



# Wisconsin Elections Commission

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February 23, 2024

Jo Ann Egelkroun  
529 Porter Street  
Wausau, WI 54401

Kim Trueblood, County Clerk  
500 Forest Street  
Wausau, WI 54403

Kody Hart  
624 McClellan St., Apt. B  
Wausau, WI 54403

**Sent via email to:** [jaekroun@gmail.com](mailto:jaekroun@gmail.com); [kim.trueblood@co.marathon.wi.us](mailto:kim.trueblood@co.marathon.wi.us);  
[kodyjamesallenhart@gmail.com](mailto:kodyjamesallenhart@gmail.com)

Re: In the Matter of: **Jo Ann Egelkroun v. Kim Trueblood et al. (EL 24-05)**

Dear Ms. Egelkroun, Mr. Hart, and Clerk Trueblood:

This letter is in response to the verified complaint submitted by Jo Ann Egelkroun (“the Complainant”) to the Wisconsin Elections Commission (“Commission”), which was filed in reply to actions taken by Clerk Kim Trueblood of Marathon County concerning alleged violations of Wis. Stat. § 8.10(6)(b). The complaint alleges that Clerk Trueblood improperly upheld a challenge from Mr. Hart to Ms. Egelkroun’s nomination papers for County Board Supervisor, which is on the ballot for the April 2, 2024, election.

The Commission has reviewed the complaint and the responses from Clerk Trueblood and Mr. Hart. The Commission has also reviewed the Complainant’s replies to Clerk Trueblood’s and Mr. Hart’s responses.

As a preliminary matter, the Commission will first note that Mr. Hart does not appear to be a proper respondent for a § 5.06 complaint. His involvement is still relevant because he brought the challenge to the Complainant’s nomination papers, but the Complainant does not argue that he meets the definition of an “election official” as provided in § 5.02(4e) for the purposes of a § 5.06 complaint. Wis. Stat. § 5.06(1). The Complainant does allege that Mr. Hart is the Deputy City Clerk with the City of Wausau and the current incumbent for this contest, but does not allege that he was acting in his official capacity when he brought the challenge to her nomination papers. Mr. Hart did provide a sworn response, which the Commission will consider as part of the administrative record in this decision.

The Commission provides the following analysis and decision. In short, the Commission finds that the Complainant did show probable cause, in part, to believe that a violation of law or abuse of discretion occurred with relation to Clerk Trueblood’s procedural actions. After reviewing the nomination papers and the arguments of the parties, the Commission finds that the Complainant’s correcting affidavit should have been accepted. Accordingly, Clerk Trueblood’s rejection of the

*Commissioners*

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

*Administrator*  
Meagan Wolfe

signatures on Page 7, lines 2 and 3 was contrary to law. Clerk Trueblood's acceptance of Mr. Hart's unverified challenge to the Complainant's nomination papers was also contrary to law, but the Commission finds that the improper acceptance of the challenge did not change the outcome of Clerk Trueblood's ballot access decision.

### Commission Authority and Role in Resolving Complaints Filed Under Wis. Stat. § 5.06

Under Wis. Stat. §§ 5.05(1)(e) and 5.06(6), the Commission is provided with the inherent, general, and specific authority to consider the submissions of the parties to a complaint and to issue findings. In instances where no material facts appear to be in dispute, the Commission may summarily issue a decision and provide that decision to the affected parties. This letter serves as the Commission's final decision regarding the issues raised in this complaint.

The Commission's role in resolving verified complaints filed under Wis. Stat. § 5.06, which challenge the decisions or actions of local election officials, is to determine whether a local official acted contrary to applicable election laws or abused their discretion in administering applicable election laws.

Complaints "...shall set forth such facts as are within the knowledge of the Complainant to show probable cause to believe that a violation of law or abuse of discretion has occurred or will occur." Wis. Stat. § 5.06(1). Probable cause is defined in Wis. Admin. Code § EL 20.02(4) to mean "the facts and reasonable inferences that together are sufficient to justify a reasonable, prudent person, acting with caution, to believe that the matter asserted is probably true."

