

STATE OF WISCONSIN  
WISCONSIN ELECTIONS COMMISSION

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IN THE MATTER OF:  
DECLARATION OF CANDIDACY FILED BY  
CORNEL WEST AND MELINA ABDULLAH WITH RESPECT TO  
THE NOVEMBER 5, 2024 ELECTION FOR  
PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES

DAVID STRANGE, INDIVIDUALLY AND AS  
DEPUTY OPERATIONS DIRECTOR – WISCONSIN  
FOR THE DEMOCRATIC NATIONAL COMMITTEE,  
1437 N. Jefferson Street, Unit 308  
Milwaukee, WI 53202

Complainant,

v.

Case No. \_\_\_\_\_

CORNEL WEST,  
17242 Citron  
Irvine, CA 92612

and

MELINA ABDULLAH,  
2108 Wellington Rd.,  
Los Angeles, CA, 90016

Respondents.

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**VERIFIED COMPLAINT**

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## INTRODUCTION

1. This Verified Complaint is brought by David Strange (“Complainant”), in his individual capacity and in his capacity as Deputy Operations Director – Wisconsin for the Democratic National Committee, against Cornel West (“West”) and Melina Abdullah (“Abdullah”) pursuant to Wis. Stat. § 5.06(8), Wis. Admin. Code § EL 2.07, and other Wisconsin laws governing elections and election campaigns.

2. West and Abdullah seek to be candidates for the office of President and Vice President of the United States, respectively, in the November 5, 2024 election. West and Abdullah seek to be placed on the ballot representing the “Justice for All” party of statement of principle (West and Abdullah are collectively referred to as “JFA”).

3. To do so, West and Abdullah each filed a Declaration of Candidacy (“Declaration”) with the Wisconsin Elections Commission (“Commission”). A true and correct copy of West’s Declaration is attached to this Complaint as **Exhibit A**. A true and correct copy of Abdullah’s Declaration is attached to this Complaint as **Exhibit B**.

4. Under Wisconsin law, the “declaration of candidacy *shall be* sworn to before any officer authorized to administer oaths.” Wis. Stat. § 8.21(2) (emphasis added). Indeed, the “Instructions for Completing the Declaration of Candidacy,” which is attached to the Declaration form itself (Commission form “EL-162”), warns all candidates submitting the form—including JFA—of this requirement, stating “[t]his form must be sworn to and signed in the presence of a notary public or other person authorized to administer oaths, such as a county or municipal clerk. Wis. Stat. §§ 8.21(2), 887.01(1).” A true and correct copy of a blank Wisconsin Elections Commission Form EL-162 is attached to this Complaint as **Exhibit C**.

5. Despite this clear requirement, both West and Abdullah’s Declarations contain defective notary jurats, and therefore must be excluded from the ballot. As our Supreme Court has recognized, it may be an “unfortunate and regrettable” result to exclude a candidate from the ballot, but “nevertheless, the burden was on the [candidate] to properly file.” *State ex rel. Ahlgrimm v. State Elections Bd.*, 82 Wis. 2d 585, 597, 263 N.W.2d 152 (1978).

## **FACTUAL BACKGROUND**

### **Parties**

6. David Strange (“Complainant”) is a qualified Wisconsin elector, residing at 1437 North Jefferson Street, Unit 308, Milwaukee, Wisconsin 53202.

7. Under the Charter and Bylaws of the Democratic Party of the United States, the “Democratic National Committee shall have general responsibility for the affairs of the Democratic Party between National Conventions,” including, *inter alia*, “conducting the Party’s Presidential campaign[.]” *Id.*, Art. III, § (1)(b).<sup>1</sup>

8. Complainant is an employee of the Democratic National Committee and is working to elect Kamala Harris and Timothy Walz as President and Vice President of the United States, respectively.

9. Complainant has contributed his time and money to electing Kamala Harris

10. Cornel West (“West”) is a California resident with an address of 17242 Citron, Irvine, CA 92612.

11. Melina Abdullah (“Abdullah”) is a California resident with an address of 2108 Wellington Rd., Los Angeles, CA 90016.

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<sup>1</sup> See <https://democrats.org/wp-content/uploads/2022/09/DNC-Charter-Bylaws-09.10.1022-1.pdf> (last accessed August 8, 2024)

12. West and Abdullah seek to be candidates for the office of President and Vice President of the United States, respectively, in the November 5, 2024 election.

13. On August 6, 2024, West and Abdullah filed their Declarations of Candidacy to appear on the November 5, 2024 ballot in Wisconsin with the Commission.

### **The Declaration of Candidacy Requirement**

14. “Each candidate, except a candidate for presidential elector under s. 8.20 (2) (d), shall file a declaration of candidacy” by the statutory deadline. Wis. Stat. § 8.21(1). The declaration of candidacy for independent candidates was required to be filed no later than Tuesday, August 6. Wis. Stat. §§ 8.21(1); 8.20(8)(am). The Commission “**may not** place a candidate’s name on the ballot if the candidate fails to file a declaration of candidacy within the time prescribed under s. 8.21.” Wis. Stat. § 8.30(4) (emphasis added).

15. “The declaration of candidacy **shall be** sworn to before any officer authorized to administer oaths.” Wis. Stat. § 8.21(2) (emphasis added).

16. Here, both candidates’ Declarations of Candidacy are improperly notarized, for the reasons detailed below.

17. If even one of the JFA candidates is excluded, however, then both must be excluded: “When voting for president and vice president, the ballot shall permit an elector to vote only for the candidates on one ticket jointly or to write in the names of persons in both spaces.” Wis. Stat. § 5.64(1)(ar)1m; *see also* Wis. Stat. § 5.10 (“Although the names of the electors do not appear on the ballot and no reference is made to them, a vote for the president and vice president named on the ballot is a vote for the electors of the candidates for whom an elector's vote is cast.”); Wis. Stat. § 8.25(1) (A “vote for the president and vice president nominations of any party is a vote for the electors of the nominees.”).

## West's Defective Notary Jurat

18. Under Wisconsin law, a “notarial act performed in another state has the same effect under the law of this state as if performed by a notarial officer of this state[.]” Wis. Stat. § 140.11(1). Here, both Declarations of Candidacy were notarized in California.

19. California law requires specific language to be included in every jurat:

To any affidavit subscribed and sworn to before a notary, there ***shall be attached a jurat*** that includes a notice at the top, in an enclosed box, stating: “A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.” This notice ***shall*** be legible.

Cal. Gov’t Code § 8202(b) (emphasis added).<sup>2</sup>

20. Like in Wisconsin, California recognizes that “the presumption is that the word ‘shall’ in a statute is ordinarily deemed mandatory and ‘may’ permissive.” *People v. Standish*, 38 Cal. 4th 858, 869, 135 P.3d 32 (2006), *as modified* (Aug. 23, 2006) (cleaned up).

21. California’s notary statute provides an example of the required boxed jurat, explaining that the “jurat executed pursuant to this section ***shall*** be in the following form”:

<div>A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.</div>
State of California County of _____
Subscribed and sworn to (or affirmed) before me on this _____ day of _____, 20____, by _____, proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.
<div>Seal Signature</div>

Cal. Gov’t Code § 8202(d) (emphasis added).

<sup>2</sup> The physical format of the boxed notice shown in Cal. Gov’t Code § 8202(d) is merely “an example, for purposes of illustration and not limitation, of the physical format of a boxed notice fulfilling the requirements of subdivision (b).” *Id.*, § 8202(c). However, the boxed notice must contain the specific language required by subdivision (b), even if it is in a different physical form.



**My name as I wish it to appear on the official ballot is as follows:**

Melina Abdullah

(Any combination of first name, middle name or initials with surname. A nickname may replace a legal name.)

STATE OF ~~WISCONSIN~~ <sup>California</sup> }  
 County of Los Angeles } SS.  
 (County where oath administered)

Subscribed and sworn to before me this 24 day of July, 2024.

Melina Abdullah  
 (Signature of person authorized to administer oaths)

☒ Notary Public or ☐ other official \_\_\_\_\_  
 (Official title, if not a notary)

If Notary Public: My commission expires 10-20-2024 or ☐ is permanent.

**JULIEN RICKARD**  
 COMM. #2336045  
 Notary Public - California  
 Los Angeles County  
 My Comm. Expires Oct. 20, 2024

**NOTARY SEAL  
 REQUIRED, IF OATH  
 ADMINISTERED BY  
 NOTARY PUBLIC**

**Exhibit B at 1.**

25. That notary stamp, however, contains no corresponding signature. *Id.* Instead, “Melina Abdullah” appears in the space reserved for the “Signature of person authorized to administer oaths.” *Id.* But no signature of a “person authorized to administer oaths” appears in that space, or anywhere on that page.

26. Instead of properly completing the jurat on the Declaration of Candidacy itself, a second, separate page contains a jurat bearing the boxed notice required by California law and the notary’s signature:

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California  
 County of LOS ANGELES

Subscribed and sworn to (or affirmed) before me on this 24 day of July, 2024, by Melina Abdullah

proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

**JULIEN RICKARD**  
 COMM. #2336045  
 Notary Public - California  
 Los Angeles County  
 My Comm. Expires Oct. 20, 2024

(Seal) Signature [Signature]

**Exhibit B.**

27. The fatal defect in this second, separate jurat, however, is that the jurat appears on a page that is not tied in any way to the signature it purports to witness. The jurat does not contain Abdullah's signature, or reference in any way the document to which it is purportedly attached.

28. Under Wisconsin law governing "a notarial act is performed regarding an *electronic* record, the certificate must be affixed to, or logically associated with, the electronic record." Wis. Stat. § 140.15(6) (emphasis added).

29. With regard to a tangible record, however, the certificate cannot merely be "logically associated with" the record. Instead, "[i]f a notarial act is performed regarding a tangible record, a certificate *must be part of, or securely attached to*, the record." *Id.* (emphasis added).

30. The "logically associate" rule applies to electronic notaries in California too: "A notary public *shall attach or logically associate* the notary public's electronic signature and electronic *seal to an electronic online notarial certificate* of an electronic record in a manner that is capable of independent verification and makes evident any tampering or subsequent change or modification to the electronic record that has occurred." Cal. Gov't Code § 8231.7(e) (emphasis added).

31. But, when not using electronic means, California law, like Wisconsin law, provides that the jurat "shall be attached[.]" Cal. Gov't Code § 8202(b).

32. On August 8, 2024, Rebecca LeDonne ("LeDonne") of Stafford Rosenbaum LLP went to the Offices of the Wisconsin Election Commission, and asked to view the original, paper copy of Abdullah's declaration.

