



# 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

April 24, 2024

John Barnes  
603 County Road B  
Cambridge, WI 53523

Republican Party of Dane County  
437 S. Yellowstone Drive, Suite 113  
Madison, WI 53719

Sent via email: [kag@lcojlaw.com](mailto:kag@lcojlaw.com)

**Re: Complaint Filed with Wisconsin Elections Commission  
EL 24-40 (John Barnes et al. v. Maribeth Witzel-Behl et al.)**

Dear Mr. Barnes and the Republican Party of Dane County:

I am in receipt of the complaint filed with the Wisconsin Elections Commission (Commission), received on April 10, 2024, against Maribeth Witzel-Behl, Clerk for the City of Madison, and against the Madison Common Council. 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).

While I find your complaint to be timely and states allegations that could lead to a finding of probable cause, I also find that your complaint is not sufficient to form with respect to both complainants. 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).

Wis. Stat. § 5.06(1) states, in part, that:

*Whenever any elector of a jurisdiction or district served by an election official believes that a decision of the official or the failure of the official to act with respect to any matter concerning nominations, qualifications of candidates, voting qualifications, including residence, ward division and numbering, recall, ballot preparation, election administration or conduct of elections is contrary to law, or the official has abused the discretion vested in him or her by law with respect to any such matter, the elector may file a written sworn complaint with the commission requesting that the official be required to conform his or her conduct to the law, be restrained from taking any action inconsistent with the law or be required to correct any action or decision inconsistent with the law or any abuse of the discretion vested in him or her by law.*

(Emphasis added).

Your complaint is not sufficient as to form for two reasons: (1) an entity or organization cannot be an "elector"; and (2) Complainant Barnes is not an elector of the jurisdiction served by Clerk Witzel-Behl or the Madison Common Council. First, an entity or organization cannot be an elector because it cannot ever

*Wisconsin Elections Commissioners*

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

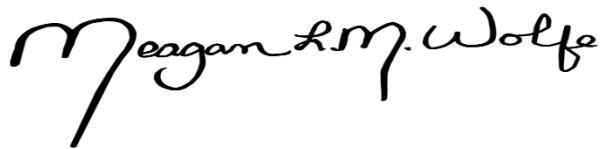
Administrator  
Meagan Wolfe

meet the qualifications of § 6.02—an entity or organization cannot register to vote or cast a ballot for any race in this state. Accordingly, the Republican Party of Dane County cannot be a complainant of a § 5.06 complaint. Second, based on the address provided, Complainant John Barnes is an elector of the Village of Cambridge. Although Cambridge is in Dane County, it is not a jurisdiction served by the Madison City Clerk or the Madison Common Council as it is a separate municipality. Accordingly, Complainant John Barnes cannot bring a § 5.06 complaint against Clerk Witzel-Behl or the Madison Common Council.

### Conclusion

I am returning the complaint, without prejudice, pursuant to Wis. Admin. Code § EL 20.04(2), as it is not sufficient as to form with respect to Complainant Republican Party of Dane County and Complainant John Barnes. I have specified the defects in the complaint (form). Since Complainant Republican Party of Dane County is an entity or organization that cannot be an elector, this is not a deficiency that can be cured for this complainant. The deficiency of this complaint can be cured generally if it is refiled by an elector of the jurisdiction served by Clerk Witzel-Behl and the Madison Common Council.

Sincerely,

A handwritten signature in black ink that reads "Megan H.M. Wolfe". The signature is written in a cursive style with a large, looped initial "M".

Meagan Wolfe  
Administrator  
Wisconsin Elections Commission

cc: Members, Wisconsin Elections Commission