

2008 JAN -7 PM 3:25

I Thomas M. Taylor am challenging the sufficiency of Basil Ryan's nomination papers for Mayor of the City of Franklin based on the information found in the table directly below that speaks to subjects such as the nomination forms having missing items such as the year missing, that signatures are Illegible, that signatures are from a community other than Franklin or such other items as the address listed being Illegible.

I do not restrict myself to just those items listed in the table found directly below but also raise issues concerning Basil Ryan supplying more specificity regarding his employer and the name of his employer's business and/or businesses so that a reasonable citizen could find such business to determine the nature of the business, it's financial dealings and the like. Basil Ryan simply listing "self" under employer and entering management and agricultural does not properly allow for an investigation of these businesses or it's financial practices.

It is important for a candidate such as myself to know who is challenging me for the position of Mayor and I believe it is in the best interests of the 33,000 plus citizens of Franklin to know precisely who is running for elective office. I am a retired public administrator that worked for Milwaukee County Government; I held positions of Assistant Director of Labor Relations and Acting Director of Human Resources for Milwaukee County. I made approximately \$104,000 per year in my last year of service and based on my almost 30 years of service I currently receive a annual pension of about \$61,000. I currently work for the City of Franklin as the Mayor and receive approximately \$22,000 in compensation. I believe Basil Ryan should come forward and fully disclose his annual income and where he derives such income?

Name	Address	Page #	Line	Objection	Circulator	Type
		4	1	Date no year	Basil Ryan	Date
		4	2	Date no year	Basil Ryan	Date
		16	1	Date no year	Basil Ryan	Date
		38	10	Date No Year	Le Roy Lewandowski	Date
		2	4	Illegible Name	Basil Ryan	Illegible
		2	10	Illegible Name	Basil Ryan	Illegible
		6	2	Question on name	Basil Ryan	Illegible
		6	6	Illegible Name	Basil Ryan	Illegible
		9	10	Illegible Name	Basil Ryan	Illegible
		8	2	Illegible Name	Basil Ryan	Illegible
		11	2	Illegible Name and address	Basil Ryan	Illegible
		12	3	Illegible Name	Basil Ryan	Illegible
		12	10	Illegible	Basil Ryan	Illegible
		13	4	Illegible	Basil Ryan	Illegible
		13	5	Illegible Name and address	Basil Ryan	Illegible
		14	6	Illegible Name	Basil Ryan	Illegible

14	9	Illegible Name	Basil Ryan	Illegible
14	10	Illegible Name	Basil Ryan	Illegible
15	1	Franklin not Stated	Basil Ryan	Illegible
15	2	Franklin not Stated	Basil Ryan	Illegible
15	3	Franklin not Stated	Basil Ryan	Illegible
15	4	Illegible Name	Basil Ryan	Illegible
15	6	Illegible Name	Basil Ryan	Illegible
15	7	Illegible Name	Basil Ryan	Illegible
16	7	Illegible Name	Basil Ryan	Illegible
16	10	Illegible Name	Basil Ryan	Illegible
17	1	Illegible Name	Basil Ryan	Illegible
17	3	Illegible Name	Basil Ryan	Illegible
17	9	Illegible Name	Basil Ryan	Illegible
17	10	Illegible Name	Basil Ryan	Illegible
18	3	Illegible Name	Basil Ryan	Illegible
18	10	No Signature	Basil Ryan	Illegible
19	4	Illegible Name	Basil Ryan	Illegible
19	9	Illegible Name	Basil Ryan	Illegible
20	4	Illegible Name	Basil Ryan	Illegible
21	4	Illegible Name and Franklin Not Stated	Basil Ryan	Illegible
21	5	Illegible Name and Franklin Not Stated	Basil Ryan	Illegible
21	8	Illegible Name	Basil Ryan	Illegible
22	6	Illegible Name	Basil Ryan	Illegible
24	6	Illegible Name and Franklin Not Stated	Le Roy Lewandowski	Illegible
25	8	Illegible Name	Le Roy Lewandowski	Illegible
26	4	Illegible Name and address	Le Roy Lewandowski	Illegible
27	1	Illegible Name	Le Roy Lewandowski	Illegible
27	7	Illegible Name	Le Roy Lewandowski	Illegible
28	8	Illegible Name	Le Roy Lewandowski	Illegible
28	10	Illegible Name	Le Roy Lewandowski	Illegible
29	1	Illegible Name	Le Roy Lewandowski	Illegible
29	2	Illegible Name and address	Le Roy Lewandowski	Illegible
29	6	Illegible Name	Le Roy Lewandowski	Illegible
29	10	Illegible Name	Le Roy Lewandowski	Illegible
30	5	Illegible Name and address	Le Roy Lewandowski	Illegible
32	1	No Signature	Le Roy Lewandowski	Illegible
32	2	No Signature	Le Roy Lewandowski	Illegible
32	3	No Signature	Le Roy Lewandowski	Illegible
32	9	No Signature	Le Roy Lewandowski	Illegible
33	8	Illegible Name	Le Roy Lewandowski	Illegible
34	6	Illegible Name and address	Le Roy Lewandowski	Illegible
35	2	Illegible Name and address	Le Roy Lewandowski	Illegible
35	10	Illegible Name	Le Roy Lewandowski	Illegible
36	7	Illegible Name	Le Roy Lewandowski	Illegible
37	1	Date no year	Le Roy Lewandowski	Illegible
37	8	No Signature	Le Roy Lewandowski	Illegible
38	2	Illegible Name	Le Roy Lewandowski	Illegible
38	6	Illegible Name	Le Roy Lewandowski	Illegible

