Ann Sloane

W761 Whitmore Road Town of Fifield - Pike Lake Park Falls, Wisconsin 54552 (414) 731-3131 annmariesloane@gmail.com

July 25, 2024

Wisconsin Elections Commission

212 East Washington Avenue, Third Floor P.O. Box 7984 Madison, WI 537070-7984

RE: Review and Appeal of Recall Petition Ann Sloane, Town Supervisor Fifield WI

To the Wisconsin Elections Commission (WEC), members

By way of introduction, my name is Ann Sloane, I am a Town Supervisor for the township of Fifield. I'm a wife, mother of two daughters, served by unanimous vote to replace an ill Supervisor in June 2022. I've made a positive impact as Township Supervisor with our community and Fire and Rescue Department. I've been the driving force behind efforts to redirect the Department's focus toward better serving our community. As a result, we have improved the quality of our emergency services, strengthened our team with qualified volunteers, and increased local support by promoting public awareness. In April of 2023 I was elected as one of three Town of Fifield Supervisors. I am and always will be committed to making a positive, lasting impact for our community.

On July 18, I was emailed a Certificate of Sufficiency for a recall petition registered against me on July 2, 2024 via the Town of Fifield Clerk Crystal Cowling (Attachment 1). The purpose of this correspondence is to appeal this decision to the WEC as I feel the process has been mishandled and the sufficiency of the petition is in question.

The petition was presented to the township clerk, Crystal Cowling, then to me on June 18, 2024 at the Town of Fifield 6:00pm Board meeting by the three petitioners during the public comment portion of the meeting (Attachments 2). This was the second attempt of this committee to initiate a recall; the first was not accepted by the clerk as it was deemed not sufficient, therefore not presented to me. I maintain, noted by my legal council's comments in my verified challenge dated June 28, 2024 (Attachment 3), that this second registration should have been deemed not sufficient as well, due to materially false representation. Binary choice for C3 is the first procedural error. In my verified response dated June 28, as stated by my legal council, the reason for recall is fatally vague and does not meet the requirements of Wisconsin Statutes. Please see his correspondence (Attachment 3).

On July 3, the petitioner provided a non verified response to my challenge (Attachment 4). The basis of his response is that because the clerk accepted his initial recall petition, though flawed, with disregard to state statutes; Ebert insists it should be considered sufficient. Please take special note the amended registration included with his response is dated July 2, outside the 10 days to amend, and all petition signatures are dated prior to that date (Attachment 4).

On July 10, my legal counsel again reiterated the flawed registration and now flawed amendment (Attachment 5). The petitioner's own response confirms that the clerk and town's legal counsel confirmed for him it was filled out incorrectly. After reviewing board minutes and my personnel file, there are no official or unofficial statements to support any unethical or abuse of power behavior. To that end, for a second time, the petitioners failed to identify any specific actions related to the responsibilities of my position to justify the recall. Anyone who signed the petition, as well as myself, would be guessing or relying on verbal statements from the MFGA/David Ebert recall committee.

The Fifield town clerk states in her Certificate of Sufficiency, "After reviewing the challenge, the rebuttal and the reply, all being equally persuasive, the Clerk finds the petition to be sufficient". I feel I have been denied due process, as this is not about being "persuasive", it's about Wisconsin laws and statues. By the petitioner's own statements, they recognize and acknowledge the recall petition is flawed. They have not addressed the justification for dismissing the state statutes and laws.

This is an official appeal to the Wisconsin Elections Committee to request this Certificate of Sufficiency be invalidated. I respectfully request, you suspend the recall election while you review and consider my appeal.

