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June 6, 2022

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**VIA HAND-DELIVERY,
U.S. MAIL & EMAIL TO:**
Elections@wisconsin.gov

Wisconsin Elections Commission
201 W. Washington Ave., 2nd Floor
Madison, WI 53703

Re: *Jane Bernstein v. Timothy J. Michels*

Dear Wisconsin Elections Commission:

This office represents Tim Michels and Michels for Governor, Inc. Enclosed please find an affidavit of Mr. Michels, which is being submitted to the Commission pursuant to Wisconsin Administrative Code § EL 2.05(4).

Please let me know if you have any questions. Thank you for your attention regarding this matter.

Sincerely,

s/Matthew M. Fernholz

Matthew M. Fernholz

MMF:tlm
Enclosure

Cc: Atty. Jeffrey A. Mandell (jmandell@staffordlaw.com)
Atty. Douglas M. Poland (dpoland@staffordlaw.com)
Atty. Rachel E. Snyder (rsnyder@staffordlaw.com)
Atty. Brandon Hunzicker (brandon.hunzicker@wi.gov)
Atty. James C. Witecha (james.witecha@wisconsin.gov)

STATE
OF WISCONSIN

WISCONSIN
ELECTIONS
COMMISSION

JANE BERNSTEIN,

Complainant,

v.

TIMOTHY J. MICHELS,

Respondent.

AFFIDAVIT OF TIMOTHY J. MICHELS

STATE OF WISCONSIN)
) ss.
COUNTY OF MILWAUKEE)

TIMOTHY J. MICHELS, being first duly sworn on oath, deposes and states as follows:

1. I am an adult individual and have personal knowledge of the facts set forth herein.
2. I am a Republican candidate for Wisconsin Governor.
3. Although I believe that my nomination papers do not contain any material "errors" and are legally sufficient as filed, I am submitting this affidavit, pursuant to Wisconsin Administrative Code Section EL 2.05(4), to address what is alleged to be an "error." Assuming for the sake of argument that it is an "error," I hereby "correct" it.
4. Section EL 2.05(4) states that any "errors in information contained in a nomination paper, committed by either a signer or a circulator, may be corrected by an affidavit of the circulator, an affidavit of the candidate, or an affidavit of a person who signed the nomination paper. The person giving the correcting affidavit shall have personal knowledge of the correct information and the correcting affidavit shall be filed with the filing officer not later than three calendar days after the applicable statutory due date for the nomination papers."
5. The Wisconsin Elections Commission website states that "the deadline for candidates to file correcting affidavits" is "Monday, June 6 at 4:30 p.m." It explains, "Because the three-day period for filing correcting affidavits and challenges established by Wis. Admin. Code.

EL §§ 2.05(4) and 2.07(2)(a) falls on a Saturday, a day the agency is not scheduled to be open for regular business, Wis. Stat. § 990.001(4)(c) dictates that the Commission must accept the documents on Monday.”

6. My campaign is run through Michels for Governor, Inc. (the “Campaign”), a domestic non-stock corporation.

7. On May 31, 2022, the Campaign submitted 4,000 nomination papers on my behalf.

8. The Wisconsin Elections Commission accepted 3,861 of those signatures as valid.

9. On June 5, 2022, I learned that, according to the Wisconsin Elections Commission, 345 of the remaining 3,861 signatures were on nomination papers modeled after the form attached hereto as Exhibit A, which contains the phrase “Who resides at 6831 State Road 83, Hartland, WI 53029, in the village of Chenequa” immediately below the name “Tim Michels.”

10. Inadvertently, a different nomination form, attached hereto as Exhibit B, was uploaded to the Campaign’s webpage for public use and dissemination. This form contains the phrase “Who resides at 6831 State Road 83 in the village of Chenequa,” immediately below the name “Tim Michels.”

11. The Campaign and I intended that the nomination form attached as Exhibit A be the nomination form used by all circulators and that all nomination forms contain the phrasing “Who resides at 6831 State Road 83, Hartland, WI 53029, in the village of Chenequa” immediately below the name “Tim Michels.”

12. A number of circulators inadvertently used the second nomination form attached as Exhibit B.

13. As a result, according to the Wisconsin Election Commission, a total of 3,516 of the 3,861 signatures were on nomination papers modeled after the form attached as Exhibit B.

14. I did not learn that the form attached as Exhibit B was uploaded to the Campaign website and inadvertently used by circulators until after the nomination papers had been submitted to the Wisconsin Elections Commission.

15. I recall that mail addressed to my attention at 6831 State Road 83, Village of Chenequa, has been delivered to me in the past.

16. At no point have I or the Campaign sought to mislead any voters or signatories to my nomination papers about the location of my primary residence.

Dated this 6th day of June, 2022.



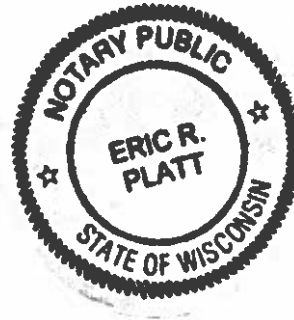
TIMOTHY J. MICHELS

Subscribed and sworn to before me
This 6th day of June, 2022



Notary Public,

Commission (~~expires~~): is permanent



Return Address:

P.O. Box 26909
Milwaukee, WI 53226

NOMINATION PAPER FOR PARTISAN OFFICE

I, the undersigned, request the name of

TIM MICHELS

EXHIBIT A

**MICHELS
FOR GOVERNOR**

Who resides at 6831 State Road 83, Hartland, WI 53029, in the village of Chenequa, be placed on the ballot at the general election to be held on November 8, 2022 as a candidate representing the Republican Party so that voters will have the opportunity to vote for him for the office of Governor of Wisconsin. I am eligible to vote in the State of Wisconsin 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 <input type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City	Date of Signing Mo/Day/Year	Email Address
1.			<input type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City	/ /2022	
2.			<input type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City	/ /2022	
3.			<input type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City	/ /2022	
4.			<input type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City	/ /2022	
5.			<input type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City	/ /2022	
6.			<input type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City	/ /2022	
7.			<input type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City	/ /2022	
8.			<input type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City	/ /2022	
9.			<input type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City	/ /2022	
10.			<input type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City	/ /2022	

CERTIFICATION OF CIRCULATOR

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

(Date)

(Signature of circulator)

Page No.

Return Address:

P.O. Box 26909
Milwaukee, WI 53226

NOMINATION PAPER FOR PARTISAN OFFICE

I, the undersigned, request the name of

TIM MICHELS

EXHIBIT B

**MICHELS
FOR GOVERNOR**

Who resides at 6831 State Road 83 in the village of Chenequa be placed on the ballot at the general election to be held on November 8, 2022 as a candidate representing the Republican Party so that voters will have the opportunity to vote for him for the office of Governor of Wisconsin. I am eligible to vote in the State of Wisconsin 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 <input type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City	Date of Signing Mo/Day/Year	Email Address (optional)
1.			<input type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City	/ /2022	
2.			<input type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City	/ /2022	
3.			<input type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City	/ /2022	
4.			<input type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City	/ /2022	
5.			<input type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City	/ /2022	
6.			<input type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City	/ /2022	
7.			<input type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City	/ /2022	
8.			<input type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City	/ /2022	
9.			<input type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City	/ /2022	
10.			<input type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City	/ /2022	

CERTIFICATION OF CIRCULATOR

I, _____, certify: I reside at _____.

(Name of circulator)

(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).

(Date)

(Signature of circulator)

Page No.