

January 29, 2024

TO THE STATE OF WISCONSIN
ELECTIONS COMMISSION

REPLY TO RESPONSE OF MARATHON COUNTY CLERK KIM TRUEBLOOD
COMPLAINT EL 24-05

Name: Jo Ann Egelkrout
Address: 529 Porter Street, Wausau, WI, USA 54401
Telephone Number: (715) 722-9433
Email: jaekrout@gmail.com

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I, Jo Ann Egelkrout ("Complainant") submit this Reply to the Response of Marathon County Clerk Kim Trueblood.

1. The Complaint I filed was against the Marathon County Clerk, Kim Trueblood ("Trueblood") and Kody Hart ("Hart") (Trueblood and Hart are sometimes referred to together as "Respondents"), incumbent County Supervisor of District 3. It appears at times that Trueblood is attempting to also offer a Response and support on behalf of Hart as well. That seems inappropriate. Particularly since Trueblood should be neutral in executing her duties and also states in her Response she has had the benefit of the counsel of a government paid employee/attorney, Corporation Counsel Michael Puerner. It is unclear to me why she would make arguments on behalf of Hart by attempting to excuse his failure to submit a sworn complaint to signatures on my petition required under EL 2.07.
2. In Section II of the Response, Trueblood explains she did not know of the requirements for a complaint to nomination signatures to comply with EL 20 or 20.03(5). That does not matter. She should know: she is the Clerk and presumably takes required training courses. It is puzzling why I would be held to standards under the statutes and regulations but she would seek to offer a defense that she was unaware. I should not be held to a higher standard than Trueblood applies to herself.
3. Further, regardless of whether Trueblood knows or doesn't know of the requirements, she is not the personal representative of Hart to provide him election advice and counsel which then supersedes the election rules and regulations even where she is in error. Hart himself is required to know and follow the requirements of EL 20 or 20.03(5). Particularly since he is the incumbent supervisor as well as an election official, himself at the City of Wausau as Assistant City Clerk.
4. Further in paragraph IV. A. Trueblood states that she "accepted Mr. Hart's complaint because I found it to be in *substantial compliance* with the requirements of Wis. Admin. Code EL 2.07(2)(a) and Wis. Stat. 8.07." (Italics added by me). Nowhere in the provisions concerning the filing of a verified complaint is there room for "substantial compliance." To attempt to imply that there is, is disingenuous. The provision of EL 2.07 (2)(a) clearly says: "Any challenge to the sufficiency of a nomination paper shall be made by verified complaint..." "Shall" is not an optional word. It is

a mandatory word. It does not permit for exceptions where a clerk is personally familiar with the complainant (“an individual known to me” in Response Paragraph II) or that the complainant may follow the mistaken advice of the election professional. Even the Wisconsin Election Commission Ballot Access Manual on-line at p. 7 echoes this requirement stating: “Challenges must be in the form of a notarized document with pertinent information attached reflecting the reason for the challenge.” Further, Trueblood’s assertion extrapolating that because she is in the position to administer an oath somehow equates to the actual administration of a sworn oath defies all of the requirements of Wisconsin Statutes ch. 140. Imagine a criminal trial where no witnesses are sworn simply because people are present in the courtroom who can administer oaths but do not actually do so.

In fact, maybe Trueblood confuses the “shall” requirement of EL 2.07(2)(a) with the provision in favor of the candidate in EL 2.05(5) which states “Where any required item of information on a nomination paper is incomplete, the filing officer shall accept the information as complete if there has been substantial compliance with the law.” Trueblood appears to offer the complainant the benefit of the concept of substantial compliance where there is none provided. But where the candidate is to be given the benefit of “substantial compliance” as specified by EL 2.05 (5), Trueblood does not. This seems completely unfair and inequitable. Trueblood appears to read into the regulations provisions favoring Hart that do not exist, yet ignore clear provisions which do exist for the benefit of my nomination papers. Trueblood is without any authority or discretion to accept or decide Hart’s complaint in any way.