Respectfully submitted,

Ann Sloane Town of Fifield Supervisor

- Attachments: (1) Certificate of Sufficiency dtd 07.18.24
 - (2) Recall Petition, Registration and Signature presented 6.18.24
 - (3) Sloane Verified Challenge dtd 6.28.24
 - (4) MFGA/David Ebert Committee Rebuttal dtd 7.3.24 *includes amended registration
 - (5) Sloane Verified Reply to Rebuttal dtd 7.10.24
 - (6) State of Wisconsin Elections Commission Complaint Form

WEC Appeal Letter July 25, 2024 Page 3

VERIFICATION

I, Ann Sloane, being first duly sworn upon oath, state that I personally read the above Verified Appeal of Certificate of Sufficiency of the petition that was offered for filing on June 18, 2024, for the recall of my office as a Fifield Town Supervisor and that the above statements, allegations are true and correct based on my personal knowledge and, as to those allegations stated on information and belief, I believe them to be true.

Signed in Tark Fal Wisconsin this 25th day of July, 2024.

nn Sloane

Sworn and subscribed to me this 25th day of July, 2024.

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Notary Public, State of Wisconsin Price Co., WI My commission expires: 02-23-3037



Attachment 1

Certificate of Sufficiency

TOWN OF FIFIELD

N13935 RIDGE AVENUE PO Box 241 FIFIELD, WI 54524 William A. Felch, Chairperson Ann Sloane, Supervisor John W. Smith, Supervisor Crystal Cowling, Clerk/Treasurer

Phone: (715) 762-2500 Email: <u>fifield@tn.fifield.wi.gov</u> Website: <u>www.tn.fifield.wi.gov</u>

July 18, 2024

Supervisor Ann Sloane W761 Whitmore Rd Park Falls, WI 54552

Dear Supervisor Sloane:

I have signed and filed the Certificate of Sufficiency of the petition that was offered for filing on June 18, 2024, for the recall of your office.

A recall election will take place on August 27, 2024. If a primary is warranted, this date will serve as the recall primary and the recall election will be held on September 24, 2024.

Per Wisconsin State Statute 9.10(3)(c) your name will automatically appear on the ballot.

If you have any questions, please let me know.

Sincerely,

Crystal Cowling, Clerk Town of Fifield

Cc: Atty Douglas M. Poland Atty Bryce A. Schoenborn Mr. David Ebert Mr. John Schroeder Mr. Tom Birchell Recall Petition Sufficiency Review July 18, 2024

A petition to recall Supervisor Ann Sloane was offered for filing on June 18, 2024. This petition containing 23 pages and 196 signatures was filed with the Town of Fifield Clerk's Office.

The officer against whom the recall petition was filed against was notified on June 18, 2024. She then had 10 days to file any challenge(s), putting final day for challenge on June 28, 2024.

A challenge was filed on June 28, 2024, giving the petitioner 5 days to rebuttal. A rebuttal was filed on July 3, 2024. With some consideration of the holiday and weekend, a copy of the rebuttal was provided to the officer on July 8, giving the officer to July 10, 2024, to reply. A reply was filed on July 10, 2024.

On July 18, 2024, the Town Clerk reviewed the petition and other filings for sufficiency. After careful examination of the petition, 9 signatures were disallowed for either insufficient or illegible address. It was determined that the petition consisted of 187 qualified signatures. Only 139 signatures were required. After reviewing the challenge, the rebuttal and the reply, all being equally persuasive, the Clerk finds the petition to be sufficient.

Signed this 18th day of July 2024

owling Crystal Cowling, Clerk

Town of Fifield

CERTIFICATE OF SUFFICIENCY

I have determined by careful examination, that the attached petition is sufficient on its face and do hereby certify the same in accordance with Section 9.10(3)(b) Wisconsin Statutes.

Dated this 18th day of July 2024

nuling

Crystal Cowling, Clerk Town of Fifield N13935 Ridge Ave Fifield, WI 54524 Attachment 2

Recall Petition, Registration and Signature presented 06.18.24

June 18, 2024

Crystal Cowling, Clerk/Treasurer Kelly Kleinschmidt, Deputy Clerk/Treasurer Township of Fifield N13935 Ridge Avenue, P.O. Box 241 Fifield, Wisconsin 54524

Dear Ms. Cowling and Ms. Kleinschmidt,

Re: Petition to Recall Town of Fifield Supervisor Ann Sloane

Concerned citizens of the Town of Fifield hereby submit this petition to recall Ann Sloane, Town of Fifield Supervisor, for unethical actions and abuse of power while serving as Town Supervisor.

