the ballot, even if he may later prove to be ineligible for the office he seeks:

It is perfectly plain in the light of the conditions which existed at the time of the adoption of the Constitution, and in view of the fact that the Legislature has carefully refrained from lodging either with the judicial branch or with any administrative officer the power to limit free choice by the elector, that he still enjoys the right to vote for whom he will, whether the person voted for be eligible or ineligible, qualified or disqualified. The Legislature has declared that a plurality of a political party to which an elector belongs may designate as a candidate for public office whom they choose without regard to eligibility or qualifications. If the one so designated is in fact ineligible, the question of eligibility becomes a judicial question after the election when he has received a plurality of votes and is seeking the title to the office for which he is a candidate. It has been so held in other jurisdictions.

Id. at 567. In fact, the Court pointed out that the “only requirement found in the statute as a condition precedent to the right of a nominee to a place upon a ballot is that he file a declaration that, if elected, he will accept the office and qualify therefore.” *Id.* at 568. *See also* Wis. Stat. § 8.21(2)(b).

Just like in *Sullivan* and *Barber*, there is no statutory requirement that Iverson meet the qualifications for the judicial office in order to be a candidate for that office or be placed on the ballot. To the contrary, the statutory requirements for candidacy directly refute Beck’s contention:

The declaration shall contain the name of the candidate in the form specified under s. 8.10(2)(b) for candidates for nonpartisan office . . . and shall state all of the following: . . .

(b) That the signer meets, **or will at the time he or she assumes office meet, applicable age, citizenship, residency, or voting qualification requirements, if any prescribed by the constitutions and laws of the United States and of this state.**

Wis. Stat. § 8.21(2)(b). Iverson will meet the qualifications for the office at the time she assumes the judicial office on August 1, 2025 since she will be licensed to practice law in Wisconsin for over 5 years at that time, which is exactly what she certified in her declaration of candidacy. (Iverson Aff. ¶¶ 5-9, Ex. A). Regardless, while Beck conflates the requirements for office (which are set forth in Wis. Const. Art. VII, sec. 24(1)) with the requirements to be placed on the ballot (which are met by filing the declaration of candidacy and nomination papers), Beck cites to no provision in the election code that would require Iverson to hold those qualifications prior to being placed on the ballot—and none exists, other than § 8.21 requiring that she certify that she will meet the qualifications at the time she assumes office. Neither an executive agency nor a court may insert an additional or different requirement that Iverson meet all qualifications for the office prior to being placed on the ballot. Wis. Const. Art. IV, sec. 1 (“The legislative power shall be vested in a senate and assembly.”); *State v. Kohler*, 200 Wis. 518, 228 N.W. 895, 906 (1930) (“the power of the state to deal with elections . . . is vested in the senate and assembly to be exercised under the provisions of the Constitution”).

In attempt to sidestep these inherent deficiencies to her challenge, Beck points to Wis. Stat. § 8.30 and requests that the Commission invoke its discretionary authority to deny Iverson access to the ballot—but this too fails. Beck suggests that Iverson’s declaration of candidacy was not valid or demonstrates she is ineligible to be elected to the office. First, as discussed further below, Iverson fully and accurately completed the declaration of candidacy. It is undisputed that Iverson will have been licensed to practice law for over 5 years by the time she

would take office on August 1, 2025 and, therefore, accurately completed the declaration of candidacy and fully complied with Wis. Stat. § 8.21 in that regard. (Iverson Aff. ¶¶ 5-7).

Second, what Beck is really arguing is that Iverson is ineligible for placement on the ballot. But, as noted above, there is no basis in fact or law to support such a contention.

Additionally, Beck suggests that Iverson could never qualify for the judicial office. Not surprisingly, Beck fails to develop any argument to support this empty conclusion. There is no dispute that Iverson will have all necessary qualifications by August 1, 2025—including, among all others, having been licensed to practice law in Wisconsin for at least 5 years. As such, Beck’s suggestion is without merit.

Finally, it is necessary to review the single Wisconsin case cited by Beck, ostensibly in support of her attempt to preclude Iverson’s ballot access. Beck cites *In re Raineri* in support of her undemocratic attempt to foreclose Iverson’s candidacy, but fails to develop any substantive argument to suggest that the Commission must deny Iverson access to the ballot based on that case. In any event, *In re Raineri* is entirely distinguishable from Iverson’s circumstances since *In re Raineri* dealt with the discipline of a sitting judge who was convicted of various felonies (including racketeering, making false declarations before a grand jury, and threatening a grand jury witness) and sentenced to three years in prison. *Id.* at 419-420. Judge Raineri’s license to practice law was revoked and, as a result, there was no dispute that he could no longer hold the position of circuit court judge. In passing, the Court noted that since Judge Raineri’s license to practice law in Wisconsin was revoked, he was “ineligible for the office of judge” since Art. VII, sec. 24 requires that he “must be an attorney licensed to practice law in this state.” However, the Court was never confronted with construing the Constitutional requirement of having been licensed to practice law in Wisconsin for at least 5 years or whether an executive agency may

interpret that Constitutional provision to deny a candidacy or ballot access before the election takes place. Like all the rest of Beck's arguments, her reliance on *In re Raineri* is faulty and does not support her contention that Iverson must be denied ballot access.

II. IVERSON ACCURATELY COMPLETED THE DECLARATION OF CANDIDACY, FULFILLED HER FILING REQUIREMENTS, AND ALL REQUIREMENTS TO GAIN BALLOT ACCESS.

Iverson completed and submitted her declaration of candidacy on January 6, 2025.

(Iverson Aff. ¶ 6, Ex. A).³ In addition to completing all aspects of the declaration of candidacy,

Iverson affirmed the following, as stated in the declaration:

I meet **or will meet at the time I assume office** the applicable age, citizenship, residency and voting qualification requirements, if any prescribed the constitutions and laws of the United States and the State of Wisconsin, and that I will otherwise qualify for office, if nominated and elected.

(*Id.*, emphasis added). As noted above, the declaration of candidacy form, EL-162, promulgated and published by the Wisconsin Elections Commission, aptly indicates that a candidate must be able to meet the qualifications for the office sought “at the time [the candidate] assume[s] office.” Indeed, as determined by the Wisconsin Supreme Court, as long as Iverson can meet the qualifications by the time she would take office, there is no basis to deny her the right to run for the office or place her name on the ballot. *State v. Hawerwas*, 254 Wis. 336, 36 N.W.2d 427 (1949); *State ex rel. Barber v. Circuit Court for Marathon County et al.*, 178 Wis. 468, 190 N.W.563 (1922).

Iverson clearly will have been licensed as an attorney in Wisconsin for 5 years by the time she would take office on August 1, 2025 and has fulfilled all other requirements for her candidacy promulgated by the Legislature. Wis. Stat. § 753.01 (the term for circuit judge is 6 years and “until the successor is elected and qualified, commencing with the August 1 next

³ The complaint asserts no other challenge other than to Iverson's declaration of candidacy and, regardless, Iverson's nomination papers are presumptively valid. Wis. Admin EL Code § 2.07(4).

succeeding the election”). Therefore, she has the absolute right to be placed on the ballot and there is no basis to deny her that right.

III. BECK’S RELIANCE ON THE COMMISSION’S DENIAL OF SHIVA AYYADURAI’S ACCESS TO THE 2024 PRESIDENTIAL BALLOT IS MISPLACED AND DISTINGUISHABLE.

Beck’s final attempt to conjure up a reason for the Commission to preclude Iverson’s candidacy is to point to the Commission’s denial of Shiva Ayyadurai’s access to the 2024 Presidential Ballot, as set forth in *Michael Hoffman v. Shiva Ayyadurai*, EL 24-81. In that matter, Ayyadurai admitted that he was born in Bombay, India despite attempting to run for the Office of President of the United States. (Iverson Aff. ¶ 11, Ex. B). As is well known, only a “natural born citizen” is qualified to be President of the United States. U.S. Const. art. II, § 1, cl. 5. Upon review of the undisputed evidence and admission by Ayyadurai, the Commission correctly determined that Ayyadurai could never meet the constitutional requirements for the Office of President of the United States. *See* Comm’n Closing Letter in EL 24-18, August 27, 2024. The Commission was well within its statutory authority to deny him ballot access since, pursuant to Wis. Stat. § 8.21(2)(b) and § 8.30(1), it was undisputed that Ayyadurai did not, and could never, meet the qualifications for the Office of President of the United States.

Ayyadurai’s circumstances are clearly different from Iverson’s. Ayyadurai’s failure to meet the qualification at issue was solidified the moment he was born and, as such, the failure to qualify could never be rehabilitated or changed. Iverson, on the other hand, will meet the qualifications of the judicial office she seeks prior to taking office on August 1, 2025. She is a licensed attorney in the State of Wisconsin and, although she does not have 5 years of being licensed, she will before she takes office. Accordingly, Ayyadurai’s denial is entirely distinguishable from the circumstances at issue here.