33. A true and correct copy of LeDonne's affidavit is attached hereto as **Exhibit D**.



34. LeDonne confirms that the declaration and the purportedly attached jurat contain no staple marks, and the two pages of Exhibit B do not bear any physical marks suggesting that they were previously physically attached to one another. **Exhibit D, ¶¶6-9.**

35. A true and correct copy of the Wisconsin Department of Financial Institutions Notary Public Handbook (“DFI Handbook”) is attached hereto as **Exhibit E.** The handbook is available on DFI’s website at:

<https://dfi.wi.gov/Documents/ConsumerServices/NotaryPublic/NotaryHandbook.pdf>

(last accessed August 8, 2024).

36. The DFI Handbook advises that a jurat should, if possible, be placed on the same piece of paper as the affiant’s signature. *Id.* at 10. “When the jurat is not written on the document it applies to, it is advisable to include a statement on the document indicating that the jurat is attached, as well as a statement on the page with the jurat identifying the document to which it is attached.” *Id.*

## **ARGUMENT**

### **I. Statutory regulation of ballot access presents no constitutional questions.**

37. At the outset, it bears emphasizing that this Complaint presents solely the question of whether JFA complied with the legal requirement governing declarations of candidacy.

38. Wis. Stat. § 5.01(1), which provides that election statutes should be “construed to give effect to the will of the electors,” *id.*, has no bearing here. That provision “applies only after the holding of the election and the will of the electors has been manifested.” *State ex rel. Oaks v. Brown*, 211 Wis. 571, 249 N.W. 50, 53 (1933).

39. Likewise, “[w]hile the right to vote is an inherent or constitutional right, the right to be a candidate is not of that character. It is a political privilege which depends upon the favor

of the people and this favor may be coupled with reasonable conditions for the public good.” *State ex rel. Frederick v. Zimmerman*, 254 Wis. 600, 617, 37 N.W.2d 473, 482 (1949).

40. Consistent with *Frederick*, courts routinely hold that “[i]t is a prerequisite to the right of a candidate to have his or her name printed on the official ballot that the governing legal requirements be complied with.” 29 C.J.S. Elections § 279. “[L]imiting the choice of candidates to those who have complied with state election law requirements is the prototypical example of a regulation that, while it affects the right to vote, is eminently reasonable.” *Burdick v. Takushi*, 504 U.S. 428, 440 n.10 (1992); *Beller v. Kirk*, 328 F. Supp. 485, 486 (S.D. Fla. 1970), *aff’d sub nom. Beller v. Askew*, 403 U.S. 925 (1971) (“The State has the right and duty to establish reasonable regulations for the conduct of elections for state offices. There is no constitutional right to have one’s name printed on the ballot.”); *Greene v. Raffensperger*, No. 22-CV-1294-AT, 2022 WL 1136729, at \*21 (N.D. Ga. Apr. 18, 2022) (recognizing state’s “legitimate interest in proceeding with the specific statutory process it has established to ensure that only qualified candidates appear on the ballot”).

41. Thus, the sole question before the Commission is whether JFA complied with the governing statutory procedures. They did not.

## **II. A proper notary is a mandatory requirement, with which candidates must strictly comply.**

42. “The declaration of candidacy *shall be* sworn to before any officer authorized to administer oaths.” Wis. Stat. § 8.21(2) (emphasis added). That language is dispositive, as “the word ‘shall’ is presumed mandatory when it appears in a statute.” *Bank of New York Mellon v. Carson*, 2015 WI 15, ¶21, 361 Wis. 2d 23, 859 N.W.2d 422 (internal quotations omitted); *State v. Cox*, 2018 WI 67, ¶11, 382 Wis. 2d 338, 913 N.W.2d 780 (“Whenever we encounter a dispute over the meaning of ‘shall,’ we presume it is introducing a mandate.”).

43. Moreover, Chapter 8 provides that: “[t]he official or agency with whom a declaration of candidacy is required to be filed **may not** place a candidate’s name on the ballot if the candidate fails to file a declaration of candidacy within the time prescribed under s. 8.21.” Wis. Stat. § 8.30(4) (emphasis added). “[W]here a legislative provision is accompanied by a penalty for failure to observe it, the provision is held to be mandatory and substantial compliance will not suffice.” *Pritchard v. Mead*, 155 Wis. 2d 431, 439, 455 N.W.2d 263 (Ct. App. 1990).

44. As to West, the governing requirement provides that the boxed language “**shall** be attached” and that “[t]his notice **shall** be legible. Cal. Gov’t Code § 8202(d) (emphasis added). As to Abdullah, the jurat “**shall** be attached[.]” Cal. Gov’t Code § 8202(b) (emphasis added); Wis. Stat. § 140.15(6) (providing that “a certificate **must** be part of, or securely attached to, the record.” (emphasis added)).

45. These are mandatory requirements, requiring strict compliance. *See, e.g., Doskocz v. ALS Lien Servs.*, 102 Cal. App. 5th 107, 115, 321 Cal. Rptr. 3d 476 (2024) (recognizing the “presumption that the word ‘shall’ in a statute is ordinarily deemed mandatory” (quoting *California Corr. Peace Officers Assn. v. State Pers. Bd.*, 10 Cal. 4th 1133, 1143, 899 P.2d 79 (1995)); *Adoption of Michael H.*, 10 Cal. 4th 1043, 1055, 898 P.2d 891 (1995) (cautioning against a construction that “destroys the mandatory force of the word ‘must’”); *Pries v. McMillon*, 2010 WI 63, ¶29, 326 Wis. 2d 37, 784 N.W.2d 648 (Distinguishing permissive language from “a mandatory ‘must’ or ‘shall’”).

46. It does not matter whether West and Abdullah knew their notarial acts or jurats were defective, as “strict compliance requires exactly following the words of the statute.” *Sorenson v. Batchelder*, 2016 WI 34, ¶27, 368 Wis. 2d 140, 885 N.W.2d 362. Thus, even if the result of non-compliance is “harsh,” adjudicative bodies must “enforce[e] strict compliance because [they] are

not free to ignore the import of a statute's plain meaning even where [even] do not enthusiastically endorse the result that enforcement causes[.]” *Sorenson*, 2016 WI 34, ¶45 (internal citation omitted).

47. As our Supreme Court has recognized, it may be an “unfortunate and regrettable” result to exclude a candidate from the ballot, but “nevertheless, the burden was on the petitioner to properly file.” *Ahlgrimm*, 82 Wis. 2d at 597. Regarding nomination papers, the Commission has concluded that “[a] candidate who does not vet their nomination papers prior to filing assumes the risks and mistakes resulting from circulators who are unaware of or do not comply with the regulations governing the circulation of nomination papers.” **Exhibit F** (Decision and Order in *Lipscomb v. Sullivan*) at 7. Here too, the JFA candidates could have vetted their declarations of candidacy through easily accessible, public information and records—just as Complainant did in bringing this challenge.

48. Indeed, the Illinois courts have resolved a complaint substantially similar to this one, concluding that a defective notarial act on a Statement of Candidacy precludes the candidacy. *Knobloch v. Elec. Bd. for City of Granite City*, 337 Ill. App. 3d 1137, 1141, 788 N.E.2d 130 (2003).

49. Under Illinois law, a statement of candidacy must be notarized by an Illinois notary. *Id.* at 1138. In *Knobloch*, a candidate submitted a statement of candidacy that was notarized by a Missouri notary, who had previously “contacted the Illinois State Board of Elections to ascertain whether she, a Missouri notary, had the authority to notarize Illinois election documents [and] was told that she could.” *Id.* The court acknowledged that the candidate “fully believed that he was certifying said papers before an authorized notary and therefore subjecting himself to the laws of

perjury,” *id.*, at 1140, and explained that there was “no allegation of fraud, corruption, or dishonesty pertaining to the notarial act,” *id.* at 1138–39.

50. But the court concluded that the notary requirement was mandatory, and explained that the “failure to follow a mandatory provision renders the proceeding to which it relates illegal and void.” *Id.* at 1139. As a result, the court concluded that the statement was “not sworn to before an appropriate officer [and] must be ruled invalid.” *Id.* at 1140–41. The court further “direct[ed] that [the candidate’s] name be removed from the ballot.” *Id.*; *see also Jackson-Hicks v. E. St. Louis Bd. of Election Comm’rs*, 2015 IL 118929, ¶23, 28 N.E.3d 170 (*citing, inter alia, Knobloch* for the proposition that “a candidate’s failure to comply with mandatory provisions of the Election Code governing nomination papers will therefore render the nomination papers invalid [...] and require that the candidate’s name be removed from the ballot[.]”).

51. As explained above, both West’s and Abdullah’s Declarations of Candidacy contain deficient jurats, and West and Abdullah are therefore ineligible to be placed on the ballot.

### **III. Even if strict compliance did not apply, JFA failed to substantially comply with the applicable statute.**

52. Even if substantial compliance applied—and it does not—the defects here do not constitute substantial compliance. “[S]ubstantial compliance contemplates actual compliance in respect to the substance essential to every reasonable objective of the statute.” *Sorenson*, 2016 WI 34, ¶27 (internal quotations omitted).

53. According to the comments to the Revised Uniform Law on Notarial Acts, the attachment requirement “seeks to assure the unified integrity of the record and the related certificate of notarial act.” Unif. L. On Notarial Acts § 15 cm. at 49 (Unif. L. Comm’n 2021). “If the certificate is not a part of the record itself, the means of attaching the certificate to the record are not specified. However, stapling is a common means.” *Id.*; *see also Dawsey v. Kirven*, 203 Ala.

446, 449, 83 So. 338 (1919) (“the purpose of the notary to affix his seal must appear in his certificate; otherwise the scroll or impression purporting to be a seal may have been placed on the document by another, and without the knowledge or official act of the notary.”).

### **CONCLUSION**

The forgoing reasons, the Commission should sustain David Strange’s Complaint and exclude both JFA candidates from the ballot for the November 5, 2024 election.

Dated August 9, 2024.

Complaint prepared by:

**STAFFORD ROSENBAUM LLP**

Douglas M. Poland, SBN 1055189

David P. Hollander, SBN 1107233

Carly Gerads, SBN 1106808

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[dhollander@staffordlaw.com](mailto:dhollander@staffordlaw.com)

[cgerads@staffordlaw.com](mailto:cgerads@staffordlaw.com)

608.256.0226

*Attorneys for Complainant*

## VERIFICATION


David Strange, being duly sworn, on oath, deposes and says:

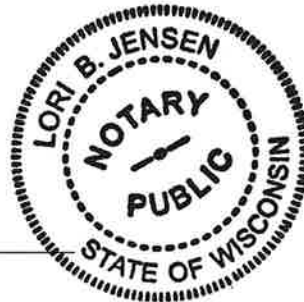
1. That David Strange is a qualified elector and resident of the State of Wisconsin.
2. That David Strange has read the foregoing Verified Complaint and avers that the facts alleged therein are true and correct to the best of his knowledge, except as to those matters therein stated upon information and belief or based upon exhibits filed in support of his Verified Complaint, as to which matters he believes them to be true.

