

# Wisconsin Elections Commission staff recommends rejecting West's nomination papers, says they were late

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Elections Commission staff is recommending entertainer Kanye West be denied access to Wisconsin's presidential ballot this fall, ruling his campaign failed to turn in his nomination papers by the state's deadline.

The six-member commission will rule on the recommendation Thursday.

Along with believing West filed his nomination papers late under its interpretation of state law, the commission argued the entertainer didn't meet the deadline even under his campaign's erroneous argument of when the deadline is.

State law requires nomination papers to be filed "no later than" 5 p.m., and West's campaign said the commission had indicated it turned in the nomination papers at 14 seconds after 5 p.m. The campaign added the language in state statute actually means a filing is on time until the clock strikes 5:01 p.m.

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The agency staff rejected that argument, saying it isn't supported by the language in Wisconsin statutes, and countered the campaign didn't actually file the nomination papers until several minutes past the deadline.

Campaign attorney Lane Ruhland entered the building housing the commission office about 14 seconds after 5 p.m. on Aug. 4. She then had to travel down a hallway, take an elevator to the third floor and have the commission take physical possession of the papers before they could be considered filed. Doing all that in the

46 seconds after she entered the building was “virtually impossible.”

On top of that, the commission staff noted the nomination papers weren’t properly numbered as required under state law when Ruhland and the person accompanying her reached the office. Completing that required task took several more minutes.

The staff recommendation noted that while West’s campaign wasn’t presented with a timestamped document, there was still “clear and convincing” evidence the filing was late. The staff also noted candidates “traditionally do not wait to file nomination papers where documentation of seconds is necessitated.”

The staff also recommended rejecting the West campaign’s “vague” contention that Ruhland was met by “an overly aggressive media as well as a Democratic operative” as she sought to file the nomination papers, along with other alleged delays that hampered efforts to turn in the signatures. The staff argued accepting the arguments could open the door to campaigns claiming they were late because of traffic, a detour, a slow elevator or a lack of parking spots in front of the building.

West’s attorney didn’t respond to an email or phone message late Tuesday.

“Candidates need to plan ahead and arrive in time to get into the building and file the papers in the office of the Commission prior to the deadline, there are no exceptions under the statute or the relevant case law,” the recommendation reads.

Two challenges were filed to West’s nomination papers, both of them alleging his signatures were filed after the deadline had passed.

One of the challenges also alleged West had failed to meet the state requirement to provide his address on his statement of candidacy, alleging he instead put down a business address. The commission staff recommended rejecting that challenge, ruling the complainant hadn’t provided sufficient evidence to back up the claim.

The second challenge, filed by the state Dem Party, also alleged those who circulated the nomination papers had failed to properly fill them out and tricked people into signing them, among other things. While agreeing with the party’s position that the papers were filed late — noting the evidence Dems provided in their challenge — staff disagreed with the suggestion individual signatures should be thrown out, saying the party hadn’t met the burden of proof.

The staff also recommended the full commission deny ballot access to the Green

and American Independent Party candidates while approving the Libertarian candidate for the ballot.

A challenge to the Green Party's nomination papers alleged some of them listed the incorrect address for vice presidential candidate Angela Walker.

According to the commission, the Green Party didn't respond to the challenge filed against the nomination papers of Howie Hawkins and Walker. But the party told commission staff in late July that Walker had moved.

The commission staff said it advised the party to file an amended declaration of candidacy to reflect Walker's new address and take other steps to make sure the nomination papers met state rules to address such a situation.

But the party didn't file an amended declaration of candidacy or provide a written response to the challenge.

"Without a sworn response, the Commission is left with the complaint that raises legitimate arguments as to what address was supposed to be on what papers, and when," the staff wrote, adding failing to explain the discrepancy "proves fatal."

Four years ago, Libertarian candidate Gary Johnson won 106,674 votes, about 3.6 percent of ballots cast, while Green candidate Jill Stein received 31,072, about 1 percent.

See the agency staff's recommendation:

[https://elections.wi.gov/sites/elections.wi.gov/files/2020-08/August%2020%20Open%20Session%20Materials\\_0.pdf](https://elections.wi.gov/sites/elections.wi.gov/files/2020-08/August%2020%20Open%20Session%20Materials_0.pdf)

*Note: This item has been updated with additional details.*