



Wisconsin Elections Commission

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(608) 266-8005 | elections@wi.gov | elections.wi.gov

March 5, 2025

Michael Rosenbaum
3240 97th St.
Sturtevant, WI 53177

Sent via email: rosenbaumm@sturtevant-wi.gov

Re: Complaint Filed with Wisconsin Elections Commission:
Michael Rosenbaum v. Cheryl Zamecnik (EL 25–20)

Dear Mr. Rosenbaum,

I am in receipt of your complaint filed with the Wisconsin Elections Commission (the Commission), received on March 3, 2025, against Clerk Cheryl Zamecnik of the Village of Sturtevant (Racine County). The administrative rules governing the Commission'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).

Your complaint is sufficient as to form and states allegations that could lead to a finding of probable cause under the Wis. Stat. § 5.06 complaint process. However, your complaint is not timely. 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). A copy of this letter will also be sent to Clerk Zamecnik.

Regarding timeliness, Wis. Stat. § 5.06(3) states in relevant part that:

In no case may a complaint relating to nominations, qualifications of candidates or ballot preparation be filed later than 10 days after the complainant knew or should have known that a violation of law or abuse of discretion occurred or was proposed to occur.

Your complaint asks the Commission to allow Clerk Zamecnik to add your name to the Spring Election ballot, and thus concerns, at a minimum, ballot preparation. Municipal clerks reviewing nomination papers should have determined ballot access by January 14 under Wis. Stat. § 5.58(1b)(cm), and your complaint form states that you were first made aware of this issue on January 9. It is therefore clear that this complaint was filed well over 10 days after you became aware of the ballot preparation issue, and thus the complaint is not timely.

While it is not possible to address the issue of timeliness, and therefore impossible to refile a complaint that could lead to a determination on your ballot access for the 2025 Spring Election, it would still be possible to refile this complaint if the issue of ballot access for this election were removed and the complaint focused only on an allegation of improper procedure. In general, a § 5.06 complaint may be filed against an election official by someone served by that official and generally alleges that an election official has failed to properly follow a statute or abused the discretion granted to them by a statute. A § 5.06 complaint asks the Commission to issue an order

Wisconsin Elections Commissioners

Ann S. Jacobs, chair | Marge Bostelmann | Don M. Millis | Carrie Riepl | Robert Spindell | Mark L. Thomsen

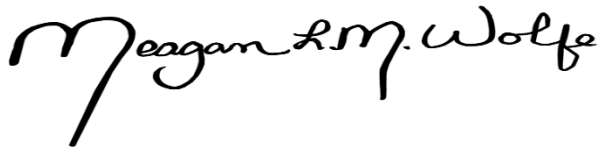
Administrator
Meagan Wolfe

correcting the error. While it is too late to address issues of ballot access regarding the 2025 Spring Election, it would still be possible to address procedures that could be applied in the future regarding the filing of nomination papers.

I am now returning the complaint, without prejudice, pursuant to Wis. Admin. Code § EL 20.04(2). Accordingly, the Commission now considers this complaint to be disposed of pursuant to Wis. Stat. § 5.06(2).

Please feel free to contact me if you have any additional questions regarding this complaint.

Sincerely,

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

Meagan Wolfe
Administrator

WISCONSIN ELECTIONS COMMISSION

Cc: Commission Members