5. On January 2, 2024, at approximately 3:15 p.m. I submitted seven (7) pages of nomination signatures. These signatures totaled 60. Trueblood reviewed these seven (7) pages and struck with her red pen twelve (12) signatures. Leaving me with 48. Trueblood called me at 4:40 p.m. on that same day and let me know that I was TWO signatures short. Based upon her review of my nomination papers I went out and obtain the TWO additional signatures providing me with the necessary signatures. I submitted those TWO additional signatures to her on January 2, 2024, at 4:55 p.m. Trueblood has never had any objections to these signatures. THEREFORE, I was eligible to be placed on the ballot for this spring’s election.
6. Significantly, Trueblood when telling me I was TWO signatures short, had already excluded the signature on page 7, line 1 for having a date of signing of 1/2/23. However, in submitting her Response to my Complaint now indicates that she ACCEPTS this signature. Clearly this signature, added to the 50 above, provides me with **FIFTY-ONE (51) signatures**. She notes now, at the top of the page 7 in her red pen that I have ONE signature. Contrast this to the petition page 7 she provided me on January 2, 2024, which is marked as having NO VALID signatures (containing no number). Both of these pages are attached to this Reply for your comparison as Exhibit 1. This is a matter of simple arithmetic.
7. Subsequently Hart submitted his January 4, 2024, email to Trueblood complaining additionally about the signature of Faustina Mahner. He also complained about the signature of James Chang on page 2 line 2 which Trueblood had already struck and was not included in the numerical tally.

8. It is clear that Trueblood had already made her decisions regarding my nomination papers as containing the necessary amount of signatures to be on the ballot and should be bound by those decisions. Particularly since she led me to believe that I in fact had the necessary minimum amount. However, she is now attempting to grant Hart's challenge which is required to be statutorily disregarded and whose challenge is legally insufficient by adopting his challenges as her own, after the fact. Indeed, she spoke to me and committed to me that I had only needed TWO additional signatures. I provided these to her.
9. Thus, disregarding Hart's improper complaint, I should be provided with ONE additional signature, bringing the total to **FIFTY TWO (52)** signatures.
10. Further, as I pointed out in my Complaint and re-emphasize, I believe Trueblood (and accordingly Hart as well) is wrong about striking James Chang's signature on page 2, Line 2. The complaint about his address is plain reaching. EL 2.05(3) states that "the filing officer may consult maps, directories and other extrinsic evidence to ascertain the correctness and sufficient of information on a nomination paper." While Trueblood appears willing to invent or extend a "substantial compliance" argument to Hart for his unverified complaint, she is apparently unwilling to consult any extrinsic evidence regarding the address "814 ST 1st Ave," stating it is "not an existing address within the City of Wausau." Nor does Trueblood apply the principle of EL 2.05(15)(c) that residency can be determined by the information provided on the nomination paper.
11. Regarding the signature struck on Page 7, Line 3, for Shawn Zastrow, when I submitted the nomination papers, I told Trueblood that I was not sure this was a valid signature as he had advised the circulator he was a felon. Trueblood looked this signatory up and confirmed that his voting rights were in fact restored. It would seem apparent that information advising her that his voting rights were restored also provided verification of his address: 1402 Emter St. Wausau. Yet despite this she struck his signature. I personally observed Circulator Deb Hoppa at this specific residence from across the street while she obtained his signature. See EL 2.05(3) regarding consultation of extrinsic evidence. A summary of this was included in my correcting affidavit submitted on January 5, 2024, pursuant to EL 2.05(4) which would therefore allow this signature to be counted as well.
12. Similarly, my correcting affidavit provided the address for Gene Nelson of 1420 Emter St., Wausau. I personally observed Circulator Deb Hoppa at this specific residence as I was across the street while she obtained his signature. A summary of this was included in my correcting affidavit submitted on January 5, 2024, pursuant to EL 2.05(4) which would therefore allow this signature to be counted as well.
13. Trueblood provides in paragraph IV. of her response that while I submitted a sworn affidavit for Mr. Zastrow and Mr. Nelson, my affidavit did not indicate how I had personal knowledge "as required by Wis. Admin. EL Code 2.05(4)." And that she was unable to determine my personal knowledge. However, EL 2.05(4) does not say that the affidavit requires me to explain or recite explicitly that I have or how I have personal knowledge. I did, however, possess that actual knowledge as I have set forth here in my Reply. Yet again, however, Trueblood is willing to

attempt to create a substantial compliance provision with respect to Hart' unverified complaint, but declines to provide me the express benefit of the "presumption of validity" clearly set forth in EL 2.05(4).