Signed in Milwaukee, Wisconsin this 9<sup>th</sup> day of August, 2024.

  
David Strange

Subscribed and sworn to before me  
this 9<sup>th</sup> day of August, 2024.

  
Printed Name: LORI Jensen  
Notary Public, State of Wisconsin



My commission expires: 9/10/2027

# EXHIBIT A



# Declaration of Candidacy

(See instructions for preparation on back)

WEC 01 AUG 2024 10:15  
FOR OFFICE USE ONLY

HAND DELIVERED

Is this an amendment?

☐ Yes (if you have already filed a DOC for this election)

☒ No (if this is the first DOC you have filed for this election)

I, Cornel West, being duly sworn, state that  
Candidate's name

I am a candidate for the office of President of the United States

Official name of office - Include district, branch or seat number

representing Justice For All

If partisan election, name of political party or statement of principle - five words or less (Candidates for nonpartisan office may leave blank.)

and I meet or will meet at the time I assume office the applicable age, citizenship, residency and voting qualification requirements, if any, prescribed by the constitutions and laws of the United States and the State of Wisconsin, and that I will otherwise qualify for office, if nominated and elected.

I have not been convicted of a felony in any court within the United States for which I have not been pardoned.<sup>1</sup>

**My present address, including my municipality of residence for voting purposes is:**

17242	Citron	Irvine, California	92612	Town of <input type="checkbox"/> Village of <input type="checkbox"/> City of <input checked="" type="checkbox"/>	Irvine, CA
House or fire no.	Street Name	Mailing Municipality and State	Zip code	Municipality of Residence for Voting	

**My name as I wish it to appear on the official ballot is as follows:**

Cornel West

(Any combination of first name, middle name or initials with surname. A nickname may replace a legal name.)

STATE OF California }  
County of Orange } ss.  
(County where oath administered)

Subscribed and sworn to before me this 26<sup>th</sup> day of July, 2024.

[Signature]  
(Signature of person authorized to administer oaths)

[Signature]  
(Signature of candidate)



☒ Notary Public or ☐ other official \_\_\_\_\_  
(Official title, if not a notary)

If Notary Public: My commission expires Sept. 22, 2026 or ☐ is permanent.

The information on this form is required by Wis. Stat. § 8.21, Art. XIII, Sec. 3, Wis. Const., and must be filed with the filing officer in order to have a candidate's name placed on the ballot. Wis. Stats. §§ 8.05 (1)(j), 8.10 (5), 8.15 (4)(b), 8.20 (6), 120.06 (6)(b), 887.01.

EL-162 | Rev. 2019-08 | Wisconsin Elections Commission, P.O. Box 7984, Madison, WI 53707-7984  
608-266-8005 | web: elections.wi.gov | email: elections@wi.gov

<sup>1</sup> A 1996 constitutional amendment bars any candidate convicted of a misdemeanor which violates the public trust from running for or holding a public office. However, the legislature has not defined which misdemeanors violate the public trust. A candidate convicted of any misdemeanor is not barred from running for or holding a public office until the legislature defines which misdemeanors apply.

# **EXHIBIT B**

# Declaration of Candidacy

(See instructions for preparation on back)

FOR OFFICE USE ONLY

**HAND DELIVERED**

Is this an amendment?

☐ **Yes** (if you have already filed a DOC for this election)

☒ **No** (if this is the first DOC you have filed for this election)

I, Melina Abdullah, being duly sworn, state that

Candidate's name

I am a candidate for the office of Vice President of the United States

Official name of office - Include district, branch or seat number

representing Justice For All

If partisan election, name of political party or statement of principle - five words or less (Candidates for nonpartisan office may leave blank.)

and I meet or will meet at the time I assume office the applicable age, citizenship, residency and voting qualification requirements, if any, prescribed by the constitutions and laws of the United States and the State of Wisconsin, and that I will otherwise qualify for office, if nominated and elected.

I have not been convicted of a felony in any court within the United States for which I have not been pardoned.<sup>1</sup>

**My present address, including my municipality of residence for voting purposes is:**

2108	Wellington Rd.	Los Angeles, California	90016	Town of <input type="checkbox"/> Village of <input type="checkbox"/> City of <input checked="" type="checkbox"/>	Los Angeles, CA
House or fire no.	Street Name	Mailing Municipality and State	Zip code	Municipality of Residence for Voting	

**My name as I wish it to appear on the official ballot is as follows:**

Melina Abdullah

(Any combination of first name, middle name or initials with surname. A nickname may replace a legal name.)

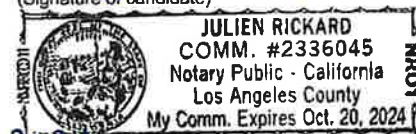
STATE OF ~~WISCONSIN~~ California }  
County of Los Angeles } ss.  
(County where oath administered)

[Signature]  
(Signature of candidate)

Subscribed and sworn to before me this 24 day of July, 2024.

Melina Abdullah

(Signature of person authorized to administer oaths)



**NOTARY SEAL  
REQUIRED, IF OATH  
ADMINISTERED BY  
NOTARY PUBLIC**

☒ Notary Public or ☐ other official \_\_\_\_\_  
(Official title, if not a notary)

If Notary Public: My commission expires 10-20-2024 or ☐ is permanent.

The information on this form is required by Wis. Stat. § 8.21, Art. XIII, Sec. 3, Wis. Const., and must be filed with the filing officer in order to have a candidate's name placed on the ballot. Wis. Stats. §§ 8.05 (1)(j), 8.10 (5), 8.15 (4)(b), 8.20 (6), 120.06 (6)(b), 887.01.

<sup>1</sup> A 1996 constitutional amendment bars any candidate convicted of a misdemeanor which violates the public trust from running for or holding a public office. However, the legislature has not defined which misdemeanors violate the public trust. A candidate convicted of any misdemeanor is not barred from running for or holding a public office until the legislature defines which misdemeanors apply.

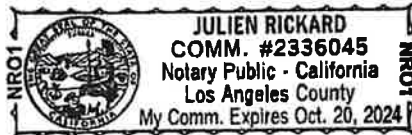
HAND DELIVERED

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California  
County of LOS ANGELES

Subscribed and sworn to (or affirmed) before me on this 24  
day of July, 2024, by Melina Abdullah

proved to me on the basis of satisfactory evidence to be the  
person(s) who appeared before me.



(Seal)

Signature 

# **EXHIBIT C**

# Declaration of Candidacy

(See instructions for preparation on back)

FOR OFFICE USE ONLY

Is this an amendment?

☐ **Yes** (if you have already filed a DOC for this election)

☐ **No** (if this is the first DOC you have filed for this election)

I, \_\_\_\_\_, being duly sworn, state that  
Candidate's name

I am a candidate for the office of \_\_\_\_\_  
Official name of office - Include district, branch or seat number

representing \_\_\_\_\_  
If partisan election, name of political party or statement of principle - five words or less (Candidates for nonpartisan office may leave blank.)

and I meet or will meet at the time I assume office the applicable age, citizenship, residency and voting qualification requirements, if any, prescribed by the constitutions and laws of the United States and the State of Wisconsin, and that I will otherwise qualify for office, if nominated and elected.

I have not been convicted of a felony in any court within the United States for which I have not been pardoned.<sup>1</sup>

**My present address, including my municipality of residence for voting purposes is:**

House or fire no.	Street Name	Mailing Municipality and State	Zip code	Town of <input type="checkbox"/> Village of <input type="checkbox"/> City of <input type="checkbox"/>	Municipality of Residence for Voting
-------------------	-------------	--------------------------------	----------	---	--------------------------------------

**My name as I wish it to appear on the official ballot is as follows:**

\_\_\_\_\_  
(Any combination of first name, middle name or initials with surname. A nickname may replace a legal name.)

STATE OF WISCONSIN } \_\_\_\_\_ (Signature of candidate)  
County of \_\_\_\_\_ } ss.  
(County where oath administered)

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
(Signature of person authorized to administer oaths)

**NOTARY SEAL  
REQUIRED, IF OATH  
ADMINISTERED BY  
NOTARY PUBLIC**

☐ Notary Public or ☐ other official \_\_\_\_\_  
(Official title, if not a notary)

If Notary Public: My commission expires \_\_\_\_\_ or ☐ is permanent.

The information on this form is required by Wis. Stat. § 8.21, Art. XIII, Sec. 3, Wis. Const., and must be filed with the filing officer in order to have a candidate's name placed on the ballot. Wis. Stats. §§ 8.05 (1)(j), 8.10 (5), 8.15 (4)(b), 8.20 (6), 120.06 (6)(b), 887.01.

EL-162 | Rev. 2019-08 | Wisconsin Elections Commission, P.O. Box 7984, Madison, WI 53707-7984  
608-266-8005 | web: elections.wi.gov | email: elections@wi.gov

<sup>1</sup> A 1996 constitutional amendment bars any candidate convicted of a misdemeanor which violates the public trust from running for or holding a public office. However, the legislature has not defined which misdemeanors violate the public trust. A candidate convicted of any misdemeanor is not barred from running for or holding a public office until the legislature defines which misdemeanors apply.

## Instructions for Completing the Declaration of Candidacy

All candidates seeking ballot status for election to any office in the State of Wisconsin must properly complete and file a **Declaration of Candidacy**. This form must be **ON FILE** with the proper filing officer no later than the deadline for filing nomination papers or the candidate's name will not appear on the ballot. A facsimile will be accepted if the FAX copy is received by the filing officer no later than the filing deadline and the signed original declaration is received by the filing officer with a postmark no later than the filing deadline.

### **Information to be provided by the candidate:**

- Type or print your name on the first line
- The title of the office and **any district, branch, or seat number** for which you are seeking election must be inserted on the second line. *For legislative offices insert the title and district number, for district attorneys insert the title and the county, for circuit court offices insert the title, county and branch number, and for municipal and school board offices insert the title and any district or seat number.*
- Type or print the political party affiliation or principle supported by you in five words or less on the third line. *Nonpartisan candidates may leave this line blank.*
- **Felony convictions: Your name cannot appear on the ballot if you have been convicted of a felony in any court in the United States for which you have not been pardoned. Please see footnote on page 1 for further information with respect to convictions for misdemeanors involving a violation of public trust. These restrictions only apply to candidates for state and local office.**
- Your current address, including your municipality of residence for voting purposes, must be inserted on the fourth line. This must include your entire mailing address (**street and number, municipality where you receive mail**) and the name of the municipality in which you reside and vote (town, village, or city of \_\_\_\_). If your address changes before the election, an amended Declaration of Candidacy must be filed with the filing officer. Wis. Stat. § 8.21. *Federal candidates are not required to provide this information, however an address for contact purposes is helpful.*
- Type or print your name on the fifth line as you want it to be printed on the official ballot. You may use your full legal name, former legal surname, or any combination of first name, middle name, and initials, surname or nickname with last name.

