

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

THERESA A. BECK,
363 East North Street
Jefferson, WI 53549

Complainant,

v.

Case No. EL 25-5

CORTNEY J. IVERSON,
W9211 Red Feather Drive
Oakland, WI, 53523

Respondent.

VERIFIED REBUTTAL

Theresa A. Beck (“Complainant”) states as follows as her Rebuttal in Support of her Verified Complaint against Cortney J. Iverson (“Iverson”).

INTRODUCTION

Iverson seeks to be a candidate for Jefferson County Circuit Court Judge, Branch 2, on April 1, 2025, but she filed an affidavit conceding that she “will have been licensed to practice law in Wisconsin for 5 years on May 27, 2025[.]” (January 11, 2025 Affidavit of Cortney J. Iverson (“Iverson Aff.”), ¶¶ 4, 9) As set forth below: (I) Iverson admits that she will not have been “licensed for 5 years immediately prior to election” as required by Wis. Const. Art. VII, § 24(1); (II) this Commission cannot place an ineligible or unqualified candidate on the ballot; and (III) Iverson’s unverified brief fails to comply with the governing rules and should be stricken and disregarded.

I. Iverson admits that, on the date of the election, she will not have been licensed for five years. She is therefore ineligible under the plain text of the Constitution.

Iverson filed an affidavit conceding that she “was admitted to the State of Wisconsin to practice law on May 27, 2020” and “will have been licensed to practice law in Wisconsin for 5 years on May 27, 2025[.]” (Iverson Aff., ¶¶ 4, 9) Iverson makes much of the fact that Wis. Stat. § 8.21(2)(b) requires an aspiring candidate to certify that they meet “or will at the time he or she assumes office meet” the qualification requirements. (Br. at 4-5) Thus, she argues that she “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[.]” (*Id.* at 5)

But the relevant constitutional provision says nothing about the length of licensure required before the candidate “assumes the judicial office,” as Iverson contends. The Wisconsin Constitution provides that: “To 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.” Wis. Const. Art. VII, § 24(1). Even on August 1, 2025, the question would not be whether she was licensed for five years prior to “assuming office”; the constitutional question *would still be* whether Iverson was “licensed for 5 years immediately prior to election[.]” *Id.*

The “election” will occur on April 1, 2024. Wis. Stat. § 5.02(21). Under the constitutional provision titled “**Circuit court: election,**” circuit court judges in “each circuit” are “chosen by the qualified electors thereof[.]” Wis. Const. Art. VII, § 7 (emphasis added). The electors make that selection by voting at an “election for [...] state [...] office[.]” Art. III, § 1(2); *see also* Art. III, § (1)(1) (“State office” includes “circuit court judge[.]”). The statutes confirm this commonsense reading. *See* Wis. Stat. § 5.02(21) (“‘Spring election’ means the election held on the first Tuesday

in April to elect judicial [...] officers[.]”); Wis. Stat. § 5.02(4) (“‘Election’ means every public primary and election.”).

Indeed, there is no question that the election is on April 1. WEC’s meeting materials for today’s meeting includes an entire memo addressing “Ballot Access for the April 1, 2025, Spring Election.”¹ And Iverson has always known and understood that the “election” will occur on April 1, 2025—each of her nomination papers, including those that she personally circulated and signed, says so:

