



Wisconsin Elections Commission

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

February 14, 2023

Pamela Holmes
2467 N 60th St.
Wauwatosa, WI 53210

City of Milwaukee Election Commission
200 E Wells St.
Milwaukee, WI 53202

Sent via email: noiregrl@gmail.com; cwooda@milwaukee.gov; kblock@milwaukee.gov

Re: Complaint Filed with Wisconsin Elections Commission
EL 23–17: Pamela Holmes v. City of Milwaukee Election Commission

Dear Ms. Holmes,

On February 3, 2023, the Wisconsin Elections Commission (Commission) received a complaint from you that names the City of Milwaukee Election Commission as the respondent. Wis. Admin. Code § EL 20.04(1) requires that our office 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 fails to meet both the timeliness and form requirements for consideration. 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).

Timeliness

Wis. Stat. § 5.06(3) requires that a complaint challenging the decision of an election official “shall be filed promptly so as not to prejudice the rights of any other party.” For complaints related to ballot access decisions made by local election officials, the deadline for filing a complaint with the Commission is 10 days: “In no case may a complaint relating to nominations, qualifications of candidates or ballot preparation be filed later than 10 days after the complainant knew or should have known that a violation of law or abuse of discretion occurred or was proposed to occur.” Wis. Stat. § 5.06(3).

In this case, the February 3, 2023, filing of this complaint took place 25 days after the City of Milwaukee Election Commission made its ballot access decisions for the 2023 Spring Election candidate filing period in its January 9, 2023, meeting. Because this complaint concerns ballot access and was not filed within 10 days of this meeting, this complaint was not timely filed and cannot be considered.

Form

Though timeliness alone dictates that the Commission cannot consider this complaint, I want to briefly explain several deficiencies of form. Your complaint was not sworn, which is required by Wis. Stat. § 5.06(1). This deficiency would have been correctable by printing out your complaint material and having it sworn

Wisconsin Elections Commissioners

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

Administrator
Meagan Wolfe

before a public notary. Information on finding a notary is available on the Commission website along with other information about filing a complaint: <https://elections.wi.gov/filing-sworn-complaint>.

In addition, your complaint does not cite the specific statutes administered by the Commission that you allege were not properly followed by the City of Milwaukee Election Commission. The Commission administers Chapters 5 to 10 and 12 of the Wisconsin Statutes, as well as several chapters of Administrative Code, including Chapter EL 2, which sets out standards for the review of nomination papers and nomination paper challenges. The lack of cited statutes or rules presents two problems. The first is that without naming specific statutes or rules in the complaint, the Commission may not be able to provide proper notice to the Respondent, in this case the City of Milwaukee Election Commission, of what the Respondent is alleged to have done.

The second issue is that while your complaint asks for ballot access as a result of your complaint, it is not clear if there are other issues besides ballot access which you are asking the Commission to consider. To the extent there are any other issues you are asking the Commission to consider that relate to a statute or rule that the Commission administers, they are dismissed without prejudice and may be refiled, provided that you cite specific statutes or rules that are at issue.

Conclusion

In fairness to all parties who must comply with complaint deadlines established by the Legislature and the Administrative Code provisions established by the Commission, I am required to dismiss your complaint. I am returning your complaint as untimely pursuant to Wis. Admin. Code § EL 20.04(2). As required by that provision, I have specified the defect in the complaint (timeliness). As to the information which would be appropriate to cure the defect, unfortunately I am unaware of any such information that I can provide to cure the late filing of the complaint. Your complaint as it relates to ballot access for the 2023 Spring Election is therefore dismissed. However, if there are any other issues within Chapters 5 to 10 and 12 or the associated Administrative Rules, you may specify the statutes or rules at issue, describe any alleged failures to follow those provisions, and provide any relevant evidence in a sworn complaint. 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 Wolfe". The signature is written in a cursive style with a large, stylized 'M' and 'W'.

Meagan Wolfe
Administrator
Wisconsin Elections Commission

cc: Members, Wisconsin Elections Commission