6	1	No Signature	Basil Ryan	No Signature
29	7	Not Franklin Resident	Le Roy Lewandowski	Not Franklin
3	1	Address Location	Basil Ryan	Q
1	10	Name Address and Date Illegible	Basil Ryan	s
3	5	Date Illegible	Basil Ryan	T

**I raise this challenge of sufficiency pursuant to the information found directly below as well as those other provisions of Wisconsin State Law that may be applicable:**

**STATE ELECTIONS BOARD EIBd 2.07**

**Unofficial Text (See Printed Volume). Current through date and Register shown on Title Page.**

Register, November, 2005, No. 599

**Chapter EIBd 2**

***NOMINATIONS***

EIBd 2.05 Treatment and sufficiency of nomination papers.

EIBd 2.07 Challenges to nomination papers.

EIBd 2.09 Treatment and sufficiency of election petitions.

EIBd 2.11 Challenges to election petitions.

**EIBd 2.05 Treatment and sufficiency of nomination**

**papers. (1)** Each candidate for public office has the responsibility to assure that his or her nomination papers are prepared, circulated, signed, and filed in compliance with statutory and other legal requirements.

**(2)** In order to be timely filed, all nomination papers shall be in the physical possession of the filing officer by the statutory deadline. Each of the nomination papers shall be numbered, before they are filed, and the numbers shall be assigned sequentially, beginning with the number "1". Notwithstanding any other provision of this chapter, the absence of a page number will not invalidate the signatures on that page.

**(3)** The filing officer shall review all nomination papers filed with it, up to the maximum number permitted, to determine the facial sufficiency of the papers filed. Where circumstances and the time for review permit, the filing officer may consult maps, directories and other extrinsic evidence to ascertain the correctness and sufficiency of information on a nomination paper. **(4)** Any information which appears on a nomination paper is entitled to a presumption of validity. Notwithstanding any other provision of this chapter, errors in information contained in a nomination paper, committed by either a signer or a circulator, may be corrected by an affidavit of the circulator, an affidavit of the candidate, or an affidavit of a person who signed the nomination paper. The person

giving the correcting affidavit shall have personal knowledge of the correct information and the correcting affidavit shall be filed with the filing officer not later than three calendar days after the applicable statutory due date for the nomination papers.

**(5)** 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. **(6)** Nomination papers shall contain at least the minimum required number of signatures from the circuit, county, district or jurisdiction which the candidate seeks to represent. **(7)** The filing officer shall accept nomination papers which contain biographical data or campaign advertising. The disclaimer specified in s. 11.30 (2), Stats., is not required on any nomination paper.

**(8)** An elector shall sign his or her own name unless unable to do so because of physical disability. An elector unable to sign because of physical disability shall be present when another person signs on behalf of the disabled elector and shall specifically authorize the signing.

**(9)** A person may not sign for his or her spouse, or for any other person, even when they have been given a power of attorney by that person, unless sub. (8) applies.

**(10)** The signature of a married woman shall be counted when she uses her husband's first name instead of her own. **(11)** Only one signature per person for the same office is valid. Where an elector is entitled to vote for more than one candidate for the same office, a person may sign the nomination papers of as many candidates for the same office as the person is entitled to vote for at the election.

**(12)** A complete address, including municipality of residence for voting purposes, and the street and number, if any, of the residence, (or a postal address if it is located in the jurisdiction that the candidate seeks to represent), shall be listed for each signature on a nomination paper.

**(13)** A signature shall be counted when identical residential information or dates for different electors are indicated by ditto marks.

**(14)** No signature on a nomination paper shall be counted unless the elector who circulated the nomination paper completes and signs the certificate of circulator and does so after, not before, the paper is circulated. No signature may be counted when the residency of the circulator cannot be determined by the information given on the nomination paper.

**(15)** An individual signature on a nomination paper may not be counted when any of the following occur:

(a) The date of the signature is missing, unless the date can be determined by reference to the dates of other signatures on the paper.

(b) The signature is dated after the date of certification contained in the certificate of circulator.

© The address of the signer is missing or incomplete, unless residency can be determined by the information provided on the nomination paper.

(d) The signature is that of an individual who is not 18 years of age at the time the paper is signed. An individual who will not be 18 years of age until the subject election is not eligible to sign a nomination paper for that election.

