

FILED
01-21-2025
CIRCUIT COURT
DANE COUNTY, WI
2025CV000238
Honorable Nia Trammell
Branch 6

STATE OF WISCONSIN

CIRCUIT COURT

DANE COUNTY

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

Plaintiff,

v.

Case No:

Case Code: 30607

WISCONSIN ELECTIONS COMMISSION,
201 West Washington Avenue, Second Floor,
Madison, WI 53703,

and

AUDREY MCGRAW,
in her official capacity as Jefferson County Clerk,
311 South Center Avenue, Room C-2050,
Jefferson, WI 53549,

Defendants.

SUMMONS

THE STATE OF WISCONSIN

To each person named above as a Defendant:

You are hereby notified that the plaintiff named above has filed a lawsuit or other legal action against you. The Complaint, which is attached, states the nature and basis of the legal action.

Within 45 days of receiving this Summons, you must respond with a written answer, as that term is used in Chapter 802 of the Wisconsin Statutes, to the Complaint. The Court may reject or disregard an answer that does not follow the requirements of the statutes. The Answer must be sent or delivered to the Court, whose address is Clerk of Circuit Court, Dane County Circuit Court, 215 South Hamilton Street, Madison, Wisconsin 53703; and to Stafford Rosenbaum LLP,

222 West Washington Avenue, Suite 900, Madison, Wisconsin 53703. You may have an attorney help or represent you.

If you do not provide a proper answer within 45 days, the Court may grant Judgment against you for the award of money or other legal action requested in the Complaint, and you may lose your right to object to anything that is or may be incorrect in the Complaint. A Judgment may be enforced as provided by law. A Judgment awarding money may become a lien against any real estate you own now or in the future, and may also be enforced by garnishment or seizure of property.

Dated January 19, 2025.

STAFFORD ROSENBAUM LLP

By: Electronically signed by David P. Hollander
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**COMPLAINT AND APPEAL FROM
DECISION OF WISCONSIN ELECTIONS COMMISSION**

INTRODUCTION

1. This is a statutory appeal pursuant to Wis. Stat. § 5.06(8) for judicial review of a Wisconsin Elections Commission (the “Commission” or “WEC”) adjudication of a Verified Complaint brought pursuant to Wis. Stat. § 5.06 and other Wisconsin laws governing election campaigns.

2. Plaintiff Theresa A. Beck (“Beck”) is the sitting Judge in Branch 2 of the Jefferson County Circuit Court. Beck is seeking re-election to Branch 2 in the 2025 Spring Election, which will be held on April 1, 2025. Two other candidates submitted Declarations of Candidacy and nomination papers to WEC to be placed on the ballot as candidates for the office of Jefferson

County Judge, Branch 2, for the 2025 Spring Election: Jennifer L. Weber (“Weber”) and Cortney J. Iverson (“Iverson”). If more than two candidates qualify to be placed on the ballot as candidates for the office of Jefferson County Circuit Court Judge, Branch 2, for the 2025 Spring Election, then all candidates must appear on the ballot for the 2025 Spring Primary, which will be held on Tuesday, February 18, 2025.

3. The Wisconsin Constitution provides that: “To be eligible for the office of supreme court justice or judge of any court of record, a person must be an attorney licensed to practice law in this state and ***have been so licensed for 5 years immediately prior to election or appointment.***” Wis. Const. Art. VII, § 24(1) (emphasis added).

4. Both Beck and Weber filed Verified Complaints with WEC challenging Iverson’s qualification to appear on the ballot for election to Branch 2 because Iverson is not and cannot be “an attorney licensed to practice law in this state and have been so licensed for 5 years immediately prior to election or appointment” as required by Article VII, § 24(1) of the Wisconsin Constitution. *In re Weber v. Iverson*, EL 25-4; *In re Beck v. Iverson*, EL 25-5.

5. In response to Beck’s Verified Complaint, Iverson filed an affidavit admitting that she “was admitted to the State of Wisconsin to practice law on May 27, 2020” and “will have been licensed to practice law in Wisconsin for 5 years on May 27, 2025[.]” (Exhibit C at 30-31, Affidavit of Cortney J. Iverson (“Iverson Aff.”), ¶¶4, 9) Iverson therefore concedes that she will not have been licensed for five years as of either the date of the primary election (February 18, 2025) or the date of the general election (April 1, 2025).

6. Indeed, while Iverson argued to WEC that the date of the “election” as the term is used in Article VII, § 24(1) of the Wisconsin Constitution refers to the date in which she would be sworn into office, her counsel conceded in the January 14, 2025 Special Meeting before the WEC

Commissioners that “election” as used in Article VII, § 24(1) means exactly what the term means in the Wisconsin statutes and in common parlance—the day by which all ballots have been counted and the candidate is selected:

WEC Chair Jacobs: “A state legislator who receives the most votes on November 5, and a certificate of election is issued November 29th. They die December 15th. Were they elected?”

Counsel for Iverson: “Were they elected? Yes, they were elected. But they didn’t assume the office.”

(Video of January 14, 2025 WEC Special Meeting at 1:02:30-1:02:58)¹

7. So obvious is the plain meaning of Article VII, §24(1) that WEC Staff Counsel prepared a pre-meeting memorandum dated January 14, 2025 (the “Memo”) recommending that the Commissioners sustain Beck’s challenge (as well as Weber’s). (Exhibit A)

8. Despite Beck’s compelling arguments, the WEC Staff Attorneys’ analysis agreeing with Beck’s arguments, and Iverson’s counsel’s concessions plainly demonstrating that Iverson is ineligible, the WEC Commissioners inexplicably voted (by a vote of 4-2) to place Iverson on the ballot. (*Id.* at 1, January 14, 2025 WEC Closure Letter) That decision is remarkable—and startlingly wrong—for at least three reasons.

9. **First**, under the plain language of the Wisconsin Constitution—as Iverson’s counsel admitted—Iverson is required to have been “licensed for 5 years immediately prior to ***election*** or ***appointment***.” Wis. Const. Art. VII, § 24(1) (emphasis added). The drafters of the constitution could have required five years of licensure prior to “assuming office” or “commencing his or her term.” They did not do so.

¹ <https://wiseye.org/2025/01/14/wisconsin-elections-commission-special-meeting-36/> (last accessed January 18, 2025).

10. **Second**, WEC Legal Counsel's Memo is the only legal reasoning or explanation WEC has provided in response to Beck's challenge to Iverson's candidacy, and as noted above, that Memo recommended to the Commissioners that they **exclude** Iverson from the ballot based on her ineligibility under the plain language of the constitution. (Exhibit A) Some (but not all) of the Commissioners offered brief remarks at the January 14 Special Meeting, but WEC never revised that Memo or explained in any meaningful way why the Commissioners concluded that their own Legal Counsel's in-depth analysis applied the law erroneously.

11. **Third**, "[a]gencies are not free to shift between decisions without a rational basis." *Arrowhead United Teachers Org. v. Wis. Emp't Relations Com.*, 116 Wis. 2d 580, 589, 342 N.W.2d 709 (1984); *see also* Wis. Stat. § 227.57(8) ("The court **shall reverse** or remand the case to the agency if it finds that the agency's exercise of discretion [...] is inconsistent with [...] a prior agency practice[.]" (emphasis added)).

12. Just six months ago, WEC voted to exclude a candidate, Shiva Ayyadurai, from the ballot based on a constitutional ineligibility to hold the office. (Exhibit B at 69-74) The Eastern District of Wisconsin, Hon. William C. Griesbach presiding, affirmed WEC's decision to exclude Ayyadurai, finding not only that WEC **could** exclude Ayyadurai, but that it was **required to do so** under Wisconsin Statutes section 8.30. (Exhibit E) This case is legally indistinguishable from the Ayyadurai case—but WEC made **no effort whatsoever** to explain why it excused one candidate's constitutional violation but not the other.

13. WEC's decision must be reversed. Four of WEC's Commissioners chose to simply disregard the express language of the Wisconsin's Constitution—a document whose law they agreed during the January 14 Special Meeting they are sworn to uphold. They misapplied the law

and abused their discretion in allowing Iverson to be placed on the ballot for the 2025 Spring Election.

14. According to WEC's calendar, the Jefferson County Clerk, Audrey McGraw (named here as a defendant solely in her official capacity) must deliver ballots for the February 18, 2025 Spring Primary to municipal clerks no later than January 27, and the municipal clerks in Jefferson County must send absentee ballots to eligible voters with valid requests on file the following day, January 28. <https://elections.wi.gov/calendar>. Given WEC's decision to place Iverson on the ballot, unless this Court acts quickly, the name of a constitutionally ineligible candidate for Branch 2 of the Jefferson County Circuit Court—Cortney Iverson—will be placed on ballots that are printed and sent to Jefferson County voters next week.

15. Considering the extraordinarily short timeline governing this appeal, the Court should **immediately** stay WEC's order pending resolution of this action on the merits so that the Jefferson County Clerk does not needlessly print inaccurate ballots. See Wis. Stat. § 5.06(8) ("Pendency of an appeal does not stay the effect of an order **unless the court so orders.**" (emphasis added)). Then, the Court should issue a decision on the merits **on or before January 24, 2025**, because of the exigency detailed below.

EXPEDITED STATUS AND PRELIMINARY STAY

16. Wisconsin Statutes section 5.06(9) specifies the procedures for a circuit court in conducting the appeal:

The court may not conduct a de novo proceeding with respect to any findings of fact or factual matters upon which the commission has made a determination, or could have made a determination if the parties had properly presented the disputed matters to the commission for its consideration. **The court shall summarily hear and determine all contested issues of law** and shall affirm, reverse or modify the determination of the commission ... pursuant to the applicable standards for review of agency decisions under s. 227.57.

Id. (emphasis added).²

17. In addition to the statutory mandate that the Court “summarily hear” this matter, the Wisconsin Supreme Court has noted that “the time between the date the Commission makes its rulings on ballot access and the date that ballots must be sent to voters is extremely short” and that **a court must “decide the matter on an extremely expedited basis.”** *Hawkins v. Wis. Elections Comm’n*, 2020 WI 75, ¶5 n.1, 393 Wis. 2d 629, 948 N.W.2d 877 (per curiam) (emphasis added).

18. Unlike in *Hawkins*, the remedy here is easily administered. *Hawkins* implicated all 72 counties in Wisconsin and all 1,850 local election officials who would all have to compete for the same limited number of printers in a presidential election year. *E.g.*, *Hawkins*, 2020 WI 75, ¶7 (“Almost all Wisconsin counties use specialized private vendors to print their ballots, and only a small number of those vendors are available.”).

19. Here, by contrast, the election involves one county, containing 28 local election officials.³ In the last five spring primaries to occur in Jefferson County, voters cast an average of 6,318 votes per election.⁴ Thus, the Clerk can reasonably print, or reprint, ballots to comply with this Court’s order.

20. Still, the dispute must be resolved quickly, as the Clerk (who prints the ballots) must deliver ballots to local clerks on Monday, January 27, 2025, Wis. Stat. §§ 7.10(1), (3), so that local officials can begin sending ballots.

² The omitted phrase addresses judicial deference to agency expertise and does not survive our Supreme Court’s decision that administrative agencies’ conclusions of law are afforded no deference. *Tetra Tech EC, Inc. v. DOR*, 2018 WI 75, ¶108, 382 Wis. 2d 496, 914 N.W.2d 21.

³ See <https://apps.jeffersoncountywi.gov/jc/election>.

⁴ *Id.*

21. As such, Beck respectfully requests that the Court ***immediately*** stay WEC’s order pending appeal, Wis. Stat. § 5.06(8), and then resolve this Complaint as expeditiously as possible, and in no event later than Friday January 24, 2025.

JURISDICTION AND VENUE

22. Dane County is the proper venue for this appeal, as the Commission conducts business in Dane County under Wis. Stat. § 5.07(8).

23. The Court has jurisdiction over this matter pursuant to Wis. Stat. §§ 5.06(8) and 227.57. Specifically, an elector may challenge a candidate’s nomination paperwork, including the required accompanying Declaration of Candidacy, under Wis. Stat. § 5.06(1). Then, “[a]ny election official or complainant who is aggrieved by an order issued under sub. (6) may appeal the decision of the commission to circuit court for the county where the official conducts business or the complainant resides no later than 30 days after issuance of the order.” Wis. Stat. § 5.06(8).

24. Beck is an aggrieved party in that she filed the challenge that WEC disallowed and also is a candidate on the ballot for the same election. WEC’s closure letter transmitting the Commission’s decision was dated January 14, 2025, rendering this appeal—filed within three business days—timely.

STANDARD OF REVIEW

25. Wisconsin Statutes section 227.57(5) echoes the standard in section 5.06(8), mandating circuit court intervention where it concludes that the Commission “has erroneously interpreted a provision of law.” Likewise, our Supreme Court has held that “[a]gency determinations involving questions of law, including interpretation and application of statutes, are reviewable” by a reviewing court for erroneous interpretations of law. *Rock-Koshkonong Lake Dist. v. State Dep’t of Nat. Res.*, 2013 WI 74, ¶58, 350 Wis. 2d 45, 833 N.W.2d 800

26. In reviewing the Commission’s decision, “the court shall accord no deference to the [Commission’s] interpretation of law.” *See* Wis. Stat. § 227.57(11).

27. Although courts may give due weight to the experience, technical competence, and specialized knowledge of an administrative agency as the court considers its arguments, *see Tetra Tech EC*, 2018 WI 75, ¶77, administrative agencies’ conclusions of law are afforded no deference. Interpreting the constitution is a question of law. *E.g.*, *State v. Halverson*, 2021 WI 7, ¶22, 395 Wis. 2d 385, 953 N.W.2d 847.

28. Additionally, “[a]gencies are not free to shift between decisions without a rational basis.” *Arrowhead United Teachers Org.*, 116 Wis. 2d at 589; *see also* Wis. Stat. § 227.57(8) (“The court shall reverse or remand the case to the agency if it finds that the agency’s exercise of discretion [...] is inconsistent with [...] a prior agency practice[.]”).

ADMINISTRATIVE RECORD

29. Attached hereto as **Exhibit A** is a true and correct copy of the Closure Letter sent by WEC Staff Attorney Brandon Hunzicker on the afternoon of January 14, 2025, along with the Memo attached to that closure letter.

30. Attached hereto as **Exhibit B** is a true and correct copy of the Appendix to the Open Session materials for WEC’s January 14, 2025 meeting.

31. Attached hereto as **Exhibit C** is a true and correct copy of the Supplemental Materials for WEC’s January 14, 2025 meeting.

32. Attached hereto as **Exhibit D** is a true and correct copy of Beck’s Rebuttal, filed with WEC on the morning of January 14, 2025.

33. Exhibits B, C, and D are also available on WEC's webpage for the January 14, 2025 meeting: <https://elections.wi.gov/event/ballot-access-meeting-1142025> (last accessed January 18, 2025).

34. Attached hereto as **Exhibit E** is a true and correct copy of the District Court's Memorandum and Order in *Marshall v. WEC*, No. 24-C-1095 (E.D. Wis. Sep. 10, 2024).

35. In addition, a video of the entire January 14, 2025 WEC Open Meeting is available from Wisconsin Eye Website at: <https://wiseye.org/2025/01/14/wisconsin-elections-commission-special-meeting-36/> (last accessed January 18, 2025). All references to timestamps in the "Video" are references to the Wisconsin Eye video available at this link.

FACTUAL BACKGROUND

A. The parties.

36. Theresa A. Beck is a qualified Wisconsin elector residing at 363 East North Street, Jefferson, Wisconsin 53549.

37. In July 2024, Governor Evers appointed Beck to serve as a Judge on the Jefferson County Circuit Court, Branch 2, with a term that expires on July 31, 2025. Beck currently holds the office of Judge on the Jefferson County Circuit Court, Branch 2.

38. Defendant Wisconsin Elections Commission is the agency charged with administering elections in Wisconsin. The Commission's office, and the place in which it primarily conducts business, is located in Dane County at 201 West Washington Avenue, Second Floor, Madison, Wisconsin, 53703.

39. Defendant Audrey McGraw ("Clerk") is the Jefferson County Clerk, with a principal place of business 311 South Center Avenue, Room C-2050, Jefferson, Wisconsin 53549. The Clerk is sued solely in her official capacity and is not alleged to have done anything wrongful

or unlawful. However, as Clerk, she is charged with administering elections generally, *see, e.g.*, Wis. Stat. § 7.15(1), and in particular is responsible for printing the ballots at issue here and delivering them to local election officials. *See* Wis. Stat. §§ 7.10 (1), (3).

B. Iverson files ballot access paperwork for the 2025 Spring Election.

40. The 2025 Spring Election will occur on April 1, 2025. Wis. Stat. § 5.02(21).⁵ The Spring Primary will be held on February 18, 2025.

41. On information and belief, Iverson is a qualified Wisconsin elector who resides at W9211 Red Feather Drive, Oakland, Wisconsin, 53523.

42. As an aspiring candidate for Circuit Court Judge, Iverson was required to file nomination papers and a Declaration of Candidacy with WEC before Tuesday January 7, 2025. Wis. Stat. §§ 8.10(2)(a), 8.21.

43. In her Declaration of Candidacy, Iverson was required to swear that, among other things, she would “qualify for office if nominated and elected.” Wis. Stat. § 8.21(2)(c); *see also* Exhibit B at 30.

C. Beck files her challenge with WEC, and Iverson responds.

44. On Friday January 10, 2025, Beck timely filed a Verified Complaint with WEC, challenging Iverson’s qualification to be placed on the ballot for the 2025 Spring Election. (Exhibit B; *See also* Wis. Stat. § 8.07, Wis. Admin. EL § 2.07)

45. Beck’s challenge to Iverson’s placement on the ballot was based on a straightforward application of the express language of the Wisconsin Constitution’s provision establishing the constitutional requirements for circuit court judges’ “eligibility for office”: “To be eligible for the office of supreme court justice or judge of any court of record, a person must be

⁵ *See also* <https://elections.wi.gov/event/2025-spring-election> (last accessed January 18, 2025).

an attorney licensed to practice law in this state and ***have been so licensed for 5 years immediately prior to election or appointment.***” Wis. Const. Art. VII, § 24(1) (emphasis added). Beck provided the Commission with evidence (later admitted by Iverson in an affidavit) that Iverson will not have been “licensed for 5 years immediately prior to” the April 1, 2025 election, and therefore cannot appear on the ballot for the 2025 Spring Election. (Exhibit B, Verified Compl., *In re Beck v. Iverson*, EL 25-5)

46. Another candidate for the same office, Jennifer L. Weber, filed a challenge on the same day. *In re Weber v. Iverson*, EL 25-4. Weber’s challenge was based on the same constitutional deficiency as Beck alleged, and WEC took up and resolved both Verified Complaints at the same time.

47. On January 13, 2025, Iverson filed a response to Beck’s Verified Complaint. (Exhibit C) In her response, Iverson did not make any meaningful argument that she is in fact qualified under the Wisconsin Constitution. Rather, Iverson baldly declared that “Beck’s repeated assertion that Iverson must be licensed to practice law in Wisconsin for 5 years at the time of the election is unquestionably wrong” (Exhibit C at 11), but Iverson never actually analyzed the language of the Wisconsin Constitution expressly requiring that she “must be an attorney licensed to practice law in this state and have been so licensed for 5 years immediately prior to election or appointment.” Wis. Const. Art. VII, § 24(1). Indeed, the bulk of Iverson’s response argued that she should be allowed to remain on the ballot ***even though she was not eligible.*** (*Id.* at 11-14)

48. Most significantly, Iverson’s response contained an affidavit admitting that she “was admitted to the State of Wisconsin to practice law on May 27, 2020” and “will have been licensed to practice law in Wisconsin for 5 years on May 27, 2025[.]” (*Id.* at 30-31, Iverson Aff., ¶¶4, 9)

49. Beck timely filed a rebuttal to Iverson's response on January 14, 2025. (Exhibit D)

D. WEC Legal Counsel recommends excluding Iverson from the ballot.

50. Late on January 13, 2025, WEC Legal Counsel circulated a Memo they had prepared for the Commission's consideration in all ballot access challenges to be considered by the Commission at its January 14 Special Meeting, including Beck's challenge to Iverson. In that Memo, WEC Legal Counsel recommended the following motion for the Commission's consideration:

The Commission sustains the challenges of Jennifer Weber and Theresa Beck against Cortney Iverson, and exercises its authority under Wis. Stat. s. 8.30(1)(b) and (c) to exclude Cortney Iverson from the ballot because it conclusively appears that she is not eligible to be elected on April 1, 2025, and, if elected, could not qualify for the office sought because she will not have been an attorney licensed to practice law in Wisconsin for five years immediately preceding the election. Accordingly, the Commission denies ballot status to Candidate Iverson, and her name will not be added to the list of candidates to be approved for ballot access.

(Exhibit A at 8)

51. WEC Legal Counsel explained that they arrived at this recommendation because:

[B]oth challenges meet the clear and convincing evidence standard established in Wis. Admin. Code EL s. 2.07(4) that Ms. Iverson will not have been a licensed attorney in Wisconsin for 5 years immediately prior to the April 1, 2025, Spring Election, and therefore that she is not eligible to be elected to the office and cannot qualify within the time allowed by law under Wis. Stat. s. 8.30(1)(b) and (c), allowing the Commission to deny ballot access.

(*Id.*)

E. By a 4-2 vote, WEC Commissioners reverse WEC Legal Counsel's recommendation and reject Beck's challenge, placing Iverson on the ballot.

49. On January 14, 2025, the Commission convened a Special Meeting to decide challenges to candidates seeking to be placed on the ballot for the Spring Election.

50. The hearing began with a presentation by WEC Legal Counsel Brandon Hunzicker, who explained Legal Counsel's reasoning in their Memo, and re-affirmed the recommendation that WEC exclude Iverson from the ballot based on her constitutional ineligibility.

51. The Commission then gave each party's counsel five minutes to argue, and asked brief follow-up questions.

52. Although Iverson's response to Beck's Verified Complaint did not analyze or even quote the pertinent provision of the Wisconsin Constitution (*see* Ex. C at 21-35), Iverson's counsel dedicated the bulk of his time to arguing that the requirement that Iverson be "licensed for 5 years immediately prior to election or appointment," Wis. Const. Art. VII, § 24(1), actually requires her to have been licensed for five years before assuming office. Counsel for Iverson argued that it is "obvious" that the provision seeks to ensure that judges are qualified by experience, and asked: "When is that experience important? Is it important on the day the election occurs when votes are cast or counted? Or is it important when the judge actually assumes duties and responsibilities and exercises the vast powers the constitution confers on judicial officials?" Video at 55:54-56:40.

53. Ultimately, however, Iverson's counsel conceded the appropriate definition of "election" as being the day in which the candidate is certified as having been selected by the voters:

WEC Chair Jacobs: "A state legislator who receives the most votes on November 5, and a certificate of election is issued November 29th. They die December 15th. Were they elected?"

Counsel for Iverson: "Were they elected? Yes, they were elected. But they didn't assume the office."

(Video of January 14, 2025 WEC Special Meeting at 1:02:30-1:02:58)⁶

⁶ <https://wiseye.org/2025/01/14/wisconsin-elections-commission-special-meeting-36/>
(last accessed January 18, 2025).

54. The Commissioners proceeded to vote 4-2 to reject Beck's challenge, and subsequently voted to place Iverson on the ballot. (Exhibit A at 1)

55. WEC never gave a detailed or written rationale for its decision. The closest WEC came to articulating its rationale was brief commentary by some (but not all) Commissioners provided before casting their votes.

56. Commissioner Bostelmann did not disclose her rationale. With little explanation, Commissioner Spindell baldly declared "pretty clear that election means when that person actually takes that office, the oath of office," without disclosing his basis for so concluding. Video 1:30:40-1:31:30.

57. Commissioner Thomsen invoked *Roe v. Wade*, explained his view that "issue of what does the constitution mean vary with people, so we look at, in terms of what's the public policy," and then explained his view of the better public policy: "I think we should promote people to get on the ballot" and that we should "let the people be heard." (Video at 1:28:40-1:30:35) He continued on to say that the constitutional question was "pretty muddy," and that he was content to "[l]et the Wisconsin Supreme Court say that my opinions are inconsistent with the Wisconsin Supreme Court." (*Id.*)

58. Commissioner Mills is the Commissioner who, by far, spoke the most in favor of rejecting the challenge. Commissioner Millis appeared to concede that Iverson is ineligible to hold the office, saying "there's still an open enough question about whether or not, if the people were to elect Attorney Iverson as Judge, whether or not she would be qualified. There are a lot of arguments that suggest she's not, but I think that this is better left for the people to decide." (Video at 1:19:20-1:22:05) And he even suggested that she might be removed from the office or barred from taking the office, if she did win the election. (*Id.*)

59. Commissioner Millis nonetheless stated that the constitution speaks to eligibility to hold office, but does not say that an ineligible candidate cannot appear on a ballot, and so (in his view) it was a discretionary decision for WEC. Commissioner Millis believed that WEC should not exclude candidates based on a “mistake in the declaration of candidacy” and explained that WEC “should err on the side of getting people on the ballots.” *Id.*

60. But none of the Commissioners meaningfully addressed the precedent they set with Ayyadurai. Commissioner Millis noted (accurately) that WEC is not required to follow the Eastern District of Wisconsin persuasive authority of Judge Griesbach’s ruling in the *Ayyadurai* case, but did not explain why he thinks it is wrong and likewise did not explain why WEC Legal Counsel’s analysis and recommendation in its Memo were erroneous. (*Id.*)

61. On the afternoon of January 14, WEC provided a letter stating that the “matter is now closed.” (Exhibit A at 1) The letter indicated that WEC does not sustain the challenge and that Iverson will be placed on the ballot. The letter contains no additional authority or explanation supporting WEC’s decision. Instead, it “attach[ed] the memo discussed during the Commission meeting” (*id.*), which recommended that WEC **sustain** the challenge and exclude Iverson from the ballot.

LEGAL ARGUMENT

I. Legal standard governing ballot access and standard of review.

62. The Wisconsin Supreme Court has recognized that “[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 (1949).

63. Indeed, the State of Wisconsin has “an interest, if not a duty, to protect the integrity of its political processes from frivolous or fraudulent candidacies.” *Bullock v. Carter*, 405 U.S. 134, 145 (1972). Thus, the Supreme Court of the United States has rejected the contention that “voters are entitled to cast their ballots for unqualified candidates,” explaining “that limiting 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). “[I]t is both wasteful and confusing to encumber the ballot with the names of frivolous candidates.” *Anderson v. Celebrezze*, 460 U.S. 780, 788 n.9 (1983).

64. Consistent with the State’s “duty” to protect the ballot from frivolous candidacies, Wis. Stat. § 8.30 addresses “candidates ineligible for ballot placement.” Under that statute, “[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).

65. Likewise, the Commission “may refuse to place the candidate’s name on the ballot if any of the following apply:”

- (a) The nomination papers are not prepared, signed, and executed as required under this chapter.
- (b) It conclusively appears, either on the face of the nomination papers offered for filing, or by admission of the candidate or otherwise, that ***the candidate is ineligible to be nominated or elected.***
- (c) The ***candidate, if elected, could not qualify*** for the office sought within the time allowed by law for qualification because of age, residence, or other impediment.

Wis. Stat. § 8.30(1) (emphasis added).

66. Iverson, therefore, must be excluded from the ballot under each of: (1) section 8.30(4) (candidate did not file a valid declaration of candidacy); (2) section 8.30(1)(b) (candidate is ineligible to be nominated or elected); and (3) section 8.30(1)(c) (candidate, if elected, could not qualify).

67. Wisconsin is not alone. States do not place a candidate on the ballot when they cannot possibly win the election and assume the office. *See Am. Party of Texas v. White*, 415 U.S. 767, 782 (1974) (holding that states may “insist that political parties appearing on the general ballot demonstrate a significant, measurable quantum of community support”); *Lindsay v. Bowen*, 750 F.3d 1061, 1063 (9th Cir. 2014) (excluding a candidate from a ballot “based on undisputed ineligibility due to age do not limit political participation by an identifiable political group whose members share a particular viewpoint, associational preference or economic status” (internal quotations omitted)); *Hassan v. Colorado*, 495 F. App’x 947, 948-49 (10th Cir. 2012) (affirming decision to exclude a naturalized citizen, ineligible to hold office, from the presidential ballot); *Socialist Workers Party of Ill. v. Ogilvie*, 357 F. Supp. 109, 113 (N.D. Ill. 1972) (per curiam) (affirming Illinois’ exclusion of a thirty-one-year-old candidate from the presidential ballot).

68. For example, in a case decided by then-Circuit Judge Gorsuch, a candidate argued that even if he was “ineligible to **assume the office** of president [...] it was still an unlawful act of discrimination for the state to deny him **a place on the ballot.**” *Hassan*, 495 F. App’x at 948 (emphasis in the original). Justice Gorsuch rejected that contention, concluding that “a state’s legitimate interest in protecting the integrity and practical functioning of the political process permits it to exclude from the ballot candidates who are constitutionally prohibited from assuming office.” *Id.*

II. The 2025 Spring Election is April 1, 2025 and under the clear and express language of Wisconsin Constitution Article VII, section 24(1), Iverson could not possibly be eligible on that date.

69. It is undisputed that Iverson will not have attained five years of licensure as a Wisconsin attorney until May 27, 2025. Iverson herself says that she “will have been licensed to practice law in Wisconsin for 5 years on May 27, 2025[.]” (Exhibit C at 31, Iverson Aff., ¶9)

70. The Wisconsin Constitution provides that: “To be eligible for the office of supreme court justice or judge of any court of record, a person must be an attorney licensed to practice law in this state and have been so licensed for 5 years immediately prior to election or appointment.” Wis. Const. Art. VII, § 24(1); *see also In re Raineri*, 102 Wis. 2d 418, 421, 306 N.W.2d 699 (1981) (citing Art. VII, § 24(1) for the proposition that “the revocation of [Iron County Circuit Court] Judge Raineri’s license to practice law in Wisconsin on April 14, 1981 rendered him ineligible for the office of judge of any court of record.”).

71. Iverson nonetheless argued to WEC that she “will meet the qualifications for the office **at the time she assumes the judicial office** on August 1, 2025 since she will be licensed to practice law in Wisconsin for over 5 years at that time[.]” (Exhibit C at 14 (emphasis added)) But the relevant constitutional provision says nothing about the length of licensure required before the candidate “assumes the judicial office,” as Iverson contends. The Wisconsin Constitution requires a lawyer to have been “licensed for 5 years **immediately prior to election or appointment.**” Wis. Const. Art. VII, § 24(1) (emphasis added). Even on August 1, 2025, the question would not be whether she was licensed for five years prior to “assuming office”; the constitutional question **would still be** whether Iverson was “licensed for 5 years immediately prior to election[.]” *Id.* As WEC’s Staff Counsel explained, “she cannot in the future, on May 27, meet a requirement that must be met on April 1.” (Exhibit A at 8)

72. The Wisconsin Constitution is clear as can be, and the Court need not do anything beyond apply its plain and ordinary meaning. Even if the Court were to take Iverson's argument seriously, it fails for at least five additional reasons.

73. **First**, the dictionary that the Wisconsin Supreme Court has cited dozens of times confirms that the "election" is the date on which the candidate is selected. The American Heritage Dictionary defines "election" to mean "[t]he act or process of electing someone to fill an office or position" and, in turn, defines "elect" to mean "1. To select by vote for an office or for membership [...] 2. To pick out; select [...] 3. To decide, especially by preference [...] 4. To select by divine will for salvation."⁷ Here, that can only mean that the timing of a circuit court judicial candidate's "election" to the office is the date on which the vote is decided, *i.e.*, the date that ballots are counted or, at the latest, the candidate is certified as the winner of the election.

74. **Second**, the drafters understood well the distinction between the "election" and the assumption of office. For example, circuit court judges must take an oath "before they enter upon the duties of their respective office[.]" Wis. Const. Art. IV, § 28. Likewise, justices' "**terms of office**" commence on "the August 1 next **succeeding the election**." Art. VII, § 4 (emphasis added).

75. If the drafters of the Wisconsin Constitution had intended to require circuit court judges to be licensed for five years before their "terms of office commenc[ed]" or at all times "during the judge's term," the drafters would have so provided language expressly stating that intent. Instead, they crafted language expressly providing that a judge must have been "licensed for 5 years immediately prior to election or appointment," Wis. Const. Art. VII, § 24(1). The "intuitive presumption that different words have different meanings" applies in full here. *Parsons v. Associated Banc-Corp*, 2017 WI 37, ¶26, 374 Wis. 2d 513, 893 N.W.2d 212 (internal quotations

⁷ <https://ahdictionary.com/word/search.html?q=election> (last accessed January 18, 2025); <https://ahdictionary.com/word/search.html?q=electing> (last accessed January 18, 2025).

omitted); *see also id.* (“A word or phrase is presumed to bear the same meaning throughout a text; a material variation in terms suggests a variation in meaning.” (*quoting* Antonin Scalia & Bryan A. Garner, *Reading Law* 170 (2012))).

76. **Third**, the Wisconsin Constitution mandates that the operative time for gauging a circuit court judge’s qualification for the office is the date of “election or appointment.” Wis. Const. Art. VII, § 24(1). The word “appointment” bolsters Beck’s interpretation of the word “election.” *See, e.g., State v. Quintana*, 2008 WI 33, ¶35, 308 Wis. 2d 615, 748 N.W.2d 447 (Under the cannon of “noscitur a sociis [...] words are known from their associates” and an “unclear statutory term should be understood in the same sense as the words immediately surrounding or coupled with it.” (internal quotation omitted)). The American Heritage Dictionary defines “appointment” as the “act of appointing or designating someone for an office or position,” and defines “appointing” to mean to mean the “select or designate to fill an office or a position[.]”⁸

77. Both the word “election” and the word “appointment” pertain to the date in which the judicial officer is selected; neither pertains to the date in which the judicial officer “assumes office” or commences their duties. Thus, to embrace Iverson’s reading, the Court would have to disregard the plain meaning of **both** “election” and “appointment.”

78. **Fourth**, other provisions of the constitution reflect that the term “election” in the constitution refers to the date on which the electorate selects the person to hold the office. Under the constitutional provision titled “**Circuit court: election**,” circuit court judges in “each circuit” are “chosen by the qualified electors thereof[.]” Wis. Const. Art. VII, § 7 (emphasis added). The electors make that selection by voting at an “election for [...] state [...] office[.]” Wis. Const.

⁸ <https://ahdictionary.com/word/search.html?q=appointment> (last accessed January 18, 2025); *see also* <https://ahdictionary.com/word/search.html?q=appointing> (last accessed January 18, 2025).

Art. III, § 1(2); *see also* Wis. Const. Art. III, § (1)(1) (“State office” includes “circuit court judge[.]”). The statutes confirm this commonsense reading. *See* Wis. Stat. § 5.02(21) (“‘Spring election’ means the election held on the first Tuesday in April to elect judicial [...] officers[.]”); Wis. Stat. § 5.02(4) (“‘Election’ means every public primary and election.”).

79. ***Finally***, Iverson’s construction of the word “election” is so absurd that she has—time and time again—slipped, and admitted to the real date of her “election.”

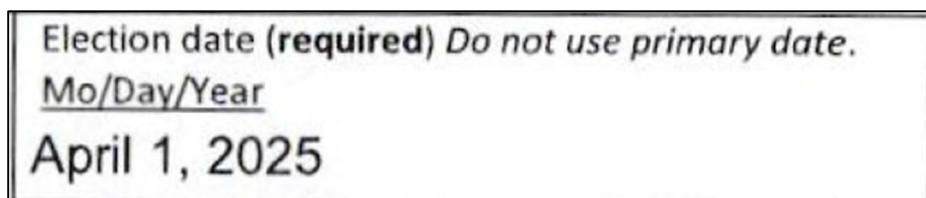
80. For example, her counsel admitted that the “election” is when the candidate is selected, not when they take office:

WEC Chair Jacobs: “A state legislator who receives the most votes on November 5, and a certificate of election is issued November 29th. They die December 15th. Were they elected?”

Counsel for Iverson: “Were they elected? Yes, they were elected. But they didn’t assume the office.”

(Video at 1:02:30-1:02:58)

81. Likewise, Iverson personally circulated—and the electorate relied upon—nomination papers in which Iverson represented that she sought to be a candidate for an “Election” on “April 1, 2025”:



(Exhibit D at 10)

82. Then, after apparently convincing WEC that the date of her “election” was some date after May 27, 2025, she posted a victory press release on her campaign website, explaining

that she prevailed in a WEC challenge to her “ability to be placed on the ballot for the primary ***election on February 18.***”⁹

83. There is no dispute: the date of the election is either the date of the primary election (February 18, 2025) or, at the latest, the date of the general election (April 1, 2025). Either way, Iverson admits that she will not have been licensed for five years.

III. WEC was required to exclude Iverson.

A. WEC was required to exclude Iverson under Wis. Stat. § 8.30(4).

84. In her Declaration of Candidacy, Iverson swore—as she was required to—that, among other things, she would “qualify for office if nominated and elected.” Wis. Stat. § 8.21(2)(c); *see also* Exhibit B at 30.

85. Wisconsin Statutes section 8.30(4) 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*, 115 Wis. 2d 431, 439, 455 N.W.2d 263 (Ct. App. 1990).

86. The requirement to timely file a declaration of candidacy is a requirement to file a ***valid*** declaration of candidacy. WEC itself and a federal judge recently reached precisely that conclusion.

87. Indeed, this case is on all fours with a recent WEC decision in *Michael Hoffman v. Shiva Ayyadurai & Crystal Ellis*, Complaint No. EL 24-81. (Exhibit B at 62-74; Exhibit E) There,

⁹ <https://www.iversonforjudge.org/news/cortney-iverson-announces-candidacy> (last accessed January 18, 2025) (emphasis added).

an independent presidential candidate’s ballot access was challenged on the basis that he was a naturalized citizen and not a “natural born citizen” as required of presidential candidates by Art. II, Section I, Clause 5 of the United States Constitution (“Constitutional Citizenship”). (*Id.*) WEC Legal Counsel recommended excluding the candidate under Wis. Stat. § 8.30. WEC Legal Counsel explained that “[w]hile there may be circumstances where the Commission cannot, or chooses not to, answer a constitutional question, in the context of candidate qualifications and ballot access, staff believe that the Commission has an obligation under Wis. Stat. § 8.30 to examine candidate qualifications, especially in the context of a sworn challenge.” (*Id.* at 67) By a 5-1 vote, the Commission adopted the proposed motion from the Legal Counsel Memorandum providing that “the Commission exercises its authority under Wis. Stat. § 8.30(4) to exclude [the candidates] from the ballot because Candidate Ayyadurai does not meet the constitutional requirements for the Office of President of the United States.” (*Id.* at 71)

88. The Commission’s decision to exclude Ayyadurai was later affirmed by the District Court for the Eastern District of Wisconsin in *Marshall v. WEC*, No. 24-C-1095 (E.D. Wis. Sep. 10, 2024). (Exhibit E) In *Marshall*, Judge Griesbach concluded that—even though Ayyadurai timely submitted what purported to be a declaration of candidacy—Ayyadurai was not a natural born citizen, and therefore “**could not** submit a **valid** declaration of candidacy” and so “**WEC was required by statute** to prohibit his name from being on the ballot.” Wis. Stat. § 8.30(4).” *Id.* at 3-4 (emphasis added).¹⁰

89. As with Ayyadurai, Iverson was required to swear that she would “qualify for office if nominated and elected.” Wis. Stat. § 8.21(2)(c). But because she was not admitted to practice

¹⁰ The Plaintiffs in *Marshall* filed an appeal that remains pending. See *Marshall v. WEC*, Seventh Circuit Case No. 24-2756. However, WEC is rightly opposing that appeal and continuing to defend its decision.

until May 27, 2020—**less than** five years before the April 1, 2025 Spring Election—it is **impossible** for her to have been “an attorney licensed to practice law in this state and have been so licensed for 5 years immediately prior to election” on April 1, 2025, as mandated by the Wisconsin Constitution. Consequently, she will not qualify because she **cannot**. Iverson therefore did not file a “valid declaration of candidacy,” and “WEC was required by statute to prohibit [her] name from being on the ballot.” (Exhibit E at 3-4)

90. The Eastern District’s commonsense decision is bolstered by the doctrine of *expressio unius, exclusio alterius*. Although Chapter 8 requires that the “declaration of candidacy shall be sworn to before any officer authorized to administer oaths,” Wis. Stat. 8.21(5), it clarifies that the “declaration of candidacy is valid with or without the seal of the officer who administers the oath.” Wis. Stat. § 8.21(5). It follows that other defects in the declaration of candidacy—such as falsely attesting to the fact that you are eligible to hold the office—**do invalidate** the declaration of candidacy. *State ex rel. Kaul v. Prehn*, 2022 WI 50, ¶25, 402 Wis. 2d 539, 976 N.W.2d 821 (Under “the canon of statutory interpretation *expressio unius est exclusio alterius*, the expression of one thing implies the exclusion of others.” (cleaned up)); *c.f. Steinlein v. Halstead*, 52 Wis. 289, 8 N.W. 881, 883 (1881) (“There are many of the requirements of this statute whose performance is essential to the validity of the assignment, and made so in express terms; but this, as we have seen, is not one of them.”).

