

STATE OF WISCONSIN
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.

REBUTTAL TO RESPONSE

Cortney J. Iverson (“Iverson”) filed a response to the Complaint filed by Jennifer L. Weber (“Weber”). Iverson’s response concedes she is not and will not be an attorney licensed to practice law in Wisconsin for 5 years immediately prior to election as required by the Wisconsin Constitution, Art. VII, sec. 24(1). With this concession, she is not qualified to assume office and should be denied access to the ballot for Jefferson County Circuit Court, Br. 2.

Iverson argues because the Declaration of Candidacy document provides that she meets or will meet at the time assuming office that she is eligible for the position and should be granted ballot access to the Primary on February 18, 2025 and Spring Election on April 1, 2025. This response misconstrues both the plain language and the intent of the Declaration of Candidacy. She is not qualified to assume office and she should not be granted ballot access.

Form EL-162, Declaration of Candidacy, is a one-page, fill in the blank form. It was created to conform to the basic principles of Wis. Stats. 8.21. Wis. Stats. 8.21(2) is a 3-step analysis. First, Iverson swears she is a candidate for a named office pursuant to Wis. Stats. 8.21(2)(a). Second, she swears that she meets, or will at the time 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 pursuant to Wis. Stats. 8.21(2)(b). The third and most relevant to this challenge is Iverson further swore under oath that she would otherwise qualify for office if nominated and elected pursuant to Wis. Stats. 8.21(2)(c). Iverson attempts to lead this Commission to believe the qualifying language set forth in s. 8.21(2)(b), also applies to s. 8.21(2)(c). It does not. Iverson fails to meet the third statutory requirement of the Declaration of Candidacy.

The statutory requirements of the Declaration of Candidacy are crystal clear. There is no ambiguity to the language. The Declaration of Candidacy form EL-162 distinguishes the two subsections of the statute by separating the two subsections by a comma. While Iverson's response provides a highlighted Declaration of Candidacy, what she fails to highlight is the second portion of that sentence that is the center of the issue at hand. The remainder of the sentence Iverson does not address is "and that I will otherwise qualify for office, if nominated and elected." Iverson does not qualify for office now, nor will she at the February 18th primary, nor will she at the April 1st election.

Iverson argues two cases in support of her argument. First is *State v. Hawerwas*, 254 Wis. 2d 336, 36 N.W. 2d 427 (1949). This case involved an age requirement for office. Age requirements are governed by Wis. Stats. 8.21(2)(b) and would be met at the time of filing the Declaration of Candidacy or will meet the requirement at the time of assuming office. The complaint against Iverson has nothing to do with an age requirement and therefore the case cited by counsel is irrelevant and misleading to this Commission. The second case Iverson argues is *State ex rel. Barber v. Circuit Court for Marathon County et. Al.*, 178 Wis 468, 190 N.W. 563 (1922). This case involves whether or not a prior conviction that would have otherwise disqualified the candidate should have been allowed ballot access. Both cases are easily distinguishable from the question presented here. Iverson fails to provide any legal basis to her proposition the qualifying language in the beginning of s. 8.21(2)(b) also applies to (2)(c). Her failure to cite any legal basis for such proposition is because there is no legal basis. Plain language statutory interpretation prohibits taking language from one subsection and applying it to another subsection.

Iverson argues Weber is undemocratic in filing this challenge. This insult is another attempt to create a diversion from Iverson's admission that she is not qualified pursuant to the Wisconsin Constitution to hold this office. She demands ballot access to an office she cannot hold. Iverson filed a sworn statement that she is eligible to hold this office. She is not. At best, Iverson requests this Commission amend the strict requirements of Wis. Stats. 8.21; at worst, Iverson requests this Commission amend the Wisconsin Constitution.

The complainant respectfully requests that given Iverson's admission that she is not qualified for the office and is ineligible to be elected that she be denied access to the ballot for Jefferson County Circuit Court Judge, Br. 2 for the primary and spring general election in February and April 2025.

Dated this 13th day of January, 2025.

Electronically signed by Jennifer L. Weber

Jennifer L. Weber