



Wisconsin Elections Commission

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July 5, 2023

Angela Schmeiser
N5744 Sackett Dr.
Medford, WI 54451

Lester Lewis
N5664 Division Dr.
Medford, WI 54451

Sent via email to: aschmeiser88@gmail.com and lester.1949@outlook.com

Re: In the Matter of: Angela Schmeiser v. Lester Lewis (Case No.: EL 23–11)

Dear Ms. Schmeiser and Mr. Lewis:

This letter is in response to the verified complaint submitted by Angela Schmeiser (“Complainant”) to the Wisconsin Elections Commission (“Commission”), which was filed in reply to actions taken by a caucus official during a caucus meeting for the Town of Molitor, Taylor County, Wisconsin. The complaint alleges that the Town of Molitor’s Chairperson, Lester Lewis (“Respondent”), failed to follow Wis. Stat. § 8.05(1)(c) when he ran the town caucus meeting even though he was a candidate during the caucus meeting.

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.”

The Commission has reviewed the complaint, Lester Lewis’s response, and Ms. Schmeiser’s reply. The Commission provides the following analysis and decision. In short, the Commission finds that the Complainant did show probable cause to believe that a violation of law or abuse of discretion occurred.

Complaint Allegations and Response

The Complainant alleges that on January 10, 2023, the Respondent opened and ran an entire caucus meeting for the Town of Molitor even though the Respondent himself was a candidate. The Complainant further states that she contacted the town clerk to report the violation but was told by the clerk that the town board agreed that the caucus was completed correctly. The complaint states that the meeting started at 7:00 p.m. and ended close to 7:05 p.m.

In response, the Respondent confirmed that he opened and ran the entire caucus meeting on January 10, 2023, starting at 7:00 p.m. However, the Respondent states that he was not at any time featured on a ballot as a candidate since this specific caucus did not have any ballots. He additionally asserts that he did not tell anyone prior to the caucus of any intention of running for

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Caucus Chairman. Moreover, the Respondent states that he called for nominations for Caucus Chairman for which he was subsequently nominated and then called for nominations for Board Chairman for which he was also subsequently nominated.

The reply states that the Respondent is “the current chairman and regardless if [he] told anybody or not [he] still ran the caucus meeting as the current chairman who is a candidate” and that “once [he] did accept the candidacy, [he] continued with running and closing the caucus meeting as the current chairman.”

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 the complaint of Angela Schmeiser.

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.

Commission Findings

The following is an analysis of key facts of this matter in conjunction with applicable law. Wis. Stat. § 8.05(1)(c) specifies that, “[t]he town chairperson or village president together with the municipal clerk shall serve as caucus officials. If the chairperson or president is a candidate, he or she shall call for the election of officials to conduct the caucus.” There is no dispute of fact regarding Mr. Lewis being the Town of Molitor’s Chairperson. According to both the Complaint and Response, there is also no dispute of fact regarding Mr. Lewis opening and running the caucus meeting. Additionally, there is no dispute that this caucus meeting involved Mr. Lewis calling for nominations for Caucus Chairman as well as Board Chairman, and that he was nominated for both positions. There is no evidence to suggest that the Respondent at any point during this caucus meeting called for the election of officials to find an alternative official to conduct the caucus instead of himself.

These facts collectively indicate that the Complainant’s arguments as to the Respondent violating Wis. Stat. § 8.05(1)(c) have merit. Any concerns of finishing the meeting in a timely matter do not impact the matter before the Commission, because the text of Wis. Stat. § 8.05(1)(c) is clear on the procedure to use when a chairperson becomes a candidate. The procedure is for that nominated chairperson to call for the election of officials to conduct the caucus in his or her place. That was not done in this matter.

The Respondent highlights the fact that he did not tell anyone involved in the caucus about any intention of running for Board Chairman. Additionally, the Respondent mentions that his name was never put on a ballot. This may be the Respondent’s attempt to argue that he was not a “candidate” under Wis. Stat. § 8.05 (1)(c). The Commission addresses both statements individually. First, if the Respondent came into the caucus meeting with the desire to be a candidate, he should have abided by the procedure set forth in Wis. Stat. § 8.05 (1)(c), whether or not other members of the caucus were aware of his intention. Following the statutory

procedure would have alleviated any concerns about the legitimacy of the caucus or concerns about the transparency of the person running the caucus.

Second, the purpose of caucuses is to create a space for local electors to meet to register their preferences among candidates running for elected positions. Nominations may be made either by motion from the floor or by writing names on slips of paper distributed during the caucus. Wis. Stat. 8.05(1)(d). Ballots are not required, and the specific method of nomination is immaterial to this complaint. Even if the Respondent did not intend to be a candidate, he became a candidate when he was nominated, and should have at that point recused himself and followed the procedure to select someone else to run the caucus.

Therefore, the Commission finds that the Complainant did show probable cause to believe that a violation of law or abuse of discretion occurred.

Commission Decision

Based upon the above review and analysis, the Commission does find probable cause to believe that a violation of law or abuse of discretion occurred pertaining to Respondent's January 10, 2023, decision to act as a caucus official during a caucus meeting for the Town of Molitor even though the Respondent was also a candidate during the same meeting. In accordance with the authority granted to the Commission by Wis. Stats. § 5.06(6), the Commission orders the Respondent, in any future caucus meeting, to follow the procedure in Wis. Stat. § 8.05(1)(c) and to refrain from running a town caucus meeting if he intends to be a candidate at the caucus or if he becomes a candidate during the meeting.

Right to Appeal – Circuit Court

This letter constitutes the Commission's resolution of this complaint. 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 L.M. Wolfe". The signature is written in a cursive style with a large, looped 'M' and 'W'.

Meagan Wolfe
Administrator

cc: Commission Members