



Wisconsin Elections Commission

201 West Washington Avenue | Second Floor | P.O. Box 7984 | Madison, WI 53707-7984
(608) 266-8005 | elections@wi.gov | elections.wi.gov

December 28, 2023

Kirk C. Bangstad
727 Lorillard Ct.
Madison, WI 53703

Sent via email: info@minocquabrewingcompany.com

Re: Complaint Filed with Wisconsin Elections Commission
Kirk C. Bangstad v. Don Millis et al – EL 23-58

Dear Mr. Bangstad,

This communication is to inform you that the verified complaint you submitted which names the six Wisconsin Elections Commissioners as Respondents is being disposed of without consideration by the Commission. It is the position of the Commission that a complaint against the Commission, against Commissioners in their official capacities, or against Commission staff, warrants an ethical recusal by the body. The Commission's position reflects the need to avoid conflicts associated with an adjudicative body deciding a matter brought against itself, similar to the provisions of law and ethics precluding a judge from presiding over a case filed against herself, or someone with personal or professional ties to her.

Additionally, the lead opinion of the Wisconsin Supreme Court in *Teigen et al v. Wisconsin Elections Commission et al*, stated that "it would be nonsensical to have WEC adjudicate a claim against itself under § 5.06(1)." 2022 WI 64, 33, 403 Wis. 2d 607, 976 N.W.2d 519. Justice Hagadorn's concurrence further stated that "the better reading is that the § 5.06 complaint process does not apply to complaints against acts of WEC as a body." *Id.* ¶169.

Accordingly, the Commission is disposing of this complaint without consideration under 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 cursive script that reads "Angela Sharpe".

Angela O'Brien Sharpe
Staff Attorney
angela.sharpe@wisconsin.gov

WISCONSIN ELECTIONS COMMISSION

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

Administrator
Meagan Wolfe

Cc: Commission Members
Meagan Wolfe, Commission Administrator