### Complaint Allegations

The Complainant alleges that she submitted 62 signatures<sup>1</sup> on time for the office of Marathon County Board Supervisor. She alleges that only 50 signatures are needed. She further alleges that Clerk Trueblood initially struck 12 signatures as not valid. She alleges that Mr. Hart's challenge resulted in two additional signatures being struck.

The Complainant argues that five of the struck signatures were incorrectly determined to be invalid and should be counted. She alleges that she provided a correcting affidavit to Clerk Trueblood on January 5, 2024. Each challenged signature will be discussed further in the Discussion section.

The Complainant also raises a procedural objection to the challenge brought by Mr. Hart. She alleges that since Mr. Hart submitted the challenge by email, that it was not a verified challenge, and that it was therefore improper for Clerk Trueblood to have accepted it.

### Response – Clerk Trueblood

Clerk Trueblood alleges that she reviewed the Complainant's nomination papers for facial sufficiency and determined that 14 signatures should be struck as invalid. Her response details each signature that she struck along with her justification. Each challenged signature will be discussed further in the Discussion section.

Clerk Trueblood alleges that on January 4, 2024, Mr. Hart appeared in person in her office to indicate his intent to challenge several signatures to the Complainant's nomination papers. Clerk

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<sup>1</sup> Commission staff counted the number of signatures submitted, and it appears the Complainant submitted 63 signatures, not 62.

Trueblood alleges that she directed him to provide her with a written complaint, which Mr. Hart did that same day by email. Clerk Trueblood admits that she was unaware of the requirement of EL § 2.07(2)(a), which requires the complaint to be verified, when she accepted it. However, she argues that because she is a person who is authorized to administer oaths and because Mr. Hart appeared before her, she substantially complied with § 2.07(2)(a). She alleges that Mr. Hart's complaint was duplicative of determinations she had already made as the filing officer.

Clerk Trueblood alleges that on January 5, 2024, after she had notified the Complainant of Mr. Hart's challenge as well as her own initial determinations of the signatures, the Complainant provided a sworn affidavit that provided addresses for two individuals and additional information regarding a third signature. However, Clerk Trueblood determined that the Complainant's correcting affidavit did not explain how she had personal knowledge of the corrections.

Clerk Trueblood alleges that after reviewing the correcting affidavit, she affirmed her decision to strike 14 signatures from the Complainant's nomination papers. She alleges that this left the Complainant with only 49 valid signatures, which is less than 50. Accordingly, Clerk Trueblood alleges that she denied ballot access to the Complainant for the Spring 2024 election.

#### Response – Kody Hart

Mr. Hart alleges that on January 3, 2024, he went in person to Clerk Trueblood's office to request copies of the Complainant's nomination papers. He alleged that he reviewed each signature on the papers and found that two were not in compliance with EL Chapter 2. He alleges that on January 4, he went again to Clerk Trueblood's office to inform her that he intended to challenge the Complainant's nomination papers. He alleges that Clerk Trueblood directed him to submit a written complaint to her via email. He argues that the fact that he appeared before the County Clerk to file the challenges constitutes his affirmation of the truth of the factual allegations.

#### Reply to Clerk Trueblood

In her reply to Clerk Trueblood's response, the Complainant objects to what she considers Clerk Trueblood's attempt to respond on behalf of Mr. Hart. She also objects to Clerk Trueblood's asserted defense that she did not know Mr. Hart was required to submit a verified complaint, and argues that it is no defense. She also objects to Clerk Trueblood's argument that she accepted the unverified complaint because it substantially complied with EL Chapter 20. The Complainant also argues that just because Clerk Trueblood is able to administer oaths doesn't mean she actually did in this case according to the procedure in chapter 140 of the state statutes.

The Complainant also alleges that in her response, Clerk Trueblood accepted the signature on page 7, line 1, even though she originally rejected it. The Complainant now alleges that she has 51 proper signatures.

The Complainant also refutes Clerk Trueblood's interpretations of the challenged signatures, which will be discussed further below.

#### Reply to Kody Hart

In her reply to Mr. Hart's response, the Complainant argues that since Mr. Hart is a County Board Supervisor and the City of Wausau Deputy Clerk, his lack of familiarity with challenge procedure

should not be a defense. She requested that the arguments put forth in her response to Clerk Trueblood also be applied to her reply to Mr. Hart.