CONCLUSION

For the reasons set forth above, Respondent Cortney Iverson respectfully requests that the Commission dismiss the complaint and deny the relief requested.

Respectfully submitted this 13th day of January 2025.

LAW FIRM OF CONWAY, OLEJNICZAK & JERRY, S.C.
Attorneys for Respondent.

Electronically signed by Kurt A. Goehre

Kurt A. Goehre (State Bar No. 1068003)

George Burnett (State Bar No. 1005964)

231 South Adams Street

P.O. Box 23200

Green Bay, WI 54305-3200

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E-mail: kag@lcojlaw.com

#5288434

STATE OF WISCONSIN
BEFORE THE WISCONSIN ELECTIONS COMMISSION

IN THE MATTER OF the Certificate of Candidacy for the
Office of Jefferson County Circuit Court Judge, Branch 2
with respect to the April 1, 2025 Election

THERESA A. BECK,

Complainant,

v.

CORTNEY J. IVERSON,

Respondent.

AFFIDAVIT AND VERIFIED RESPONSE BY CORTNEY J. IVERSON

STATE OF WISCONSIN)
)
COUNTY OF OCONTO)

Cortney Iverson, being of lawful age and duly sworn upon her oath, deposes and states as follows:

1. I am over the age of 18 and have personal knowledge to testify as to the matters set forth herein, which are true and accurate.
2. I am a resident of Jefferson County, Wisconsin.
3. I am a licensed attorney, in good standing, in the State of Wisconsin.
4. I was admitted to the State of Wisconsin to practice law on May 27, 2020.
5. I have properly completed and submitted my declaration of candidacy for the office of Circuit Court of Jefferson County, Branch 2, and the corresponding nomination papers required under Wis. Stat. c. 8 and Wis. Admin. Code EL c. 2.

6. In particular, in the declaration of candidacy form, EL-162, I certified that “I meet or will meet at the time I assume office the applicable . . . voting qualification requirements, if any, prescribed by the constitutions and laws of the United States and the State of Wisconsin, and that I will otherwise qualify for office, if nominated and elected.” The declaration of candidacy is attached hereto and marked as **Exhibit A**.

7. The above certification is consistent with the requirement set forth by the Legislature in Wis. Stat. § 8.21(2)(b) and is true and correct.

8. In the event that the majority of the electorate determines that I should obtain the judicial office for the Circuit Court of Jefferson County, Branch 2, I will not obtain that office until August 1, 2025 pursuant to Wis. Stat. § 753.01.

9. I will have been licensed to practice law in Wisconsin for 5 years on May 27, 2025 and, therefore, I will have been licensed to practice law in Wisconsin for over 5 years by August 1, 2025, which meets the statutory qualification for my candidacy set forth in Wis. Stat. § 8.21(2)(b).

10. The Complainant cites to *Michael Hoffman v. Shiva Ayyadurai*, EL 24-81, in support of her request to deny my candidacy, but the Commission’s denial of Ayyadurai’s access to the Presidential Ballot is distinguishable.

11. In particular, Ayyadurai admitted that he was born in Bombay, India and was indisputably not a “naturally born citizen, as noted in the filings in that matter and the Certificate of Nominate for Unaffiliated Candidate filed by, or caused to be filed by, Ayyadurai in the State of Utah, which is attached hereto as **Exhibit B**.

12. Regardless, I will meet all necessary qualifications for the office of judge of the Circuit Court of Jefferson County, Branch 2, before taking that office.

Subscribed and sworn before me this 11 day of January, 2025.



Cortney Iverson

This notarial act was an online notarization

This notarial act involved the use of communication technology.

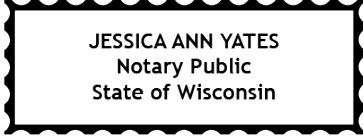


Jessica Ann Yates

Remote Online Notary

Notary Public, State of Wisconsin.

My Commission Expires:09/15/2025



JESSICA ANN YATES
Notary Public
State of Wisconsin

#5288437

Declaration of Candidacy

(See instructions for preparation on back)

WEG 06 JAN 2025 AM 11:39
FOR OFFICE USE ONLY
WEG 06 JAN 2025 AM 11:39

Is this an amendment?

Yes (if you have already filed a DOC for this election)

No (if this is the first DOC you have filed for this election)

I, Cortney Iverson, being duly sworn, state that
Candidate's name

I am a candidate for the office of Jefferson County Circuit Court Judge, Branch 2
Official name of office - include district, branch or seat number

representing _____
If partisan election, name of political party or statement of principle - five words or less (Candidates for nonpartisan office may leave blank.)

and I meet or will meet at the time I assume office the applicable age, citizenship, residency and voting qualification requirements, if any, prescribed by the constitutions and laws of the United States and the State of Wisconsin, and that I will otherwise qualify for office, if nominated and elected.

I have not been convicted of a felony in any court within the United States for which I have not been pardoned.¹

My present address, including my municipality of residence for voting purposes is:

W9211	Red Feather Dr.	Cambridge, WI	53523	Town of <input checked="" type="checkbox"/>	Oakland
House or fire no.	Street Name	Mailing Municipality and State	Zip code	Village of <input type="checkbox"/>	
				City of <input type="checkbox"/>	

My name as I wish it to appear on the official ballot is as follows:

Cortney J. Iverson

(Any combination of first name, middle name or initials with surname. A nickname may replace a legal name.)

Cortney J. Iverson
(Signature of candidate)

STATE OF WISCONSIN }
County of Dane } ss.
(County where oath administered)

Subscribed and sworn to before me this 6th day of January, 2025.

Regina Anneliese Hein
(Signature of person authorized to administer oaths)

Notary Public or other official _____
(Official title, if not a notary)

If Notary Public: My commission expires 8/20/27 or is permanent



The information on this form is required by Wis. Stat. § 8.21, Art. XIII, Sec. 3, Wis. Const., and must be filed with the filing officer in order to have a candidate's name placed on the ballot. Wis. Stats. §§ 8.05 (1)(j), 8.10 (5), 8.15 (4)(b), 8.20 (6), 120.06 (6)(b), 887.01.

¹ A 1996 constitutional amendment bars any candidate convicted of a misdemeanor which violates the public trust from running for or holding a public office. However, the legislature has not defined which misdemeanors violate the public trust. A candidate convicted of any misdemeanor is not barred from running for or holding a public office until the legislature defines which misdemeanors apply.

2024
CERTIFICATE OF NOMINATION FOR
UNAFFILIATED CANDIDATE

of
(print name exactly as it is to be printed on the official ballot)

Shiva

First Name

Middle Name

Ayyadurai

Last Name

For the office of **President of the United States**

State of Massachusetts } ss.
County of Middlesex

I, Shiva Ayyadurai, declare my intention of becoming an unaffiliated candidate for the office of President of The U.S.A. I do solemnly swear that I can qualify to hold that office both legally and constitutionally if selected, and that I reside at 69 Snake Hill Road Street, in the city of Belmont county of Middlesex, state of Utah, zip code 02478, phone 857-810-0007, and that I am providing, or have provided, the required number of holographic signatures of registered voters required by law; that as a candidate at the next election I will not knowingly violate any election or campaign law; I will file all campaign disclosure reports as required by law. The mailing that I designate for receiving all official election notices is:

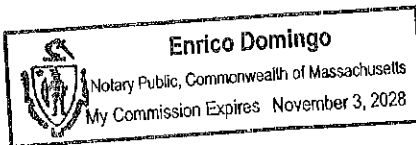
Shiva4President 701 Concord Ave, Cambridge, MA 02178

My email address is: Shiva4President@Shiva4President.com

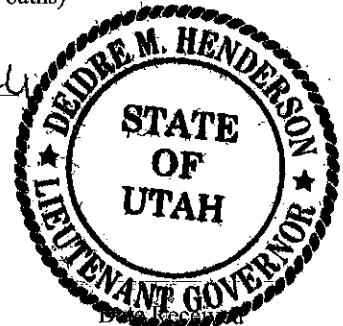
Shiva Ayyadurai
Candidate Signature

(Must be signed in the presence of an officer qualified to administer oaths)

Subscribed and sworn to before me this 02/29/2024
(month/day/year)



[Signature]
Notary Public or an officer qualified to administer oaths



(Seal)

Lieutenant Governor 2024

QUALIFICATIONS FOR THE PRESIDENT OF THE UNITED STATES
(Unaffiliated Candidate)

Before the filing officer accepts a declaration of candidacy, the filing officer must read the constitutional and statutory requirements to the candidate or the candidate's designated agent, and the candidate or the designated agent must state whether the candidate fulfills the requirements. If the candidate or the designated agent indicates that the candidate does not qualify, the filing officer shall decline the declaration of candidacy. Refer to Utah Code Annotated § 20A-9-201 and 20A-9-202.

