

# Elections Commission rejects West for Wisconsin's presidential ballot

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The state Elections Commission voted 5-1 Thursday to deny entertainer Kanye West a spot on Wisconsin's presidential ballot this November, ruling he turned in his nomination papers late.

The commission also denied presidential ballot access to the Green Party's ticket and granted access to the Libertarian Party.

GOP appointee Bob Spindell was the only commissioner who supported keeping West on the ballot even though his campaign didn't turn in his nomination papers until after 5 p.m. on Aug. 4. Spindell sided with the West campaign's argument that the deadline of "no later than 5 p.m." actually means 5:01 p.m. was the cutoff for a candidate to file.

But the other commissioners rejected that interpretation of state law.

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"Mr. West is an African-American candidate, and I think we should do all we can after the terrible treatment the Black people in Milwaukee received in the April election, they should have a choice," Spindell said, referencing the long lines facing many Milwaukee voters after the number of polling sites was drastically reduced due to COVID-19.

Fellow GOP appointee Dean Knudson, however, said common sense says that anything before the clock strikes 5 p.m. is on time and anything after is late. He said there was "clear factual evidence" that West's filing wasn't timely, though he called the case one of the closest he's seen.

"But consistency requires me to treat all candidates the same regardless of party,

regardless of their color or any other characteristics of the candidate,” said Knudson, a former GOP lawmaker.

Many have seen efforts to get West on the ballot in various states as an attempt to pull votes away from Dem presidential nominee Joe Biden. Barring successful court challenges, the commission’s decision to deny West ballot access and that the Green Party ticket was short of the needed signatures is likely a boost for Biden.

Four years ago, then-Green Party candidate Jill Stein received 31,072 votes while Libertarian Gary Johnson took 106,674 as Donald Trump won Wisconsin by 22,748 votes.

The commission spent nearly two hours exploring exactly when West’s nomination papers were received by agency staff. Knudson was adamant the body needed to establish an exact timeline, a possible nod to the legal challenge that could be filed over the commission’s ruling.

After some back and forth, the commission had two staffers sworn in so they could testify, and Cody Davies recounted for commissioners how he met West’s campaign at the door to the building housing the office. He said he looked at the clock on his phone as the campaign entered the building, and it was 14 seconds after 5 p.m.

They then walked down a hall and took an elevator to the third floor, where the commission office is housed.

Elections specialist Riley Willman then testified the West campaign didn’t put the nomination papers on the agency desk until 5:01 p.m. But the two campaign representatives then needed several minutes to number the pages as required to be filed. He wasn’t sure the exact time that wrapped up, but said staff didn’t touch them until they were numbered.

Willman added staff was consulting with management and counsel on how to proceed because papers came in after 5 p.m.

“As long as I have worked at the commission, we haven’t had someone file so close to the deadline, so I wasn’t sure how to proceed going forward,” he said.

Former Sheboygan County Clerk Julie Glancey, a Dem appointee, noted the commission hasn’t refrained from denying ballot access to a candidate who came up even a single signature short.

“If we’re going to hold their feet to the fire on the number of signatures, we also have to hold their feet to the fire on the time it’s filed,” she said.

During the hearing, Spindell laid out a series of factors he believed made it more difficult for the West campaign to file the nomination papers, including some related to COVID-19.

His position was at odds with one he took at an April meeting earlier this spring when he said 5 p.m. was a hard deadline. At the time, commissioners were discussing the possibility of advising candidates to mail in their nomination papers rather than submitting them in person, which is the traditional practice.

But concerns were raised that a mail delay would result in some papers being received after the deadline. Spindell said candidates “just have to understand that one way or another, it’s gotta be in by 5 o’clock.”

“I know multiple candidates who got there one minute after five and ... too bad,” Spindell said.

The Green Party ticket of Howie Hawkins and Angela Walker faced a challenge that alleged some of the nomination papers listed the incorrect address for Walker, the vice-presidential nominee.

According to the Elections Commission staff, the party communicated to the agency in July that Walker had moved. The agency advised the party to file an amended declaration of candidacy to reflect the new address and take other steps to make sure the nomination papers met state requirements. But the party didn’t file a response to the challenge to clear up the issues.

The party originally turned in 3,737 signatures with 2,000 valid ones needed to qualify. But the commission staff found only 1,846 valid signatures if papers with the incorrect address were struck.

Green Party campaign manager Andrea Merid said the state’s process was unfair, particularly in light of COVID-19, because notice was sent on a Friday of the challenge and a response was due the following Monday. She argued the commission was “splitting hairs” about Walker moving within the same city in South Carolina.

Knudson, though, noticed it is usually “fatal” to not file a response to a challenge.

Still, the commission bickered for a couple of hours over whether to accept testimony outside what was in the record.

Eventually, the commission deadlocked 3-3 on a motion to deny the party ballot access with all three Dems backing it, and all three Republicans opposed. It then again split 3-3 on a GOP motion to allow the ticket onto the ballot.

Eventually, Knudson helped break the deadlock with a motion that certified 1,789 signatures the party submitted but noted it deadlocked on the validity of another 1,834 due to insufficient evidence on where Walker lived at the time those papers were circulated.

That motion passed unanimously.

Knudson said it was also about teeing up an expected legal challenge to the decision.

“I’m trying to narrow the issue,” he said.

State GOP Executive Director Mark Jefferson slammed the results, pinning the blame on Dems even though the commission’s votes were bipartisan other than on the Green Party ticket.

“The left wants to clear any liberal competition for Democrats, while ensuring a Libertarian is on the ballot to siphon votes from Republicans,” Jefferson said.

“Democrats are only interested in voter enfranchisement if they believe they will benefit. If they don’t benefit, they don’t care.”