This recall petition is comprised of 23# pages, with 197# supporting residential signatures, far exceeding the required minimum for submission. It should be noted that several residents declined to sign the petition stating they feared future retaliation against them by Supervisor Sloane.

For your convenience, I have included a copy of the signature requirements as outlined in State Statute 9.10(2)(e) and as was followed in conducting this recall petition. Also included is the definition of qualified elector.

There is a clearly defined, short timeline in the statute that must be followed in reviewing, certifying, and administering the recall election. To insure a smooth and timely completion of the recall process, please submit all inquiries and correspondence to all the following representatives of the recall action:

David Ebert	
W763 Deer Crossing L	n
Park Falls, WI 54552	í.
Kepler9@MSN.com	
608-577-6235	

John Schroeder W652 Bay Road Park Falls, WI 54552 JWS5760@MSN.com 218-340-5300

Tom Birchell N14682 Shady Knoll Rd Park Falls, WI 54552 Tombirchell@yahoo.com 715-661-9070

Thank you for your prompt attention in completing this recall action.

Sincerely,

David Ebert Town of Fifield Resident

Enclosures(3): 1) Recall Petition; 2) Signature Requirements; 3) Definition of Qualified Elector

Cc: William Felch, Town Chairman John Smith, Town Supervisor Ann Sloane, Town Supervisor

CAMPAIGN FINANCE COMMITTEE/CONDUIT REGISTRATION STATEMENT STATE OF WISCONSIN

Note: An amended registration statement must be filed within 10 days of any changes in information.

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Note: An amended registration statement must be filed within 10 days of any changes in information.

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petition for the recall of Ann Steam

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Attachment 3

Sloane Verified Challenge dtd 6.28.24

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June 28, 2024

BY HAND DELIVERY

Ms. Crystal Cowling, Clerk Township of Fifield N13935 Ridge Avenue Fifield. Wisconsin 54524

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Re: Verified Challenge of Town Supervisor Ann Sloane to Recall Petition Filed June 18, 2024

We represent Town Supervisor Ann Sloane with respect to the recall petition filed with your office on June 18, 2024. We are in receipt of the petition and the related recall committee registration statement, which was filed on May 6, 2024. The effort to initiate a recall election is deficient for at least the following two reasons.

First, the registration statement contains a materially false representation that entirely invalidates the petition. Wisconsin's Ethics Code provides that committee registration statements that are "insufficient as to essential form, information or attestation shall be rejected" and are "not effective." Wis. Admin. Code ETH § 6.02(1) (emphasis added). Page two of the registration statement makes clear that the recall committee, registered with the name "MFGA/David Ebert," was created to oppose a recall effort launched against Town Supervisor Sloane. The registration statement form, Form CF-1, contains a "Section C: Recall Committees." The registration statement submitted by MFGA/David Ebert identifies "Ann Sloane" as the "Name of the Official Subject to Recall" in box C1; identifies the disputed office as "Fifield Town Supervisor" in box C2: and in box C3 checks the option that MFGA/David Ebert "Oppose" (rather than the other available option, "Support") the recall of Town Supervisor Sloane. Yet the same MFGA/David Ebert Recall Committee then circulated for signature and obtained signatures on a petition seeking to initiate a recall of Town Supervisor Sloane. Because the MFGA/David Ebert Recall Committee registered to "Oppose" a recall of Town Supervisor Sloane, yet circulated a recall petition to support the recall of Town Supervisor Sloane, the registration statement was falsely certified, rendering the committee registration itself invalid.

State law prohibits the circulation of a recall petition before registration of a recall committee is completed. Wis. Stat. § 9.10(2)(d). Here, a committee to support a recall effort

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June 28, 2024 Page 2

was not properly registered before the recall petition was circulated for signature, signatures were obtained, and the recall petition was filed. It follows that the recall petition is invalid and must be rejected.