QUALIFICATIONS FOR OFFICE

United States Constitution, Article II, Section 1

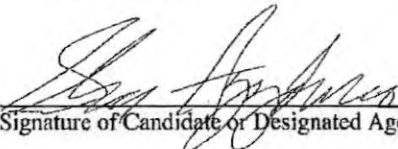
- Natural born citizen of the United States.* *SA*
- 35 years of age upon taking the oath of office
- Resident of the United States for 14 years upon taking the oath of office.

Utah Code Annotated § 20A-9-503

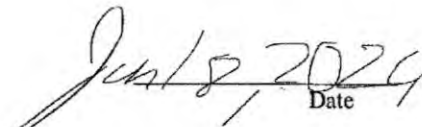
- Pay a filing fee of \$500.
- File a petition containing the signatures of at least 1,000 registered voters in Utah that have been verified by county clerks in accordance with Utah Code Annotated §20A-9-502.

READ AND SIGN BELOW (to be completed when filing the declaration in person)

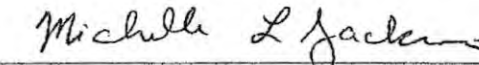
The filing officer read the constitutional and statutory requirements as listed below to me, and I or the candidate meet(s) those qualifications.



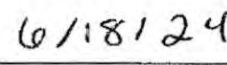
Signature of Candidate or Designated Agent



Date



Signature of Filing Officer



Date

****"Natural Born" is a term not defined in the Constitution as acknowledged by many eminent legal scholars. I attest that I was "naturally born" in Bombay, India on December 2, 1963. Regardless, the FEC in 2011 ruled that ANY citizen of the United States can run for the Office of President. In addition, pursuant to the 5th and 14th Amendments and along with multiple Supreme Court rulings e.g. Bolling v. Sharpe, Schneider v. Rusk, it is illegal and unconstitutional to discriminate between classes of citizens by National Origin. Finally, in Trump v. Anderson, No. 23-719, 601 U.S. 100 (2024), the Supreme Court unanimously ruled in a 9-0 decision that States CANNOT deny ballot access to a Candidate for President and cannot determine eligibility for federal office, and only the Congress of the United States could determine such eligibility, even if a Candidate violates a provision in the Constitution.**

NATALIA TAFT,

Complainant,

v.

JEFF WRIGHT

Respondent.

**VERIFIED RESPONSE OF JEFF WRIGHT IN OPPOSITION TO COMPLAINT OF
NATALIA TAFT**

Respondent, Jeff Wright, by his attorneys, DeWitt LLP, hereby submits his Verified Response in Opposition to Complaint of Natalia Taft as follows:

INTRODUCTION

Jeff Wright is the current superintendent of the Sauk Prairie School District and was recently named "2024 Administrator of the Year" by the Wisconsin Rural Schools Alliance. He is running for State Superintendent of Public Instruction and people throughout Wisconsin are looking forward to voting for him this April. Indeed, most of the State's largest education groups, including the Association of Wisconsin School Administrators ("AWSA"), have endorsed Wright, referring to him as "a collaborative leader ... [with] a proven track record of uniting diverse voices to solve problems and delivering fiscally responsible solutions." He is the type of candidate that Wisconsin voters have been clamoring for.

The complainant, Natalia Taft, alleges that Wright's nomination papers "failed to list the full name of the office, to wit: Wisconsin Superintendent of Public Instruction nor the jurisdiction, (Wisconsin) in the heading on each and every page of his Nomination Papers." Taft does not aver

that any of the signers were misled by information on Wright's nomination form. Nor does she allege that the format of Wright's nomination papers caused any actual confusion with any voters or had any reasonable likelihood of causing confusion.

Taft's argument ignores the fact that per our state constitution and statutes, the legal title of the position Wright is running for is the "State Superintendent of Public Instruction." *See* Wis. Constitution at Art. X, section 1; Wis. Stat. at Subchapter II of chapter 115. The proper title is **NOT** the "Wisconsin" State Superintendent of Public Instruction. Wright's nomination papers track verbatim the proper legal name of the office. Taft also overstates the alleged flaw in the nomination papers as failing anywhere in the heading to mention "Wisconsin". In fact, Wright's papers correctly specify that his home address is in Wisconsin; his mailing address is in Wisconsin; the persons circulating the papers certify that they are residents of Wisconsin; and each of the voters who signed the papers state that they are residents of Wisconsin.

Taft admits that there are no court decisions supporting her argument. To the contrary, there are numerous Supreme Court cases protecting the right to vote and ballot access against undue burdens. And, this Commission has likewise concluded many times that nomination papers will be accepted if they are in "substantial compliance" with the law, notwithstanding any technical deficiencies. Taft comes nowhere close to meeting her heavy burden. The Commission should reject her arguments and keep Wright on the ballot.

BACKGROUND FACTS

1. Respondent Jeff Wright is a Wisconsin resident with a home address of E3048 Marble Quarry Road, Plain, WI 53577 and a mailing address of P.O. Box 64, Prairie Du Sac, WI 53578. Wright is currently employed as the superintendent of the Sauk Prairie School District and was recently named "2024 Administrator of the Year" by the Wisconsin Rural Schools Alliance. He is a Harvard University graduate, a former Social Studies teacher, and previously served as a

high school principal on the south side of Chicago. He is running for State Superintendent of Public Instruction.

2. Wright timely filed his nomination papers with the State of Wisconsin Elections Commission ("the Commission") for the position of State Superintendent of Public Instruction. Wright's Nomination papers consisted of a sufficient number of signatures required for placement on the ballot for the Spring 2025 Election for State Superintendent of Public Instruction.

3. Wright does not dispute that a representative example of his Nomination Papers is attached as Exhibit A to Taft's Verified Complaint.

**WRIGHT'S NOMINATION PAPERS SUBSTANTIALLY COMPLY
WITH WIS. STAT. § 8.10(2)(b)**

4. Wright hereby incorporates the response above as if restated in full here.

5. Wis. Stat. § 8.10(2)(b) states:

(b) Each nomination paper shall have substantially the following words printed at the top:

I, the undersigned, request that the name of (insert candidate's last name plus first name, nickname or initial, and middle name, former legal surname, nickname or middle initial or initials if desired, but no other abbreviations or titles residing at (insert candidate's street address) be placed on the ballot at the (spring or special) election to be held on (date of election) as a candidate so that voters will have the opportunity to vote for (him or her) for the office of (name of office). I am eligible to vote in (name of jurisdiction or district in which candidate seeks. office.) I have not signed the nomination paper of any other candidate for the same office at this election. [Emphasis supplied]

6. Taft alleges that the full name of the office is "Wisconsin Superintendent of Public Instruction." Taft is wrong.

7. The legal title as set forth by our state Constitution is the "State Superintendent of Public Instruction." *See* Wis. Constitution at Art. X, sec. 1; Wis. Stat. subchap. II of Ch. 115. Wis.

Stat. § 115.001(15) also defines “State superintendent” as “the state superintendent of public instruction.” The proper title is **not** the “Wisconsin” State Superintendent of Public Instruction.

8. Taft also argues that Wright’s Nomination Papers “fails to even have the name *Wisconsin* anywhere in the header of his nomination paper.” Taft must not have actually read the header.

9. In fact, the header in Wright’s nomination papers specified that his home address is in Wisconsin and that his mailing address is in Wisconsin. Additionally, Wright’s nomination papers stated that the persons circulating the papers certify that they are residents of Wisconsin; and each of the voters who signed the papers stated that they are residents of Wisconsin. *See* Exhibit A to Complainant’s Verified Complaint.

10. The Commission’s regulations provide that a nomination paper is presumptively correct and that it is the complainant’s burden to prove any error by clear and convincing evidence. Wis. Admin. Code EL §§ 2.05(4), 2.07(3), (4).

11. In addition to providing that “[a]ny information which appears on a nomination paper is entitled to a presumption of validity,” Wis. Admin. Code EL § 2.05(4), the Commission deems nomination papers “complete” if they are in “substantial compliance” with the election statutes. Wis. Admin. Code § EL 2.05(5).

12. Specifically, “[w]here any required item of information on a nomination paper is incomplete, the filing officer shall accept the information as complete if there has been substantial compliance with the law.” *Id.*

13. Where, as in Wright’s situation, the candidate has provided an office title (that is in fact the correct legal title) which substantially complies with § 8.10(2)(b), the Commission is obliged to accept such information as complete.

14. Furthermore, the Commission promulgated a guidance document titled “Nomination Paper Challenges,” which explains that the Commission has rejected previous challenges on the basis of an irregularity in the title of the office:

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.

15. Recently the Wisconsin Court of Appeals confirmed that the Commission; “substantial compliance” standard is the correct measuring stick when reviewing nomination papers. *Hess v. Wisconsin Elections Commission, et al.*, 2023 AP 1350. *Hess* expressly rejected the “strict compliance” approach advanced by Taft.