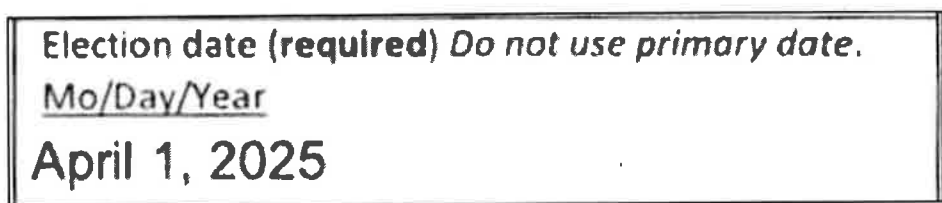


Exhibit A.²

Iverson’s argument looks to re-write the Constitution. The drafters understood the distinction between the election and the assumption of office. For example, circuit court judges are elected, Wis. Const. Art. VII, § 7, but they must “take and subscribe an oath or affirmation” “before they enter upon the duties of their respective office[.]” Wis. Const. Art. IV, § 28. Likewise, justices “*terms of office*” commence on “the August 1 next *succeeding the election.*” Art. VII, § 4 (emphasis added). And the Constitution elsewhere regulates the judiciary based not on judge’s date of election but the commencement of their term. Art. VII, § 6 (“No alteration of circuit boundaries shall have the effect of removing a circuit judge from office during the judge’s term.”).

¹<https://elections.wi.gov/sites/default/files/documents/Open%20Session%20Materials%201.14.2025.pdf> (last accessed January 1, 2025) at p. 33-36.

² Attached hereto as **Exhibit A**, is a true and correct copy of one page of Iverson’s Nomination Papers, obtained through Badger Voters.

If the drafters of the Constitution wanted to require judges to be licensed for five years before their “terms of office commenc[ed]” or at all times “during the judge’s term” the drafters would have so stated. Instead, the Constitution provides that a judge must have been “licensed for 5 years immediately prior to election or appointment,” Wis. Const. Art. VII, § 24(1), giving rise to “the intuitive presumption that different words have different meanings.” *Parsons v. Associated Banc-Corp*, 2017 WI 37, ¶ 26, 374 Wis. 2d 513, 893 N.W.2d 212 (internal quotations omitted); *see also id.* (“A word or phrase is presumed to bear the same meaning throughout a text; a material variation in terms suggests a variation in meaning.” (quoting Antonin Scalia & Bryan A. Garner, *Reading Law* 170 (2012))).

Thus, under the plain text of the Constitution, Iverson is ineligible.

II. An ineligible candidate cannot appear on a ballot and Iverson’s two cases saying otherwise (*Hawerwas* and *Barber*) are no longer good law.

Iverson relies on two cases (*Hawerwas* and *Barber*) in which the Supreme Court held that a candidate may appear on a ballot, even if they are ineligible to serve in the office. In neither case did the Court find that, or even attempt to analyze whether, the candidate was in fact qualified to hold the office. *See State ex rel. Sullivan v. Hauerwas*, 254 Wis. 336, 340, 36 N.W.2d 427 (1949) (holding that the candidate “has a legal right to have his name appear upon the primary judicial ballot even though he may not be eligible for the office if elected”); *State ex rel. Barber v. Circuit Court for Marathon Cty.*, 178 Wis. 468, 481-82, 190 N.W. 563 (1922) (“The question of whether or not the relator is eligible if elected to hold the office for which he is a candidate is not before us and we express no opinion and make no intimation upon that subject.”).

Instead, *Hawerwas* and *Barber* address the question of whether—assuming a candidate is ineligible or unqualified—they must nonetheless remain on the ballot. *See, e.g., Barber*, 178 Wis. at 479 (holding that an elector “enjoys the right to vote for whom he will whether the person voted

for be eligible or ineligible, qualified or disqualified”). For at least four reasons, WEC cannot place an eligible or unqualified candidate on the ballot.

First, both *Haweras* and *Barber* turned entirely on the lack of statutory authority regulating ballot access. In *Barber*, the Supreme Court explained that a “careful search of the entire body of statutory law fails to disclose any attempt on the part of the legislature to require that the name of a person so certified shall be that of a person eligible to hold the office for which he is a candidate.” 178 Wis. at 478; *see also id.* at 479 (holding that “the legislature has carefully refrained from lodging either with the judicial branch or with any administrative officer the power to limit” the ballot to only eligible candidates). Likewise, in *Hawerwas*, the Court held that: “[u]ntil 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.” *Hauerwas*, 254 Wis. at 340 (quoting *Barber*, 178 Wis. at 479).