B. WEC was required to exclude Iverson under Wis. Stat. § 8.30(1).

91. Because Iverson will not have practiced law for the constitutionally prescribed minimum length of time, she “is ineligible to be nominated or elected” and “if elected, could not qualify,” Wis. Stat. § 8.30(1)(b), (c). WEC was required to exclude her on under section 8.30(1) as well. To be sure, this provision uses permissive language that grants discretion to WEC. *See*

Wis. Stat. 8.30(1) (Stating that WEC “may refuse to place the candidate’s name on the ballot if any of the following apply[.]”).

92. But WEC set a precedent with Ayyadurai, WEC Legal Counsel recommended following that precedent, and the Commissioners refused to follow that precedent—without justifying their decision in any meaningful way.

93. “Agencies are not free to shift between decisions without a rational basis.” *Arrowhead United Teachers Org.*, 116 Wis. 2d at 589; *see also* Wis. Stat. § 227.57(8) (“The court shall reverse or remand the case to the agency if it finds that the agency’s exercise of discretion [...] is inconsistent with [...] a prior agency practice[.]”).

94. To part from that agency precedent, the agency must actually articulate its rationale. *See Appleton v. State, Dep’t of Indus., Labor & Human Relations*, 67 Wis. 2d 162, 171, 226 N.W.2d 497 (1975) (“Fundamental fairness requires that administrative agencies, as well as courts, set forth the reasons why a fact-finder’s findings are being set aside or reversed, and spell out the basis for independent findings substituted.” (internal quotations, alterations omitted)). Indeed, the very concept of “discretion contemplates a process of reasoning with a rational and explainable basis.” *Gahl v. Aurora Health Care*, 2023 WI 35, ¶22, 413 Wis. 2d 418, 989 N.W.2d 561 (cleaned up). “It is more than a choice between alternatives without giving the rationale or reason behind the choice.” *Id.* (cleaned up). “This process must depend on facts that are of record or that are reasonably derived by inference from the record and a conclusion based on a logical rationale founded upon proper legal standards.” *Id.* (cleaned up). Where a decisionmaker “does not cite any statute, case, or other source of law as a foundation” for its decision, a reviewing court “cannot determine that [it] employed the reasoning process our precedent demands.” *Id.*, ¶25.

95. These commonsense principles are rooted in due process. “The touchstone of due process is protection of the individual against arbitrary action of government.” *Mayo v. Wis. Injured Patients & Families Comp. Fund*, 2018 WI 78, ¶38, 383 Wis. 2d 1, 914 N.W.2d 678 (internal quotations omitted).

96. In deciding to bring the challenge, Beck relied on WEC’s precedent of excluding constitutionally-ineligible candidates from the ballot. Basic principles of due process prohibit WEC from changing its view of the law based solely on the Commissioners’ views of the particular candidate appearing before it. Indeed, “[l]iving under a rule of law entails various suppositions, one of which is that all persons are entitled to be informed as to what the State commands or forbids.” *Papachristou v. City of Jacksonville*, 405 U.S. 156, 162 (1972) (cleaned up). If this Court doesn’t correct WEC’s arbitrary decision, **no one** will know the rules of the road in WEC proceedings. Already forced to litigate on an “extremely expedited basis,” *Hawkins*, 2020 WI 75, ¶5 n.1, candidates and challengers alike will be left with nothing more than coinflip justice.

97. This Court should require WEC to abide by the precedent that WEC itself set just months ago.

IV. Iverson’s authorities suggesting that WEC cannot exclude a candidate, even where they are ineligible to hold the office, were superseded by statute and decades of contrary law.

98. Iverson’s response to Beck’s challenge before WEC relied heavily on two cases in which the Wisconsin Supreme Court held that a candidate may appear on a ballot, even if they are ineligible to serve in the office. (Exhibit C at 22-24) In neither case did the Supreme Court find that, or even attempt to analyze whether, the candidate was in fact qualified to hold the office. *See State ex rel. Sullivan v. Hauerwas*, 254 Wis. 336, 340, 36 N.W.2d 427 (1949) (holding that the candidate “has a legal right to have his name appear upon the primary judicial ballot even though he may not be eligible for the office if elected”); *State ex rel. Barber v. Circuit Court for Marathon*

Cty., 178 Wis. 468, 481-82, 190 N.W. 563 (1922) (“The question of whether or not the relator is eligible if elected to hold the office for which he is a candidate is not before us and we express no opinion and make no intimation upon that subject.”).

99. Instead, *Haueras* and *Barber* address the question of whether—**assuming** a candidate is ineligible or unqualified—they must nonetheless remain on the ballot. *See, e.g., Barber*, 178 Wis. at 479 (holding that an elector “enjoys the right to vote for whom he will whether the person voted for be eligible or ineligible, qualified or disqualified”). For at least four reasons, WEC cannot place an eligible or unqualified candidate on the ballot.

100. **First**, both *Haueras* and *Barber* were superseded by statute. The cases turned entirely on the lack of statutory authority regulating ballot access. In *Barber*, the Supreme Court explained that a “careful search of the entire body of statutory law fails to disclose any attempt on the part of the legislature to require that the name of a person so certified shall be that of a person eligible to hold the office for which he is a candidate.” 178 Wis. at 478; *see also id.* at 479 (holding that “the legislature has carefully refrained from lodging either with the judicial branch or with any administrative officer the power to limit” the ballot to only eligible candidates). Likewise, in *Hauerwas*, the Court held that: “[u]ntil the legislature, in the exercise of its power to regulate the exercise of the right of franchise, has prescribed as a part of the qualifications of a person who is seeking a place upon the official ballot that he shall be eligible to the office for which he is a candidate, neither the courts nor any administrative officer can so limit his right.” *Hauerwas*, 254 Wis. at 340 (quoting *Barber*, 178 Wis. at 479).

101. Now, however, the Legislature **has** set forth an exhaustive statutory scheme regulating ballot access (Wis. Stat. Ch. 8) and specifically authorized the Commission to address “Candidates ineligible for ballot placement.” Wis. Stat. § 8.30. Indeed, as the WEC Legal Counsel

aply explain in their Memo, section 8.30 was first passed months after *Hauerwas*, and appears to be a direct legislative response to the case. (Exhibit A at 7)

102. **Second**, the Supreme Court did **not** say that including an ineligible candidate on a ballot was a desirable result. On the contrary, the Court stated that the “result in the case of a candidate who would not be qualified to take office if elected **is unsatisfactory**, but it is a matter for legislative action[.]” *Hauerwas*, 254 Wis. at 340 (emphasis added). Now equipped with the statutory authority to avoid this “unsatisfactory” result, the Supreme Court would surely exclude from the ballot an unqualified candidate, just as WEC and the Eastern District of Wisconsin did in the *Ayyadurai* case. (Exhibit B at 62-74; Exhibit E)

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

104. **Third**, Iverson ignored the sea-change in the law since *Hauerwas* and *Barber*. Since then, not only has the statutory scheme changed, but the U.S. Supreme Court has explained that the State has “an interest, if not a duty, to protect the integrity of its political processes from frivolous or fraudulent candidacies.” *Bullock*, 405 U.S. at 145; *see also Anderson*, 460 U.S. at 788 n.9 (“[I]t is both wasteful and confusing to encumber the ballot with the names of frivolous candidates.”). Under the current law, an ineligible candidate cannot be placed on the ballot.

105. **Fourth**, *Barber* was premised on the principle that a candidate’s eligibility to serve was non-judicial until they win the election, and then “the question of eligibility becomes a

judicial question after the election when he has received a plurality of votes and is seeking the title to the office for which he is a candidate.” *Barber*, 178 Wis. 468. One hundred years later, the Wisconsin Supreme Court clarified that those taking issue with the conduct of an election have not only the right, but the duty, to raise their challenge **before** the election. *See Trump v. Biden*, 2020 WI 91, ¶32, 394 Wis. 2d 629, 951 N.W.2d 568 (“Election claims of this type must be brought expeditiously. The Campaign waited until after the election to raise selective challenges that could have been raised long before the election.”).

**FIRST CLAIM FOR RELIEF
(AGAINST WEC)
STATUTORY APPEAL PURSUANT TO WIS. STAT. § 5.06(8)**

106. Beck adopts and incorporates the foregoing paragraphs, as though fully set forth herein.

107. The Commission erroneously construed Wis. Stat. § 8.30(4) when it rejected Beck’s challenge and voted to place Iverson on the ballot of the April 1, 2025 Spring Election. Under Wis. Stat. § 8.30(4), the Commission was required to exclude Iverson from the ballot.

108. The Commission erroneously construed Wis. Stat. § 8.30(1) and its own precedent when it rejected Beck’s challenge and voted to place Iverson on the ballot of the Spring Election. Under Wis. Stat. § 8.30(1), the Commission was required to exclude Iverson from the ballot.

109. The Commission violated Wis. Stat. § 227.57(8) and the agency principles set forth in Section III(B) above when it arbitrarily parted from its own precedent, rejected Beck’s challenge, and voted to place Iverson on the ballot of the Spring Election.

110. The Court should reverse WEC’s decision.

111. Under Chapter 5.06, the “***court shall summarily hear and determine*** all contested issues of law and ***shall affirm, reverse or modify*** the determination of the commission ... pursuant

to the applicable standards for review of agency decisions under s. 227.57.” Wis. Stat. § 5.06(9) (emphasis added).

112. Likewise, under Wis. Stat. § 227.57(5): “The court shall set aside or modify the agency action if it finds that the agency has erroneously interpreted a provision of law and a correct interpretation compels a particular action, or it shall remand the case to the agency for further action under a correct interpretation of the provision of law.”

113. Here, the “correct interpretation compels a particular action” to remedy WEC’s erroneous decision. Wis. Stat. § 227.57(5). Specifically, this Court should:

- a. Reverse WEC’s decision and find that Beck’s Verified WEC Complaint is successful;
- b. Declare that Iverson is ineligible to hold the office of Jefferson County Circuit Court, Branch 2 and therefore ineligible to appear on the February 18, 2025 Primary Election or April 1, 2025 General Election ballot;
- c. Order WEC to withdraw any certified list of candidates previously provided to the Clerk provided under Wis. Stat. § 7.08(2); and
- d. Order WEC to generate a new certified list of candidates names for ballot printing under Wis. Stat. § 7.08(2), which does not contain Iverson’s name.

114. Given the exigency, this Court should rule that Beck’s challenge succeeds, and reverse WEC without remanding the matter.

**SECOND CLAIM FOR RELIEF
(AGAINST WEC AND CLERK)
DECLARATORY RELIEF PURSUANT TO WIS. STAT. § 806.04**

115. Beck adopts and incorporates the foregoing paragraphs, as though fully set forth herein.

116. Pursuant to Wis. Stat. § 806.04(12), the Court has the power to “declare rights, status, and other legal relations whether or not further relief is or could be claimed.” This jurisdiction exists “to settle and to afford relief from uncertainty and insecurity with respect to rights, status and other legal relations.”

117. Wisconsin’s Uniform Declaratory Judgment Act grants the court the authority to issue relief supplemental to a declaratory judgment “whenever necessary or proper.” Wis. Stat. § 806.04.

118. “Injunctive relief may be granted in aid of a declaratory judgment, where necessary or proper to make the judgment effective.” *Town of Blooming Grove v. City of Madison*, 275 Wis. 328, 336, 81 N.W.2d 713 (1957); *see also Lewis v. Young*, 162 Wis. 2d 574, 581, 470 N.W.2d 328 (Ct. App. 1991) (“Injunctive relief may be granted in aid of a declaratory judgment.”).

119. Beck is entitled to a declaration that Iverson does not qualify for placement on the ballot as a candidate for the office of Jefferson County Circuit Court, Branch 2 in the April 1, 2025 Spring Election, and that the Clerk is barred by Wisconsin law from issuing or in any way providing ballots to voters with Iverson’s name on them.

120. Beck is also entitled to temporary and permanent injunctive relief prohibiting the Commission and the Clerk from placing Iverson on the ballots for the February 18 Spring Primary and the April 1 Spring Election.

CONCLUSION

WHEREFORE, based on the foregoing, Plaintiff Theresa A. Beck respectfully requests that the Court enter the following relief:

- a. Reverse WEC's decision and find that Beck's Verified WEC Complaint is successful;
- b. Declare that Iverson is ineligible to hold the office of Jefferson County Circuit Court, Branch 2 under Wis. Const. Art. VII, § 24(1);
- c. Declare that Iverson does not qualify for placement on the ballot as a candidate for the office of Jefferson County Circuit Court, Branch 2 in the February 18, 2025 Primary Election or the April 1, 2025 General Election, and that the Clerk is barred by Wisconsin law from issuing or in any way providing ballots to voters with Iverson's name on them;
- d. Order WEC to withdraw any certified list of candidates previously provided to the Clerk provided under Wis. Stat. § 7.08(2) which contains Iverson's name;
- e. Order WEC to generate a new certified list of candidate names for ballot printing under Wis. Stat. § 7.08(2), which does not contain Iverson's name;
- f. Enter an injunction prohibiting the Commission and the Clerk from placing Iverson on the ballots for the February 18, 2025 Primary and the April 1, 2025 General Election; and
- g. Grant Beck any other relief this Court deems just and appropriate.

Dated January 19, 2025.

STAFFORD ROSENBAUM LLP

By Electronically signed by David P. Hollander

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January 14, 2025

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Re: Challenge Theresa Beck v. Cortney Iverson (EL 25-05),
Filed with Wisconsin Elections Commission

Dear Ms. Beck and Ms. Iverson:

This communication is to inform you that the verified challenge that Theresa Beck filed with the Commission against Cortney Iverson was considered by the Wisconsin Elections Commission (Commission) during its January 14, 2025, special meeting.

The Commission considered the staff recommended motion, which consisted of a recommendation to sustain the challenge brought by Ms. Beck, as well as a challenge brought by another challenger. The Commission decided by a 4-2 vote not to sustain the challenges, and the Commission subsequently voted unanimously to grant ballot access to Ms. Iverson, along with all other Spring 2025 candidates.

I am attaching the memo discussed during the Commission meeting to the email transmitting this closure letter. This matter is now closed. If you have questions, please feel free to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Brandon Hunzicker".

Brandon Hunzicker
Staff Attorney

WISCONSIN ELECTIONS COMMISSION

cc: Commission Members
Meagan Wolfe, Commission Administrator

Wisconsin Elections Commissioners
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Wisconsin Elections Commission

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MEMORANDUM

DATE: For the Jan. 14, 2025, Commission Meeting

TO: Members, Wisconsin Elections Commission

FROM: WEC Legal Counsel

SUBJECT: Ballot Access Challenges – Spring Election 2025

EL 25-04 – Jennifer Weber v. Cortney Iverson
Circuit Court Judge, Jefferson County Branch 2

EL 25-05 – Theresa Beck v. Cortney Iverson
Circuit Court Judge, Jefferson County Branch 2

EL 25-06 – Natalia Taft v. Jeff Wright
State Superintendent of Public Instruction

Introduction

The Wisconsin Elections Commission (“the Commission”) accepted nomination papers from December 1, 2024 through January 7, 2025 for the 2025 Spring Election.

The Commission received 3 ballot access challenges by the deadline of 4:30 p.m. on Friday, January 10, 2025. Two of those challenges were both filed by different challengers against the same candidate for the same reason.

Wisconsin Statute 8.07 states that “the commission shall promulgate rules under this chapter for use by election officials in determining the validity of nomination papers and signatures thereon.” The Commission has carried out this duty within Wis. Admin. Code Chapter EL 2. For nonpartisan elections, all nomination papers must comply with Wis. Stat. s. 8.10, and all declarations of candidacy must comply with Wis. Stat. s. 8.21. Each challenge below is evaluated under Wis. Stat. s. 8.10 using the standards of Wis. Admin. Code EL 2, and a recommendation to approve signatures is a recommendation that the signature complies with the requirements of Wis. Stat. s. 8.10. A recommendation to approve ballot access is a recommendation that enough valid signatures were submitted for the office under Wis. Stat. s. 8.10(3).

Challenges to the sufficiency of nomination papers are brought pursuant to Wis. Admin. Code EL s. 2.07(2)(a). The Commission applies the standards in EL s. 2.05 to determine sufficiency. Wis. Admin. Code EL s. 2.07(1). Any information which appears on a nomination paper is entitled to a presumption of validity. Wis. Admin. Code EL s. 2.05(4). Where any required item of information on a nomination paper is

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incomplete, the Commission will accept the information as complete if there has been substantial compliance with the law. Wis. Admin. Code EL s. 2.05(5). The burden of proof applicable to establishing or rebutting a challenge is clear and convincing evidence. Wis. Admin. Code EL s. 2.07(4).

Explanation of Materials

This memo provides staff analysis and recommendations for all three ballot access challenges. Each challenge has its own section, which is intended to be read alongside the materials provided in the corresponding appendices as well as alongside the staff analysis spreadsheets. Each Appendix includes a copies of the challenge and response. Any rebuttals received by 9 a.m. on Tuesday, January 14, 2025 will be provided as supplemental materials.

None of the challenges include the Excel worksheets that have accompanied previous ballot access memos because those worksheets are used for staff to assess signature challenges, and none of these challenges contain challenges to individual signatures.

I. EL 25-04 - Jennifer Weber v. Courtney Iverson Circuit Court Judge, Jefferson County Branch 2

Challenger Name: Jennifer Weber

Candidate Name: Courtney Iverson

Office Sought: Circuit Court Judge, Jefferson County Branch 2

Signatures Required: 200 – 400

Signatures Filed (After Facial Review): 289

Signatures Challenged: All – Declaration of Candidacy Challenge

Supplemental Signatures: None Filed

Correcting Affidavits: No

Final Staff Recommendation: Deny ballot access

The Challenge:

Jennifer Weber brings a Declaration of Candidacy challenge, alleging that all 289 nomination paper signatures initially verified by staff are insufficient because the candidate is not qualified for the office. The challenge states that the Wisconsin Constitution in art. VII sec. 24(1) requires that: “[t]o be eligible for the office of supreme court justice or judge of any court of record, a person must be an attorney licensed to practice law in this state and have been so licensed for 5 years immediately prior to election or appointment.” It then alleges that “[t]he Clerk of the Wisconsin Supreme Court confirmed the date of [Ms. Iverson’s] admission to practice law in the State of Wisconsin as May 27, 2020.” The complaint alleges that Ms. Iverson “has not been an attorney licensed to practice law in this state immediately prior to election on April 1, 2025.” The challenge cites both the declaration of candidacy statute, Wis. Stat. s. 8.21, and the candidate ineligibility statute, Wis. Stat. s. 8.30, in support of its allegation. The challenge attached as evidence Ms. Iverson’s Declaration of Candidacy and a page from the wisbar.org website showing Ms. Iverson’s graduation date and bar admission date.

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The Response:

The response argues that Ms. Iverson will have been licensed to practice law in Wisconsin for more than 5 years by the time she would take office, and argues that she has properly filed nomination papers and a declaration of candidacy for the office of Circuit Court Judge for Jefferson County, Branch 2. The response admits that Ms. Iverson will not have been licensed to practice law in Wisconsin for 5 years at the time of the Spring Election, but argues that the Wisconsin Supreme Court has addressed a closely related question in at least two cases, and that the qualifications for office must instead be met at the time of assuming office, citing Wis. Stat. s. 8.21(2)(b) for support.

The response cites *State v. Howerwas*, 254 Wis. 336, 36 N.W.2d 427 (1949), and explains that the Wisconsin Supreme Court examined a former constitutional provision in that matter, art. VII, sec. 10, requiring, in relevant part, that a person be at least 25 “at the time of his election” to the office of judge. The response summarizes the court’s ruling and states that:

the Court held that there was no requirement, either through the Constitutional provision or statutes, that the candidate possess all qualifications prior to being placed on the ballot.

Rather, such qualifications must exist at the time of taking office and, if they don’t meet the qualifications at that time, the person may be subject to challenge—but that challenge is not one that takes place prior to placement on the ballot. *Id.* at 340.

The response also cites an earlier case, *State ex rel. Barber v. Circuit Court for Marathon County et al.*, 178 Wis. 468, 190 N.W.563 (1922), discussed in *Howerwas*, that states that individuals may appear on the ballot even if they are not qualified, and that only a declaration of candidacy is required as a condition to appear on the ballot. The response argues that the reasoning of these cases remains correct, and that, “there is no statutory requirement that Iverson meet the qualifications for the judicial office in order to be a candidate for that office or be placed on the ballot.” Instead, the response argues that Wis. Stat. s. 8.10(2)(b), which states that, “[t]hat the signer meets, or will at the time he or she assumes office meet, applicable age, citizenship, residency, or voting qualification requirements, if any prescribed by the constitutions and laws of the United States and of this state[]” shows that a candidate must meet the requirements for candidacy at the time of assuming office.

The response argues that Ms. Iverson will meet the 5-year requirement by the time of assuming the judicial office on August 1, and alleges that Ms. Weber did not cite any provision of law that “would require Iverson to hold all qualifications in order to be placed on the ballot—and none exists, other than Wis. Stat. s. 8.21 requiring that she certify that she will meet the qualifications at the time she assumes office.” The response argues that Wis. Stat. s. 8.30 is discretionary, that the declaration of candidacy was accurately completed because Ms. Iverson will meet the requirement at the time of taking office, and therefore that the Commission has no basis in the declaration of candidacy to deny ballot access due to this challenge. The response concludes by stating, again citing *Howerwas* and *Barber*, that “as determined by the Wisconsin Supreme Court, as long as Iverson can meet the qualifications by the time she would take office, there is no basis to deny her the right to run for the office or place her name on the ballot.”

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Discussion:

Both challenges against Ms. Iverson's candidacy are discussed together after the summary of the next challenge immediately below.

II. EL 25-05 – Theresa Beck v. Cortney Iverson Circuit Court Judge, Jefferson County Branch 2

Challenger Name: Theresa Beck

Candidate Name: Cortney Iverson

Office Sought: Circuit Court Judge, Jefferson County Branch 2

Signatures Required: 200-400

Signatures Filed (After Facial Review): 289

Signatures Challenged: All – Declaration of Candidacy Challenge

Supplemental Signatures: None Filed

Correcting Affidavits: None

Final Staff Recommendation: Deny Ballot Access

The Challenge:

Theresa Beck brings a Declaration of Candidacy challenge, alleging that all 289 nomination paper signatures initially verified by staff are insufficient because the candidate is not qualified for the office. As in *Weber v. Iverson*, the challenge also alleges that Ms. Iverson is not qualified under Wis. Const. Art. VII, Sec. 24(1) because she was admitted to practice law on May 27, 2020 rather than prior to April 1, 2020. The challenge states that Ms. Iverson's declaration of candidacy, which was provided as an attachment, stated that she would "qualify for the office if nominated and elected" under Wis. Stat. s. 8.21(2)(c). The challenge also cites Wis. Stat. s. 8.30(1) and emphasizes that the Commission may deny ballot access if "the candidate is ineligible to be nominated or elected" or if "the candidate, if elected, could not qualify." It also alleges that the Commission may deny ballot access under Wis. Stat. s. 8.30(4) due to the failure to file a valid declaration of candidacy. The challenge cites *In re Raineri*, 102 Wis. 2d 418, 421, 306 N.W.2d 699 (1981) to show that the Wisconsin Supreme Court has analyzed Wis. Const. Art. VII sec. 24(1) and found that at least one candidate was rendered ineligible for the office of judge under it.

The challenge cites for support the Commission's recent decision in *Michael Hoffman v. Shiva Ayyadurai & Crystal Ellis*, Complaint No. EL 24-81, in which the Commission denied ballot access under Wis. Stat. S. 8.30(1)(b) and (c) due to a citizenship qualification challenge. The challenges shows that, on review by the Eastern District of Wisconsin, the court affirmed the Commission's decision and stated that the candidate could not submit a valid declaration of candidacy given the deficiency, and that the WEC was required to withhold ballot access.

The Response:

The response to this challenge largely mirrors the response for *Weber v. Iverson*, and staff will only summarize the aspects unique to this response. In addition to what was discussed above for the response to Ms. Weber's challenge, the response argues *In re Raineri* is distinguishable because it involved a judge who was found guilty of a felony and had his license revoked while in office, thus becoming ineligible to hold

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office at that time, rather than any issue arising from the 5 year requirement at the time of the election to the office. The response also argues that the Commission's decision in *Michael Hoffman v. Shiva Ayyadurai*, EL 24-81, is inapplicable because that challenge involved a citizenship requirement that could not be met at any time, and that in this case the requirement would be met before assuming office.

Discussion:

First, this section will explain why staff believe that April 1, 2025, is the applicable qualifying deadline, and second, it will explain why staff do not believe the responses overcame this reasoning and that the Commission should sustain the challenges and deny ballot access.

Both challenges to Ms. Iverson's candidacy state that the Wisconsin Constitution bars anyone who has not been licensed to practice law in Wisconsin for five years immediately prior to being elected or appointed from the office of circuit court judge, arguing that such a candidate is not qualified for the office. As such, both challenges further allege that Ms. Iverson will not have been licensed to practice law in Wisconsin for five years at the time of the April 1, 2025, Spring Election, and ask that the Commission deny ballot access under Wis. Stat. s. 8.30(1). Staff believe that each complaint has presented clear and convincing evidence that Ms. Iverson will not have been a licensed attorney in Wisconsin for 5 years by the date of the election, that the Wisconsin Constitution bars her from assuming the office, and thus that the Commission should affirm the challenge and deny ballot access to Ms. Iverson under Wis. Stat. S. 8.30(1)(b) and (c) as she is ineligible to be elected to the office, and, if elected, could not remedy the impediment.

Neither response offers an interpretation of what "immediately prior to election" in Wis. Const. Art. 7 Sec. 24(1) means and staff propose a plain language reading of the provision. The plain language of the constitutional text supports the conclusion that "election or appointment" means the date on which the judicial candidate is chosen for the office, not the date they actually assume the duties of that office. The word "election" is intuitive—"every public primary and election." Wis. Stat. § 5.02(4). The adjective "elect" also has common, accepted meaning—"chosen for office or position but not yet installed."¹ Accordingly, the plain language of the text supports an interpretation that a judicial candidate must be a licensed attorney for five years immediately prior to the election date for the office.

Second, other relevant constitutional and statutory provisions support the conclusion that the Legislature has consistently interpreted "election or appointment" to mean the date of election or appointment. Article IV, Section 28 requires certain government officials to complete their oath of office "before they enter upon the duties of their respective offices." This demonstrates that the Legislature knew how to distinguish election from assumption of office, and made an intentional choice to use "election" when they passed the joint resolution that led to the constitutional amendment to create Article VII, Section 24. Likewise, the phrase "election or appointment" is used consistently throughout Wisconsin statutes to refer to the event that earns the individual the public office sought, not the event at which they assume the duties of that office.²

Third, the Commission has traditionally interpreted the requirements of Article VII, Section 24 of the Wisconsin Constitution to mean that a judicial officer must have been an attorney for five years immediately

¹ Available at: <https://www.merriam-webster.com/dictionary/electing>.

² A few examples, of dozens, include Wis. Stat. §§ 83.01(2)(b) (county highway commissioner); 45.82(2) (county veterans service officer); 120.06(10) (school board members); 61.25(2) (village clerk); 60.31(1) (town officers); 62.09(4)(a) (city officers); and 59.21(1) (county officers). The guidance document is available here: Microsoft Word - Candidate eligibility (Rev. 2017-09).doc/.

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prior to election day or date of appointment. Commission guidance on Wisconsin candidate eligibility states that judicial candidates must be: “[l]icensed to practice law in Wisconsin for 5 years immediately prior to the election and a qualified elector [of the jurisdiction] at the time of election.” The guidance document cites Article VII, Section 24 of the Wisconsin Constitution after that line, which demonstrates that Commission staff have interpreted this constitutional requirement to mean that it must be met prior to election day.

The response argues that because Ms. Iverson properly filed nomination papers and completed her declaration of candidacy under Wis. Stat. s. 8.21, and that the declaration of candidacy contains the legislative principle that a candidate need only qualify for the office at the time he or she assumes office, and that the Commission thus has no basis on which to deny ballot access.

Commission staff agree with the responses that all candidates need not possess all qualifications prior to being placed on the ballot, and also agree that Ms. Iverson would become qualified on May 27, 2025, before the August 1 date that judges take office. However, staff believe that qualifications are unique to each office, that the statutory landscape has significantly changed since the cases cited in the responses, and that not Wis. Stat. s. 8.21(b), but rather subsection (c), is at issue in these challenges.

First, different offices have different qualifying dates, particularly regarding residency. For example, county candidates must be electors of the county at the time of filing nomination papers under Wis. Stat. s. 59.20(1), but the Governor merely needs to be an elector of Wisconsin at the time of taking office under Wis. Const. Art. V sec. 2. In this case, the Wisconsin Constitution placed a required date as “immediately prior to election,” and staff have understood this to mean the date of the election to the office. Were the requirement to land on the date of assuming office, staff would agree that the Commission would be required to place Ms. Iverson’s name on the ballot because she would be able to qualify by the relevant date. The issue is not that she is not qualified now, but that she will not be qualified by the date of the election, which is the applicable date provided in the constitution for this specific office.

At the time of *Hawerwas* (1949) and *Barber* (1922), staff believe that no version of Wis. Stat. s. 8.30 existed. The prior version of Wis. Stat. s. 8.30 was numbered 5.30, and the earliest version staff found is in the 1949-1950 statutory archive.³ In the 1947-1948 statutory archive, that section is not present. Staff believe that the addition of Wis. Stat. s. 5.30 sometime soon after *Hawerwas* was decided in 1949 created the ability that the Wisconsin Supreme Court stated did not exist at the time of the case, and allowed filing officers to refuse to place a candidate’s name on the ballot due being ineligible to be nominated or elected, or due to an inability to qualify within the time allowed by law. In this case, the time allowed by law ends on April 1, 2025 and Ms. Iverson will not be able to qualify before that time.

Finally, staff believe that the citations to Wis. Stat. s. 8.21(2)(b) are not directly relevant, and that that section merely states that candidates must meet all “applicable age, citizenship, residency, or voting qualification requirements, if any, prescribed by the constitutions and laws of the United States and of this state.” The statement “meets, or will at the time he or she assumes office meet” does not lessen any other

³ The language is essentially the same as the current Wis. Stat. S. 8.30 and states that: “If nomination papers are not prepared, signed and executed as required by law; or if it should appear conclusively, either from the face of the nomination papers offered to be filed, or by admission of the candidate or otherwise, that said candidate is ineligible to be nominated or elected, or if elected could not; by reason of age, residence, or other impediment, qualify for the office sought within the time allowed by law for qualification, the officer or officers with whom such nomination papers are required by law to be filed may refuse either to accept said nomination papers for filing or to place the name of said candidate upon the ballot.” Available here: <https://docs.legis.wisconsin.gov/1949/statutes/statutes/5.pdf>.

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requirement found in law, but rather acknowledges that some requirements take effect earlier than others, and it does not lower the higher standards that apply to some offices. Further, that section only applies to age, citizenship, residency, or voting qualifications, none of which have been addressed in either challenge. Rather, both challenges allege that a unique requirement will not be met, which falls under the more general requirement in Wis. Stat. s. 8.21(1)(c) “that the signer will otherwise qualify for office if nominated and elected.” The qualification here is a specific professional requirement pertaining to the office of judge, and it must be analyzed under its unique constitutional language. Staff do not at all imply that Ms. Iverson believed she would not be qualified for the office—her responses indicate her exact reasons for believing she would be qualified—but nonetheless believe that she cannot in the future, on May 27, meet a requirement that must be met on April 1.

Overall, staff believe that both challenges meet the clear and convincing evidence standard established in Wis. Admin. Code EL s. 2.07(4) that Ms. Iverson will not have been a licensed attorney in Wisconsin for 5 years immediately prior to the April 1, 2025, Spring Election, and therefore that she is not eligible to be elected to the office and cannot qualify within the time allowed by law under Wis. Stat. s. 8.30(1)(b) and (c), allowing the Commission to deny ballot access. Commission staff therefore recommend sustaining the challenges and denying ballot access.

Recommended Motion:

The Commission sustains the challenges of Jennifer Weber and Theresa Beck against Cortney Iverson, and exercises its authority under Wis. Stat. s. 8.30(1)(b) and (c) to exclude Cortney Iverson from the ballot because it conclusively appears that she is not eligible to be elected on April 1, 2025, and, if elected, could not qualify for the office sought because she will not have been an attorney licensed to practice law in Wisconsin for five years immediately preceding the election. Accordingly, the Commission denies ballot status to Candidate Iverson, and her name will not be added to the list of candidates to be approved for ballot access. Commission staff shall issue a closure letter to the parties consistent with this motion.

III. EL 25-06 – Natalia Taft v. Jeff Wright (State Superintendent of Public Instruction)

Challenger Name: Natalia Taft

Candidate Name: Jeff Wright

Office Sought: State Superintendent of Public Instruction

Signatures Required: 2,000 – 4,000

Signatures Filed (After Facial Review): 2,662

Signatures Challenged: All – Header Challenge

Supplemental Signatures: None Filed

Correcting Affidavits: No

Final Staff Recommendation: 2,662

Commission staff initially verified that Jeff Wright submitted 2,662 valid signatures.

Challenger Taft brings a challenge to two aspects of the header of Candidate Wright’s nomination papers. She asserts that these header insufficiencies render all 2,662 signatures on 325 pages of nomination papers as invalid, and that Candidate Wright should be denied ballot access.

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The Challenge:

Challenger Taft brings a ballot access challenge, alleging that all nomination paper signatures are insufficient because of two insufficiencies in the header of the nomination papers. First, she claims that the header contains the incorrect name of the office sought, and that it should be “Wisconsin Superintendent of Public Instruction,” not “State Superintendent of Public Instruction.” Second, she claims that the signatory voter eligibility jurisdiction section should have also been specific to “Wisconsin” instead of containing general language that the voter is eligible to vote in the jurisdiction represented by the office sought.

Challenger Taft alleges that Candidate Wright fails to have the name “Wisconsin” anywhere in the header of his nomination paper. She alleges that in 2022, WEC staff gave the guidance that “Wisconsin” must be listed as the signatories’ voting jurisdiction in the header of the nomination papers. Challenger Taft also asserts that Candidate Wright failed to include the full name of the office sought in the header of the nomination papers. Challenger Taft alleges the full name of the office is “Wisconsin Superintendent of Public Instruction.”

As supporting exhibits, Challenger Taft included a singular representative page of Candidate Wright’s nomination papers (Exhibit A) and an email exchange with WEC staff from 2022 purporting to show that including “Wisconsin” as the jurisdiction is required in order for nomination papers to be substantially compliant (Exhibit B).

The Response:

Candidate Wright argues that Challenger Taft has not alleged that any of his signatories were misled by information on his nomination papers, nor has she alleged that the format of his papers caused any actual confusion among signatories, or was likely to do so. He asserts that the header of his nomination papers specifies that his home address and mailing address are in Wisconsin, contrary to Challenger Taft’s assertion that the word “Wisconsin” does not appear anywhere in the header.

With respect to Challenger Taft’s first claim, Candidate Wright argues that the legal title of the office he seeks is “State Superintendent of Public Instruction” per Article X, Section 1 of the Wisconsin Constitution, and Subchapter II of chapter 115 of state statutes. He alleges that he correctly included this title in his header, in substantial compliance with the law.

With respect to Challenger Taft’s second claim, Candidate Wright provides a list of recent nomination papers of candidates that also did not contain “Wisconsin” as the jurisdiction of signatory voter eligibility. He argues that the 2022 Commission staff email in Challenger Taft’s complaint is a guidance document at best and has no relevant, legal, or precedential effect.

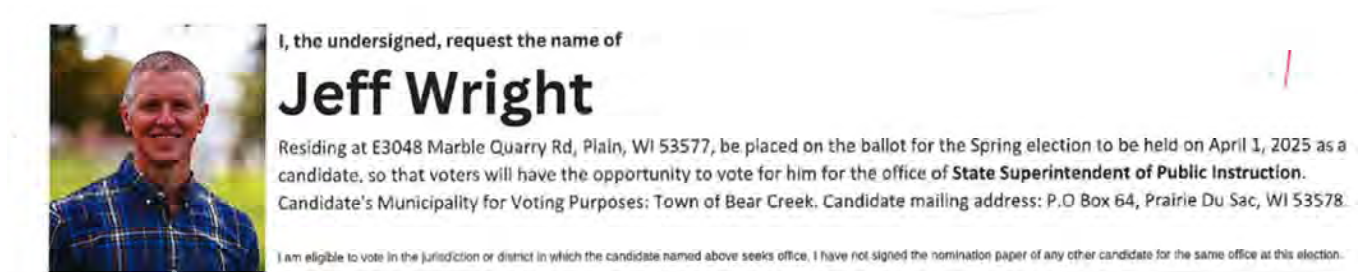
Finally, Candidate Wright argues that even if the Commission believes he erred in failing to specify the jurisdiction as “Wisconsin,” it should still exercise discretion to place his name on the ballot in the interest of not restricting ballot access due to a technicality.

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Discussion:

Wisconsin statute specifies the information that is required to appear at the top of a nomination paper in the “header” section. Wis. Stat. s. 8.10(2)(b). The purpose of the header is so that the signatories can verify that they are making an intentional choice to support a specific candidate for a specific office, and that they are qualified to sign to support the candidate for that office. The law requires the header to “have substantially the following words printed at the top...I am eligible to vote in the (name of jurisdiction or district in which candidate seeks office),” in addition to other required fields. The Commission has developed a nomination paper template that contains all of the required fields, but candidates often design their own nomination papers and their own headers. A candidate is free to design their own header to their nomination papers, so long as it substantially contains the information required by s. 8.10(2)(b).