16. Considering the Commission’s binding regulation, guidance, and prior decisions, it follows that the Commission must deem Wright’s Nomination Papers referring to “State Superintendent of Public Instruction” as substantially compliant.

17. The Commission has recently included multiple candidates of all levels of office on Wisconsin ballots that did not have “Wisconsin” in the in the office title or in the jurisdiction section of the candidates’ nomination papers. Attached as Respondent’s Exhibit A are true and correct copies of recent candidates’ nomination papers.

18. Moreover, the 2022 email from Commission staff member, Cody Davies, which is attached to the Taft Complaint as Exhibit B, has no legal or precedential force or effect. First, the email does not even constitute promulgated guidance from the Commission. Even if it were

guidance (it is not), guidance documents “are not the law itself.” *Service Employees International Union, Local 1 v. Vos*, 2020 WI 67, ¶ 102, 393 Wis. 2d 38, 101, , 946 N.W.2d 35, 67. Second, the email does not relate to the office of State Superintendent of Public Instruction, and therefore, is not analogous. Third, even if the Commission were to construe the email as evidence in support of Complainant’s position, it does not even affirmatively state that the word “Wisconsin” appear in the header. Instead, the email states that the “only recommended edit would be to include Wisconsin as the jurisdiction in there somewhere” and that “how to update the wording in the header is completely up to you folks.”

19. Significantly, Taft’s complaint does not include an affidavit from *anyone* (including herself) who claims to have been misled or defrauded by Wright’s nomination papers. Because the nomination papers are substantially compliant with the statute at issue, the Commission should deny Tate’s request to invalidate Wright’s nomination papers.

20. Even if the Commission believes that there was an error, that the error was material (and invalidating), it should still exercise its discretion to keep Wright on the ballot. Wisconsin Statutes § 8.30(1)(a) provides that the Commission “*may* refuse to place the candidate’s name on the ballot if . . . [t]he nomination papers are not prepared, signed, and executed as required.” “The word ‘may’ is generally construed as allowing discretion.” *Rotfeld v. Wis. Dep’t of Nat. Res.*, 147 Wis.2d 720, 726, 434 N.W.2d 617 (Ct. App. 1988). So even if Taft is correct (she is not), the Commission still has discretion to put Wright on the ballot.

21. There are good reasons to exercise discretion here. First, the Wisconsin Supreme Court has held that the right of ballot access should be construed liberally in favor of letting people on the ballot. *See Sommerfeld v. Board of Canvassers of City of St. Francis*, 269 Wis. 299, 303-304, 69 N.W.2d 235, 237 (1955). Second, disallowing Wright from the ballot due to a harmless

technicality would deprive hundreds of thousands of Wisconsin residents of their right to vote for their preferred candidate. Such an action would thwart the right to vote and undermine our democratic system of government. *See Anderson v. Celebrezze*, 460 U.S. 780, 786 (1983) (“[C]andidate eligibility requirements on voters implicate[] basic constitutional rights.”). Therefore, even if the Commission deemed Wright’s nomination forms technically incorrect, it should exercise its discretion and allow Wright access to the ballot.

CONCLUSION

22. For the foregoing reasons, the Commission should dismiss Taft’s Complaint and keep Wright on the ballot.

Dated this 13th day of January, 2025.

DeWitt LLP

By: Electronically Signed by Barret V. Van Sicklen

Barret V. Van Sicklen (#1060852)

J. Wesley Webendorfer (#1090106)

25 West Main Street, Suite 800

Madison, WI 53703-4298

Tel: 608-255-8891

Fax: 608-252-9243

bvv@dewittllp.com

jww@dewittllp.com

ATTORNEYS FOR RESPONDENT JEFF WRIGHT

VERIFICATION


I, Jeff Wright, being first duly sworn upon oath, state that I reside at E3048 Marble Quarry Rd., Plain, Wisconsin 53577. I have personally read the above Verified Response of Jeff Wright in Opposition to Complaint of Natalia Taft, and that the above allegations are true and correct based on my personal knowledge and, as to any allegations stated on information and belief, I believe them to be true.

Dated: 1/13/2025



Jeff Wright

Subscribed and sworn to before me
this 13th day of January, 2025.



Notary Public, State of Wisconsin
My Commission: EXPIRES 8.1.2027



State of Wisconsin
County of Sauk

Exhibit A



I, the undersigned, request the name of
Brad Cook

Residing at N6926 Bobbi Road in the Town of Pacific, WI, (Mailing Address: N6926 Bobbi Road, Pardeeville, WI 53954) be placed on the ballot for the general election to be held on November 5, 2024 as a candidate representing the Democratic Party, so that voters will have the opportunity to vote for him for the office of

REPRESENTATIVE TO THE ASSEMBLY – DISTRICT 40

I am eligible to vote in the 40th Assembly District. I have not signed the nomination paper of any other candidates for the same office in this election.

NOTE: THE MUNICIPALITY USED FOR MAILING PURPOSES, WHEN DIFFERENT THAN THE MUNICIPALITY OF RESIDENCE, IS NOT SUFFICIENT. YOU MUST ALWAYS LIST THE MUNICIPALITY OF RESIDENCE

Signatures of Electors	PRINT NAME	Residential Address Street and Number or Rural Route <small>(Rural address must also include box or fire number, No P.O. Box addresses)</small>	CITY, ZIP	Municipality of Residence <small>(Check the type and write the name of your municipality for voting purposes)</small>	Date of Signing <small>(mo/day/year)</small>	Email Address and Phone Number
<i>[Signature]</i>	Mark E. Bong III	513 N. Wood St	Spring Green, WI 53588	<input checked="" type="checkbox"/> Village <input type="checkbox"/> Town <input type="checkbox"/> City	5/27 2024	(Removed before submission)
<i>[Signature]</i>	Robin A. Reid	353 S Wood St	Spring Green, WI 53588	<input checked="" type="checkbox"/> Village <input type="checkbox"/> Town <input type="checkbox"/> City	5/27 2024	(Removed before submission)
<i>[Signature]</i>	Neel Johnson	269 W. Hoxie	Spring Green, WI 53588	<input checked="" type="checkbox"/> Village <input type="checkbox"/> Town <input type="checkbox"/> City	5/27 2024	(Removed before submission)
<i>[Signature]</i>	Rob Maxwell	246 Fenwick St	Spring Green, WI 53588	<input checked="" type="checkbox"/> Village <input type="checkbox"/> Town <input type="checkbox"/> City	5-27-24	(Removed before submission)
<i>[Signature]</i>	Ann Maxwell	246 Fenwick St	Spring Green, WI 53588	<input checked="" type="checkbox"/> Village <input type="checkbox"/> Town <input type="checkbox"/> City	5-27-24	(Removed before submission)
<i>[Signature]</i>	Dele Horton	215 Hoxie	Spring Green, WI 53588	<input checked="" type="checkbox"/> Village <input type="checkbox"/> Town <input type="checkbox"/> City	5/27 2024	(Removed before submission)
<i>[Signature]</i>	Judy H. Hoffman	215 W. Hoxie CT	Spring Green, WI 53588	<input checked="" type="checkbox"/> Village <input type="checkbox"/> Town <input type="checkbox"/> City	5-27 2024	(Removed before submission)

I, Dawn Barta, (Name of circulator), certify: I reside at 442 N Wood St Spring Green, WI 53588, (Residential address - 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).

Dawn Barta, (Signature of circulator) 5/27/2024, (Date)

Candidate mailing address: N6926 Bobbi Road, Pardeeville, WI 53954

(Page Number)

I, the undersigned, request the name of

Elizabeth Grabe

Residing at 216 Wilson Street in the Village of Mount Horeb, WI 53572 (Mailing address: 3036 Bergum Rd. Mount Horeb, WI 53572), be placed on the ballot for the general election to be held on November 5, 2024 as a candidate representing the Democratic Party, so that voters will have the opportunity to vote for her for the office of

REPRESENTATIVE TO THE ASSEMBLY – DISTRICT 51

I am eligible to vote in the 51st Assembly District. I have not signed the nomination paper of any other candidates for the same office in this election.



(Email/Phone Optional)

NOTE: THE MUNICIPALITY USED FOR MAILING PURPOSES, WHEN DIFFERENT THAN THE MUNICIPALITY OF RESIDENCE, IS NOT SUFFICIENT. YOU MUST ALWAYS LIST THE MUNICIPALITY OF RESIDENCE.

Signatures of Electors	PRINT NAME	Residential Address Street and Number or Rural Route <small>(Rural address must also include box or fire number; No P.O. Box Addresses)</small>	CITY, ZIP	Municipality of Residence <small>(Check the type and write the name of your municipality for voting purposes)</small>	Date of Signing <small>(mo/day/year)</small>	Email Address and Phone Number
1.				<input type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City	2024	
2.				<input type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City	2024	
3.				<input type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City	2024	
4.				<input type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City	2024	
5.				<input type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City	2024	
6.				<input type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City	2024	
7.				<input type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City	2024	

(Removed before submission)

I, _____, (Name of circulator), certify: I reside at _____, (Residential address – 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).

