

**STATE OF WISCONSIN  
ELECTIONS COMMISSION**

COMPLAINT FORM

**Please provide the following information about yourself:**

Name Terry Johnson

Address N5656 County Road A, Westfield, WI 53964

Telephone Number 608 547 9689

E-mail kmjohnson@maqs.net

**State of Wisconsin  
Before the Elections Commission**

The Complaint of Terry Johnson

\_\_\_\_\_, Complainant(s) against

Town Board, Town of Westfield, Marquette County, Respondent, whose

address is P.O.Box, Westfield WI 53964

This complaint is under Wis Stats 9.10(4)(d) (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, Terry Johnson, allege that:

\_\_\_\_\_  
\_\_\_\_\_  
**See attached narrative.**  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(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: 8/20/24

Terry L. Johnson  
Complainant's Signature

I, **Terry Johnson**

, 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.

Terry L. Johnson  
Complainant's Signature

STATE OF WISCONSIN

County of Marquette,  
(county of notarization)

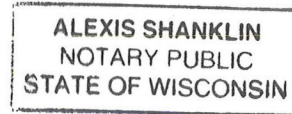
Sworn to before me this 20 day of

August, 20 24.

Terry Johnson  
(Signature of person authorized to administer oaths)

My commission expires 3/27/26, or is permanent.

Notary Public or Alexis Shanklin  
(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](mailto:elections@wi.gov)

## State of Wisconsin Elections Commission

### COMPLAINT NARRATIVE

I, Terry Johnson, allege that the Town Board, Town of Westfield, Marquette County violated Wis Stats 9.10(4)(d) when they failed to set the required recall election date. On August 13, 2024, the Town Clerk issued a Certificate of Sufficiency of Recall Petition. This action was taken within the allowed 31 days. (Copy of certificate of sufficiency which was handed to board members after the Town Board meeting is attached.)

At the Town Board regular meeting, the Town clerk stated that the certificate of sufficiency was issued, and she was requesting a recall election date of September 24. The Town Board is a three-member board with one chairperson and two supervisors. One supervisor stated that the election should be tabled because he heard someone filed a complaint with the WI Election Commission. No proof of complaint was provided to the board. The other supervisor stated that we should follow the law and set the September 24 date. The chairperson stated that we shouldn't have a recall election because she didn't do anything wrong, and she shouldn't be recalled. The chairperson allowed public comment to protest the recall election because it was too expensive. As a result, no action was taken by the board. (Copy of the Town Board meeting agenda is attached.)

FYI - Throughout the recall process, the chairperson has been using her position of authority to derail the recall efforts of many town citizens.

The Town Board should be ordered to set the recall election date as required by law.

August 13, 2024

**CERTIFICATE OF SUFFICIENCY OF RECALL PETITION**

I am the Town Clerk for the Town of Westfield. In that capacity, I am required to make a determination of whether the recall petition made against Town Chair Sharon Galonski is sufficient or insufficient, pursuant to Wis. Stats. Section 9.10(4)(a). I hereby determine that the recall petition is sufficient.

This certification of sufficiency is attached to the petition. I am hereby transmitting this sufficient recall petition to the Town Board to set a recall election, pursuant to Wis. Stats. Section 9.10(4)(a).

TOWN OF WESTFIELD

*Brenda Petersen*

Brenda Petersen

Enclosure

cc: Eric Larson, Town Attorney

## FINDINGS IN SUPPORT OF CERTIFICATE OF SUFFICIENCY

I received a recall petition on July 15, 2024. I have closely considered the matter, and reserved judgment as to the sufficiency of the recall petition until this time. Between the date of receipt of the petition and today, I received information from the Town Chair and her legal counsel, as well as additional information from the Petitioner. Based upon all information received in this regard, I reach the following conclusions.

1. I previously ruled that the registration statement for the recall committee was sufficient to proceed, and I stand by that determination. The checkbox "oppose" or "support" is arguably ambiguous, and regardless the intent of the registration for recall was clear, so I do not invalidate the process on that basis.
2. The circulator pages prepared by Gary Schaeffer are sufficient. Gary Schaeffer corrected the errors regarding his address by preparing an affidavit with the correct information, as allowed by Wisconsin Statutes Section 9.10(4)(a), 9.10(2)(e) and (r).
3. Virginia Dage's circulation pages are not counted because she listed the Town of Oxford as her residence, when she resides in the Town of Westfield. She did not correct her mistake by affidavit pursuant to Wis. Admin. Code Section EL 2.05(4). As such, pages 7 and 8 of the recall petition, which include 18 signatures, are invalid.
4. The circulation pages of Tim Marotz and Richard F. Murray are sufficient. As initially filed, they did not provide their complete address. The Wisconsin Elections Commission outlined certain insufficiencies which may be corrected in its "Recall of Local Elected Officials" manual:

"Correctable insufficiencies as prescribed by Wis. Stat. § 9.10(2)(e) and (r) include, but are not limited to:

- The failure of the circulator to sign the certification or to include all required information.
- The person signing the petition omitted the date or wrote the incorrect date.
- **The failure of the circulator to write his or her complete address on the certification."**

These were corrected by providing an updated circulation page with the correct address.