Candidate Wright’s personalized header, which appears at the top of all 325 pages of his nomination papers, is reproduced below. As a preliminary matter, Challenger Taft’s assertion that the header does not have the name “Wisconsin” anywhere in the header is misleading. The commonly-accepted postal code for Wisconsin, “WI” appears in two places in the header, once as part of Candidate Wright’s residence and once as part of his mailing address.



Claim 1 – Full Title of Office Sought

Challenger Taft first claims that Candidate Wright’s nomination papers do not contain what she says is the full title of the office sought: “Wisconsin Superintendent of Public Instruction.” Instead, the header of each nomination paper lists the intended office as: “State Superintendent of Public Instruction.”

Commission legal staff were unable to find any statute or authority that states the proper name of the office sought is “*Wisconsin* Superintendent of Public Instruction,” and Challenger Taft points to none. To the contrary, the office sought by Candidate Wright is a state constitutional office, and is named by Article III, Section 1 as “State Superintendent of Public Instruction.” Wis. Const. Art. III, Sec. 1, Clause (1)(d). The same office is referred to as “State Superintendent” throughout Wisconsin statutes. Wis. Stat. ss. 8.11(3); 8.25(4); 8.50(4)(c); 39.76(1). Within the Commission’s internal systems, the office is also listed as “State Superintendent of Public Instruction,” and that is also how the name of the office is displayed on Wisconsin ballots.

Even if some authority existed to support a claim that the office is titled “Wisconsin Superintendent of Public Instruction,” the Commission has found previously that candidates have substantially complied with s. 8.10(2)(b) so long as the electors could determine the office and district the candidate was pursuing by

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other information provided in the nomination paper heading.⁴ In this instance, Commission staff believe that signatories would have understood that a candidate circulating nomination papers in Wisconsin for the office of “State Superintendent of public Instruction” meant that the office sought was statewide office in Wisconsin, especially given the title still contained the word “State.”

Claim 2 – Specific versus General Jurisdiction of Signatory Eligibility

Challenger Taft also claims that Candidate Wright’s nomination papers are insufficient because the section of jurisdiction of signatory voter eligibility wasn’t specific enough because it didn’t state “Wisconsin.” The law requires the header to contain certification language that the signatories reside in the jurisdiction for which the candidate seeks office. The jurisdiction for the office of State Superintendent of Public Instruction is the State of Wisconsin. Candidate Wright’s header contained the following statement: “I am eligible to vote in the jurisdiction or district in which candidate named above seeks office.”

Statute Substantially Requires:	Header Contained:
“...I am eligible to vote in the (name of jurisdiction or district in which candidate seeks office) ...” Wis. Stat. s. 8.10(2)(b).	“I am eligible to vote in the jurisdiction or district in which the candidate named above seeks office.”

Challenger Taft appears to argue that the inclusion of “name of” in s. 8.10(2)(b), coupled with the use of a parenthetical, required Candidate Wright to specify in the header that signatories certify that they are eligible to vote in the state of Wisconsin specifically. The only support she offers for this interpretation is a series of 2022 emails from Commission staff, where staff offered the recommendation for a different candidate to include “Wisconsin as the jurisdiction in there somewhere.” The emails from Commission staff stated: “the name of the jurisdiction is still required even for statewide offices.”

Recent statewide candidates who were approved for ballot access contained a wide variety of language in the header for the jurisdiction of signatory eligibility section. None of the candidates below were challenged, and all were granted ballot access.⁵

Statewide Office Sought	Header Language for Jurisdiction
WI Supreme Court	“I am eligible to vote in the jurisdiction or district in which the candidate named above seeks office.”
WI Supreme Court	“Wisconsin”
Attorney General	“I am eligible to vote in the state of Wisconsin.”
Secretary of State	“I am eligible to vote in the state of Wisconsin.”
Governor	“I am eligible to vote in the state of Wisconsin in which the candidate name above seeks office.”
Governor	“I am eligible to vote in the state of Wisconsin.”

⁴ See “Common Nomination Paper Challenges” (2018), pg. 2. Available at: <https://elections.wi.gov/resources/manuals/common-nomination-paper-challenges-manual>.

⁵ In his response, Candidate Wright provides sample nomination paper templates from four other candidates, and he claims they do not include the word “Wisconsin” in the jurisdiction section. However, while they may not include “Wisconsin,” each example provided is specific to the office sought, as opposed to the general language used by Candidate Wright. Brad Cook’s header, for example, says: “I am eligible to vote in the 40th Assembly District.” Commission staff are unable to determine how the example nomination papers in Exhibit A of the response aid or support Candidate Wright’s arguments.

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However, Commission legal counsel believe that it is not necessary for the header of Candidate Wright's nomination papers to specifically contain the word "Wisconsin" in the signatory voter eligibility line. Candidate Wright's nomination paper header is substantially compliant with s. 8.10(2)(b) because it contains every word of what is required by that provision. While other recent statewide candidates may have modified the "name of jurisdiction or district in which candidate seeks office" to say "Wisconsin" instead, that is a distinction without a difference with respect to the requirements of s. 8.10(2)(b), at least for statewide candidates.⁶

What's important for s. 8.10(2)(b) is that the signatory understand and certifies that they are eligible to vote in the jurisdiction represented by the candidate for the office sought. Commission staff believe that a reasonably informed signatory would understand that they need to be an eligible voter of Wisconsin in order to sign nomination papers for the *statewide* office of State Superintendent of Public Instruction. For other offices, it may not be substantially compliant for a candidate to fail to specify the jurisdiction of signatory voter eligibility (such as for a specific Senate District for example). But for statewide office, any eligible voter anywhere in the state of Wisconsin is eligible to sign nomination papers, so as long as the nomination papers clearly identify a statewide office, signatories can confirm they are eligible to vote in the applicable jurisdiction. Here, Candidate Wright's nomination papers clearly identify the statewide office he seeks – State Superintendent of Public Instruction – so signatories would reasonably understand that they must be eligible to vote in the state of Wisconsin in order to sign.

While it might have been *perfect* compliance for Candidate Wright to modify the jurisdiction language to be specific to Wisconsin, the law does not require perfect compliance. All that is required is that Candidate Wright's header substantially comply with the requirements of s. 8.10(2)(b).

Accordingly, Commission staff have concluded that Challenger Taft has not met her burden

Recommended Motion:

The Wisconsin Elections Commission ("the Commission") sustains 0 challenges, and does not sustain 2,662 challenges, in accordance with staff recommendations and the accompanying materials for EL 25-06. The Commission finds that Jeff Wright submitted 2,662 valid signatures, and the Commission adds Jeff Wright to the list of candidates to be approved for ballot access. Commission staff shall issue a closure letter to the parties consistent with this motion.

⁶ Before elections, candidates will often submit templates of their nomination papers to WEC staff for facial review, which is done as a courtesy to the candidate. While WEC staff's review is not binding, WEC staff will bring potential issues to candidates' attention that could potentially form the basis of a challenge so that they candidate can assess their own risk and can decide for themselves how and whether to address it. WEC staff's observations are not binding and certainly do not set precedent for future candidates.

Appendix of Challenges Received by 3 p.m. 1/10/25

Appendix 1: Jennifer Weber v. Cortney Iverson (EL 25-4)

Appendix 2: Theresa Beck v. Cortney Iverson (EL 25-5)

2

JENNIFER L. WEBER

W155 Hillendale Drive
Oconomowoc, WI 53066
Jennifer.weber0610@gmail.com
Tele: 414-313-5700

January 9, 2025

Wisconsin Elections Commission
PO Box 7984
Madison, WI 53707-7984

Sent via Email to: Elections@wi.gov

Dear Commissioners:

Please find enclosed the verified complaint regarding eligibility for ballot access for Jefferson County Circuit Court Br. 2, candidate Cortney J. Iverson. All relevant documentation has been attached to the complaint. The basis for the complaint is that Ms. Iverson fails to meet the eligibility requirement for the position of Circuit Court Judge as she will not have been an attorney licensed to practice law in the State of Wisconsin for the immediately preceding 5 years to the election scheduled for April 1, 2025.

A copy of the verified complaint has been mailed to Cortney J. Iverson at the address listed on her Declaration of Candidacy.

Thank you for your attention to this matter.

Respectfully Submitted,



Jennifer L. Weber

cc: Cortney J. Iverson

**STATE OF WISCONSIN
BEFORE THE ELECTIONS COMMISSION**

The Complaint of: Eligibility of Candidacy of Cortney J. Iverson

Jennifer L. Weber
W155 Hillendale Drive
Oconomowoc, WI 53066,
Complainant

Against

Cortney J. Iverson
W9211 Red Feather Drive
Cambridge, WI 53523,
Respondent.

This complaint is under Wis. Stats. 5.02, Wis. Stats 8.21, Wis. Stats. 8.30(1)(c) and the Wisconsin Constitution, Article VII, Sections 7, 10, and 24.

I, Jennifer L. Weber, alleges that:

1. The Complainant, Jennifer L. Weber, is an adult resident, residing at W155 Hillendale Drive in the Town of Ixonia, Jefferson County, Wisconsin.
2. The Respondent, Cortney J. Iverson, is an adult resident, residing at W9211 Red Feather Drive in the Town of Oakland, Jefferson County, Wisconsin.
3. The Declaration of Candidacy is a sworn statement stating the candidate meets or will meet at the time office is assumed 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 the candidate will otherwise qualify for office, if nominated and elected, Wis. Stats. 8.21.
4. Pursuant to The Constitution of the State of Wisconsin, section 24(1), to be eligible for the office of supreme court justice or judge of any court of record, a person must be an attorney licensed to practice law in this state and have been so licensed for 5 years immediately prior to election or appointment.
5. Wisconsin Statute sec. 5.02(4) mean every public primary and election.
6. The Wisconsin Elections Commission issued a Notice of Spring Election on November 15, 2024. The Notice states an election is to be held in the towns, villages, cities, wards, and election districts of the State of Wisconsin, on Tuesday, April 1, 2025 and includes the judicial officers in Jefferson County Circuit Court, Br. 2.

7. Cortney J. Iverson filed a Declaration of Candidacy with the Wisconsin Elections Commission on January 6, 2025.
8. Based upon information and belief, Cortney J. Iverson graduated from University of Wisconsin Law School in 2020.
9. Based upon information and belief, the Wisconsin State Bar records indicate her date of admission to practice law in the State of Wisconsin on May 27, 2020. The Clerk of the Wisconsin Supreme Court confirmed the date of admission to practice law in the State of Wisconsin as May 27, 2020.
10. At the time of the election for judicial officer of Jefferson County Circuit Court, Br. 2 on April 1, 2025, Cortney J. Iverson is not eligible for the office of judge of Jefferson County as she fails to meet the eligibility requirement. Cortney J. Iverson is ineligible as she has not been an attorney licensed to practice law in this state for 5 years immediately prior to election on April 1, 2025.
11. Pursuant to Wis. Stats. 8.30(1), the Wisconsin Elections Commission may refuse to place the candidate's name on the ballot if the candidate is ineligible to be nominated or elected or if the candidate could not qualify because of age, residence, or other impediment.

The facts set forth above in the complaint establish probable cause to believe that a violation occurred and that Cortney J. Iverson shall be denied ballot access as she is not eligible for the position.

Dated this 9th day of January, 2025.

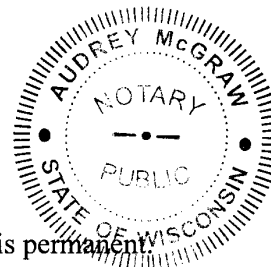
Jennifer L. Weber
Jennifer L. Weber

I, Jennifer L. Weber, being first duly sworn on oath state that I personally read the above complaint, and that the above allegations are true based on my personal knowledge and, as to those stated on information and belief, I believe them to be true.

Jennifer L. Weber
Jennifer L. Weber

State of Wisconsin
County of Jefferson
Sworn to before me this 9th day of January, 2025

Audrey McGraw
Notary Public, State of Wisconsin
My commissioner expires 6/5/2027 or _____ is permanent



1/8/25, 3:04 PM

Wisconsin Legislature: 8.21

8.21 Declaration of candidacy.

- (1) Each candidate, except a candidate for presidential elector under s. 8.20 (2) (d), shall file a declaration of candidacy, no later than the latest time provided for filing nomination papers under s. 8.10 (2) (a), 8.15 (1), 8.20 (8) (a) or 8.50 (3) (a), or the time provided under s. 8.16 (2) or 8.35 (2) (c). A candidate shall file the declaration with the officer or agency with which nomination papers are filed for the office that the candidate seeks, or if nomination papers are not required, with the clerk or board of election commissioners of the jurisdiction in which the candidate seeks office.
- (2) The declaration of candidacy shall be sworn to before any officer authorized to administer oaths. The declaration shall contain the name of the candidate in the form specified under s. 8.10 (2) (b) for candidates for nonpartisan office or s. 8.15 (5) (a) or 8.20 (2) (a) for candidates for partisan office and shall state all of the following:
 - (a) That the signer is a candidate for a named office.
 - (b) That the signer meets, or will at the time he or she assumes office meet, applicable age, citizenship, residency, or voting qualification requirements, if any, prescribed by the constitutions and laws of the United States and of this state.
 - (c) That the signer will otherwise qualify for office if nominated and elected.
- (3) The declaration of candidacy shall include the candidate's name in the form in which it will appear on the ballot.
- (4) Each candidate for state and local office shall include in the declaration of candidacy all of the following:
 - (a) A statement that the candidate has not been convicted of any misdemeanor designated under state or federal law as a violation of the public trust or any felony for which the candidate has not been pardoned.
 - (b) A statement that discloses the candidate's municipality of residence for voting purposes, and the street and number, if any, on which the candidate resides.
- (5) The declaration of candidacy is valid with or without the seal of the officer who administers the oath.
- (6) A candidate for state or local office shall file an amended declaration of candidacy under oath with the same officer or agency if any information contained in the declaration of candidacy changes at any time after the original declaration of candidacy is filed and before the candidate assumes office or is defeated for election or nomination.

History: 1983 a. 484 s. 94; 1985 a. 304; 1987 a. 391; 1993 a. 140; 1999 a. 182; 2001 a. 109; 2005 a. 149.

Cross-reference: See also s. EL 6.04, Wis. adm. code.

A candidate for election to Congress need not be a resident of the district at the time he or she files nomination papers and executes the declaration of intent to accept the office if elected. A candidate for Congress must be an inhabitant of the state at the time of election. 61 Atty. Gen. 155.

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, Cortney Iverson, being duly sworn, state that

Candidate's name

I am a candidate for the office of Jefferson County Circuit Court Judge, Branch 2

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.¹

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

W9211	Red Feather Dr.	Cambridge, WI	53523	Town of ☒ Village of ☐ City of ☐	Oakland
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:

Cortney J. Iverson

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

Cortney J. Iverson
(Signature of candidate)

STATE OF WISCONSIN

County of Dane
(County where oath administered)

ss.

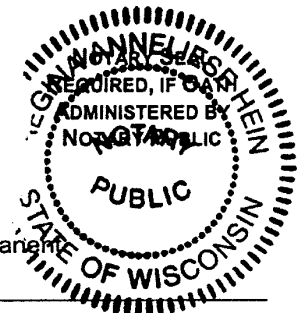
Subscribed and sworn to before me this 6th day of January, 2025.

Regina Anneline Hein
(Signature of person authorized to administer oaths)

☒ Notary Public or ☐ other official

(Official title, if not a notary)

If Notary Public: My commission expires 8/20/27 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

¹ 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.

Published January 2, 2025.

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ART. VIII, §7, WIS. CONSTITUTION

Justices and judges: eligibility for office; retirement. SECTION 24. [As created April 1955 and amended April 1968 and April 1977] (1) To be eligible for the office of supreme court justice or judge of any court of record, a person must be an attorney licensed to practice law in this state and have been so licensed for 5 years immediately prior to election or appointment.

(2) Unless assigned temporary service under subsection (3), no person may serve as a supreme court justice or judge of a court of record beyond the July 31 following the date on which such person attains that age, of not less than 70 years, which the legislature shall prescribe by law.

(3) A person who has served as a supreme court justice or judge of a court of record may, as provided by law, serve as a judge of any court of record except the supreme court on a temporary basis if assigned by the chief justice of the supreme court. [1953 J.R. 46, 1955 J.R. 14, vote April 1955; 1965 J.R. 101, 1967 J.R. 22 and 56, vote April 1968; 1975 J.R. 13, 1977 J.R. 7, vote April 1977]

ARTICLE VIII.**FINANCE**

Rule of taxation uniform; income, privilege and occupation taxes. SECTION 1. [As amended Nov. 1908, April 1927, April 1941, April 1961, and April 1974] The rule of taxation shall be uniform but the legislature may empower cities, villages or towns to collect and return taxes on real estate located therein by optional methods. Taxes shall be levied upon such property with such classifications as to forests and minerals including or separate or severed from the land, as the legislature shall prescribe. Taxation of agricultural land and undeveloped land, both as defined by law, need not be uniform with the taxation of each other nor with the taxation of other real property. Taxation of merchants' stock-in-trade, manufacturers' materials and finished products, and livestock need not be uniform with the taxation of real property and other personal property, but the taxation of all such merchants' stock-in-trade, manufacturers' materials and finished products and livestock shall be uniform, except that the legislature may provide that the value thereof shall be determined on an average basis. Taxes may also be imposed on incomes, privileges and occupations, which taxes may be graduated and progressive, and reasonable exemptions may be provided. [1905 J.R. 12, 1907 J.R. 29, 1907 c. 661, vote Nov. 1908; 1925 J.R. 62, 1927 J.R. 13, vote April 1927; 1939 J.R. 88, 1941 J.R. 18, vote April 1941; 1959 J.R. 78, 1961 J.R. 13, vote April 1961; 1971 J.R. 39, 1973 J.R. 29, vote April 1974]

Appropriations; limitation. SECTION 2. [As amended Nov. 1877] No money shall be paid out of the treasury except in pursuance of an appropriation by law. No appropriation shall be made for the payment of any claim against the state except claims of the United States and judgments, unless filed within six years after the claim accrued. [1876 J.R. 7, 1877 J.R. 4, 1877 c. 158, vote Nov. 1877]

Credit of state. SECTION 3. [As amended April 1975] Except as provided in s. 7 (2) (a), the credit of the state shall never be given, or loaned, in aid of any individual, association or corporation. [1973 J.R. 38, 1975 J.R. 3, vote April 1975]

Contracting state debts. SECTION 4. The state shall never contract any public debt except in the cases and manner herein provided.

Annual tax levy to equal expenses. SECTION 5. The legislature shall provide for an annual tax sufficient to defray the estimated expenses of the state for each year; and whenever the expenses of any year shall exceed the income, the legislature shall provide for levying a tax for the ensuing year, sufficient, with other sources of income, to pay the deficiency as well as the estimated expenses of such ensuing year.

Public debt for extraordinary expense; taxation. SECTION 6. For the purpose of defraying extraordinary expenditures the state may contract public debts (but such debts shall never in the aggregate exceed one hundred thousand dollars). Every such debt shall be authorized by law, for some purpose or purposes to be distinctly specified therein; and the vote of a majority of all the members elected to each house, to be taken by yeas and nays, shall be necessary to the passage of such law; and every such law shall provide for levying an annual tax sufficient to pay the annual interest of such debt and the principal within five years from the passage of such law, and shall specially appropriate the proceeds of such taxes to the payment of such principal and interest; and such appropriation shall not be repealed, nor the taxes be postponed or diminished, until the principal and interest of such debt shall have been wholly paid.

Public debt for public defense; bonding for public purposes. SECTION 7. [As amended April 1969, April 1975, and April 1992] (1) The legislature may also borrow money to repel invasion, suppress insurrection, or defend the state in time of war; but the money thus raised shall be applied exclusively to the object for which the loan was authorized, or to the repayment of the debt thereby created.

(2) Any other provision of this constitution to the contrary notwithstanding:

(a) The state may contract public debt and pledges to the payment thereof its full faith, credit and taxing power:

1. To acquire, construct, develop, extend, enlarge or improve land, waters, property, highways, railways, buildings, equipment or facilities for public purposes.

2. To make funds available for veterans' housing loans.

(b) The aggregate public debt contracted by the state in any calendar year pursuant to paragraph (a) shall not exceed an amount equal to the lesser of:

1. Three-fourths of one per centum of the aggregate value of all taxable property in the state; or

2. Five per centum of the aggregate value of all taxable property in the state less the sum of: a. the aggregate public debt of the state contracted pursuant to this section outstanding as of January 1 of such calendar year after subtracting therefrom the amount of sinking funds on hand on January 1 of such calendar year which are applicable exclusively to repayment of such outstanding public debt and, b. the outstanding indebtedness as of January 1 of such calendar year of any entity of the type described in paragraph (d) to the extent that such indebtedness is supported by or payable from payments out of the treasury of the state.

(c) The state may contract public debt, without limit, to fund or refund the whole or any part of any public debt contracted pursuant to paragraph (a), including any premium payable with respect thereto and any interest to accrue thereon, or to fund or refund the whole or any part of any indebtedness incurred prior to January 1, 1972, by any entity of the type described in paragraph (d), including any premium payable with respect thereto and any interest to accrue thereon.

(d) No money shall be paid out of the treasury, with respect to any lease, sublease or other agreement entered into after Jan-

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Wisconsin Legislature: 5.02

5.02 Definitions. In chs. 5 to 12, unless the context requires otherwise:

- (1c)** “Automatic tabulating equipment” means apparatus which automatically examines and counts votes recorded on ballots or voting machines and tabulates the results.
 - (1e)** “Ballot” means a ballot label, sheet of paper or envelope on which votes are recorded. The term also includes a sheet or card, filmstrip or other device listing or containing information relative to offices, candidates and referenda which is placed, projected or composed on the board or screen inside a voting machine.
 - (1q)** “Block” means an area which is the smallest geographic area used by the U.S. bureau of the census for data collection and tabulation.
 - (2)** “County clerk” includes the executive director of the county board of election commissioners and their authorized representatives.
 - (3)** “Educational officer” means the state superintendent and school board members.
 - (3m)** “Elected official” means an individual who is elected to a national, state or local office.
 - (4)** “Election” means every public primary and election.
 - (4c)** “Election district” means a municipality that is not divided into wards, except as otherwise provided in s. 8.17 (1) (b).
 - (4e)** “Election official” means an individual who is charged with any duties relating to the conduct of an election.
 - (4g)** “Election registration official” means an election official assigned under s. 6.28 (1) (a) or 7.30 to register electors.
 - (4m)** “Electronic voting system” means a system in which votes are recorded on ballots, and the votes are subsequently counted and tabulated by automatic tabulating equipment. The term also includes a voting machine on which votes are recorded and tabulated by electronic means.
 - (4s)** “Federal election” means any election at which a national office appears on the ballot.
 - (4v)** For purposes of chs. 5 to 10 and 12, “filing officer” means the following:
 - (a)** For a candidate for state office, as defined in sub. (23), the elections commission.
 - (b)** For a candidate seeking local office, the clerk of the most populous jurisdiction for which the candidate seeks office.
 - (c)** For a candidate for municipal judge elected under s. 755.01 (4), the county clerk or board of election commissioners of the county having the largest portion of the population in the jurisdiction served by the judge.
 - (d)** For a candidate for school board member, the school district clerk.
- NOTE:** Sub. (4v) is created eff. 7-1-25 by 2023 Wis. Act 126.
- (5)** “General election” means the election held in even-numbered years on the Tuesday after the first Monday in November to elect United States senators, representatives in congress, presidential electors, state senators, representatives to the assembly, district attorneys, state officers other than the state superintendent and judicial officers, and county officers other than supervisors and county executives.
 - (6)** “Governing body” means the common council of a city, board of supervisors of a town or board of trustees of a village.
 - (6m)** “Identification” means any of the following documents issued to an individual:
 - (a)** One of the following documents that is unexpired or if expired has expired after the date of the most recent general election:
 - 1. An operator’s license issued under ch. 343.
 - 2. An identification card issued under s. 343.50.
 - 3. An identification card issued by a U.S. uniformed service.
 - 4. A U.S. passport.
 - (b)** A certificate of U.S. naturalization that was issued not earlier than 2 years before the date of an election at which it is presented.
 - (c)** An unexpired driving receipt under s. 343.11.
 - (d)** An unexpired identification card receipt issued under s. 343.50.
 - (e)** An identification card issued by a federally recognized Indian tribe in this state.

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Wisconsin Legislature: 5.02

- (f) An unexpired identification card issued by a university or college in this state that is accredited, as defined in s. 39.30 (1) (d), or by a technical college in this state that is a member of and governed by the technical college system under ch. 38, that contains the date of issuance and signature of the individual to whom it is issued and that contains an expiration date indicating that the card expires no later than 2 years after the date of issuance if the individual establishes that he or she is enrolled as a student at the university or college on the date that the card is presented.

NOTE: In *Luft v. Evers*, 963 F.3d 665 (2020), the U.S. Court of Appeals for the 7th Circuit affirmed the judgment in *One Wisconsin Institute, Inc. v. Thomsen*, 198 F. Supp. 3d 896 (2016), that “the student-ID provision is invalid” on the alternative ground that the restriction that a student ID card “is not sufficient for voting unless the student also shows proof of current enrollment” is unconstitutional.

- (g) An unexpired veterans identification card issued by the veterans health administration of the federal department of veterans affairs.
- (7) “Judge” means a court of appeals judge or a judge of a circuit court.
- (8) “Justice” means a justice of the supreme court.
- (8m) “Labor organization” means any employee organization in which employees participate and which exists primarily for the purpose of engaging in collective bargaining with any employer concerning grievances, labor disputes, wages, hours or conditions of employment, or the promotion and advancement of the professional or occupational standards and the welfare of its members and families and any organization established for the same purposes composed of individuals or affiliates of any such employee organization.
- (9) “Local office” means any elective office other than a state or national office.
- (10) “Municipal clerk” means the city clerk, town clerk, village clerk and the executive director of the city election commission and their authorized representatives. Where applicable, “municipal clerk” also includes the clerk of a school district.
- (11) “Municipality” means city, town or village.
- (12) “National office” means the offices of president and vice president of the United States, U.S. senator and representative in congress.
- (12m) “Nickname” means a familiar or shortened form of a proper name by which an individual is commonly known.
- (12n) “Overseas elector” means a U.S. citizen who is residing outside of the United States, who is not disqualified from voting under s. 6.03, who has attained or will attain the age of 18 by the date of an election at which the citizen proposes to vote, who was last domiciled in this state or whose parent was last domiciled in this state immediately prior to the parent’s departure from the United States, and who is not registered to vote or voting in any other state, territory, or possession.
- (12s) “Partisan primary” means the primary held the 2nd Tuesday in August to nominate candidates to be voted for at the general election.
- (13) “Political party” has the meaning given in s. 11.0101 (26).
- (14) “Poll list” means the list which is compiled by election officials on election day showing the names and addresses of electors who actually cast votes in an election.
- (15) “Polling place” means the actual location wherein the elector’s vote is cast.
- (16) “Primary” means a primary election.
- (16c) “Proof of identification” means identification that contains the name of the individual to whom the document was issued, which name conforms to the individual’s voter registration form, if the individual is required to register to vote, and that contains a photograph of the individual, except as authorized in s. 343.14 (3m) or 343.50 (4g).
- (16g) “Qualified circulator” means a qualified elector of this state or any U.S. citizen age 18 or older who, if he or she were a resident of this state, would not be disqualified from voting under s. 6.03.
- (16m) “Recognized political party” means a political party which qualifies for a separate ballot or column under s. 5.62 (1) (b) or (2).
- (16s) “Referendum” means an election at which an advisory, validating or ratifying question is submitted to the electorate.
- (17) “Registration list” means the list of electors who are properly registered to vote.
- (19) “Special election” means any election, other than those described in subs. (5), (12s), (21), and (22), to fill vacancies or to conduct a referendum.

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Wisconsin Legislature: 5.02

- (20) “Special primary” means the primary held 4 weeks before the special election except when the special election is held on the same day as the general election the special primary shall be held on the same day as the general primary or if the special election is held concurrently with the spring election, the primary shall be held concurrently with the spring primary.
- (20g) “Special purpose district” means any local governmental unit other than a county or municipality.
- (20r) “Special referendum” means any referendum held at a special election which is not held concurrently with the elections described in sub. (5), (12s), (21), or (22).
- (21) “Spring election” means the election held on the first Tuesday in April to elect judicial, educational and municipal officers, nonpartisan county officers and sewerage commissioners and to express preferences for the person to be the presidential candidate for each party in a year in which electors for president and vice president are to be elected.
- (22) “Spring primary” means the nonpartisan primary held on the 3rd Tuesday in February to nominate nonpartisan candidates to be voted for at the spring election.
- (23) “State office” means the offices of governor, lieutenant governor, secretary of state, state treasurer, attorney general, state superintendent, justice of the supreme court, court of appeals judge, circuit court judge, state senator, state representative to the assembly and district attorney.
- (24) “State superintendent” means the state superintendent of public instruction.
- (24g) “Voting device” means an apparatus other than a voting machine which the elector uses to record his or her votes on a ballot.
- (24r) “Voting machine” means a machine which serves in lieu of a voting booth and which mechanically or electronically records the votes cast by electors, who depress levers or buttons located next to the choices listed on a ballot to cast their votes.
- (24w) “Voting system” means:
- (a) The total combination of mechanical, electromechanical, or electronic equipment, including the software, hardware, and documentation required to program, control, and support the equipment, that is used to define ballots, to cast and count votes, to report or display election results, and to maintain and produce any audit trail information.
 - (b) The practices and associated documentation for any of the following purposes:
 1. To identify equipment components and versions of such components.
 2. To test the equipment during its development and maintenance.
 3. To maintain records of equipment errors and defects.
 4. To determine specific equipment changes to be made after the initial qualification of the equipment.
 5. To make available any materials to an elector.
- (25) “Ward” means a town, village or city subdivision created for the convenience of the electors therein and to facilitate the division of such municipalities into election districts of substantially equal population numbers along common boundaries observing the community of interest of existing neighborhoods and other settlements.

History: 1971 c. 211; 1971 c. 304 ss. 2, 29 (2); 1973 c. 280, 334; 1975 c. 93; 1977 c. 107, 187, 394; 1977 c. 427 ss. 3 to 14; 1977 c. 449; 1979 c. 32, 89, 221; 1979 c. 260 ss. 1m, 73 to 75; 1979 c. 311, 328; 1981 c. 4, 391; 1983 a. 484 ss. 5, 5c, 124m, 128; 1985 a. 303; 1985 a. 304 ss. 1m, 2, 155; 1987 a. 391 ss. 1 to 1r, 66w; 1989 a. 31; 1991 a. 5; 1993 a. 140, 184; 1995 a. 16 s. 2; 1995 a. 27 s. 9145 (1); 1995 a. 219; 1997 a. 35; 2001 a. 16, 109; 2003 a. 24, 265; 2005 a. 177, 451; 2007 a. 1; 2009 a. 397; 2011 a. 23, 32, 45, 75; 2013 a. 165; 2015 a. 117, 118, 261; 2017 a. 369; 2023 a. 126; s. 35.17 correction in (4v) (a).

Municipal clerks are the officials primarily responsible for election administration in Wisconsin. A “board of election commissioners” is established in Wisconsin’s high population cities and counties to carry out the duties otherwise accomplished by municipal and county clerks everywhere else. The phrase “municipal clerk or board of election commissioners” appears in tandem all over the election statutes because that describes the duties of local election officials. *State ex rel. Zignego v. Wisconsin Elections Commission*, 2021 WI 32, 396 Wis. 2d 391, 957 N.W.2d 208, 19-2397.

Photographic identification is necessary for in-person voting. Students may use college-issued credentials under sub. (6m) (f), but only before an ID’s expiration date. There’s nothing wrong with a requirement that IDs be current. *Luft v. Evers*, 963 F.3d 665 (2020).

Treating students differently from other potential voters without a rational basis violates the equal protection clause. Under sub. (6m) (f), a student identification card, alone among the sorts of photo ID that Wisconsin accepts, is not sufficient for voting unless the student also shows proof of current enrollment. No other category of acceptable identification depends on ongoing affiliation of any sort. That differential treatment violates the equal protection clause of the 14th amendment to the U.S. Constitution. *Luft v. Evers*, 963 F.3d 665 (2020).

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Wisconsin Legislature: 5.02

The requirements in sub. (6m) (f) that a student identification card must display: 1) an issuance date; 2) an expiration date; 3) an expiration date not more than two years after the issuance date; and 4) a signature, are rationally related to a legitimate governmental interest and do not violate the equal protection clause. *Common Cause v. Thomsen*, 574 F. Supp. 3d 634 (2021).

NOTICE OF SPRING ELECTION

State of Wisconsin

April 1, 2025

Election Details

An election is to be held in the towns, villages, cities, wards, and election districts of the State of Wisconsin, on Tuesday, April 1, 2025. The following officers are to be elected:

Department of Public Instruction

One (1) State Superintendent, for the term of four (4) years to succeed the present incumbent listed, whose term of office will expire on July 31, 2025:

STATE SUPERINTENDENT OF PUBLIC INSTRUCTION	Jill Underly
--	--------------

Judicial Officers

One (1) Justice of the Supreme Court, for the term of ten (10) years, to succeed the present incumbent listed, whose term of office will expire on July 31, 2025:

JUSTICE OF THE SUPREME COURT	Ann Walsh Bradley
------------------------------	-------------------

Three (3) Court of Appeals Judges, for the term of six (6) years, to succeed the present incumbents listed, whose terms of office will expire on July 31, 2025:

COURT OF APPEALS JUDGE DISTRICT 2	Mark Gundrum
COURT OF APPEALS JUDGE DISTRICT 3	Lisa K. Stark
COURT OF APPEALS JUDGE DISTRICT 4	Jennifer Nashold

Thirty-seven (37) Circuit Court Judges, each for the term of six (6) years, to succeed the present incumbents listed, whose terms of office will expire on July 31, 2025:

BROWN COUNTY CIRCUIT COURT JUDGE BRANCH 3	Tammy Jo Hock
BROWN COUNTY CIRCUIT COURT JUDGE BRANCH 4	Samantha Wagner
BROWN COUNTY CIRCUIT COURT JUDGE BRANCH 7	Timothy A. Hinkfuss
CRAWFORD COUNTY CIRCUIT COURT JUDGE	Lukas Steiner
DANE COUNTY CIRCUIT COURT JUDGE BRANCH 2	Payal Khandhar
DANE COUNTY CIRCUIT COURT JUDGE BRANCH 16	Rhonda L. Lanford
DODGE COUNTY CIRCUIT COURT JUDGE BRANCH 3	Joseph G. Sciascia*
EAU CLAIRE COUNTY CIRCUIT COURT JUDGE BRANCH 2	Douglas Hoffer
GREEN COUNTY CIRCUIT COURT JUDGE BRANCH 2	Jane Bucher
JEFFERSON COUNTY CIRCUIT COURT JUDGE BRANCH 1	Will Gruber

Type A Notice (for counties) | Rev 2022-11 | Wisconsin Elections Commission, P.O. Box 7984, Madison, WI 53707-7984 | 608-261-2028 | web: elections.wi.gov | email: elections@wi.gov

JEFFERSON COUNTY CIRCUIT COURT JUDGE BRANCH 2
 LA CROSSE COUNTY CIRCUIT COURT JUDGE BRANCH 1
 LA CROSSE COUNTY CIRCUIT COURT JUDGE BRANCH 2
 LA CROSSE COUNTY CIRCUIT COURT JUDGE BRANCH 4
 LAFAYETTE COUNTY CIRCUIT COURT JUDGE
 LINCOLN COUNTY CIRCUIT COURT JUDGE BRANCH 2
 MANITOWOC COUNTY CIRCUIT COURT JUDGE BRANCH 1
 MARINETTE COUNTY CIRCUIT COURT JUDGE BRANCH 1
 MARINETTE COUNTY CIRCUIT COURT JUDGE BRANCH 2
 MARQUETTE COUNTY CIRCUIT COURT JUDGE
 MILWAUKEE COUNTY CIRCUIT COURT JUDGE BRANCH 6
 MILWAUKEE COUNTY CIRCUIT COURT JUDGE BRANCH 11
 MILWAUKEE COUNTY CIRCUIT COURT JUDGE BRANCH 26
 MILWAUKEE COUNTY CIRCUIT COURT JUDGE BRANCH 36
 MILWAUKEE COUNTY CIRCUIT COURT JUDGE BRANCH 40
 MILWAUKEE COUNTY CIRCUIT COURT JUDGE BRANCH 41
 MONROE COUNTY CIRCUIT COURT JUDGE BRANCH 1
 OZAUKEE COUNTY CIRCUIT COURT JUDGE BRANCH 1
 OZAUKEE COUNTY CIRCUIT COURT JUDGE BRANCH 2
 RACINE COUNTY CIRCUIT COURT JUDGE BRANCH 4
 RACINE COUNTY CIRCUIT COURT JUDGE BRANCH 7
 ROCK COUNTY CIRCUIT COURT JUDGE BRANCH 1
 ROCK COUNTY CIRCUIT COURT JUDGE BRANCH 2
 SAINT CROIX COUNTY CIRCUIT COURT JUDGE BRANCH 2
 WAUKESHA COUNTY CIRCUIT COURT JUDGE BRANCH 1
 WAUKESHA COUNTY CIRCUIT COURT JUDGE BRANCH 4
 WAUKESHA COUNTY CIRCUIT COURT JUDGE BRANCH 6

Theresa Beck
 Ramona A. Gonzalez
 Elliott M. Levine
 Scott L. Horne
 Jenna Gill
 Robert R. Russell
 Mark Rohrer
 Peggy Miller
 James A. Morrison
 Chad A. Hendee
 John Remington
 David Swanson
 William Pocan
 Laura A. Crivello
 Danielle Shelton
 Lena Taylor
 Todd L. Ziegler
 Adam Gerol
 Steve Cain
 Scott Craig
 Jon Fredrickson
 Karl R. Hanson
 Derrick A. Grubb
 Edward F. Vlack*
 Michael O. Bohren*
 Bridget Schoenborn
 Brad Schimel

**Candidates who have submitted non-candidacy forms*

County Executive

A County Executive (if required), for a term of four (4) years, to succeed the present incumbent listed, whose term will expire on April 14, 2025:

(insert name of incumbent)

County Supervisor

A County Supervisor for each county supervisory district (if required), for a term of two (2) years, to succeed the present incumbent listed, whose term will expire on April 14, 2025:

(insert district numbers and names of incumbents)

Information concerning county supervisory district boundaries may be obtained from (insert name and address of county clerk and any other source).

Type A Notice (for counties) | Rev 2022-11 | Wisconsin Elections Commission, P.O. Box 7984, Madison, WI 53707-7984 | 608-261-2028 | web: elections.wi.gov | email: elections@wi.gov

Municipal Judge

A Municipal Judge, serving more than one municipality, for a term of four years*, to succeed the present incumbent listed, whose term of office will expire on April 30, 2025:

(insert municipalities in jurisdiction and name of incumbent)

District Boundaries

Information concerning multi-jurisdictional municipal judge district boundaries may be obtained from (insert name and address of county clerk and any other source).

*(*Note: Multi-jurisdictional municipal judges have terms of 4 years unless a term of 2 or 3 years is provided by CHARTER ordinance. Consult the ordinances that created the judgeship to determine the length of the term.)*

For Candidates

The first day to circulate nomination papers is December 1, 2024, and the final day for filing nomination papers is 5:00 p.m. on Tuesday, January 7, 2025. Candidates for (list statewide and judicial titles) file nomination papers and declarations of candidacy with the Wisconsin Elections Commission. Candidates for (list county titles) file (insert your own office filing information).