_____, (Signature of circulator) _____, (date)



NOMINATION PAPER FOR PARTISAN OFFICE

I, the undersigned, request that **Mandela Barnes**, who resides at **7052 N Lincolnshire Circle, City of Milwaukee, WI 53223**, be placed on the ballot at the general election to be held on **November 8, 2022** as a candidate representing the **Democratic Party**, so that voters will have the opportunity to vote for him for the office of **United States Senator**. I am eligible to vote in the in the state of Wisconsin. 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 <small>(Rural address must also include box or file no)</small>	Municipality of Residence <small>Check the type and write the name of your municipality for voting purposes</small>	Date of Signing <small>Mo./Day/Year</small>	Additional Contact Information
1.			<input type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City		Phone & Email
2.			<input type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City		Phone & Email
3.			<input type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City		Phone & Email
4.			<input type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City		Phone & Email
5.			<input type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City		Phone & Email
6.			<input type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City		Phone & Email
7.			<input type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City		Phone & Email
8.			<input type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City		Phone & Email
9.			<input type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City		Phone & Email
10.			<input type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City		Phone & Email



CERTIFICATION OF CIRCULATOR

I, _____, (Name of Circulator) certify: I reside at _____, (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(5)(a).

(Signature of Circulator)

(Date)

Page No. _____

Thank you circulators!
Please mail back by
May 15, 2022 to:
Mandela Barnes for Wisconsin
PO Box 259234
Madison, WI 53725



NOMINATION PAPER FOR PARTISAN OFFICE

I, the undersigned, request that the name of

Gwen Moore

Gwen Moore
for U.S. Congress
84

residing at 4043 N. 19th Place, in the City of Milwaukee, Wisconsin 53209, be placed on the ballot at the August 13, 2024 Partisan Primary, and November 5, 2024, General Election as a candidate representing the Democratic Party so that voters will have the opportunity to vote for her for the office of:

REPRESENTATIVE IN CONGRESS, DISTRICT 4

I am eligible to vote in the 4th Congressional District. 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 THE MUNICIPALITY OF RESIDENCE, IS NOT SUFFICIENT. THE NAME OF THE MUNICIPALITY OF RESIDENCE MUST ALWAYS BE LISTED.

SIGNATURES OF ELECTORS	PRINT NAME	STREET & NUMBER	MUNICIPALITY OF RESIDENCE <input type="checkbox"/> Village <input type="checkbox"/> City	ZIP CODE	DATE OF SIGNING	TELEPHONE
1.			<input type="checkbox"/> Village <input type="checkbox"/> City		/ / 24 ()	
2.			<input type="checkbox"/> Village <input type="checkbox"/> City		/ / 24 ()	
3.			<input type="checkbox"/> Village <input type="checkbox"/> City		/ / 24 ()	
4.			<input type="checkbox"/> Village <input type="checkbox"/> City		/ / 24 ()	
5.			<input type="checkbox"/> Village <input type="checkbox"/> City		/ / 24 ()	
6.			<input type="checkbox"/> Village <input type="checkbox"/> City		/ / 24 ()	
7.			<input type="checkbox"/> Village <input type="checkbox"/> City		/ / 24 ()	
8.			<input type="checkbox"/> Village <input type="checkbox"/> City		/ / 24 ()	
9.			<input type="checkbox"/> Village <input type="checkbox"/> City		/ / 24 ()	
10.			<input type="checkbox"/> Village <input type="checkbox"/> City		/ / 24 ()	

CERTIFICATION OF CIRCULATOR

I, _____, certify I reside at _____

(Circulator's residence - 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).

_____, 2024

(Signature of circulator)





Wisconsin Elections Commission

201 West Washington Avenue | Second Floor | P.O. Box 7984 | Madison, WI 53707-7984
(608) 266-8005 | elections@wi.gov | elections.wi.gov

MEMORANDUM

DATE: For the Jan. 14, 2025, Commission Meeting

TO: Members, Wisconsin Elections Commission

FROM: WEC Legal Counsel

SUBJECT: Ballot Access Challenges – Spring Election 2025

EL 25-04 – Jennifer Weber v. Cortney Iverson
Circuit Court Judge, Jefferson County Branch 2

EL 25-05 – Theresa Beck v. Cortney Iverson
Circuit Court Judge, Jefferson County Branch 2

EL 25-06 – Natalia Taft v. Jeff Wright
State Superintendent of Public Instruction

Introduction

The Wisconsin Elections Commission (“the Commission”) accepted nomination papers from December 1, 2024 through January 7, 2025 for the 2025 Spring Election.

The Commission received 3 ballot access challenges by the deadline of 4:30 p.m. on Friday, January 10, 2025. Two of those challenges were both filed by different challengers against the same candidate for the same reason.

Wisconsin Statute 8.07 states that “the commission shall promulgate rules under this chapter for use by election officials in determining the validity of nomination papers and signatures thereon.” The Commission has carried out this duty within Wis. Admin. Code Chapter EL 2. For nonpartisan elections, all nomination papers must comply with Wis. Stat. s. 8.10, and all declarations of candidacy must comply with Wis. Stat. s. 8.21. Each challenge below is evaluated under Wis. Stat. s. 8.10 using the standards of Wis. Admin. Code EL 2, and a recommendation to approve signatures is a recommendation that the signature complies with the requirements of Wis. Stat. s. 8.10. A recommendation to approve ballot access is a recommendation that enough valid signatures were submitted for the office under Wis. Stat. s. 8.10(3).

Challenges to the sufficiency of nomination papers are brought pursuant to Wis. Admin. Code EL s. 2.07(2)(a). The Commission applies the standards in EL s. 2.05 to determine sufficiency. Wis. Admin. Code EL s. 2.07(1). Any information which appears on a nomination paper is entitled to a presumption of validity. Wis. Admin. Code EL s. 2.05(4). Where any required item of information on a nomination paper is

Wisconsin Elections Commissioners

Ann S. Jacobs, chair | Marge Bostelmann | Don M. Millis | Carrie Riepl | Robert Spindell | Mark L. Thomsen

Administrator
Meagan Wolfe

incomplete, the Commission will accept the information as complete if there has been substantial compliance with the law. Wis. Admin. Code EL s. 2.05(5). The burden of proof applicable to establishing or rebutting a challenge is clear and convincing evidence. Wis. Admin. Code EL s. 2.07(4).

Explanation of Materials

This memo provides staff analysis and recommendations for all three ballot access challenges. Each challenge has its own section, which is intended to be read alongside the materials provided in the corresponding appendices as well as alongside the staff analysis spreadsheets. Each Appendix includes a copy of the challenge and response. Any rebuttals received by 9 a.m. on Tuesday, January 14, 2025 will be provided as supplemental materials.

None of the challenges include the Excel worksheets that have accompanied previous ballot access memos because those worksheets are used for staff to assess signature challenges, and none of these challenges contain challenges to individual signatures.

I. EL 25-04 - Jennifer Weber v. Cortney Iverson Circuit Court Judge, Jefferson County Branch 2

Challenger Name: Jennifer Weber

Candidate Name: Courtney Iverson

Office Sought: Circuit Court Judge, Jefferson County Branch 2

Signatures Required: 200 – 400

Signatures Filed (After Facial Review): 289

Signatures Challenged: All – Declaration of Candidacy Challenge

Supplemental Signatures: None Filed

Correcting Affidavits: No

Final Staff Recommendation: Deny ballot access

The Challenge:

Jennifer Weber brings a Declaration of Candidacy challenge, alleging that all 289 nomination paper signatures initially verified by staff are insufficient because the candidate is not qualified for the office. The challenge states that the Wisconsin Constitution in art. VII sec. 24(1) requires that: “[t]o be eligible for the office of supreme court justice or judge of any court of record, a person must be an attorney licensed to practice law in this state and have been so licensed for 5 years immediately prior to election or appointment.” It then alleges that “[t]he Clerk of the Wisconsin Supreme Court confirmed the date of [Ms. Iverson’s] admission to practice law in the State of Wisconsin as May 27, 2020.” The complaint alleges that Ms. Iverson “has not been an attorney licensed to practice law in this state immediately prior to election on April 1, 2025.” The challenge cites both the declaration of candidacy statute, Wis. Stat. s. 8.21, and the candidate ineligibility statute, Wis. Stat. s. 8.30, in support of its allegation. The challenge attached as evidence Ms. Iverson’s Declaration of Candidacy and a page from the wisbar.org website showing Ms. Iverson’s graduation date and bar admission date.

