



Ken Driessen
For Wisconsin's 7th District
Representative 2020
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Hayward WI 54843



Wisconsin Elections Commission
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Complaint: Concerning Covid-19 and Ballot Access in the 2020 November Election, Specifically for Wisconsin 7th District Representative in United States Congress.

Introduction/Summary

As a result of the COVID-19 'Virus' pandemic and the Governor's 'Order', the Wisconsin Elections Commission 'WEC' did add to the web site, to the affect, that ballot access requirements are determined by statute so the 'Commission' has no authority to change the ballot access requirements due to the Corona Virus and the resulting 'Stay at Home Order' and 'Social Distancing' rules. This statement in itself is an acknowledgment that the virus and said order would in the least hinder the signature gathering process and probably deny ballot access to certain candidates, in this case an independent candidate, that certainly could and would have completed the requirements and gained ballot access if not for these circumstances, see: <https://evers.wi.gov/Documents/COVID19/EMO12-SaferAtHome.pdf>. In as much as Ken Driessen did successfully meet the qualifications to be listed on the ballot as a candidate for Wisconsin 7th District Representative in United States Congress in 2018, he is a serious legitimate candidate again in 2020.

Ken Driessen states: I visited the WEC website and read information there concerning the Commission's advice in relationship to nomination signature process and the, 'COVID-19 public health emergency' and their 'suggestions' for seeking nomination signatures under the circumstances relating to the COVID-19 'Virus' and the Governor's 'Order'. I attempted to collect signatures by knocking on doors at people's residences and I considered mailing letters seeking nomination signatures and found the Virus and the Order are undue burdens to my candidacy. I am hereby complaining because the Virus and the Order are an undeserved hindrance to my candidacy and the WEC suggestions are not practical for an independent

candidate. I am claiming that the undo burden of collecting the signatures under the hardships caused by the combination of the Virus and the Order are a violation of my Wisconsin and United States Constitutional rights to free speech, assembly, and equality under the law. More specifically guaranteed rights within Article 1, Sections 1, 3 & 4 of Wisconsin's Constitution and similarly I claim rights under the United States Constitution including but not limited to those under the 1st, 14th and 15th Amendment. With this letter, at this time I plea for the remedy of ballot access, of being listed as a candidate for Wisconsin 7th District Representative in US Congress in the November 3, 2020 General Election.

Please consider the facts and conclusion sections of this letter further expressing his complaint and prayer for relief.

Facts/Narrative

Conventional/in person and door to door nomination signature gathering:

From the wording of the order, although it is in certain circumstances vague, it is a crime to have violated it, "Violation or obstruction of this Order is punishable by up to 30 days imprisonment, or up to \$250 fine, or both. Wis. Stat. § 252.25." Technically the April 7th 2020 Spring Election and Presidential Preference vote violated the Governor's order. Ken Driessen did vote in that election that was held and not postponed due to the will of the political party opposing Governor Evers's party and the authority he used to declare such an Order. While voting in person on April 7th, Ken Driessen discovered that the poll workers wore face masks and washed the pens used by voters to cast their ballots after every voter used them to mark their votes.

So Mr. Driessen did decide to try and mimic the procedure used by the poll workers, going door to door wearing a mask, wiping the pens with disinfectant used to sign the nomination papers, knocking on doors collecting signatures as he did in 2018, skirting the order in a similar fashion to how the April 7th election was conducted by the WEC. From April 15, to May 1st, Ken Driessen did attempt to collect nomination signatures as weather permitted and was only able to collect 72 signatures in that time period under the circumstances caused by the Virus and the Order. Many people would not answer or open their doors to somebody they knew personally let alone somebody they did not know. It became obvious that an insurmountable percentage of the people, many that would have gladly signed the nomination papers, were within their reason, afraid of any contact with other people, do the Order and what many reasonable people have come to believe about the serious facts as to the danger of this novel corona type virus. Then too Ken Driessen had to consider the dangers to himself while trying to gather signatures the only way he knows that actually works. Although he feels fine now, and did try to take an antibody test but was denied testing, after meeting with several hundred people instead of several thousand during this pandemic, the danger of becoming infected would multiply exponentially. Also Ken states that he did experience some added hostility, people telling him he was a danger to them due to the Virus pandemic that he did not experience collecting signatures in 2018.