**Note:** The Wisconsin Elections Commission has determined that, absent any evidence of an attempt to manipulate the electoral process, candidates are permitted to choose any form of their name, including nicknames, by which they want to appear on the ballot.

No titles are permitted. In addition, names such as "Red" or "Skip" are permitted, but names which have an apparent electoral purpose or benefit, such as "Lower taxes," "None of the above" or "Lower Spending" are not permitted. It is also not permissible to add nicknames in quotes or parentheses. For example, John "Jack" Jones or John (Jack) Jones are not acceptable, but John Jones, Jack Jones or John Jack Jones are acceptable.

This form must be sworn to and signed in the presence of a notary public or other person authorized to administer oaths, such as a county or municipal clerk. Wis. Stat. §§ 8.21(2), 887.01(1).

### **Information to be provided by the person administering the oath:**

- The county where the oath was administered.
- The date the Declaration of Candidacy was signed and the oath administered.
- The signature and title of the person administering the oath. If signed by a notary public, the notary seal is required and the date the notary's commission expires must be listed.

All candidates for offices using the nomination paper process must file this form (*and all school district candidates must file the EL-162sd*) with the appropriate filing officer no later than the deadline for filing nomination papers. Wis. Stats. §§ 8.10 (5), 8.15 (4)(b), 8.20 (6), 8.21, 8.50 (3)(a), 120.06 (6)(b). Candidates nominated for local office at a caucus must file this form with their municipal clerk within 5 days of receiving notice of nomination. Wis. Stat. § 8.05 (l)(j).

# **EXHIBIT D**



STATE OF WISCONSIN  
WISCONSIN ELECTIONS COMMISSION

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IN THE MATTER OF:  
DECLARATION OF CANDIDACY FILED BY  
CORNEL WEST AND MELINA ABDULLAH WITH RESPECT TO  
THE NOVEMBER 5, 2024 ELECTION FOR  
PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES

DAVID STRANGE, INDIVIDUALLY AND AS  
DEPUTY OPERATIONS DIRECTOR – WISCONSIN  
FOR THE DEMOCRATIC NATIONAL COMMITTEE,  
1437 N. Jefferson Street, Unit 308  
Milwaukee, WI 53202

Complainant,

v.

Case No. \_\_\_\_\_

CORNEL WEST,  
17242 Citron  
Irvine, CA 92612

and

MELINA ABDULLAH,  
2108 Wellington Rd.  
Los Angeles, CA, 90016

Respondents.

---

**AFFIDAVIT OF REBECCA LEDONNE**

---

STATE OF WISCONSIN     )  
                                      ) SS  
COUNTY OF DANE         )

I, Rebecca (Becky) LeDonne, being first duly sworn under oath, state as follows:

1.     I am an adult resident of the state of Wisconsin, County of Dane. I am employed as  
a legal assistant/paralegal with Stafford Rosenbaum LLP.

2. I make this Affidavit on personal knowledge of the facts and circumstances set forth herein.

3. Attached to the Verified Complaint as Exhibit B is a true and correct copy of two pages downloaded from the Wisconsin Elections Commission database, Badger Voters. Specifically, Exhibit B includes: (1) the Declaration of Candidacy ("Declaration") of Melina Abdullah ("Abdullah"); and (2) a jurat page ("Jurat") that was the page after the Declaration in the file downloaded from Badger Voters.

4. On August 8, 2024 at approximately 2:40 p.m., I went to the office of the Wisconsin Election Commission ("Commission") at 201 West Washington Avenue, Second Floor, Madison, Wisconsin 53703.

5. I received permission from the Commission to review the original, paper copy of Abdullah's Declaration and the original, paper copy of Abdullah's Jurat.

6. The Declaration and the Jurat were on separate pieces of paper which were not attached to one another.

7. I closely examined and held in my hand the original, paper copy of the Declaration and the original, paper copy of Abdullah's Jurat.

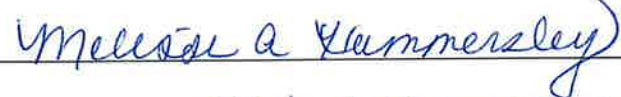
8. The original, paper copy of the Declaration did not contain any holes or marks that would be made by a staple. I could not identify any markings that would suggest that the Declaration had been physically attached to a different piece of paper.

9. The original, paper copy of the Jurat did not contain any holes or marks that would be made by a staple. I could not identify any markings that would suggest that the Jurat had been physically attached to a different piece of paper.

FURTHER AFFIANT SAYETH NOT.

  
\_\_\_\_\_  
Rebecca L. LeDonne

Subscribed and sworn to before me  
this 9th day of August, 2024.

  
\_\_\_\_\_  
Printed Name: Melissa A. Hammersley  
Notary Public, State of Wisconsin

My commission expires: 12/14/27



# **EXHIBIT E**



**Department of Financial Institutions**  
State of Wisconsin

# Notary Public Handbook

Dear Notary Public:

This notary public handbook will help you become familiar with the duties and responsibilities of a notary public. It includes requirements and directions for the commission application, sample jurats and answers to common questions about the role of the notary.

We would also like to recommend that you take the free online notary public educational tutorial course. The tutorial includes specific instructions for and examples of the proper execution of notarial acts, knowledge quizzes and a final assessment exam. These aids are designed to enable you to feel confident in your performance of your duties as a notary public. The tutorial is available online at: [dfi.wi.gov](http://dfi.wi.gov)

Although the brochure and tutorial discuss in detail your duties as a notary, we encourage you to contact Wisconsin Department of Financial Institutions (WDFI) if you have additional questions concerning your responsibilities as a public officer. We are here to assist you in any way that we can.

Mail Address:

Notary Section  
WI Department of Financial Institutions  
PO Box 7847  
Madison WI 53707

Phone: 608-266-8915  
Fax: 608-264-7965

Email: [DFINotary@wisconsin.gov](mailto:DFINotary@wisconsin.gov)

TTY: 711

Website: [dfi.wi.gov](http://dfi.wi.gov)

Street Address:

Notary Section  
WI Department of Financial Institutions  
4822 Madison Yards Way, North Tower  
Madison WI 53705

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## GENERAL INFORMATION

### WHAT IS A NOTARY PUBLIC?

A notary public is an individual issued an appointment by the Secretary of the Wisconsin Department of Financial Institutions to serve the public as an impartial witness, performing notarial acts as are allowed or required by law.

### WHO MAY BECOME A NOTARY PUBLIC IN WISCONSIN?

Any United States resident who is at least 18 years of age may apply to become a notary public. "Resident" means a person who maintains a permanent dwelling place in the United States and is in fact living in the United States. Your eligibility does not depend on immigration status, but rather on whether you maintain your permanent residence within the United States and meet the other eligibility requirements for a notary commission. The notary applicant must have at least the equivalent of an 8<sup>th</sup> grade education and pass the WDFI notary exam with a score of 90% or better.

A criminal record showing felonies and crimes involving fraud, dishonesty, or violations of public trust may be admissible evidence for purposes of impeaching a witness's character for truthfulness in a court proceeding. Because a notary public must be a credible witness, an applicant's criminal record must be free from offenses that could be used to impeach the notary public's character for truthfulness. A person convicted of such offenses may only be commissioned as a notary public if the applicant is pardoned of the conviction.

### HOW DO I BECOME A NOTARY PUBLIC IN THIS STATE?

You must study and understand the duties and expectations of being a notary public, which are set forth in [Chapter 140 of the Wisconsin Statutes](#) and [chapter DFI-CCS 25 of the Wisconsin Administrative Code](#). Then, you must complete an application, secure a notary bond for a minimum of \$500 coverage, complete the oath, print the notary exam certificate and submit all forms to the WDFI with the required \$20 fee. You may initiate the application and pay online <https://dfi.wi.gov/Pages/ConsumerServices/NotaryPublic/NotaryFileOnline.aspx> or download the applications that are available from <https://dfi.wi.gov/Pages/ConsumerServices/NotaryPublic/NotaryForms.aspx>.

### DOES AN ATTORNEY BECOME A NOTARY PUBLIC AUTOMATICALLY UPON QUALIFYING TO PRACTICE LAW?

**No, attorneys do not become notaries public upon qualifying to practice law in Wisconsin.** A United States resident who is an attorney licensed to practice law in Wisconsin who wishes to be a notary must provide a certificate of good standing from

NOT70P(Revised March 2024)



the Wisconsin Supreme Court and submit an application to WDFI. In addition to being eligible for a four-year commission, an attorney may qualify for a "permanent" commission under §140.02(2), Wis.

Stats. for which no bond is required. A permanent commission is valid as long as the attorney remains a United States resident licensed to practice law in Wisconsin. Attorneys seeking a permanent notary commission should so specify when requesting an application. The completed permanent application and \$50 filing fee should be submitted to the WDFI. An individual may NOT perform a notarial act until the applicant receives notice that the WDFI has issued the applicant a notary commission.

### **WHO SUPPLIES NOTARY SEAL OR STAMP?**

It is your responsibility to provide an engraved official seal or official rubber stamp prior to completing the application form. For suppliers, conduct an internet search or check with your local office supply store. The seal or stamp may be of any size or shape, but must state the words "Notary Public," "State of Wisconsin," and your name which must include your legal last name. You may use initials, or a shortened first name if you wish, but you must use your current legal last name in full.

### **WHAT IS REQUIRED IF I HAVE AN ARREST OR CONVICTION RECORD?**

Under current law, persons convicted in state or federal court of any felony, or of a misdemeanor involving fraud, forgery, or similar violation, may not be commissioned as Notaries Public for the State of Wisconsin unless they have been pardoned of the conviction(s). If you have a misdemeanor arrest or conviction record, you are required to answer "yes" on the notary application and give a brief explanation when you apply to become a Notary. Your papers will be reviewed to determine if you are eligible to be granted a Notary commission. If you wish, you may submit your court papers for an eligibility review prior to submitting your application forms. That would save you the cost of buying a bond and seal if you are later found to be ineligible to become a notary public.

### **HOW LONG WILL MY COMMISSION LAST?**

Your notary commission is valid for a period of four years, unless (1) you are licensed to practice law in Wisconsin and obtain a permanent commission, or (2) your commission is revoked prior to the expiration date of the commission.