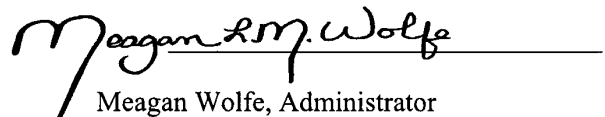
Primary Election

If a primary is necessary, the primary will be held on Tuesday, February 18, 2025.

Additional Information

Acceptable Photo ID will be required to vote at this election. If you do not have a photo ID, you may obtain a free ID for voting from the Division of Motor Vehicles.

DONE in the City of Madison on November 15, 2024

A handwritten signature in black ink, reading "Meagan R.M. Wolfe", is written over a horizontal line.

Meagan Wolfe, Administrator
Wisconsin Elections Commission
201 West Washington Avenue, 2nd Floor
P.O. Box 7984
Madison, Wisconsin 53707-7984
608-261-2028

Wisconsin Elections Commission
Candidate Tracking by Office

2025 Spring Election - 4/1/2025

Receipt #	Candidate	Party	Campaign Registration Statement	Declaration of Candidacy Date	Statement of Economic Interests Date	Nomination Papers Date	Valid Signatures	Staff Review
Office :	GREEN COUNTY CIRCUIT COURT JUDGE BRANCH 2			Incumbent:	Jane Bucher			
	Jane Bucher 2715 3RD ST MONROE, 53566		04/20/2024	12/23/2024	12/31/2024	12/23/2024	400	Approved
Office Subtotal : 1								
Office :	JEFFERSON COUNTY CIRCUIT COURT JUDGE BRANCH 1			Incumbent:	Will Gruber			
	Will Gruber N7214 DEER LAKE LN MARSHALL, 53559		12/18/2024	11/14/2024	12/02/2024	12/18/2024	389	Approved
	John Jack A. Chavez 1011 BREWSTER DR LAKE MILLS, 53551		12/17/2024	12/20/2024	01/04/2025	01/02/2025	286	Approved
Office Subtotal : 2								
Office :	JEFFERSON COUNTY CIRCUIT COURT JUDGE BRANCH 2			Incumbent:	Theresa Beck			
	Theresa Beck 363 E NORTH ST JEFFERSON, 53549		09/17/2024	9/20/2024	12/28/2024	01/02/2025	387	Approved
	Cortney J. Iverson W9211 RED FEATHER DR CAMBRIDGE, 53523		12/23/2024	1/6/2025		01/06/2025	289	Pending
	Jennifer L. Weber W155 HILLEDALE DR OCONOMOWOC, 53066		12/01/2024	12/10/2024	01/06/2025	01/03/2025	248	Approved
Office Subtotal : 3								
Office :	LA CROSSE COUNTY CIRCUIT COURT JUDGE BRANCH 1			Incumbent:	Ramona A. Gonzalez (Filed Notification of Noncandidacy)			
	Joe Veenstra 213 PEARL ST LA CROSSE, 54601		08/14/2024	9/6/2024	12/31/2024	01/03/2025	394	Approved

1/8/25, 12:53 PM

Directories

ATTORNEY INFORMATION

Atty. Cortney Joy Iverson

County: Walworth

Member ID: 1116892**Graduation Year:** 2020**Languages:** English**Law School:**University of Wisconsin Law
School**WI Admission:** 05/27/2020**License Status:**

Good Standing

Member Type:

Active

Full Profile**Current State Bar Memberships**

No Current Memberships Listed

Courts of Admittance

None Provided

Other States Licensed

None Provided

Advanced Degrees

None Provided

Other Memberships

None Provided

Social Media Sites

None Provided

Biography

None Provided

Articles Authored

No Current Articles Authored

1/8/25, 3:05 PM

Wisconsin Legislature: 8.30

8.30 Candidates ineligible for ballot placement.

- (1) Except as otherwise provided in this section, the official or agency with whom declarations of candidacy are required to be filed may refuse to place the candidate's name on the ballot if any of the following apply:
- (a) The nomination papers are not prepared, signed, and executed as required under this chapter.
 - (b) It conclusively appears, either on the face of the nomination papers offered for filing, or by admission of the candidate or otherwise, that the candidate is ineligible to be nominated or elected.
 - (c) The candidate, if elected, could not qualify for the office sought within the time allowed by law for qualification because of age, residence, or other impediment.
- (2) If no registration statement has been filed by or on behalf of a candidate for state or local office in accordance with s. 11.0202 (1) (a) by the applicable deadline for filing nomination papers by such candidate, or the deadline for filing a declaration of candidacy for an office for which nomination papers are not filed, the name of the candidate may not appear on the ballot. This subsection may not be construed to exempt a candidate from applicable penalties if he or she files a registration statement later than the time prescribed in s. 11.0202 (1) (a).
- (2m) The official or agency with whom nomination papers and declarations of candidacy are required to be filed shall not place a candidate's name on the ballot if the candidate's name is ineligible for ballot placement under s. 5.05 (2m) (d) 2., 15.61 (3), or 19.49 (2) (c) 2.
- (3) The official or agency with whom declarations of candidacy are required to be filed may not place a candidate's name on the ballot if the official or agency is prohibited from doing so under s. 19.43 (4) or an ordinance adopted under s. 19.59 (3) (b).
- (4) The 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.

History: 1975 c. 93; 1979 c. 120, 328; 1979 c. 355 ss. 28, 29; 1983 a. 484; 1985 a. 304; 1987 a. 391; 2001 a. 109; 2005 a. 149, 177; 2007 a. 1; 2015 a. 117, 118.

Cross-reference: See also ss. EL 2.09 and 2.11, Wis. adm. code.

A petitioner who timely filed with the county clerk rather than with the State Elections Board under former s. 8.10 (6) (a), 1975 stats., was barred from the ballot. *State ex rel. Ahlgrimm v. State Elections Board*, 82 Wis. 2d 585, 263 N.W.2d 152 (1978).

STATE OF WISCONSIN
WISCONSIN ELECTIONS COMMISSION

IN THE MATTER OF the Certificate of Candidacy for the
Office of Jefferson County Circuit Court Judge, Branch 2
with respect to the April 1, 2025 Election

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

Complainant,

v.

Case No. _____

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

Respondent.

VERIFIED COMPLAINT

1. This Verified Complaint is brought against Cortney J. Iverson (“Iverson”) pursuant to Wis. Stat. § 5.06, Wis. Stat. § 8.30(1), Wis. Admin. Code § EL 2.07, and other Wisconsin laws governing elections and election campaigns.

2. Iverson has submitted to the Wisconsin Elections Commission (“WEC”) a Declaration of Candidacy and nomination papers to be placed on the ballot as a candidate for the office of Jefferson County Circuit Court Judge, Branch 2, for the Spring Election, which will occur on April 1, 2025.

3. The Wisconsin Constitution provides that: “To be eligible for the office of supreme court justice or judge of any court of record, a person must be an attorney licensed to practice law in this state and have been so licensed for 5 years immediately prior to election or appointment.” Wis. Const. Art. VII, § 24(1).

4. According to Iverson's profile with the State Bar of Wisconsin, she was not admitted to practice law in the State of Wisconsin until May 27, 2020. Thus, Iverson will not have been "licensed for 5 years immediately prior to election" as mandated by Wis. Const. Art. VII, § 24(1), she is ineligible for ballot placement, and the Commission must exclude her from the ballot.

PARTIES

5. Theresa A. Beck ("Complainant") is a qualified Wisconsin elector residing at 363 East North Street, Jefferson, Wisconsin 53549.

6. In July 2024, Governor Evers appointed Complainant to serve as a Judge on the Jefferson County Circuit Court, with a term that expires on July 31, 2025.

7. Complainant currently holds the office of Judge on the Jefferson County Circuit Court, Branch 2.

8. Complainant has submitted to WEC a Declaration of Candidacy and nomination papers to be placed on the ballot in the April 1 Spring Election as a candidate for the same office she currently holds as a Judge on the Jefferson County Circuit Court, Branch 2. A true and correct copy of Complainant's Declaration of Candidacy is attached hereto as **Exhibit A** to the Complaint.

9. On information and believe, Iverson is a qualified Wisconsin elector who resides at W9211 Red Feather Drive, Oakland, Wisconsin, 53523.

THE SPRING ELECTION

10. The 2025 Spring Election will occur on April 1, 2025. Wis. Stat. § 5.02(21).¹

¹ See also <https://elections.wi.gov/event/2025-spring-election> (last accessed January 8, 2025).

11. As an aspiring candidate for Circuit Court Judge, Iverson was required to file nomination papers and a Declaration of Candidacy with WEC before Tuesday January 7, 2025. Wis. Stat. § 8.10(2)(a); Wis. Stat. § 8.21.

12. On information and belief, Iverson filed her Declaration of Candidacy and nomination papers with WEC on or around January 6, 2025.

13. A true and correct copy of Iverson's Declaration of Candidacy, obtained through Badger Voters, is attached hereto as **Exhibit B**.

14. In her Declaration of Candidacy, Iverson was required to swear that, among other things, she would "qualify for office if nominated and elected." Wis. Stat. § 8.21(2)(c); *see also* Exhibit B.

15. According to WEC, the deadline to file a challenge to Iverson's candidacy is Friday January 10, 2025. *See* <https://elections.wi.gov/event/deadline-filing-ballot-access-challenges> (citing Wis. Stat. § 8.07, EL 2.07). Thus, this challenge is timely.²

IVERSON'S MAY 27, 2020 ADMISSION TO THE WISCONSIN BAR

16. According to Iverson's profile with the State Bar of Wisconsin, she is a is a licensed attorney who was admitted to practice law in the State of Wisconsin on May 27, 2020. A true and correct copy of Iverson's State Bar of Wisconsin profile is attached hereto as **Exhibit C** to the Complaint.

² This is not a challenge to the "sufficiency of a nomination paper" and so the three-day deadline arguably does not apply. *See* Wis. Admin. Code EL § 2.07(1) ("Any challenge to the sufficiency of a nomination paper shall be filed within 3 calendar days after the filing deadline for the challenged nomination papers."). Instead, Chapter 5 governs: "A complaint under this section shall be filed promptly so as not to prejudice the rights of any other party. In no case may a complaint relating to nominations, qualifications of candidates or ballot preparation be filed later than 10 days after the complainant knew or should have known that a violation of law or abuse of discretion occurred or was proposed to occur." Wis. Stat. § 5.06(3). In any event, Complainant first learned on January 6, 2025 (when Iverson filed her Declaration of Candidacy) that Iverson in fact sought the office for which she is not qualified. Thus, this Verified Complaint is timely under either standard.

17. Likewise, according to a University of Wisconsin Hooding Ceremony Program, a true and correct copy of which is attached hereto as **Exhibit D** to the Complaint, Iverson graduated from the University of Wisconsin Law School on May 15, 2020.³

18. Under the governing Supreme Court Rules, Iverson could not have been admitted to practice law through Wisconsin's diploma privilege until after her May 15, 2020 graduation. See SCR 40.03 (Providing for diploma privilege for an "applicant who has been awarded a first professional degree in law from a law school in this state" and meets other criteria); SCR 40.02(2) (must satisfy SCR 40.03 or alternative legal competency requirements in order to "be admitted to practice law in this state").

ARGUMENT

I. Legal Standards.

19. The Wisconsin Supreme Court has recognized that "[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 (1949).

20. Indeed, the State of Wisconsin has "an interest, if not a duty, to protect the integrity of its political processes from frivolous or fraudulent candidacies." *Bullock v. Carter*, 405 U.S. 134, 145 (1972). Thus, the Supreme Court of the United States has rejected the contention that "voters are entitled to cast their ballots for unqualified candidates," explaining "that limiting 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

³ On information and belief, the graduate listed as "Cortney Joy Runnels" is Iverson. "Runnels" is her maiden name.

reasonable.” *Burdick v. Takushi*, 504 U.S. 428, 440 n.10 (1992). “[I]t is both wasteful and confusing to encumber the ballot with the names of frivolous candidates.” *Anderson v. Celebrezze*, 460 U.S. 780, 788 n.9 (1983).

21. Consistent with the State’s “duty” to protect the ballot from frivolous candidacies, Wisconsin Statutes Section 8.30 addresses “candidates ineligible for ballot placement.” Under that statute, “[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).

22. Likewise, the Commission “may refuse to place the candidate’s name on the ballot if any of the following apply:”

- (a) The nomination papers are not prepared, signed, and executed as required under this chapter.
- (b) It conclusively appears, either on the face of the nomination papers offered for filing, or by admission of the candidate or otherwise, that ***the candidate is ineligible to be nominated or elected***.
- (c) The ***candidate, if elected, could not qualify*** for the office sought within the time allowed by law for qualification because of age, residence, or other impediment.

Wis. Stat. § 8.30(1) (emphasis added).

II. The Commission must exclude Iverson from the ballot.

23. The Wisconsin Constitution provides that: “To be eligible for the office of supreme court justice or judge of any court of record, a person must be an attorney licensed to practice law in this state and have been so licensed for 5 years immediately prior to election or appointment.” Wis. Const. Art. VII, § 24(1); *see also In re Raineri*, 102 Wis. 2d 418, 421, 306 N.W.2d 699 (1981) (citing Art. VII, § 24(1) for the proposition that “the revocation of [Iron County Circuit Court]

Judge Raineri's license to practice law in Wisconsin on April 14, 1981 rendered him ineligible for the office of judge of any court of record.”).

24. Iverson, therefore, must be excluded from the ballot under each of: (1) Section 8.30(4) (candidate did not file a valid declaration of candidacy); (2) Section 8.30(1)(b) (candidate is ineligible to be nominated or elected); and (3) Section 8.30(1)(c) (candidate, if elected, could not qualify).

25. This case is on all fours with a recent WEC decision in *Michael Hoffman v. Shiva Ayyadurai & Crystal Ellis*, Complaint No. EL 24-81.⁴ There, an independent presidential candidate's ballot access was challenged on the basis that he was a naturalized citizen and not a “natural born citizen” as required of presidential candidates by Art. II, Section I, Clause 5 of the U.S. Constitution (“Constitutional Citizenship”). (**Exhibit E** at 4 (p. 31)) Commission Staff recommended excluding the candidate under both Wis. Stat. §§ 8.30(1) (b) and (c). Commission Staff explained that “[w]hile there may be circumstances where the Commission cannot, or chooses not to, answer a constitutional question, in the context of candidate qualifications and ballot access, staff believe that the Commission has an obligation under Wis. Stat. § 8.30 to examine candidate qualifications, especially in the context of a sworn challenge.” (*Id.* at 6 (p. 33)) By a 5-1 vote, the Commission adopted the proposed motion from the Staff Memo providing that “the Commission exercises its authority under Wis. Stat. § 8.30(4) to exclude [the candidates] from

⁴ A true and correct copy of the Staff Memo from Complaint No. EL 24-81 is attached hereto as **Exhibit E**. Exhibit E includes pages 1-3 and 31-34 from within Open Session Packet for the August 27, 2024 Commission meeting. Because the full materials are 193 pages long, Complainant includes only the relevant pages within Exhibit E. The full packet is available on the Commission website at: https://elections.wi.gov/sites/default/files/documents/Open%20Session%208.27.24%202_0.pdf (last accessed January 8, 2025).

the ballot because Candidate Ayyadurai does not meet the constitutional requirements for the Office of President of the United States.”⁵

26. The Commission’s decision to exclude Ayyadurai was later affirmed by the District Court for the Eastern District of Wisconsin in *Marshall v. WEC*, No. 24-C-1095 (E.D. Wis. Sep. 10, 2024). A true and correct copy of the District Court’s Memorandum and Order is attached hereto as **Exhibit F** to the Complaint. In *Marshall*, the Eastern District concluded that, because Ayyadurai was not a natural born citizen, “he could not submit a **valid** declaration of candidacy” and “**WEC was required by statute** to prohibit his name from being on the ballot. Wis. Stat. § 8.30(4).” *Id.* at 3-4 (emphasis added).⁶

27. As with Ayyadurai, Iverson was required to swear that she “will ... qualify for office if nominated and elected.” Wis. Stat. § 8.21(2)(c). But because she was not admitted to practice until May 27, 2020—**less than** five years before the April 1 Spring Election—it is **impossible** for her to have been “an attorney licensed to practice law in this state and have been so licensed for 5 years immediately prior to election” on April 1, 2025 as mandated by the Wisconsin Constitution. Consequently, she will not qualify because she **cannot**. Iverson therefore did not file a “valid declaration of candidacy,” and “WEC [is] required by statute to prohibit [her] name from being on the ballot.” **Exhibit F** at 3-4. Likewise, because Iverson will not have practiced law for the constitutionally prescribed minimum length of time, she “is ineligible to be nominated or

⁵ A true and correct copy of the minutes of the August 27, 2024 hearing at which this vote occurred is attached hereto as Exhibit F and also available on WEC’s website: <https://elections.wi.gov/sites/default/files/documents/August%2027%2C%202024%2C%20Open%20Session%20Minutes%20APPROVED.pdf> (last accessed January 8, 2025).

⁶ The Plaintiffs in *Marshall* filed an appeal that remains pending. *See Marshall v. WEC*, Seventh Circuit Case No. 24-2756. However, WEC is rightly opposing that appeal, and should follow its own precedent and the district court precedent unless and until the Seventh Circuit reverses that decision.

elected” and “if elected, could not qualify,” Wis. Stat. § 8.30(1)(b) (c). WEC should exclude her on that independent basis as well.

28. Wisconsin not an outlier. States do not place a candidate on the ballot when they cannot possibly win the election and assume the office. *See Am. Party of Texas v. White*, 415 U.S. 767, 782 (1974) (holding that states may “insist that political parties appearing on the general ballot demonstrate a significant, measurable quantum of community support”); *Lindsay v. Bowen*, 750 F.3d 1061, 1063 (9th Cir. 2014) (excluding a candidate from a ballot “based on undisputed ineligibility due to age do not limit political participation by an identifiable political group whose members share a particular viewpoint, associational preference or economic status” (internal quotations omitted)); *Hassan v. Colorado*, 495 F. App’x 947, 948-49 (10th Cir. 2012) (affirming decision to exclude a naturalized citizen, ineligible to hold office, from the presidential ballot); *Socialist Workers Party of Ill. v. Ogilvie*, 357 F. Supp. 109, 113 (N.D. Ill. 1972) (*per curiam*) (affirming Illinois’ exclusion of a thirty-one-year-old candidate from the presidential ballot).

29. For example, in a case decided by then-Circuit Judge Gorsuch, a candidate argued that even if he was “ineligible to *assume the office* of president [...] it was still an unlawful act of discrimination for the state to deny him *a place on the ballot*.” *Hassan*, 495 F. App’x at 948 (emphasis in the original). Justice Gorsuch rejected that contention, concluding that “a state’s legitimate interest in protecting the integrity and practical functioning of the political process permits it to exclude from the ballot candidates who are constitutionally prohibited from assuming office.” *Id.* So too here.

30. Accordingly, the Commission should follow its precedent of excluding ineligible candidates from the ballot under Wis. Stat. § 8.30.

CONCLUSION

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

Dated January 10, 2025.

Complaint prepared by:

STAFFORD ROSENBAUM LLP

Douglas M. Poland, SBN 1055189

David P. Hollander, SBN 1107233

Zoe A. Pawlisch, SBN 1119278

Attorneys for Complainant Theresa A. Beck

222 West Washington Ave., Suite 900

Madison, Wisconsin 53703-2744

dpoland@staffordlaw.com

dhollander@staffordlaw.com

zpawlisch@staffordlaw.com

608.256.0226

VERIFICATION

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

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

Signed in Jefferson, Wisconsin this 10th day of January, 2025.

Theresa Beck
Theresa A. Beck

Subscribed and sworn to before me
this 10th day of January, 2025.

Printed Name: Tiffany A. Highster
Notary Public, State of Wisconsin

My commission expires ¹⁵ permanently.

✓

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, Theresa A. Beck, being duly sworn, state that
Candidate's name
 I am a candidate for the office of Jefferson County Circuit Court, Br. 2
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.¹

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

363	East North St.	Jefferson, WI	53549	Town of ☐ Village of ☐ City of ☒
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:

Theresa Beck

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

Justice
(Signature of candidate)

STATE OF WISCONSIN

County of Jefferson } ss.
(County where oath administered)

Subscribed and sworn to before me this 20th day of September, 2024

[Signature]
(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. X

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 (5), 120.06 (6)(b), 887.01.

EL-162 | Rev. 2019-08 | Wisconsin Elections Commission, P.O. Box 7984, Madison, WI 53707-7984
 608-286-6005 | web: elections.wi.gov | email: elections@wi.gov

¹ 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.

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, Cortney Iverson, being duly sworn, state that

Candidate's name

I am a candidate for the office of Jefferson County Circuit Court Judge, Branch 2

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.¹

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

W9211	Red Feather Dr.	Cambridge, WI	53523	Town of ☒ Village of ☐ City of ☐	Oakland
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:

Cortney J. Iverson

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

Cortney J. Iverson
(Signature of candidate)

STATE OF WISCONSIN

County of Dane
(County where oath administered)

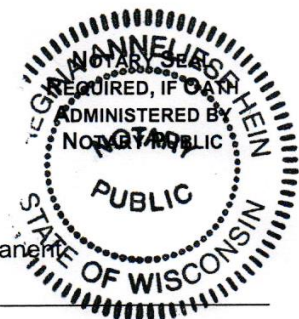
ss.

Subscribed and sworn to before me this 6th day of January, 2025.

Regina Anneline Hein
(Signature of person authorized to administer oaths)

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

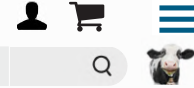
If Notary Public: My commission expires 8/20/27 or ☐ is permanent



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

¹ 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.



Search the site



WisBar's Lawyer Search provides basic information about attorneys licensed to practice law in Wisconsin. The information provided is reported to the State Bar by its members, who are required by Supreme Court Rule 10.03 to maintain current address information with the State Bar. Optional profile information is added and maintained by individual State Bar members. Members can update select profile information by visiting [myStateBar](#) at the top of this site or contacting [Customer Service](#) at (800) 728-7788 for assistance.

To find pending public disciplinary cases or to view public disciplinary histories regarding a specific attorney, visit the Wisconsin Court System's [database](#).

To provide you with greater control over how your personal information displayed in the Lawyer Directory, the State Bar is introducing more selective privacy options. Please [visit the updated Lawyer Directory Preferences](#) or [read about these changes in InsideTrack](#).

ATTORNEY INFORMATION



Atty. Cortney Joy Iverson

County: Walworth

Member ID: 1116892

Graduation Year: 2020

Languages: English

Law School:

University of Wisconsin Law School

WI Admission: 05/27/2020

License Status:

Good Standing

Member Type:

Active

You must [Login](#) to view full profile

LAWYER SEARCH

LAST NAME

FIRST NAME

COUNTY

SEARCH

[ADVANCED](#)

[myStateBar](#)

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**UNIVERSITY OF WISCONSIN
LAW SCHOOL**

**CLASS OF 2020
GRADUATE CEREMONY**

**FRIDAY, MAY 15, 2020
3 P.M.**

PROGRAM

Introduction & Welcome Dean Margaret Raymond

Keynote Address The Honorable James D. Peterson

Remarks by Student Representatives
 Nancy Cruz
 Taijae Evans
 Daniela Fachiano Nakano

Remarks by Faculty Representative
 Professor Howard Erlanger

Presentation of Candidates

Farewell Dean Margaret Raymond

#UWLAWGRAD



facebook.com/uwlaw



twitter.com/WisconsinLaw

Share your 2020 UW Law School Graduate Ceremony memories on Facebook and Twitter using #uwlawgrad

SPEAKER BIOGRAPHIES



KEYNOTE SPEAKER

James D. Peterson

James D. Peterson has served as Chief United States District Judge of the United States District Court for the Western District of Wisconsin since 2017. He joined the federal judiciary in 2014, after being nominated by President Barack Obama.

Prior to his appointment to the bench, Judge Peterson was a shareholder with the law firm of Godfrey & Kahn. There, he was a member of the litigation and intellectual property practice groups, and the leader of the intellectual property litigation working group. He also taught at the UW Law School as an adjunct professor.

Before his legal career, Judge Peterson was a professor of film and television history and production at the University of Notre Dame. He returned to Wisconsin to study law, earning his JD from the University of Wisconsin Law School in 1998, graduating Order of the Coif. After law school, he clerked with David G. Deininger of the Wisconsin Court of Appeals.

In addition to his law degree, he received a bachelor's degree in 1979, a master's degree in 1984, and a PhD in 1986, all from the University of Wisconsin, making Judge Peterson a quadruple Badger.

STUDENT SPEAKERS

Nancy Cruz

Nancy Cruz was born and raised in Tulare, California, and also lived in Leon, Guanajuato, Mexico, for a couple of years. She received her bachelor's degree in European history with a focus on late-modern Europe from the University of California, Berkeley. Post-graduation, she worked in San Francisco for two years as a business immigration paralegal.

During her time in law school, Nancy served as the president of the Moot Court Board, vice president of academic affairs for the Student Bar Association, and for two years as co-president of UW's Latinx Law Student Association. She also worked with the Immigrant Justice Clinic. Locally, Nancy volunteered with the non-profit Centro Hispano's Juventud program, mentoring Latinx middle school students. She received the Foreign Language Area Studies Scholarship and studied the German language.

During her summers, Nancy interned at a local non-profit, Community Justice Inc., and she was a summer associate at Michael Best & Friedrich, where she will be returning as a full-time associate in the fall. She is extremely honored that her classmates selected her to speak and would like to thank her family, friends, and classmates who have always believed in her and supported her along the way.

Taijae W. Evans

Taijae Evans was born and raised in Canton, Ohio. He earned an associate degree in intelligence operations from Cochise College, bachelor's degrees in criminal justice and political science from Kent State University, and a master's degree in criminal justice focusing on criminology from Boston University. Prior to attending law school, Taijae was an active-duty intelligence analyst in the United States Army.

During law school, Taijae served as the vice president of the Labor and Employment Student Association, the community service liaison and director of education for the Black Law Students Association, and the secretary for the Middle Eastern Law Students Association. Taijae competed in UW Law's Mock Trial program, and he competed in and coached the International Commercial Arbitration Moot Court Team in Vienna, Austria. He was active in the Unemployment Appeals Clinic and Victims of Crime Act Restraining Order Clinic. Additionally, Taijae participated in Legal Assistance for Disaster Relief, a pro bono student organization, assisting victims of natural disasters in New Orleans and Houston. He worked as a law clerk at Alliant Energy and as a summer associate at Stafford Rosenbaum.

Taijae was inducted into the University of Wisconsin Law School Pro Bono Society with special recognition for providing 150 or more hours of pro bono service during his tenure at the Law School. He is continuing his public service as a Judge Advocate General in the United States Navy. Taijae is extremely honored that his fellow classmates have chosen him to speak and would like to thank the faculty, his classmates, and his loved ones for their continued support.

Daniela Fachiano Nakano

Daniela Fachiano Nakano was born and raised in Presidente Prudente, a city in the countryside of the state of São Paulo, Brazil. She received her bachelor in laws degree from Antônio Eufrásio de Toledo University in her hometown. While in law school in Brazil, she was part of the summer internship program of the Organization of the American States (OAS) at the Inter-American Commission on Human Rights in Washington, DC.

Daniela was always passionate about social justice, and during law school she nurtured an interest in international human rights law. After graduating, she worked as a teaching fellow with the international law chair of her university. The experience brought her to UW Law School to pursue her master's degree and become a professor. At UW Law, Daniela volunteered with the Immigrant Justice Clinic and was a member of the Indigenous Law Students Association. She would like to thank both organizations for warmly welcoming her to take part in their inspiring work.

Daniela is honored to represent graduate law students and her fellow classmates, who, regardless of circumstances, always take care of each other. Finally, she would like to thank her family and friends who supported her throughout this year.

FACULTY SPEAKER

Howard S. Erlanger

Howard S. Erlanger is Voss-Bascom Professor of Law Emeritus and Professor of Sociology Emeritus at the University of Wisconsin-Madison, where he served as a full-time faculty member from 1971 to 2013. He continues to teach part-time. He holds a PhD in sociology from the University of California, Berkeley and a JD from the University of Wisconsin Law School.

Professor Erlanger is the recipient of a number of awards for his teaching and research, including the Emil H. Steiger Teaching Award from the UW-Madison, the Underkofler Excellence in Teaching Award from the UW System, and the Stan Wheeler Mentorship Award from the Law & Society Association. He is an academic fellow of the American College of Trust and Estate Counsel, and a former president of the Law & Society Association. This is the seventh time that he has been invited as faculty commencement speaker.

Professor Erlanger served for many years as director of the Institute for Legal Studies at UW Law and as director of the Center for Law, Society & Justice in UW's College of Letters and Science.

He was a reporter for a committee of the State Bar of Wisconsin that prepared a comprehensive revision of the Wisconsin Probate Code, and he has served as review section editor of the interdisciplinary journal *Law & Social Inquiry* since 1982. His own socio-legal research focused on the legal profession — especially on the careers of lawyers in public interest practice and the socialization of law students — and on topics related to dispute resolution and to organizational implementation of law.

GRADUATES



CANDIDATES FOR JURIS DOCTOR DEGREE

Hannah R. Albrecht

Jacob M. Alonzo

Advanced Opportunity Program Fellowship

Dean's List

Susan Steingass Outstanding Trial Advocacy Award, 2020

Dallas Tate Andersen

Sarah Arbaje

Best Performance in a Course, 2018

Dean's List

Leakhena Au

Advanced Opportunity Program Fellowship

Dean's List

Outstanding 3L Award, Asian Law Students Association

Austin D. Auleta

Dean's List

Nikolas Alexander Austin

Mason Richard Baranczyk

Octavio Tengco Barretto

Steven R. Beckham

Joseph Samuel Beckmann

Advanced Opportunity Program Fellowship

Bruce F. Beilfuss Memorial Award, 2020

Cheryl Weston Outstanding Mensch Award

Outstanding 3L Award, Jewish Law Students Association

Pro Bono Society Membership and Award of Distinction, Tier One

Ray and Ethel Brown Award, 2019

Wisconsin Hispanic Lawyers Association Scholarship, 2019

Paul D. Beery

Dean's Academic Achievement Award

Dean's List

Cricket Beeson

Gwynette E. Smalley Law Review Prize, 2020

Thorin A. Blitz

Joshua Alec Blumenfeld

Cheryl Weston Outstanding Mensch Award

Dean's List

Brian Francis Bradley

Best Performance in a Course, 2019

Daniel H. Grady Award, 2020

Dean's Academic Achievement Award

Dean's List

Nicholas Dean Bratsos

Dean's Academic Achievement Award

Dean's List

Deborah Brauer**Amy Buchmeyer**

Dean's Academic Achievement Award

Dean's List

Conor M. Cannon**Jack T. Carroll**

Dean's Academic Achievement Award

Dean's List

Kyle Clinton Caudill

Best Performance in a Course, 2017

Dean's List

Pro Bono Society Membership and Award of Distinction, Tier Two

Brian P. Cawley

Burton Distinguished Legal Writing Award, 2020

Dean's Academic Achievement Award

Dean's List

George Laikin Award, 2020

Mathys Memorial Award for Excellence in Moot Court Competitions, 2019

Bryan A. Charbogian**Colton J. Chase**

Best Performance in a Course, 2017, 2018

Dean's Academic Achievement Award

Dean's List

J. Michael Riley Award, 2019

Hannah Claire Chelimsky

Katherine Held Memorial Award, 2020

Susan Steingass Outstanding Trial Advocacy Award, 2020

Tyler A. Chriscoe

Best Performance in a Course, 2019

Dean's Academic Achievement Award

Dean's List

M. Parker Conover**Patrick J. Courteau**

Dean's Academic Achievement Award

Dean's List

William H. Cowell

Best Performance in a Course, 2018, 2019

Dean's Academic Achievement Award

Dean's List

Gwynette E. Smalley Law Review Prize, 2020

John James Crawford

Michael T. Crosby

Dean's List

Nancy Cruz

Advanced Opportunity Program Fellowship

Bruce F. Beilfuss Memorial Award, 2020

Dean's List

Mathys Memorial Award for Outstanding Service to the Moot Court Board, 2019

Outstanding 3L Award, Latinx Law Student Association

Pro Bono Society Membership and Award of Distinction, Tier Two

Jared John Dakovich

Dean's List

Ian Scott Davis

Best Performance in a Course, 2018

Jedidiah Dodge

Dean's List

Sophia Patricia Dolan

Catherine Manning Memorial Award, 2019

Lindsey Douglass

Dean's Academic Achievement Award

Dean's List

Samuel James Erickson

Dean's List

Taijae Williams Evans

Advanced Opportunity Program Fellowship

Pro Bono Society Membership and Award of Distinction, Tier One

Spencer Carter Ezell

Dean's List

Farah N. Famouri

Dean's Academic Achievement Award

Dean's List

Mary Kelly Quackenbush Memorial Award, 2019

Melvin J. Friedman Memorial Scholarship, 2019

Jesse Fernandez

Advanced Opportunity Program Fellowship

Emery Benton Flaherty

Dean's List

Samuel David Frasher

Pro Bono Society Membership and Award of Distinction, Tier Two

Nathan Froemming

Dean's List

Natalie Lauren Gerloff

Dean's Academic Achievement Award

Dean's List

Jared S. Gjertson

Barbara B. Crabb Award, 2019

Dean's List

Habush Habush & Rottier Outstanding Trial Advocacy Award, 2020

Pro Bono Society Membership and Award of Distinction, Tier One

Unemployment Compensation Appeals Clinic Outstanding Student Advocate Award

Michael Reed Glawe**Megan Gomez**

Advanced Opportunity Program Fellowship

Pro Bono Society Membership and Award of Distinction, Tier One

Nadia L. Gonzalez

Advanced Opportunity Program Fellowship

Dean's List

Gwynette E. Smalley Law Review Prize, 2020

Kathleen Marie Gresham

Dean's Academic Achievement Award

Dean's List

Mathys Memorial Award for Excellence in Moot Court Coaching, 2020

Zachary A. Guerin**Sydney L. Handrich****Amy T. Harriman**

Abner Brodie Award, 2019

Bruce F. Beilfuss Memorial Award, 2020

Pro Bono Society Membership and Award of Distinction, Tier One

Women's Law Student Association Summer Scholarship

Emily Jane Hicks

Best Performance in a Course, 2018

Dean's List

Sarah Jeanette Horner

Best Performance in a Course, 2018

Dean's Academic Achievement Award

Dean's List

Emily Jane Hyde

Dean's List

Julia Johanna Jagow

Best Performance in a Course, 2018

Dean's Academic Achievement Award

Dean's List

Institute for Regional and International Studies International Research and Training Grant, 2017

Joseph Davies Award, 2019

Pro Bono Society Membership and Award of Distinction, Tier One

Ray and Ethel Brown Award in Legal Writing, 2020

William Herbert Page Award, 2020

Jonas Oren Jakobson

Dean's List

Peter Hoeper Solo and Small Practice Award, 2020

Karin Jonch-Clausen

Melvin J. Friedman Memorial Scholarship

Benjamin Jordan

Dean's List

Mathys Memorial Award for Outstanding Service to the Moot Court Board, 2020

E'bria M. Karega

Bruce F. Beilfuss Memorial Award, 2020

Gordon Kochman

Kevin G. Koelling

Dean's List

Kirsten Adrienne Koschnick

Best Performance in a Course, 2018

Dean's Academic Achievement Award

Dean's List

Nathan Mark Kuenzi

Dean's Academic Achievement Award

Dean's List

Gwynette E. Smalley Law Review Prize, 2020

Ray and Ethel Brown Award, 2019

Samuel Thomas Kuzniewski

Best Performance in a Course, 2017, 2018, 2019

Dean's Academic Achievement Award

Dean's List

Pro Bono Society Membership and Award of Distinction, Tier One

Lauren Elaine LaCasto

Abigail Levenhagen

Dean's List

Alex Shafran Levy

Robert M. Ling III

Best Performance in a Course, 2017

Dean's List

Adam Jose Lowe

Dean's List

Jacob R. Lund

Dean's Academic Achievement Award

Dean's List

Megan E. Lyneis

Thomas John Lyneis

Dean's List

Keegan John Madden

Mathys Memorial Award for Excellence in Moot Court Competitions, 2019

Katherine Aileen Mahoney

Donnie Malchow

Dean's Academic Achievement Award

Dean's List

Gwynette E. Smalley Law Review Prize, 2020

Pro Bono Society Membership and Award of Distinction, Tier Two

Patrick F. Malloy

Best Performance in a Course, 2018

Dean's List

Tyler T. Manley

John Duero Mathie

Catherine Manning Memorial Award, 2020

Dean's List

Gracie Public Interest Fellowship

Leon Feingold Memorial Award, 2020

Pro Bono Society Membership and Award of Distinction, Tier One

Larenda Jean Maulson

Advanced Opportunity Program Fellowship

Bruce F. Beilfuss Memorial Award, 2019

Outstanding 3L Award, Indigenous Law Students Association

John C. McCarthy

Olivia G. McCarthy

Ezekial Craig McDonald-Lewis

Joseph Frederick McDonald

Kelly Ann McGraw

Best Performance in a Course, 2019

Dean's Academic Achievement Award

Dean's List

Gwynette E. Smalley Law Review Prize, 2020

Douglas Christopher McIntosh

Best Performance in a Course, 2019

Dean's Academic Achievement Award

Dean's List

Ray and Ethel Brown Award in Legal Writing, 2020

Adam J. Meyers

Dean's List

Miles J. Miannecki

Dean's List

Foreign Language and Area Studies Fellowship

Public Interest Law Foundation Scholar Award, 2018

Devan Montgomery

Samuel Geoffrey Morris

Best Performance in a Course, 2018, 2019
Dean's Academic Achievement Award
Dean's List

Dania Nadeem

American Academy of Matrimonial Lawyers Leonard Loeb Award, 2019
Children's Justice Project Fellowship
Outstanding 3L Award, Middle Eastern Law Students Association

Nina Marie Neff

Barbara B. Crabb Award, 2020
Bercovici Prize for Jurisprudence and Legal Philosophy, 2020
Dean's Academic Achievement Award
Dean's List
Foreign Language and Area Studies Fellowship
Joe and Barbara Weston Corry Scholarship, 2019
Julie Stearns Memorial Award, 2019
Ms. JD Fellowship, 2019
QLaw Book Scholarship, 2018

Westen Newman

Dean's List
Pro Bono Society Membership and Award of Distinction, Tier Two

Peter Thomas Nowak

Dean's Academic Achievement Award
Dean's List

Angela Brianne O'Brien

Best Performance in a Course, 2017, 2018, 2019
Dean's Academic Achievement Award
Dean's List
Mathys Memorial Award for Excellence in Moot Court Coaching, 2020
Mathys Memorial Award to Outstanding Moot Court Oralist, 2019
Pro Bono Society Membership and Award of Distinction, Tier One

Abby D. Padlock**Cody W. Pansing****Vanja Pemac**

American Association for Justice Mike Eidson Scholarship, 2019
Serbian Bar Association of America Sasich/Kordich Memorial Scholarship
Susan Steingass Outstanding Trial Advocacy Award, 2019

Tyler Alan Fisher Piddington

Bascom Brick Award
Best Performance in a Course, 2017, 2018, 2019
Dean's Academic Achievement Award
Dean's List
Pro Bono Society Membership and Award of Distinction, Tier One
Stewart Macaulay Award, 2020

Liam M. Pisan

Dean's List

Gabriel Andres Pollak

Wisconsin International Law Journal Outstanding 3L Editor

Kathryn Elizabeth Potratz

Dean's List

McKenna Marie Quinter

Children's Justice Project Fellowship

Olivia S. Radics

American Intellectual Property Law Association Robert C. Watson Award, 2019-2020

Best Performance in a Course, 2019

Constitution Award, 2020

Davis Award in Constitutional Law, 2019, 2020

Dean's Academic Achievement Award

Dean's List

Gwynette E. Smalley Law Review Prize, 2019, 2020

Salmon Dalberg Award, 2020

Matthew Alexander Repp

Steven W. Ripley

Dean's Academic Achievement Award

Dean's List

Catherine Cornelia Rose Roen

Best Performance in a Course, 2019

Dean's Academic Achievement Award

Dean's List

Edward and Esther Bloedorn Award, 2020

Perla J. Rubio Terrones

Advanced Opportunity Program Fellowship

Julie Strasser Scholarship, 2020

Pro Bono Society Membership and Award of Distinction, Tier One

Cortney Joy Runnels

Noah T. Rusch

Alyssa M. Schaefer

Dean's Academic Achievement Award

Dean's List

Katherine Held Memorial Award, 2020

Daniel W. Schwartz

Best Performance in a Course, 2018

Dean's Academic Achievement Award

Dean's List

Brian J. Seidl

Leah E. Selmek

Advanced Opportunity Program Fellowship

Pro Bono Society Membership and Award of Distinction, Tier Two

Kevin M. Smith

Cum Laude
Dean's Academic Achievement Award
Dean's List

Bella Abba Sobah

Advanced Opportunity Program Fellowship
Bruce F. Beilfuss Memorial Award, 2019, 2020
Outstanding 3L Award, Black Law Students Association

Meg Hannah Sternitzky

Dean's List
Gwynette E. Smalley Law Review Prize, 2020

Hannah Marie Stewart

Bruce F. Beilfuss Memorial Award, 2019
Dean's List
Gwynette E. Smalley Law Review Prize, 2020
Mettner Foundation Public Interest Fellowship, 2019
Pro Bono Society Membership and Award of Distinction, Tier One

William David Straube

Best Performance in a Course, 2018
Dean's Academic Achievement Award
Dean's List
Outstanding 3L Award, QLaw

Erika-Dorothy C. Strebel

Pro Bono Society Membership and Award of Distinction, Tier Two

Laina Petersen Stuebner

Best Performance in a Course, 2018
Dean's Academic Achievement Award
Dean's List

Kimberly Dawn Sweatt**Erika Joy Tecua**

Dean's List

Erik L. Tierney**Cara Tolliver**

Advanced Opportunity Program Fellowship
Best Performance in a Course, 2018
Dean's Academic Achievement Award
Dean's List
Outstanding 1L Award, Asian Law Students Association

Amanda M. Trecartin

Dean's List
Gwynette E. Smalley Law Review Prize

Kristopher Michael Turner

Dean's List

John Robert VanDeHey

Dean's List

Lisa Vang

Pro Bono Society Membership and Award of Distinction, Tier Two

Gregory A. Venturini

Aaron Thomas Vruwink

Best Performance in a Course, 2019

Dean's List

Peter Hoeper Solo and Small Practice Award, 2019

Scott Robert Wellhausen

Dean's Academic Achievement Award

Dean's List

Justice William Bablitch Remington Center Award, 2020

Gideon William O. Wertheimer

Dean's List

Sarah Maguire Wertz

Best Brief Award, 2018

Best Performance in a Course, 2018, 2019

Dean's Academic Achievement Award

Dean's List

Kelly Theresa Wilfert

Best Performance in a Course, 2018, 2019

Dean's List

James J. and Dorothy T. Hanks Memorial Award, 2020

Pro Bono Society Membership and Award of Distinction, Tier Two

Ryan McKinley Williams

Advanced Opportunity Program Fellowship

Thomas Evan Witzel

Dean's List

Brad D. Woods

Xiaofan Zhang

Dean's List

Samantha M. Zlevor

Best Performance in a Course, 2019

Dean's List

*Honor designations of cum laude, magna cum laude, and summa cum laude are listed for December 2019 graduates. Honors for May 2020 graduates will be designated upon degree completion.