Now, however, the Legislature has set forth an exhaustive statutory scheme regulating ballot access (Wis. Stat. Ch. 8) and specifically authorized the Commission to address “Candidates ineligible for ballot placement.” Wis. Stat. § 8.30. Under those provisions, and for the reasons set forth in the Verified Complaint, Iverson must be excluded from the ballot.

Second, the Supreme Court did *not* say that including an ineligible candidate on a ballot was a desirable result. On the contrary, the Court stated that the “result in the case of a candidate who would not be qualified to take office if elected *is unsatisfactory*, but it is a matter for legislative action[.]” *Hawerwas*, 254 Wis. at 340 (emphasis added). Now equipped with the statutory authority to avoid this “unsatisfactory” result, the Supreme Court would surely exclude

from the ballot an unqualified candidate, just as this Commission and the Eastern District of Wisconsin did in the *Ayyadurai* case. (See Compl., ¶¶ 25-27)

Indeed, the Supreme Court—citing Wisconsin Statutes section 8.30 as the statutory authority—affirmed the exclusion of a candidate from the ballot who filed his paperwork in the incorrect office. *State ex rel. Ahlgrimm v. State Elections Bd.*, 82 Wis. 2d 585, 597, 263 N.W.2d 152 (1978). The Court stated that “[a]s unfortunate and regrettable as this result might be [...] the burden was on the petitioner to properly file. He did not do so.” *Id.* If a statutory infirmity under Section 8.30 results in exclusion from the ballot, so too must a constitutional infirmity.

Third, Iverson ignores the sea-change in the law since *Hawerwas* and *Barber*. Since then, not only has the statutory scheme changed, but the U.S. Supreme Court has explained that the State has “an interest, if not a duty, to protect the integrity of its political processes from frivolous or fraudulent candidacies” and that “it is both wasteful and confusing to encumber the ballot with the names of frivolous candidates.” (Compl. ¶ 20 (quoting *Bullock v. Carter*, 405 U.S. 134, 145 (1972) and *Anderson v. Celebrezze*, 460 U.S. 780, 788 n.9 (1983))) Iverson ignores these authorities entirely, instead pointing to inapposite cases from the early days after the creation of an official ballot. See *Barber*, 178 Wis. at 481 (noting that the case was the “first time that a question of this kind has arisen since the adoption of the official ballot”). Under the current law, an ineligible candidate cannot be placed on the ballot.

Fourth, *Barber* was premised on the principle that a candidate’s eligibility to serve was non-judicial until they win the election, and then “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.” *Barber*, 178 Wis. 468. One-hundred years later, the Wisconsin Supreme Court clarified that those taking issue with the conduct of an election have not only

the right, but the duty, to raise their challenge *before* the election. *See Trump v. Biden*, 2020 WI 91, ¶ 32, 394 Wis. 2d 629, 951 N.W.2d 568 (“Election claims of this type must be brought expeditiously. The Campaign waited until after the election to raise selective challenges that could have been raised long before the election.”).

III. The Commission should disregard Iverson’s entire unverified Brief.

The Commission’s Rules provide that “[t]he response to a challenge to nomination papers shall be filed, by the candidate challenged, within 3 calendar days of the filing of the challenge and shall be verified.” Wis. Admin EL § 2.07(2)(a). In response to Complainant’s Verified Complaint, Iverson filed: (1) a nine-page legal brief (hereinafter the “Brief”) titled “Respondent’s Response to Complaint” and dated January 13, 2025; and (2) a 12-paragraph affidavit (the Iverson Affidavit) with Exhibits, dated January 11, 2025. The Affidavit is verified; the Brief is not. Thus, the Commission must disregard the Brief.

Indeed, the Commission tried—but failed—to revise its Rules to enable candidates to do what Iverson did here. In the summer 2024, the Commission promulgated Emergency Rules that allowed a candidate to file a verified factual response, along with a separate “brief or summary of the legal standards” and provided that the “brief or summary need not be verified[.]” Emergency Rule Wis. Admin. EL § 2.07(3)(e). But the Legislature suspended those rules.³ As the Commission warned ballot access litigants in its January 3, 2025 Ballot Access Memo: **“Please be advised that the emergency rules regarding nomination paper and declaration of candidacy challenge procedure that were promulgated on June 10, 2024 were suspended on July 22, 2024 by the**

³ <https://elections.wi.gov/memo/administrative-rules-update-suspension-emergency-rules-currently-effect> (last accessed January 13, 2025).

