

--

Sean P. Griffin
Attorney
West & Dunn
207 West Main Street,
P.O. Box 37
Waunakee, Wisconsin 53597
Office: 608-535-6420
Fax: 608-509-7054



West & Dunn

CONFIDENTIALITY NOTICE: This electronic message transmission contains information from the law firm of West & Dunn, LLC, which may be confidential or privileged. The information is intended to be for the use of the individual or entity named above. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of the contents of this information is prohibited. If you have received this electronic transmission in error, please notify us by telephone (608-535-6420) or by email (management@westdunn.com) immediately. Nothing herein or in the message above is intended to create an attorney-client relationship, unless such relationship otherwise exists.

PAGE 1/7 RECD 7/29/2024 4:20:30 PM [Central Daylight Time] PRD 083276264



West & Dunn

Facsimile Cover Sheet

To: Attn: Wisconsin Elections Commission
Fax No. (608) 267-0500

From: Sean P. Griffin
Direct Phone No. (608) 301-5438

Re: Jodi Schappe Complainant,
Cherie Barnier, Town Clerk, Respondent,
Elections Complaint.

No. of Pages (including cover sheet): 6

STATE OF WISCONSIN
BEFORE THE ELECTIONS COMMISSION

JODI SCHAPPE

Complainant

against

COMPLAINT

CHERIE BARNIER

Respondent

This complaint is made pursuant to Wis. Stat. § 5.06(1).

I, Jodi Schappe, allege that a violation of Wis. Stat. § 9.10(1)(b) occurred as follows:

The Town Clerk of the Town of Easton may violate Wis. Stat. § 9.10(1)(b) by accepting invalid addresses and signatures in support of a recall petition filed by Mr. Jason W. Hammond on or about June 20, 2024, in the Town of Hammond, seeking to recall Town Supervisor, Jodi Schappe. Pursuant to Wis. Stat. § 9.10(1), a recall petition must contain the signatures of qualified electors equal to or greater than twenty-five percent ($\geq 25\%$) of the vote cast for Governor in the last General Election within the same district or jurisdiction as that office holder. Pursuant to Wis. Stat. § 9.10(2)(e), a signature on a petition sheet may not be counted if the residency of the signer of the petition sheet cannot be determined by the address given or if the signature is that of an individual who is not a resident of the jurisdiction or district from which the elective official being recalled is elected. The Clerk's potential inclusion of invalid signatures from unqualified signatories would violate Wis. Stat. § 9.10(2)(e).

Wis. Stat. § 9.10(2)(e) makes it clear that if the residency of the signer cannot be determined by the address given, the signature may not be counted. Nowhere in Wis. Stat. § 9.10 is the filing officer granted authority to consider information beyond the scope of the address given when determining whether an individual is a resident of the jurisdiction. Based on my communications with signatories it is my understanding that the petitions contain invalid signatures. Therefore, to the extent that any signatures are of invalid signatories, Ms. Schappe requests that these signatures must be stricken.

The Town Clerk of the Town of Easton also violated Wis. Stat. § 9.10 by overruling Ms. Schappe's objection to the rationale provided in the Statement of Intent to Circulate Recall Petition. Wis. Stat. § 9.10(2)(b) dictates that a recall petition for a town office "*shall* contain a statement of a reason for the recall which is related to the official responsibilities of the official for whom removal is sought." (emphasis added). As a reason for recall, the petition alleges that Ms. Schappe called for "actions beyond the scope and authority of the elected position. Actions detrimental to the well-being of the Town of Easton." (Exhibit A.). This vague and overbroad accusation does nothing to place Ms. Schappe on notice as to what acts she committed that might make her vulnerable to a recall.

Black letter Wisconsin Law requires that a recall petition not only contain a statement of a reason for the recall but also that the reason be "related to the official responsibilities." Here, the petition failed to provide any explanation regarding the reason for recall that would relate the recall to Ms. Schappe's official responsibilities as Supervisor. "Actions detrimental to the well-being of the Town of Easton" fails to

provide or attempt to provide any relation to any responsibilities of Ms. Schappe as Supervisor. Furthermore, "calling for actions beyond the scope and authority of the elected position" similarly fails to relate to any official responsibilities of Ms. Schappe as Supervisor. Additionally, both are hopelessly vague and overbroad. As such, Ms. Schappe requests the Elections Commission to overturn the Town Clerk's order overruling this objection.

The Town Clerk of the Town of Easton additionally violated Wis. Stat. § 9.10 by holding Ms. Schappe as the complainant to a higher standard than the petitioner. While Wis. Stat. § 9.10(2)(f) requires that a challenger submit a verified challenge, further submissions such as five (5) and two (2) day replies are however not required to be notarized. Nonetheless, despite Wisconsin statutes only requiring a challenge be verified, the Town Clerk of the Town of Easton required Ms. Schappe to submit verified responses while simultaneously declining to hold the petitioner to the same standard. The above conduct constitutes a violation of Wis. Stat. § 9.10 and further demonstrates an abuse of discretion by the Town Clerk of the Town of Easton.

I, Jodi Schappe, first being duly sworn upon oath, state that I personally read the above complaint and affirm that the above allegations are true and correct based on my personal knowledge and, as to those allegations, state on information and belief, I believe them to be true.

Dated this 29th day of July, 2024.

Jodi Schappe



07/29/2024 04:03 PM CDT

Jodi Schappe

Subscribed and sworn to before me
this 29th day of July, 2024.

Jonathan Staats



Notary Public, State of Wisconsin
My Commission expires 12/21/2027



Online Notary Public. This notarial act involved the
use of online audio/video communication technology.
Notarization facilitated by SIGNiX®

Dated this 29th day of July, 2024.

WEST & DUNN, LLC

Electronically Signed Sean P. Griffin

Benoit M. Letendre
State Bar No. 1079792
bletendere@westdunn.com

Sean P. Griffin
State Bar No. 1122605
sgriffin@westdunn.com

Sean Dugan
State Bar No. 1126464
sdugan@westdunn.com

West & Dunn, LLC
P.O. Box 37
Waunakee, WI 53597
(608) 535-6420

Attorneys for the Complainant

STATE OF WISCONSIN

Name of County
Adams

Name of Municipality
Town of Easton

STATEMENT OF INTENT TO CIRCULATE RECALL PETITION

THE UNDERSIGNED RECALL PETITIONER, Jason W. Hammond
(Print Name)

STATES HIS/HER INTENT TO CIRCULATE, PURSUANT TO Wis. Stat. § S.9.10

OF THE WISCONSIN STATUTES, A PETITION TO RECALL,

Jodi Schappe, Supervisor 1 Town of Easton
(Indicate the name of, and office held by, the official being recalled).

FOR THE FOLLOWING REASON OR REASONS RELATED TO THE OFFICIAL
RESPONSIBILITIES OF THE OFFICIAL SOUGHT TO BE RECALLED:

Calling for actions beyond the scope
and authority of the elected position.
Actions detrimental to the well-being
of the Town of Easton.

(This statement should be appended to the Campaign Registration Statement (ETHCF-1) filed with the filing officer.)

Dated this 29th day of April, 2024

Jason W. Hammond
(Signature of Petitioner)

(Notary Not Required)

PAGE 7/7 REC'D 7/29/2024 4:20:30 PM [Central Daylight Time] PRD 083276264