

January 8, 2024

TO: Milwaukee Election Commissioners
FROM: Claire Woodall, Executive Director
RE: Stamper v. Griffin

1. Stamper filed a challenge to Griffin's nomination papers on Friday, January 5, 2024 shortly after 9:30am. This challenge falls within the allowable statutory time frame, conforms to the verified complaint standards, and alleges specific challenges with supporting evidence to specific signatures on Griffin's nomination papers.
2. Exhibit B of Stamper's challenge provides a page by page challenge to specific lines to signatures on the nomination papers of Ms. Griffin.
3. Attached is the Milwaukee Election Commission's analysis of each challenge and recommendation.
4. Should Griffin not file or present a response that establishes clear and convincing evidence rebutting the challenges where the burden has shifted, she will have 196 valid District 15 signatures, falling below the 200-signature threshold to qualify for ballot placement for alderperson. She will need to provide clear and convincing evidence to rebut at least 4 of the valid challenges in order to reach the 200-signature threshold and be recommended for placement on the ballot.

Challenges to Legibility of Elector Name or Legibility of Address

Russell Stamper, II alleges numerous challenges based upon the legibility of a voter's name. As such, the Election Commission is providing the Board of Commissioners with the following established guidance from the Government Accountability Board from October 28, 2014:

1. The filing officer shall confirm that the signer has completed information in both the "Signature" box and the "Printed Name" box of the nomination paper or other election petition. The signature may be marked as the signer customarily marks his or her signature, including by using an "X" or by using either traditional printed letters or a handwritten signature. Similarly, the signer's printed name is not required to include only letters that are separated from one another.
2. If the filing officer can discern no part of the signer's name, after reviewing both the signature and the printed name, it should be deemed illegible and the signature should not be counted.
3. After reviewing both the signature and printed name of a signer, if the filing officer can discern a possible name, but may not be certain of the exact spelling of the name, the printed name is deemed legible and the signature shall be counted if otherwise valid.
4. The filing officer is not required to consult extrinsic sources of information (voter registration records, telephone directories, etc.), but may do so if it assists the filing officer in discerning a possible name.

5. The signer must print his or her name, and the signer must execute a correcting affidavit if the printed name is missing or insufficient for the signature to be counted. However, a circulator may print the name of a signer with a disability who requests such assistance.

While requiring some subjective judgment by filing officers, these standards accurately capture the intent of 2013 Act 160 and do not require a hyper-technical application of the phrase “legibly print.” In reviewing nomination papers and other election petitions, WEC staff and local filing officers will be able to apply a common-sense approach which does not eliminate legible names simply because letters in a printed name are connected or cross over one another. In essence, the printed name requirement is used to clarify or complete a signature which may not be legible or readable, not to invalidate signatures on the basis of a name failing to meet a literal definition of “printed.”

It is under the guidelines that the Election Commission staff make determinations over whether a signature and printed name substantially conform.

Challenges to Location within District of Elector Addresses:

Wis. Stat. §§ 8.10(4)(b), 8.15(2) require that a signer of a nomination paper “shall list his or her municipality of residence for voting purposes, the street and number, if any, on which the signer resides.” Errors in which the elector used an address or listed a municipality which does not reflect his or her actual residence or wrote an incomplete address may be corrected by the elector or by the circulator in a correcting affidavit filed by the correction deadline.

EL 2.07(5) states “Where it is alleged that the signer or circulator of a nomination paper does not reside in the district in which the candidate being nominated seeks office, the challenger may attempt to establish the geographical location of an address indicated on a nomination paper, by providing district maps, or by providing a statement from a postmaster or other public official.

Challenges to Validity of Electors Addresses/Residences:

EL 2.07(3)(c) states that “If a challenger establishes that the date of a signature, or the address of the signer, is not valid, the signature may not be counted.” The Milwaukee Election Commission uses parameter guides and a Google Map with Aldermanic Boundaries to do a cursory review of addresses due to the time constraints of the certification process. The MEC does not verify that each address is located at a valid residential building and leaves that burden to a challenger. For the purposes of a valid residential address, Wis. State Stat. 6.10(1) defines the residence of a person as “the place where the person’s habitation is fixed, without any present intent to move, and to which, when absent, the person intends to return.” The EL-169’s instructions clearly state that each “elector must provide their residential address (no P.O. Box addresses), including any street, fire or rural route number, box number (if rural route) and street or road name, and municipality of residence.” Additionally, the circulator “may add any missing or illegible address...information before the papers are filed with the filing officer.” Circulators or electors are also able to submit corrective affidavits up through the challenge deadline.