Then too with the vagueness and uncertainty of legality of the order, up until the Wisconsin Supreme Court decision to overturn the extension of the order on May 14th, there was the risk of being arrested to consider. The fear factor even after the Supreme Court decision is still there and many people are rightly still wearing masks and are still hesitant to interact with others. So the damage done to Driessen's drive to obtain signatures to be listed on the ballot as a candidate for Wisconsin's 7th District Representative is continuing through the entire time allotted for gathering of nomination signatures. The original signatures he did obtain will be sent to WEC, copies sent to the Governor and legislature, attached to this complaint as evidence of Driessen's effort to be listed on the 2020 ballot as a candidate to verify that he is a serious candidate. He does complain that the Virus, the Order, and the WEC

adherence to the rules for ballot access under ‘normal’ conditions is a violation if his rights and the rights of the people that did and would have signed his nomination papers to be able to vote for the candidate of their choice in the fall election, if these were in fact normal times.

The WEC suggestion that ‘US Mail’ can be used to obtain nomination signatures:

Now I ask the dignitaries of offices this complaint is addressed to for their consideration concerning the suggestions presented by the WEC in response to the Virus pandemic and the Governor’s Emergency Order. A meeting was held by the WEC on April 10th to discuss the implications of the of COVID-19 and the Governor’s order on nomination paper circulation. A memo, memorandum was written by the WEC on April 13th as the result of the Virus, the Order and the meeting. The order contains three unanimous motions. As mentioned in the introduction/summary, the first motion is an admission that there is a problem concerning the statutory signature nomination process.

- 1) The Commission reaffirms that it does not have the statutory authority to change or modify current statutory procedures related to the circulation of nomination papers for the 2020 General Election.

This lack of WEC authority is why this complaint is addressed to the commission, the Governor and the Wisconsin Legislature. Although voters may not agree with all principles of my platform as an independent candidate, independent voters that express dissatisfaction with the State and Federal governments are a large percentage of the population and most likely include a majority, some who are trained by the two party system to vote for what they decide are the lesser of two evils.

“ with just 33 percent of the public expressing trust in the government — down 14 points from 2017. “, BY NICOLE KI Wisconsin Center for Investigative Journalism Aug 5, 2018, https://madison.com/ct/news/local/govt-and-politics/wisconsin-residents-see-democracy-decline-reflecting-national-discontent-with-government/article_30c12f2d-1a03-5423-a3c7-c7f453b8bc72.html

Contrary to the fact that a significant portion of Northern Wisconsin as well as all Wisconsin residents consider themselves ‘Independents’, the Governor and every member of the Wisconsin Legislature are either Democrat or Republican, which represents nothing short of a duopoly. “During my 2018 candidacy, I ran a zero money donation campaign, spent only about \$700 of my own money, yet I was able to single handedly gather enough signatures to be on the ballot and received 4400 or about 1.4% of the vote; is further proof that many people remain unrepresented by the two party system that has cooped our government to their own benefit and in most cases the benefit of the few, the extremely wealthy that can afford to buy their candidates.”

- 2) In light of the COVID-19 public health emergency, the Commission reaffirms the use of “single signed and circulated” nomination papers to limit the amount of in-person/face-to-face contact that normally occurs during the circulation of nomination papers.

In person face to face contact is the only way to express true independent ideas as to how we can improve upon true democratic ideals that are synonymous with the meaning of a republic where ‘supreme power is held by the people through their elected representatives’. The interaction of in-person meet and greet process necessary to exchange ideas concerning the functions of “our” government has been all but eliminated in this Virus and Executive order infected election cycle. Beside the advantage of being established dominant parties which have huge inputs of cash from increasingly private secretive corporate sources, in this 2020 election cycle they also have the

advantage of previously compiled mailing lists, in some cases bought by the government when successful candidates gain office and correspond with their constituents.

- 3) The Commission encourages candidates circulating nomination papers for the 2020 General Election use the U.S. Mail to obtain signatures on nomination paper during the COVID-19 public health emergency.

I did contact the WEC to see if they would supply me with names and addresses of voters in the 7th district and my request was denied. A third or minor party group mistakenly informed me that Wisconsin election officials might give me a data base, a list of addresses of voters in the 7th district to develop a nomination signature paper mailing. When approached again with a request for voter addresses the WEC directed me to, Badgervoters.wi.gov and the web site sells names and addresses at a price that is overwhelming for an independent candidate who swore an oath to run without accepting campaign donations. Once the cost of printing and mailing a pamphlet to enough voters with nomination papers and return envelopes to even make a reasonable signature canvassing gamble through the mail is added to the cost of buying a mailing list, myself as well as any other independent and third party candidates have been effectively removed from the 2020 ballot unless some alternate method of obtaining ballot access were to be introduced before the deadline at which the ballots will be printed for the November 3, 2020 election.

