



Wisconsin Elections Commission

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(608) 266-8005 | elections@wi.gov | elections.wi.gov

February 10, 2023

Pamela Batte
7228 Maple Dr.
Florence, WI 54121

Shelly Dumais
P.O. Box 54
Fence, WI 54120

Sent via email: leatherwing2@aol.com; shelleytfp@gmail.com

Re: Complaint EL 23–16, Batte v. Dumais, Filed with the Wisconsin Elections Commission

Dear Ms. Batte,

On January 27, 2023, the Wisconsin Elections Commission (Commission) received a sworn complaint from you naming Town of Fence Clerk Dumais as the respondent. Wis. Admin. Code § EL 20.04(1) requires that I review each complaint and determine within 10 business days whether the complaint is timely, is sufficient as to form, and states probable cause.

Your complaint is timely, but it fails to meet the form requirements for consideration. Your complaint alleges facts that could, if true, demonstrate a failure to comply with the law, but it does not cite any election laws or provide any evidence in support of those allegations. 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).

Sufficiency as to Form

Wis. Stat. § 5.06(1) allows an elector served by a local election official to file a complaint “concerning nominations, qualifications of candidates, voting qualifications, including residence, ward division and numbering, recall, ballot preparation, election administration or conduct of elections” against that official with the Commission if the elector believes that the matter is “is contrary to law, or the official has abused the discretion vested in him or her by law with respect to any such matter.” You have filed your complaint against your local municipal clerk, and your allegations, for the most part, fall under the subject matter of a Wis. Stat. § 5.06 complaint, but you have not specified how the alleged actions and inactions are contrary to specific election laws or an abuse of the discretion granted by specific election laws.

Commission staff cannot provide you with specific laws to cite in your complaint, but in order to address this deficiency, you would need to connect your allegations to specific statutes that the Commission is charged with enforcing. The Commission has jurisdiction over Chapters 5 to 10 and 12 of the Wisconsin Statutes, with Chapters 5 to 10 covering most election procedures. Chapter 12 covers prohibited election practices, and is not generally the subject of a Wis. Stat. § 5.06 compliance review complaint against an election official. Ultimately, in order for the Commission to provide the respondent with proper notice of what she is alleged to have done and what the Commission will consider when it reviews all filings, you would need to provide the specific statutes at issue.

Wisconsin Elections Commissioners

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

Administrator
Meagan Wolfe

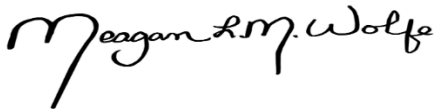
Additionally, one of your allegations involves actions over which the Commission does not have jurisdiction. While issuing proper notices falls under the category of election administration, the ability of a town to combine the offices of clerk and treasurer or to make those offices or the combined office part time, falls under Chapter 60 of the Wisconsin Statutes, which the Commission has no authority to enforce. To the extent your complaint asks the Commission to consider whether the Town of Fence properly combined those offices or made them part time, your complaint is deficient as to form because the Commission cannot consider that issue. To the extent that your complaint asks the Commission to consider an allegation involving election notices, you would need to specify which statutes you allege were not properly followed.

Finally, for any complaint, the Commission recommends including “all relevant information and supporting documents.” More information on filing a complaint can be found on the Commission’s website here: <https://elections.wi.gov/filing-sworn-complaint>.

Conclusion

I am returning your complaint, without prejudice, as it fails to meet the complaint requirements described in Wis. Stat. § 5.06 and Wis. Admin. Code § EL 20. I have specified the defects in the complaint and provided information needed to cure the defects (cite each statutory basis upon which you allege that the respondent has failed to meet the obligations of the position, describe the alleged failures in detail, and provide any evidence relevant to the allegations). In accordance with Wis. Admin. Code § EL 20.04(2), this correspondence is also being provided to the named Respondent. The Commission now considers this matter closed.

Sincerely,

A handwritten signature in black ink that reads "Meagan R.M. Wolfe". The signature is written in a cursive, flowing style.

Meagan Wolfe
Administrator
Wisconsin Elections Commission

cc: Commission Members
Shelly Dumais