### **DO I NEED TO BE BONDED?**

A \$500 surety bond is **required for all applicants applying or reapplying for a four-year notary public commission**. The surety bond is an insurance agreement making the surety legally liable to the party who is harmed, for up to \$500 in damages caused by a notary's misconduct or neglect in executing notarial acts.

A "blanket bond" issued for employment purposes does not fulfill this obligation. A separate, specific bond in the amount of \$500 is required by Wisconsin statutes. Once filed with the Wisconsin Department of Financial Institutions, your bond cannot be cancelled and will expire in four years with your notary commission. **If you are sued for misconduct or neglect in your notarial duties, any damages beyond \$500 are your personal responsibility.**

No bond is required for permanent commissions.

## **HOW MAY I BE BONDED?**

The surety bond must be provided by an insurance/surety company licensed to write surety bonds in the State of Wisconsin. The Wisconsin Department of Financial Institutions cannot provide bonding and cannot recommend companies who sell bonds. You may search the internet or find a local bonding company or check with your local insurance provider to see if they provide the service.

## **WHAT IS A NOTARY BONDING AGENCY?**

A notary bonding agency is an insurance company or division of any insurance company, licensed to write fidelity insurance in the State of Wisconsin, which specializes in selling notary bonds.

## **WHAT IS THE TOTAL COST INVOLVED IN BECOMING A NOTARY PUBLIC?**

The costs of becoming a notary depends on the type of official notarial seal or stamp you purchase and the cost of the surety bond you obtain. Additionally, you must pay a \$20 application filing fee to the Wisconsin Department of Financial Institutions.

## **WHEN MAY I BEGIN TO PERFORM IN-PERSON NOTARIAL ACTS?**

You may begin to perform in-person notarial acts after you have been notified by the Wisconsin Department of Financial Institutions via email or USPS that your commission has been issued. A certificate will be forwarded to the mailing address you list on the application form or emailed. It is very important to indicate a complete and current address on your application to ensure delivery of your certificate.

A notary who is applying for the first time or renewal will usually receive a certificate within two weeks of sending the forms and fee to the Wisconsin Department of Financial Institutions.

## **WHEN MAY I BEGIN TO PERFORM NOTARIAL ACTS FOR REMOTELY LOCATED INDIVIDUALS?**

You may begin to perform notarial acts for remotely located individuals **only after** you have done the following:

(1) Obtained your certificate authorizing you to perform in-person notarial acts.

(2) Reviewed the [WDFI's Guidance for Notaries Seeking to Perform Notarial Acts for Remotely Located Individuals](#). The Guidance describes the types of documents that may be notarized remotely, the technology providers that may be used in performing remote notarial acts, and the different requirements applicable to notarization of estate-planning documents for remotely located individuals.

(3) Taken the necessary steps to comply with Wisconsin law governing notarization for remotely located individuals, which vary depending on the type of notarial act performed:

a. For most notarial acts performed for remotely located individuals (other than the notarization of estate planning documents), you must follow the remote online notarization procedures set forth in [section 140.145 of the Wisconsin Statutes](#) and [section DFI-CCS 25.03](#) of the Wisconsin Administrative Code, which are summarized in Part 2 of the [WDFI's Guidance for Notaries Seeking to Perform Notarial Acts for Remotely Located Individuals](#). Among other requirements, a notary must obtain authorization from an approved communication technology provider to use its system for remote online notarization and become knowledgeable about that provider's system and processes, including completion of any relevant training or

instruction modules prepared by the provider. Communication technology providers are approved by WDFI and the Remote Notary Council if they meet security, recordkeeping and other standards to ensure the integrity of the notarial process. A list of approved providers is available on the WDFI website.

b. For notarization of **estate planning** documents for remotely located individuals, you must follow the procedures set forth in section 140.147 of the Wisconsin Statutes, which are summarized in Part 3 of the [WDFI's Guidance for Notaries Seeking to Perform Notarial Acts for Remotely Located Individuals](#). Among other requirements, remote notarization of estate-planning documents must be performed via two-way real-time audiovisual communication and supervised by a Wisconsin-licensed attorney in good standing, who must complete and attach a special affidavit of compliance to the estate-planning document.

## **WHERE MAY I NOTARIZE?**

You may perform notarial acts in all counties of the State of Wisconsin, but you must be physically present in the State. This is true regardless of whether the notarization is in-person or remote. A Wisconsin notary public commission is valid in and for the State of Wisconsin only – you may not use your Wisconsin commission to act as a notary public in any other state.

## **POWERS & LIABILITIES**

### **WHAT EXACTLY IS A NOTARIZATION?**

A “notarization” is more precisely called a “notarial act.” “Notarial act” means any act that a notary public is authorized to perform, and includes taking an acknowledgement, administering an oath or affirmation, taking a verification upon oath or affirmation, witnessing or attesting a signature, certifying or attesting a copy of and noting a protest of a negotiable instrument. (Further information and definitions of some important terms are provided in the next section of this manual, entitled “Notarial Acts.”)

### **WHAT ARE SOME IMPORTANT STEPS IN PERFORMING ALL NOTARIAL ACTS?**

Check identification if you don’t know the signer; use the proper ceremony and written certificate language; sign and affix a legible impression of your seal/stamp; and indicate your commission expiration date. It is always advisable to check the document to be sure there are no blanks or incomplete statements. If, for instance, the document has blanks for two persons to sign, but you are witnessing only one signature, cross out and initial the blank line. This could prevent another person from signing it later.

### **IF THE NOTARIAL ACT CONCERNS A TANGIBLE RECORD, MUST I ALWAYS AFFIX MY OFFICIAL SEAL/STAMP?**

Yes. Wisconsin Statutes require all notaries public, including attorneys, to affix their official notarial seal or stamp every time a notarial act regarding a tangible record is performed. This includes records that are transmitted and signed electronically.

### **MAY I PERFORM NOTARIAL ACTS IN ALL COUNTIES OF WISCONSIN?**

Yes. Your notary commission allows you to act as a Notary Public in all counties in the state of Wisconsin.

### **WHAT DOES ‘COUNTY OF VENUE’ MEAN?**

“Venue” is the place where an act is performed. On a notarized document, it shows **the notary’s location when the notarial act took place**, not the county where the notary resides. The venue is usually indicated near the top of a document, as “State of Wisconsin, County of Dane.”

### **MAY I PERFORM NOTARIAL ACTS IN ANOTHER STATE?**

No. As a Wisconsin Notary Public, you may perform notarial acts only when located in the State of Wisconsin.

### **MAY I PERFORM NOTARIAL ACTS ON A SUNDAY OR HOLIDAY?**

Yes. There is no section of the Wisconsin Statutes that makes it unlawful for a notary to act on a Sunday or holiday.

### **MAY I HELP MY CUSTOMERS PREPARE THE PAPERS THEY NEED NOTARIZED?**

No, unless you are an attorney licensed to practice law in Wisconsin. A Notary Public, who is not an attorney, may not engage in the practice of law – which includes the preparation of legal papers, such as wills, contracts, deeds, powers of attorney, etc.

### **SHOULD I NOTARIZE A DOCUMENT IN WHICH I OR MY SPOUSE HAS A DIRECT FINANCIAL INTEREST?**

No. A notary public may not perform a notarial act with respect to a record in which the notary or their spouse or domestic partner is a party or has direct beneficial interest. If you do, then the document may be voided.

### **SHOULD I WITNESS MY OWN SIGNATURE? THAT OF MY SPOUSE?**

No. The notarial process is designed to provide an impartial third-party witness to signatures. You are not an impartial third-party witness your own signature, and you'll generally have a direct beneficial interest in documents signed by your spouse

### **SHOULD I NOTARIZE A DOCUMENT THAT IS WRITTEN IN A FOREIGN LANGUAGE?**

There is no reference in the Wisconsin Statutes that prohibit you from notarizing a document written in a foreign language. However, if you do not understand the contents of the documents, you are encouraged to find another notary who does understand it, or refer the requestor to a language department, foreign students' office, or a consulate.

### **MAY I MAKE A CERTIFIED COPY OF A BIRTH CERTIFICATE?**

No. You are strictly prohibited from making copies, certified or uncertified, of "vital records," which include certificates of birth, death, divorce, annulments, marriage, etc. Never notarize photocopies of vital records that a person may bring you. Preparing or issuing anything that carries the appearance of an original or copy of a vital record could cause you to be fined not more than \$10,000, imprisoned not more than 3 years, or both. Copies of vital records are appropriately obtained from their official custodian: a state or county office of vital records, or similar government records office.

### **HOW MUCH MONEY CAN I CHARGE?**

You may charge no more than \$5 for performing most in-person notarial acts. (Refer to §140.02(9) of the Wisconsin Statutes for further information.)

## **NOTARIAL ACTS**

There are several specific types of notarial acts; you must know and use the proper ceremony and written certificate for the type of act you are requested to perform.

### **WHAT IS AN AFFIDAVIT? AN AFFIANT?**

An affidavit is a written document made by a person who swears, under oath or affirmation, that the statements in the document are the truth. The person who makes and swears to the affidavit is an affiant.

### **WHAT IS A JURAT?**

“Jurat” is the traditional name used to refer to the notary’s written certificate, which should appear after the signature of a person who has given an oath or has made a sworn statement. The jurat must be signed and dated contemporaneously when the performance of the notarial act occurs, identify the jurisdiction in which the notarial act is performed, indicate that it is signed by a notarial officer of this State, and include the date of expiration, if any, of the officer’s commission

### **SHOULD MY JURAT BE ON THE SAME PIECE OF PAPER AS THE AFFIANT’S SIGNATURE?**

If possible, yes. If there is not enough room at the end of a document to insert a jurat, you may place it on a separate page and attach it to the sworn statement. When the jurat is not written on the document it applies to, it is advisable to include a statement on the document indicating that the jurat is attached, as well as a statement on the page with the jurat identifying the document to which it is attached.

### **IS THERE A DIFFERENCE BETWEEN AN OATH AND AN AFFIRMATION?**

As a practical matter, no. Both oaths and affirmations are solemn pledges attesting to the truth of given statements. The difference is that an oath requires swearing (and may be understood to call upon a Supreme Being as witness), while an affirmation does not. Both oaths and affirmations are subject to penalties of perjury.

### **WHAT IS AN ACKNOWLEDGMENT?**

An acknowledgement is a formal declaration that a person is signing a document voluntarily and with an understanding of its nature and purpose.

### **WHAT IS THE DIFFERENCE BETWEEN AN ACKNOWLEDGMENT AND AN OATH?**

In an oath or affirmation, a person swears to the truth of statements made. In an acknowledgment, a person is merely confirming that she or he is signing a document voluntarily and with an understanding of its nature and purpose—not whether the statements in the document are true.