The Response:

The response argues that Ms. Iverson will have been licensed to practice law in Wisconsin for more than 5 years by the time she would take office, and argues that she has properly filed nomination papers and a declaration of candidacy for the office of Circuit Court Judge for Jefferson County, Branch 2. The response admits that Ms. Iverson will not have been licensed to practice law in Wisconsin for 5 years at the time of the Spring Election, but argues that the Wisconsin Supreme Court has addressed a closely related question in at least two cases, and that the qualifications for office must instead be met at the time of assuming office, citing Wis. Stat. s. 8.21(2)(b) for support.

The response cites *State v. Howerwas*, 254 Wis. 336, 36 N.W.2d 427 (1949), and explains that the Wisconsin Supreme Court examined a former constitutional provision in that matter, art. VII, sec. 10, requiring, in relevant part, that a person be at least 25 “at the time of his election” to the office of judge. The response summarizes the court’s ruling and states that:

the Court held that there was no requirement, either through the Constitutional provision or statutes, that the candidate possess all qualifications prior to being placed on the ballot.

Rather, such qualifications must exist at the time of taking office and, if they don’t meet the qualifications at that time, the person may be subject to challenge—but that challenge is not one that takes place prior to placement on the ballot. *Id.* at 340.

The response also cites an earlier case, *State ex rel. Barber v. Circuit Court for Marathon County et al.*, 178 Wis. 468, 190 N.W.563 (1922), discussed in *Howerwas*, that states that individuals may appear on the ballot even if they are not qualified, and that only a declaration of candidacy is required as a condition to appear on the ballot. The response argues that the reasoning of these cases remains correct, and that, “there is no statutory requirement that Iverson meet the qualifications for the judicial office in order to be a candidate for that office or be placed on the ballot.” Instead, the response argues that Wis. Stat. s. 8.10(2)(b), which states that, “[t]hat the signer meets, or will at the time he or she assumes office meet, applicable age, citizenship, residency, or voting qualification requirements, if any prescribed by the constitutions and laws of the United States and of this state[.]” shows that a candidate must meet the requirements for candidacy at the time of assuming office.

The response argues that Ms. Iverson will meet the 5-year requirement by the time of assuming the judicial office on August 1, and alleges that Ms. Weber did not cite any provision of law that “would require Iverson to hold all qualifications in order to be placed on the ballot—and none exists, other than Wis. Stat. s. 8.21 requiring that she certify that she will meet the qualifications at the time she assumes office.” The response argues that Wis. Stat. s. 8.30 is discretionary, that the declaration of candidacy was accurately completed because Ms. Iverson will meet the requirement at the time of taking office, and therefore that the Commission has no basis in the declaration of candidacy to deny ballot access due to this challenge. The response concludes by stating, again citing *Howerwas* and *Barber*, that “as determined by the Wisconsin Supreme Court, as long as Iverson can meet the qualifications by the time she would take office, there is no basis to deny her the right to run for the office or place her name on the ballot.”

Discussion:

Both challenges against Ms. Iverson’s candidacy are discussed together after the summary of the next challenge immediately below.

II. EL 25-05 – Theresa Beck v. Cortney Iverson Circuit Court Judge, Jefferson County Branch 2

Challenger Name: Theresa Beck

Candidate Name: Cortney Iverson

Office Sought: Circuit Court Judge, Jefferson County Branch 2

Signatures Required: 200-400

Signatures Filed (After Facial Review): 289

Signatures Challenged: All – Declaration of Candidacy Challenge

Supplemental Signatures: None Filed

Correcting Affidavits: None

Final Staff Recommendation: Deny Ballot Access

The Challenge:

Theresa Beck brings a Declaration of Candidacy challenge, alleging that all 289 nomination paper signatures initially verified by staff are insufficient because the candidate is not qualified for the office. As in *Weber v. Iverson*, the challenge also alleges that Ms. Iverson is not qualified under Wis. Const. Art. VII, Sec. 24(1) because she was admitted to practice law on May 27, 2020 rather than prior to April 1, 2020. The challenge states that Ms. Iverson’s declaration of candidacy, which was provided as an attachment, stated that she would “qualify for the office if nominated and elected” under Wis. Stat. s. 8.21(2)(c). The challenge also cites Wis. Stat. s. 8.30(1) and emphasizes that the Commission may deny ballot access if “the candidate is ineligible to be nominated or elected” or if “the candidate, if elected, could not qualify.” It also alleges that the Commission may deny ballot access under Wis. Stat. s. 8.30(4) due to the failure to file a valid declaration of candidacy. The challenge cites *In re Raineri*, 102 Wis. 2d 418, 421, 306 N.W.2d 699 (1981) to show that the Wisconsin Supreme Court has analyzed Wis. Const. Art. VII sec. 24(1) and found that at least one candidate was rendered ineligible for the office of judge under it.

The challenge cites for support the Commission’s recent decision in *Michael Hoffman v. Shiva Ayyadurai & Crystal Ellis*, Complaint No. EL 24-81, in which the Commission denied ballot access under Wis. Stat. S. 8.30(1)(b) and (c) due to a citizenship qualification challenge. The challenge shows that, on review by the Eastern District of Wisconsin, the court affirmed the Commission’s decision and stated that the candidate could not submit a valid declaration of candidacy given the deficiency, and that the WEC was required to withhold ballot access.

The Response:

The response to this challenge largely mirrors the response for *Weber v. Iverson*, and staff will only summarize the aspects unique to this response. In addition to what was discussed above for the response to Ms. Weber’s challenge, the response argues *In re Raineri* is distinguishable because it involved a judge who was found guilty of a felony and had his license revoked while in office, thus becoming ineligible to hold

office at that time, rather than any issue arising from the 5 year requirement at the time of the election to the office. The response also argues that the Commission’s decision in Michael Hoffman v. Shiva Ayyadurai, EL 24-81, is inapplicable because that challenge involved a citizenship requirement that could not be met at any time, and that in this case the requirement would be met before assuming office.

Discussion:

First, this section will explain why staff believe that April 1, 2025, is the applicable qualifying deadline, and second, it will explain why staff do not believe the responses overcame this reasoning and that the Commission should sustain the challenges and deny ballot access.

Both challenges to Ms. Iverson’s candidacy state that the Wisconsin Constitution bars anyone who has not been licensed to practice law in Wisconsin for five years immediately prior to being elected or appointed from the office of circuit court judge, arguing that such a candidate is not qualified for the office. As such, both challenges further allege that Ms. Iverson will not have been licensed to practice law in Wisconsin for five years at the time of the April 1, 2025, Spring Election, and ask that the Commission deny ballot access under Wis. Stat. s. 8.30(1). Staff believe that each complaint has presented clear and convincing evidence that Ms. Iverson will not have been a licensed attorney in Wisconsin for 5 years by the date of the election, that the Wisconsin Constitution bars her from assuming the office, and thus that the Commission should affirm the challenge and deny ballot access to Ms. Iverson under Wis. Stat. S. 8.30(1)(b) and (c) as she is ineligible to be elected to the office, and, if elected, could not remedy the impediment.

Neither response offers an interpretation of what “immediately prior to election” in Wis. Const. Art. 7 Sec. 24(1) means and staff propose a plain language reading of the provision. The plain language of the constitutional text supports the conclusion that “election or appointment” means the date on which the judicial candidate is chosen for the office, not the date they actually assume the duties of that office. The word “election” is intuitive—“every public primary and election.” Wis. Stat. § 5.02(4). The adjective “elect” also has common, accepted meaning—“chosen for office or position but not yet installed.”¹ Accordingly, the plain language of the text supports an interpretation that a judicial candidate must be a licensed attorney for five years immediately prior to the election date for the office.

Second, other relevant constitutional and statutory provisions support the conclusion that the Legislature has consistently interpreted “election or appointment” to mean the date of election or appointment. Article IV, Section 28 requires certain government officials to complete their oath of office “before they enter upon the duties of their respective offices.” This demonstrates that the Legislature knew how to distinguish election from assumption of office, and made an intentional choice to use “election” when they passed the joint resolution that led to the constitutional amendment to create Article VII, Section 24. Likewise, the phrase “election or appointment” is used consistently throughout Wisconsin statutes to refer to the event that earns the individual the public office sought, not the event at which they assume the duties of that office.²

Third, the Commission has traditionally interpreted the requirements of Article VII, Section 24 of the Wisconsin Constitution to mean that a judicial officer must have been an attorney for five years immediately

¹ Available at: <https://www.merriam-webster.com/dictionary/electing>.

² A few examples, of dozens, include Wis. Stat. §§ 83.01(2)(b) (county highway commissioner); 45.82(2) (county veterans service officer); 120.06(10) (school board members); 61.25(2) (village clerk); 60.31(1) (town officers); 62.09(4)(a) (city officers); and 59.21(1) (county officers). The guidance document is available here: Microsoft Word - Candidate eligibility (Rev. 2017-09).doc/.

prior to election day or date of appointment. Commission guidance on Wisconsin candidate eligibility states that judicial candidates must be: “[l]icensed to practice law in Wisconsin for 5 years immediately prior to the election and a qualified elector [of the jurisdiction] at the time of election.” The guidance document cites Article VII, Section 24 of the Wisconsin Constitution after that line, which demonstrates that Commission staff have interpreted this constitutional requirement to mean that it must be met prior to election day.

