

Official Election Complaint Form



STEP 1

Complaint Type

Please select the statutory process that governs your complaint:

Note: you should choose only one statutory process per complaint; if you feel that your allegations fall under more than one statutory process, you should submit separate complaints under each process.

- [5.05 \(Election Law Violation\)](#)
- [5.06 \(Violations by Election Officials or Appeals of Decisions of Election Officials\)](#)
- [5.061 \(Help America Vote Act Violation\)](#)

STEP 2

Complainant Contact Information

Please provide the following information about yourself.

Note: Anyone filing this complaint with you can add their information on a separate page (see page 4).

First Name	Last Name
Jonathan	Conway
Residential Address	
W7697 Military Rd Portage WI 53901	
Mailing Address (if different)	
Telephone (optional)	Email
608-513-8337	conway53901@gmail.com

STEP 3

Respondent

Please provide the following information about the individual or individuals whom you allege violated or improperly administered election laws:

Note: For 5.06 complaints, each respondent must be an election official. If there are multiple respondents, you can add their information on a separate page (see page 5).

Respondent Name	Respondent Title (5.06 complaints)
Mark Considine	Town Clerk-Fort Winnebago
Mailing Address	
N9627 Wilcox Rd Portage WI 53901	
Telephone (if available)	Email (if available)
608-697-5351	clerk@fortwinn.gov



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Applicable Statutes

Please cite each statute within Chapters 5 to 10 and 12 of the Wisconsin Statutes, as well as any other laws relating to elections, other than laws relating to campaign financing, that you allege were violated or improperly administered.

Note: The Commission cannot accept a complaint that does not cite specific provisions, including the correct subsections, of election law.

Wis. Stat. 8.05



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Allegations

Set forth in detail the facts that establish probable cause to believe that a violation occurred. Be as specific as possible as it relates to dates, times, individuals, and actions involved. Use as many separate pages as needed and attach copies of any supporting documentation, evidence, or affidavits.

See attachments:

Allegations

Wis Stat . 8.05: A town can switch to using nomination papers and a nonpartisan primary election by either vote at a town meeting of the electors, or a referendum. The electors meeting vote could take place at any annual meeting or any special town meeting of the electors.

This was brought up at the April 16, 2024 Annual Voters meeting. From the minutes received from the clerk, there was a motion, and a second and a vote to switch from caucus to nomination papers. There was also a vote on the topic. This is where my concerns and complaints start.

State statutes that specifically regulate the conduct of the annual meeting of electors was not followed:

Wis, Stat 60.80: Requires that the clerk post or publish within 30 days, all resolutions, motions, or actions adopted at a town meeting. ##This was never done, see attached emails##

Wis Stat 60.14 was also not followed: According to the minutes received from the clerk. No record of means of voting was recorded or voted on. The number of people listed as attending the meeting does not match the recorded vote information regarding nomination paperwork. Attached minutes show that there are only 15 people listed as attending, and recorded 17 votes on this issue, (without even bring up the issue if they are eligible voters in the township)

I feel these clear violations of state laws specifically written in chapter 60 need to be addressed under Wis. Stat 8.05 because the meeting of electors have certain legal requirements. These requirements are what make these meetings the place to address issues that the town board alone can not take action on alone specifically Nomination paper work under Wis Stat. 8.05.

I have also attached a copy of a resolution the clerk presented at the December 2, 2024 regular board meeting to have the town board sign. Which was tabled because it was felt it was poorly written, and the clerk said, "it was no big deal they didn't really need it on file anyway." The town board is not allowed to make these changes on their own. I feel by allowing the Town specifically the Clerk to continue down this

path would create an illegal election come April 2025.

How would the citizens of my township know that they need to file nomination paperwork versus appearing at a caucus which has been the only means used since the conception of this township, and default by state law for small towns like ours? If someone would like to get on the ballot and know that we have always used caucus in the past. If they reach out in the beginning of January asking when the caucus is, and are told there isn't but you have until the 7th at 5pm to gather these signatures. Good luck!!

The township has a website with a calendar on it. www.fortwinn.com. There has never been anything on that as far as when nomination paper work would be available, when it can be signed, and when and whom it is due to, and when.