(e) The signature is that of an individual who has been adjudicated not to be a qualified elector on the grounds of incompetency or limited competency as provided in s. 6.03 (3), Stats., or is that of an individual who was not, for any other reason, a qualified elector at the time of signing the nomination paper. **(16)** After a nomination paper has been filed, no signature may be added or removed. After a nomination paper has been signed, but before it has been filed, a signature may be removed by the circulator. The death of a signer after a nomination paper has been signed does not invalidate the signature.

**(17)** This section is promulgated pursuant to the direction of s. 8.07, Stats., and is to be used by election officials in determining the validity of all nomination papers and the signatures on those papers.

**History:** Emerg. cr. 8-9-74; cr. Register, November, 1974, No. 227, eff. 12-1-74; emerg. r. and recr. eff. 12-16-81; emerg. r. and recr. eff. 6-1-84; cr. Register, November, 1984, No. 347, eff. 12-1-84; r. and recr. Register, January, 1994, No. 457, eff. 2-1-94; CR 00-153: am. (2), (4), and (14), r. (15), renum. (16), (17), and (18) to be (15), (16) and (17), and am. (15)-(b) as renum., Register September 2001 No. 549, eff. 10-1-01.

## **EIBd 2.07 Challenges to nomination papers.**

**(1)** The board shall review any verified complaint concerning the sufficiency of nomination papers of a candidate for state office that is filed with the board under ss. 5.05 (3), and 5.06, Stats.; and the local filing officer shall review any verified complaint concerning the sufficiency of nomination papers of a candidate for local office that is filed with the local filing officer under s. 8.07, Stats. The filing officer shall apply the standards in s. EIBd 2.05 to determine the sufficiency of nomination papers, including consulting extrinsic sources of evidence under s. EIBd 2.05 (3).

## **12 EIBd 2.07 WISCONSIN ADMINISTRATIVE CODE**

**Unofficial Text (See Printed Volume). Current through date and Register shown on Title Page.**

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**(2)** (a) Any challenge to the sufficiency of a nomination paper shall be made by verified complaint, filed with the appropriate filing officer. The complainant shall file both an original and a copy of the challenge at the time of filing the complaint. Notwithstanding any other provision of this chapter, the failure of the complainant to provide the filing officer with a copy of the challenge complaint will not invalidate the challenge complaint. The filing officer shall make arrangements to have a copy of the challenge delivered to the challenged candidate within 24 hours of the filing of the challenge complaint. The filing officer may impose a fee for the cost of photocopying the challenge and for the cost of delivery of the challenge to the respondent. The form of the complaint and its filing shall comply with the requirements of ch. EIBd 10. 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. The challenge shall be established by affidavit, or other supporting evidence, demonstrating a failure to comply with statutory or other legal requirements. (b) The 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. After the deadline for filing a response to a challenge, but not later than the date for certifying candidates to the ballot, the board or the local filing officer shall decide the challenge with or without a hearing. ~~(3) (a) The 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. 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. (b) If a challenger establishes that an elector signed the nomination papers of a candidate more than once or signed the nomination papers of more than one candidate for the same office, the 2<sup>nd</sup> and subsequent signatures may not be counted. The burden of proving that the second and subsequent signatures are that of the same person and are invalid is on the challenger.~~

© 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.

(d) Challengers are not limited to the categories set forth in pars. (a) and (b).

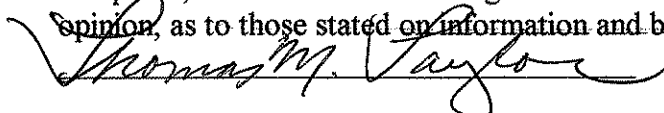
(4) The filing officer shall examine any evidence offered by the parties when reviewing a complaint challenging the sufficiency of the nomination papers of a candidate for state or local office. The burden of proof applicable to establishing or rebutting a challenge is clear and convincing evidence.

(5) 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.

**History:** Emerg. cr. 8-9-74; cr. Register, November, 1974, No. 227, eff. 12-1-74; emerg. r. and recr. eff. 12-16-81; emerg. r. and recr. eff. 6-1-84; cr. Register, November, 1984, No. 347, eff. 12-1-84; emerg. am. (1), (4) to (6), eff. 6-1-86; am. (1), (4) to (6), Register, November, 1986, No. 371, eff. 12-1-86; r. and recr. Register, January, 1994, No. 457, eff. 2-1-94; CR 00-153; am. (2) (a) and (b), Register September 2001 No. 549, eff. 10-1-01; reprinted to restore dropped copy in (2) (b), Register December 2001 No. 552.

Date: Monday, January 07, 2008

I Thomas M. Taylor 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 opinion, as to those stated on information and belief, I believe them to be true.



Milwaukee County

Sworn to before me this day of , Monday, January 07, 2008

*Sandra L. Wesolowski*

Signature of person authorized to administer oaths

My commission expires <sup>02/15/2009</sup>, ~~or is permanent~~

Notary Public or (official title if not notary)

*Milwaukee County, Wisconsin*