Private corporate money in politics is an unjust unconstitutional factor added to this ballot access complaint:

As far as the influence money has on United States elections, Ken admits, it may never be totally eliminated. On the other hand, a vast number of Americans do believe that the *Citizens United v. Federal Election Commission*, 558 U.S. 310 Supreme Court case of 2010, is a travesty of justice and gives too much power to corporations and people who can afford to buy our government. By the following information concerning the recent Wisconsin 7th District Special Election held on May 12th, people can certainly come to understand the amount of money in politics is corrupting and delegitimizing our Constitutional Republic turning it into something more on the order of a Banana republic or even a plutocratic kakistocracy.

The trend of buying the government is evident in the May 12th Wisconsin 7th District Special Election:

The chart below contains data from financial reports submitted to the Federal Election Commission.

Name	Party	Receipts*	Disbursements**	Cash on hand	Date
Tom Tiffany	Republican Party	\$1,353,819	\$1,125,175	\$228,643	As of April 22, 2020
Tricia Zunker	Democratic Party	\$453,093	\$328,198	\$124,895	As of April 22, 2020

Source: Federal Elections Commission, "Campaign finance data," 2020.

* According to the FEC, "Receipts are anything of value (money, goods, services or property) received by a political committee."

https://ballotpedia.org/Wisconsin%27s_7th_Congressional_District_special_election,_2020

If people consider the wording of the US Constitution Article 1, Section 8, Clauses 3 and 5. Commerce is supposed to be regulated by the legislature rather than the corporations owning the legislature. Money, commonly in the form of coin, at the time the Constitution was written, is supposed to be coined or printed by Congress rather than the government relying upon debt based currency printed by the Federal Reserve which answers to no branch of the United States Government concerning its monetary policy. Therefore Ken is not alone in his opinion that in spite of the title of 'Supreme' being

in the name of the highest court in the land, the *Citizens United v. FEC* decision is on a similar level of injustice as the *Dred Scott v. Sandford*, 60 U.S. 393 (1856) case. Therefore the COVID-19 virus, the Governor's Emergency Orders are unacceptable hindrances to ballot access also hampered by private corporate monies influence on what is supposed to be a valid Constitutional Republic state and federal forms of government conducted in the name of, 'We the People. See also:

<https://www.law.cornell.edu/constitution-conan/amendment-14/section-1/access-to-the-ballot>

<https://www.law.cornell.edu/constitution-conan/amendment-14/section-1/access-to-the-ballot#fn1989amd14>

<https://www.law.cornell.edu/constitution-conan/amendment-14/section-1/access-to-the-ballot#fn1990amd14>

Conclusion/Prayer for Remedy

Where as the Virus and the Order did impede Ken Driessen's ability to obtain nominations signatures normally necessary to being listed as a candidate for government office, he asks to be granted an exemption from the normally required number of signature to be delivered to the WEC prior to June 1st, 2020. Consider that the Wisconsin Supreme Court found that the Stay at Home Order did violate the Constitution. Ken Driessen did submit a notice of his Candidacy for the 2020 election previous to the start of the Virus pandemic and resulting the Governors Emergency Order. That attached to this complaint are 72 nomination signatures collected in his effort to be listed as a candidate for Wisconsin 7th District Representative in Congress. Ken Driessen does request the remedy of: relief in the form of being granted ballot access and to be listed in Wisconsin's 7th District as an Independent candidate for Wisconsin 7th District Representative in the United States Congress in the November 3, 2020 General Election.

Driessen further states that his request for a remedy concerning the undue burden of the Virus and the Governor's Order, in the form of, being exempted from the normal signature delivery to the WEC requirement, to be listed as a candidate for the office of Wisconsin 7th District Representative, to appear on the November 3, 2020 General Election ballot should be granted. If this request for the so explained remedy is not granted, Ken Driessen does reserve the right to seek this remedy for the wrong and other forms of relief from the injustice due to the infringement of his right to ballot access in the state or federal court as he and any Assistance of Counsel he deems necessary at any time through the statute of limitations period.

Respectfully Submitted on: 5-28-2020 Signed:
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<https://1drv.ms/b/s!AmWkbQqMzxJ8gUwRNDpxGiNe9b1j>