I have been researching this since the December 2nd 2024 meeting and spent an entire week corresponding with Jacob Walters (12/6/24-12/13/24) at the election commission after the Town Clerk told me to address the town board with any further questions. (see attached emails)

I have attached both email strings for public information requests for the Minutes and Postings of the annual meeting, including the agenda, Minutes, and resolution that was presented at the 12/2/24 board meeting.

Columbia County, WI

608-683-5713

www.fortwinn.com

On Thu, Dec 5, 2024 at 9:30 PM Jon Conway

[<conway53901@gmail.com>](mailto:conway53901@gmail.com) wrote:

Hi Mark,

Can I get a copy of the posting for the actions of the April 2024 annual voters meeting? I didn't see anything on the website.

Thanks

Jon Conway

608-513-8337

[<2024 04 16 Annual Meeting Agenda.pdf>](#)

On Dec 6, 2024, at 6:44 AM, Mark Considine
<clerk@fortwinn.gov> wrote:

Those would be the minutes that I previously sent you.

Mark Considine
Town Clerk
Town of Fort Winnebago
Columbia County, WI
608-683-5713
www.fortwinn.com

On Thu, Dec 5, 2024 at 11:25 PM Jon Conway
<conway53901@gmail.com> wrote:

Hi Mark,
I'm not looking for the agenda,

I'm looking for the post or publication of all resolutions,
motions, or actions adapted at the annual meeting.

Thanks,
Jon Conway

608-513-8337

On Dec 5, 2024, at 10:42 PM, Mark Considine
<clerk@fortwinn.gov> wrote:

You bet, here it is.

Mark Considine
Town Clerk
Town of Fort Winnebago

Here is the forward string of emails regarding from the clerk regarding postings within 30 days of the meeting.

I will also send the minutes email request as well.

Thank you,

Jon Conway

608-513-8337

Sent from my iPhone

Begin forwarded message:

From: Jon Conway <conway53901@gmail.com>

Date: December 6, 2024 at 11:04:28 AM CST

To: [REDACTED] <kb9fmq@gmail.com>

Subject: Fwd: Records request annual meeting

Jon Conway

608-513-8337

Sent from my iPhone

Begin forwarded message:

From: Mark Considine <clerk@fortwinn.gov>

Date: December 6, 2024 at 7:54:40 AM CST

To: Jon Conway <conway53901@gmail.com>

Cc: William Schroeder <fortwinn@gmail.com>

Subject: Re: Records request annual meeting

Please see my responses below in red.

Mark Considine
Town Clerk
Town of Fort Winnebago
Columbia County, WI
608-683-5713
www.fortwinn.com

On Fri, Dec 6, 2024 at 7:38 AM Jon Conway

[<conway53901@gmail.com>](mailto:conway53901@gmail.com) wrote:

So, my understanding is that there has never been a posting within 30 days of the annual meeting. That is correct. Like I previously told you, this is new to me. As you know, the previous clerk refused to provide any training to me, so I've been learning as I go and it hasn't been fun. You and your family haven't made it easy for a new clerk to come in and do this job. I tried to help out the town when they were in a pinch and you and your family have done nothing but made this job difficult. I only wish the next clerk gets treated better. That said, I did start a town update email and anyone wishing to receive information got it there. In the April email, I mentioned that it would be discussed at the Annual Town meeting and encouraged people to attend. In the May email update, I stated the results of the Annual Town meeting, that we would be going to Nomination Papers. So, maybe this counts as my posting? Not sure. I did the best I could to make anyone interested, know what was going on. I think if you asked anyone who wanted to know what is going on, that I've been very transparent and wanting to let everyone know what is going on, more than any other previous clerk. So, for you to say that I'm not doing my job, is insulting.

There was also no record of voting method. Names and address of electors present were not recorded. The number

of votes exceeds the number of electors present at the meeting. There were some that did not sign in, I only put the names in the minutes of those signing in. As you can tell, it was done by a hand count, thus the count shown in the draft minutes.



With out a posting or publication of meeting action. How are the citizens of the township suppose to know about nomination paperwork? See previous response above.

Having the town board adopt a resolution for nomination paperwork is beyond the powers of the town board. It was suggested by the WTA that we have a resolution on file, but it was adopted by the Annual Meeting, not the town board.