The response argues that because Ms. Iverson properly filed nomination papers and completed her declaration of candidacy under Wis. Stat. s. 8.21, and that the declaration of candidacy contains the legislative principle that a candidate need only qualify for the office at the time he or she assumes office, and that the Commission thus has no basis on which to deny ballot access.

Commission staff agree with the responses that all candidates need not possess all qualifications prior to being placed on the ballot, and also agree that Ms. Iverson would become qualified on May 27, 2025, before the August 1 date that judges take office. However, staff believe that qualifications are unique to each office, that the statutory landscape has significantly changed since the cases cited in the responses, and that not Wis. Stat. s. 8.21(b), but rather subsection (c), is at issue in these challenges.

First, different offices have different qualifying dates, particularly regarding residency. For example, county candidates must be electors of the county at the time of filing nomination papers under Wis. Stat. s. 59.20(1), but the Governor merely needs to be an elector of Wisconsin at the time of taking office under Wis. Const. Art. V sec. 2. In this case, the Wisconsin Constitution placed a required date as “immediately prior to election,” and staff have understood this to mean the date of the election to the office. Were the requirement to land on the date of assuming office, staff would agree that the Commission would be required to place Ms. Iverson’s name on the ballot because she would be able to qualify by the relevant date. The issue is not that she is not qualified now, but that she will not be qualified by the date of the election, which is the applicable date provided in the constitution for this specific office.

At the time of *Hawerwas* (1949) and *Barber* (1922), staff believe that no version of Wis. Stat. s. 8.30 existed. The prior version of Wis. Stat. s. 8.30 was numbered 5.30, and the earliest version staff found is in the 1949-1950 statutory archive.³ In the 1947-1948 statutory archive, that section is not present. Staff believe that the addition of Wis. Stat. s. 5.30 sometime soon after *Hawerwas* was decided in 1949 created the ability that the Wisconsin Supreme Court stated did not exist at the time of the case, and allowed filing officers to refuse to place a candidate’s name on the ballot due being ineligible to be nominated or elected, or due to an inability to qualify within the time allowed by law. In this case, the time allowed by law ends on April 1, 2025 and Ms. Iverson will not be able to qualify before that time.

Finally, staff believe that the citations to Wis. Stat. s. 8.21(2)(b) are not directly relevant, and that that section merely states that candidates must meet all “applicable age, citizenship, residency, or voting qualification requirements, if any, prescribed by the constitutions and laws of the United States and of this state.” The statement “meets, or will at the time he or she assumes office meet” does not lessen any other

³ The language is essentially the same as the current Wis. Stat. S. 8.30 and states that: “If nomination papers are not prepared, signed and executed as required by law; or if it should appear conclusively, either from the face of the nomination papers offered to be filed, or by admission of the candidate or otherwise, that said candidate is ineligible to be nominated or elected, or if elected could not; by reason of age, residence, or other impediment, qualify for the office sought within the time allowed by law for qualification, the officer or officers with whom such nomination papers are required by law to be filed may refuse either to accept said nomination papers for filing or to place the name of said candidate upon the ballot.” Available here: <https://docs.legis.wisconsin.gov/1949/statutes/statutes/5.pdf>.

requirement found in law, but rather acknowledges that some requirements take effect earlier than others, and it does not lower the higher standards that apply to some offices. Further, that section only applies to age, citizenship, residency, or voting qualifications, none of which have been addressed in either challenge. Rather, both challenges allege that a unique requirement will not be met, which falls under the more general requirement in Wis. Stat. s. 8.21(1)(c) “that the signer will otherwise qualify for office if nominated and elected.” The qualification here is a specific professional requirement pertaining to the office of judge, and it must be analyzed under its unique constitutional language. Staff do not at all imply that Ms. Iverson believed she would not be qualified for the office—her responses indicate her exact reasons for believing she would be qualified—but nonetheless believe that she cannot in the future, on May 27, meet a requirement that must be met on April 1.

Overall, staff believe that both challenges meet the clear and convincing evidence standard established in Wis. Admin. Code EL s. 2.07(4) that Ms. Iverson will not have been a licensed attorney in Wisconsin for 5 years immediately prior to the April 1, 2025, Spring Election, and therefore that she is not eligible to be elected to the office and cannot qualify within the time allowed by law under Wis. Stat. s. 8.30(1)(b) and (c), allowing the Commission to deny ballot access. Commission staff therefore recommend sustaining the challenges and denying ballot access.

Recommended Motion:

The Commission sustains the challenges of Jennifer Weber and Theresa Beck against Cortney Iverson, and exercises its authority under Wis. Stat. s. 8.30(1)(b) and (c) to exclude Cortney Iverson from the ballot because it conclusively appears that she is not eligible to be elected on April 1, 2025, and, if elected, could not qualify for the office sought because she will not have been an attorney licensed to practice law in Wisconsin for five years immediately preceding the election. Accordingly, the Commission denies ballot status to Candidate Iverson, and her name will not be added to the list of candidates to be approved for ballot access. Commission staff shall issue a closure letter to the parties consistent with this motion.

III. EL 25-06 – Natalia Taft v. Jeff Wright (State Superintendent of Public Instruction)

Challenger Name: Natalia Taft
Candidate Name: Jeff Wright
Office Sought: State Superintendent of Public Instruction
Signatures Required: 2,000 – 4,000
Signatures Filed (After Facial Review): 2,662
Signatures Challenged: All – Header Challenge
Supplemental Signatures: None Filed
Correcting Affidavits: No
Final Staff Recommendation: 2,662

Commission staff initially verified that Jeff Wright submitted 2,662 valid signatures.

Challenger Taft brings a challenge to two aspects of the header of Candidate Wright’s nomination papers. She asserts that these header insufficiencies render all 2,662 signatures on 325 pages of nomination papers as invalid, and that Candidate Wright should be denied ballot access.

The Challenge:

Challenger Taft brings a ballot access challenge, alleging that all nomination paper signatures are insufficient because of two insufficiencies in the header of the nomination papers. First, she claims that the header contains the incorrect name of the office sought, and that it should be “Wisconsin Superintendent of Public Instruction,” not “State Superintendent of Public Instruction.” Second, she claims that the signatory voter eligibility jurisdiction section should have also been specific to “Wisconsin” instead of containing general language that the voter is eligible to vote in the jurisdiction represented by the office sought.

Challenger Taft alleges that Candidate Wright fails to have the name “Wisconsin” anywhere in the header of his nomination paper. She alleges that in 2022, WEC staff gave the guidance that “Wisconsin” must be listed as the signatories’ voting jurisdiction in the header of the nomination papers. Challenger Taft also asserts that Candidate Wright failed to include the full name of the office sought in the header of the nomination papers. Challenger Taft alleges the full name of the office is “Wisconsin Superintendent of Public Instruction.”

As supporting exhibits, Challenger Taft included a singular representative page of Candidate Wright’s nomination papers (Exhibit A) and an email exchange with WEC staff from 2022 purporting to show that including “Wisconsin” as the jurisdiction is required in order for nomination papers to be substantially compliant (Exhibit B).

The Response:

Candidate Wright argues that Challenger Taft has not alleged that any of his signatories were misled by information on his nomination papers, nor has she alleged that the format of his papers caused any actual confusion among signatories, or was likely to do so. He asserts that the header of his nomination papers specifies that his home address and mailing address are in Wisconsin, contrary to Challenger Taft’s assertion that the word “Wisconsin” does not appear anywhere in the header.

With respect to Challenger Taft’s first claim, Candidate Wright argues that the legal title of the office he seeks is “State Superintendent of Public Instruction” per Article X, Section 1 of the Wisconsin Constitution, and Subchapter II of chapter 115 of state statutes. He alleges that he correctly included this title in his header, in substantial compliance with the law.