CANDIDATES FOR DOCTOR OF JURIDICAL SCIENCE DEGREE

Koffi Dogbevi

Dissertation: "Seeds, Patent Infringement, and Food Sovereignty in Africa"

Yuan Yuan Ren

CANDIDATES FOR MASTER OF LAWS— LEGAL INSTITUTIONS DEGREE

Hewan Areaya

Victor Beltran Roman

ShuangXiong Chen

Roberto Cordova Guerra

Daniela Fachiano Nakano

Luying Fang

Luqi Han

Shiwei He

Liangqin Hong

Dongya Huang

Han-I Huang

Maryam Ismail

Hui Jiang

Jiaqi Li

Wen-Yu Li

Yanan Li

Best Performance in a Course, 2019

Xinyi Liu

Lovelyn Loresca

Yicheng Ma

Anastasia Martyanova

Tianchun Mo

Ke Peng

Settakij Phongputthangkoon

David Preminger Samet

Soromnear Sin

Betelhem Tafere

Kanokkorn Viriyasutum

Xiqi Wang

Xiaoyu Xia

Jun Yang

Yue Yu

Dacheng Zhang

Ke Zhang

Jiatong Zhong

Zhou Zhou

Best Performance in a Course, 2019

AWARD LISTINGS



AWARDS

Members of the Class of 2020 have earned accolades for scholastic achievement, contributions to their community, and outstanding service to the Law School and the legal profession. This list includes honors and awards as reported by students and faculty.

ACADEMIC EXCELLENCE AWARDS

Advanced Opportunity Program Fellowship

To highly qualified underrepresented graduate students at UW-Madison

American Academy of Matrimonial Lawyers Leonard Loeb Award

For excellence in family law and dedication to community service

Bascom Brick Award

For outstanding performance in commercial property development

Bercovici Prize for Jurisprudence and Legal Philosophy

For excellence in the study of jurisprudence and legal philosophy

Best Brief Award

For outstanding legal writing by a first-year law student

Best Performance in a Course

Best performance in at least one Law School course, as awarded by their instructors

Burton Distinguished Legal Writing Award

To ten students nationally for excellence in legal writing

Constitution Award

For excellence in the study of constitutional law

Daniel H. Grady Award

To the top-ranking student in the graduating class

Dean's Academic Achievement Award

For students graduating with a cumulative GPA of 3.35 or higher

Dean's List

For students meeting high GPA requirements during at least one semester of law school

Edward and Esther Bloedorn Award

For excellence in labor and employment law

J. Michael Riley Award

For excellence in the study of torts law

James J. and Dorothy T. Hanks Memorial Award

For excellence in the study of corporate law

Salmon Dalberg Award

To an outstanding member of the graduating class

Ray and Ethel Brown Award in Legal Writing

For excellence in legal research and writing

Stewart Macaulay Award

For excellence and leadership in contract law

CLINICAL AWARDS

Abner Brodie Award

For outstanding achievement in legal study and practical application of law

Catherine Manning Memorial Award

For outstanding contributions to the Legal Assistance to Institutionalized Persons Project

Julie Strasser Scholarship

For demonstrating concern for the needy and working to benefit society

Justice William Bablitch Remington Center Award

For a student in the Remington Center who has expressed a desire to pursue a career in public service

Melvin J. Friedman Memorial Scholarship

For exemplary work in the Wisconsin Innocence Project

MOOT COURT AWARDS

Mathys Memorial Awards for Appellate Advocacy

To outstanding Moot Court oralist

For outstanding service to the Moot Court Board

For excellence in Moot Court coaching

For excellence in Moot Court competitions

SERVICE, COMMITMENT, AND CONTRIBUTIONS

American Association for Justice Mike Eidson Scholarship

For female students who have demonstrated a commitment to a career as a plaintiff lawyer or criminal defense lawyer

American Intellectual Property Law Association Robert C. Watson Award

For students interested in intellectual property issues

Barbara B. Crabb Award

For promoting the ideals of honesty, fairness, and equality

Bruce F. Beilfuss Memorial Award

For outstanding service to the Law School

Cheryl Weston Outstanding Mensch Award

In recognition of tremendous support and tireless contribution to the Jewish community and the Jewish Law Students Association

Children's Justice Project Fellowship

For outstanding contributions and commitment to children's law

Foreign Language and Area Studies Fellowship

For meritorious students undergoing training in modern foreign languages or international studies

Gracie Public Interest Fellowship

For students demonstrating a commitment to public interest law

Habush Habush & Rottier Outstanding Trial Advocacy Award

For outstanding trial advocacy throughout a law student's career at UW Law School

Institute for Regional and International Studies International Research and Training Grant

For internationally- or area-studies-oriented graduate students in all fields

Joe and Barbara Weston Corry Scholarship

To support an exceptional student who is a single parent

Julie Stearns Memorial Award

For contribution and commitment to the LGBTQ and Law School community

Leon Feingold Memorial Award

For outstanding commitment to the Law School and greater community

Mettner Foundation Public Interest Fellowship

For law students interested in a career in public service

Ms. JD Fellowship

For outstanding academic achievement, involvement, passion for the legal profession, and commitment to Ms. JD's mission

Outstanding Student Awards

For outstanding contributions by law students to their respective student organizations

Peter Hoeper Solo and Small Practice Award

To a second- or third-year law student with an expressed interest in solo/small practice in rural Wisconsin

Pro Bono Society Membership and Award of Distinction

For exemplary pro bono service

Tier One (100+ hours of service)

Tier Two (50+ hours of service)

Public Interest Law Foundation Scholar Award

In recognition of students who demonstrated academic excellence, consistent service, and dedication to a public interest career

QLaw Book Scholarship

For commitment and service to the LGBTQ and Law School community

Ray and Ethel Brown Award

For character, leadership, and service demonstrated by first- or second-year students

Serbian Bar Association of America Sasich/Kordich Memorial Scholarship

In recognition of the ideals put forth by Milan and Jelena Sasich and Nikola and Desa Kordich and in support of Serbian causes

Susan Steingass Outstanding Trial Advocacy Award

For outstanding performance in the Mock Trial program

Unemployment Compensation Appeals Clinic Outstanding Student Advocate Award

For excellent work with the Unemployment Compensation Appeals Clinic

Wisconsin Hispanic Lawyers Association Scholarship

For Hispanic law students who best exemplify achievement and commitment to professional development and service within the Hispanic community

Women's Law Student Association Summer Scholarship

For students who have demonstrated a commitment to advancing women's issues

JOURNAL AWARDS

George Laikin Award

For best article on a general interest topic in the *Wisconsin Law Review*

Gwynette E. Smalley Law Review Prize

For scholarship and service to the *Wisconsin Law Review*, or

For special contributions to the *Wisconsin Law Review*

Joseph Davies Award

For outstanding service to the *Wisconsin Law Review* by a second-year student

Katherine Held Memorial Award

For outstanding contributions to the *Wisconsin Journal of Law, Gender & Society*

Mary Kelly Quackenbush Memorial Award

For the outstanding student article in the *Wisconsin International Law Journal*

Outstanding 3L Editor

For scholarship and service to the *Wisconsin International Law Journal*

William Herbert Page Award

For best student article on a Wisconsin-specific topic in the *Wisconsin Law Review*

REMARKS



Joseph Beckman

Dearest Class of 2020,

CONGRATULATIONS! We made it against some very unique odds. It has been a pleasure experiencing these three years together. I am both humbled and honored to have served as your Student Bar Association president. It was rewarding and exhilarating, and I hope that my efforts provided you with at least one pleasant memory during law school.

If the quarantine has taught us anything, it is to not take things for granted. Our class is entering into a profession that is vital to the development of our local, national, and international communities. We are positioned to help advance causes for which we are passionate and to improve the lives of many. We also need to support one another and help each other grow. Do not take these responsibilities lightly. I hope that we stay connected and that each of us sees great success.

Cheers,
Joseph



Koffi Dogbevi
Doctorate of Juridical Science and PhD minor in Political Science

“WISCONSIN IDEA” FOR THRIVING THROUGH DIFFICULT TIMES

One thing we learn as Badgers is the Wisconsin Idea: “[We] shall never be content until the beneficent influence of the University reaches every family of the State.” (Van Hise, 1905). My journey during these past years was not an easy one, especially when I lost my brother at age 39. However, I overcame these challenges because of the support I received from faculty, staff, and friends.

Today, the very foundation of our society is shaken to its core, due to the COVID-19 pandemic. The ideals of our life and institutions are threatened, and the economy is in the midst of the worst recession the world has ever seen.

As I graduate today, I reflect on the Wisconsin Idea, and I see a world with immense and limitless opportunities. Go Badgers!

Farah Famouri

What will you miss most about your law school experience?

I will miss the Remington Center! My clinical work through the center has been my favorite part of law school, and I will miss interacting with my fellow clinicians and discussing our cases. Even knowing that some of us will be defense attorneys, some of us prosecutors, and some of us will never practice criminal law again, it was great to work in an environment where we focused only on the client. I can't say that I will miss the tiny desk in the office, but I will absolutely miss the people.

What advice would you give your classmates at this moment?

Stay in touch! Although we are unfortunate to be the COVID-19 graduating class, we are fortunate to be a group of highly motivated, competent folk, who I am sure will make big changes in Wisconsin and beyond.



Nadia Gonzalez

I am deeply saddened that our final semester of law school was cut short. However, I will always be proud to be a member of this graduating class with all of you. Regardless of the route our law degrees will take us, whether it be the law firm life or the public interest route, I am confident that we will do great things. If our conversations in the atrium over the last three years are indicative of anything, it is that we are strong-willed and passionate individuals. Thank you for the last three years; it's been a wild ride.



Angela O'Brien

What advice would you give your classmates at this moment?

Eventually, opportunities will come that will put us in a position where we have to take a risk and bet on ourselves. Everyone in this graduating class is talented, capable, and resourceful, so I hope when that moment comes, we all bet big.

What hope or wish do you have for your classmates?

I hope that we all remember to leave time in our busy work weeks to donate our considerable talent, skill, and resources by offering free or low-cost legal representation to those who need it most. I hope we can all use the law to fight for the causes we are passionate about so that no vulnerable person ever has to face the legal system alone.

Bella Sobah

My life has been an ongoing battle of challenging both the external and internal voices telling me what I can and cannot do. The last three years have been an exploration into what “can” and “cannot” mean as it relates to me and the world. Can I actually not do something because it just is not in my wheelhouse? *See Torts Grade*. Or are there larger, systemic barriers entrenched in our society that impact the way I and other people relate to and exist in the world? *See all of American History on Race, Disability, Gender, etc.* Law school helped me navigate answering both questions.

In the event that the answer to the first question is “yes,” I have learned that, instead of accepting defeat, I can look towards my colleagues, friends, and professors for support. Even in a hyper-competitive space such as law school, I still found when it’s two in the morning and you’re trying to finish the impossible feat of writing a 20-page paper while studying for another class’s final, someone will send you an outline for that class because they are good. You can always choose to be good to others. Be good.

As for the second question: this is the reason I came to law school. This is why I pushed through those impossibly late nights and took advantage of opportunities that pushed me outside of my comfort zone. I have every intention of using this degree to help dismantle oppressive societal structures that seek to disadvantage black and brown people, disabled people, LGBT+ people, or poor people. The last three years have given me invaluable tools to examine and analyze these structures and find solutions to seemingly unanswerable questions.

I am forever grateful to those friends who did share those outlines and who sent me words of encouragement when I had thoughts of defeat. I am grateful for the professors who pushed me to think about why our world is the way it is and for giving me the tools and resources to change what I believe needs changing.





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Wisconsin Elections Commission

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Wisconsin Elections Commission

Quarterly Meeting

Wisconsin Capitol Building, Room 412E

Madison, Wisconsin

10:00 a.m. June 27, 2024

Open Session Minutes

Present: Commissioner Marge Bostelmann, Commissioner Ann Jacobs, Commissioner Don M. Millis, Commissioner Carrie Riepl, Commissioner Robert Spindell Jr., and Commissioner Mark Thomsen, all in person.

Staff present: Ahna Barreau, Sharrie Hauge, Brandon Hunzicker, Matthew Kabbash, Robert Kehoe, Anna Langdon, Benji Pierson, Angela Sharpe, Riley Vetterkind, Riley Willman, Jim Witecha, and Meagan Wolfe, all in person.

A. Call to Order

Commission Chair Jacobs called the meeting to order at 10:06 a.m. and called the roll. All Commissioners were present.

B. Administrator's Report of Appropriate Meeting Notice

Administrator Meagan Wolfe informed the Commission that the meeting was noticed in accordance with Wisconsin's open meetings laws.

C. Public Comment

Chair Jacobs announced that the Commission would hear from in-person speakers first, then move on to speakers appearing via Zoom. She also noted that speakers would get three minutes to speak.

Bianca Shaw

Bianca Shaw, representing All Voting is Local, appeared in person and called for Commissioner Spindell to resign.

Discussion.

Nick Ramos

Wisconsin Elections Commissioners

Ann S. Jacobs, chair | Marge Bostelmann | Don M. Millis | Carrie Riepl | Robert Spindell | Mark L. Thomsen

Administrator
Meagan Wolfe

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June 27, 2024, Open Meeting Minutes
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Nick Ramos, the executive director of the Wisconsin Democracy Campaign, appeared in person and called for Commissioner Spindell to resign.

Rebecca Alwin

Rebecca Alwin of Middleton appeared in person and expressed dissatisfaction with the partisan nature of the Commission.

Rev. Greg Lewis

Rev. Greg Lewis, Executive Director of Souls to the Polls, appeared in person and called on Commissioner Spindell to resign.

Vaun Mayes

Vaun Mayes, representing Community Task Force Milwaukee, appeared in person and called for accountability from individuals in positions of power.

Barbara Beckert

Barbara Beckert appeared via Zoom and expressed support for the emergency rule pertaining to election observers.

Discussion.

Delany Zimmer

Delany Zimmer appeared on behalf of the League of Women Voters Wisconsin via Zoom and encouraged the Commission to provide sample ballots translated into Spanish on the MyVote Wisconsin website.

Discussion.

Lane Ruhland

Lane Ruhland appeared via Zoom and encouraged the Commission to appeal the DRW v. WEC circuit court order.

Vicki Aro-Shackmuth

Vicki Aro-Shackmuth appeared via Zoom and questioned Commissioner Spindell's fitness to serve on the Commission.

Kathryn Bartelli

Kathryn Bartelli of Waukesha County appeared via Zoom and provided comments regarding a temporary injunction in Oldenburg v. WEC.

Debra Morin

Debra Morin appeared via telephone and encouraged the Commission to act with decorum. She expressed concern regarding 17-year-olds' potential to register to vote under current DMV and WEC policies.

Ms. Klinge

Ms. Klinge appeared in person and questioned Commissioner Spindell's fitness to serve on the Commission.

D. Written Comments

Chair Jacobs noted the significant number of written comments submitted to the Commission.

E. Approval of Previous Meeting Minutes

a. May 14, 2024

b. May 16, 2024

c. June 10, 2024

MOTION: Approve the May 14, 2024, May 16, 2024, and June 10, 2024, open session minutes.

Moved by Commissioner Thomsen. Seconded by Commissioner Riepl.

Roll call vote:	Bostelmann:	Aye	Riepl:	Aye
	Jacobs:	Aye	Spindell:	Aye
	Millis:	Aye	Thomsen:	Aye

Motion carried 6-0.

F. Discussion and Potential Action Related to the Recall Petition Pertaining to Assembly Representative Robin Vos, and Any Related Recall Policy Considerations and Action.

Staff Attorney Brandon Hunzicker presented the agenda item following the sequence of the corresponding memo.

Discussion.

Matthew Fernholz presented arguments on behalf of Rep. Vos. Five minutes were allowed for each side's initial presentation.

The Commissioners followed up with questions.

Kevin Scott presented arguments on behalf of the Racine Recall Committee.

The Commissioners followed up with questions.

declaration of candidacy is valid with or without the seal of the officer administering the oath. Accordingly, if the Legislature intended a declaration of candidacy to be valid even if a notary seal were missing, it must have also intended a declaration of candidacy to be valid even if there are other minor errors or omissions in the jurat that do not affect the ability to confirm that the declaration was sworn before an official authorized to give oaths.

Recommended Motion:

The Commission does not sustain the challenge of David Strange to the declarations of candidacy of Cornel West and Melina Abdullah and will not exercise its authority under Wis. Stat. § 8.30(4) to exclude them from the ballot for failure to timely file a declaration of candidacy. The Commission adds Cornel West and his running mate Melina Abdullah to the list of candidates to be approved for ballot access. Commission staff shall issue a closure letter to the parties consistent with this motion.

EL 24-81 – Michael Hoffman v. Shiva Ayyadurai & Crystal Ellis

Challenger Name: Michael Hoffman

Candidate Name: Shiva Ayyadurai & Crystal Ellis

Office Sought: President and Vice President of the United States

Signatures Required: 2,000-4,000

Signatures Filed (After Facial Review): 3,014

Signatures Challenged: None – Challenge to Natural Born Citizenship Status as Required by Art. II, Section 1, Clause 5 of the U.S. Constitution

Supplemental Signatures: 0

Correcting Affidavits: 0

Final Staff Recommendation: 3,014 - But Deny Ballot Access on Eligibility Grounds

Commission staff verified that Candidates Ayyadurai and Ellis had 3,014 signatures. Based on the analysis below, staff assert that Challenger Hoffman has met his burden to show by clear and convincing evidence that Candidate Shiva Ayyadurai does not meet the legal requirements for the office he seeks because he is not a natural born citizen of the United States. See Wis. Admin. Code EL § 2.07(4). Accordingly, staff recommend that the Commission sustain the challenge and deny ballot access for Candidates Ayyadurai and Ellis.

Challenger Hoffman is not challenging the sufficiency of anything on the nomination papers of Candidates Ayyadurai and Ellis, per se, although a candidate does attest to their qualifications for the office sought. Instead, he is challenging whether Candidate Ayyadurai is a “natural born citizen” as required of presidential candidates by Art. II, Section 1, Clause 5 of the U.S. Constitution (“Constitutional Citizenship”). Challenger Hoffman brings this challenge under the provisions found in Wis. Admin. Code § EL 2.07 and Wis. Stat. § 8.20. Specifically, Challenger Hoffman concedes that Candidate Ayyadurai has been a lawfully naturalized citizen since 1983 but argues that Constitutional Citizenship requires that only “...those individuals who are a ‘natural born citizen,’ at least ‘thirty five years’ of age, and a resident of the United States for at least 14 years qualify to be ‘eligible to the Office of President.’” In essence, Challenger Hoffman asserts that there is a difference between being a “natural born” citizen and an individual who has gained citizenship through naturalization under 8 U.S.C. § 1427.

Challenger Hoffman provided exhibits supporting this contention, including a Certificate of Nomination of Unaffiliated Candidate filed by, or caused to be filed by, Candidate Ayyadurai in the State of Utah. This filing expressly states that Candidate Ayyadurai “attest[s]” that he “was ‘naturally born’ in Bombay, India, on December 2, 1963.” Additionally, Challenger Hoffman filed another exhibit in support of these claims — a recent decision of the United States District Court for the District of Columbia in which the court found that “Dr. Ayyadurai was born in Mumbai, India, and became a naturalized American citizen in November 1983.”

In the response, Candidate Ayyadurai does not address or refute claims that he is not a natural born U.S. citizen and does not admit or deny that he was born outside the United States and gained citizenship through naturalization. Instead, he argued the Commission lacks subject matter and personal jurisdiction over the

nomination papers, and also contends there is a lack of standing related to Challenger Hoffman and his ability to bring the matter. The cited authority for those defenses was Wis. Stat. Chapter 801, which relates specifically to civil procedure in a court of law. However, Candidate Ayyadurai further elaborates that "...the Challenger's petition has not provided any evidence challenging the Electors' nomination papers pursuant to *Wis. Admin. Code EL § 2.07* and *Wisconsin Legislature: 8.20* or pursuant to the kind of challenges identified in the publication entitled *Wisconsin Nomination Paper Challenges*." Candidate Ayyadurai then further argues that it would be an overreach of the jurisdiction of the Commission, a state entity, to impede the processes of the Electoral College.

The Commission also received a sworn declaration from Elector Frank Marshall, one of the designated presidential electors for the challenged candidates. Primarily, Elector Marshall contends that he and the other electors were not named as respondents and were never served with notice of this challenge filing. The implication appears to be that Elector Marshall is supporting the arguments of Candidates Ayyadurai and Ellis that the Commission is improperly impeding the Electoral College process and that Commissioners lack jurisdiction over those procedures and parties.

The verified rebuttal of Challenger Hoffman notes that Candidates Ayyadurai and Ellis do not respond to the only challenge actually raised against the nomination papers — that he [Candidate Ayyadurai] was born in Bombay, India, and, therefore, does not meet the qualification of being a "natural born citizen," as required by the U.S. Constitution. Challenger Hoffman further argues that, "A failure to contest an argument is deemed as a concession." *Charolais Breeding Ranches, Ltd. v. FPC Secs. Corp.*, 90 Wis. 2d 97, 109,279 N.W.2d 493 (Ct. App. 1979) (Unrefuted arguments are deemed admitted.)

Challenger Hoffman, thus, posits that it is undisputed in the record that Candidate Ayyadurai was not born in the United States. Additionally, Challenger Hoffman argues that Candidates Ayyadurai and Ellis instead chose to argue "inapplicable and irrelevant aspects of the Electoral College" instead of addressing the merits. The challenger cites further case law which he believes supports the Commission's authority and duty to determine presidential candidate qualifications for state ballot access.

Discussion

As a preliminary matter, there are a few ways an individual can gain U.S. citizenship under federal law, though only two are pertinent to this challenge. First, all individuals born in the U.S. gain citizenship immediately upon birth and are not required to qualify for and apply for it. U.S. CONST. AMEND. 14. This is commonly known as "birthright citizenship." Second, qualifying individuals may apply for U.S. citizenship through a process called naturalization, usually after holding a green card for a certain number of years and meeting other legal requirements. 8 U.S.C. § 1427.

The Supreme Court has upheld the distinction between natural-born and naturalized citizens' eligibility to be President. *Schneider v. Rusk*, 377 U.S. 163 (1964) ("...the rights of citizenship of the native born and of the naturalized person are of the same dignity and are coextensive. The only difference drawn by the Constitution is that only the 'natural born' citizen is eligible to be President."); see also *Hassan v. Federal Election Com'n*, 893 F.Supp.2d 248, 256-57 (D.D.C. 2012) (holding that the Fifth and Fourteenth Amendments did not implicitly repeal the natural-born citizen requirement). Thus, Commission staff recommend that the Commission conclude that a naturalized citizen does not meet the constitutional requirement to be a "natural born citizen." A naturalized citizen would not meet the requirements of Constitutional Citizenship, and subsequently, would not be qualified to run for the Office of President of the United States.

Commission staff agree with Challenger Hoffman's argument that it is uncontested within the administrative record that Candidate Ayyadurai was born in India, and that the "natural born citizen" arguments were essentially unaddressed in the candidates' response filings. The challenger also submitted sufficient exhibits to create a record of Candidate Ayyadurai's country of birth and subsequent naturalization as a United States citizen. Commission staff also agree with Challenger Hoffman that the Electoral College arguments were vague and irrelevant. Regardless, Commission staff provide analysis below to refute the argument that the Commission cannot consider

this matter. This leaves the Commission to answer only two questions pertaining to the challenge — whether naturalization as a citizen fails to meet the Constitutional requirements for presidential ballot access, and whether the Commission has the authority to consider constitutional questions in this context.

Challenger Hoffman provided, as Exhibit B, a Westlaw case file for *Shiva Ayyadurai v. Merrick Garland et al.*, Civil Action No. 23-2079 (D.D.C. 2024). The challenger's purpose appears to have been establishing a record of Candidate Ayyadurai's own admission, and a court record, that Candidate Ayyadurai was born in India and subsequently naturalized as a United States citizen in 1983. Commission staff independently reviewed the case and believe that Candidate Ayyadurai's birth location and naturalized citizenship status has been sufficiently established and undisputed in the administrative record. It is thus recommended that the Commission conclude the same.

The *Garland* case also raises an important point. Candidate Ayyadurai's own arguments in that case centered on a belief that his "campaign will be hampered by a variety of state and federal officials who will refuse to permit ballot access to [him] on the basis of his place of birth." This evidences Candidate Ayyadurai's own, though premature, concern that his Constitutional qualification for office would be called into question. The *Garland* Court found that these arguments were premature and granted motions to dismiss in favor of the defendants. The matter was dismissed without prejudice. The *Garland* Court's decision was largely based on its assessment that certain states had only sought further clarification of Candidate Ayyadurai's citizenship status, but none had made an affirmative denial of his ballot access at that time.

A staff search of LexisNexis on August 15, 2024, at 8:05 a.m., yielded no results to evidence that Candidate Ayyadurai had appealed that decision or subsequently filed a timelier lawsuit on these questions of law on a country-wide basis. Further, the consistent interpretation of Art. II, Section 1, Clause 5 of the U.S. Constitution has been that it precludes a naturalized citizen from running for the Office of President of the United States.

This leaves only the second question, that being whether the Commission has the authority to consider Constitutional Citizenship questions in the context of ballot access decisions at the state level. This question is not without precedent, even in the instant matter. While there may be circumstances where the Commission cannot, or chooses not to, answer a constitutional question, in the context of candidate qualifications and ballot access, staff believe that the Commission has an obligation under Wis. Stat. § 8.30 to examine candidate qualifications, especially in the context of a sworn challenge. Likewise, while the Supreme Court has concluded that it would be undesirable to leave certain constitutional questions of candidate eligibility up to the states out of fears of a patchwork of inconsistent ballot access results, this challenge presents a much more direct question that staff believe the Commission is directed by statute to answer. *Trump v. Anderson*, 601 U.S. 100 (2024). Here, the Constitution prescribes a "yes" or "no" requirement — is the candidate for president a natural born citizen? The parties in this matter appear to agree that he is not.

The Commission is authorized by statute to consider this very type of qualification in determining ballot access. Wisconsin Statute § 8.30, "Candidates ineligible for ballot placement," provides:

- (1) Except as otherwise provided in this section, the official or agency with whom declarations of candidacy are required to be filed may refuse to place the candidate's name on the ballot if any of the following apply:
 - (a) The nomination papers are not prepared, signed, and executed as required under this chapter.
 - (b) It conclusively appears, either on the face of the nomination papers offered for filing, or by admission of the candidate or otherwise, that the candidate is ineligible to be nominated or elected.
 - (c) The candidate, if elected, could not qualify for the office sought within the time allowed by law for qualification because of age, residence, or other impediment. (Emphasis added)

This provision allows the Commission to consider all types of nomination papers and all facets of candidate qualification and eligibility, which Commission staff believe includes Constitutional Citizenship as required by the U.S. Constitution for the Office of President of the United States. The statute also authorizes the Commission to refuse ballot placement under those circumstances in its discretion. This argument is supported by additional statutory requirements pertaining to the very documents Candidate Ayyadurai filed. For instance, Wis. Stat. § 8.21(2)(b) requires the signer of a declaration of candidacy to attest that they will meet the requirements of the office sought, including citizenship. As such, Commission staff contend that the Commission does have the authority to consider Constitutional Citizenship and deny ballot access if it so chooses.

Recommended Motion:

The Commission sustains the challenge of Michael Hoffman against Candidate Shiva Ayyadurai and Candidate Crystal Ellis, and the Commission exercises its authority under Wis. Stat. § 8.30(4) to exclude them from the ballot because Candidate Ayyadurai does not meet the constitutional requirements for the Office of President of the United States. The Commission directs staff not to add Shiva Ayyadurai and his running mate Crystal Ellis to the list of candidates to be approved for ballot access. Commission staff shall issue a closure letter to the parties consistent with this motion.



Wisconsin Elections Commission

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Wisconsin Elections Commission

Ballot Access Meeting

201 W. Washington Avenue, Second Floor
Madison, Wisconsin
11:00 a.m. August 27, 2024

Open Session Minutes

Present: Commissioner Marge Bostelmann, Commissioner Ann Jacobs, Commissioner Don M. Millis, Commissioner Carrie Riepl, Commissioner Robert Spindell Jr., and Commissioner Mark Thomsen, all by teleconference.

Staff present: Ahna Barreau, Sharrie Hauge, Brandon Hunzicker, Robert Kehoe, Anna Langdon, Angela Sharpe, Riley Vetterkind, Riley Willman, Jim Witecha, and Meagan Wolfe, all by teleconference.

A. Call to Order

Commission Chair Jacobs called the meeting to order at 11:03 a.m. and called the roll. All Commissioners were present.

B. Administrator's Report of Appropriate Meeting Notice

Administrator Meagan Wolfe informed the Commission that the meeting was noticed in accordance with Wisconsin's open meetings laws.

C. Approval of Previous Meeting Minutes

- a. June 27, 2024**
- b. July 11, 2024**
- c. July 26, 2024**
- d. July 30, 2024**
- e. August 8, 2024**

MOTION: Approve all five sets of minutes.

Moved by Commissioner Riepl. Seconded by Commissioner Bostelmann.

Roll call vote: Bostelmann:	Aye	Riepl:	Aye
Jacobs:	Aye	Spindell:	Aye
Millis:	Aye	Thomsen:	Aye

Wisconsin Elections Commissioners

Ann S. Jacobs, chair | Marge Bostelmann | Don M. Millis | Carrie Riepl | Robert Spindell | Mark L. Thomsen

Administrator
Meagan Wolfe

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Motion carried 6-0.

D. Ballot Access Challenges and Issues for Challenges Timely Received by 4:30 p.m. on Friday, August 9, 2024

a. EL 24-80 – David Strange v. Cornel West & Melina Abdullah

Staff Attorney Angela Sharpe presented an overview of staff's memo and recommendations to the Commission.

Discussion.

Chair Jacobs noted that individuals presenting arguments for the challenger and candidate would have five minutes to present.

David Hollander appeared and presented arguments on behalf of Challenger Strange.

Discussion.

Oliver Hall appeared and presented arguments on behalf of Candidate West and Candidate Abdullah.

Discussion.

MOTION: The Commission does not sustain the challenge of David Strange to the declarations of candidacy of Cornel West and Melina Abdullah and will not exercise its authority under Wis. Stat. § 8.30(4) to exclude them from the ballot for failure to timely file a declaration of candidacy. The Commission adds Cornel West and his running mate Melina Abdualah to the list of candidates to be approved for ballot access. Commission staff shall issue a closure letter to the parties consistent with this motion.

Moved by Commissioner Millis. Seconded by Commissioner Spindell.

Discussion.

Roll call vote:	Bostelmann:	Aye	Riepl:	Aye
	Jacobs:	No	Spindell:	Aye
	Millis:	Aye	Thomsen:	Aye

Motion carried 5-1.

The Commission took a break at 11:55 a.m. and returned at 12:05 p.m.

b. EL 24-81 – Michael Hoffman v. Shiva Ayyadurai

Chief Legal Counsel Jim Witecha presented an overview of staff's memo and recommendations to the Commission.

Discussion.

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No one appeared on behalf of the challenger.

Candidate Shiva Ayyadurai appeared and presented arguments.

Discussion.

Frank Marshall appeared and presented arguments.

Discussion.

MOTION: The Commission sustains the challenge of Michael Hoffman against Candidate Shiva Ayyadurai and Candidate Crystal Ellis, and the Commission exercises its authority under Wis. Stat. § 8.30(4) to exclude them from the ballot because Candidate Ayyadurai does not meet the constitutional requirements for the Office of President of the United States. The Commission directs staff not to add Shiva Ayyadurai and his running mate Crystal Ellis to the list of candidates to be approved for ballot access. Commission staff shall issue a closure letter to the parties consistent with this motion.

Moved by Commissioner Spindell. Seconded by Commissioner Riepl.

Roll call vote:	Bostelmann:	Aye	Riepl:	Aye
	Jacobs:	Aye	Spindell:	Aye
	Millis:	No	Thomsen:	Aye

Motion carried 5-1.

E. Ballot Access Report and Certification for Presidential and Vice-Presidential Candidates for the General Election

Elections Supervisor Riley Willman presented staff's ballot access memo. He noted that Wisconsin Green party vice presidential candidate Butch Ware should be listed as Rudolph Ware, according to his declaration of candidacy received by staff after the Commission's materials had been published.

MOTION: Staff recommends that the Commission grant ballot access to the following candidates, who will appear on the November 5, 2024 General Election ballot as the national nominees for President and Vice President for their respective parties:

- a. Kamala D. Harris and Tim Walz as the nominees for the Democratic party.
- b. Donald J. Trump and JD Vance as the nominees for the Republican party.
- c. Randall Terry and Stephen Broden as the nominees for the Constitution party.
- d. Chase Russell Oliver and Mike ter Maat as the nominees for the Libertarian party.
- e. Jill Stein and Rudolph Ware as the nominees for the Wisconsin Green party.

Moved by Commissioner Millis. Seconded by Commissioner Spindell.

Chair Jacobs noted that the Constitution, Libertarian, and Wisconsin Green parties did not run any candidates for state senate or assembly. The Commission discussed whether this constituted noncompliance with Wis. Stat. § 8.18 and made the parties' nominated candidates ineligible for ballot access.

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AMENDMENT: Divide the question so that the Democratic and Republican parties are voted on in one motion and the Constitution, Libertarian, and Wisconsin Green parties are voted on in a separate motion.

Moved by Chair Jacobs. Seconded by Commissioner Thomsen.

Roll call vote: Bostelmann:	No	Riepl:	Aye
Jacobs:	Aye	Spindell:	No
Millis:	No	Thomsen:	Aye

Amendment failed 3-3.

Discussion.

Chair Millis clarified that his motion was moved with the understanding that the last clause, “dependent on the timely receipt of the necessary ballot access documents as described in Wis. Stat. § 8.16(7)” was removed.

ORIGINAL MOTION: Staff recommends that the Commission grant ballot access to the following candidates, who will appear on the November 5, 2024 General Election ballot as the national nominees for President and Vice President for their respective parties:

- a. Kamala D. Harris and Tim Walz as the nominees for the Democratic party.
- b. Donald J. Trump and JD Vance as the nominees for the Republican party.
- c. Randall Terry and Stephen Broden as the nominees for the Constitution party.
- d. Chase Russell Oliver and Mike ter Maat as the nominees for the Libertarian party.
- e. Jill Stein and Rudolph Ware as the nominees for the Wisconsin Green party.

Roll call vote: Bostelmann:	Aye	Riepl:	Aye
Jacobs:	No	Spindell:	Aye
Millis:	Aye	Thomsen:	No

Motion carried 4-2.

Chair Jacobs noted that Robert F. Kennedy, Jr. had publicly withdrawn from the presidential race.

MOTION: Based on the review of the nomination papers, and the conclusion of the challenges, the Commission grant ballot access to the following candidates, who will appear on the November 5, 2024 General Election ballot as independent candidates for President and Vice President:

- a. Cornel West and Melina Abdullah as independent candidates representing the Justice For All party.
- b. Claudia De la Cruz and Karina Garcia as independent candidates representing the Party for Socialist and Liberation party.

(c) and (d) are removed based on withdrawal and Commission prior action, respectively.