Second, the recall petition is fatally vague with respect to the reasons for which a recall election is sought. State law requires that a petition to recall a local official "contain a statement of a reason for the recall which is related to the official responsibilities of the official for whom removal is sought." Wis. Stat. § 9.10(2)(b) (emphasis added). The petition merely says that the petitioner has lost confidence in Town Supervisor Sloane's ability to perform her duties, citing "[u]nethical behavior and abuse of power," but provides no further detail. Indeed. neither the petition nor the Town itself have ever presented Town Supervisor Sloane with a list of her official responsibilities, let alone a list of any alleged official shortcomings. Thus, casually and vaguely alleging unethical behavior and abuse of power is simply inadequate under the express terms of the statute.

Notably, this language regarding a statement related to official responsibilities, which was added to Wisconsin law in 1990, narrowed the purposes for which a recall election may be called against local officials to protect them from recall for "personal, family or discriminatory reasons."¹ If a petitioner need allege merely unethical behavior and abuse of power without more specificity, and without explaining which official responsibilities are at issue, the statutory purpose of protecting local officials from frivolous recall efforts is defeated. Moreover, a decision by the Town Clerk to allow the recall to proceed, thus requiring Town Supervisor Sloane to stand for election to the office she currently holds, would deprive her of due process of law. *See Milewski v. Town of Dover*, 2017 WI 79, 377 Wis. 2d 38, 899 N.W.2d 303.

The recall petition was deficient from its inception. For the forgoing reasons, we respectfully request that you reject the petition and refuse to schedule a recall election.

Respectfully submitted,

STAFFORD ROSENBAUM LLP

the with I

Douglas M. Poland

ce: Ann Sloane, Town Supervisor David Ebert (by U.S. Mail)

See Elections FAQ 5, League of Wisconsin Municipalities, available at https://www.lwmubd.org/894/riccauns-ring--- (last visited June 28, 2024).

June 28, 2024 Page 3

VERIFICATION

I. Ann Sloane, being first duly sworn upon oath, state that I personally read the above Verified Challenge of Town Supervisor Ann Sloane and that the above allegations are true and correct based on my personal knowledge and, as to those allegations stated on information and belief, I believe them to be true.

Signed in Trrk Fall, Wisconsin this 28th day of June. 2024.

Ann Sloane

Sworn and subscribed to me this 28th day of June, 2024.

ini

Notary Public, State of Wisconsin

My commission expires: <u>12-23-201</u>7



Attachment 4

MFGA/David Ebert Committee Rebuttal of dtd 7.3.24 *includes amended registration

July 03, 2024

Ms. Crystal Cowling, Clerk Town of Fifield N13935 Ridge Avenue Fifield, Wisconsin 54524

Dear Ms. Cowling,

Re: Verified Challenge of Town Supervisor Ann Sloane to Recall Petition Filed June 18, 2024

The following represents the response by the petitioners to a letter addressed to you by the law firm Stafford Rosenbaum LLP, dated June 28, 2024. The letter is signed by Douglas M. Poland who states he is representing Fifield Town Supervisor Ann Sloane who is the subject of the recall petition. Mr. Poland states that: "The effort to initiate a recall election is deficient for at least the following two reasons."

First, within 10 days after a recall petition is offered for filing with the filing officer, the officeholder can challenge the sufficiency of the recall petition. The challenge must be made in the form of a written, sworn complaint and filed with the filing officer who received the recall petition. Wis. Stat. 9.10(4)(a). The challenge must specify any alleged insufficiency in the petition and the burden of proof is on the challenger.

The Challenge referred to you by Mr. Poland did NOT challenge the recall petition as specified above and therefore the recall process should continue. Instead, Mr. Poland and Ms. Sloane are challenging the determination by the township of the sufficiency of the initial filing papers. Which is not a challenge to the petition and therefore is not within the scope of what is allowed at this point in the process. [In addition, the signers of the petition did not even have access to those papers and therefore are irrelevant to the challenge of a petition. This Challenge should be determined insufficient and be rejected by you as filing officer.

