

**STATE OF WISCONSIN
ELECTIONS COMMISSION**

COMPLAINT FORM

Please provide the following information about yourself:

Name Laura Gron

Address 559 North Elm Street, Apt B. Adams, WI 53910

Telephone Number 630-464-5181

E-mail lgron1952@gmail.com

**State of Wisconsin
Before the Elections Commission**

The Complaint of Laura Gron
_____, Complainant(s) against
Adams-Friendship School District, Respondent, whose
address is 201 W 6th Street, Friendship, WI 53934.

This complaint is under WI State Statute 8.21
WI Adm Code EL 6.02 (2) (Insert the applicable sections of law in chs.
5 to 10 and 12 and other laws relating to elections and election campaigns, other than laws
relating to campaign financing)

I, Laura Gron, allege that:

I was provided a packet of ballot access forms from the Adams Friendship School District in preparation for my candidacy for school board.

Given that the school district's only election responsibilities are related to non-partisan school board elections, I assumed, as any reasonable

person would, that I was being provided the correct and current forms necessary to run for that office. I diligently completed the forms and

submitted them along with more than an adequate amount of nomination signatures before the deadline on January 3, 2023.

However, the Declaration of Candidacy form provided to me was incorrect and not for use for school board candidates. When the clerk

examined the ballot access documents submitted by the other candidates, all incumbents, on January 3, she determined they were insufficient,

and as required by law, she opened the 72hr window for other candidates to gather and submit ballot access documents. The Clerk did NOT

notify me of the insufficiency of any of my materials after this examination of documents provided by the normal deadline. (see attached)

Subsequently, after the 72 hour period was complete and 6 more candidates had submitted materials, the AF Area School Board Clerk determined that the Declarations of Candidacy which she 1) provided to me (and others) as necessary for ballot access, and 2) did not inform me was inadequate when she examined my submissions on January 3, was insufficient and denied me ballot access.

Her failure as an election official to provide the proper ballot access documents was a substantial impediment to my ballot access. This error was compounded by her failure to inform me of the error, after she examined my documents on January 3. This failure denied me the ability to use the 72 hour window available to ALL interested candidates to submit the proper forms.

Ballot access is not supposed to be a series of trick questions, where candidates are vetted by determining whether they can figure out what false information and improper documents their election officials have provided. It is obvious that the Clerk examined election documents submitted by the 3 incumbents, and finding them insufficient, informed them, and denied them ballot access. She also examined my documents at that time, but either did not make a finding of insufficiency, or did not choose to inform me of one, thus depriving me of the ability - which I obviously had in the subsequent 72 hours - to file the proper form.

Further, the clerk claims it is at her sole discretion to decide whether to accept the EL-162 in place of the EL-162sd. If this is true, and she handed out the EL-162, it seems clear she expected to accept the form, and therefore did not inform me my submission was inadequate. It appears at some point, after handing out the EL-162 to the later candidates, she changed her mind. This disadvantaged all candidates but was a particularly egregious blow to my ability to gain ballot access, since I could have no way of guessing she would change her mind after examining my forms and raising no concerns.

I can attest that I meet the residency requirement for school board candidates. Whether through incompetence or malice, the actions of the AF Area School Board Clerk on multiple occasions, served to create unreasonable barriers to my ballot access. As a remedy, I request my name be placed on the ballot.

(Set forth in detail the facts that establish probable cause to believe that a violation has occurred. Be as specific as possible as it relates to dates, times, and individuals involved. Also provide the names of individuals who may have information related to the complaint. Use as many separate pages as needed and attach copies of any supporting documentation.)

Date: 1/14/23 Laura Gron
Complainant's Signature

I, Laura Gron, 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, as to those stated on information and belief, I believe them to be true.

Laura Gron
Complainant's Signature

STATE OF WISCONSIN

County of ADAMS,
(county of notarization)

Sworn to before me this 14th day of
JANUARY, 20 23.