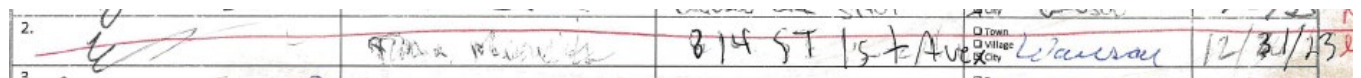
### Discussion

Each challenged signature will be discussed below, along with the finding of the Commission regarding the sufficiency of each. It appears that the parties have focused their disputes upon 5 specific signature lines, out of the 14 that were struck by Clerk Trueblood. Those 5 will be discussed in detail below in **Section 1**. For the sake of completeness, the Commission will also address the remaining signatures that were struck in **Section 2**. Finally, **Section 3** will address the procedural objections raised by the Complainant to Clerk Trueblood's acceptance of Mr. Hart's unverified challenge.

Based on copies of nomination papers submitted by both parties, the Complainant initially submitted 63 signatures. Clerk Trueblood argues that she correctly struck 14 of these signatures, bringing the total number of signatures to 49. The Complainant argues that she has either rehabilitated or successfully challenged 5 of the stricken signatures. She only needs 1 additional signature to meet the threshold of at least 50 signatures.

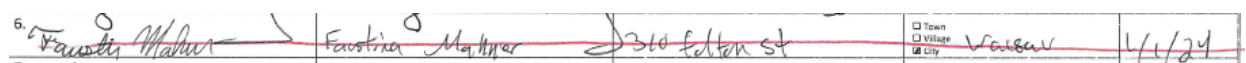
## **I. Section 1 – Disputed Signatures**

### **(3) Page 2, Line 2 – Not Legible; Incomplete Address**



Commission Finding: Decision to strike **AFFIRMED**. Clerk Trueblood originally struck this signature, and Mr. Hart challenged it as well, both on the grounds of illegibility. The Complainant states in her affidavit and complaint that this signature belongs to an individual named “James Chang” and that his address can be read as “814 S. 1<sup>st</sup> Ave.” A signatory is required to “legibly print his or her name...” Wis. Stat. § 8.10(4)(b). The printed name in this line is not clearly legible, but it does appear as if the last name starts with an “M,” ends with a “k,” “h,” or “s,” and appears to be longer than the five-letter surname “Chang.” The Commission has advised in its Common Nomination Paper Challenges Manual<sup>2</sup> that: “If the filing officer can discern no part of the signer’s name, after reviewing both the signature and printed name, it should be deemed illegible, and the signature should not be counted.” The Commission finds that no part of the signature or printed name is legible, even with the correcting affidavit. The Commission need not decide if the signatory’s address is illegible or incomplete because this signature should be struck due to the name being illegible.

### **(9) Page 4, Line 6 – Duplicate Signature**



Commission Finding: Decision to strike **STANDS**. It appears as if Clerk Trueblood struck this signature upon her initial review, and that it was also challenged by Mr. Hart. The Complainant does not appear to have addressed this signature line in her complaint or in either of her two replies.

<sup>2</sup> Available at: <https://elections.wi.gov/resources/manuals/common-nomination-paper-challenges-manual>.

Clerk Trueblood determined that this individual signed nomination papers for Mr. Hart on December 22, 2023, and for the Complainant on January 1, 2024. Accordingly, Clerk Trueblood accepted the December 22 signature for Mr. Hart and rejected the January 1 signature for the Complainant, as is proper pursuant to § 8.10(4)(b). Absent evidence to the contrary from the Complainant, the decision of Clerk Trueblood to strike this signature must stand.