The letter cites Wisconsin Ethics Code 6.02(1). In part, 6.02 Section (1) states: "Any registration filed ... which is insufficient as to essential form ... shall be rejected and shall be promptly returned ... to the ... registrant indicating the nature of the insufficiency." Mr. Poland fails to provide the full picture. Paragraph (2) of 6.02 states that: "Any registration statement ... which is insufficient or incomplete in some manner but substantially complies with the law shall be accepted by such officer who shall then promptly notify the registrant indicating the nature of the incompletion or insufficiency." Paragraph (2) further states that the registrant has 15 days from the date of notice to rectify the problem.

Consequently, if paragraph (1) applies, it seems to follow that paragraph (2) applies also.

- 2. Of note, ETH 6.02(1) and (2) also provides this reference: "Any registration filed with a filing officer under ss 11.0201, etc. etc." refers to State Statute Chapter 11, Campaign Financing, Subchapter IX, Recall Committees. As is obvious, Sections 11.091, 11.092, and 11.0903 relate primarily to finance and focuses particularly on the committee treasurer. The recall committee does not have a treasurer and did not, and has no plans to, solicit, hold, or disburse any funds. The reason for amending the May 6 form was related to finance; however, it was intended to satisfy the requirements for formation of a committee. Thus, we believe the first alleged deficiency that "the registration statement contains materially false representation that entirely invalidates the petition" is incorrectly cited, and further is not applicable, because the original form submission, as it relates to campaign finance, was corrected and approved by you Ms. Cowling.
- 3. The instructions in Form CF-1, Section C, Recall Committees, do not provide definitions for Box C3 "Support" and "Oppose." This leaves their meaning open to subjective interpretation. Because this is a registration statement, Box C3 does not get to the specificity of the issue being raised. Nor is it used in any way to support

or oppose the overall recall effort. Instead, it is intended to form the committee pursuant to Wis. Stat. 9.10(2)(d). Consequently, the "Oppose" or "Support" questions can be interpreted in multiple ways. One interpretation can be that the committee opposes the officeholder whose name is listed in Box C1; and, the second interpretation apparently means the petitioner supports the recall effort. Clearly, we chose to interpret the question as opposition to the candidate as that section relates to the individual.

To say that Form CF-1 is contrary to supporting the recall and should be used to disqualify the effort is circular logic since it was submitted with the Intent to Circulate form. The instructions cannot address every scenario, resulting in the likelihood of error in interpretation, the process rightly allows for corrective action.

So, while I reject the argument that the form needs further correction, I have nevertheless attached an amended Form CF-1, with box C3 checked as "Support" in order to move the recall process forward. To avoid any future misunderstanding on this matter, both Attorney Schoenborn and Deputy Town Clerk Kelly Kleinschmidt have advised that "Support" is the correct option in this circumstance.

4. The second issue raised by Mr. Poland and Ms. Sloane is the specificity of the Intent to Circulate Statement. Again, I remind that the Township determined that the May 6th submission was the sufficient per Wisconsin statute. This was confirmed again by you Ms. Cowling and Deputy Clerk Kleinschmidt on July 2, 2024. In addition, Ms. Kleinschmidt stated the recall petition statement was deemed sufficient by County Clerk Jean Gottwald. It should be noted also that the petition form itself does not provide space to enumerate the particulars. This is an issue with the form as the reasons on the petition form are to match the reasons stated on the Intent to Circulate form.

As you know, Ms. Sloane's behavior as Town Supervisor since at least July 2023 onward has resulted in several documented instances of unethical behavior and abuse of power. A record of her behavior has been recorded in Town minutes and has been reported on by a respected regional newspaper, *The Lakeland Times*. *Specificity* is a matter of opinion. Apparently, the Town Clerk, the Town's Attorney, and the County Clerk believed the statements in the petition filing documents were sufficient. At least 197 Fifield residents, those who signed the circulated petition, understood the statement and knew the specific reasons and deemed the majority of those involved in circulating the petition.