Carla Olson
(Signature of person authorized to administer oaths)

My commission expires 10/25/26, or is permanent.

Notary Public or _____
(official title if not notary)

Please send this completed form to:

Mail: Wisconsin Elections Commission
P.O. Box 7984
Madison, WI 53707-7984
Fax: (608) 267-0500
Email: elections@wi.gov

MINUTES AS TO THE VERIFICATION OF CANDIDATES AND DRAWING OF LOTS

The School District Clerk of the Adams-Friendship Area School District held a public verification of candidates and the drawing of lots at the School District Office of said School commencing at 8:30 o'clock a.m. on January 10, 2023. The Clerk presented proof of public notice of this meeting and announced that all persons filing declarations had been notified of the time and place of this meeting.

The following persons were present: (see attached)

The Clerk proceeded to publicly check the declarations filed and announced the names as he/she reviewed the declarations.

There were four (4) declarations filed on or before January 3, 2023, at 5:00 p.m. They are the following:

James Bays II:	Declaration filed on 12/27/2022 The declaration was filed on the incorrect form (EL-162; not EL-162SD)
Lucas Griffin:	Declaration filed on 1/3/2023 The declaration was filed on the incorrect form (EL-162; not EL-162SD)
Laura L. Gron (Dryden):	Declaration filed on 1/3/2023 The declaration was filed on the incorrect form (EL-162; not EL-162SD) The name contained parentheses, which is not permitted

Richard Pease: Declaration filed on 12/27/2022
The declaration was filed on the incorrect form (EL-162; not EL-162SD)

There were six (6) declarations filed after January 3, 2023, at 5:00 p.m. and before January 6, 2023, at 5:00 p.m. They are the following:

Shawn Bula: Declaration filed on 1/6/2023
The declaration was filed on the incorrect form (EL-162; not EL-162SD)

Miranda Christensen: Declaration filed on 1/6/2023
No deficiencies

Jared Cook: Declaration filed on 1/6/2023
The declaration was filed on the incorrect form (EL-162; not EL-162SD)

Garret Gould: Declaration filed on 1/6/2023
The declaration was filed on the incorrect form (EL-162; not EL-162SD)

Roberta L. P. Pantaleo: Declaration filed on 1/6/2023
No deficiencies

Daric Smith: Declaration filed on 1/6/2023
The declaration was filed on the incorrect form (EL-162; not EL-162SD)

Eight of the ten candidates used the wrong declaration form. The form EL-162 is used in all elections and for all offices other than school board. The form specifically states that “all school district candidates must file the EL-162sd.” Information provided by a WEC attorney is that whether or not to accept the incorrect form is a local decision and that the Commission has never addressed the issue.

The primary difference between the two forms is in the attestation clause. Under Wisconsin law, candidates for elected office must meet the qualifications for office (residency, age, citizenship, etc.) as of the date of taking office. School Board candidates must meet the qualifications at the time of filing the declaration of candidacy.

I have decided not to accept the form EL-162 for the following reasons:

First the form EL-162 expressly states that school district candidates are to use the form EL-162sd. Second, two candidates, Ms. Christensen and Ms. Pantaleo, did file the correct forms. Third, the attestation for the school district form reflects the candidate's sworn statement that the candidate meets the qualifications for election to the school board on the date of filing the declaration. The attestation on the EL-162 reflects the candidate's sworn statement that the candidate will meet the qualifications for election to the school board at the time of assuming office, which is not sufficient for school board candidates. Finally, the two distinct forms have been available and in use since August 2019.

The Clerk further announced that she had received and filed Campaign Registration Statements from each declarant. She reviewed each Campaign Finance Registration Statement (CF-1) as follows:

James Bays II:

- An outdated form was used. The most recent revision of the CF-1 is 12/22 and the candidate used the 11/2018 form.
- The candidate did not check the box at line 1 indicating whether this is an amendment. This is an insufficiency/incompletion where there is still substantial compliance. Wis. Admin. Code sec. ETH 6.02(2).
- The form is not signed. This is an insufficiency as to essential form, Wis. Stat. sec. 11.0203(2); Wis. Admin. Code sec. ETH 6.02(1).