Under these criteria, the Milwaukee Election Commission recommends the following action:

1. PG1 – Line 1-5-7 not legible

- a. Line 1: The only letter that can be made out of the last name is a J. **Staff agree that Line 1 is not legible and recommend striking line 1.**
 - b. Line 5: M. Banks is legible and substantially complies. Staff recommend preserving signature.
 - c. Line 7: While it is difficult to make out the name, it appears to be Joey Handgrin or Hanson. We recommend acceptance since we are able to discern a possible name, although we do not know the exact spelling or completion of it.
2. PG3 – Line 4 – no legible name and address 2000 N 31 #209 does not exist
 - a. Name is clearly Marte Young. The voter switched the printed name and signature lines. Staff does not recommend disqualifying this signature due to a claim of illegibility.
 - b. 2000 N 31st St #402 (challenger wrote the wrong apt #) does not exist. The rest of the signatures on the page are at 2200 N 31st, which is a valid apartment building. This appears to be signor error in recording her address. **The Election Commission did not receive an affidavit of correction by the 5:00pm January 5 deadline and, thus, recommend disqualifying this signature.**
3. PG3 – Line 6 and 9 addresses are not legible
 - a. Line 6 address is 2200 N 31st St #213. Staff recommend preserving signature as the address is not illegible.
 - b. Line 9 address is 2200 N 31st St #315. Staff recommend preserving signature as the address is not illegible.
4. PG4 – Line 5 name is not legible – no printed name – name is incomplete.
 - a. Staff read this signature as Breanna Shu. While this may not be the signer’s full last name, it is what was written and is in substantial compliance. Staff recommend preserving signature.
5. PG5 – line 5-6-7-9 out of district
 - a. Addresses challenged are: 3805 N 36th St, 3200 W Juneau Ave, 2935 N 21st St, 2925 N 28th St
 - b. **Staff have reviewed all four address and concur that these are outside of the district and should be struck.** Initial reviewer did not review district map boundaries correctly.
6. PG6 – Lines 3 and 4 are not legible, no full name. Line 4 and 5 no printed name.
 - a. Line 3 reads Z--- Barns. While it is not fully clear what the first name is, it is in substantial compliance. Staff recommend preserving this signature.
 - b. Line 4 reads M Hall. Again, staff believe this to be in substantial compliance. Staff recommend preserving this signature.
 - c. Line 5 is Juliet Williams which is clearly printed and not illegible. Staff recommend preserving this signature.
7. PG6 – Line 8-9 out of the district

- a.* 1625 N 9th St is what the challenger has recorded for line 8. Staff believe this address to read 1625 N 19th and it is a valid District 15 address. Staff recommend preserving this signature.
 - b.* 3076 N 42nd St is not a valid District 15 address. **Staff recommend striking this signature.**
- 8. PG8 – Line 7 out of district
 - a.* 3334 W Highland Ave is not a valid District 15 address. **Staff recommend striking this signature.**
- 9. PG9 – 1-4, 6, 8-10 Electors do not live at address
 - a.* Line 1: An affidavit has been provided from Alitha Anderson, property manager of 2025 N 14th Street, stating that Marvin Bizzle was a former resident but has been deceased since 2022. Staff do not read the elector’s name as Marvin Bizzle. The signature and printed name read Maybell Bizzle. No information has been provided regarding Maybell Bizzle’s residence, so staff recommend preserving this signature.
 - b.* Line 2: An affidavit has been provided from Alitha Anderson, property manager of 2025 N 14th Street, stating that Chester Triplett does not reside at 2025 N 14th Street #215. Mr. Triplett is not registered to vote at #215, nor is anyone else. Staff were unable to locate contact information for Chester Triplett. **Staff recommend striking this signature.**
 - c.* Line 3: An affidavit has been provided from Tex Seals, the resident of 2025 N 14th Street #108. Seals states that they have lived at the address for 2 years and do not know Ernie Matthews. **Staff recommend striking this signature.**
 - d.* Line 4: An affidavit has been provided from Nora Golden, resident of 2025 N 14th Street #217. Golden states that she has lived in the apartment for 12 years and does not know Oscar Golden. Ms. Golden is the only voter registered to vote at #217. **Staff recommend striking this signature.**
 - e.* Line 6: An affidavit has been provided from Alitha Anderson, property manager of 2025 N 14th Street, stating that A. Michaels does not reside at 2025 N 14th Street #212. **Staff recommend striking this signature.**
 - f.* Line 8: An affidavit has been provided from Reginald Vernell stating that he did not sign Griffin’s papers on 12/15/23. Mr. Vernell prints and signs his name “Vernell” on his affidavit and is also registered to vote under “Vernell.” The printed name and signature on Line 8 sign the name “Vernel.” **This discrepancy supports the affidavit of Mr. Vernell and staff recommend striking this signature.**
 - g.* Line 9: An affidavit has been provided from Barbara Pugh, resident of 2025 N 14th St #202. Pugh states that she has lived at her apartment two years and “Dontae Washington Dose Do Live here.” This statement is not clarifying as to whether Washington does or does not live at the address. Staff recommend preserving this signature as evidence has not been provided sufficient to be clear or convincing.

