



Wisconsin Elections Commission

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(608) 266-8005 | elections@wi.gov | elections.wi.gov

September 11, 2020

Jay Stone
10501 82nd St.
Pleasant Prairie, WI 53138

Re: Complaint Filed with Wisconsin Elections Commission

Dear Mr. Stone:

I am in receipt of the complaint filed with the Wisconsin Elections Commission (“WEC” or “Commission”) on August 28, 2020 and the amendments to your complaint filed on September 6, 2020 against Green Bay Mayor, Eric Genrich, Kenosha Mayor, John M. Antaramian, Madison Mayor, Satya Rhodes-Conway, Milwaukee Mayor, Tom Barrett, Racine Mayor, Cory Mason, Green Bay Clerk, Kris Teske, Kenosha Acting City Clerk, Madison Clerk Maribeth Witzel-Behl, Milwaukee Election Commissioners, Stephanie D. Findley, Chair, Carmen C. Cabrera, Jess Ripp and Racine Clerk Tara Coolidge. 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). I am writing to inform you that I have determined that the complaint is not in proper form and it does not state probable cause that a violation of an election law that the Commission has jurisdiction over has been violated. Complaints filed under Section 5.06 are filed by individuals that are served by local election officials, but you do not reside in any of the municipalities cited in the complaint. Your complaint is related to the acceptance of grant funds by municipalities, but the complaint does not allege any violations of election law that the Commission has authority over to enforce or investigate. 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 Form and Complaint States Probable Cause

Wis. Stat. § 5.06(1) states:

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 matter concerning nominations, qualifications of candidates, voting qualifications, including residence, ward division and numbering, recall, ballot preparation, election administration or conduct of elections is contrary to law, or the official has abused the discretion vested in him or her by law with respect to any such matter, the elector may file a written sworn complaint with the commission requesting that the official be required to conform his or her conduct to the law, be restrained from taking any action inconsistent with the law or be required to correct any action or decision inconsistent with the law or any abuse of the discretion vested in him or her by law. The complaint shall set forth such facts as are within the knowledge of the complainant to show probable cause

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Meagan Wolfe

to believe that a violation of law or abuse of discretion has occurred or will occur. The complaint may be accompanied by relevant supporting documents. The commission may conduct a hearing on the matter in the manner prescribed for treatment of contested cases under ch. 227 if it believes such action to be appropriate.

(Emphasis added)

Your complaint states that you are not a resident of any of the municipalities referenced in the complaint and therefore you are not served by any of the officials you have named. Your complaint is not proper to form, as you are not a proper complainant under Wis. Stat. § 5.06. Your complaint also fails to state what election law or laws under the jurisdiction of the Wisconsin Elections Commission (Chapters 5-10 and 12, Wis. Stats.) that the named local officials have violated or have abused their discretion in administering. Your complaint alleges that the acceptance of grant funds from a third-party group “artificially inflates” one of the Presidential Candidate’s statewide vote total and “enhances” that candidate’s chances of winning Wisconsin’s 10 electoral votes. Notably, while you state that the acceptance of grant funds are contrary to law and/or an abuse of power or discretion regarding election administration and conduct of the November 3, 2020 election, there is not a citation to an election law that you alleged has been violated or will be violated by these officials.

Conclusion

I am returning your complaint as it is not sufficient to form and fails to state probable cause that a violation of law under the jurisdiction of the Commission has been violated, without prejudice pursuant to Wis. Admin. Code § EL 20.04(3). As required by that provision, I have specified the defects in the complaint (form and failure to state probable cause). As to the information which would be appropriate to cure the defect, only individuals that reside in a municipality served by the individuals named may file a complaint under Wis. Stat. § 5.06. As to probable cause, if you are aware of election laws that have been or may be violated by the individuals named, your complaint could be amended to state those violations of law. Since your complaint and amendments to the complaint are improper as to form and fails to state probable cause, your complaint has not been accepted as proper by the Commission under its administrative rules.

The Commission now considers this matter closed.

Sincerely,



Meagan Wolfe
Administrator
Wisconsin Elections Commission

cc: Members, Wisconsin Elections Commission

Enclosure