Joint Committee for the Review of Administrative Rules (JCRAR) and are no longer in effect.” (Exhibit B (emphasis in the original)).⁴

Thus, the previous Rule 2.07(2)(a) is back in effect, *id.*, the Commission must disregard the Brief and all arguments therein. To do otherwise would be to unlawfully circumvent the Legislature.

CONCLUSION

Complainant respectfully requests that, pursuant to Wis. Stat. § 8.30, the Wisconsin Elections Commission refuse to place Cortney J. Iverson’s name on the ballot for Jefferson County Circuit Court Judge, Branch 2 for the spring election in April 2025.

Dated January 14, 2025.

Prepared by:

STAFFORD ROSENBAUM LLP

Douglas M. Poland, SBN 1055189

David P. Hollander, SBN 1107233

Zoe A. Pawlisch, SBN 1119278

Attorneys for Complainant Theresa A. Beck

222 West Washington Ave., Suite 900

Madison, Wisconsin 53703-2744

dpoland@staffordlaw.com

dhollander@staffordlaw.com

zpawlisch@staffordlaw.com

608.256.0226

⁴ Attached hereto as **Exhibit B** is a true and correct copy of the January 3, 2025 Challengers Memo, provided by WEC’s Chief Legal Counsel James Witecha.

VERIFICATION

Theresa A. Beck, being duly sworn, on oath, deposes and states that:

1. Theresa A. Beck is a qualified elector and resident of the State of Wisconsin.
2. Theresa A. Beck has read the foregoing Rebuttal and avers that the facts alleged therein are true and correct to the best of her knowledge, except as to those matters therein stated upon information and belief, as to which matters she believes them to be true.

Signed in Madison, Wisconsin this 14 day of January, 2025.

Theresa A. Beck
Theresa A. Beck

Subscribed and sworn to before me
this 14th day of January, 2025.

Rebecca L. Ledonne

Printed Name: Rebecca L. Ledonne
Notary Public, State of Wisconsin

My commission expires: 12/20/23

REBECCA L. LEDONNE
Notary Public, State of Wisconsin

NOMINATION PAPER FOR NONPARTISAN OFFICE

Candidate's name (required); no titles may be used. Cortney J. Iverson		Candidate's residential address (required) No P.O. box addresses Street, fire, or rural route number; box number (if rural route); and name of street or road W9211 Red Feather Drive		Candidate's municipality for voting purposes (required) <input checked="" type="checkbox"/> Town Oakland <input type="checkbox"/> Village <input type="checkbox"/> City (name of municipality)	
Candidate's mailing address, including municipality for mailing purposes (required if different than residential address or voting municipality)		State (required) WI	Zip code 53523	Type of election (required) <input checked="" type="checkbox"/> spring <input type="checkbox"/> special	Election date (required) Do not use primary date. Mo/Day/Year April 1, 2025
Title of office (required) Jefferson County Circuit Court Judge, Branch 2		Branch, district or seat number (required if applicable) <input checked="" type="checkbox"/> Branch <input type="checkbox"/> District 2 <input type="checkbox"/> Seat		Name of jurisdiction or district in which candidate seeks office (required) Jefferson County	

I, the undersigned, request that the candidate, whose name and residential address are listed above, be placed on the ballot at the election described above as a candidate so that voters will have the opportunity to vote for him or her for the office listed above. I am eligible to vote in the jurisdiction or district in which the candidate named above seeks office. I have not signed the nomination paper of any other candidate for the same office at this election.

The municipality used for mailing purposes, when different than municipality of residence, is not sufficient. The name of the municipality of residence must always be listed.

