



# Wisconsin Elections Commission

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## Statement Regarding §5.06 Complaint

Media colleagues,

Many of you have expressed interest in a §5.06 complaint filed today, *Kirk C. Bangstad v. Don Millis et al* – EL 23-58. The complaint was disposed of without consideration by the Commission. It is the position of the Commission that a complaint against the Commission, against Commissioners in their official capacities, or against Commission staff, warrants an ethical recusal by the body.

Complaint materials are posted on our website here: <https://elections.wi.gov/resources/complaints/el-23-58-bangstad-v-millis-et-al>

Below is general information you can refer to regarding how the Wisconsin Elections Commission complaint process works.

The Wisconsin Elections Commission hears complaints concerning violations of election law. Complaints alleging that an election official has acted improperly may result in the Commission issuing an order to that official to correct the violation.

For § 5.06 complaints, statute further allows any election official or complainant who is aggrieved by an order, return, or dismissal issued by the Commission to appeal the Commission's determination to circuit court for the county where the official conducts business or the complainant resides no later than 30 days after issuance of the order.

In Wisconsin, you may submit formal complaints requesting legal action under three distinct processes:

- Election Crime (§5.05)
- Election Official Abuse or Violation (§5.06)
- Violation of the Help America Vote Act (HAVA) (§5.061)

More information about each kind of complaint, and the timeline associated with each, is available on our website here: <https://elections.wi.gov/filing-sworn-complaint#230548828-1781135981>

The WEC places Wis. Stat. § 5.06 complaints on its website here: <https://elections.wi.gov/publications/complaints>. It may take time for Commission staff to post a §5.06 complaint to our website. These complaints are public and are governed by Chapter EL 20 of the Wisconsin Administrative Code: [https://docs.legis.wisconsin.gov/code/admin\\_code/el/20](https://docs.legis.wisconsin.gov/code/admin_code/el/20)

Under Wis. Stats. §§ 5.05(5s), 12.13(5), and 12.60(1)(bm), the WEC is required to keep Wis. Stat. § 5.05 complaints confidential, and staff do not place those complaints online or comment on them. Parties to a Wis. Stat. § 5.05 complaint have on occasion been known to provide comment, but the processes are generally kept entirely confidential.

*Wisconsin Elections Commissioners*

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

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Administrator  
Meagan Wolfe

In any case, the WEC will not provide comment on a confidential complaint. Wis. Stat. § 5.05 complaints allege a criminal violation of Wis. Stat. Chapter 12 and are heard in closed session. A closure letter that contains the Commission's finding is usually a releasable public record. Complaints alleging election crimes may be referred by the Commission to a district attorney for consideration of prosecution.

When they receive a complaint, Commission attorneys first review it for sufficiency to ensure it meets base standards. The Commission has the authority to decide all complaints, however, the Commission has given staff a role in analyzing and determining complaints, subject to the Commission's review.

Complaints alleging that an election official has acted improperly may result in the Commission issuing an order to that official to correct the violation.

Thanks,

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