**(12) Page 7, Line 1 – Wrong Date**

Signatures of Electors	Printed Name of Electors	Residential Address (No P.O. Box Addresses) Street and Number or Rural Route (Rural address must also include box or fire no.)	Check the type and write the name of your municipality for voting purposes. <input type="checkbox"/> Town <input type="checkbox"/> Village <input checked="" type="checkbox"/> City	Date of Signing Mo/Day/Year
<del>1. [Signature]</del>	<del>Ben Jesco</del>	<del>1000 [unclear] Wausau</del>	<del>City Wausau</del>	<del>1/1/24</del> <sup>ok</sup>

**Commission Finding:** Decision to count signature **AFFIRMED**. There appears to be a miscommunication between the parties regarding this signature line. Based on the nomination papers, it appears as if Clerk Trueblood initially struck this signature line, but then ultimately accepted it. This is supported by the word “ok” that is written next to the signature line, and by the fact that Clerk Trueblood did not consider this line to be one she had struck when detailing the struck lines in her response. Finally, Clerk Trueblood clearly states on page 9 of her response that she accepted this signature.

**(13) Page 7, Line 2 – No Address; Duplicate Signature**

<del>2. [Signature]</del>	<del>GLORIA KRUEGER</del>	<del>Wausau, WI</del>	<del>City Wausau</del>	<del>1/2/24</del>
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**Commission Finding:** Decision to strike is **AFFIRMED** in part and **STANDS** in part. A signatory is required to list the street and number on which they reside as well as their municipality of residence for voting purposes. Wis. Stat. § 8.10(4)(b). The Complainant did not address this signature rejection in her correcting affidavit, her complaint, or either of her replies. Accordingly, the Commission affirms Clerk Trueblood’s decision to strike this signature on the basis of failure to provide a number and street of a residential address. Furthermore, Clerk Trueblood provides in her response that this signatory signed nomination papers for Mr. Hart on December 22, 2023, and for the Complainant on January 2, 2024. Accordingly, Clerk Trueblood accepted the December 22 signature for Mr. Hart and rejected the January 2 signature for the Complainant, as is proper pursuant to § 8.10(4)(b). Absent evidence to the contrary from the Complainant, the decision of Clerk Trueblood to strike this signature on this ground must stand.

**(14) Page 7, Line 3 – No Address**

<del>3. [Signature]</del>	<del>[Signature]</del>	<del>Wausau WI</del>	<del>City Wausau</del>	<del>1/2/24</del>
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**Commission Finding:** Decision to strike **OVERTURNED**. Errors in information on nomination papers may be corrected by an affidavit of the circulator, the candidate, or the signatory. EL § 2.05(4). The person giving the correcting affidavit “shall have personal knowledge of the correcting information...” EL § 2.05(4). Notably, EL § 2.05(4) instructs that it is the person giving the affidavit who must have personal knowledge. EL § 2.05(4) does not require that the correcting affidavit detail that personal knowledge. An affidavit is, by definition, a sworn statement. *State v. Moeser*, 2022 WI 76, 43 FN 13, 405 Wis. 2d 1, 982 N.W.2d 45. The purpose of a sworn statement “is to impress upon the swearing individual an appropriate sense of obligation to tell the truth.” *Id.* (quoting *State v. Tye*, 2001 WI 124, ¶19, 248 Wis. 2d 530, 636 N.W.2d 473). Accordingly, a person

giving a correcting affidavit is swearing that they have personal knowledge that the information in the affidavit is true and correct. Accordingly, it was not necessary for the Complainant to detail her personal knowledge in her correcting affidavit. The correcting affidavit should have been accepted as a sworn statement from the Complainant as a candidate, and this signature should not have been struck.