Moved by Commissioner Millis. Seconded by Commissioner Spindell.

The Commission discussed the application of Wis. Stat. § 8.35(1) to the current situation.

Roll call vote: Bostelmann:	Aye	Riepl:	No
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Wisconsin Elections Commission
August 27, 2024, Open Meeting Minutes
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Jacobs:	No	Spindell:	Aye
Millis:	Aye	Thomsen:	No

Motion failed 3-3.

MOTION: Based on the review of the nomination papers, and the conclusion of the challenges, the Commission grant ballot access to the following candidates, who will appear on the November 5, 2024 General Election ballot as independent candidates for President and Vice President:

- Cornel West and Melina Abdullah as independent candidates representing the Justice For All party.
- Claudia De la Cruz and Karina Garcia as independent candidates representing the Party for Socialist and Liberation party.
- Robert F. Kennedy and Nicole Shanahan for the We The People party.

Moved by Commissioner Thomsen. Seconded by Commissioner Riepl.

Roll call vote: Bostelmann:	Aye	Riepl:	Aye
Jacobs:	Aye	Spindell:	No
Millis:	Aye	Thomsen:	Aye

Motion carried 5-1.

F. Discussion, Review, and Possible Action Pertaining to Ballot Proofing Best Practices

Administrator Meagan Wolfe summarized the draft clerk communication before the Commission. She clarified that the Commission proofs and approves ballot templates and county clerks generate the actual ballot styles.

Discussion.

MOTION: Approve the publication and distribution of the memo found on page 177 of the Commission's materials.

Moved by Commissioner Thomsen. Seconded by Commissioner Bostelmann.

Roll call vote: Bostelmann:	Aye	Riepl:	Aye
Jacobs:	Aye	Spindell:	Aye
Millis:	Aye	Thomsen:	Aye

Motion carried 6-0.

G. Closed Session

MOTION: Move into closed session pursuant to Wis. Stat. § 19.85(1)(g).

Moved by Commissioner Thomsen. Seconded by Commissioner Bostelmann.

Roll call vote: Bostelmann:	Aye	Riepl:	Aye
Jacobs:	Aye	Spindell:	Aye

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Millis: Aye Thomsen: Aye

Motion carried 6-0.

The Commission left open session at 2:01 p.m.

H. Adjourn

The Commission adjourned in closed session at 2:38 p.m.

#####

August 27, 2024, Wisconsin Election Commission meeting minutes prepared by:



Anna Langdon, Help Desk Staff

October 4, 2024

August 27, 2024, Wisconsin Election Commission meeting minutes certified by:



Marge Bostelmann, Commission Secretary

October 4, 2024

Appendix of Challenge Materials

Appendix 1: Jennifer Weber v. Cortney Iverson (EL 25-4) – Challenge Filing
.....**Provided in 1/10/2025 Materials**

Appendix 2: Theresa Beck v. Cortney Iverson (EL 25-5) – Challenge Filing
.....**Provided in 1/10/2025 Materials**

Appendix 3: Natalia Taft v. Jeff Wright (EL 25-6) – Challenge Filing
.....**Pg. 02**

Appendix 4: Jennifer Weber v. Cortney Iverson (EL 25-4) – Response Filing
.....**Pg. 10**

Appendix 5: Theresa Beck v. Cortney Iverson (EL 25-5) – Response Filing
.....**Pg. 21**

Appendix 6: Natalia Taft v. Jeff Wright (EL 25-6) – Response Filing
.....**Pg. 36**

Appendix 7: Commission Memo of Staff Recommendations for Challenges
.....**Pg. 49**

BEFORE THE STATE OF WISCONSIN ELECTIONS COMMISSION

IN THE MATTER of the Nomination Papers
Filed by Jeff Wright with Respect to the
Spring 2025 Election for Wisconsin State
Superintendent of Public Instruction.

File No. _____

VERIFIED COMPLAINT OF NATALIA TAFT

The Complainant, Natalia Taft by her attorneys Maistelman & Associates, LLC by Attorney Michael S. Maistelman, alleges and shows as follows:

1. The Complainant, Natalia Taft ("Complainant"), is a qualified elector in the state of Wisconsin whose residential address is 1301 Cleveland Avenue, Racine, Wisconsin 53405.

2. The Respondent, Jeff Wright ("Respondent"), is upon information and belief a candidate in the Spring 2025 Election for Wisconsin State Superintendent of Public Instruction and whose residential address as listed on his Campaign Finance Statement is E3048 Marble Quarry Rd, Plain, Wisconsin 53577.

3. On or about January 6th, 2025, Respondent filed with the State of Wisconsin Elections Commission ("Elections Commission") Nomination Papers for Non-Partisan Office for the position of Wisconsin State Superintendent of Public Instruction. A typical Nomination paper of Respondent is attached hereto as Exhibit A and incorporated herein.

4. Upon information and belief, Respondent's Nomination papers were allegedly circulated between December 1, 2024, through January 6th, 2025.

5. Respondent's Nomination papers allegedly consisted of a sufficient number of signatures so as to equal two thousand (2000) signatures, the amount required for placement on the ballot for Spring 2025 Election for Wisconsin State Superintendent of Public Instruction. Petitioner is not aware of how many of Respondent's nomination signatures the Elections Commission has accepted or rejected.

CHALLENGES TO HEADING OF NOMINATION PAPERS

6. All of the preceding paragraphs are re-alleged and incorporated as if fully stated herein.

7. Wis. Stat. § 8.10(2)(b) requires that the heading of a nomination paper contain the following:

(b) Each nomination paper shall have substantially the following words printed at the top:

I, the undersigned, request that the name of (insert candidate's last name plus first name, nickname or initial, and middle name, former legal surname, nickname or middle initial or initials if desired, but no other abbreviations or titles residing at (insert candidate's street address) be placed on the ballot at the (spring or special) election to be held on (date of election) as a candidate **so that voters will have the opportunity to vote for (him or her) for the office of (name of office). I am eligible to vote in (name of jurisdiction or district in which candidate seeks office.)** [emphasis added]. I have not signed the nomination paper of any other candidate for the same office at this election.

8. Respondent, in contravention to Wis. Stat. § 8.10(2)(b) failed to list the full name of the office, to wit: Wisconsin Superintendent of Public Instruction nor the jurisdiction, (Wisconsin) in the heading on each and every page of his Nomination Papers.

9. Wis. Adm. Code § EL 2.05(5), entitled *Treatment and Sufficiency Nomination Papers* provides: “

Where 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.

10. Respondent fails to even have the name *Wisconsin* anywhere in the header of his nomination paper.

11. In 2022, staff at the Wisconsin Elections Commission stated in two emails that “Wisconsin”, in a state-wide office must be listed as the jurisdiction in the header of the nomination papers. *See* Exhibit B attached hereto and incorporated herein.

12. There does not appear to be any court cases that address whether the full title of the office and jurisdiction of the office that a candidate is running for is substantially compliant if the candidate fails to list the full title of the office and the jurisdiction that they are running in.

13. There does appear to be any Elections Commission’s rulings that held that failure to provide the public with the full title of the office and the jurisdiction that a candidate is running is in substantial compliance.

14. It would seem to be mandatory that the nomination header must, at the very least, provide the public with the full title of the office and jurisdiction that the candidate is running in. The header states: “... **so that voters will have the opportunity to vote for (him or her) for the office of (name of office). I am eligible to vote in the jurisdiction or district in which the candidate named above seeks office.**” [emphasis added].

15. How can an elector know that they support someone for an office where the name of the office is not fully listed and that they are eligible to vote in the jurisdiction or district in which the candidate seeks office unless the jurisdiction is clearly stated in the header.

16. The Elections Commission found substantial compliance even if a candidate lists additional information in the header of their nomination papers. *See Deborah Lynn Kerr v. Shandowlyon Lyzette Hendricks-Williams*, Case No. EL 21-04. In the *Kerr* case the Respondent listed the title “Dr.” in front of her name on her nomination papers, in violation of Wis. Stat. § 8.10(2)(b). In the *Kerr* case as opposed to the current case before you there was no confusion to the public as to the name of the office or

jurisdiction that candidate was running in. However, this is not the case in the matter before you. In this matter, Respondent failed to include material information, i.e., the jurisdiction and title of the office that he is running in. Therefore, Respondent's nomination papers were incomplete of crucial and material information.

CONCLUSION

17. Accordingly, Respondent has not submitted a sufficient number of signatures to be placed on the ballot for the Spring 2025 Election for Wisconsin State Superintendent of Public Instruction.

18. This Verified Complaint is made pursuant to E.L. §§ 2.05 - 2.07, Wis. Admin. Code, and Wis. Stat. Ch.8, and was served upon Respondent via electronic mail at the following email address as listed on Respondent's CF-1: jeff@jeffwrightforwisconsin.com.

WHEREFORE, Complainant respectfully requests that the Elections Commission conduct an investigation pursuant to E.L. §§ 2.05 - 2.07, Wis. Admin. Code, in conjunction with such other public officials as the Elections Commission, or the Executive Director thereof, may deem appropriate and determine the Nomination papers of the Respondent to be insufficient for the reasons set forth in this Verified Complaint.

Dated at Milwaukee, Wisconsin, this 8th day of January 2025.

By: Michael S Maistelman
Michael S. Maistelman
State Bar No. 1024681
Attorney for Complainant

P.O. ADDRESS:
7524 N. Navajo Rd.
Milwaukee, WI 53217
414-908-4254
414-447-0232 (fax)
414-333-9700 (cell)
msm@maistelmanlaw.com

VERIFICATION

Natalia Taft, being first duly sworn, on oath, deposes and says as follows:

1. That she is a qualified elector in the state of Wisconsin whose residential address is 1301 Cleveland Avenue, Racine, Wisconsin 53405.
2. That she has read the foregoing Verified Complaint and that the same is true and correct, except as to those matters therein stated upon information and belief and, as to those matters, she believes them to be true.

Dated at Milwaukee Wisconsin this 8th day of January 2025

Natalia Taft
Natalia Taft
Complainant

Subscribed and Sworn to before
me this 8th day of January 2025.

Carly Wilson
Notary Public, State of Wisconsin
My Commission Expires: 11/21/2027.





I, the undersigned, request the name of

Jeff Wright

Residing at E3048 Marble Quarry Rd, Plain, WI 53577, be placed on the ballot for the Spring election to be held on April 1, 2025 as a candidate, so that voters will have the opportunity to vote for him for the office of **State Superintendent of Public Instruction**.

Candidate's Municipality for Voting Purposes: Town of Bear Creek. Candidate mailing address: P.O Box 64, Prairie Du Sac, WI 53578.

I am eligible to vote in the jurisdiction or district in which the candidate named above seeks office. I have not signed the nomination paper of any other candidate for the same office at this election.

EXHIBIT A 10

The municipality used for mailing purposes, when different than municipality of residence, is not sufficient. The name of the municipality of residence must always be listed.				
Signatures of Electors	Printed Name of Electors	Residential Address (No P.O. Box Addresses) Street and Number or Rural Route (Rural address must also include box or fire no.)	Municipality of Residence Check the type and write the name of your municipality for voting purposes.	Date of Signing Mo/Day/Year
1.	Sabrina Sedlar	4325 W Tripoli Ave Milwaukee WI 53220	☐ Town ☐ Village ☒ City Milwaukee	12-21-24
2.	Ashley Roemer	2251 W Vogel Ave	☐ Town ☐ Village ☒ City Milwaukee	12/21/24
3.	Adam Ortega	3201 S. 60th St.	☐ Town ☐ Village ☒ City Milwaukee	12-21-24
4.	Riley Roemer	2251 W Vogel Ave	☐ Town ☐ Village ☒ City Milwaukee	12-21-24
5.	Emily Roemer	2251 W Vogel Ave	☐ Town ☐ Village ☒ City Milwaukee	12/21/24
6.	Lily Sedlar	4325 W Tripoli Ave	☐ Town ☐ Village ☒ City Milwaukee	12/21/24
7.	Meghan Sedlar	33901 Dream St.	☒ Town ☐ Village ☐ City Burlington	12/21/24
8.	Laura Roemer	2251 W. Vogel Ave	☐ Town ☐ Village ☒ City Milwaukee	12/21/24
9.	Malek Abu-Shawish	6821 Bobolink Road	☐ Town ☐ Village ☒ City Racine	12/21/24
10.	James Sedlar	4325 W Tripoli Ave Milwaukee, WI 53220	☐ Town ☐ Village ☒ City Milwaukee	12/21/24

MIKE ROEMER

CERTIFICATION OF CIRCULATOR

certify: I reside at

2251 W VOGEL AVE, MLW 53221

(Name of circulator)

(Circulator's residential address - include number, street, and municipality.)

I further certify I am either a qualified elector of Wisconsin, or a U.S. citizen, age 18 or older who, if I were a resident of this state, would not be disqualified from voting under Wis. Stat. §6.03. I personally circulated this nomination paper and personally obtained each of the signatures on this paper. I know that the signers are electors of the jurisdiction or district the candidate seeks to represent. I know that each person signed the paper with full knowledge of its content on the date indicated opposite his or her name. I know their respective residences given. I intend to support this candidate. I am aware that falsifying this certification is punishable under Wis. Stat. § 12.13(3)(a).

(Date)

12/28/24

(Signature of circulator)

Page No.

21

1/6/25, 4:20 PM

Mail - wilson@nationconsulting.com

EXHIBIT B

RE: Nomination Paper Review

Davies, Cody C - ELECTIONS <CodyC.Davies@wisconsin.gov>

Wed 04/27/2022 09:26

To: Carly Wilson <wilson@nationconsulting.com>;

Cc: ELECTIONS HelpDesk <elections@wisconsin.gov>;

Yep, absolutely. As long as you're including Wisconsin on there somewhere to indicate that it's the applicable jurisdiction for this office, you'd still be substantially complying with the statutory language.

From: Carly Wilson <wilson@nationconsulting.com>

Sent: Monday, April 25, 2022 11:39 AM

To: Davies, Cody C - ELECTIONS <CodyC.Davies@wisconsin.gov>

Cc: ELECTIONS HelpDesk <elections@wisconsin.gov>

Subject: RE: Nomination Paper Review

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Ok, so if I added Wisconsin but didn't change the "I am eligible to vote in the jurisdiction...."etc part that would still be fine and in substantial compliance?

Carly Wilson (she/her/hers)
Senior Associate
Nation Consulting
(414) 940-7946

From: Davies, Cody C - ELECTIONS <CodyC.Davies@wisconsin.gov>

Sent: Monday, April 25, 2022 11:26 AM

To: Carly Wilson <wilson@nationconsulting.com>

Cc: ELECTIONS HelpDesk <elections@wisconsin.gov>

Subject: RE: Nomination Paper Review

Good morning,

This is pretty close. The only recommended edit would be to include Wisconsin as the jurisdiction in there somewhere. It's up to you as to how you want to do that, but the name of the jurisdiction is still required even for statewide offices. I believe other folks have replaced the "I am eligible to vote in the jurisdiction or district in which the candidate named above seeks office" with "I am eligible to vote in the State of Wisconsin" or something similar, which would satisfy the substantial compliance piece of the nomination paper statutes. Again, though, how to update the wording in the header is completely up to you folks.

Please let me know if you have any additional questions or concerns and I'd be happy to assist.

Thank you, Cody

1/6/25, 4:20 PM

Mail - wilson@nationconsulting.com



Cody Davies
Elections Administration Specialist
Wisconsin Elections Commission
(608) 264-6763
codyc.davies@wi.gov

From: ELECTIONS HelpDesk <elections@wisconsin.gov> **Sent:**
Monday, April 25, 2022 11:19 AM **To:** Davies, Cody C -
ELECTIONS <CodyC.Davies@wisconsin.gov> _____
Subject: FW: Nomination Paper Review

From: Carly Wilson <wilson@nationconsulting.com>
Sent: Monday, April 25, 2022 10:58 AM
To: ELECTIONS HelpDesk <elections@wisconsin.gov>
Subject: Nomination Paper Review

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello,

Could you please let me know if there is any issues with these nomination papers before we start circulating them?

Thanks,

Carly Wilson (she/her/hers)
Senior Associate
Nation Consulting
(414) 940-7946

STATE OF WISCONSIN
BEFORE THE WISCONSIN ELECTIONS COMMISSION

IN THE MATTER OF the Certificate of Candidacy for the
Office of Jefferson County Circuit Court Judge, Branch 2
with respect to the April 1, 2025 Election

JENNIFER L. WEBER,

Case No. 25-04

Complainant,

v.

CORTNEY J. IVERSON,

Respondent.

RESPONDENT’S RESPONSE TO COMPLAINT

Jennifer L. Weber (“Weber”) submitted a complaint alleging that Cortney J. Iverson (“Iverson”) is not eligible for the office of judge of Jefferson County, Branch 2, because Iverson will not have been an attorney licensed to practice law in Wisconsin for at least 5 years by “the election,” pursuant to Wis. Const. Art. VII, sec. 24(1), and, as a result, the Wisconsin Election Commission should deny her access to the ballot (despite implicitly acknowledging that Iverson will undoubtedly attain 5 years of being licensed to practice law in Wisconsin by the time she

would take office in August). Simply put, there is no support for Weber's undemocratic challenge to Iverson's candidacy, and said challenge should be swiftly rejected.¹

Iverson will have been licensed to practice law in Wisconsin for over 5 years by the time she would take office for Jefferson County, Branch 2, and, pursuant to Wis. Stat. § 8.21(2)(b) and clear Wisconsin precedent, that is all that matters and there is no basis to deny Iverson access to ballot. (Iverson Aff. 1-9, Ex. A). The only requirement imposed by the Legislature to appear on the ballot is filing the appropriate nomination papers and declaration of candidacy, which Iverson has fulfilled. Moreover, the Legislature clearly and specifically determined that the candidate need only meet the qualifications for the office "at the time he or she assumes [the] office." Wis. Stat. § 8.21(2)(b). As such, Weber's repeated assertion that Iverson must be licensed to practice law in Wisconsin for 5 years at the time of the election is unquestionably wrong.

I. THE COMMISSION MAY NOT DENY IVERSON BALLOT ACCESS WHEN SHE WILL SATISFY ALL NECESSARY QUALIFICATIONS BEFORE SHE TAKES OFFICE.

Weber's sole argument is that, since Iverson will not have been licensed to practice law for 5 years by the time of the election, the Commission should deny her name from being placed on the ballot. While Weber's argument appears plausible, at first pass, she clearly fails to acknowledge controlling Wisconsin law and precedent that is directly contrary to her assertion.

¹ Respondent submits this response to the complaint while reserving all rights and defenses under the Wisconsin Constitution, including the question of whether the Wisconsin Elections Commission has the authority to construe provisions of the Wisconsin Constitution relating to eligibility of judges or impose limitations on individuals running for judicial office. See *Gabler v. Crime Victims Rts. Bd.*, 2017 WI 67, ¶ 31, 376 Wis. 2d 147, 171, 897 N.W.2d 384, 396 ("Each branch's core powers reflect zones of authority constitutionally established for each branch of government upon which any other branch of government is prohibited from intruding" and "to these areas of authority, ... any exercise of authority by another branch of government is unconstitutional." (internal quotations omitted))

For example, in *State v. Hawerwas*, 254 Wis. 336, 36 N.W.2d 427 (1949), the Wisconsin Supreme Court addressed whether the Milwaukee Cty. Board of Election Commissioners may refuse to place the name of a judicial candidate, Michael Sullivan, on the ballot who did not attain the age of 25 prior to the primary or general election—but who would be 25 by the time he took office—pursuant to art. VII, sec. 10. At that time, Art. VII, sec. 10 read:

No person shall be eligible to the office of judge, who shall not, at the time of his election, be a citizen of the United States, and have attained the age of twenty-five years, and be a qualified elector within the jurisdiction for which he may be chosen

Id. at 341. That Court swiftly rejected the challenge to Michael Sullivan’s name being placed on the ballot. In particular, the Court held that there was no requirement, either through the Constitutional provision or statutes, that the candidate possess all qualifications prior to being placed on the ballot.

Rather, such qualifications must exist at the time of taking office and, if they don’t meet the qualifications at that time, the person may be subject to challenge—but that challenge is not one that takes place prior to placement on the ballot. *Id.* at 340. Indeed, the Court flatly rejected the idea that a candidate must meet the qualifications prior to the primary or general election:

The right of a candidate to have his name appear thereon is one created by the Legislature. Until the Legislature in the exercise of its power to regulate the exercise of the right of franchise, has prescribed as a part of the qualifications of a person who is seeking a place upon the official ballot that he shall be eligible to the office for which he is a candidate, neither the courts nor any administrative officer can so limit his right.

Id. at 340.

Likewise, the Supreme Court held similarly in *State ex rel. Barber v. Circuit Court for Marathon County et al.*, 178 Wis. 468, 190 N.W.563 (1922). *Barber* dealt with the election of a State Senator and whether he was eligible to be placed on the ballot due to a prior conviction,

which was later pardoned. The Court held that the candidate is not precluded from placement on the ballot when he has fulfilled all the statutory prerequisites to placing his name on the ballot, even if he may later prove to be ineligible for the office he seeks:

It is perfectly plain in the light of the conditions which existed at the time of the adoption of the Constitution, and in view of the fact that the Legislature has carefully refrained from lodging either with the judicial branch or with any administrative officer the power to limit free choice by the elector, that he still enjoys the right to vote for whom he will, whether the person voted for be eligible or ineligible, qualified or disqualified. The Legislature has declared that a plurality of a political party to which an elector belongs may designate as a candidate for public office whom they choose without regard to eligibility or qualifications. If the one so designated is in fact ineligible, the question of eligibility becomes a judicial question after the election when he has received a plurality of votes and is seeking the title to the office for which he is a candidate. It has been so held in other jurisdictions.

Id. at 567. In fact, the Court pointed out that the “only requirement found in the statute as a condition precedent to the right of a nominee to a place upon a ballot is that he file a declaration that, if elected, he will accept the office and qualify therefore.” *Id.* at 568. See also Wis. Stat. § 8.21(2)(b).

Just like in *Sullivan* and *Barber*, there is no statutory requirement that Iverson meet the qualifications for the judicial office in order to be a candidate for that office or be placed on the ballot. To the contrary, the statutory requirements for candidacy directly refute Weber’s contention:

The declaration shall contain the name of the candidate in the form specified under s. 8.10(2)(b) for candidates for nonpartisan office . . . and shall state all of the following: . . .

(b) That the signer meets, **or will at the time he or she assumes office meet,** applicable age, citizenship, residency, or **voting qualification requirements, if any prescribed by the constitutions and laws of the United States and of this state.**

Wis. Stat. § 8.21(2)(b). Iverson will meet the qualifications for the office at the time she assumes the judicial office on August 1, 2025 since she will be licensed to practice law in Wisconsin for over 5 years at that time, which is exactly what she certified in her declaration of candidacy. (Iverson Aff. ¶¶ 5-9, Ex. A). Regardless, while Weber conflates the requirements for office (which are set forth in Wis. Const. Art. VII, sec. 24(l)) with the requirements to be placed on the ballot (which are met by filing the declaration of candidacy and nomination papers), Weber cites to no provision in the election code that would require Iverson to hold all qualifications in order to be placed on the ballot—and none exists, other than § 8.21 requiring that she certify that she will meet the qualifications at the time she assumes office. Neither an executive agency nor a court may insert an additional or different requirement that Iverson meet all qualifications for the office prior to being placed on the ballot. Wis. Const. Art. IV, sec. 1 (“The legislative power shall be vested in a senate and assembly.”); *State v. Kohler*, 200 Wis. 518, 228 N.W. 895, 906 (1930) (“the power of the state to deal with elections . . . is vested in the senate and assembly to be exercised under the provisions of the Constitution”).

In attempt to sidestep these foundational deficiencies to her challenge, Weber points to Wis. Stat. § 8.30 and requests that the Commission invoke its discretionary authority to deny Iverson access to the ballot—but this too fails. First, as discussed further below, Iverson fully and accurately completed the declaration of candidacy. It is undisputed that Iverson will have been licensed to practice law for over 5 years by the time she would take office on August 1, 2025 and, therefore, accurately completed the declaration of candidacy and fully complied with Wis. Stat. § 8.21 in that regard. (Iverson Aff. ¶¶ 5-7). Second, what Weber is really arguing is that Iverson is ineligible for placement on the ballot. But, as noted above, there is no basis in fact or law to support such a contention.

II. IVERSON ACCURATELY COMPLETED THE DECLARATION OF CANDIDACY, FULFILLED HER FILING REQUIREMENTS, AND ALL REQUIREMENTS TO GAIN BALLOT ACCESS.

Iverson completed and submitted her declaration of candidacy on January 6, 2025.

(Iverson Aff. ¶ 6, Ex. A). In addition to completing all aspects of the declaration of candidacy,

Iverson affirmed the following, as stated in the declaration:

I meet **or will meet at the time I assume office** the applicable age, citizenship, residency and voting qualification requirements, if any prescribed 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.

(*Id.*, emphasis added). As noted above, the declaration of candidacy form, EL-162, promulgated and published by the Wisconsin Elections Commission, aptly indicates that a candidate must be able to meet the qualifications for the office sought “at the time [the candidate] assume[s] office.” Indeed, as determined by the Wisconsin Supreme Court, as long as Iverson can meet the qualifications by the time she would take office, there is no basis to deny her the right to run for the office or place her name on the ballot. *State v. Hawerwas*, 254 Wis. 336, 36 N.W.2d 427 (1949); *State ex rel. Barber v. Circuit Court for Marathon County et al.*, 178 Wis. 468, 190 N.W.563 (1922).

Iverson clearly will have been licensed as an attorney in Wisconsin for 5 years by the time she would take office on August 1, 2025 and has fulfilled all other requirements for her candidacy promulgated by the Legislature. Wis. Stat. § 753.01 (the term for circuit judge is 6 years and “until the successor is elected and qualified, commencing with the August 1 next succeeding the election”). Therefore, she has the absolute right to be placed on the ballot and there is no basis to deny her that right.

CONCLUSION

For the reasons set forth above,² Respondent Cortney J. Iverson respectfully requests that the Commission dismiss the complaint and deny the relief requested.

Respectfully submitted this 13th day of January 2025.

LAW FIRM OF CONWAY, OLEJNICZAK & JERRY, S.C.
Attorneys for Respondent.

Electronically signed by Kurt A. Goehre _____

Kurt A. Goehre (#1068003)
231 South Adams Street
P.O. Box 23200
Green Bay, WI 54305-3200
Telephone: (920) 437-0476
Facsimile: (920) 437-2868
E-mail: kag@lcojlaw.com

#5287901

² Additionally, Iverson incorporates by reference her response and affidavit to the complaint filed by Theresa Beck, which is substantially similar to the complaint filed by Weber.

STATE OF WISCONSIN
BEFORE THE WISCONSIN ELECTIONS COMMISSION

IN THE MATTER OF the Certificate of Candidacy for the
Office of Jefferson County Circuit Court Judge, Branch 2
with respect to the April 1, 2025 Election

JENNIFER L. WEBER,

Complainant,

v.

CORTNEY J. IVERSON,

Respondent.

AFFIDAVIT AND VERIFIED RESPONSE BY CORTNEY J. IVERSON

STATE OF WISCONSIN)
)
COUNTY OF OCONTO)

Cortney Iverson, being of lawful age and duly sworn upon her oath, deposes and states as follows:

1. I am over the age of 18 and have personal knowledge to testify as to the matters set forth herein, which are true and accurate.
2. I am a resident of Jefferson County, Wisconsin.
3. I am a licensed attorney, in good standing, in the State of Wisconsin.
4. I was admitted to the State of Wisconsin to practice law on May 27, 2020.
5. I have properly completed and submitted my declaration of candidacy for the office of Circuit Court of Jefferson County, Branch 2, and the corresponding nomination papers required under Wis. Stat. c. 8 and Wis. Admin. Code EL c. 2.

6. In particular, in the declaration of candidacy form, EL-162, I certified that “I meet or will meet at the time I assume office the applicable . . . 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.” The declaration of candidacy is attached hereto and marked as **Exhibit A**.

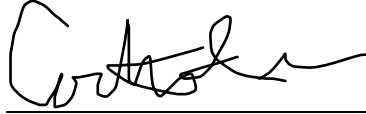
7. The above certification is consistent with the requirement set forth by the Legislature in Wis. Stat. § 8.21(2)(b) and is true and correct.

8. In the event that the majority of the electorate determines that I should obtain the judicial office for the Circuit Court of Jefferson County, Branch 2, I will not obtain that office until August 1, 2025 pursuant to Wis. Stat. § 753.01.

9. I will have been licensed to practice law in Wisconsin for 5 years on May 27, 2025 and, therefore, I will have been licensed to practice law in Wisconsin for over 5 years by August 1, 2025, which meets the statutory qualification for my candidacy set forth in Wis. Stat. § 8.21(2)(b).

10. Regardless, I will meet all necessary qualifications for the office of judge of the Circuit Court of Jefferson County, Branch 2, before taking that office.

Subscribed and sworn before me this 11 day of January, 2025.



Cortney Iverson

This notarial act was an online notarization

This notarial act involved the use of communication technology.

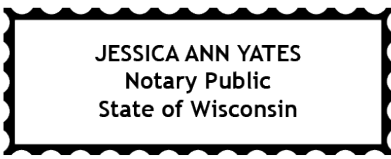


Jessica Ann Yates

Remote Online Notary

Notary Public, State of Wisconsin.

My Commission Expires:09/15/2025



JESSICA ANN YATES
Notary Public
State of Wisconsin

#5288036

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, Cortney Iverson, being duly sworn, state that

Candidate's name

I am a candidate for the office of Jefferson County Circuit Court Judge, Branch 2

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.¹

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

W9211	Red Feather Dr.	Cambridge, WI	53523	Town of ☒ Village of ☐ City of ☐	Oakland
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:

Cortney J. Iverson

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

Cortney J. Iverson
(Signature of candidate)

STATE OF WISCONSIN

County of Dane
(County where oath administered)

SS.

Subscribed and sworn to before me this 6th day of January, 2025.

Regina Anneline Hein
(Signature of person authorized to administer oaths)

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

If Notary Public: My commission expires 8/20/27 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

EXHIBIT A

1 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.

20

STATE OF WISCONSIN
BEFORE THE WISCONSIN ELECTIONS COMMISSION

IN THE MATTER OF the Certificate of Candidacy for the
Office of Jefferson County Circuit Court Judge, Branch 2
with respect to the April 1, 2025 Election

THERESA A. BECK,

Case No. EL 25-05

Complainant,

v.

CORTNEY J. IVERSON,

Respondent.

RESPONDENT’S RESPONSE TO COMPLAINT

Theresa A. Beck (“Beck”) submitted a complaint alleging that Cortney J. Iverson (“Iverson”) is not eligible for the office of judge of Jefferson County, Branch 2, because Iverson will not have been an attorney licensed to practice law in Wisconsin for at least 5 years by “the election,” pursuant to Wis. Const. Art. VII, sec. 24(1), and, as a result, the Wisconsin Election Commission should deny her access to the ballot (despite implicitly acknowledging that Iverson will undoubtedly attain 5 years of being licensed to practice law in Wisconsin by the time she

would take office in August). Simply put, there is no support for Beck's undemocratic challenge to her opponent's candidacy, and said challenge should be swiftly rejected.¹

Iverson will have been licensed to practice law in Wisconsin for over 5 years by the time she would take office for Jefferson County, Branch 2, and, pursuant to Wis. Stat. § 8.21(2)(b) and clear Wisconsin precedent, that is all that matters and there is no basis to deny Iverson access to ballot. (Iverson Aff. 1-9, Ex. A). The only requirement imposed by the Legislature to appear on the ballot is filing the appropriate nomination papers and declaration of candidacy, which Iverson has fulfilled. Moreover, the Legislature clearly and specifically determined that the candidate need only meet the qualifications for the office "at the time he or she assumes [the] office." Wis. Stat. § 8.21(2)(b). As such, Beck's repeated assertion that Iverson must be licensed to practice law in Wisconsin for 5 years at the time of the election is unquestionably wrong and she falls far short of her burden to establish that Iverson's candidacy is insufficient. Wis. Admin. EL Code 2.07(3)(a). As such, Beck's empty attempt to circumvent her opponent's candidacy must be denied.

I. THE COMMISSION MAY NOT DENY IVERSON BALLOT ACCESS WHEN SHE WILL SATISFY ALL NECESSARY QUALIFICATIONS BEFORE SHE TAKES OFFICE.

Beck's entire argument rests on the assertion that, since Iverson will not have been licensed to practice law for 5 years by the time of the election, the Commission should deny her name from being placed on the ballot. While Beck's argument appears plausible, at first pass,

¹ Respondent submits this response to the complaint while reserving all rights and defenses under the Wisconsin Constitution, including the question of whether the Wisconsin Elections Commission has the authority to construe provisions of the Wisconsin Constitution relating to eligibility of judges or impose limitations on individuals running for judicial office. See *Gabler v. Crime Victims Rts. Bd.*, 2017 WI 67, ¶ 31, 376 Wis. 2d 147, 171, 897 N.W.2d 384, 396 ("Each branch's core powers reflect zones of authority constitutionally established for each branch of government upon which any other branch of government is prohibited from intruding" and "to these areas of authority, ... any exercise of authority by another branch of government is unconstitutional." (internal quotations omitted))

she clearly fails to acknowledge controlling Wisconsin law and precedent that is directly contrary to her assertion. In fact, Beck does not cite to a single Wisconsin case that supports her incomplete and incorrect theory,² and she ignores clear precedent refuting her position.

For example, in *State v. Hawerwas*, 254 Wis. 336, 36 N.W.2d 427 (1949), the Wisconsin Supreme Court addressed whether the Milwaukee Cty. Board of Election Commissioners may refuse to place the name of a judicial candidate, Michael Sullivan, on the ballot who did not attain the age of 25 prior to the primary or general election—but who would be 25 by the time he took office—pursuant to art. VII, sec. 10. At that time, Art. VII, sec. 10 read:

No person shall be eligible to the office of judge, who shall not, at the time of his election, be a citizen of the United States, and have attained the age of twenty-five years, and be a qualified elector within the jurisdiction for which he may be chosen

Id. at 341. That Court swiftly rejected the challenge to Michael Sullivan’s name being placed on the ballot. In particular, the Court held that there was no requirement, either through the Constitutional provision or statutes, that the candidate possess all qualifications prior to being placed on the ballot.

Rather, such qualifications must exist at the time of taking office and, if they don’t meet the qualifications at that time, the person may be subject to challenge—but that challenge is not one that takes place prior to placement on the ballot. *Id.* at 340. Indeed, the Court flatly rejected the idea that a candidate must meet the qualifications prior to the primary or general election:

The right of a candidate to have his name appear thereon is one created by the Legislature. Until the Legislature in the exercise of its power to regulate the exercise of the right of franchise, has prescribed as a part of the qualifications of a person who is seeking a place upon the official ballot that he shall be eligible to the office for which he is a candidate, neither the courts nor any administrative officer can so limit his right.

² As noted later in this brief, Beck cites to *In re Raineri*, 102 Wis. 2d 418, 306 N.W.2d 699 (1981), but that case does not support Beck’s assertion.

Id. at 340.

Likewise, the Supreme Court held similarly in *State ex rel. Barber v. Circuit Court for Marathon County et al.*, 178 Wis. 468, 190 N.W.563 (1922). *Barber* dealt with the election of a State Senator and whether he was eligible to be placed on the ballot due to a prior conviction, which was later pardoned. The Court held that the candidate is not precluded from placement on the ballot when he has fulfilled all the statutory prerequisites to placing his name on the ballot, even if he may later prove to be ineligible for the office he seeks:

It is perfectly plain in the light of the conditions which existed at the time of the adoption of the Constitution, and in view of the fact that the Legislature has carefully refrained from lodging either with the judicial branch or with any administrative officer the power to limit free choice by the elector, that he still enjoys the right to vote for whom he will, whether the person voted for be eligible or ineligible, qualified or disqualified. The Legislature has declared that a plurality of a political party to which an elector belongs may designate as a candidate for public office whom they choose without regard to eligibility or qualifications. If the one so designated is in fact ineligible, the question of eligibility becomes a judicial question after the election when he has received a plurality of votes and is seeking the title to the office for which he is a candidate. It has been so held in other jurisdictions.

Id. at 567. In fact, the Court pointed out that the “only requirement found in the statute as a condition precedent to the right of a nominee to a place upon a ballot is that he file a declaration that, if elected, he will accept the office and qualify therefore.” *Id.* at 568. *See also* Wis. Stat. § 8.21(2)(b).

Just like in *Sullivan* and *Barber*, there is no statutory requirement that Iverson meet the qualifications for the judicial office in order to be a candidate for that office or be placed on the ballot. To the contrary, the statutory requirements for candidacy directly refute Beck’s contention:

The declaration shall contain the name of the candidate in the form specified under s. 8.10(2)(b) for candidates for nonpartisan office . . . and shall state all of the following: . . .

(b) That the signer meets, **or will at the time he or she assumes office meet, applicable age, citizenship, residency, or voting qualification requirements, if any prescribed by the constitutions and laws of the United States and of this state.**

Wis. Stat. § 8.21(2)(b). Iverson will meet the qualifications for the office at the time she assumes the judicial office on August 1, 2025 since she will be licensed to practice law in Wisconsin for over 5 years at that time, which is exactly what she certified in her declaration of candidacy. (Iverson Aff. ¶¶ 5-9, Ex. A). Regardless, while Beck conflates the requirements for office (which are set forth in Wis. Const. Art. VII, sec. 24(l)) with the requirements to be placed on the ballot (which are met by filing the declaration of candidacy and nomination papers), Beck cites to no provision in the election code that would require Iverson to hold those qualifications prior to being placed on the ballot—and none exists, other than § 8.21 requiring that she certify that she will meet the qualifications at the time she assumes office. Neither an executive agency nor a court may insert an additional or different requirement that Iverson meet all qualifications for the office prior to being placed on the ballot. Wis. Const. Art. IV, sec. 1 (“The legislative power shall be vested in a senate and assembly.”); *State v. Kohler*, 200 Wis. 518, 228 N.W. 895, 906 (1930) (“the power of the state to deal with elections . . . is vested in the senate and assembly to be exercised under the provisions of the Constitution”).

In attempt to sidestep these inherent deficiencies to her challenge, Beck points to Wis. Stat. § 8.30 and requests that the Commission invoke its discretionary authority to deny Iverson access to the ballot—but this too fails. Beck suggests that Iverson’s declaration of candidacy was not valid or demonstrates she is ineligible to be elected to the office. First, as discussed further below, Iverson fully and accurately completed the declaration of candidacy. It is undisputed that Iverson will have been licensed to practice law for over 5 years by the time she

would take office on August 1, 2025 and, therefore, accurately completed the declaration of candidacy and fully complied with Wis. Stat. § 8.21 in that regard. (Iverson Aff. ¶¶ 5-7).

Second, what Beck is really arguing is that Iverson is ineligible for placement on the ballot. But, as noted above, there is no basis in fact or law to support such a contention.

Additionally, Beck suggests that Iverson could never qualify for the judicial office. Not surprisingly, Beck fails to develop any argument to support this empty conclusion. There is no dispute that Iverson will have all necessary qualifications by August 1, 2025—including, among all others, having been licensed to practice law in Wisconsin for at least 5 years. As such, Beck's suggestion is without merit.

