



# Wisconsin Elections Commission

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November 25, 2022

LuAnn Lempa  
9814 Lakeshore Dr.  
Pleasant Prairie, WI 53158

Sent via email: [LuAnnJoy@Live.com](mailto:LuAnnJoy@Live.com)

**Re: Complaint Filed with Wisconsin Elections Commission  
LuAnn Lempa v. Amy Klemko and Cheryl Widen (EL 22-90)**

On November 17, 2022, the Wisconsin Elections Commission (Commission) received a sworn complaint from you naming Amy Klemko and Cheryl Widen as the respondents. Wis. Admin. Code § EL 20.04(1) requires 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.

Your complaint is timely, but otherwise fails to meet the requirements for consideration. It appears from your listed address that you are not an elector served by the named election officials and are thus not eligible to be a complainant under Wis. Stat. § 5.06. There are also several other form deficiencies related to some of your allegations, which will also be discussed in this letter. 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) states in part that:

Whenever any elector of a jurisdiction or district served by an election official believes that a decision or action 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.

The address of 9814 Lakeshore Dr., Pleasant Prairie, WI 53158, is not within the jurisdiction served by Amy Klemko and Cheryl Widen. If you are an elector of the Village of Bristol, please provide your residential address. If you are not an elector of the Village of Bristol, then you would not be able to file a Wis. Stat. § 5.06 complaint with the Commission. However, an elector of the Village of Bristol would be able to file such a complaint. More information on filing complaints can be found on our website here:

<https://elections.wi.gov/filing-sworn-complaint>.

*Wisconsin Elections Commissioners*

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

Administrator  
Meagan Wolfe

Page one of the complaint cites Wis. Stat. § 5.85(3) and alleges that only one election inspector was processing absentee ballots. Wis. Stat. § 5.85(3) concerns the process of election inspectors examining ballots and remaking any ballots that are too damaged or defective to be counted by automatic tabulating equipment. Your allegation does not appear to relate to remaking damaged or defective ballots, and thus you have not provided a statute that the respondents are alleged to have violated. If you are eligible to resubmit this complaint, or if any other individuals resubmit this or a similar complaint, please provide the specific statute that the respondents are alleged to have violated, explain how the violation occurred, and provide any evidence relevant to the allegations.

It appears that two other individuals may have intended to join the second section of your complaint that makes allegations under Wis. Stat. § 6.79(2) concerning the requirement that voters state their names and addresses out loud. The names of Mary K. Verzal and Chris Verzal appear only on page two, but neither address information nor sworn signatures appear for these individuals in this complaint. If you or if either of these individuals are electors of the Village of Bristol, please make that fact clear and resubmit this complaint to the Commission along with a full description of the alleged violation and any relevant evidence.

Page three of the complaint names only Amy Klemko as a respondent. No statute is cited concerning the allegation that one of the two lines on election day had significant delays while the other line had no delays. If you believe that there is a violation of election law related to this occurrence, please provide the specific statute that the respondent is alleged to have violated, explain how the violation occurred, and provide any evidence relevant to the allegation. Again, only an elector served by an election official can file a Wis. Stat. § 5.06 complaint against that election official.

Page four of the complaint names only Cheryl Widen as a respondent and may contain a probable cause deficiency in addition to a form deficiency. Wis. Stat. § 6.79(2) is cited concerning the allegation that an individual was allowed to vote without a current matching address. More information is likely needed for the Commission to understand what is being alleged in this instance. Wis. Stat. § 6.79(2) requires an elector to state his or her name and address and present proof of identification. The address on a photo ID is not required to match the address in the poll book. However, if the elector was registering to vote on election day, the elector would have needed to provide a proof of residence document for the voter's current residence within the jurisdiction. If the elector was properly registered and presented a valid photo ID showing the correct name and image, then there would not be probable cause that a violation occurred. If there was another issue with the photo ID or if there was an issue with any proof of residence document, please precisely explain the alleged violation and provide any evidence relevant to the allegation.


### Conclusion

It does not appear that you would be able to correct the central deficiency of this complaint, which is that your address information would not allow you to be an elector of the municipality served by the election officials named as respondents. This form deficiency could only be corrected if your address is different than it appears on this complaint form. However, if you are an elector of the municipality, or if the other individuals named as complainants on page two wish to resubmit this complaint or any part of it, please address the other deficiencies of form presented in this letter and resubmit the complaint to the Commission.

I am returning the complaint, without prejudice, pursuant to Wis. Admin. Code § EL 20.04(2), as it fails to meet the form requirements of a complaint. I have specified the defects in the complaint and provided information needed to cure the defects (cite a statutory basis upon which you allege that the respondents have failed to meet the obligations of their positions, describe the alleged violations in detail, and provide any evidence relevant to the alleged violations). The issues described in this letter may be addressed and resubmitted by an elector of the municipality.

The Commission now considers this matter closed.

Sincerely,

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

Meagan Wolfe  
Administrator  
Wisconsin Elections Commission

cc: Commission Members  
Amy Klemko  
Cheryl Widen