### **MUST I SEE THE PERSON SIGN THE DOCUMENT I'M NOTARIZING?**

**If the document is an affidavit or other document requiring an oath, you MUST witness them signing it in real time.** Check the wording on the jurat (certificate). If the words say "Signed before me..." or "Subscribed and sworn to before me..." then you must witness the person signing the document in real time, either in-person or remotely via an approved communication technology provider. You can't notarize a signature you didn't witness. If the document is already signed, have the person sign again in your presence, above or below the other signature.

**If the document is an acknowledgment, the person need not sign in front of you, BUT MUST appear before you and acknowledge execution of the document.** The appearance may be in person or remotely via an approved communication technology provider.

## NOTARIAL CEREMONIES

### TAKING AN ACKNOWLEDGMENT

When a notary completes a certificate of acknowledgement, it will be assumed that the notary has done all of the following:

1. Required that the acknowledging party be in the notary's presence, either in-person or via an approved communication technology provider;
2. Confirmed the party's identity;
3. Determined that the party was competent or capable of executing the record;
4. Determined that the party signed the document knowingly and voluntarily; and
5. Witnessed the acknowledging party actually signing the document, or, if the document was signed previously, has shown the signature to the party, and asked the party to confirm having made the signature knowingly and voluntarily.

There is no specific required language for performing the notary "ceremony" of taking an acknowledgment, but whatever language you use should satisfy the items numbered 1 through 5 listed just above. The following script is an example of ceremonial language which satisfies those requirements:

**Notary:**

Do you have a form of government ID showing your name and address, and with a picture and signature, that I could use to verify your identity?

**Acknowledging Party:**

Yes, here's my driver's license.

**Notary:**

(Examines and returns identification.) Thank you. Please don't put your ID away. I'll need to look at it later. Would you please show me the document you need to have notarized?

**Acknowledging Party:**

Here.

**Notary:**

Thank you. In order to certify your acknowledgment, I am required to make sure that you know what kind of document you are signing, and that you have signed it for the purpose for which it is intended. I am also required to make sure that you are signing of your own free will.

**Acknowledging Party:**

O.K.



**Notary:**

So, what kind of document is this?

**Acknowledging Party:**

It's a deed. (Notary confirms this.)

**Notary:**

And are you signing it of your own free will, and for the purpose of deeding?

**Acknowledging Party:**

Yes.

**Notary:**

Please sign here. (Notary witnesses the signing.) Now, may I please see your ID again? (Notary verifies that signature on document matches the signatures on the ID.)

The Notary then completes an appropriate certificate of acknowledgement, and signs and seals it. The following text in bold type is an example of the language which could be used in a satisfactory certificate of acknowledgement:

**State of Wisconsin  
County of Dane**

**This instrument was acknowledged before me on May 8, 2020, by Jane Doe.**

**(Signed by) John Smith, Notary Public  
My commission expires on November 9, 2021.**

[Seal or stamp is then affixed upon certificate.]

Note: All commissioned notaries public, including attorneys, must affix their notary seal or stamp on the notarial certificates they issue. Other notarial officers specifically authorized by statute to perform notarial acts without a notary public commission – such as judges, court commissioners, and county clerks – should state their title, and use their seals of office if they are required to have one.

## NOTARIZING AN UNSWORN STATEMENT

When a notary notarizes an unsworn signature, it will be assumed that the notary has done all of the following:

1. Required that the signing party be in the notary's presence, or by approved remote online notarization procedures;
2. Satisfactorily identified the party; and
3. Witnessed the party actually signing the document.

There is no specific required language for performing the notary "ceremony" of notarizing an unsworn signature, but whatever language you use should satisfy the items numbered 1-3 listed above. The following script is an example of ceremonial language which satisfies those requirements:

**Notary:**

Do you have one form of picture and signature identification, showing your name and address, that I could use to verify your identity?

**Signing Party:**

Yes, I have a picture credit card. Here, will this do?

**Notary:**

(Examines and returns identification.) Yes. Thank you. Please don't put your ID away. I'll need to look at it later. Would you please show me the document you need to have notarized?

**Signing Party:**

Here it is.

**Notary:**

Thank you. In order to notarize this document, I will need to have you sign it in front of me. Are you prepared to do that?

**Signing Party:**

Yes, I am.

**Notary:**

Please sign here. (Notary witnesses signing) Now, may I please see your ID again? (Notary verifies that signature on document matches the signatures on the ID.)

The Notary then completes an appropriate certificate for witnessing a signature, signs and seals it. The following text is an example of the language which could be used in a satisfactory certificate of witnessing a signature:

**State of Wisconsin  
County of Dane**

**This instrument was signed before me in Madison on June 1, 2011 by  
Jane Smith.**

**(Signed by) John Doe, Notary Public  
My commission expires on November 13, 2014  
Seal is then impressed upon certificate.**

(NOTE: All commissioned notaries public, including attorneys, must impress their notary seal on the Notarial certificates they issue. Other Notarial officers specifically authorized by statute to perform Notarial acts without a notary public commission - such as judges, court commissioners and county clerks - should state their title, and use their seals of office if they are required to have one.)

## **NOTARIZING A STATEMENT SWORN TO, OR TAKEN UNDER OATH OR AFFIRMATION, AND PROVIDING A “JURAT”**

When a notary takes sworn a sworn statement, or a statement made under oath or affirmation, it will be assumed that the notary has done all of the following:

1. Required that the signing party making the statement be in the notary's presence, either in-person or via an approved communication technology provider;
2. Confirmed the party's identity;
3. Determined that the party was competent or capable of executing the record;
4. Determined that the party signed the document knowingly and voluntarily; and
5. Required the party to specifically confirm that they swear, or affirm under penalty of perjury, that the statements in the document to be notarized are true; and
6. Witnessed the acknowledging party actually signing the document.

There is no specific required language for performing the notary “ceremony” of notarizing a sworn or affirmed document, but whatever language you use should satisfy the items numbered 1 through 6 listed just above. The following script is an example of ceremonial language which satisfies those requirements:

**Notary:**

Do you have a form of government ID showing your name and address, and with a picture and signature, that I could use to verify your identity?

**Acknowledging Party:**

Yes, here's my driver's license.

**Notary:**

(Examines and returns identification.) Thank you. Please don't put your ID away. I'll need to look at it later. Would you please show me the document you would like to swear/affirm to and have notarized?

**Acknowledging Party:**

Here.

**Notary:**

Thank you. In order to notarize this document, I will need to have you specifically swear or affirm to me that the statements made in it are true. Are you willing to do that?

**Signing Party:**

Yes.

**Notary:**

Would you please raise your right hand?

[If affirmed]: Do you affirm under penalty of perjury that the statements in the document you have asked me to notarize are the truth, the whole truth, and nothing but the truth?

[If sworn]: Do you solemnly swear that the statements in the document you have asked me to notarize are the truth, the whole truth, and nothing but the truth, so help you God?

**Party:**

Yes, I do.

**Notary:**

Please sign here. (Notary witnesses the signing.) Now, may I please see your ID again? (Notary verifies that signature on document matches the signatures on the ID.)

The notary then completes that notarization certificate, and signs and seals it. The certificate used on the statement which is signed and sworn to is sometimes referred to as a jurat. The following text in bold type is an example of appropriate language to use in a jurat, or certificate notarizing a signed and sworn statement:

**State of Wisconsin  
County of Dane**

**This instrument was signed and sworn to before me on May 8, 2020, by Jane Doe.**

**(Signed by) John Smith, Notary Public  
My commission expires on November 9, 2021.**

[Seal or stamp is then affixed upon certificate.]

**Note:** All commissioned notaries public, including attorneys, must affix their notary seal or stamp on the notarial certificates they issue. Other notarial officers specifically authorized by statute to perform notarial acts without a notary public commission – such as judges, court commissioners, and county clerks – should state their title, and use their seals of office if they are required to have one.

**WHEN A PARTY IS SIGNING A NOTARIZED DOCUMENT IN A  
REPRESENTATIVE CAPACITY**

If a party is signing a notarized document in a representative capacity for another person or entity – for example, a corporation president signing on behalf of a corporation, or a personal representative or executor signing on behalf of an estate the notary should specifically have the party confirm that he or she is “duly authorized” to sign on behalf of the person or entity being represented:

**Notary:**

Are you signing on behalf of ABC Corporation?

**Party:**

Yes.

**Notary:**

And have you been duly authorized by the ABC Corporation to sign on its behalf as its President?

**Party:**

Yes.

**Note:**

1. The preceding language confirming that a party is duly authorized to sign in a representative capacity should be added to any of the ceremonies described in this booklet, when appropriate.
2. When a document is signed in a representative capacity, language indicating that should be included in the notary certificate. Proper language to be added to a notary certificate to indicate a “representative” signature may read like the examples below:

This instrument was [acknowledged/signed/sworn/affirmed/attested] before me on May 8, 2020, by Sarah Smith, as the duly authorized executrix of the estate of John Smith.

This instrument was [acknowledged/signed/sworn/affirmed/attested] before me on May 8, 2020, by Robert Jones, as the duly authorized President of the ABC Corporation.

## MAINTENANCE

### WHAT SHOULD I DO IF I CHANGE MY CONTACT INFORMATION?

You are required to give written notice of any change of contact information (including email address) to the Wisconsin Department of Financial Institutions within 10 days of the change. Keeping your address current will also ensure delivery of your commission expiration notice. A form to report a change in contact information is available on our DFI website

<https://dfi.wi.gov/Pages/ConsumerServices/NotaryPublic/NotaryForms.aspx>

### WHAT IF I CHANGE MY NAME?

If you change your name for any reason, **it is strongly suggested that you purchase a new seal or rubber stamp stating your new name (and the words "State of Wisconsin" and "Notary Public").** Obtain a Address/Name/Seal Change form from the DFI website <https://dfi.wi.gov/Pages/ConsumerServices/NotaryPublic/NotaryForms.aspx>. You are required to complete and submit the Address/Name/Seal change form to the Wisconsin Department of Financial Institutions **PRIOR** to using your new name and seal for notary purposes. For the remainder of your present commission, however, it is permissible to continue to perform notarial acts using a previous name **so long as you continue to sign your name as stated on your seal or rubber stamp.** Do not sign under a new or different name if it does not match the name on your seal or stamp. **For notarization purposes, your signature must always exactly match the name indicated on your official notary seal or stamp.**

Only the name you give and the seal or stamp you provide for filing with Department of Financial Institutions may be used for notarization purposes. No other name, seal, or stamp may be used when performing notarial acts unless the Wisconsin Department of Financial Institutions is notified in writing prior to usage. When you apply for another commission after your current term expires, you may not apply under an old or previous name. Each commission must be applied for and issued in your current legal last name.