Finally, it is necessary to review the single Wisconsin case cited by Beck, ostensibly in support of her attempt to preclude Iverson's ballot access. Beck cites *In re Raineri* in support of her undemocratic attempt to foreclose Iverson's candidacy, but fails to develop any substantive argument to suggest that the Commission must deny Iverson access to the ballot based on that case. In any event, *In re Raineri* is entirely distinguishable from Iverson's circumstances since *In re Raineri* dealt with the discipline of a sitting judge who was convicted of various felonies (including racketeering, making false declarations before a grand jury, and threatening a grand jury witness) and sentenced to three years in prison. *Id.* at 419-420. Judge Raineri's license to practice law was revoked and, as a result, there was no dispute that he could no longer hold the position of circuit court judge. In passing, the Court noted that since Judge Raineri's license to practice law in Wisconsin was revoked, he was "ineligible for the office of judge" since Art. VII, sec. 24 requires that he "must be an attorney licensed to practice law in this state." However, the Court was never confronted with construing the Constitutional requirement of having been licensed to practice law in Wisconsin for at least 5 years or whether an executive agency may

interpret that Constitutional provision to deny a candidacy or ballot access before the election takes place. Like all the rest of Beck's arguments, her reliance on *In re Raineri* is faulty and does not support her contention that Iverson must be denied ballot access.

II. IVERSON ACCURATELY COMPLETED THE DECLARATION OF CANDIDACY, FULFILLED HER FILING REQUIREMENTS, AND ALL REQUIREMENTS TO GAIN BALLOT ACCESS.

Iverson completed and submitted her declaration of candidacy on January 6, 2025.

(Iverson Aff. ¶ 6, Ex. A).³ In addition to completing all aspects of the declaration of candidacy,

Iverson affirmed the following, as stated in the declaration:

I meet or will meet at the time I assume office the applicable age, citizenship, residency and voting qualification requirements, if any prescribed 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.

(*Id.*, emphasis added). As noted above, the declaration of candidacy form, EL-162, promulgated and published by the Wisconsin Elections Commission, aptly indicates that a candidate must be able to meet the qualifications for the office sought “at the time [the candidate] assume[s] office.” Indeed, as determined by the Wisconsin Supreme Court, as long as Iverson can meet the qualifications by the time she would take office, there is no basis to deny her the right to run for the office or place her name on the ballot. *State v. Hawerwas*, 254 Wis. 336, 36 N.W.2d 427 (1949); *State ex rel. Barber v. Circuit Court for Marathon County et al.*, 178 Wis. 468, 190 N.W.563 (1922).

Iverson clearly will have been licensed as an attorney in Wisconsin for 5 years by the time she would take office on August 1, 2025 and has fulfilled all other requirements for her candidacy promulgated by the Legislature. Wis. Stat. § 753.01 (the term for circuit judge is 6 years and “until the successor is elected and qualified, commencing with the August 1 next

³ The complaint asserts no other challenge other than to Iverson's declaration of candidacy and, regardless, Iverson's nomination papers are presumptively valid. Wis. Admin EL Code § 2.07(4).

succeeding the election”). Therefore, she has the absolute right to be placed on the ballot and there is no basis to deny her that right.

III. BECK’S RELIANCE ON THE COMMISSION’S DENIAL OF SHIVA AYYADURAI’S ACCESS TO THE 2024 PRESIDENTIAL BALLOT IS MISPLACED AND DISTINGUISHABLE.

Beck’s final attempt to conjure up a reason for the Commission to preclude Iverson’s candidacy is to point to the Commission’s denial of Shiva Ayyadurai’s access to the 2024 Presidential Ballot, as set forth in *Michael Hoffman v. Shiva Ayyadurai*, EL 24-81. In that matter, Ayyadurai admitted that he was born in Bombay, India despite attempting to run for the Office of President of the United States. (Iverson Aff. ¶ 11, Ex. B). As is well known, only a “natural born citizen” is qualified to be President of the United States. U.S. Const. art. II, § 1, cl. 5. Upon review of the undisputed evidence and admission by Ayyadurai, the Commission correctly determined that Ayyadurai could never meet the constitutional requirements for the Office of President of the United States. See Comm’n Closing Letter in EL 24-18, August 27, 2024. The Commission was well within its statutory authority to deny him ballot access since, pursuant to Wis. Stat. § 8.21(2)(b) and § 8.30(1), it was undisputed that Ayyadurai did not, and could never, meet the qualifications for the Office of President of the United States.

Ayyadurai’s circumstances are clearly different from Iverson’s. Ayyadurai’s failure to meet the qualification at issue was solidified the moment he was born and, as such, the failure to qualify could never be rehabilitated or changed. Iverson, on the other hand, will meet the qualifications of the judicial office she seeks prior to taking office on August 1, 2025. She is a licensed attorney in the State of Wisconsin and, although she does not have 5 years of being licensed, she will before she takes office. Accordingly, Ayyadurai’s denial is entirely distinguishable from the circumstances at issue here.

CONCLUSION

For the reasons set forth above, Respondent Cortney Iverson respectfully requests that the Commission dismiss the complaint and deny the relief requested.

Respectfully submitted this 13th day of January 2025.

LAW FIRM OF CONWAY, OLEJNICZAK & JERRY, S.C.
Attorneys for Respondent.

Electronically signed by Kurt A. Goehre

Kurt A. Goehre (State Bar No. 1068003)

George Burnett (State Bar No. 1005964)

231 South Adams Street

P.O. Box 23200

Green Bay, WI 54305-3200

Telephone: (920) 437-0476

Facsimile: (920) 437-2868

E-mail: kag@lcojlaw.com

#5288434

STATE OF WISCONSIN
BEFORE THE WISCONSIN ELECTIONS COMMISSION

IN THE MATTER OF the Certificate of Candidacy for the
Office of Jefferson County Circuit Court Judge, Branch 2
with respect to the April 1, 2025 Election

THERESA A. BECK,

Complainant,

v.

CORTNEY J. IVERSON,

Respondent.

AFFIDAVIT AND VERIFIED RESPONSE BY CORTNEY J. IVERSON

STATE OF WISCONSIN)
)
COUNTY OF OCONTO)

Cortney Iverson, being of lawful age and duly sworn upon her oath, deposes and states as follows:

1. I am over the age of 18 and have personal knowledge to testify as to the matters set forth herein, which are true and accurate.
2. I am a resident of Jefferson County, Wisconsin.
3. I am a licensed attorney, in good standing, in the State of Wisconsin.
4. I was admitted to the State of Wisconsin to practice law on May 27, 2020.
5. I have properly completed and submitted my declaration of candidacy for the office of Circuit Court of Jefferson County, Branch 2, and the corresponding nomination papers required under Wis. Stat. c. 8 and Wis. Admin. Code EL c. 2.

6. In particular, in the declaration of candidacy form, EL-162, I certified that “I meet or will meet at the time I assume office the applicable . . . 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.” The declaration of candidacy is attached hereto and marked as **Exhibit A**.

7. The above certification is consistent with the requirement set forth by the Legislature in Wis. Stat. § 8.21(2)(b) and is true and correct.

8. In the event that the majority of the electorate determines that I should obtain the judicial office for the Circuit Court of Jefferson County, Branch 2, I will not obtain that office until August 1, 2025 pursuant to Wis. Stat. § 753.01.

9. I will have been licensed to practice law in Wisconsin for 5 years on May 27, 2025 and, therefore, I will have been licensed to practice law in Wisconsin for over 5 years by August 1, 2025, which meets the statutory qualification for my candidacy set forth in Wis. Stat. § 8.21(2)(b).

10. The Complainant cites to *Michael Hoffman v. Shiva Ayyadurai*, EL 24-81, in support of her request to deny my candidacy, but the Commission’s denial of Ayyadurai’s access to the Presidential Ballot is distinguishable.

11. In particular, Ayyadurai admitted that he was born in Bombay, India and was indisputably not a “naturally born citizen, as noted in the filings in that matter and the Certificate of Nominate for Unaffiliated Candidate filed by, or caused to be filed by, Ayyadurai in the State of Utah, which is attached hereto as **Exhibit B**.

12. Regardless, I will meet all necessary qualifications for the office of judge of the Circuit Court of Jefferson County, Branch 2, before taking that office.

Subscribed and sworn before me this 11 day of January, 2025.



Cortney Iverson

This notarial act was an online notarization

This notarial act involved the use of communication technology.

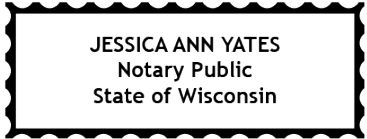


Jessica Ann Yates

Remote Online Notary

Notary Public, State of Wisconsin.

My Commission Expires:09/15/2025



JESSICA ANN YATES
Notary Public
State of Wisconsin

#5288437

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, Cortney Iverson, being duly sworn, state that

Candidate's name

I am a candidate for the office of Jefferson County Circuit Court Judge, Branch 2

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.¹

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

W9211	Red Feather Dr.	Cambridge, WI	53523	Town of ☒ Village of ☐ City of ☐	Oakland
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:

Cortney J. Iverson

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

Cortney J. Iverson
(Signature of candidate)

STATE OF WISCONSIN

County of Dane
(County where oath administered)

SS.

Subscribed and sworn to before me this 6th day of January, 2025.

Regina Anneline Hein
(Signature of person authorized to administer oaths)

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

If Notary Public: My commission expires 8/20/27 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

EXHIBIT A

1 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.

33

2024
**CERTIFICATE OF NOMINATION FOR
 UNAFFILIATED CANDIDATE**

of
 (print name exactly as it is to be printed on the official ballot)

Shiva

First Name

Middle Name

Ayyadurai

Last Name

For the office of **President of the United States**

State of Massachusetts } ss.
 County of Middlesex

I, Shiva Ayyadurai, declare my intention of becoming
 an unaffiliated candidate for the office of President of The U.S.A.. I do solemnly swear that I can qualify to
 hold that office both legally and constitutionally if selected, and that I reside at
69 Snake Hill Road Street, in the city of Belmont,
 county of Middlesex, state of Utah, zip code 02478, phone 857-810-0007, and that I
 am providing, or have provided, the required number of holographic signatures of registered voters required by law;
 that as a candidate at the next election I will not knowingly violate any election or campaign law; I will file all
 campaign disclosure reports as required by law. The mailing that I designate for receiving all official election notices
 is:

Shiva4President 701 Concord Ave, Cambridge, MA 02178

My email address is: Shiva4President@Shiva4President.com

Shiva Ayyadurai
 Candidate Signature

(Must be signed in the presence of an officer qualified to administer oaths)

Subscribed and sworn to before me this 02/28/2024
 (month/day/year)



[Signature]
 Notary Public or an officer qualified to administer oaths

(Seal)

Lieutenant Governor 2024

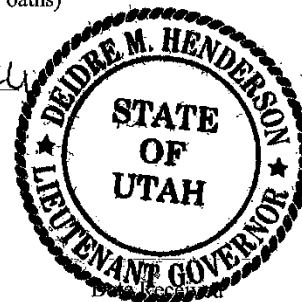


EXHIBIT B
34

QUALIFICATIONS FOR THE PRESIDENT OF THE UNITED STATES (Unaffiliated Candidate)

Before the filing officer accepts a declaration of candidacy, the filing officer must read the constitutional and statutory requirements to the candidate or the candidate's designated agent, and the candidate or the designated agent must state whether the candidate fulfills the requirements. If the candidate or the designated agent indicates that the candidate does not qualify, the filing officer shall decline the declaration of candidacy. Refer to Utah Code Annotated § 20A-9-201 and 20A-9-202.

QUALIFICATIONS FOR OFFICE

United States Constitution, Article II, Section 1

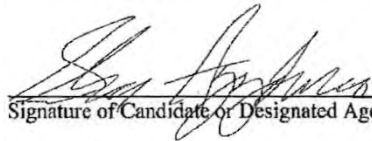
- Natural born citizen of the United States.* *SA*
- 35 years of age upon taking the oath of office
- Resident of the United States for 14 years upon taking the oath of office.

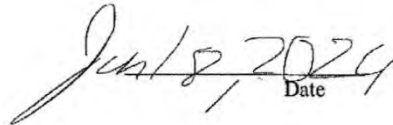
Utah Code Annotated § 20A-9-503

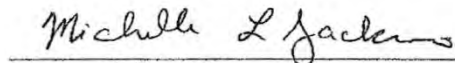
- Pay a filing fee of \$500.
- File a petition containing the signatures of at least 1,000 registered voters in Utah that have been verified by county clerks in accordance with Utah Code Annotated §20A-9-502.

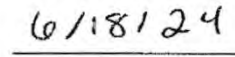
READ AND SIGN BELOW (to be completed when filing the declaration in person)

The filing officer read the constitutional and statutory requirements as listed below to me, and I or the candidate meet(s) those qualifications.


Signature of Candidate or Designated Agent


Date


Signature of Filing Officer


Date

SA
**"Natural Born" is a term not defined in the Constitution as acknowledged by many eminent legal scholars. I attest that I was "naturally born" in Bombay, India on December 2, 1963. Regardless, the FEC in 2011 ruled that ANY citizen of the United States can run for the Office of President. In addition, pursuant to the 5th and 14th Amendments and along with multiple Supreme Court rulings e.g. *Bolling v. Sharpe*, *Schneider v. Rusk*, it is illegal and unconstitutional to discriminate between classes of citizens by National Origin. Finally, in *Trump v. Anderson*, No. 23-719, 601 U.S. 100 (2024), the Supreme Court unanimously ruled in a 9-0 decision that States CANNOT deny ballot access to a Candidate for President and cannot determine eligibility for federal office, and only the Congress of the United States could determine such eligibility, even if a Candidate violates a provision in the Constitution.

STATE OF WISCONSIN

WISCONSIN
ELECTIONS
COMMISSION

NATALIA TAFT,

Complainant,

v.

JEFF WRIGHT

Respondent.

**VERIFIED RESPONSE OF JEFF WRIGHT IN OPPOSITION TO COMPLAINT OF
NATALIA TAFT**

Respondent, Jeff Wright, by his attorneys, DeWitt LLP, hereby submits his Verified Response in Opposition to Complaint of Natalia Taft as follows:

INTRODUCTION

Jeff Wright is the current superintendent of the Sauk Prairie School District and was recently named "2024 Administrator of the Year" by the Wisconsin Rural Schools Alliance. He is running for State Superintendent of Public Instruction and people throughout Wisconsin are looking forward to voting for him this April. Indeed, most of the State's largest education groups, including the Association of Wisconsin School Administrators ("AWSA"), have endorsed Wright, referring to him as "a collaborative leader ... [with] a proven track record of uniting diverse voices to solve problems and delivering fiscally responsible solutions." He is the type of candidate that Wisconsin voters have been clamoring for.

The complainant, Natalia Taft, alleges that Wright's nomination papers "failed to list the full name of the office, to wit: Wisconsin Superintendent of Public Instruction nor the jurisdiction, (Wisconsin) in the heading on each and every page of his Nomination Papers." Taft does not aver

that any of the signers were misled by information on Wright's nomination form. Nor does she allege that the format of Wright's nomination papers caused any actual confusion with any voters or had any reasonable likelihood of causing confusion.

Taft's argument ignores the fact that per our state constitution and statutes, the legal title of the position Wright is running for is the "State Superintendent of Public Instruction." *See* Wis. Constitution at Art. X, section 1; Wis. Stat. at Subchapter II of chapter 115. The proper title is **NOT** the "Wisconsin" State Superintendent of Public Instruction. Wright's nomination papers track verbatim the proper legal name of the office. Taft also overstates the alleged flaw in the nomination papers as failing anywhere in the heading to mention "Wisconsin". In fact, Wright's papers correctly specify that his home address is in Wisconsin; his mailing address is in Wisconsin; the persons circulating the papers certify that they are residents of Wisconsin; and each of the voters who signed the papers state that they are residents of Wisconsin.

Taft admits that there are no court decisions supporting her argument. To the contrary, there are numerous Supreme Court cases protecting the right to vote and ballot access against undue burdens. And, this Commission has likewise concluded many times that nomination papers will be accepted if they are in "substantial compliance" with the law, notwithstanding any technical deficiencies. Taft comes nowhere close to meeting her heavy burden. The Commission should reject her arguments and keep Wright on the ballot.

BACKGROUND FACTS

1. Respondent Jeff Wright is a Wisconsin resident with a home address of E3048 Marble Quarry Road, Plain, WI 53577 and a mailing address of P.O. Box 64, Prairie Du Sac, WI 53578. Wright is currently employed as the superintendent of the Sauk Prairie School District and was recently named "2024 Administrator of the Year" by the Wisconsin Rural Schools Alliance. He is a Harvard University graduate, a former Social Studies teacher, and previously served as a

high school principal on the south side of Chicago. He is running for State Superintendent of Public Instruction.

2. Wright timely filed his nomination papers with the State of Wisconsin Elections Commission ("the Commission") for the position of State Superintendent of Public Instruction. Wright's Nomination papers consisted of a sufficient number of signatures required for placement on the ballot for the Spring 2025 Election for State Superintendent of Public Instruction.

3. Wright does not dispute that a representative example of his Nomination Papers is attached as Exhibit A to Taft's Verified Complaint.

**WRIGHT'S NOMINATION PAPERS SUBSTANTIALLY COMPLY
WITH WIS. STAT. § 8.10(2)(b)**

4. Wright hereby incorporates the response above as if restated in full here.

5. Wis. Stat. § 8.10(2)(b) states:

(b) Each nomination paper shall have substantially the following words printed at the top:

I, the undersigned, request that the name of (insert candidate's last name plus first name, nickname or initial, and middle name, former legal surname, nickname or middle initial or initials if desired, but no other abbreviations or titles residing at (insert candidate's street address) be placed on the ballot at the (spring or special) election to be held on (date of election) as a candidate so that voters will have the opportunity to vote for (him or her) for the office of (name of office). I am eligible to vote in (name of jurisdiction or district in which candidate seeks. office.) I have not signed the nomination paper of any other candidate for the same office at this election. [Emphasis supplied]

6. Taft alleges that the full name of the office is "Wisconsin Superintendent of Public Instruction." Taft is wrong.

7. The legal title as set forth by our state Constitution is the "State Superintendent of Public Instruction." *See* Wis. Constitution at Art. X, sec. 1; Wis. Stat. subchap. II of Ch. 115. Wis.

Stat. § 115.001(15) also defines “State superintendent” as “the state superintendent of public instruction.” The proper title is not the “Wisconsin” State Superintendent of Public Instruction.

8. Taft also argues that Wright’s Nomination Papers “fails to even have the name *Wisconsin* anywhere in the header of his nomination paper.” Taft must not have actually read the header.

9. In fact, the header in Wright’s nomination papers specified that his home address is in Wisconsin and that his mailing address is in Wisconsin. Additionally, Wright’s nomination papers stated that the persons circulating the papers certify that they are residents of Wisconsin; and each of the voters who signed the papers stated that they are residents of Wisconsin. *See* Exhibit A to Complainant’s Verified Complaint.

10. The Commission’s regulations provide that a nomination paper is presumptively correct and that it is the complainant’s burden to prove any error by clear and convincing evidence. Wis. Admin. Code EL §§ 2.05(4), 2.07(3), (4).

11. In addition to providing that “[a]ny information which appears on a nomination paper is entitled to a presumption of validity,” Wis. Admin. Code EL § 2.05(4), the Commission deems nomination papers “complete” if they are in “substantial compliance” with the election statutes. Wis. Admin. Code § EL 2.05(5).

12. Specifically, “[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.” *Id.*

13. Where, as in Wright’s situation, the candidate has provided an office title (that is in fact the correct legal title) which substantially complies with § 8.10(2)(b), the Commission is obliged to accept such information as complete.

14. Furthermore, the Commission promulgated a guidance document titled “Nomination Paper Challenges,” which explains that the Commission has rejected previous challenges on the basis of an irregularity in the title of the office:

a. Office Title and District Designation

Challenge: Irregularities in the title of the office or the district number as required by Wis. Stat. §§ 8.10(2)(b), 8.15(a).

Analysis: Staff has typically allowed for variances in listing the office title, such as “Assembly,” “Representative,” “State Assembly.” In the past, staff determined that the papers were sufficient as long as the electors could determine the office and district the candidate was pursuing by other information provided in the nomination paper heading. Additionally, where the title or district designations are illegible or in the incorrect boxes, staff has found these pages to substantially comply when the required information could be determined elsewhere in the nomination paper heading. This recommendation has been approved in prior cases.

15. Recently the Wisconsin Court of Appeals confirmed that the Commission; “substantial compliance” standard is the correct measuring stick when reviewing nomination papers. *Hess v. Wisconsin Elections Commission, et al.*, 2023 AP 1350. *Hess* expressly rejected the “strict compliance” approach advanced by Taft.

16. Considering the Commission’s binding regulation, guidance, and prior decisions, it follows that the Commission must deem Wright’s Nomination Papers referring to “State Superintendent of Public Instruction” as substantially compliant.

17. The Commission has recently included multiple candidates of all levels of office on Wisconsin ballots that did not have “Wisconsin” in the in the office title or in the jurisdiction section of the candidates’ nomination papers. Attached as Respondent’s Exhibit A are true and correct copies of recent candidates’ nomination papers.

18. Moreover, the 2022 email from Commission staff member, Cody Davies, which is attached to the Taft Complaint as Exhibit B, has no legal or precedential force or effect. First, the email does not even constitute promulgated guidance from the Commission. Even if it were

guidance (it is not), guidance documents “are not the law itself.” *Service Employees International Union, Local 1 v. Vos*, 2020 WI 67, ¶ 102, 393 Wis. 2d 38, 101, , 946 N.W.2d 35, 67. Second, the email does not relate to the office of State Superintendent of Public Instruction, and therefore, is not analogous. Third, even if the Commission were to construe the email as evidence in support of Complainant’s position, it does not even affirmatively state that the word “Wisconsin” appear in the header. Instead, the email states that the “only recommended edit would be to include Wisconsin as the jurisdiction in there somewhere” and that “how to update the wording in the header is completely up to you folks.”

19. Significantly, Taft’s complaint does not include an affidavit from *anyone* (including herself) who claims to have been misled or defrauded by Wright’s nomination papers. Because the nomination papers are substantially compliant with the statute at issue, the Commission should deny Tate’s request to invalidate Wright’s nomination papers.

20. Even if the Commission believes that there was an error, that the error was material (and invalidating), it should still exercise its discretion to keep Wright on the ballot. Wisconsin Statutes § 8.30(1)(a) provides that the Commission “*may* refuse to place the candidate’s name on the ballot if . . . [t]he nomination papers are not prepared, signed, and executed as required.” “The word ‘may’ is generally construed as allowing discretion.” *Rotfeld v. Wis. Dep’t of Nat. Res.*, 147 Wis.2d 720, 726, 434 N.W.2d 617 (Ct. App. 1988). So even if Taft is correct (she is not), the Commission still has discretion to put Wright on the ballot.

21. There are good reasons to exercise discretion here. First, the Wisconsin Supreme Court has held that the right of ballot access should be construed liberally in favor of letting people on the ballot. *See Sommerfeld v. Board of Canvassers of City of St. Francis*, 269 Wis. 299, 303-304, 69 N.W.2d 235, 237 (1955). Second, disallowing Wright from the ballot due to a harmless

technicality would deprive hundreds of thousands of Wisconsin residents of their right to vote for their preferred candidate. Such an action would thwart the right to vote and undermine our democratic system of government. *See Anderson v. Celebrezze*, 460 U.S. 780, 786 (1983) (“[C]andidate eligibility requirements on voters implicate[] basic constitutional rights.”). Therefore, even if the Commission deemed Wright’s nomination forms technically incorrect, it should exercise its discretion and allow Wright access to the ballot.

CONCLUSION

22. For the foregoing reasons, the Commission should dismiss Taft’s Complaint and keep Wright on the ballot.

Dated this 13th day of January, 2025.

DeWitt LLP

By: Electronically Signed by Barret V. Van Sicklen

Barret V. Van Sicklen (#1060852)

J. Wesley Webendorfer (#1090106)

25 West Main Street, Suite 800

Madison, WI 53703-4298

Tel: 608-255-8891

Fax: 608-252-9243

bvv@dewittllp.com

jww@dewittllp.com

ATTORNEYS FOR RESPONDENT JEFF WRIGHT

VERIFICATION

I, Jeff Wright, being first duly sworn upon oath, state that I reside at E3048 Marble Quarry Rd., Plain, Wisconsin 53577. I have personally read the above Verified Response of Jeff Wright in Opposition to Complaint of Natalia Taft, and that the above allegations are true and correct based on my personal knowledge and, as to any allegations stated on information and belief, I believe them to be true.

Dated: 1/13/2025

Jeff Wright
Jeff Wright

Subscribed and sworn to before me
this 13th day of January, 2025.

Melissa Sumwalt

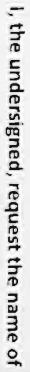
Notary Public, State of Wisconsin

My Commission: expires 8-1-2028

State of Wisconsin
County of Sauk



Exhibit A



Residing at N6926 Bobbi Road in the Town of Pacific, WI, (Mailing Address: N6926 Bobbi Road, Pardeeville, WI 53594)

Democratic Party, so that voters will have the opportunity to vote for him for the office of

REPRESENTATIVE TO THE ASSEMBLY – DISTRICT 40

I am eligible to vote in the 40th Assembly District. I have not signed the nomination paper of any other candidates for the same office in this election.

NOTE: THE MUNICIPALITY USED FOR MAILING PURPOSES, WHEN DIFFERENT THAN THE MUNICIPALITY OF RESIDENCE, IS NOT SUFFICIENT. YOU MUST ALWAYS LIST THE MUNICIPALITY OF RESIDENCE

NOTE: THE MUNICIPALITY USED FOR MAILING PURPOSES, WHEN DIFFERENT THAN THE MUNICIPALITY OF RESIDENCE, IS NOT SUFFICIENT. YOU MUST ALWAYS LIST THE MUNICIPALITY OF RESIDENCE						(Email/Phone Optional)
Signatures of Electors	PRINT NAME	Residential Address Street and Number or Rural Route (Rural address must also include box or fire number, Rte. P.O. box Address)	CITY, ZIP	Municipality of Residence (Check the type and write the name of your municipality for voting purposes)	Date of Signing (month/year)	Email Address and Phone Number
	Mark E. Perry III	575 N Wood St	Spring Green WI 53588	☒ Town ☐ Village ☐ City	5/27 2024	
	Robin A. Reid	353 S Wood St	Spring Green WI 53588	☐ Town ☒ Village ☐ City	5/27 2024	
	West of Heaven	289 W. Hevire	Spring Green WI 53588	☐ Town ☒ Village ☐ City	5/27 2024	
	Rob Maxwell	246 Foxview Ct	Spring Green WI 53588	☐ Town ☒ Village ☐ City	5-27-2024	
	Ann Maxwell	244 Foxview Ct	Spring Green WI 53588	☐ Town ☒ Village ☐ City	5-27-24 2024	
	Dale Hartman	215 Foxview Ct	Spring Green WI 53588	☐ Town ☒ Village ☐ City	5/27 2024	
	Judy Hartman	215 W. Hevire Ct	Spring Green WI 53588	☐ Town ☒ Village ☐ City	5-27 2024	

11/1/2024

CERTIFICATION OF CIRCULAR

(Removed before submission)

I further certify I am either a qualified elector of Wisconsin, or a U.S. citizen, age 18 or older who, if I were a resident of this state, would not be disqualified from voting under Wis. Stat. § 6.03. I personally circulated this nomination paper and personally obtained each of the signatures on this paper. I know that the signers are electors of the jurisdiction or district the candidate seeks to represent. I know that each person signed the paper with full knowledge of its content on the date indicated opposite his or her name. I know their respective residences given. I intend to support this candidate.

जलवायु

Candidate mailing address: N6926 Bobbi Road, Pardoeville, WI 53954

(Page Number)



(Email/Phone Optional)

NOTE: THE MUNICIPALITY USED FOR MAILING PURPOSES, WHEN DIFFERENT THAN THE MUNICIPALITY OF RESIDENCE, IS <u>NOT</u> SUFFICIENT. YOU <u>MUST</u> ALWAYS LIST THE MUNICIPALITY OF RESIDENCE.						(Email/Phone Optional)
Signatures of Electors	PRINT NAME	Residential Address Street and Number or Rural Route (Rural address must also include box or fire number; No P.O. Box Addresses)	CITY, ZIP	Municipality of Residence (Check the type and write the name of your municipality for voting purposes)	Date of Signing (mo/day/year)	Email Address and Phone Number
1.				☐ Town ☐ Village ☐ City	2024	
2.				☐ Town ☐ Village ☐ City	2024	
3.				☐ Town ☐ Village ☐ City	2024	
4.				☐ Town ☐ Village ☐ City	2024	
5.				☐ Town ☐ Village ☐ City	2024	
6.				☐ Town ☐ Village ☐ City	2024	
7.				☐ Town ☐ Village ☐ City	2024	

CERTIFICATION OF CIRCULATOR

(Removed before submission)

I, _____, *(name of disqualifier)*, certify: I reside at _____, *(residential address – number, street, and municipality)*

I further certify I am either a qualified elector of Wisconsin, or a U.S. citizen, age 18 or older who, if I were a resident of this state, would not be disqualified from voting under Wis. Stat. § 6.03. I personally circulated this nomination paper and personally obtained each of the signatures on this paper. I know that the signers are electors of the jurisdiction or district the candidate seeks to represent. I know that each person signed the paper with full knowledge of its content on the date indicated opposite his or her name. I know their respective residences given. I intend to support this candidate. I am aware that falsifying this certification is punishable under Wis. Stat. § 12.13(3)(a).

(signature of circulator)

(date)

(Page Number)



NOMINATION PAPER FOR PARTISAN OFFICE

I, the undersigned, request that **Mandela Barnes**, who resides at **7052 N Lincolnshire Circle, City of Milwaukee, WI 53223**, be placed on the ballot at the general election to be held on **November 8, 2022** as a candidate representing the **Democratic Party**, so that voters will have the opportunity to vote for him for the office of **United States Senator**. I am eligible to vote in the in the state of Wisconsin. I have not signed the nomination paper of any other candidate for the same office at this election.

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

Signature of Electors	Printed Name of Electors	Residential Address (No P.O. Box Addresses) Street and Number or Rural Route (Rural address must also include box or the no)	Municipality of Residence Check the type and write the name of your municipality for voting purposes	Date of Signing Mo/Day/Year	Additional Contact Information
1.			☐ Town ☐ Village ☐ City		Phone & Email
2.			☐ Town ☐ Village ☐ City		Phone & Email
3.			☐ Town ☐ Village ☐ City		Phone & Email
4.			☐ Town ☐ Village ☐ City		Phone & Email
5.			☐ Town ☐ Village ☐ City		Phone & Email
6.			☐ Town ☐ Village ☐ City		Phone & Email
7.			☐ Town ☐ Village ☐ City		Phone & Email
8.			☐ Town ☐ Village ☐ City		Phone & Email
9.			☐ Town ☐ Village ☐ City		Phone & Email
10.			☐ Town ☐ Village ☐ City		Phone & Email

CERTIFICATION OF CIRCULATOR

I, _____, (Name of Circulator) certify: I reside at _____ (Circulator's residential address - include number, street, and municipality)

I further certify I am either a qualified elector of Wisconsin, or a U.S. citizen, age 18 or older who, if I were a resident of this state, would not be disqualified from voting under Wis. Stat. § 6.03. I personally circulated this nomination paper and personally obtained each of the signatures on this paper. I know that the signers are electors of the jurisdiction or district the candidate seeks to represent. I know that each person signed the paper with full knowledge of its content on the date indicated opposite his or her name. I know their respective residences given. I intend to support this candidate. I am aware that falsifying this certification is punishable under Wis. Stat. § 121.3(3)(a).

(Signature of Circulator)

(Date)

Page No. _____

Thank you circulators!
Please mail back by
May 15, 2022 to:
Mandela Barnes for Wisconsin
PO Box 259234
Madison, WI 53725



NOMINATION PAPER FOR PARTISAN OFFICE
I, the undersigned, request that the name of

Gwen Moore

residing at 4043 N. 19th Place, in the City of Milwaukee, Wisconsin 53209, be placed on the ballot at the August 13, 2024 Partisan Primary, and November 5, 2024, General Election as a candidate representing the Democratic Party so that voters will have the opportunity to vote for her for the office of:

REPRESENTATIVE IN CONGRESS, DISTRICT 4

I am eligible to vote in the 4th Congressional District. I have not signed the nomination paper of any other candidate for the same office at this election.

THE MUNICIPALITY USED FOR MAILING PURPOSES, WHEN DIFFERENT THAN THE MUNICIPALITY OF RESIDENCE, IS NOT SUFFICIENT. THE NAME OF THE MUNICIPALITY OF RESIDENCE MUST ALWAYS BE LISTED.						
SIGNATURES OF ELECTORS	PRINT NAME	STREET & NUMBER	MUNICIPALITY OF RESIDENCE ☐ Village ☐ City	ZIP CODE	DATE OF SIGNING	TELEPHONE
1.			☐ Village ☐ City		/ /24 ()	
2.			☐ Village ☐ City		/ /24 ()	
3.			☐ Village ☐ City		/ /24 ()	
4.			☐ Village ☐ City		/ /24 ()	
5.			☐ Village ☐ City		/ /24 ()	
6.			☐ Village ☐ City		/ /24 ()	
7.			☐ Village ☐ City		/ /24 ()	
8.			☐ Village ☐ City		/ /24 ()	
9.			☐ Village ☐ City		/ /24 ()	
10.			☐ Village ☐ City		/ /24 ()	

CERTIFICATION OF CIRCULATOR

I, _____, (Name of circulator) certify I reside at _____ (Circulator's residence - include number, street, and municipality)

I further certify I am either a qualified elector of Wisconsin, or a U.S. citizen, age 18 or older who, if I were a resident of this state, would not be disqualified from voting under Wis. Stat. § 6.03. I personally circulated this nomination paper and personally obtained each of the signatures on this paper. I know that the signers are electors of the jurisdiction or district the candidate seeks to represent. I know that each person signed the paper with full knowledge of its content on the date indicated opposite his or her name. I know their respective residences given. I intend to support this candidate. I am aware that falsifying this certification is punishable under Wis. Stat. § 12.13(3)(e).

_____, 2024 (Date)

_____, (Signature of circulator)





Wisconsin Elections Commission

201 West Washington Avenue | Second Floor | P.O. Box 7984 | Madison, WI 53707-7984
(608) 266-8005 | elections@wi.gov | elections.wi.gov

MEMORANDUM

DATE: For the Jan. 14, 2025, Commission Meeting

TO: Members, Wisconsin Elections Commission

FROM: WEC Legal Counsel

SUBJECT: Ballot Access Challenges – Spring Election 2025

EL 25-04 – Jennifer Weber v. Cortney Iverson
Circuit Court Judge, Jefferson County Branch 2

EL 25-05 – Theresa Beck v. Cortney Iverson
Circuit Court Judge, Jefferson County Branch 2

EL 25-06 – Natalia Taft v. Jeff Wright
State Superintendent of Public Instruction

Introduction

The Wisconsin Elections Commission (“the Commission”) accepted nomination papers from December 1, 2024 through January 7, 2025 for the 2025 Spring Election.

The Commission received 3 ballot access challenges by the deadline of 4:30 p.m. on Friday, January 10, 2025. Two of those challenges were both filed by different challengers against the same candidate for the same reason.

Wisconsin Statute 8.07 states that “the commission shall promulgate rules under this chapter for use by election officials in determining the validity of nomination papers and signatures thereon.” The Commission has carried out this duty within Wis. Admin. Code Chapter EL 2. For nonpartisan elections, all nomination papers must comply with Wis. Stat. s. 8.10, and all declarations of candidacy must comply with Wis. Stat. s. 8.21. Each challenge below is evaluated under Wis. Stat. s. 8.10 using the standards of Wis. Admin. Code EL 2, and a recommendation to approve signatures is a recommendation that the signature complies with the requirements of Wis. Stat. s. 8.10. A recommendation to approve ballot access is a recommendation that enough valid signatures were submitted for the office under Wis. Stat. s. 8.10(3).

Challenges to the sufficiency of nomination papers are brought pursuant to Wis. Admin. Code EL s. 2.07(2)(a). The Commission applies the standards in EL s. 2.05 to determine sufficiency. Wis. Admin. Code EL s. 2.07(1). Any information which appears on a nomination paper is entitled to a presumption of validity. Wis. Admin. Code EL s. 2.05(4). Where any required item of information on a nomination paper is

Wisconsin Elections Commissioners

Ann S. Jacobs, chair | Marge Bostelmann | Don M. Millis | Carrie Riepl | Robert Spindell | Mark L. Thomsen

Administrator
Meagan Wolfe

Ballot Access Memo

For the Jan. 14, 2025, Commission Meeting

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incomplete, the Commission will accept the information as complete if there has been substantial compliance with the law. Wis. Admin. Code EL s. 2.05(5). The burden of proof applicable to establishing or rebutting a challenge is clear and convincing evidence. Wis. Admin. Code EL s. 2.07(4).

Explanation of Materials

This memo provides staff analysis and recommendations for all three ballot access challenges. Each challenge has its own section, which is intended to be read alongside the materials provided in the corresponding appendices as well as alongside the staff analysis spreadsheets. Each Appendix includes a copies of the challenge and response. Any rebuttals received by 9 a.m. on Tuesday, January 14, 2025 will be provided as supplemental materials.

None of the challenges include the Excel worksheets that have accompanied previous ballot access memos because those worksheets are used for staff to assess signature challenges, and none of these challenges contain challenges to individual signatures.

I. EL 25-04 - Jennifer Weber v. Cortney Iverson Circuit Court Judge, Jefferson County Branch 2

Challenger Name: Jennifer Weber

Candidate Name: Courtney Iverson

Office Sought: Circuit Court Judge, Jefferson County Branch 2

Signatures Required: 200 – 400

Signatures Filed (After Facial Review): 289

Signatures Challenged: All – Declaration of Candidacy Challenge

Supplemental Signatures: None Filed

Correcting Affidavits: No

Final Staff Recommendation: Deny ballot access

The Challenge:

Jennifer Weber brings a Declaration of Candidacy challenge, alleging that all 289 nomination paper signatures initially verified by staff are insufficient because the candidate is not qualified for the office. The challenge states that the Wisconsin Constitution in art. VII sec. 24(1) requires that: “[t]o be eligible for the office of supreme court justice or judge of any court of record, a person must be an attorney licensed to practice law in this state and have been so licensed for 5 years immediately prior to election or appointment.” It then alleges that “[t]he Clerk of the Wisconsin Supreme Court confirmed the date of [Ms. Iverson’s] admission to practice law in the State of Wisconsin as May 27, 2020.” The complaint alleges that Ms. Iverson “has not been an attorney licensed to practice law in this state immediately prior to election on April 1, 2025.” The challenge cites both the declaration of candidacy statute, Wis. Stat. s. 8.21, and the candidate ineligibility statute, Wis. Stat. s. 8.30, in support of its allegation. The challenge attached as evidence Ms. Iverson’s Declaration of Candidacy and a page from the wisbar.org website showing Ms. Iverson’s graduation date and bar admission date.

Ballot Access Memo

For the Jan. 14, 2025, Commission Meeting

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The Response:

The response argues that Ms. Iverson will have been licensed to practice law in Wisconsin for more than 5 years by the time she would take office, and argues that she has properly filed nomination papers and a declaration of candidacy for the office of Circuit Court Judge for Jefferson County, Branch 2. The response admits that Ms. Iverson will not have been licensed to practice law in Wisconsin for 5 years at the time of the Spring Election, but argues that the Wisconsin Supreme Court has addressed a closely related question in at least two cases, and that the qualifications for office must instead be met at the time of assuming office, citing Wis. Stat. s. 8.21(2)(b) for support.