- h.* Line 10: An affidavit has been provided from Jeana Johnson, resident of 2025 N 14th St #211. Johnson states that Sarra Johnson does not live at 2025 N 14th St #211. The affidavit also states that Mattie Love (line 5) does not live in the unit, but no challenge has been made to line 5 by Stamper. Johnson is registered to vote at #211. **Staff recommend striking line 10, but not line 5.**
10. PG 10 – Line 1 out of the district
- a. 2424 N 57th is not a valid District 15 address. **Staff recommend striking this signature.**
11. PG10 – Line 9 address illegible.
- a. Address is 2248 N 22nd Street and falls within the district. Staff recommend preserving this signature.
12. PG 13 – Line 6 out of district
- a. 3103 N 29th is not a valid District 15 address. **Staff recommend striking this signature.**
13. PG13 – Line 10 Name Not Print or Legible
- a. Staff can clearly read Line 10’s name as Felix Hart. Staff recommend preserving signature.
14. PG16 – Line 5 Incomplete Address – no apartment number
- a. Line 5 John Cooper wrote address as 1338 W Fond Du Lac. Cooper did not provide his apartment number.
- b. Cooper is registered to vote at 1338 W Fond Du Lac Ave Apt 202.
- c. Staff find Cooper’s address to be in substantial compliance, consistent with previous WEC rulings and the Common Nomination Paper Challenge manual, pg. 7. Staff recommend that this signature be preserved.
15. PG17 – Line 5 No Printed Name
- a. Valerie Williams signed twice in very clear cursive. Staff are able to easily read the name and the elector substantially complied. Staff recommend that this signature be preserved.
16. PG17 – Lines 9 and 10 Vacant Lot
- a. 1601 W Hadley was the address very clearly written for lines 9 and 10. Upon research, there is not a dwelling at 1601 W Hadley and it does not appear to be a valid address. **Staff recommend striking lines 9 and 10.**
17. PG20 – Line 3 out of district
- a. 2506 N 124th St is being challenged. Staff initially read this address too quickly and typed 12th Street. **Upon further review, it is clear that the elector wrote 124th and this signature should be struck.**
18. PG21 – lines 9 and 10
- a. 3175 N 35th St is not a valid District 15 address. **Staff recommend striking this signature.**
19. PG22 – line 6 vacant lot

- a. 1601 W Walnut is a vacant lot/does not actually exist according to City of Milwaukee property databases. **Staff recommend striking line 6.**
20. PG22 – Line 9 is not printed and not legible.
- a. Staff read line 9’s printed name as Desha Wilder. While her first name be slightly different, Wilder is the clear last name and should be preserved.
21. PG23 – Line 3 Vacant Lot
- a. 2817 W North Ave is not a vacant lot. However, it is an empty commercial real estate property. Woodall has contacted the Department of City Development and confirmed that there are no occupants in this building, which the City has owned since 2016. **Staff recommend striking Line 3.**
22. PG24 – Line 2 Does Not Exist
- a. 3419 W North Ave does not exist. Toussaint Square Apartments is located on this block. However, the address for Toussaint Square is 3421 W North Ave. **Staff recommend striking Line 2, as it does not exist.**
23. PG25 – Line 10 vacant lot
- a. 2947 W Center is not a valid City of Milwaukee address. 2930 W Center is the only parcel with a Center Street address on that block. 2930 W Center is owned by the City of Milwaukee and is vacant. **Staff recommend Striking Line 10, as the address does not exist.**
24. PG27 – Line 8
- a. 2612 W Center is alleged to be vacant or not exist. However, 2612 W Center is Tax Key 3101935000 and is owned by Village Ministries. It appears to be a place of worship. However, it could be that the elector is temporarily using the church as their address if they are homeless and receiving services from the church. Presumption of validity should be given in staff’s opinion and recommendation is to preserve the signature.