## **I WANT TO USE AN INKED STAMP INSTEAD OF AN ENGRAVED SEAL ON CERTAIN DOCUMENTS. WHAT SHOULD I DO?**

You may use both a rubber stamp and an engraved seal (embosser) provided that samples of each are on file in the Wisconsin Department of Financial Institutions prior to use. When you order a second seal/stamp, be sure your name is set forth exactly as it appears on your original seal/stamp. Before using the new seal/stamp, send samples to the Wisconsin Department of Financial Institutions along with your signature, commission expiration date, and future date of intended use.

## **WHAT IF MY NOTARY SEAL IS LOST OR STOLEN?**

Notify the Wisconsin Department of Financial Institutions in writing immediately. Then, order a new seal or stamp that has a different appearance than your previous one. When the new seal/stamp is received, send samples to the Wisconsin Department of Financial Institutions before using it. The WDFI will notify you when the new stamp/seal may be used.

## **CAN MY COMMISSION CERTIFICATE BE REPLACED?**

A new certificate may be ordered by submitting a written request and \$10 fee to the Department of Financial Institutions.

## **MAY THE INFORMATION ON MY FILED APPLICATION AND BOND FORMS BE GIVEN OUT TO THE PUBLIC?**

All forms and documents submitted to the Department of Financial Institutions regarding your Notary Public commission are public records and are subject to Wisconsin's Open Records Law. Any person may have the right to inspect and copy your file upon request. Bonding companies will often obtain the names and addresses of notaries whose commissions are about to expire so they can mail out bond solicitations.

## **WHAT IS AN "ERRORS AND OMISSIONS" POLICY?**

An Errors and Omissions policy is optional insurance that could help you pay legal fees and damages if you are sued for acts taken as a notary public. It's different than your bond, which protects the public (not you). Most companies that sell notary bonds will have Errors and Omissions policies available. Errors and Omissions policies are not filed with the Wisconsin Department of Financial Institutions. Keep them in your own personal records.

## **AM I REQUIRED TO KEEP A NOTARIAL LOG BOOK?**

Keeping a notarial logbook, or journal, is not required in Wisconsin, although you are encouraged to do so. Depending on the amount and types of documents you are

handling, recording your notarial acts in a journal may prove useful later if you need to recall specifics of a particular case. If you decide to keep a notarial log book, include items such as date and type of notarial act, names and signatures of persons involved, and numbers from identification cards and driver's licenses presented.

### **IS A NOTARY COMMISSION RENEWED AUTOMATICALLY?**

No, but notaries may be reappointed. The Wisconsin Department of Financial Institutions will send notice of an upcoming commission expiration by email or mail. The reappointment procedure is the same as the initial appointment.

### **LEGAL REFERENCES**

- [Chapter 140 of the Wisconsin Statutes](#) and [chapter DFI-CCS 25 of the Wisconsin Administrative Code](#) govern notaries and notarial acts



# **EXHIBIT F**

**STATE OF WISCONSIN  
WISCONSIN ELECTIONS COMMISSION**

<b>In the Matter of:</b>	)	
	)	
<b>Nomination Papers Filed by Jim Sullivan Theodore A. Lipscomb, Sr.,</b>	)	<b>Decision and Order</b>
	)	
<b>Petitioner,</b>	)	<b>WEC Case No. EL 20-05</b>
	)	
<b>and</b>	)	
	)	
<b>Milwaukee County Election Commission,</b>	)	
	)	
<b>Respondent.</b>	)	
	)	
	)	

Pursuant to Wis. Stat. §§ 5.05(1)(e) and 5.06(6), the Wisconsin Elections Commission (“Commission”) is provided with the inherent, general, and specific authority to consider the submissions of parties to a complaint, and to issue findings and orders. Theodore Lipscomb, Sr. has filed a verified complaint with the Commission appealing the decision of the Milwaukee County Election Commission (“MCEC”) to approve ballot access for Candidate Jim Sullivan for the 2020 Spring Election as a candidate for County Executive. The Commission has reviewed the complaint and supporting documentation as well as the response of the MCEC filed by Milwaukee County Clerk George Christenson and Elections Director Julietta Henry. The Commission issues the following Decision and Order.

**Procedural Background**

Candidate Jim Sullivan filed nomination papers for the Office of Milwaukee County Executive containing 2,690 signatures with the Milwaukee County Election Commission on January 7, 2020. Following a review of these signatures, MCEC staff determined that Candidate Sullivan had submitted 2,450 valid signatures<sup>1</sup>, which exceeds the total of 2,000 valid signatures required to qualify for ballot access for the Office of Milwaukee County Executive.

On January 10, 2020, Theodore Lipscomb, Sr. filed a challenge to the nomination papers of Candidate Sullivan. The challenge asserted that 1,001 signatures should be struck as invalid because the circulators who collected those signatures had previously circulated nomination papers for another candidate for the same office, in violation of Wis. Stat. § 8.04.

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<sup>1</sup> Paragraph 13 of the complaint alleges that MCEC staff determined that 2,397 signatures were valid, but page 7 of the MCEC hearing transcript indicates that its staff accepted 2,450 signatures as valid. For purposes of this decision, the Commission uses the figure cited by MCEC staff in the hearing transcript.

Candidate Sullivan's response to the challenge argued that Wis. Stat. § 8.04's prohibition regarding the same circulator collecting signatures for multiple candidates is directory rather than mandatory, there was no evidence of fraud on the part of the circulator or Candidate Sullivan, and that counting the signatures as valid gives effect to the will of the electors as required by Wis. Stat. § 5.01(1).

Based on the complaint filed with the Commission as well as the challenge and response filed with the MCEC, the relevant facts are not in dispute. Following its review, MCEC staff determined that Candidate Sullivan had filed nomination papers containing 2,450 valid signatures and qualified for ballot status. Mr. Lipscomb challenged 1,001 of the 2,450 signatures. The basis of the challenge was that four individuals who circulated nomination papers for Candidate Sullivan (Alisha Pettis, Lesa Trotter, Keith Pettis and Dominique Thomas) also circulated and submitted nomination papers for David Crowley, another candidate for Milwaukee County Executive. Striking the challenged signatures would disqualify Mr. Sullivan from having his name on the Spring Election ballot.

The four individuals first circulated nomination papers for Candidate Crowley and subsequently circulated nomination papers for Candidate Sullivan. Candidate Sullivan's response to the challenge stated that the three circulators were hired by a vendor, Simon Warrant, who was retained by Sullivan's campaign to assist with the circulation of nomination papers. Candidate Sullivan asserts that his campaign was assured by Simon Warren that its employees would not circulate nomination papers for any other candidates for County Executive.

On January 14, 2020, the Milwaukee County Election Commission conducted a hearing regarding the challenge filed by Mr. Lipscomb, Sr. After considering arguments of both parties, the MCEC considered a motion to approve the challenge and strike 1,001 signatures. The motion failed on a vote of 1-1, with one member of the MCEC being absent. As a result, the decision of MCEC staff to approve Candidate Sullivan for ballot status stood.

On January 17, 2020, the Commission received a timely, verified complaint from Mr. Lipscomb, Sr. appealing the MCEC's decision. The complaint asserts that Wis. Stat. § 8.04 requires striking the 1,001 signatures which were challenged before the MCEC, and that the MCEC abused its discretion by determining that § 8.04 was discretionary and permitting Candidate Sullivan's name to be placed on the Spring Election ballot. The complaint requests that the Commission strike signatures collected in violation of § 8.04 and determine that Candidate Sullivan does not qualify for ballot access.

On January 17, 2020, MCEC staff submitted a letter in response to the complaint. The letter states that, in light of the MCEC's tie vote regarding the challenge to Candidate Sullivan's nomination papers, the MCEC's response is limited to submitting the filings of the parties and the record of the proceedings. The Commission also notes that, while Candidate Sullivan is not a party to the appeal, the Commission has reviewed and considered his response to Mr. Lipscomb's challenge that was filed with the MCEC as well as the arguments made at the MCEC's January 14, 2020 hearing.

Candidate Sullivan chose not to file a reply to the MCEC's response to the complaint.

The Commission's role in resolving verified complaints filed under Wis. Stat. § 5.06, which challenge the decisions or actions of local election officials, is determining whether a local official acted contrary to applicable election laws or abused their discretion in administering applicable election laws.

### Commission Findings

The Commission makes the following findings:

Wis. Stat. § 8.04 states as follows:

Nomination paper signatures. If any person signs nomination papers for two candidates for the same office in the same election at different times, the earlier signature is valid, and the later signature is invalid. *If any person circulates a nomination paper for two candidates for the same office in the same election at different times, the earlier paper is valid, and the later paper is invalid.*

*Emphasis added.*

There is no dispute that four individuals circulated nomination papers for two candidates for the same office at the same election at different times. The affidavits of each of the circulators state that they first circulated nomination papers for Candidate Crowley and subsequently circulated nomination papers for Candidate Sullivan. Based upon the plain language of Wis. Stat. § 8.04, these circumstances appear to require that the earlier papers circulated for Candidate Crowley are valid, and the later papers circulated for Candidate Sullivan are invalid and the signatures on those pages should be struck as invalid.

In his response to the challenge filed with the MCEC, Candidate Sullivan argued that the circulators' actions constituted a "good faith error" on the part of the vendor and circulators, and in the absence of any fraudulent intent, Candidate Sullivan should not be penalized. Candidate Sullivan noted that he was assured by Simon Warren that the circulators he retained would not circulate nomination papers on behalf of any other candidate for Milwaukee County Executive. Candidate Sullivan's response to the challenge argued that Wis. Stat. § 8.04 should be construed as directory, not mandatory, and that counting the challenged signatures as valid would give effect to the will of the electors as required by Wis. Stat. § 5.01(1) which states as follows:

CONSTRUCTION OF CHS. 5 TO 12. Except as otherwise provided, chs. 5 to 12 shall be construed to give effect to the will of the electors, if that can be ascertained from the proceedings, notwithstanding informality or failure to fully comply with some of their provisions.

Candidate Sullivan cited several court decisions to attempt to support his assertion that Wis. Stat. § 8.04 should be construed as directory rather than mandatory and that counting the

challenged signatures as valid would give effect to the will of the electors pursuant to Wis. Stat. § 5.01(1). The Commission concludes that the cases cited do not support this conclusion for several reasons.

Candidate Sullivan is correct that Wisconsin courts have long recognized that some election statutes should be construed as directory rather than mandatory, and that in such cases, the term “shall” is construed to mean “may.” For example, in 1867 the Wisconsin Supreme Court found that

the statutory regulations for conducting an election are directory and not jurisdictional in their character, the main object of such laws being to afford all persons entitled to vote an opportunity to exercise the elective franchise, to prevent illegal votes, and to ascertain with certainty the true number of votes cast, and for whom. *State ex rel. Bancroft v. Stumpf*, 21 Wis. 586 (1867).

