

November 29, 2021

Wisconsin Elections Commission  
212 East Washington Avenue, Third Floor  
PO Box 7984  
Madison, WI 53707-7984

Re: Response to Complaint filed with Wisconsin Elections Commission  
EL 21-42: Gary Mertig v. Barbara Koch, Butternut School District Clerk

Dear Wisconsin Elections Commission Board:

Thank you for looking into this matter. I believe in the sanctity of the election process. Throughout this process, I was instructed by Mr. Mertig, School Board member, Mr. Zirngibl, District Administrator, and Heather Schutte, Ashland County Clerk to follow the guidelines and pay attention to the dates. In that regard, I put together a spreadsheet with the help of Ms. Schutte to record all dates.

Here is a timeline of events for this recall process:

- Received the paperwork for the recall election: 9/8/2021
- Date of first signature: 9/13/2021
- Paperwork submitted by Petitioner: 10/22/2021
- Photocopies given to Mr. Mertig: 10/26/2021
- Meeting with Mr. Mertig and Mr. Zirngibl: 10/29/2021
- Challenge Period for Veracity of Signatures: 10/23/2021-11/1/2021
- Letter of Sufficiency written: 11/3/2021
- Letter written by Mr. Mertig concerning the signatures: 11/3/2021
- Paperwork received from WEC: 11/19/2021

I have been in contact with the Ashland County clerk throughout this process. Phone calls to the election Commission have come from both of us, many times with me in her office. As you can see from my timeline, I believe I followed the dates correctly. If not, please let me know so if this happens again, I can better follow procedure.

Mr. Mertig states in his letter that we had a meeting on Thursday, October 28 with Mr. Zirngibl, and that this was the first time seeing any of the paperwork. Our meeting took place on Friday, October 29 at 10:00 AM in the office of Mr. Zirngibl on the Butternut school campus. Gary had a list of names already on that day. He stated that if I allowed the recall to continue, he was pressing charges.

On Monday, I saw Ms. Schutte in person. We called the Elections Commission again and I asked about the meeting I just had the previous Friday. There was no proper documentation concerning the signatures. I asked what the procedure was going forward. I was told to disregard the verbal meeting. I was asked if I had any questions about the validity of the signatures. I stated I did not. I did ask voters about their signatures, and each stated that Mr. Wegner came to their door, or they signed the petition at his place of business. I was not aware that Mr. Pritzl obtained signatures as Mr. Mertig states.

I did have a few people complain to me that Mr. Mertig accosted them on the street, telling them it is illegal to sign the petition at the Village Hall. All the voters I spoke with stated they went to Mr. Wegner's place of business and signed the petition.

Regarding Larry and Carrie Murphy, yes, they live in Iron County, but according to the Ashland County clerk, they own land in the town of Agenda with the intent to settle there at some point. I do not know all the legal ramifications of this, but Mr. Mertig, has alluded to this repeatedly in local elections and knows this. I go by what the county clerk tells me, and they are allowed to vote in local elections. Their signatures have been counted in all previous elections. Mr. Mertig and Ms. Schutte have called the Elections Commission on this repeatedly. However, I removed them from the required number of signatures. That is what I am comfortable with.

Regarding Rod and Tracey Drott, they were living at N16705 Schloer Road in a camper. The reason I know this is because I asked when he was coming into the local gas station where I work. He stated they were living there. They added a fire number and water, awaiting the arrival of the house. Due to unforeseen circumstances, they were unable to get their house in time, and had to make alternate arrangements for the coming winter. They have a temporary residence in Park Falls, WI (Rod's words) until next year when the weather warms up again. They are not sure they will continue with building on their land or elsewhere in the Butternut School District.

As I looked at the signatures needed for the recall to proceed, I do not ask if people lived elsewhere. When I see them and talk with them, they state the address listed on the paperwork. Ones that I had concerns with, I checked out before filing my paperwork. Names I didn't recognize, I checked out. Addresses I wasn't familiar with I checked out.

I have no doubt the people that signed the recall paperwork and submitted a written, sworn statement stating that someone other than the petitioner offered them the paperwork is valid. In response to that, the petitioner believed, after talking with Ms. Schutte, that he was supposed to sign the bottom because he was the one that started the recall process. Mr. Pritzl is running against Mr. Mertig in the recall election.

Ms. Ware didn't realize she put the wrong date down. She signed on the right date but put the wrong date on the paperwork. I misstep on her part, however I removed her name because of this.

A total of 126 names were needed for the recall to proceed. The petitioner obtained 133 names. I removed three names. The other signatures I kept as they were in our school district, and I had no reason to doubt their veracity. My Letter of Sufficiency dated November 3, 2021 stated this.

The recall election is set to take place on Tuesday, December 14, 2021. Notices have been sent to both counties and the paper per the timeline requested in the recall manual.

Respectfully,



Barbara A Koch  
Butternut School Board Clerk



Jan 14, 2023

November 3, 2021

RE: Recall Election

TO: WI Elections Committee  
Heather Schutte, Ashland County Clerk  
Jean Gottwald, Price County Clerk  
Butternut School Board Members  
Glenn Wegner, Petitioner

This letter is to serve as the "Letter of Sufficiency" for the recall of Gary Mertig, Butternut School Board.

I have verified there are 15 petition sheets totaling 133 signatures. Two of the signatures were not counted as they live in Iron County and another signature was disqualified as it came in after the date the filing petitioner signed the paperwork making it invalid. In effect there are 130 signatures of 126 signatures needed for the recall election to commence.