Therefore, I reject the argument put forth by Mr. Poland that "the recall petition is fatally vague with respect to the reasons for which a recall election is sought." Further, I would go so far as to question whether this challenge is meant to thwart the legal right of 197 citizens who believe Ms. Sloane is not fit for office under the ethics standards of the State of Wisconsin.

5. The well-known, highly publicized, and well-documented instances of unethical behavior and abuse of power are absolutely and directly related to Ms. Sloane's "official responsibilities of the official." There is no question that Ms. Sloane has been fully aware of her actions and how they impact Town resources and individual citizens.

Regarding the "neither the petition nor the Town itself have ever presented Town Supervisor Sloane with a list of her official responsibilities, let alone a list of any alleged official shortcomings." This is a non-sensical allegation and specious argument. It is not the recall committee's responsibility to provide a town official with a list of their duties. The responsibility lies with the Town, and in fact, the Town provided Ms. Sloane with the "Wisconsin Town Officer's Handbook" produced by the Wisconsin Town's Association. This was verified on July 2, 2024, by Deputy Clerk Kleinschmidt. In addition, Ms. Sloane has access to the WTA's and Mr. Schoenborn's counsel, and there are numerous subject references available in the WTA's data base. She is an educated adult who took an oath of office so she is expected to know and learn her duties without undue

coaching. If ignorance of official responsibilities is a defense, no recall would be successful and would be limiting the rights of the voting public.

In closing, I request that the Town of Fifield recognize the deficiency of the Challenge by Ms. Sloane and her attorney. In so doing, the Town would reaffirm the sufficiency of the reasons within the Intent to Circulate, and the appropriateness and sufficiency of the amended Form CF-1 as allowed by Wisconsin Statute.

Sincerely,

Davil Chen

David Ebert W763 Deer Crossing Ln Park Falls, WI 54552

Enclosure (1)

(Submitted in Person to Clerk Crystal Cowling, July 03, 2024.)

CAMPAIGN FINANCE COMMITTEE/CONDUIT REGISTRATION STATEMENT

Note: An amended registration statement must be filed within 10 days of any changes in information.

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CAMPAIGN FINANCE COMMITTEE/CONDUIT REGISTRATION STATEMENT

STATE OF WISCONSIN

Note: An amended registration statement must be filed within 10 days of any changes in information.

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Attachment 5

Sloane Verified Reply to Rebuttal dtd 7.10.24



Douglas M. Poland

222 West Washington Avenue, Suite 900 P.O. Box 1784 Madison, WI 53701-1784 DPoland@staffordlaw.com 608.259.2663

July 10, 2024

BY HAND DELIVERY

Ms. Crystal Cowling, Clerk Township of Fifield N13935 Ridge Avenue Fifield, Wisconsin 54524

> Re: Reply to Rebuttal of Verified Challenge of Town Supervisor Ann Sloane to Recall Petition Filed June 18, 2024

Dear Ms. Cowling:

We are in receipt of the rebuttal filed by recall petitioner David Ebert on July 3, 2024. We first received notice and a copy of the filed rebuttal by email from your office on July 8, 2024. At your express direction, we file this reply no later than July 10, 2024.

As a threshold matter, Mr. Ebert's rebuttal must be rejected because it is not verified as required by Wisconsin law. Pursuant to the rules promulgated by the Wisconsin Elections Commission, the standards for determining challenges to election petitions, including recall petitions, are generally the same standards applied to determining the sufficiency of nomination papers. Wis Admin. Code § EL 2.11(1). Just as the complaint challenging the sufficiency of nomination papers and the response thereto must be verified (Wis. Admin. Code § 2.07(2)), so too must the complaint challenging a recall petition and the rebuttal thereto be verified. Wis. Admin. Code § EL 2.11(1)-(2)).

