



Wisconsin Elections Commission

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

March 11, 2021

Brian S. Barrett
805 Minaka Dr.
Waukesha, WI 53188

Sent via Email: brianbarrett1@yahoo.com

**Re: Complaint Filed with Wisconsin Elections Commission
EL 21-12 (Barrett v. Kollmansberger, C. of Wauwatosa)**

Dear Mr. Barrett:

I am in receipt of a Section 5.06 complaint filed with the Wisconsin Elections Commission (“WEC” or “Commission”), received on February 15, 2021 against the Clerk in the City of Wauwatosa, Melanie Kollmansberger. 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 Wauwatosa, and you are therefore not a proper party to filing a complaint with our office under Wis. Stat. § 5.06. 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

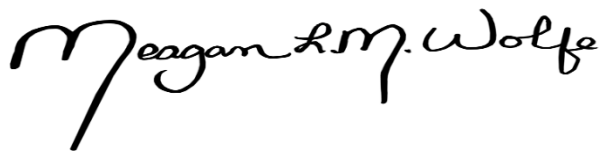
You state in your sworn complaint that your address is in Waukesha, therefore you are not an elector that is served by the clerk in the City of Wauwatosa. Under Wis. Stat. § 5.06, only an “elector” of a jurisdiction or district may file a complaint.

Conclusion

I am returning the complaint, without prejudice pursuant to Wis. Admin. Code § EL 20.04(3), as it is not sufficient to form. As required by that provision, I have specified the defects in the complaint (form – not a proper complainant). 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. Since the complaint is improper as to form, the complaint has not been accepted as proper by the Commission under its administrative rules.

The Commission now considers this complaint matter closed.

Sincerely,

A handwritten signature in black ink that reads "Megan L.M. Wolfe". The signature is written in a cursive style with a large, prominent 'M' at the beginning.

Meagan Wolfe
Administrator
Wisconsin Elections Commission

cc: Members, Wisconsin Elections Commission

Enclosure