In 1966, the Wisconsin Supreme Court summarized the effect of determining whether an election statute is mandatory or directory:

An act done in violation of a mandatory provision is void, whereas an act done in violation of a directory provision, while improper, may nevertheless be valid. Deviations from directory provisions of election statutes are usually termed “irregularities,” and as has been shown in the preceding subdivision, such irregularities do not vitiate an election. *Gradinjan v. Boho*, 29 Wis. 2d 674, 682, 139 N.W.2d 557 (1966).

And in 1968, the Wisconsin Supreme Court described the type of election statutes which should be construed as directory instead of mandatory:

Statutes giving directions as to the mode and manner of conducting elections will be construed by the courts as directory, unless a noncompliance with their terms is expressly declared to be fatal, or will change or render doubtful the result, as where the statute merely provides that certain things shall be done in a given manner and time without declaring that conformity to such provisions is essential to the validity of the election. *Lanser v. Kaonis*, 62 Wis. 2d 86, 91, 214 N.W.2d 425 (1974).

Candidate Sullivan cited other court decisions which have construed election statutes as directory. In each case, however, the statute at issue involved the mode or manner of conducting an election, such as processing and counting ballots, not the requirements or procedures for circulating and completing nomination papers and qualifying for ballot access. In 1978, the Wisconsin Supreme Court held that the deadline for filing nomination papers and the place of filing are mandatory requirements, and failing to satisfy those requirements disqualified a judicial candidate from ballot access. *Ahlgrimm v. State Elections Bd.*, 82 Wis.2d 585, 263 N.W.2d 152 (1978). In *Ahlgrimm*, the Court noted that the statute regarding the place of filing was not ambiguous, and also stated:

We view the requirements of sec. 8.10(2), Stats., and sec. 8.10(6), Stats., as being reasonable regulations of the right to be a candidate for public office. These regulations governing the time and place of filing nomination papers must be strictly enforced in order to insure the orderly exercise of such right. . . Because the petitioner did not timely file with the State Elections Board his nomination papers for the office of circuit judge, his name cannot appear on the ballot. As unfortunate and regrettable as this result might be, especially in this situation where there will be no candidate for circuit judge in the 21st Judicial Circuit on the ballot, nevertheless, the burden was on the petitioner to properly file. He did not do so. *Ahlgrimm*, 82 Wis. 2d at 597. (Citation omitted).

The Court of Appeals subsequently summarized how the “will of the electors” phrase in Wis. Stat. § 5.01(1) should be interpreted in determining whether an election statute is directory or mandatory:

However, our supreme court has interpreted this statute as applying only after an election has been held and the will of the electors manifested. See *State ex rel. Oaks v. Brown*, 211 Wis. 571, 579, 249 N.W. 50, 53 (1933). This holding remained undisturbed by our supreme court’s decision in *State ex rel. Ahlgrimm v. State Elections Bd.*, 82 Wis.2d 585, 263 N.W.2d 152 (1978). Accordingly, § 5.01(1) is inapplicable to the instant case, as there was no election from which the will of the electors had manifested. *City of Chippewa Falls v. Town of Hallie*, 231 Wis. 2d 85, 604 N.W.2d 300 (Ct. App. 1999).

In short, Wisconsin courts have determined that assessing the will of the electors is relevant to the determination of whether an election statute is directory or mandatory only in the context of conducting an election or when the will of the electors can be observed at an election or through examining ballots cast. The courts have not extended that analysis to the processes for circulating and reviewing nomination papers. To the contrary, regulations regarding nomination papers have been construed as mandatory, as in the *Ahlgrimm* decision, and regulations pertaining to the qualifications of circulators of a referendum petition have also been construed as mandatory, as in the *City of Chippewa Falls* decision.

Viewed in the framework established by the court cases cited above, it seems apparent that the prohibition on serial circulation of nomination papers in Wis. Stat. § 8.04 does not fit in the category of a directory statute. It is not related to the actual conduct of an election, the exercise of the right to vote, or the interpretation of a vote on a ballot. Rather, it is a regulation regarding the conduct of nomination paper circulators. It must be construed as mandatory and “must be strictly enforced in order to insure the orderly exercise” of the nomination process and ballot access decisions. *Ahlgrimm*, 82 Wis. 2d at 597.

In addition, because § 8.04 governs the process of circulating nomination papers and not the content of the papers, the challenged signatures cannot be counted as valid by virtue of EL § 2.05(5), Wis. Adm. Code, which states that “[w]here any *required item of information* on a nomination paper is incomplete, the filing officer shall accept the information as complete if there has been substantial compliance with the law.” (Emphasis added). “Substantial

compliance with the law” applies to the completeness of information on a nomination paper, not the process of circulating nomination papers.

The Commission recognizes that ruling the Sullivan nomination papers at issue are invalid may seem a harsh result when the candidate was assured by the vendor that its circulators would not collect signatures for other candidates for the same office, and where there is no evidence of fraudulent intent on the part of either the candidate or the circulators. However, as in *Ahlgrimm*, the statutory prohibition is unambiguous and it is a reasonable regulation regarding of the right to be a candidate for office, which the Legislature has created and the Commission is required to administer and enforce. As part of Chapter 260, Laws of 1979, the Legislature amended Wis. Stat. 8.04 as follows:

SECTION 55m. 8.04 of the statutes is amended to read:

8.04 Nomination paper signatures. If any person signs nomination papers for 2 candidates for the same office in the same election at different times, the earlier signature is valid and the later signature ~~shall be stricken. Any person who signs or circulates nomination papers for one candidate may later circulate nomination papers for another candidate for the same in the same election if he changes his mind and intends to support the latter candidate is invalid. If any person circulates a nomination paper for 2 candidates for the same office in the same election at different times, the earlier paper is valid and the later paper is invalid.~~

This amendment specifically eliminated the ability of a circulator to collect signatures for multiple candidates for the same office at the same election, even if they changed their mind and intended to support the latter candidate. Instead, the Legislature created a strict prohibition against counting signatures as valid on the second set of nomination papers submitted. It is also instructive to note that even the earlier version of § 8.04 did not permit counting signatures as valid for both candidates involved.

Candidate Sullivan’s response to the challenge argues that § 8.04 should be construed as directory because the Legislature has not “included an express and clear command,” citing a 1981 decision of the Court of Appeals, *Matter of Hayden*, 105 Wis. 2d 468, 483, 313 N.W.2d 869 (Ct. App. 1981). In the Commission’s opinion, however, § 8.04 itself is the “express and clear command.” Rather than using the terms “shall” or “may,” the statute plainly states that “the earlier paper *is* valid and the later paper *is* invalid.” It leaves no room for the filing officer to guess as to whether the prohibition is mandatory or directory.

In addition, the first clause of Wis. Stat. § 8.04 invalidates signatures of individuals who have signed the nomination papers of another candidate for the same office at the same election. This is consistent with Wis. Stat. § 8.10(4)(b) which states that “[o]nly one signature per person for the same office is valid.” Candidates would be hard pressed to argue that signatures of the same individual can be counted on nomination papers of two candidates, and yet that would be the logical result of treating the serial circulator provision of Wis. Stat. § 8.04 as directory.

Declining to enforce the prohibitions in Wis. Stat. § 8.04 would put other candidates that comply with the rules at a disadvantage. Also, if § 8.04 is construed as directory rather than

mandatory, applying the same logic to other procedural requirements would effectively eliminate all rules governing the nomination paper process. Such an interpretation would also eliminate any certainty regarding what, if any, rules apply to the circulation process and govern review by filing officers.

Ultimately, it is the candidate's responsibility to ensure that the nomination papers they file have the minimum number of required signatures. "Each candidate for public office has the responsibility to assure that his or her nomination papers are prepared, circulated, signed and filed in compliance with statutory and other legal requirements." *EL § 2.05(1), Wis. Adm. Code*. The circulation period affords candidates the opportunity to screen their nomination papers and to proactively strike signatures that are invalid prior to filing. "After a nomination paper has been signed, but before it has been filed, a signature may be removed by the circulator. . . ." *EL § 2.05(16), Wis. Adm. Code*.

A candidate who does not vet their nomination papers prior to filing assumes the risks and mistakes resulting from circulators who are unaware of or do not comply with the regulations governing the circulation of nomination papers. It is true that a violation of Wis. Stat. § 8.04 cannot be detected by simply reviewing the candidate's own nomination papers. But given the number of candidates circulating nomination papers for the Office of County Executive, the apparently common practice of relying on paid circulators rather than circulators who support a single candidacy, and the filing of nomination papers late in the circulation period, candidates are responsible for ensuring that procedural requirements such as § 8.04 are satisfied,

Noncompliance with the requirements of nomination paper circulation cannot be excused simply because circulators acted based upon their mistaken understanding of or disregard for the laws. Furthermore, the consistent evaluation of nomination papers by filing officers cannot be based upon the knowledge or expertise of individual circulators.

### Conclusion

For the reasons stated above, the Wisconsin Elections Commission finds that the Milwaukee County Election Commission did not comply with the election laws when it accepted signatures on nomination papers for Candidate Jim Sullivan which were collected by circulators who had previously collected signatures for Candidate Crowley in violation of Wis. Stat. § 8.04. The Commission finds that § 8.04 is unambiguous and is to be construed as a mandatory regulation of the circulation process.

The Commission finds that 1,001 signatures submitted by Candidate Sullivan shall be stricken as invalid, resulting in a total of 1,449 valid signatures, which is less than the 2,000 valid signatures required to obtain ballot status.<sup>2</sup> The Commission orders that Jim Sullivan's name

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<sup>2</sup> Based upon the record in the companion appeal regarding nomination papers of Candidate Bryan Kennedy, the actual number of invalid signatures may be greater because circulators collected signatures for both Candidate Kennedy and Candidate Sullivan, and the dates of circulation appear to overlap. The record does not reflect a calculation of these additional signatures by the complainant, Candidate Sullivan or the MCEC. The Commission's calculation of invalid signatures is therefore the minimum number that should be stricken.



shall not appear on the ballot for the Office of County Executive at the 2020 Spring Primary or Spring Election.

Right to Appeal – Circuit Court

This letter constitutes the Commission's resolution of this complaint. Wis. Stat. § 5.06(2). Pursuant to Wis. Stat. § 5.06(8), any aggrieved party may appeal this decision to circuit court no later than 30 days after the issuance of this decision.

Dated this 21st day of January, 2020.

**WISCONSIN ELECTIONS COMMISSION**

A handwritten signature in black ink that reads "Meagan Wolfe". The signature is written in a cursive, flowing style.

Meagan Wolfe  
Administrator