Verification requires that the party filing the rebuttal swear upon oath before a notary public or other person authorized to administer oaths that said party personally read the rebuttal and the allegations contained therein are true and correct, based on personal knowledge, or for any allegations stated on information and belief that the filing party believes them to be true. Wis. Admin. Code § EL 20.03(1), (5). A statement to that effect must be included at the bottom of the rebuttal. Here, Mr. Ebert signed the rebuttal but failed to do so under oath as required by law. It follows that the rebuttal is deficient and must be rejected.

In addition to that threshold fatal deficiency, substantively, the rebuttal lacks merit, and fails entirely to undermine the two legal grounds Town Supervisor Sloane identified in her June 28 challenge that compel the Town Clerk to reject Mr. Ebert's recall petition.

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First, as Town Supervisor Sloane's June 28 challenge established, by submitting a materially false certification, Mr. Ebert failed to properly register his recall committee. Despite Mr. Ebert's protests to the contrary, by virtue of challenging the sufficiency of the recall committee's registration, the verified challenge directly disputes the validity of the recall petition. As clearly stated in the verified challenge, Wisconsin law requires that a recall committee be properly registered with the Wisconsin Ethics Commission *before* a recall petition may be circulated for signatures. Wis. Stat. § 9.10(2)(d). This is true regardless of whether the committee intends to raise or distribute funds. All election-related committees that are required to register do so pursuant to and operate in accordance with Wis. Stat. ch. $11.^{1}$

Indeed, the rebuttal confirms that the registration statement contained a material misrepresentation. Apparently, both Deputy Clerk Kleinschmidt and Attorney Schoenborn confirmed for Mr. Ebert that he should have registered the committee in "Support" of the recall, and should not have registered the committee as having been formed to "Oppose" the recall as he did. Thus, despite the statutory prohibition in section 9.10(2)(d), the recall committee was not properly registered when Mr. Ebert circulated the recall petition for signatures. Wisconsin Ethics Commission rules allowing for amended registration statements do not remedy the fact that signatures collected to support the recall of Town Supervisor Sloane were collected in violation of state law, rendering the petition itself entirely invalid. Consequently, Mr. Ebert's submission on July 2 of an amended registration statement does not remedy the statutory violation and allow the recall to proceed based on signatures already collected.

Second, Town Supervisor Sloane's June 28 challenge demonstrated that the reason supplied in the recall petition for seeking to recall Town Supervisor Sloane was insufficient to satisfy the statutory requirement that it "contain a statement of a reason for the recall which is related to the official responsibilities of the official for whom removal is sought," as required by section 9.10(2)(b). Mr. Ebert's attempt to rebut the challenge to the specificity of the reasons for which recall is sought is unavailing. Tellingly, he refuses for a second time to identify any specific alleged official failings by Town Supervisor Sloane, pointing instead to "well-known, highly publicized, and well-documented instances of unethical behavior and abuse of power," none of which actually appear on the recall petition, and none of which are of record in this challenge. Mr. Ebert further claims that even though his recall petition failed to identify any "official responsibilities" that Town Supervisor Sloane allegedly failed to follow or fulfill, such responsibilities are contained in a handbook prepared by the Wisconsin Towns Association. Notwithstanding the recall petition's utter failure to identify any such responsibilities—and thus the handbook's irrelevance to whether the recall petition complies with section 9.10(2)(b)—the

¹ Although not material to the legal decision to be made here, Mr. Ebert's misunderstanding of the statutory provisions applicable to recall committees does not excuse his lack of compliance. Notably, Mr. Ebert asserts that the recall committee has no treasurer. Without exception, state law requires that a recall committee have a treasurer (Wis. Stat. § 11.0901(1)), and in this case it is Mr. Ebert himself, as clearly stated on both the original and the amended registration statements. Whether the committee intends to raise funds does not change the fact that by virtue of registration, it would have the authority to accept contributions and make distributions and, therefore, must comply with all applicable provisions of Wis. Stat. ch. 11.

