

**STATE OF WISCONSIN
ELECTIONS COMMISSION**

COMPLAINT FORM

Please provide the following information about yourself:

Name Quan Le

Address W4079 Oakwood Dr, Lake Geneva, WI 53147

Telephone Number 773-206-6934

E-mail mr.quanle@gmail.com

**State of Wisconsin
Before the Elections Commission**

The Complaint of Quan Le

_____, Complainant(s) against

Barbara Wolski

_____, Respondent, whose

address is W3561 Wildwood Dr, Lake Geneva, WI 53147

This complaint is under 5.06 (Insert the applicable sections of law in chs. 5 to 10 and 12 and other laws relating to elections and election campaigns, other than laws relating to campaign financing)

I, Quan Le, allege that:

failed to accurately prepare the election ballot in Spring Election of 2020

and in this current Spring Election of 2022 for school board offices in

Geneva J4 school district. School board offices should be

separated by president, treasurer, and clerk in accordance

with 120.05 (1). Expired and unexpired terms can only

be combined in boards with more than 3 members 120.06 (12).

(Set forth in detail the facts that establish probable cause to believe that a violation has occurred. Be as specific as possible as it relates to dates, times, and individuals involved. Also provide the names of individuals who may have information related to the complaint. Use as many separate pages as needed and attach copies of any supporting documentation.)

Date: 3/22/2022

[Signature]
Complainant's Signature

I, Quan Le, being first duly sworn, on oath, state that I personally read the above complaint, and that the above allegations are true based on my personal knowledge and, as to those stated on information and belief, I believe them to be true.

[Signature]
Complainant's Signature

STATE OF WISCONSIN

County of Walworth,
(county of notarization)

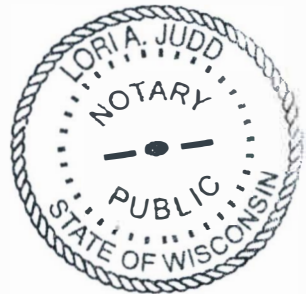
Sworn to before me this 22nd day of

March, 2022.

[Signature]
(Signature of person authorized to administer oaths)

My commission expires 1-12-2025 or is permanent.

[Signature]
Notary Public or _____
(official title if not notary)



Please send this completed form to:

Mail: Wisconsin Elections Commission
P.O. Box 7984
Madison, WI 53707-7984

Fax: (608) 267-0500

Email: elections@wi.gov

I, Quan Le, allege that the clerk for this spring election 2022 and the election in spring 2020 as well as all board election ballots under her tenure failed to properly prepare the ballot. As stated in 120.05 (1) in a 3-member school board, each office should be listed separated. This is confirmed by the Wisconsin Election Commission in their complaint letter correspondence. The clerk has failed to do this in her entire tenure. Furthermore, in spring election of 2020 there were two offices up for election. One for a full term and one for an unexpired term. The clerk improperly followed 120.06 (12) which pertains to boards with more than 3 members.

I am seeking compliance under 5.06 and a ballot correction under 5.72.

120.05 School board officials.

(1)

(a) The members of a school board shall be the officers of a school district.

(b) In the case of a 3-member school board, the school district president, treasurer and clerk shall constitute the school board. At the first election of a 3-member school board, the clerk shall be elected for a one-year term, the treasurer for a 2-year term and the president for a 3-year term.

120.06 Election of school board members. In a common or union high school district:

(12) An election in accordance with s. 17.26 to fill an unexpired term on a school board shall be held in the same manner as a regular school board election is held. In the case of a school board of more than 3 members, elections to fill unexpired terms shall be held simultaneously with the elections for regular terms, the regular terms to be filled by the appropriate number of candidates receiving the highest number of votes and the unexpired terms to be filled by the appropriate number of candidates receiving the next highest number of votes.