Signatures of Electors	Printed Name of Electors	Residential Address (No P.O. Box Addresses) Street and Number or Rural Route (Rural address must also include box or fire no.)	Municipality of Residence Check the type and write the name of your municipality for voting purposes.	Date of Signing Mo/Day/Year
	Douglas Kester	W9525 Skagen Ct	<input checked="" type="checkbox"/> Town Oakland <input type="checkbox"/> Village <input type="checkbox"/> City	12-22-24
	Megan Aubuhl	507 Skagen Rd	<input type="checkbox"/> Town <input checked="" type="checkbox"/> Village Cambridge <input type="checkbox"/> City	12-22-24
	Kim Jones	W9560 Blue Jay Way	<input checked="" type="checkbox"/> Town <input type="checkbox"/> Village Oakland <input type="checkbox"/> City	12-22-24
	Jim Jones	W9560 Blue Jay Way	<input checked="" type="checkbox"/> Town <input type="checkbox"/> Village Oakland <input type="checkbox"/> City	12-22-24
	SAMUEL JEFFERY	W1119 Tall Pine Dr	<input checked="" type="checkbox"/> Town <input type="checkbox"/> Village Oakland <input type="checkbox"/> City	12-22-24
	EMMA JEFFERY	W1119 Tall Pine Dr	<input checked="" type="checkbox"/> Town <input type="checkbox"/> Village Oakland <input type="checkbox"/> City	12-22-24
	Nate Mahoney	W419 Overlook Ct	<input checked="" type="checkbox"/> Town <input type="checkbox"/> Village Oakland <input type="checkbox"/> City	12-22-24
	Pamela Muth	W9122 Overlook Ct	<input checked="" type="checkbox"/> Town <input type="checkbox"/> Village Oakland <input type="checkbox"/> City	12-22-24
	Jon Zibell	W9112 Roads End	<input checked="" type="checkbox"/> Town <input type="checkbox"/> Village Oakland <input type="checkbox"/> City	12-22-24
	STEVE WITTMANN	W9112 Roads End Ct	<input checked="" type="checkbox"/> Town <input type="checkbox"/> Village Oakland <input type="checkbox"/> City	12/22/24

I, Cortney Iverson (Name of circulator) certify: I reside at W9211 Red Feather Dr town of oakland (Circulator's residential address - include number, street, and municipality.) Oakland, WI 53523

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).

12/22/24 (Date) (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

TO: Challengers to Nomination Papers and Other Interested Parties -
2025 Spring Election

FROM: WEC Staff

DATE: January 3, 2025

SUBJECT: Filing Challenges to Nomination Papers

This memorandum provides information to persons who are considering filing a challenge to the nomination papers of a candidate whose papers are required to be filed with the Wisconsin Elections Commission (“Commission”).

Challenges to nomination papers filed by candidates for the 2025 Spring Election will be considered and determined by the Commission at its January 14, 2025, meeting. The Commission’s virtual teleconference **meeting will begin at 11:00 a.m. on January 14, 2025.**

Challengers should familiarize themselves with the requirements of Wisconsin Statutes Chapter 8, the statutory chapter governing nomination papers and nominations. Nomination papers and the challenge procedure are further governed by administrative rules which can be found in the Wisconsin Administrative Code EL §§ 2.05 – 2.07. **Please be advised that the emergency rules regarding nomination paper and declaration of candidacy challenge procedure that were promulgated on June 10, 2024 were suspended on July 22, 2024 by the Joint Committee for the Review of Administrative Rules (JCRAR) and are no longer in effect.**

Wisconsin Administrative Code EL § 2.05 sets forth the standards for determining whether nomination papers comply with Wis. Stat. Ch.8, and Wis. Adm. Code EL § 2.07 sets forth the bases for challenges to those nomination papers. Because Wis. Adm. Code EL § 2.05(4) provides that “[a]ny information on a nomination paper is entitled to a presumption of validity,” any challenge to that information bears the burden of rebutting that presumption.

Sworn complaints challenging nomination papers are filed by complying with Wis. Admin. Code EL § 2.07(2)(a) of the Wisconsin Administrative Code.