5. I received allegations that certain handwriting was the same as another individual's handwriting when filling out information on the petition. Absent additional information that this was completed by another individual, I am not a handwriting expert and am unable to determine whether this was completed by another individual<sup>1</sup>. Wisconsin Administrative Code Section EL 2.05(4) states that information on a recall petition is entitled to a presumption of validity.

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<sup>1</sup> Please note that this conclusion applies to all claims that information was completed by individuals other than the signatory, including the individual signatures on page 1, line 6, page 1, lines 8-9, page 2, lines 9-10, page 3, lines 3-4, page 14, line 2, and the circulator signature for page 18.

6. I have received allegations that certain signatories reside in another municipality. For these claims, the signatures will be counted. These individuals state on the Petition they are residents of the Town of Westfield, and this is presumed valid pursuant to Wis. Admin. Code Section EL 2.05(4).<sup>2</sup>
7. For page 1, line 3, this signature is counted. Gary Schaeffer provided an affidavit stating he received signatures only from electors, and clarified the name of this elector is "Dale Meyer."
8. For page 3, line 10, the signature of Jacob Wilson is counted. The signatory initially wrote Oxford as their residence. This was an error that was corrected by the circulator, Gary Schaeffer. Mr. Schaeffer noted, by affidavit, that he only received signatures from Town of Westfield residents.
9. Certain signatures are alleged to be illegible, but I have not rejected those signatures. Wisconsin Statutes Section 8.40(1) only states a printed name must be legible in a space provided next to his or her signature. This does *not* state that the signature itself must be legible.

In addition, the Government Accountability Board (now the WEC) in its "Determination of Sufficiency of Recall Petitions" manual specifically states the following regarding the legibility of a signature on page 2, Section 1(a):

"A signature does NOT need to be legible."

As such, the signatures on page 7, line 4, and page 16, line 2 were sufficient and counted.

10. For page 12, line 3, this printed name is "Allen Janke Sr." and the signature is sufficient and is counted. I was able to discern this individual's name from the printed name on the petition.
11. For page 13, line 2, the signature is sufficient. I do not have sufficient information to prove that the signatory does not have the competency to understand and sign a recall petition.
12. For page 15, line 5, the signature is insufficient because the printed name is illegible. While the Petitioner provided an updated page stating this was Darrel Hanhold, this was not an insufficiency that could be corrected by "other proof" pursuant to Wis. Stats. Sections 9.10(2)(e) or 9.10(2)(r). This signature would have needed to be corrected pursuant to Wis. Admin. Code Section EL 2.05(4) by affidavit, which was not done.
13. For page 19, lines 9 and 10, the signatures are sufficient and are counted. I received certain information stating the signatures were invalid because a change was made to the municipality of residence by someone other than the signatories and it was not initialed. I received no information to show that this correction was not done by the two

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<sup>2</sup> This finding applies to the individual signatures on page 2, line 5, page 4, line 6, page 11, lines 4 and 6, page 11, lines 7-8, page 12, line 2, page 12, lines 9-10, page 14, line 2, and page 14, line 9.

signatories. Simply because the change was not initialed is not sufficient to overturn the signatures.

14. For page 20, lines 1 and 2, only one signature is counted. The name "David Schaefer" appears twice. There is no distinction between the individuals, and electors can only sign a recall petition once. As such, I did not count one of the "David Schaefer" signatures.

I find that the recall petition contains **131 valid signatures**. Based upon the formula provided in Wis. Stats. Section 9.10(1)(b), only 110 valid signatures were required.

TOWN OF WESTFIELD

*Brenda Petersen*

Brenda Petersen

**TOWN OF WESTFIELD**  
**NOTICE OF REGULAR BOARD MEETING**  
**August 19, 2024 – 6 p.m.**  
**Town Hall, W7703 Ember Avenue, Westfield**

**AGENDA**

1. Call meeting to order with Moment of Silence
2. Pledge of Allegiance
3. Roll Call
4. Review and approve July 15, 2024 Regular Board Meeting Minutes
5. Chair's Report –Westfield Fire Department Report; Marquette County National Night Out; Building 2 advertising; Furnace Update; a miscellaneous item or two that might arise prior to the meeting *Gutters*
6. Clerk's Report  
- Certificate of Sufficiency of Recall Petition. Set date for recall election.
7. Treasurer's Report  
- 2024 Tax Bill Processing
8. Review/Approve Voucher Report

**OLD BUSINESS**

9. TRID Project Update – Eagle Avenue and Culvert Repairs

**NEW BUSINESS**

10. Wisconsin Act 73 – Alcohol Beverage Licensing Ordinance
11. Marquette County Highway Agreement Renewal
12. 2025 Budget Preparation Timetable
13. Upcoming Dates: September 15, 2024 – Regular Board Meeting 6 p.m.
14. Adjourn

Brenda Petersen, Clerk  
Posted August 15, 2024



Terry Johnson  
N5656 Co. Rd. A  
Westfield, WI  
53964



Wisconsin Elections Commission  
P.O. Box 7984  
Madison, WI 53707-7984