5.06 Compliance review; appeal.

(1) 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

Woods Elementary-Geneva Jt. 4 School Board Member (Vote for 2)

Precinct	Precinct	Eric Chapman	Molly Polyock	Alison Burke	Write-in	Total Votes
County	County					
Walworth County	Walworth County					
Town of Geneva W 1-8	Town of Geneva W 1-8					
Election Day	Election Day	93	131	76	2	302
Total	Total	93	131	76	2	302
Town of Linn W 5	Town of Linn W 5					
Election Day	Election Day	32	70	37	1	140
Total	Total	32	70	37	1	140
Walworth County - Total	Walworth County - Total	125	201	113	3	442
Cumulative	Cumulative					
Cumulative	Cumulative					
Election Day	Election Day	0	0	0	0	0
Total	Total	0	0	0	0	0
Cumulative - Total	Cumulative - Total	0	0	0	0	0
County - Total	County - Total	125	201	113	3	442



Wisconsin Elections Commission

212 East Washington Avenue | Third Floor | P.O. Box 7984 | Madison, WI 53707-7984
(608) 266-8005 | elections@wi.gov | elections.wi.gov

March 22, 2022

Quan Le
W4079 Oakwood Drive
Lake Geneva, WI 53147

**Re: Complaint Filed with Wisconsin Elections Commission
EL 22-21 (Quan Le v. Barbara Wolski)**

Dear Mr. Le:

I am in receipt of the complaint filed with the Wisconsin Elections Commission (“WEC” or “Commission”), received on March 21, 2022, against the Geneva J4 School District Board Clerk, Barbara Wolski. The administrative rules governing the WEC’s processing of complaints require 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. Wis. Admin. Code § EL 20.04(1). The complaint alleges a violation by the clerk for failure to “properly track the terms and vacancies of Geneva J4 School District Board” and also “to properly prepare the ballot for the Spring 2022 election.” No specific violation of Wisconsin elections statutes is cited, and the complaint fails to tie the alleged deficiency to a clerk obligation under law. Additionally, you note that the ballot question was improperly listed as pick one instead of pick two candidates. Commission staff have already informed you that the true ballot question would not have been an open “pick two” structure, but rather a vote by seat type (e.g. President, Clerk, Treasurer). 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 Probable Cause

The complaint alleges unspecified violations of law. Specifically, the complaint cites no provisions of Wisconsin Statutes Chapters 5-10, and 12. The Commission has the authority to administer and consider those statutes in the context of sworn complaints, but the alleged violation must be clearly detailed. Without citing the statutory provisions alleged to have been violated, or at least detailing a clear statutory obligation the clerk had, the complaint fails to raise probable cause that a violation of election law has occurred.

Additionally, Commission staff have advised on several occasions that the ballot would have required seat-specific board positions, not a pick two (*See* attached email correspondence). The correspondence documents attached to the complaint submission were significantly older, before Commission staff were made aware of the fact that this was a three-member board, with specific seats/titles needing to be specified for ballot candidates. Whether deliberate or not, the complaint submission left out that critical information, and those details are critical to a probable cause and form review.

Wisconsin Elections Commissioners

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

Administrator
Meagan Wolfe

Sufficiency as to Form

As detailed above, the complaint fails to raise specific violations under Wisconsin elections law. As such, the complaint is also insufficient as to form.

Conclusion

I am returning the complaint, without prejudice, pursuant to Wis. Admin. Code § EL 20.04(2), as it fails to state probable cause that a violation of election law has occurred or meet the form requirements of a complaint. As required by that provision of administrative code, I have specified the defects in the complaint (probable cause and form). As to the information which would be appropriate to cure the defect, allegations of an official violating provisions of Chapters 5 to 10 or 12 are under the authority of the Commission and would be necessary for the review of the complaint, if sufficient evidence to support the allegations is also part of that filing. Since the complaint does not state probable cause as to a violation of law under the authority of the Commission, the complaint has not been accepted as proper by the Commission under its administrative rules.

The Commission now considers this matter closed.

Sincerely,

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

Meagan Wolfe
Administrator
Wisconsin Elections Commission

cc: Members, Wisconsin Elections Commission

Enclosure