2025 DEADLINES

For the statewide candidate filing period for the 2025 Spring Election, the schedule for filing nomination papers and determining their validity and the validity of a challenge to them is as follows:

1. **January 7, 2025** - Nomination papers must be filed not later than 5:00 p.m., (Wis. Stat. § 8.10(2)(a)).
2. **January 10, 2025** - Challenges to nomination papers must be filed not later than 4:30 p.m. (Wis. Adm. Code EL § 2.07). The entire verified complaint, including all attachments and exhibits, must be delivered to the Commission at its offices at 201 W. Washington Avenue, 2nd Floor, Madison, Wisconsin, 53703, or, preferably, emailed to: elections@wi.gov not later than the prescribed time.
 - a. Challenges must be made by verified complaint and must establish clear and convincing evidence to believe that the paper or signature challenged does not comply with Wisconsin Statutes or the rules of the Wisconsin Elections Commission. (See discussion below.)
 - b. The challenge should be accompanied by affidavits or other relevant documentation. Any challenge which is not received in full (including all exhibits and attachments) by the challenge deadline will not be accepted.
3. **3 Days After Challenge Filed** – A challenged candidate may file a written, verified response not later than 3 calendar days after the challenge has been filed. Candidates may also appear before the Commission in person to respond to the challenge. A written response should be verified and should also be accompanied by affidavits or other documentation. Just as the burden of establishing a challenge is placed upon the challenger, the burden of rebutting an established challenge is placed upon the candidate whose papers are challenged.
5. **Optional Rebuttal** – The Commission again authorized an optional rebuttal filing for challengers after a response to a verified challenge has been received. Rebuttal filings must be filed **not later than 9:00 a.m.** on January 14, 2025.
6. **January 14, 2025** - The Commission will meet **at 11:00 a.m.** to consider the challenges, responses, and rebuttals, and to hear oral presentations by the Commission staff, challengers, and candidates.

Instructions for appearing before the Commission via Zoom at its meeting will be provided separately. Both the challenger (or by representation) and the candidate (or by representation) may appear before the Commission.

The challenger and the candidate will each receive 5 minutes for his or her presentation to the Commission.

DISCUSSION

All challenges to nomination papers must be in the form of a verified complaint. Wis. Admin. Code EL § 2.07(2)(a). Any challenge which is not in the form of a verified complaint will not be considered by the Commission and will be returned to the complainant by the Commission’s staff. A verified complaint is a complaint that the complainant swears, under oath, is true based on the personal knowledge or information and belief of the complainant. The oath must be sworn to before a notary or other person authorized to administer oaths. The complainant may also choose to utilize an “unsworn declaration” for the filing, under which they “declare under penalty of false swearing under the law of Wisconsin that the foregoing is true and correct,” with a signature, date and location added with that statement. The form of the complaint and its filing shall comply with the requirements of Wis. Admin. Code EL Chapter 20. Wis. Admin. Code EL § 2.07(2)(a).

Nomination paper challenge complaints should also follow the methodology provided below:

All challenges must refer to the nomination paper page number as shown on the nomination papers filed with the WEC for each nomination paper, any part of which is challenged. If a nomination paper page does not have a page number, contact the Commission's staff to establish a number for that page. *(For instance: John Smith. Page 1 or Tom Jones Pages 3-12 and 15-23, etc.)*

A challenger must establish insufficiency through “**clear and convincing evidence.**” Wis. Admin. Code EL 2.07(4). This a burden of proof that requires more than a “preponderance of the evidence,” but does not require proof “beyond a reasonable doubt.”

According to Wis. Admin. Code EL §§ 2.05(4) and 2.07(3)(a): "Any information which appears on a nomination paper is entitled to a presumption of validity," and "[t]he burden is on the challenger to establish any insufficiency. If the challenger establishes that the information on the nomination paper is insufficient, the burden is on the challenged candidate to establish its sufficiency by clear and convincing evidence. The invalidity or disqualification of one or more signatures on a nomination paper shall not affect the validity of any other signatures on that paper."