Lucas Griffin:

- Outdated form
- Did not check amendment box at line 1. This is an insufficiency/incompletion where there is still substantial compliance. Wis. Admin. Code sec. ETH 6.02(2).
- The entire form is not completed. Except as noted below, most of this constitutes an insufficiency/incompletion where there is still substantial compliance. Wis. Admin. Code sec. ETH 6.02(2).
- The name and mailing address of the treasurer were not provided at lines A14 and A17-20. This is an insufficiency as to essential form Wis. Stat. sec. 11.0203(1)(b); Wis. Admin. Code sec. ETH 6.02(1).

Laura L. Gron:

- Outdated form

Richard Pease:

- Outdated form
- Did not check amendment box at line 1. This is an insufficiency/incompletion where there is still substantial compliance. Wis. Admin. Code sec. ETH 6.02(2).
- The name and mailing address of the treasurer were not provided at lines A14 and A17-20. This is an insufficiency as to essential form Wis. Stat. sec. 11.0203(1)(b); Wis. Admin. Code sec. ETH 6.02(1).

Shawn Bula:

- The entire form is not completed. Except as noted below, most of this constitutes an insufficiency/incompletion where there is still substantial compliance. Wis. Admin. Code sec. ETH 6.02(2).
- The name and mailing address of the treasurer were not provided at lines A13 and A16-19. This is an insufficiency as to essential form Wis. Stat. sec. 11.0203(1)(b); Wis. Admin. Code sec. ETH 6.02(1).

Miranda Christensen:

- Outdated form
- Did not check amendment box at line 1. This is an insufficiency/incompletion where there is still substantial compliance. Wis. Admin. Code sec. ETH 6.02(2).
- The name and mailing address of the treasurer were not provided at lines A14 and A17-20. This is an insufficiency as to essential form Wis. Stat. sec. 11.0203(1)(b); Wis. Admin. Code sec. ETH 6.02(1).

Jared Cook:

- The entire form is not completed. The omissions constitute an insufficiency/incompletion where there is still substantial compliance. Wis. Admin. Code sec. ETH 6.02(2).

Garret Gould:

- Did not check amendment box at line 1. This is an insufficiency/incompletion where there is still substantial compliance. Wis. Admin. Code sec. ETH 6.02(2).
- The entire form is not completed. Except as noted below., most of this constitutes an insufficiency/incompletion where there is still substantial compliance. Wis. Admin. Code sec. ETH 6.02(2).

- The name and mailing address of the treasurer were not provided at lines A13 and A16-19. This is an insufficiency as to essential form, Wis. Stat. sec. 11.0203(1)(b); Wis. Admin. Code sec. ETH 6.02(1).

Roberta L. P. Pantaleo:

- Outdated form

Daric Smith:

- Did not check amendment box at line 1. This is an insufficiency/incompletion where there is still substantial compliance. Wis. Admin. Code sec. ETH 6.02(2).
- The name and mailing address of the treasurer were not provided at lines A13 and A16-19. This is an insufficiency as to essential form, Wis. Stat. sec. 11.0203(1)(b); Wis. Admin. Code sec. ETH 6.02(1).

Under Wis. Admin. Code sec. 6.02(1), any registration filed with a filing officer which is insufficient as to essential form, information or attestation shall be rejected by such officer and shall be promptly returned if possible to the proposed registrant indicating the nature of the insufficiency. The proposed registrant shall be informed that the attempted registration is not effective.

Under Wis. Admin. Code sec. 6.02(2), any registration statement filed with a filing officer which is insufficient or incomplete in some manner but substantially complies with law shall be accepted by such officer who shall then promptly notify the registrant indicating the nature of the incompleteness or insufficiency. The registrant shall then have 15 days from the date of such notice to rectify the problem. If the incompleteness or insufficiency is not rectified by the registrant within 15 days from the date of the notice, the registration lapses and is not effective.

