

January 8, 2024

TO: Milwaukee Election Commissioners
FROM: Claire Woodall, Executive Director
RE: Balestrieri v. Geldon

1. On November 30, 2023, Geldon filed his Campaign Finance Registration Statement (CF-1) in the Election Commission office. At this time, staff who received the form deemed that it was in substantial compliance and filed the form.
2. On Thursday, December 28, Geldon filed his other ballot access documents, including his Declaration of Candidacy, Statement of Economic Interests, and his nomination papers for District 10 Alderperson.
3. On Thursday, December 28, Executive Director Woodall reviewed Mr. Geldon's candidate folder to review his ballot access documents. It was at this time that she discovered his CF-1 was incomplete. Geldon had not listed any depository institution (A8-A12), left the entirety of the Treasurer section blank (A13-A19), and did not check the certification statement acknowledgement boxes in Section C.
4. Ethics Commission Administrative Rule ETH 6.02 lays out Campaign Finance Registration Statement sufficiency procedures.
 - a. ETH 6.02 Registration statement sufficiency.
 - (1) Any registration filed with a filing officer under ss. 11.0201, 11.0202, 11.0203, 11.0301, 11.0302, 11.0303, 11.0401, 11.0402, 11.0403, 11.0501, 11.0502, 11.0503, 11.0601, 11.0602, 11.0603, 11.0701, 11.0702, 11.0703, 11.0801, 11.0802, 11.0803, 11.0901, 11.0902, and 11.0903, Stats., which is insufficient as to essential form, information or attestation shall be rejected by such officer and shall be promptly returned if possible to the proposed registrant indicating the nature of the insufficiency. The proposed registrant shall be informed that the attempted registration is not effective.
 - (2) Any registration statement filed with a filing officer under ss. 11.0201, 11.0202, 11.0203, 11.0301, 11.0302, 11.0303, 11.0401, 11.0402, 11.0403, 11.0501, 11.0502, 11.0503, 11.0601, 11.0602, 11.0603, 11.0701, 11.0702, 11.0703, 11.0801, 11.0802, 11.0803, 11.0901, 11.0902, and 11.0903, Stats., which is insufficient or incomplete in some manner but substantially complies with law shall be accepted by such officer who shall then promptly notify the registrant indicating the nature of the incompleteness or insufficiency. The registrant shall then have 15 days from the date of such notice to rectify the problem. If the incompleteness or insufficiency is not rectified by the registrant within 15 days from the date of the notice, the registration lapses and is not effective.
5. Woodall determined that the registration statement was incomplete in some manner, but substantially complied with the law. She attempted to contact Geldon at both phone numbers listed on his registration statement at least 3 times at each number on Thursday, December 28.

6. On Tuesday, January 2, Deputy Director Gutierrez continued to try reaching Geldon at the phone numbers provided. She reached someone at the 414-313-6946 number who said that she had the wrong number and hung up. She continued to attempt contact throughout the day on January 2.
7. Election Commission staff consulted with the City Attorney's office on January 3 in order to determine whether staff should recommend Geldon for ballot placement. On January 4, staff determined that Mr. Geldon was in substantial compliance and should have 15 days to rectify the missing information on the CF-1 through an amended form.
8. On January 4, staff mailed a certified letter (see attached) to Geldon informing him of the insufficiencies on his CF-1 and providing him 15 days to rectify the form.
9. On January 5, Balestrieri filed a challenge to Geldon's ballot placement on the grounds that the CF-1 on file was insufficient to essential form. Woodall delivered notice of the challenge to Geldon's home personally given that staff have had trouble reaching him and notice of the challenge must be delivered within 24 hours. Geldon was not home, but the notice was left with his wife.
10. Woodall spoke to Geldon on Saturday, January 6. He expressed his intention to file an amended CF-1 on Monday, January 8 with the Election Commission.
11. Should Geldon not file an amended CF-1 prior to the Board of Commissioner's meeting on Monday, January 8, at 5:00pm, staff still recommend placement on the ballot.
12. Staff did not notify of Geldon of the insufficient registration until January 4, 2024. As such, under ETH 6.02(2), Geldon has 15 days to amend the CF-1 regardless of ballot certification deadlines.

For the reasons cited above, staff recommend rejecting the challenge to remove Geldon from the ballot for Alderperson of the 10th District.

Sincerely,

Claire Woodall
Executive Director