



Wisconsin Elections Commission

212 East Washington Avenue | Third Floor | P.O. Box 7984 | Madison, WI 53707-7984
(608) 266-8005 | elections@wi.gov | elections.wi.gov

February 1, 2021

Michele Denison
608 Grange Road
Hudson, WI 54016

**Re: Complaint Filed with Wisconsin Elections Commission
EL 21-07 (Michele Denison v. Vicki Shaw, et al.)**

Dear Ms. Denison:

I am in receipt of the complaint filed with the Wisconsin Elections Commission (“WEC” or “Commission”), received on January 13, 2021 against the Town of Hudson and Clerk Vicki Shaw. The administrative rules governing the WEC’s processing of complaints require that I review the complaint and determine within 10 business days whether the complaint is timely, is sufficient as to form and states probable cause. Wis. Admin. Code § EL 20.04(1). The complaint alleges a violation of 18 U.S.C. § 242 (Deprivation of rights under color of law), which is not within the Commission’s statutory authority to enforce. Therefore, I am returning the complaint to you without prejudice pursuant to Wis. Stat. § 5.06 and Wis. Admin. Code § EL 20.04(1) and (2).

Sufficiency as to Probable Cause

The complaint alleges a violation of 18 U.S.C. § 242, which is not a law that is administered or enforced by the Wisconsin Elections Commission. The Wisconsin Elections Commission has authority over Wisconsin Statutes Chapters 5-10, and 12. Your complaint does not state a violation of law that the Commission has the authority to investigate and, therefore, probable cause of a violation of laws under the Commission’s authority is not contained in the complaint.

Additionally, the complaint refers to WEC guidance stating that an elector cannot be required to wear a face covering while voting in an election. It is important to draw a distinction between election activities and those of a municipal public meeting or nomination process. WEC’s guidance pertaining to face coverings is a byproduct of a statewide public health order that exempted voters from the mask mandate and the legal principle that only the Wisconsin Legislature can place qualifications on voters (*i.e.* caucuses are distinct from elections, WEC cannot unilaterally place qualifiers on voters in an election, local officials determine caucus participation requirements, etc.). *See* Article III, § 2, Wis. Constitution.

WEC cannot, and should not, attempt to intercede in local nomination and public meetings processes with regard to face covering requirements. Those decisions must be made by local public health officials, in conjunction with legal counsel and other officials. As such, each of the allegations raised in the complaint is outside of the authority of the Commission.

Wisconsin Elections Commissioners

Ann S. Jacobs, chair | Marge Bostelmann | Julie M. Glancey | Dean Knudson | Robert Spindell | Mark L. Thomsen

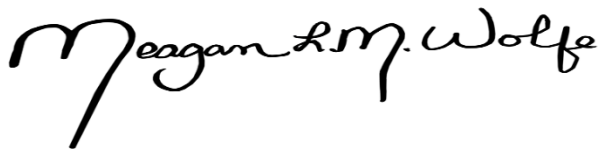
Administrator
Meagan Wolfe

Conclusion

I am returning the complaint, without prejudice, pursuant to Wis. Admin. Code § EL 20.04(2), as it fails to state probable cause that a violation of law under the Commission's authority has been violated. As required by that provision, I have specified the defects in the complaint (probable cause). As to the information which would be appropriate to cure the defect, allegations of an official violating provisions of Chapters 5 to 10 or 12 are under the authority of the Commission and would be proper for the review if sufficient evidence of a violation were included with the complaint. Since the complaint does not state probable cause as to a violation of law under the authority of the Commission, the complaint has not been accepted as proper by the Commission under its administrative rules.

The Commission now considers this matter closed.

Sincerely,

A handwritten signature in black ink that reads "Meagan R.M. Wolfe". The signature is written in a cursive style with a large, stylized "M" at the beginning.

Meagan Wolfe
Administrator
Wisconsin Elections Commission

cc: Members, Wisconsin Elections Commission

Enclosure