

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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EDWARD J. FRAMI, JOHN P. CLARK,  
MICHAEL W. SCHULTZ and CALVIN J.  
ZASTRO,

Plaintiffs,

v.

STEVEN V. PONTO, in his  
official capacity as Chairman of the  
Wisconsin State Elections Board,

Defendant.

ORDER

02-C-515-C

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A hearing on plaintiffs' motion for a preliminary injunction was held on September 25, 2002, before United States District Judge Barbara B. Crabb. Plaintiffs appeared by Christopher Ertl. Defendant was represented by Thomas Balistreri, Assistant Attorney General for the State of Wisconsin. Also present was Kevin Kennedy, executive director of the Wisconsin State Elections Board.

For the reasons stated from the bench, I granted plaintiffs' motion for a preliminary injunction as to their claim that Wisconsin law violates the United States Constitution by requiring circulators of election petitions to be residents of the district their candidate will represent. Defendant is ORDERED to review the petitions gathered by circulators on behalf of plaintiffs Clark and Schultz and determine whether there are enough signatures gathered by state residents to qualify either or both of these

candidates for inclusion on the ballot for the general election in November 2002. If there are sufficient signatures, defendant is to certify plaintiffs Clark and Schultz as candidates for the offices they are seeking and do so no later than 2:30 p.m., Thursday, September 26, 2002. If the Board's decision is to certify the candidates or either one of them, defendant is to direct the affected voting districts that have not yet printed ballots for the November general election to include the names of the Constitution Party candidates on their ballots. No district that has already printed its ballots will be required to print new ones.

That part of plaintiffs' motion directed to the alleged unconstitutionality of the state requirement that all circulators be residents of the state of Wisconsin is DENIED.

Entered this 26<sup>th</sup> day of September, 2002.

BY THE COURT:

BARBARA B. CRABB  
District Judge