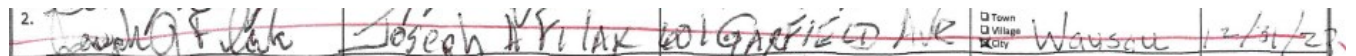
**(15) Page 7, Line 4 – No Address**



Commission Finding: Decision to strike **OVERTURNED**. Errors in information on nomination papers may be corrected by an affidavit of the circulator, the candidate, or the signatory. EL § 2.05(4). The person giving the correcting affidavit “shall have personal knowledge of the correcting information...” EL § 2.05(4). Notably, EL § 2.05(4) instructs that it is the person giving the affidavit who must have personal knowledge. EL § 2.05(4) does not require that the correcting affidavit detail that personal knowledge. An affidavit is, by definition, a sworn statement. *State v. Moeser*, 2022 WI 76, 43 FN 13, 405 Wis. 2d 1, 982 N.W.2d 45. The purpose of a sworn statement “is to impress upon the swearing individual an appropriate sense of obligation to tell the truth.” *Id.* (quoting *State v. Tye*, 2001 WI 124, ¶19, 248 Wis. 2d 530, 636 N.W.2d 473). Accordingly, a person giving a correcting affidavit is swearing that they have personal knowledge that the information in the affidavit is true and correct. Accordingly, it was not necessary for the Complainant to detail her personal knowledge in her correcting affidavit. The correcting affidavit should have been accepted as a sworn statement from the Complainant as a candidate, and this signature should not have been struck.

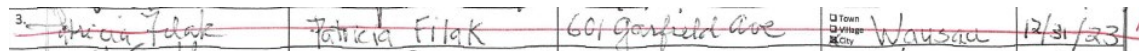
**II. Section 2 – Commission Review of Remaining Struck Signatures**

**(1) Page 1, Line 2 – Address out of District**



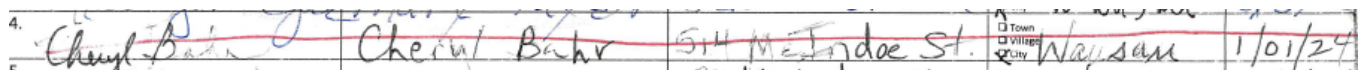
Commission Finding: Decision to strike **AFFIRMED**. Commission staff confirmed via WisVote that 601 Garfield Ave, Wausau is in Supervisory District 11.

**(2) Page 1, Line 3 – Address out of District**



Commission Finding: Decision to strike **AFFIRMED**. Commission staff confirmed via WisVote that 601 Garfield Ave, Wausau is in Supervisory District 11.

**(4) Page 2, Line 4 – Duplicate Signature**



Commission Finding: Decision to strike **NOT CHALLENGED**. The Complainant has not set forth facts in her filings to demonstrate probable cause that Cheryl Bahr did not sign nomination papers of two candidates for the same office.

**(5) Page 2, Line 5 – Duplicate Signature**

5.	<del>Deanne Taylor</del>	<del>Deanne Taylor</del>	<del>622 McIndoe St</del>	<input type="checkbox"/> Town <input type="checkbox"/> Village <input checked="" type="checkbox"/> City	<del>Wausau</del>	<del>1/1/24</del>
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Commission Finding: Decision to strike **NOT CHALLENGED**. The Complainant has not set forth facts in her filings to demonstrate probable cause that Deanne Taylor did not sign nomination papers of two candidates for the same office. The Complainant additionally confirmed in her reply that she is not challenging this signature determination.

**(6) Page 3, Line 8 – Duplicate Signature**

8.	<del>Christine Peterson</del>	<del>Christine Peterson</del>	<del>524 Franklin St</del>	<input type="checkbox"/> Town <input type="checkbox"/> Village <input checked="" type="checkbox"/> City	<del>Wausau</del>	<del>1-1-24</del>
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Commission Finding: Decision to strike **NOT CHALLENGED**. The Complainant has not set forth facts in her filings to demonstrate probable cause that Christine Peterson did not sign nomination papers of two candidates for the same office. The Complainant additionally confirmed in her reply that she is not challenging this signature determination.

**(7) Page 4, Line 4 – Address out of District**

4.	<del>Mabel Toussignant</del>	<del>MABEL TOUSIGNANT</del>	<del>108 So. 4th Ave</del>	<input type="checkbox"/> Town <input type="checkbox"/> Village <input checked="" type="checkbox"/> City	<del>Wausau</del>	<del>1/1/24</del>
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Commission Finding: Decision to strike **AFFIRMED**. Commission staff confirmed via WisVote that 108 South 4<sup>th</sup> Ave, Wausau is in Supervisory District 11.