Challengers will have the opportunity to rebut responses made by challenged candidates. However, the Commission may, at its discretion, decline to consider any new grounds for a challenge which were not raised before the deadline for filing a challenge. The Commission may also decline to consider grounds which were alleged in a timely manner, but which are based on information and sworn statements to be provided after the deadline.

Challengers should also be aware that nomination paper challenges are political activity and may not be researched and/or prepared by State employees on State time.

Challenges may be made to an entire page or series of pages of a nomination paper, and challenges may also be made to individual signatures on a nomination paper page.

The Commission has published a manual titled “Common Nomination Paper Challenges,” which generally outlines the challenge process, but also includes prior Commission decisions on common challenges. This manual can be found here:
<https://elections.wi.gov/resources/manuals/common-nomination-paper-challenges-manual>.

I. Challenges to a whole page (or series of pages)

The first part of any challenge to nomination papers should consist of challenges (if any) to a whole page, or a group of pages that have the same deficiency in the composition of the paper. Challenges to a whole page consist of two categories: (A.) Challenges to the heading of the nomination paper and (B.) challenges to the certification of the circulator.

Challenges to an entire page or to a group of pages, because of a deficiency (or deficiencies) in the heading or in the certificate of the circulator, should include a copy of at least one of the pages with the deficiency (or deficiencies) circled and, again, must refer, by page number, to the page or pages challenged. *(For instance: John Smith pages 1 through 27 fail to name the candidate or Tom Jones pages 2,3,6-11 & 15-19 fail to identify the office sought, and pages 5-23 fail to contain the signature of the circulator, etc.)*

A. Challenges to the heading of the nomination paper

Wis. Stat. § 8.10(2)(b) and (c) 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 representing the (name of party) 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.

(c) Each candidate shall include his or her mailing address on the candidate's nomination papers.

The heading must be substantially complete before the nomination paper is circulated. Otherwise, the signers would have no knowledge of what they were signing and that would render their signatures meaningless. Therefore, none of the information in the heading of the nomination paper, (i.e., candidate's name, candidate's address, political party represented, date of election, office sought, name of jurisdiction or district in which candidate seeks office), may be altered, amended, or added after circulation of the nomination paper. A challenge to the heading of a nomination paper should identify the page or pages (by number) and the defect or deficiency in the heading. The Commission ultimately decides whether the header of a nomination paper substantially complied with the requirements set forth in the statute.

B. Challenges to the certification of the circulator

In most, if not all cases, defects in the certificate of the circulator may be rehabilitated by a correcting affidavit of the circulator -- because the defect has no effect on the validity of the signatures or on the information presented to the signatories when they signed.

II. Challenges to Individual Signatures

The second part of any challenge to nomination papers consists of challenges (if any) to individual signatures. Challenges to individual signatures on various pages should include a copy of **each and every page** on which one or more signatures are challenged. Each page should be numbered as described above and the challenge should refer to the signature(s) challenged, by page and line number. (*For instance: John Smith Page 3, Line 6 - the address of the signatory is outside the XX Assembly District.*)

Challenges to individual signatures, like any other challenge, must be based on the personal knowledge of the complainant or that of a person whose affidavit or sworn statement accompanies the challenge. Therefore, as an example, a challenge to the eligibility to sign of various signers of a nomination paper, based on the non-residency of those signers, must be accompanied by a map of the district showing their address to be outside the district or other similar evidence. The allegation by the complainant—that the signers are not residents

of the district—without the attached map or other corroborating forensic evidence, is not sufficient.

If you have any questions about the Commission’s meeting to consider the challenges to nomination papers, please contact James C. Witecha at 608-266-0136 (james.witecha@wisconsin.gov).

Relevant Wisconsin Statutes and Administrative Code Provisions:

Wis. Stat. Ch. 8: <http://docs.legis.wisconsin.gov/statutes/statutes/8>

Wis. Adm. Code EL Ch. 2: https://docs.legis.wisconsin.gov/code/admin_code/el/2

Wis. Adm. Code EL Ch. 20: https://docs.legis.wisconsin.gov/code/admin_code/el/20