



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

October 2, 2020

Lois Guse
6901 N. River Road
West Bend, WI 53090

**Re: Complaint Filed with Wisconsin Elections Commission
EL 20-20 (Guse v. City of Madison, et al.)**

Dear Ms. Guse:

I am in receipt of the complaint filed with the Wisconsin Elections Commission (“WEC” or “Commission”) via Fax, received on September 25, 2020 against the City of Madison/Mayor. 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 as you are not an elector in the City of Madison and you are therefore not a proper party to filing a complaint with our office under Wis. Stat. § 5.06. Additionally, you allege a violation of the Hatch Act, which is not within the Commission’s statutory authority to enforce. 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

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 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)

Wisconsin Elections Commissioners

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

Administrator
Meagan Wolfe

You state in your sworn complaint that your address is in West Bend, therefore you are not an elector that is served by the City of Madison. Under Wis. Stat. § 5.06, only an “elector” of a jurisdiction or district may file a complaint.

Additionally, you allege a violation of the Hatch Act, which is not a law that is administered or enforced by the Wisconsin Elections Commission. The Wisconsin Elections Commission has the authority over Wisconsin Statutes Chapters 5-10, and 12. Your complaint therefore does not state a violation of law that the Commission has the authority to investigate and therefore probable cause of a violation of laws under the Commission’s authority is not contained in the complaint.

Conclusion

I am returning the complaint, without prejudice pursuant to Wis. Admin. Code § EL 20.04(3), as it is not sufficient to form and fails to state probable cause that a violation of law under the Commission’s authority has been violated. As required by that provision, I have specified the defects in the complaint (form and probable cause). As to the information which would be appropriate to cure the defect, only electors that reside in a municipality served by the individuals named may file a complaint under Wis. Stat. § 5.06. Allegations of an official violating provisions of Chapters 5 to 10 or 12 are under the authority of the Commission and would be proper for the review if sufficient evidence of a violation were included with the complaint. Since the complaint is improper as to form and 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, flowing style.

Meagan Wolfe
Administrator
Wisconsin Elections Commission

cc: Members, Wisconsin Elections Commission

Enclosure