**(8) Page 4, Line 5 – Address out of District**

5.	<del>Rayetta Penney</del>	<del>Rayetta Penney</del>	<del>402 Elm St</del>	<input type="checkbox"/> Town <input type="checkbox"/> Village <input checked="" type="checkbox"/> City	<del>Wausau</del>	<del>1/1/24</del>
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Commission Finding: Decision to strike **AFFIRMED**. Commission staff confirmed via WisVote that 402 Elm Street, Wausau is in Supervisory District 11.

**(10) Page 6, Line 6 – Address out of District**

6.	<del>Jacob Flata</del>	<del>Jacob Flata</del>	<del>1407 Emter St</del>	<input type="checkbox"/> Town <input type="checkbox"/> Village <input checked="" type="checkbox"/> City	<del>Wausau</del>	<del>1-22-24</del>
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Commission Finding: Decision to strike **AFFIRMED**. Commission staff confirmed via WisVote that 1407 Emter Street, Wausau is in Supervisory District 10.

**(11) Page 6, Line 7 – Address out of District**

7.	<del>Max Case</del>	<del>Max Case</del>	<del>1423 Emter St</del>	<input type="checkbox"/> Town <input type="checkbox"/> Village <input checked="" type="checkbox"/> City	<del>Wausau</del>	<del>1/2/24</del>
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Commission Finding: Decision to strike **AFFIRMED**. Commission staff confirmed via WisVote that 1423 Emter Street, Wausau is in Supervisory District 10.

### **III. Section 3 – Commission Review of Challenge Procedure**

All parties agree that the challenge brought by Mr. Hart to the Complainant’s nomination papers was not verified, which is a requirement of EL § 2.07(2)(a). Clerk Trueblood does not dispute that Mr. Hart’s complaint should have been verified, but instead alleges that since he presented himself physically before her to discuss the challenge, her general ability to give oaths conferred an oath upon Mr. Hart’s later-emailed challenge.

Clerk Trueblood’s argument is without merit. Just because she is authorized to administer oaths as a county clerk does not mean that any words spoken before her automatically are given as an oath. As noted above, the purpose of a sworn statement “is to impress upon the swearing individual an appropriate sense of obligation to tell the truth.” *Id.* (quoting *State v. Tye*, 2001 WI 124, ¶19, 248 Wis. 2d 530, 636 N.W.2d 473). Accordingly, with any sworn statement, an individual needs to be presented with some kind of notice that the obligation to tell the truth has begun. The Commission knows of no statute or legal holding that would support Clerk Trueblood’s argument, and Clerk Trueblood cites to none.

Accordingly, Clerk Trueblood’s acceptance of Mr. Hart’s unverified complaint was contrary to law. However, that finding is without impact in the present complaint because Mr. Hart attempted to strike two signatures that Clerk Trueblood independently rejected. The Complainant is appealing Clerk Trueblood’s final determination of her ballot status. Clerk Trueblood has confirmed that her decision would have been the same, even had Mr. Hart not filed a challenge.

#### Commission’s Findings

Pursuant to the analysis above, the Commission hereby issues this order restraining Clerk Trueblood from taking any action inconsistent with the analysis of the law in this decision. Wis. Stat. § 5.06(6).

The Complainant provided a correcting affidavit pursuant to EL § 2.05(4), which required her to swear that she had personal knowledge that the two addresses she provided were correct. Absent specific evidence that the Complainant lacked personal knowledge, falsified the correcting affidavit, or that the addresses were otherwise incorrect, the two signatures on page 7 that were missing complete addresses were corrected and should have been accepted. The Commission finds that the Complainant provided 51 signatures, which is one more than is needed to receive ballot access for this office.

Accordingly, Clerk Trueblood is directed to grant ballot access to the Complainant for the office of Marathon County Board Supervisor, District 3 for the April 2, 2024, election.

#### Right to Appeal – Circuit Court


This letter constitutes the Commission’s resolution of these complaints. Wis. Stat. § 5.06(2). Pursuant to Wis. Stat. § 5.06(8), any aggrieved party may appeal this decision to circuit court no later than 30 days after the issuance of this decision.

If any of the parties should have questions about this letter or the Commission’s decision, please feel free to contact me.



Sincerely,

**WISCONSIN ELECTIONS COMMISSION**

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

Meagan Wolfe  
Administrator

cc: Commission Members