

FILED
01-31-2024
CLERK OF WISCONSIN
SUPREME COURT

STATE OF WISCONSIN
IN SUPREME COURT

No. 2024AP000138-OA

DEAN PHILLIPS,

Petitioner,

v.

WISCONSIN ELECTIONS
COMMISSION, WISCONSIN
PRESIDENTIAL PREFERENCE
SELECTION COMMITTEE,

Respondents,

AFFIDAVIT OF RILEY WILLMAN

STATE OF WISCONSIN)
) ss.
COUNTY OF DANE)

RILEY WILLMAN, being sworn under oath, says:

1. I am employed as the Elections Supervisor of the Wisconsin Elections Commission (“the Commission”). I have held this position since August 2022. Prior to working as the

Elections Supervisor, I worked for the Commission as an Elections Specialist since December 12, 2017.

2. The Commission is a governmental agency responsible for administering election laws in Wisconsin. All employees of the Commission, including myself, are required by statute to be nonpartisan. Wis. Stat. § 5.05(4).

3. I personally accepted service of the Petitioner's Emergency Petition to Take Jurisdiction of an Original Action and Writ ("the Petition") upon the Commission on Monday, January 29, 2024, at 1:20 p.m.

4. I am aware that the Petition contains a request for relief that the Commission be directed not to transmit to each county clerk a certified list of candidates for president who have qualified to have their names appear on the presidential preference ballot, pursuant to § 7.08(2)(d), until the Petition can be decided.

5. I am also aware that the Petitioner has requested that relief on the Petition be granted as soon as practicable, but in no event later than February 9, 2024, to avoid any conflict with the deadlines for county clerks and municipal clerks to distribute absentee and overseas ballots.

6. In my capacity as Elections Supervisor, I am responsible for preparing and transmitting the certified list of candidates for president who have qualified to have their names appear on the presidential preference primary ballot to Wisconsin's county clerks. Wis. Stat. § 7.08(2)(d). The list must be transmitted "as soon as possible" after the last Tuesday in January. In 2024, the last Tuesday in January is January 30, 2024.

7. In my capacity as Elections Supervisor, pursuant to Wis. Stat. § 7.08(2)(d), I had planned to submit the certified list of presidential preference primary candidates to county clerks on Wednesday, January 31, 2024.

8. In my capacity as Elections Supervisor, I am familiar with the statutory requirements of municipal clerks (Wis. Stat. § 7.15), county clerks (Wis. Stat. § 7.10) and boards of election commissioners (Wis. Stat. § 7.20). I have frequent contact with municipal clerks, county clerks, and the boards of election commissioners (the City and County of Milwaukee Elections Commissions), and am familiar with their statutory obligations, requirements, and deadlines for election administration.

9. Federal and state law require that municipalities send absentee ballots to their military and overseas electors with requests on file in accordance with specific deadlines. With 2023 Wisconsin Act 54 being signed into law, this deadline requires clerks to send all military and overseas voters with an absentee request on file a Presidential Preference-only, or "A" Ballot by February 15, 2024. The "A" Ballot that will initially be sent will only contain the Presidential Preference contest and will be provided by the county clerk to their municipalities, who in turn will provide it to voters. The Commission voted to approve this plan on September 7, 2023.

10. In my capacity as Elections Supervisor, I estimate that about 300 of Wisconsin's 1,851 municipalities have requests on file from military and overseas voters, and will send "A" Ballots to those voters by February 15, 2024. As of January 30, 2024, there were 957 requests on file from military and overseas voters for ballots for the Presidential Preference vote on April 2, 2024.

11. In my capacity as Elections Supervisor, I am aware that county clerks must deliver Presidential

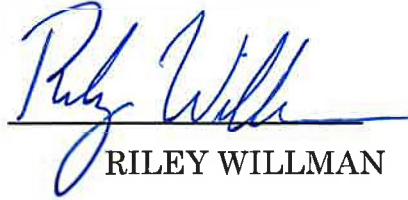
Preference-only ballots to their municipalities no later than the end of the day on Wednesday, February 14, 2024, for the April 2, 2024, Spring Election and Presidential Preference Vote. Wis. Stat. § 7.10(3). This is to ensure that municipalities have sufficient time to fulfill any absentee requests for military or overseas voters beginning February 15, 2024, the state deadline for responding to any such requests on file.

12. In my capacity as Election Supervisor, I am aware that county clerks need as much time as possible between when they receive the certified list of candidates from the Commission and when they must provide ballots to their municipalities on February 14, 2024. Even though many military and overseas electors choose to receive their ballots by email, roughly thirty percent of them do receive printed ballots by mail, and county clerks must account for time to print these ballots and ensure there are no errors. County clerks have indicated that they need at least a week (preferably more) to program, proof, and test their ballot proofs before they print. And beyond that, I am aware that it takes additional time for printing vendors to complete the

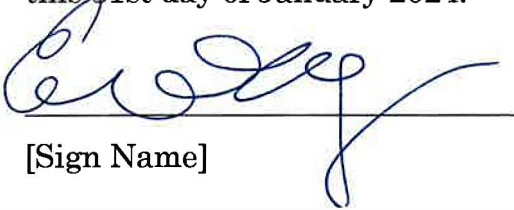
ballot printing orders and return the materials to county clerks.

13. In my capacity as Election Supervisor, I am aware that municipal clerks need to receive ballots from their county clerks as soon as possible ahead of the February 15, 2024, deadline to transmit “A” Ballots to military and overseas voters. This is especially true for the 337 municipalities who are preparing to conduct a primary election on February 20, 2024. Not all municipalities need a primary for the contests that will appear on their April 2, 2024 ballot. In addition to ensuring that military and overseas “A” Ballots go out by February 15, those municipal clerks also need to handle the notice requirements, special voting deputy requirements, in-person absentee voting, and all of the other tasks that go along with preparing for and running an election on February 20, 2024.

14. Based on my knowledge of various clerks’ responsibilities and the applicable statutory deadlines, it would be very difficult for clerks to complete their ballot preparation and distribution work on the truncated timeline that is suggested in the Petition.


RILEY WILLMAN

Subscribed and sworn to before me
this 31st day of January 2024.


[Sign Name]

ERIN HOAG

[Print Name]

Notary Public, State of Wisconsin

My Commission: 5/11/2026

