

STATE OF WISCONSIN
WISCONSIN ELECTIONS COMMISSION

IN THE MATTER OF the Certificate of Sufficiency of
Recall Petition of Town of Westfield Town Chair Sharon Galonski,

SHARON GALONSKI,

Complainant,

v.

Case No. EL 24–88

BRENDA PETERSEN,

Respondent.

VERIFIED REPLY OF COMPLAINANT

1. Complainant Galonski files this Verified Reply to the Response of Brenda Petersen expeditiously and well before the September 20, 2024 deadline set by the Wisconsin Elections Commission (“Commission”).

2. On August 19, 2024, Complainant Galonski filed a Verified Complaint with the Commission pursuant to and in accordance with Wis. Stat. §§ 5.06, 9.10, Wis. Admin. Code §§ EL 2.05, 2.09, 2.11, and other Wisconsin laws governing elections and election campaigns.

3. The Verified Complaint was brought against the Town Clerk of the Town of Westfield, Brenda Petersen (“Clerk Petersen”). Complainant Galonski challenged the Certificate of Sufficiency of the petition for the recall of Sharon Galonski, Chairperson of the Town of Westfield.

4. The Verified Complaint alleged that Clerk Petersen abused her discretion and acted contrary to law in certifying the sufficiency of the recall petition brought by Terry L.

Johnson. Accordingly, Complainant requested that the Commission require Clerk Petersen to (a) reject the recall petition as invalid and (b) disallow the recall election.

5. Clerk Petersen filed a Response to Complainant Galonski's Verified Complaint on September 3, 2024. In the Response, Clerk Petersen neither addressed nor disputed the specific factual allegations or legal arguments set forth in the Complaint. Instead, Clerk Petersen merely asserted that the Findings and Conclusions in Support of the Certificate of Sufficiency, attached to the Verified Complaint as Exhibit I, "continue to reflect my position." (Resp. at 1)

6. Since the factual allegations in the Verified Complaint are not disputed or rebutted, the Commission must assume that they are true in determining whether the allegations show probable cause to believe that a violation of the law or abuse of discretion occurred. *See* Wis. Stat. 5.06(1).

7. Moreover, Clerk Petersen did not make legal arguments or rely on any legal authority in the Response. Thus, the legal arguments set forth in the Verified Complaint are unrebutted. Complainant therefore reasserts the legal reasoning and authority—as set forth in the Verified Complaint—that support the challenge of the Certificate of Sufficiency issued by Clerk Petersen.

8. To summarize Complainant's argument, the recall petition was insufficient from its inception because Terry L. Johnson formed a committee to oppose the recall of Sharon L. Galonski. The Committee was barred by Wisconsin law from circulating the petition for the collection of signatures "prior to completing registration," Wis. Stat. § 9.10(2)(d), which *still* has not been accomplished. The non-verified response and the untimely submission of a supposedly "corrected" (but non-certified) registration statement—after all signatures were collected—did

not rectify this insufficiency. Consequently, all signatures gathered on the recall petition are invalid.

9. Additionally, the insufficient certifications of circulators Schaeffer, Dagel, Murray, and Marotz were not corrected according to statute and the Administrative Code of the Elections Commission. The combined 68 individual signatures on the pages of those circulators must not be counted. Rejecting those 68 signatures brings the number of individual signatures to just 83 electors, well below the twenty-five percent (25%) threshold of 110 signatures.

10. Clerk Petersen therefore abused her discretion and acted contrary to law in certifying the sufficiency of the recall petition, thereby allowing the recall election to proceed.

CONCLUSION

11. For the forgoing reasons and those stated in the Verified Complaint, Complainant Galonski respectfully requests that Commission, under the authority provided in section 5.05(1)(e), require Clerk Petersen to (a) reject the recall petition as insufficient and (b) disallow the recall election. Moreover, given that Clerk Peterson has scheduled a recall election to be held on September 24, Complainant requests that the Commission act on her Complaint promptly.

Reply prepared by:

STAFFORD ROSENBAUM LLP
Douglas M. Poland, SBN 1055189
Erin K. Deeley, SBN 1084027
Stephen Goettsche, SBN 1126643
Attorneys for Complainant

222 West Washington Avenue, Suite 900
Madison, Wisconsin 53701-2744
dpoland@staffordlaw.com
edeeley@staffordlaw.com
sgoettsche@staffordlaw.com
608.256.0226

VERIFICATION

Sharon Galonski, being first duly sworn, on oath, deposes and says that she has read the foregoing Verified Complaint and avers that the same is true and correct to the best of her knowledge, except as to those matters therein stated upon information and belief or based upon exhibits filed in support of this Verified Complaint, as to which matters she believes them to be true.

Signed at Marquette County Wisconsin, this 5th day of September, 2024.

Sharon Galonski
Sharon Galonski

Subscribed and sworn to before me
this 5 day of September, 2024.

Ashley K. Morgan
Notary Public, State of Wisconsin

**ASHLEY K. MORGAN
NOTARY PUBLIC
STATE OF WISCONSIN**

My commission expires: 8/26/2025