Here, several outdated CF-1 forms were filed. I have determined to accept outdated forms for the following reasons:

First, the two forms require the same information from candidates. Second, the revised CF-1 form was not available until 12/2022.

There were also several forms filed that were insufficient as to essential form. This means that information specifically required under Wis. Stat. sec. 11.0203 was missing from the form.

Wis. Stat. sec. 11.0203 requires the following information:

(1) REQUIRED INFORMATION. The candidate committee shall indicate on the registration statement that it is registering as a candidate committee and shall include all of the following, where applicable, on the registration statement:

(a) The name and mailing address of the candidate committee.

(b) The name and mailing address of the candidate committee treasurer and any other custodian of books and accounts. Unless otherwise directed by the treasurer on the registration form and except as otherwise provided in this chapter or any rule of the commission, all mailings that are required by law or by rule of the commission shall be sent to the treasurer at the treasurer's address indicated upon the form.

(c) In the case of a candidate committee of an independent candidate for partisan office or a candidate for nonpartisan county or municipal office, a list of the members of the committee, in addition to those specified in par. (b), if any, whom the filing officer shall recognize as eligible to fill a nomination vacancy if the candidate dies before the election.

(d) The name and address of the depository account of the candidate committee and of any other institution where funds of the committee are kept.

(2) CERTIFICATION. The individual responsible for filing or amending a candidate committee's registration statement and any form or report required of the committee under this chapter shall certify that all information contained in the statement, form, or report is true, correct, and complete.

As noted above, the CF-1 form filed by Mr. Bays was not signed and the CF-1 forms filed by Mr. Griffin, Mr. Pease, Mr. Bula, Ms. Christensen, Mr. Gould and Mr. Smith failed to provide the name and mailing address of the candidate committee treasurer. Those forms will be returned to the candidates, together with the reason for return, and will not be accepted for filing.

The CF-1 forms filed by all the other candidates are accepted for filing. Candidates whose forms are insufficient/incomplete but which substantially comply with the law will be notified of the deficiencies and, if the candidate is otherwise eligible for ballot placement, provided an opportunity to rectify the problem or problems.

The Clerk then reviewed nomination papers filed by some, but not all, of the candidates. The Clerk is aware that nomination papers have not historically been used in the District. The Clerk is further aware Board Policy (Bylaw) No. 0142.1 states as follows:

0142.1 - ELECTORAL PROCESS

Members of the Board shall be elected annually at the spring election on the first Tuesday in April in a manner that is consistent with State law.

Declaration of Candidacy

If an incumbent fails to file a Declaration of Candidacy and nomination papers by the 5:00 p.m. deadline on the first Tuesday in January, candidates may file a Declaration of Candidacy and nomination papers within seventy-two (72) hours following the original Tuesday deadline.

In addition, if an incumbent files written notification that the incumbent is not a candidate for reelection to their office or fails to file a declaration of candidacy within the time prescribed by this paragraph, the District Clerk shall promptly provide public notice of that fact on the District's website or, if the District does not maintain a website, by posting notices in at least three (3) different locations within the District.

Declaration of Non-Candidacy

If an incumbent files a Declaration of Non-Candidacy no later than 5:00 p.m. on the 2nd Friday preceding the Tuesday deadline, there is no extension of the Tuesday deadline.

When the first Tuesday in January is a holiday, the deadline becomes 5:00 p.m. the next day.

Whether or not nomination papers must be filed is ambiguous. There is no history of nomination papers being used in the District. There is no resolution, as required under Wis. Stat. sec. 120.06(6)(a), that can be located requiring the filing of nomination papers. The policy, however, was adopted by vote of the school board:

131.1 - BYLAWS AND POLICIES

The Board shall adopt bylaws and policies for the organization and operation of this Board. Such policies are to include those needed to meet the education standards established by Wisconsin Statute. In the event of any conflict between these bylaws and policies and any applicable law or regulation, including temporary emergency orders or mandates, the legal authority shall prevail.