The response cites *State v. Howerwas*, 254 Wis. 336, 36 N.W.2d 427 (1949), and explains that the Wisconsin Supreme Court examined a former constitutional provision in that matter, art. VII, sec. 10, requiring, in relevant part, that a person be at least 25 “at the time of his election” to the office of judge. The response summarizes the court’s ruling and states that:

the Court held that there was no requirement, either through the Constitutional provision or statutes, that the candidate possess all qualifications prior to being placed on the ballot.

Rather, such qualifications must exist at the time of taking office and, if they don’t meet the qualifications at that time, the person may be subject to challenge—but that challenge is not one that takes place prior to placement on the ballot. *Id.* at 340.

The response also cites an earlier case, *State ex rel. Barber v. Circuit Court for Marathon County et al.*, 178 Wis. 468, 190 N.W.563 (1922), discussed in *Howerwas*, that states that individuals may appear on the ballot even if they are not qualified, and that only a declaration of candidacy is required as a condition to appear on the ballot. The response argues that the reasoning of these cases remains correct, and that, “there is no statutory requirement that Iverson meet the qualifications for the judicial office in order to be a candidate for that office or be placed on the ballot.” Instead, the response argues that Wis. Stat. s. 8.10(2)(b), which states that, “[t]hat the signer meets, or will at the time he or she assumes office meet, applicable age, citizenship, residency, or voting qualification requirements, if any prescribed by the constitutions and laws of the United States and of this state[.]” shows that a candidate must meet the requirements for candidacy at the time of assuming office.

The response argues that Ms. Iverson will meet the 5-year requirement by the time of assuming the judicial office on August 1, and alleges that Ms. Weber did not cite any provision of law that “would require Iverson to hold all qualifications in order to be placed on the ballot—and none exists, other than Wis. Stat. s. 8.21 requiring that she certify that she will meet the qualifications at the time she assumes office.” The response argues that Wis. Stat. s. 8.30 is discretionary, that the declaration of candidacy was accurately completed because Ms. Iverson will meet the requirement at the time of taking office, and therefore that the Commission has no basis in the declaration of candidacy to deny ballot access due to this challenge. The response concludes by stating, again citing *Howerwas* and *Barber*, that “as determined by the Wisconsin Supreme Court, as long as Iverson can meet the qualifications by the time she would take office, there is no basis to deny her the right to run for the office or place her name on the ballot.”

Ballot Access Memo
For the Jan. 14, 2025, Commission Meeting
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Discussion:

Both challenges against Ms. Iverson's candidacy are discussed together after the summary of the next challenge immediately below.

II. EL 25-05 – Theresa Beck v. Cortney Iverson Circuit Court Judge, Jefferson County Branch 2

Challenger Name: Theresa Beck

Candidate Name: Cortney Iverson

Office Sought: Circuit Court Judge, Jefferson County Branch 2

Signatures Required: 200-400

Signatures Filed (After Facial Review): 289

Signatures Challenged: All – Declaration of Candidacy Challenge

Supplemental Signatures: None Filed

Correcting Affidavits: None

Final Staff Recommendation: Deny Ballot Access

The Challenge:

Theresa Beck brings a Declaration of Candidacy challenge, alleging that all 289 nomination paper signatures initially verified by staff are insufficient because the candidate is not qualified for the office. As in *Weber v. Iverson*, the challenge also alleges that Ms. Iverson is not qualified under Wis. Const. Art. VII, Sec. 24(1) because she was admitted to practice law on May 27, 2020 rather than prior to April 1, 2020. The challenge states that Ms. Iverson's declaration of candidacy, which was provided as an attachment, stated that she would "qualify for the office if nominated and elected" under Wis. Stat. s. 8.21(2)(c). The challenge also cites Wis. Stat. s. 8.30(1) and emphasizes that the Commission may deny ballot access if "the candidate is ineligible to be nominated or elected" or if "the candidate, if elected, could not qualify." It also alleges that the Commission may deny ballot access under Wis. Stat. s. 8.30(4) due to the failure to file a valid declaration of candidacy. The challenge cites *In re Raineri*, 102 Wis. 2d 418, 421, 306 N.W.2d 699 (1981) to show that the Wisconsin Supreme Court has analyzed Wis. Const. Art. VII sec. 24(1) and found that at least one candidate was rendered ineligible for the office of judge under it.

The challenge cites for support the Commission's recent decision in *Michael Hoffman v. Shiva Ayyadurai & Crystal Ellis*, Complaint No. EL 24-81, in which the Commission denied ballot access under Wis. Stat. S. 8.30(1)(b) and (c) due to a citizenship qualification challenge. The challenges shows that, on review by the Eastern District of Wisconsin, the court affirmed the Commission's decision and stated that the candidate could not submit a valid declaration of candidacy given the deficiency, and that the WEC was required to withhold ballot access.

The Response:

The response to this challenge largely mirrors the response for *Weber v. Iverson*, and staff will only summarize the aspects unique to this response. In addition to what was discussed above for the response to Ms. Weber's challenge, the response argues *In re Raineri* is distinguishable because it involved a judge who was found guilty of a felony and had his license revoked while in office, thus becoming ineligible to hold

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office at that time, rather than any issue arising from the 5 year requirement at the time of the election to the office. The response also argues that the Commission's decision in *Michael Hoffman v. Shiva Ayyadurai*, EL 24-81, is inapplicable because that challenge involved a citizenship requirement that could not be met at any time, and that in this case the requirement would be met before assuming office.

Discussion:

First, this section will explain why staff believe that April 1, 2025, is the applicable qualifying deadline, and second, it will explain why staff do not believe the responses overcame this reasoning and that the Commission should sustain the challenges and deny ballot access.

Both challenges to Ms. Iverson's candidacy state that the Wisconsin Constitution bars anyone who has not been licensed to practice law in Wisconsin for five years immediately prior to being elected or appointed from the office of circuit court judge, arguing that such a candidate is not qualified for the office. As such, both challenges further allege that Ms. Iverson will not have been licensed to practice law in Wisconsin for five years at the time of the April 1, 2025, Spring Election, and ask that the Commission deny ballot access under Wis. Stat. s. 8.30(1). Staff believe that each complaint has presented clear and convincing evidence that Ms. Iverson will not have been a licensed attorney in Wisconsin for 5 years by the date of the election, that the Wisconsin Constitution bars her from assuming the office, and thus that the Commission should affirm the challenge and deny ballot access to Ms. Iverson under Wis. Stat. S. 8.30(1)(b) and (c) as she is ineligible to be elected to the office, and, if elected, could not remedy the impediment.

Neither response offers an interpretation of what "immediately prior to election" in Wis. Const. Art. 7 Sec. 24(1) means and staff propose a plain language reading of the provision. The plain language of the constitutional text supports the conclusion that "election or appointment" means the date on which the judicial candidate is chosen for the office, not the date they actually assume the duties of that office. The word "election" is intuitive—"every public primary and election." Wis. Stat. § 5.02(4). The adjective "elect" also has common, accepted meaning—"chosen for office or position but not yet installed."¹ Accordingly, the plain language of the text supports an interpretation that a judicial candidate must be a licensed attorney for five years immediately prior to the election date for the office.

Second, other relevant constitutional and statutory provisions support the conclusion that the Legislature has consistently interpreted "election or appointment" to mean the date of election or appointment. Article IV, Section 28 requires certain government officials to complete their oath of office "before they enter upon the duties of their respective offices." This demonstrates that the Legislature knew how to distinguish election from assumption of office, and made an intentional choice to use "election" when they passed the joint resolution that led to the constitutional amendment to create Article VII, Section 24. Likewise, the phrase "election or appointment" is used consistently throughout Wisconsin statutes to refer to the event that earns the individual the public office sought, not the event at which they assume the duties of that office.²

Third, the Commission has traditionally interpreted the requirements of Article VII, Section 24 of the Wisconsin Constitution to mean that a judicial officer must have been an attorney for five years immediately

¹ Available at: <https://www.merriam-webster.com/dictionary/electing>.

² A few examples, of dozens, include Wis. Stat. §§ 83.01(2)(b) (county highway commissioner); 45.82(2) (county veterans service officer); 120.06(10) (school board members); 61.25(2) (village clerk); 60.31(1) (town officers); 62.09(4)(a) (city officers); and 59.21(1) (county officers). The guidance document is available here: Microsoft Word - Candidate eligibility (Rev. 2017-09).doc/.

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prior to election day or date of appointment. Commission guidance on Wisconsin candidate eligibility states that judicial candidates must be: “[l]icensed to practice law in Wisconsin for 5 years immediately prior to the election and a qualified elector [of the jurisdiction] at the time of election.” The guidance document cites Article VII, Section 24 of the Wisconsin Constitution after that line, which demonstrates that Commission staff have interpreted this constitutional requirement to mean that it must be met prior to election day.

The response argues that because Ms. Iverson properly filed nomination papers and completed her declaration of candidacy under Wis. Stat. s. 8.21, and that the declaration of candidacy contains the legislative principle that a candidate need only qualify for the office at the time he or she assumes office, and that the Commission thus has no basis on which to deny ballot access.

Commission staff agree with the responses that all candidates need not possess all qualifications prior to being placed on the ballot, and also agree that Ms. Iverson would become qualified on May 27, 2025, before the August 1 date that judges take office. However, staff believe that qualifications are unique to each office, that the statutory landscape has significantly changed since the cases cited in the responses, and that not Wis. Stat. s. 8.21(b), but rather subsection (c), is at issue in these challenges.

First, different offices have different qualifying dates, particularly regarding residency. For example, county candidates must be electors of the county at the time of filing nomination papers under Wis. Stat. s. 59.20(1), but the Governor merely needs to be an elector of Wisconsin at the time of taking office under Wis. Const. Art. V sec. 2. In this case, the Wisconsin Constitution placed a required date as “immediately prior to election,” and staff have understood this to mean the date of the election to the office. Were the requirement to land on the date of assuming office, staff would agree that the Commission would be required to place Ms. Iverson’s name on the ballot because she would be able to qualify by the relevant date. The issue is not that she is not qualified now, but that she will not be qualified by the date of the election, which is the applicable date provided in the constitution for this specific office.

At the time of *Hawerwas* (1949) and *Barber* (1922), staff believe that no version of Wis. Stat. s. 8.30 existed. The prior version of Wis. Stat. s. 8.30 was numbered 5.30, and the earliest version staff found is in the 1949-1950 statutory archive.³ In the 1947-1948 statutory archive, that section is not present. Staff believe that the addition of Wis. Stat. s. 5.30 sometime soon after *Hawerwas* was decided in 1949 created the ability that the Wisconsin Supreme Court stated did not exist at the time of the case, and allowed filing officers to refuse to place a candidate’s name on the ballot due being ineligible to be nominated or elected, or due to an inability to qualify within the time allowed by law. In this case, the time allowed by law ends on April 1, 2025 and Ms. Iverson will not be able to qualify before that time.

Finally, staff believe that the citations to Wis. Stat. s. 8.21(2)(b) are not directly relevant, and that that section merely states that candidates must meet all “applicable age, citizenship, residency, or voting qualification requirements, if any, prescribed by the constitutions and laws of the United States and of this state.” The statement “meets, or will at the time he or she assumes office meet” does not lessen any other

³ The language is essentially the same as the current Wis. Stat. S. 8.30 and states that: “If nomination papers are not prepared, signed and executed as required by law; or if it should appear conclusively, either from the face of the nomination papers offered to be filed, or by admission of the candidate or otherwise, that said candidate is ineligible to be nominated or elected, or if elected could not; by reason of age, residence, or other impediment, qualify for the office sought within the time allowed by law for qualification, the officer or officers with whom such nomination papers are required by law to be filed may refuse either to accept said nomination papers for filing or to place the name of said candidate upon the ballot.” Available here: <https://docs.legis.wisconsin.gov/1949/statutes/statutes/5.pdf>.

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requirement found in law, but rather acknowledges that some requirements take effect earlier than others, and it does not lower the higher standards that apply to some offices. Further, that section only applies to age, citizenship, residency, or voting qualifications, none of which have been addressed in either challenge. Rather, both challenges allege that a unique requirement will not be met, which falls under the more general requirement in Wis. Stat. s. 8.21(1)(c) “that the signer will otherwise qualify for office if nominated and elected.” The qualification here is a specific professional requirement pertaining to the office of judge, and it must be analyzed under its unique constitutional language. Staff do not at all imply that Ms. Iverson believed she would not be qualified for the office—her responses indicate her exact reasons for believing she would be qualified—but nonetheless believe that she cannot in the future, on May 27, meet a requirement that must be met on April 1.

Overall, staff believe that both challenges meet the clear and convincing evidence standard established in Wis. Admin. Code EL s. 2.07(4) that Ms. Iverson will not have been a licensed attorney in Wisconsin for 5 years immediately prior to the April 1, 2025, Spring Election, and therefore that she is not eligible to be elected to the office and cannot qualify within the time allowed by law under Wis. Stat. s. 8.30(1)(b) and (c), allowing the Commission to deny ballot access. Commission staff therefore recommend sustaining the challenges and denying ballot access.

Recommended Motion:

The Commission sustains the challenges of Jennifer Weber and Theresa Beck against Cortney Iverson, and exercises its authority under Wis. Stat. s. 8.30(1)(b) and (c) to exclude Cortney Iverson from the ballot because it conclusively appears that she is not eligible to be elected on April 1, 2025, and, if elected, could not qualify for the office sought because she will not have been an attorney licensed to practice law in Wisconsin for five years immediately preceding the election. Accordingly, the Commission denies ballot status to Candidate Iverson, and her name will not be added to the list of candidates to be approved for ballot access. Commission staff shall issue a closure letter to the parties consistent with this motion.

III. EL 25-06 – Natalia Taft v. Jeff Wright (State Superintendent of Public Instruction)

Challenger Name: Natalia Taft**Candidate Name:** Jeff Wright**Office Sought:** State Superintendent of Public Instruction**Signatures Required:** 2,000 – 4,000**Signatures Filed (After Facial Review):** 2,662**Signatures Challenged:** All – Header Challenge**Supplemental Signatures:** None Filed**Correcting Affidavits:** No**Final Staff Recommendation:** 2,662

Commission staff initially verified that Jeff Wright submitted 2,662 valid signatures.

Challenger Taft brings a challenge to two aspects of the header of Candidate Wright’s nomination papers. She asserts that these header insufficiencies render all 2,662 signatures on 325 pages of nomination papers as invalid, and that Candidate Wright should be denied ballot access.

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The Challenge:

Challenger Taft brings a ballot access challenge, alleging that all nomination paper signatures are insufficient because of two insufficiencies in the header of the nomination papers. First, she claims that the header contains the incorrect name of the office sought, and that it should be “Wisconsin Superintendent of Public Instruction,” not “State Superintendent of Public Instruction.” Second, she claims that the signatory voter eligibility jurisdiction section should have also been specific to “Wisconsin” instead of containing general language that the voter is eligible to vote in the jurisdiction represented by the office sought.

Challenger Taft alleges that Candidate Wright fails to have the name “Wisconsin” anywhere in the header of his nomination paper. She alleges that in 2022, WEC staff gave the guidance that “Wisconsin” must be listed as the signatories’ voting jurisdiction in the header of the nomination papers. Challenger Taft also asserts that Candidate Wright failed to include the full name of the office sought in the header of the nomination papers. Challenger Taft alleges the full name of the office is “Wisconsin Superintendent of Public Instruction.”

As supporting exhibits, Challenger Taft included a singular representative page of Candidate Wright’s nomination papers (Exhibit A) and an email exchange with WEC staff from 2022 purporting to show that including “Wisconsin” as the jurisdiction is required in order for nomination papers to be substantially compliant (Exhibit B).

The Response:

Candidate Wright argues that Challenger Taft has not alleged that any of his signatories were misled by information on his nomination papers, nor has she alleged that the format of his papers caused any actual confusion among signatories, or was likely to do so. He asserts that the header of his nomination papers specifies that his home address and mailing address are in Wisconsin, contrary to Challenger Taft’s assertion that the word “Wisconsin” does not appear anywhere in the header.

With respect to Challenger Taft’s first claim, Candidate Wright argues that the legal title of the office he seeks is “State Superintendent of Public Instruction” per Article X, Section 1 of the Wisconsin Constitution, and Subchapter II of chapter 115 of state statutes. He alleges that he correctly included this title in his header, in substantial compliance with the law.

With respect to Challenger Taft’s second claim, Candidate Wright provides a list of recent nomination papers of candidates that also did not contain “Wisconsin” as the jurisdiction of signatory voter eligibility. He argues that the 2022 Commission staff email in Challenger Taft’s complaint is a guidance document at best and has no relevant, legal, or precedential effect.

Finally, Candidate Wright argues that even if the Commission believes he erred in failing to specify the jurisdiction as “Wisconsin,” it should still exercise discretion to place his name on the ballot in the interest of not restricting ballot access due to a technicality.

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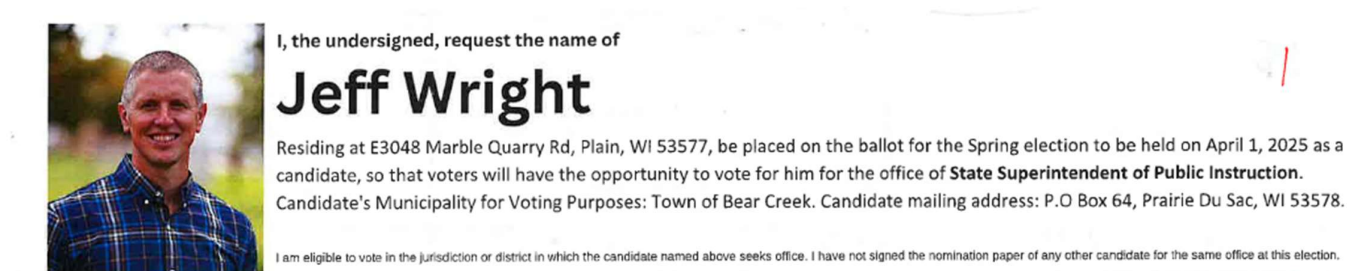
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Discussion:

Wisconsin statute specifies the information that is required to appear at the top of a nomination paper in the “header” section. Wis. Stat. s. 8.10(2)(b). The purpose of the header is so that the signatories can verify that they are making an intentional choice to support a specific candidate for a specific office, and that they are qualified to sign to support the candidate for that office. The law requires the header to “have substantially the following words printed at the top...I am eligible to vote in the (name of jurisdiction or district in which candidate seeks office),” in addition to other required fields. The Commission has developed a nomination paper template that contains all of the required fields, but candidates often design their own nomination papers and their own headers. A candidate is free to design their own header to their nomination papers, so long as it substantially contains the information required by s. 8.10(2)(b).

Candidate Wright’s personalized header, which appears at the top of all 325 pages of his nomination papers, is reproduced below. As a preliminary matter, Challenger Taft’s assertion that the header does not have the name “Wisconsin” anywhere in the header is misleading. The commonly-accepted postal code for Wisconsin, “WI” appears in two places in the header, once as part of Candidate Wright’s residence and once as part of his mailing address.

**Claim 1 – Full Title of Office Sought**

Challenger Taft first claims that Candidate Wright’s nomination papers do not contain what she says is the full title of the office sought: “Wisconsin Superintendent of Public Instruction.” Instead, the header of each nomination paper lists the intended office as: “State Superintendent of Public Instruction.”

Commission legal staff were unable to find any statute or authority that states the proper name of the office sought is “*Wisconsin* Superintendent of Public Instruction,” and Challenger Taft points to none. To the contrary, the office sought by Candidate Wright is a state constitutional office, and is named by Article III, Section 1 as “State Superintendent of Public Instruction.” Wis. Const. Art. III, Sec. 1, Clause (1)(d). The same office is referred to as “State Superintendent” throughout Wisconsin statutes. Wis. Stat. ss. 8.11(3); 8.25(4); 8.50(4)(c); 39.76(1). Within the Commission’s internal systems, the office is also listed as “State Superintendent of Public Instruction,” and that is also how the name of the office is displayed on Wisconsin ballots.

Even if some authority existed to support a claim that the office is titled “Wisconsin Superintendent of Public Instruction,” the Commission has found previously that candidates have substantially complied with s. 8.10(2)(b) so long as the electors could determine the office and district the candidate was pursuing by

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other information provided in the nomination paper heading.⁴ In this instance, Commission staff believe that signatories would have understood that a candidate circulating nomination papers in Wisconsin for the office of “State Superintendent of public Instruction” meant that the office sought was statewide office in Wisconsin, especially given the title still contained the word “State.”

Claim 2 – Specific versus General Jurisdiction of Signatory Eligibility

Challenger Taft also claims that Candidate Wright’s nomination papers are insufficient because the section of jurisdiction of signatory voter eligibility wasn’t specific enough because it didn’t state “Wisconsin.” The law requires the header to contain certification language that the signatories reside in the jurisdiction for which the candidate seeks office. The jurisdiction for the office of State Superintendent of Public Instruction is the State of Wisconsin. Candidate Wright’s header contained the following statement: “I am eligible to vote in the jurisdiction or district in which candidate named above seeks office.”

Statute Substantially Requires:	Header Contained:
“...I am eligible to vote in the (name of jurisdiction or district in which candidate seeks office) ...” Wis. Stat. s. 8.10(2)(b).	“I am eligible to vote in the jurisdiction or district in which the candidate named above seeks office.”

Challenger Taft appears to argue that the inclusion of “name of” in s. 8.10(2)(b), coupled with the use of a parenthetical, required Candidate Wright to specify in the header that signatories certify that they are eligible to vote in the state of Wisconsin specifically. The only support she offers for this interpretation is a series of 2022 emails from Commission staff, where staff offered the recommendation for a different candidate to include “Wisconsin as the jurisdiction in there somewhere.” The emails from Commission staff stated: “the name of the jurisdiction is still required even for statewide offices.”

Recent statewide candidates who were approved for ballot access contained a wide variety of language in the header for the jurisdiction of signatory eligibility section. None of the candidates below were challenged, and all were granted ballot access.⁵

Statewide Office Sought	Header Language for Jurisdiction
WI Supreme Court	“I am eligible to vote in the jurisdiction or district in which the candidate named above seeks office.”
WI Supreme Court	“Wisconsin”
Attorney General	“I am eligible to vote in the state of Wisconsin.”
Secretary of State	“I am eligible to vote in the state of Wisconsin.”
Governor	“I am eligible to vote in the state of Wisconsin in which the candidate name above seeks office.”
Governor	“I am eligible to vote in the state of Wisconsin.”

⁴ See “Common Nomination Paper Challenges” (2018), pg. 2. Available at: <https://elections.wi.gov/resources/manuals/common-nomination-paper-challenges-manual>.

⁵ In his response, Candidate Wright provides sample nomination paper templates from four other candidates, and he claims they do not include the word “Wisconsin” in the jurisdiction section. However, while they may not include “Wisconsin,” each example provided is specific to the office sought, as opposed to the general language used by Candidate Wright. Brad Cook’s header, for example, says: “I am eligible to vote in the 40th Assembly District.” Commission staff are unable to determine how the example nomination papers in Exhibit A of the response aid or support Candidate Wright’s arguments.

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However, Commission legal counsel believe that it is not necessary for the header of Candidate Wright's nomination papers to specifically contain the word "Wisconsin" in the signatory voter eligibility line. Candidate Wright's nomination paper header is substantially compliant with s. 8.10(2)(b) because it contains every word of what is required by that provision. While other recent statewide candidates may have modified the "name of jurisdiction or district in which candidate seeks office" to say "Wisconsin" instead, that is a distinction without a difference with respect to the requirements of s. 8.10(2)(b), at least for statewide candidates.⁶

What's important for s. 8.10(2)(b) is that the signatory understand and certifies that they are eligible to vote in the jurisdiction represented by the candidate for the office sought. Commission staff believe that a reasonably informed signatory would understand that they need to be an eligible voter of Wisconsin in order to sign nomination papers for the *statewide* office of State Superintendent of Public Instruction. For other offices, it may not be substantially compliant for a candidate to fail to specify the jurisdiction of signatory voter eligibility (such as for a specific Senate District for example). But for statewide office, any eligible voter anywhere in the state of Wisconsin is eligible to sign nomination papers, so as long as the nomination papers clearly identify a statewide office, signatories can confirm they are eligible to vote in the applicable jurisdiction. Here, Candidate Wright's nomination papers clearly identify the statewide office he seeks – State Superintendent of Public Instruction – so signatories would reasonably understand that they must be eligible to vote in the state of Wisconsin in order to sign.

While it might have been *perfect* compliance for Candidate Wright to modify the jurisdiction language to be specific to Wisconsin, the law does not require perfect compliance. All that is required is that Candidate Wright's header substantially comply with the requirements of s. 8.10(2)(b).

Accordingly, Commission staff have concluded that Challenger Taft has not met her burden

Recommended Motion:

The Wisconsin Elections Commission ("the Commission") sustains 0 challenges, and does not sustain 2,662 challenges, in accordance with staff recommendations and the accompanying materials for EL 25-06. The Commission finds that Jeff Wright submitted 2,662 valid signatures, and the Commission adds Jeff Wright to the list of candidates to be approved for ballot access. Commission staff shall issue a closure letter to the parties consistent with this motion.

⁶ Before elections, candidates will often submit templates of their nomination papers to WEC staff for facial review, which is done as a courtesy to the candidate. While WEC staff's review is not binding, WEC staff will bring potential issues to candidates' attention that could potentially form the basis of a challenge so that they candidate can assess their own risk and can decide for themselves how and whether to address it. WEC staff's observations are not binding and certainly do not set precedent for future candidates.

STATE OF WISCONSIN
WISCONSIN ELECTIONS COMMISSION

IN THE MATTER OF the Certificate of Candidacy for the
Office of Jefferson County Circuit Court Judge, Branch 2
with respect to the April 1, 2025 Election

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

Complainant,

v.

Case No. EL 25-5

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

Respondent.

VERIFIED REBUTTAL

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

INTRODUCTION

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

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

Iverson filed an affidavit conceding that she “was admitted to the State of Wisconsin to practice law on May 27, 2020” and “will have been licensed to practice law in Wisconsin for 5 years on May 27, 2025[.]” (Iverson Aff., ¶¶ 4, 9) Iverson makes much of the fact that Wis. Stat. § 8.21(2)(b) requires an aspiring candidate to certify that they meet “or will at the time he or she assumes office meet” the qualification requirements. (Br. at 4-5) Thus, she argues that she “will meet the qualifications for the office at the time she assumes the judicial office on August 1, 2025 since she will be licensed to practice law in Wisconsin for over 5 years at that time[.]” (*Id.* at 5)

But the relevant constitutional provision says nothing about the length of licensure required before the candidate “assumes the judicial office,” as Iverson contends. The Wisconsin Constitution provides that: “To be eligible for the office of supreme court justice or judge of any court of record, a person must be an attorney licensed to practice law in this state and have been so licensed for 5 years immediately prior to election or appointment.” Wis. Const. Art. VII, § 24(1). Even on August 1, 2025, the question would not be whether she was licensed for five years prior to “assuming office”; the constitutional question *would still be* whether Iverson was “licensed for 5 years immediately prior to election[.]” *Id.*

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

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

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

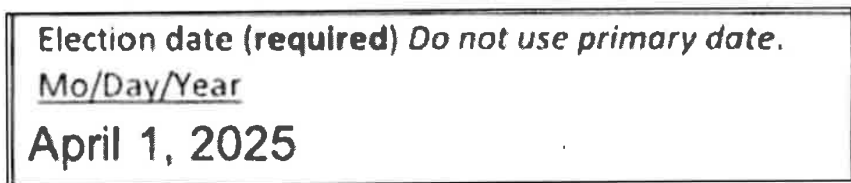


Exhibit A.²

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

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

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

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

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

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

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

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

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

First, both *Haweras* and *Barber* turned entirely on the lack of statutory authority regulating ballot access. In *Barber*, the Supreme Court explained that a “careful search of the entire body of statutory law fails to disclose any attempt on the part of the legislature to require that the name of a person so certified shall be that of a person eligible to hold the office for which he is a candidate.” 178 Wis. at 478; *see also id.* at 479 (holding that “the legislature has carefully refrained from lodging either with the judicial branch or with any administrative officer the power to limit” the ballot to only eligible candidates). Likewise, in *Haweras*, the Court held that: “[u]ntil the legislature, in the exercise of its power to regulate the exercise of the right of franchise, has prescribed as a part of the qualifications of a person who is seeking a place upon the official ballot that he shall be eligible to the office for which he is a candidate, neither the courts nor any administrative officer can so limit his right.” *Haweras*, 254 Wis. at 340 (quoting *Barber*, 178 Wis. at 479).

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

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

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

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

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

Fourth, *Barber* was premised on the principle that a candidate’s eligibility to serve was non-judicial until they win the election, and then “the question of eligibility becomes a judicial question after the election when he has received a plurality of votes and is seeking the title to the office for which he is a candidate.” *Barber*, 178 Wis. 468. One-hundred years later, the Wisconsin Supreme Court clarified that those taking issue with the conduct of an election have not only

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

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

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

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

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

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

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

CONCLUSION

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

Dated January 14, 2025.

Prepared by:

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

VERIFICATION

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

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

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

Theresa A. Beck
Theresa A. Beck

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

Rebecca L. Ledonne

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

My commission expires: 12/28/23

REBECCA L. LEDONNE Notary Public, State of Wisconsin

NOMINATION PAPER FOR NONPARTISAN OFFICE

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

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

The municipality used for mailing purposes, when different than municipality of residence, is not sufficient. The name of the municipality of residence must always be listed.				
Signatures of Electors	Printed Name of Electors	Residential Address (No P.O. Box Addresses) Street and Number or Rural Route (Rural address must also include box or fire no.)	Municipality of Residence Check the type and write the name of your municipality for voting purposes.	Date of Signing Mo/Day/Year
1.	David Aester	W9525 Skagen Rd	☒ Town Oakland ☐ Village ☐ City	12-22-24
2.	Megan Aubuhl	507 Skagen Rd	☐ Town ☒ Village Cambridge ☐ City	12-22-24
3.	Kim Jones	W9560 Blue Jay Way	☐ Town ☒ Village Oakland ☐ City	12-22-24
4.	Jim Jones	W9560 Blue Jay Way	☐ Town ☒ Village Oakland ☐ City	12-22-24
5.	Samuel Jeffery	W1119 Tall Pines Rd	☐ Town ☐ Village ☒ City Oakland	12-22-24
6.	EMMA JEFFERY	W1119 TALL PINES RD	☐ Town ☐ Village ☒ City OAKLAND	12-22-24
7.	Nate Mahoney	W9119 Overlook Ct	☒ Town ☐ Village ☐ City Oakland	12-22-24
8.	Pamela Math	W9122 Overlook Ct	☐ Town ☐ Village ☒ City Oakland	12-22-24
9.	Jon Zebell	W9112 Road End	☒ Town ☐ Village ☐ City Oakland	12-22-24
10.	STEVE WITTMANN	W9112 ROAD END CT	☒ Town ☐ Village ☐ City OAKLAND	12/22/24

I, <u>Cortney Iverson</u> (Name of circulator) certify: I reside at <u>W9211 Red Feather Drive Oakland, WI 53523</u> (Circulator's residential address - include number, street, and municipality.)	
I further certify I am either a qualified elector of Wisconsin, or a U.S. citizen, age 18 or older who, if I were a resident of this state, would not be disqualified from voting under Wis. Stat. §6.03. I personally circulated this nomination paper and personally obtained each of the signatures on this paper. I know that the signers are electors of the jurisdiction or district the candidate seeks to represent. I know that each person signed the paper with full knowledge of its content on the date indicated opposite his or her name. I know their respective residences given. I intend to support this candidate. I am aware that falsifying this certification is punishable under Wis. Stat. § 12.13(3)(a).	
<u>12/22/24</u> (Date)	 (Signature of circulator)

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Wisconsin Elections Commission

201 West Washington Avenue | Second Floor | P.O. Box 7984 | Madison, WI 53707-7984
(608) 266-8005 | elections@wi.gov | elections.wi.gov

MEMORANDUM

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

FROM: WEC Staff

DATE: January 3, 2025

SUBJECT: Filing Challenges to Nomination Papers

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

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

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

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

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

2025 DEADLINES

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

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

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

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

DISCUSSION

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

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

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

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

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

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

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

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

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

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

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

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

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A. Challenges to the heading of the nomination paper

Wis. Stat. § 8.10(2)(b) and (c) requires that the heading of a nomination paper contain the following:

(b) Each nomination paper shall have substantially the following words printed at the top:

I, the undersigned, request that the name of (insert candidate's last name plus first name, nickname or initial, and middle name, former legal surname, nickname or middle initial or initials if desired, but no other abbreviations or titles) residing at (insert candidate's street address) be placed on the ballot at the (spring or special) election to be held on (date of election) as a candidate representing the (name of party) so that voters will have the opportunity to vote for (him or her) for the office of (name of office). I am eligible to vote in (name of jurisdiction or district in which candidate seeks office). I have not signed the nomination paper of any other candidate for the same office at this election.

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

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

B. Challenges to the certification of the circulator

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

II. Challenges to Individual Signatures

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

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

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

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

Relevant Wisconsin Statutes and Administrative Code Provisions:

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

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

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

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

FRANK MARSHALL et al.,

Plaintiffs,

v.

Case No. 24-C-1095

WISCONSIN ELECTION
COMMISSION et al.,

Defendants.

MEMORANDUM AND ORDER

On August 28, 2024, Plaintiffs Frank Marshall and Vicki Marshall filed this action under 42 U.S.C. § 1983 against Defendant Wisconsin Election Commission (WEC) and Defendants Ann S. Jacobs, Mark L. Thomsen, Carrie Riepl, Robert F. Spindell, Jr., Marge Bostelmann, and Meagan Wolfe in their official capacities, alleging violations of their First and Fourteenth Amendment rights. Prior to commencing this suit, on August 6, 2024, Plaintiffs submitted nomination papers with WEC to nominate presidential candidate Shiva Ayyadurai for placement on the November 5, 2024, general election ballot and to serve as presidential electors. On August 27, 2024, in response to an objector's petition, WEC voted to exclude Ayyadurai from the general election ballot under Wis. Stat. § 8.30(4). Plaintiffs allege the exclusion violates their First Amendment rights to ballot access and assembly, and their Fourteenth Amendment rights to due process and equal protection. For the following reasons, the case will be dismissed.

The court is authorized to screen complaints, regardless of a plaintiff's fee status, to "save everyone time and legal expense." *See Hoskins v. Poelstra*, 320 F.3d 761, 763 (7th Cir. 2003). Prompt screening of a complaint prior to service, especially when the plaintiffs are pro se, serves

the important function of protecting putative defendants from unnecessary fear and anxiety and the expense of hiring an attorney in order to respond to patently frivolous claims brought either out of ignorance of the law or with intent to embarrass or harass. *Id.* When exercising this discretion, however, a judge “must take care that initial impressions, and the lack of an adversarial presentation, not lead to precipitate action that backfires and increases the duration and cost of the case.” *Id.* In screening a complaint, the court must determine whether the complaint complies with the Federal Rules of Civil Procedure and states at least plausible claims for which relief may be granted. *See Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009); Fed. R. Civ. P. 8. To state a cognizable claim under the federal notice pleading system, Plaintiff is required to provide a “short and plain statement of the claim showing that [he] is entitled to relief.” Fed. R. Civ. P. 8(a)(2). Further, the court has “authority to dismiss frivolous or transparently defective suits spontaneously.” *Hoskins*, 320 F.3d at 763. A claim is legally frivolous if it is based on an “indisputably meritless legal theory.” *Felton v. City of Chicago*, 827 F.3d 632, 635 (7th Cir. 2016) (citing *Neitzke v. Williams*, 490 U.S. 319, 327–28 (1989)). Here, Plaintiffs proffer a meritless legal theory that renders the claims in their complaint baseless.

Plaintiffs claim WEC “lacked statutory authority that confers subject matter jurisdiction over nomination papers and lacked personal jurisdiction over Plaintiffs . . . since they were neither named as respondent parties in the WEC proceeding nor were they served with a proper objector’s petition.” Dkt. No. 1 ¶ 2. Plaintiffs ask the court to nullify WEC’s decision to exclude Ayyadurai as a candidate from the ballot. *Id.* ¶ 3. Plaintiffs further ask the court to reinstate Ayyadurai as a candidate such that Plaintiffs remain part of the slate of presidential electors. But Plaintiffs’ allegations are without merit and WEC had clear statutory authority to take the action it did—exclusion of presidential candidate Ayyadurai from the general election ballot.

“Independent nominations may be made for any office to be voted for at any general or partisan special election.” Wis. Stat. § 8.20(1). One nominates independent candidates by filing nomination papers. *Id.* § 8.20(2)(a). “Nomination papers for president and vice president shall list one candidate for presidential elector from each congressional district and [two] candidates for presidential elector from the state at large who will vote for the candidates for president and vice president, if elected.” Wis. Stat. § 8.20(2)(d). Nomination papers for candidates for president and vice president must also contain, “not less than 2,000 nor more than 4,000” signatures, *id.* § 8.20(4). Additionally, and most important here, “[n]omination papers shall be accompanied by a declaration of candidacy under [section] 8.21.” *Id.* 8.20(6). A “declaration of candidacy shall state “[t]hat the signer meets, or will at the time he or she assumes office meet, applicable age, citizenship, residency, or voting qualification requirements, if any, prescribed by the constitutions and laws of the United States and of this state.” Wis. Stat. 8.21(2)(b).

Circling back to WEC’s duties and obligations, Wis. Stat. § 8.30(4) states: “The 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 [section] 8.21.” This is the statutory authority WEC invoked on August 27, 2024, in voting to exclude candidate Ayyadurai from the ballot. Wisconsin Elections Commission, BALLOT ACCESS MEETING: AUGUST 27, 2024, OPEN MEETING MINUTES 3 (2024), available at <https://elections.wi.gov/event/special-meeting-8272024> (“[T]he Commission exercises its authority under Wis. Stat. § 8.30(4) to exclude [Candidate Shiva Ayyadurai and Candidate Crystal Ellis] from the ballot because Candidate Ayyadurai does not meet the constitutional requirements for the Office of President of the United States. The Commission directs staff not to add Shiva Ayyadurai and his running mate Crystal Ellis to the list of candidates to be approved for ballot

access.”). Because candidate Ayyadurai is not a natural born citizen of the United States, he could not submit a valid declaration of candidacy as required by Wis. Stat. § 8.20(6), and therefore, WEC was required by statute to prohibit his name from being on the ballot. Wis. Stat. § 8.30(4).

The court need not wade into Plaintiffs’ convoluted arguments about the Electoral College process or who Wisconsin voters truly vote for when they go to the polls in November. Ayyadurai is not qualified to hold the office of president of the United States and WEC had all the statutory authority necessary to reject his placement on the ballot. Further discussion of Plaintiffs’ claims is not warranted and would give credence where it is not due. Accordingly, because the complaint is legally frivolous on its face, it is **DISMISSED**. Plaintiffs’ motions for temporary restraining order and preliminary injunction (Dkt. No. 3) are **DENIED** as moot. The Clerk is directed to enter Judgment.

SO ORDERED at Green Bay, Wisconsin this 10th day of September, 2024.

s/William C. Griesbach

William C. Griesbach

United States District Judge