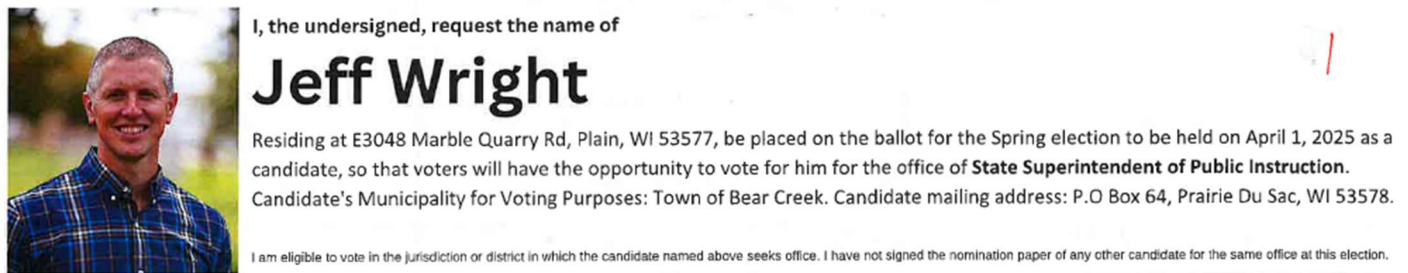
With respect to Challenger Taft’s second claim, Candidate Wright provides a list of recent nomination papers of candidates that also did not contain “Wisconsin” as the jurisdiction of signatory voter eligibility. He argues that the 2022 Commission staff email in Challenger Taft’s complaint is a guidance document at best and has no relevant, legal, or precedential effect.

Finally, Candidate Wright argues that even if the Commission believes he erred in failing to specify the jurisdiction as “Wisconsin,” it should still exercise discretion to place his name on the ballot in the interest of not restricting ballot access due to a technicality.

Discussion:

Wisconsin statute specifies the information that is required to appear at the top of a nomination paper in the “header” section. Wis. Stat. s. 8.10(2)(b). The purpose of the header is so that the signatories can verify that they are making an intentional choice to support a specific candidate for a specific office, and that they are qualified to sign to support the candidate for that office. The law requires the header to “have substantially the following words printed at the top...I am eligible to vote in the (name of jurisdiction or district in which candidate seeks office),” in addition to other required fields. The Commission has developed a nomination paper template that contains all of the required fields, but candidates often design their own nomination papers and their own headers. A candidate is free to design their own header to their nomination papers, so long as it substantially contains the information required by s. 8.10(2)(b).

Candidate Wright’s personalized header, which appears at the top of all 325 pages of his nomination papers, is reproduced below. As a preliminary matter, Challenger Taft’s assertion that the header does not have the name “Wisconsin” anywhere in the header is misleading. The commonly-accepted postal code for Wisconsin, “WI” appears in two places in the header, once as part of Candidate Wright’s residence and once as part of his mailing address.



Claim 1 – Full Title of Office Sought

Challenger Taft first claims that Candidate Wright’s nomination papers do not contain what she says is the full title of the office sought: “Wisconsin Superintendent of Public Instruction.” Instead, the header of each nomination paper lists the intended office as: “State Superintendent of Public Instruction.”

Commission legal staff were unable to find any statute or authority that states the proper name of the office sought is “Wisconsin Superintendent of Public Instruction,” and Challenger Taft points to none. To the contrary, the office sought by Candidate Wright is a state constitutional office, and is named by Article III, Section 1 as “State Superintendent of Public Instruction.” Wis. Const. Art. III, Sec. 1, Clause (1)(d). The same office is referred to as “State Superintendent” throughout Wisconsin statutes. Wis. Stat. ss. 8.11(3); 8.25(4); 8.50(4)(c); 39.76(1). Within the Commission’s internal systems, the office is also listed as “State Superintendent of Public Instruction,” and that is also how the name of the office is displayed on Wisconsin ballots.

Even if some authority existed to support a claim that the office is titled “Wisconsin Superintendent of Public Instruction,” the Commission has found previously that candidates have substantially complied with s. 8.10(2)(b) so long as the electors could determine the office and district the candidate was pursuing by

other information provided in the nomination paper heading.⁴ In this instance, Commission staff believe that signatories would have understood that a candidate circulating nomination papers in Wisconsin for the office of “State Superintendent of public Instruction” meant that the office sought was statewide office in Wisconsin, especially given the title still contained the word “State.”

Claim 2 – Specific versus General Jurisdiction of Signatory Eligibility

Challenger Taft also claims that Candidate Wright’s nomination papers are insufficient because the section of jurisdiction of signatory voter eligibility wasn’t specific enough because it didn’t state “Wisconsin.” The law requires the header to contain certification language that the signatories reside in the jurisdiction for which the candidate seeks office. The jurisdiction for the office of State Superintendent of Public Instruction is the State of Wisconsin. Candidate Wright’s header contained the following statement: “I am eligible to vote in the jurisdiction or district in which candidate named above seeks office.”

Statute Substantially Requires:	Header Contained:
“...I am eligible to vote in the (name of jurisdiction or district in which candidate seeks office)...” Wis. Stat. s. 8.10(2)(b).	“I am eligible to vote in the jurisdiction or district in which the candidate named above seeks office.”

Challenger Taft appears to argue that the inclusion of “name of” in s. 8.10(2)(b), coupled with the use of a parenthetical, required Candidate Wright to specify in the header that signatories certify that they are eligible to vote in the state of Wisconsin specifically. The only support she offers for this interpretation is a series of 2022 emails from Commission staff, where staff offered the recommendation for a different candidate to include “Wisconsin as the jurisdiction in there somewhere.” The emails from Commission staff stated: “the name of the jurisdiction is still required even for statewide offices.”

Recent statewide candidates who were approved for ballot access contained a wide variety of language in the header for the jurisdiction of signatory eligibility section. None of the candidates below were challenged, and all were granted ballot access.⁵

Statewide Office Sought	Header Language for Jurisdiction
WI Supreme Court	“I am eligible to vote in the jurisdiction or district in which the candidate named above seeks office.”
WI Supreme Court	“Wisconsin”
Attorney General	“I am eligible to vote in the state of Wisconsin.”
Secretary of State	“I am eligible to vote in the state of Wisconsin.”
Governor	“I am eligible to vote in the state of Wisconsin in which the candidate name above seeks office.”
Governor	“I am eligible to vote in the state of Wisconsin.”

⁴ See “Common Nomination Paper Challenges” (2018), pg. 2. Available at: <https://elections.wi.gov/resources/manuals/common-nomination-paper-challenges-manual>.

⁵ In his response, Candidate Wright provides sample nomination paper templates from four other candidates, and he claims they do not include the word “Wisconsin” in the jurisdiction section. However, while they may not include “Wisconsin,” each example provided is specific to the office sought, as opposed to the general language used by Candidate Wright. Brad Cook’s header, for example, says: “I am eligible to vote in the 40th Assembly District.” Commission staff are unable to determine how the example nomination papers in Exhibit A of the response aid or support Candidate Wright’s arguments.

However, Commission legal counsel believe that it is not necessary for the header of Candidate Wright’s nomination papers to specifically contain the word “Wisconsin” in the signatory voter eligibility line. Candidate Wright’s nomination paper header is substantially compliant with s. 8.10(2)(b) because it contains every word of what is required by that provision. While other recent statewide candidates may have modified the “name of jurisdiction or district in which candidate seeks office” to say “Wisconsin” instead, that is a distinction without a difference with respect to the requirements of s. 8.10(2)(b), at least for statewide candidates.⁶

What’s important for s. 8.10(2)(b) is that the signatory understand and certifies that they are eligible to vote in the jurisdiction represented by the candidate for the office sought. Commission staff believe that a reasonably informed signatory would understand that they need to be an eligible voter of Wisconsin in order to sign nomination papers for the *statewide* office of State Superintendent of Public Instruction. For other offices, it may not be substantially compliant for a candidate to fail to specify the jurisdiction of signatory voter eligibility (such as for a specific Senate District for example). But for statewide office, any eligible voter anywhere in the state of Wisconsin is eligible to sign nomination papers, so as long as the nomination papers clearly identify a statewide office, signatories can confirm they are eligible to vote in the applicable jurisdiction. Here, Candidate Wright’s nomination papers clearly identify the statewide office he seeks – State Superintendent of Public Instruction – so signatories would reasonably understand that they must be eligible to vote in the state of Wisconsin in order to sign.

While it might have been *perfect* compliance for Candidate Wright to modify the jurisdiction language to be specific to Wisconsin, the law does not require perfect compliance. All that is required is that Candidate Wright’s header substantially comply with the requirements of s. 8.10(2)(b).

Accordingly, Commission staff have concluded that Challenger Taft has not met her burden

Recommended Motion:

The Wisconsin Elections Commission (“the Commission”) sustains 0 challenges, and does not sustain 2,662 challenges, in accordance with staff recommendations and the accompanying materials for EL 25-06. The Commission finds that Jeff Wright submitted 2,662 valid signatures, and the Commission adds Jeff Wright to the list of candidates to be approved for ballot access. Commission staff shall issue a closure letter to the parties consistent with this motion.

⁶ Before elections, candidates will often submit templates of their nomination papers to WEC staff for facial review, which is done as a courtesy to the candidate. While WEC staff’s review is not binding, WEC staff will bring potential issues to candidates’ attention that could potentially form the basis of a challenge so that they candidate can assess their own risk and can decide for themselves how and whether to address it. WEC staff’s observations are not binding and certainly do not set precedent for future candidates.