Please acknowledge receipt of this Certification.

Sincerely,

Barbara A Koch  
Butternut School Board Clerk





## CAMPAIGN FINANCE REGISTRATION STATEMENT

STATE OF WISCONSIN

**Note:** An amended registration statement must be filed within 10 days of any changes in information.

<b>1. Is this an Amendment?</b> <input type="checkbox"/> No <input type="checkbox"/> Yes   If yes, please enter your committee number:	<b>Committee Number</b>
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### SECTION A: GENERAL INFORMATION

A1. Candidate Committee/Committee/Conduit Name		A2. Registrant Type (Choose One)	
A3. Email		<input type="checkbox"/> Candidate <input type="checkbox"/> Referendum <input type="checkbox"/> Recall <input type="checkbox"/> Conduit <input type="checkbox"/> Political Action (PAC) <input type="checkbox"/> Independent Expenditure (IEC) <input type="checkbox"/> Political Party <input type="checkbox"/> Legislative Campaign Committee	
A4. Phone		A6. City	
A5. Mailing Address		A7. State	A8. Zip
<b>Depository Institution Information</b>			
A9. Institution Name		A10. Street Address	
A11. City		A12. State	
A13. Zip			
<b>Treasurer/Administrator Information</b>			
A14. Name		A15. Email	
A16. Phone			
A17. Mailing Address		A18. City	
A19. State		A20. Zip	
<b>Other Officers (Optional)</b>			
<i>Independent and local non-partisan candidates: Indicate by an asterisk (*) which officers are authorized to fill a vacancy in nomination due to death of candidate.</i>			
A21. Name		A22. Title	
A23. Email		A24. Phone	
A25. Name		A26. Title	
A27. Email		A28. Phone	
<b>Filing Exemption</b>		<b>A29. Exemption Affirmation</b>	
<i>Registrants that will not accept contributions, make disbursements, or incur obligations in an aggregate amount of more than \$2,000 in a calendar year are eligible for exemption from filing campaign finance reports. Exempt status is effective only for the calendar year in which it is granted. Registrants wishing to remain on exempt status must renew each year. Candidates may not claim exemption in the year of their election before the day they appear on the ballot.</i>		<input type="checkbox"/> Yes, this registrant is eligible for exemption <input type="checkbox"/> No, this registrant is not eligible for exemption	

### SECTION B: CANDIDATE COMMITTEES

B1. Office Sought (include District/Branch)		B2. Political Party		B3. Election Date	
<b>Candidate Information</b>					
B4. Name			B5. Email		B6. Phone
B7. Mailing Address			B8. City		B9. State
B10. Zip					
<b>Second Candidate Committee</b>			<b>B11. Is this your only registered candidate committee in Wisconsin?</b>		
<i>An individual who holds a state or local elective office may establish a second candidate committee to pursue another state or local office.</i>			<input type="checkbox"/> Yes, this is my only candidate committee in Wisconsin <input type="checkbox"/> No, this is my second candidate committee in Wisconsin		
B12. Other Office Held or Sought (include District/Branch) <i>Only complete B12 if you responded "No" to B11.</i>					

### SECTION C: RECALL COMMITTEES

C1. Name of Official Subject to Recall		C2. Office of Official Subject to Recall		C3. <input type="checkbox"/> Support	
Gary Mertig		Butternut School Board - President		<input checked="" type="checkbox"/> Oppose	



## CAMPAIGN FINANCE REGISTRATION STATEMENT

### STATE OF WISCONSIN

Note: An amended registration statement must be filed within 10 days of any changes in information.

SECTION D: PAC, IEC, AND CONDUITS			
D1. Sponsoring Organization	D2. Email	D3. Phone	
D4. Mailing Address	D5. City	D6. State	D7. Zip

SECTION E: POLITICAL PARTY & LEGISLATIVE CAMPAIGN COMMITTEES				
E1. Political Party (Name candidates appear under on a ballot)			E2. Does the Committee have a Segregated Fund? <input type="checkbox"/> No <input type="checkbox"/> Yes	
Segregated Fund Depository Institution Information (if applicable)				
E3. Institution Name	E4. Street Address	E5. City	E6. State	E7. Zip

SECTION F: REFERENDA COMMITTEES	
F1. Nature of Referendum (if applicable)	F2. <input type="checkbox"/> Support <input type="checkbox"/> Oppose

SECTION G: CERTIFICATION		
<b>Accurate Information</b> <i>I certify that I am an authorized representative of the registrant and that to my knowledge all of the information contained within this registration is true, correct, and complete.</i>		
<b>Timely Amendments</b> <i>I am aware of the requirement to amend this registration statement within 10 days of any change of information contained within, as well as the requirement to register within 10 days of meeting the requirements to register under Chapter 11 of Wisconsin Statutes.</i>		
<b>Records Retention</b> <i>I further acknowledge the requirement to maintain the records of the registrant in an organized and legible manner for three years from the date of the most recent election in which this registrant participated.</i>		
<b>Ongoing Compliance</b> <i>This registrant shall continue to maintain its registration and comply with all applicable reporting requirements under Chapter 11 of Wisconsin Statutes.</i>		
<b>Treasurer/Administrator</b>		
G1. Printed Name <i>Glenn Wegner</i>	G2. Signature 	G3. Date <i>9/8/21</i>
<b>Candidate (if applicable)</b>		
G4. Printed Name <i>Nathan Pritzel</i>	G5. Signature 	G6. Date <i>9/8/21</i>