Those bylaws and policies which are not dictated by the statutes or rules of the Department of Public Instruction or ordered by the State Superintendent of Public Instruction or a court of competent authority may be adopted, amended, and repealed at any meeting of the Board, provided the proposed adoption, amendment, or repeal shall have been proposed at a previous Board meeting and, once proposed, shall have remained on the agenda of each succeeding Board meeting until approved or rejected.

When compelling reasons exist for an immediate revision, the Board may adopt, amend, or suspend any bylaw or policy contained herein, provided the amendment, adoption, or suspension does not conflict with law.

Bylaws and policies shall be adopted, amended, repealed, or suspended by a majority vote of the Board.

The adoption, modification, repeal, or suspension of a Board bylaw or policy shall be recorded in the minutes of the Board. All bylaws and policies shall be included in the Board policy manual.

There is also no clear language establishing that all candidates must file nomination papers. The only reference is to the consequences of an incumbent Board member failing to file both a timely declaration of candidacy and nomination papers.

Despite the ambiguity, under these circumstances, it appeared to the Clerk that nomination papers are required under the terms of the Board's policy/bylaw and that the better practice is to require nomination papers unless and until the policy is modified by the Board or the Board or annual meeting adopts a resolution on the issue of filing nomination papers.

Three candidates, all of whom are incumbents, did not file nomination papers: Mr. Bays, Mr. Griffin and Mr. Pease. It is this determination that permitted the filing, subsequent to January 3, 2023, at 5:00 p.m., of election documents by other candidates.

The remaining seven candidates did file nomination papers. No written, verified challenges to the nomination papers have been filed by any person under Wisconsin Administrative Code section EL 2.07. The Clerk, however, is required under Wisconsin Administrative Code section EL 2.06 to determine the sufficiency of nominations papers. Like other documents, at a minimum, nomination papers must contain at least the information required

by statute (Wis. Stat. sec. 8.21). This means that the information required to be included at the top of the form must comport with the requirements of Wis. Stat. sec. 8.10(2)(b) at the time of circulation.

The Clerk reviewed the nomination papers prior to the verification. While there were some deficiencies in signatures that might have given rise to a challenge, there were four candidates who submitted entire pages of the form that failed to substantially comply with the law.

In the case of Mr. Bula, two of the three nomination papers did not contain his mailing address. Thirty electors signed Mr. Bula's nomination papers and twenty signatures appear on those two pages.

In the case of Ms. Christensen, one page does not contain her mailing address. Twenty-seven electors signed Ms. Christensen's nomination papers and one signature appears on that page.

In the case of Ms. Pantaleo, one page does not identify the name of the school district for which office is sought. Thirty-four electors signed Ms. Pantaleo's nomination papers and ten signatures appear on that page.

In the case of Mr. Smith, none of the pages identifies the election date, the office sought or the name of the district. Twenty-six electors signed Mr. Smith's nomination papers and twenty-six signatures appears on those pages.

The Clerk stated that under the law he/she had the responsibility of designating the form of the names of each candidate as the names are to appear on the ballot. The Clerk then again reviewed the names of the declarant and announced the form of the name of each candidate as he/she proposed to designate it. The Clerk asked if any candidate or other elector objected to any of the designations, or otherwise questioned the declarations or the campaign registration statements. After again considering the designation, the Clerk read the names as finally determined.

Based on the foregoing, the only candidate eligible for ballot placement is Ms. Pantaleo and the drawing of lots is unnecessary.

The Clerk announced that the record of the verification would be filed with the School Elections Records kept by the Clerk. The certificate of the verification of the candidates is by reference incorporated as a part of these minutes.


Clerk of the School District Aforesaid