



Wisconsin Elections Commission

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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 "Megan Wolfe". The signature is written in a cursive style with a large, stylized initial 'M'.

Meagan Wolfe
Administrator
Wisconsin Elections Commission

cc: Members, Wisconsin Elections Commission

Enclosure