14. For clarity sake, regarding Paragraph III, Disqualification of Signatures of Trueblood's Response, I do not challenge the signatures Trueblood has stricken noted in Paragraph III section 1. (J. Filak), 2. (P. Filak), 4. (Bahr), 5. (Taylor), 6. (Peterson), 7. (Tousignant), 8. (Tenney), 10. (Flath), 11. (Case), and 12. (Krueger).

Based upon all of the foregoing, as well as my correcting Affidavit of January 5, 2024, and my Complaint, I respectfully request that you declare that I have the sufficient number of signatures necessary to be placed on the spring ballot for Marathon County Supervisor District 3.

Date: 02/05/2024

Jo Ann Egelkrout
Complainant's Signature

I, JoAnn Egelkrout, being first duly sworn, on oath, state that I personally read the above Reply to the Response of Marathon County Clerk Kim Trueblood, and that the above allegations, statements and assertions are true based on my personal knowledge and, as to those stated on information and belief, I believe them to be true.

Jo Ann Egelkrout
Complainant's Signature

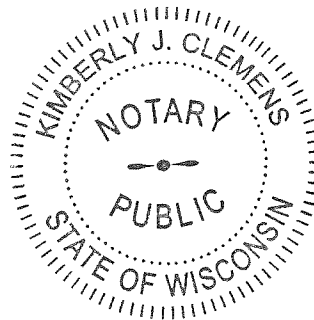
STATE OF WISCONSIN

County of Marathon
(County of notarization)

Sworn to before me this 5th day of

February, 2024.

Kimberly J. Clemens
Signature of person authorized to administer oaths



My commission expires 02/22/2027, or is permanent.

Notary Public or Notary Public
(official title if not notary)

Mailed to : Wisconsin Elections Commission
P.O.Box 7984
Madison, WI 53707-7984
Faxed to: (608) 267-0500
Emailed to: elections@wi.gov

Candidate's name (required) no titles may be used: **Jo Ann Egelkrot**

Candidate's residential street address (required) P.O. Box, PO, apt, etc. address: **524 Porter St**

Candidate's mailing address, including municipality for mailing purposes (required if different than residential address or voting municipality): **WI 54401**

Branch, district or seat number (required if applicable): District 3

State (required): **WI** Zip code: **54401**

Type of election (required): Spring Special

Faction date (required) Do not use primary date: **04/02/2024**

Name of jurisdiction or district in which candidate seeks office (required): **District 3**

Marathon County Board Supervisor

The undersigned, request that the candidate, whose name and residential address are listed above, be placed on the ballot at the election described above as a candidate so that voters will have the opportunity to vote for him or her for the office listed above. I am eligible to vote in the jurisdiction or district in which the candidate named above seeks office. I have not signed the nomination paper of any other candidate for the same office at this election.

The municipality used for mailing purposes, when different than municipality of residence, is not sufficient. The name of the municipality must always be listed.

Signatures of Electors	Printed Name of Electors	Residential Address (No P.O. Box Addresses) (Rural address must also include box or fire no.)	Municipality of Residence Check the type and write the name of your municipality for voting purposes.	Date of Signing Mo/Dav/Year
<i>[Signature]</i>	Ben J. J. J.	1000 1st Wausau	<input type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City	1/21/24
<i>[Signature]</i>	GEORGE KRUEGER	1000 1st Wausau	<input type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City	1/21/24
<i>[Signature]</i>	STEPHEN JOHNSON	Wausau WI	<input type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City	1/21/24
<i>[Signature]</i>	Gene Nelson	Wausau, WI	<input type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City	1/21/24
			<input type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City	
			<input type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City	
			<input type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City	
			<input type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City	
			<input type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City	

CERTIFICATION OF CIRCULATOR

I certify: I reside at 1100 Porter St Wausau WI 54401

(Name of circulator) Deb Heppner

(Circulator's residential address - include number, street, and municipality.)