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handbook itself does not identify specific duties or responsibilities of a Town Supervisor. It simply cannot be the case that an express statutory requirement clearly designed to notify both the official sought to be recalled and those eligible voters signing the petition of the "reason for the recall which is related to the official responsibilities of the official" is satisfied by a petition that, on its face, leaves both the official and those signing the petition to guess at the basis for the recall.

Moreover, Mr. Ebert states that the reasons asserted must be sufficiently specific because the petition was previously approved by multiple Town officials. But the purpose of a challenge is to highlight deficiencies in the procedure leading up to the calling of a recall election, thereby giving the Town Clerk an opportunity to review for compliance and reject those petitions ultimately found lacking. If initial approval by Town officials was dispositive and unalterable, the purpose of challenge would be entirely defeated. Such a result would certainly violate due process.

In short, Mr. Ebert's rebuttal fails entirely to undermine the firm legal grounds for the challenges raised to the recall petition in Town Supervisor Sloane's June 28 challenge. We therefore respectfully request that you reject the petition and refuse to schedule a recall election.

Very truly yours,

STAFFORD ROSENBAUM LLP

Douglas M. Poland

Encl: Verification; Certificate of Service

cc: Ann Sloane, Town Supervisor (by email) W761 Whitemore Road Park Falls, WI 54552

> David Ebert (by U.S. Mail) W763 Deer Crossing Ln. Park Falls, WI 54552

VERIFICATION

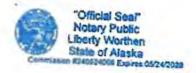
I. Ann Sloane, being first duly sworn upon oath, state that I personally read the above Verified Reply of Town Supervisor Ann Sloane and that the above allegations are true and correct based on my personal knowledge and, as to those allegations stated on information and belief. I believe them to be true.

Signed in Fair banks . Wiscousin this 10th day of July, 2024 Alaska torand in Sloane

Sworn and subscribed to me this 10th day of July, 2024.

Notary Public. State of Wisconsin Haska

My commission expires: 05/24/2028



CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing document was served via U.S. mail in compliance with Wis. Admin. Code § EL 20.03(6) to David Ebert at W763 Deer Crossing Lane, Park Falls, Wisconsin 54552.

Dated: July 10, 2024.

By: /s/ Douglas M. Poland

Attachment 6

State of Wisconsin Elections Commission Complaint Form dtd 7.25.24

STATE OF WISCONSIN ELECTIONS COMMISSION

COMPLAINT FORM

Please provide the following information about yourself:
Name Ann Sloane
Address W761 Whitmore Road, Park Falls, WI 54552
Telephone Number (414)731-3131
_{E-mail} annmariesloane@gmail.com
State of Wisconsin Before the Elections Commission The Complaint of Recall Certificate of Sufficiency Errors
, Complainant(s) against
Town of Fifield, Clerk Crystal Cowling
address isN13935 Ridge Avenue, (P.O. Box 241) Fifield, WI 54524
This complaint is under(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, Ann Sloane , allege that:
Please see attached documents
applicable sections of law in chs. I believe not followed:
Wis. Admin. Code Eth 6.02(1), Wis. Stat. 9.10(2)(d), Wis. Stat. 9.10(2)(b), Wis. Admin. Code EL 2.11(1)
Wis. Admin. Code 2.07(2), Wis. Admin. Code EL 2.11(1)-(2), Wis. Admin. Code 20.03(1),(5), Wis. Stat. 11.0901(1)

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

Complainant's Signature Ann Sloane , being first duly sworn, on oath, state that I personally read te above complaint, and that the above allegations are true based on my personal knowledge and, as to isse stated on information and belief, I believe them to be true. molainant's Signature ATE OF WISCONSIN ounty of <u>Price</u>, (county of notarization) worn to before me this 25 day of * KATHLEEN R. CLEME signature of person authorized to administer oaths) ly commission expires D2-23-2027, or is permanent. (official title if not notary)

lease send this completed form to:

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