I further certify I am either a qualified elector of Wisconsin, or a U.S. citizen, age 18 or older who, if I were a resident of this state, would not be disqualified from voting under Wis. Stat. §6.03. I personally circulated this nomination paper and personally obtained each of the signatures on this paper. I know that the signers are electors of the jurisdiction or district the candidate seeks to represent. I know that each person signed the paper with full knowledge of its content on the date indicated opposite his or her name. I know their respective residences given. I intend to support this candidate. I am aware that falsifying this certification is punishable under Wis. Stat. §12.13(3)(a).

Date: 1-2-24 Signature: Deb Heppner

Candidate's name (required), no initials may be used
Jo Ann Egelkrou

Candidate's mailing address, including municipality for mailing purposes (required if different than residential address or voting precinct address)
 534 Porter St
 WI 54401
 Zip code

Title of office (required)
Marathon County Board Supervisor

Branch, district or seat number (required if applicable)
 Branch
 District 3
 Seat

Name of jurisdiction or district in which candidate seeks office (required)
District 3

Type of election (required)
 Spring
 Special

Precinct date (required) (do not use primary date)
 04/02/2024

I, the undersigned, request that the candidate, whose name and residential address are listed above, be placed on the ballot at the election described above as a candidate so that voters will have the opportunity to vote for him or her for the office listed above. I am eligible to vote in the jurisdiction or district in which the candidate named above seeks office. I have not signed the nomination paper of any other candidate for the same office at this election.

The municipality used for mailing purposes, when different than municipality of residence, is not sufficient. The name of the municipality of residence must always be listed.

Number	Signatures of Electors	Printed Name of Electors	Residential Address (No P.O. Box Address) (Rural address must also include box or line no.)	Municipality of Residence Check the type and write the name of your municipality for voting purposes.	Date of Signing Mo/Da/Yr
1.	<i>[Signature]</i>	Ben Wlasch	1400 Lewis St Muskegon	Wisconsin	1/18/23
2.	<i>[Signature]</i>	GEORGINA KRUEGER	101 N. WISCONSIN	Wisconsin	1/21/24
3.	<i>[Signature]</i>	ASHLEY PATRICK WISSEL	1229 1/2 WISCONSIN	Wisconsin	1/21/24
4.	<i>[Signature]</i>	CONNIE NELSON	1400 LEWIS ST	Wisconsin	1/21/24
5.					
6.					
7.					
8.					
9.					
10.					

(Name of circulator)
Deb Heppner

CERTIFICATION OF CIRCULATOR
 I certify: I reside at

(Circulator's residential address - include number, street, and municipality)
 1109 Paddock Ave Muskegon WI 54401

(Date)
 1-2-24

(Signature of circulator)
[Signature]

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Eugene Nelson
Eugene Nelson
1420 Emter St.
Wausau, WI 54401

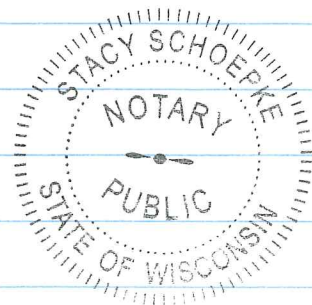
Deborah Hoppa, 1108 Bugbee Ave., Wausau,
WI 54401. (H) 715-842-0921 (C) 715-571-4056

I, Deborah Hoppa, confirm in this affidavit that the signature of the person named at the top of this page, is indeed, the same person that signed the nomination paper (pg 7, line 4) for Jo Ann Egelkrout, 529 Porter St., Wausau, WI. I re-visited Mr. Nelson on Jan. 31, 2024. He gladly gave me a new sample of his signature and address.

I confirm this is true and valid information.
I confirm I am the circulator for the
Nomination paper for Jo Ann Egelkrout,
completed on Jan. 1, 2024.

Deborah Hoppa

Signed before me on 2-2-24
State of Wisconsin
County of Marathon
Haley C



license Ex
12-27-24