Switching between caucus and nomination paperwork can only be done via annual meeting or referendum. Yes, and it was done at the Annual Meeting.

Can you clarify how these "word of mouth" nomination papers are valid? If you attended the Annual Meeting, you would know that it is not word of mouth. It was acted on at the Annual Meeting. For this coming election?

If you have anything further, please take it up with the Town Board.

Jon Conway

608-513-8337

Sent from my iPhone



**TOWN OF FORT WINNEBAGO
ANNUAL MEETING**

**Tuesday April 16, 2024 @ 6:30 pm
FORT WINNEBAGO SCHOOL
W8349 DUMKE RD., PORTAGE, WI 53901**

ANNUAL TOWN MEETING AGENDA

Call to Order

Pledge of Allegiance

Open Meeting Law Compliance Check & Public Notice

Approve the Agenda

Approval of the Annual Town Meeting Minutes from April 18, 2023

Approve Date for 2024 Annual Town Meeting – 3rd Tuesday, April 15, 2025

Caucus vs Nomination Papers

2023 Annual Financial Report

Citizen Questions/Input

Announcements

Adjournment

Mark Considine, Clerk

them prior to the annual meeting. And since there is a legal requirement for them to be written within 5 days of the annual meeting, I don't see the problem with asking to see them.

Thank you,
Jon Conway

608-513-8337
Sent from my iPhone

On Dec 5, 2024, at 10:47 AM, Mark Considine <clerk@fortwinn.gov> wrote:

Jon,

I'm sorry, these minutes are not approved and can't be published/distributed until they are approved.

Mark Considine
Town Clerk
Town of Fort Winnebago
Columbia County, WI
608-683-5713
www.fortwinn.com

On Wed, Dec 4, 2024 at 9:06 PM Jon Conway <conway53901@gmail.com> wrote:

Hi Mark,

Can I get a copy of the minutes from the annual voters meeting from April 2024.

Thanks

Jon Conway

608-513-8337
Sent from my iPhone

608-513-8337

Sent from my iPhone

Begin forwarded message:

From: Mark Considine <clerk@fortwinn.gov>
Date: December 5, 2024 at 3:40:36 PM CST
To: Jon Conway <conway53901@gmail.com>
Subject: Re: Minutes request

Jon,

You are absolutely correct. I am including them as a draft for your review. Please let me know if you need anything else.

Sorry for the confusion, I have never had this request before and I continue to learn on the job.

Mark Considine
Town Clerk
Town of Fort Winnebago
Columbia County, WI
608-683-5713
www.fortwinn.com

On Thu, Dec 5, 2024 at 11:52 AM Jon Conway <conway53901@gmail.com> wrote:

Hi Mark,

My understanding of the annual minutes is that the need to be written and and on file with the clerk. The minutes are only to be changed at the meeting they are approved. Since this is the annual voters meeting, the minutes are approved by the voters and I would like the minutes to look over. This is no different they any other monthly board meeting for the elected officials. I would simply like to see

From: Jon Conway conway53901@gmail.com
Subject: Fwd: Minutes request
Date: Dec 10, 2024 at 8:43:01PM

[REDACTED]

Jon Conway

608-513-8337

Sent from my iPhone

Begin forwarded message:

From: Jon Conway <conway53901@gmail.com>

Date: December 10, 2024 at 8:26:14 PM CST

[REDACTED]

Subject: Fwd: Minutes request

Jon Conway

608-513-8337

Sent from my iPhone

Begin forwarded message:

From: Jon Conway <conway53901@gmail.com>

Date: December 6, 2024 at 5:11:13 PM CST

To: jacobs.walters@wi.gov

Subject: Fwd: Minutes request

Hi Jacob,

Here are the minutes from annual voters meeting.

Jon Conway



TOWN OF FORT WINNEBAGO

ANNUAL MEETING MINUTES

**Tuesday, April 16, 2024
FORT WINNEBAGO SCHOOL
W8349 DUMKE RD., PORTAGE, WI 53901**

Citizens Present: Jane Schroeder, Gary Bohman, Keith Markham, Carolyn Jenkins, Bruce Walker, Davida Considine, Mary Wilcox, Kris Conway, Dawn Vick, Lorri Arnce & Kay Krueger.

Board Present: Bill Schroeder, Clark Cupery, Kelly Schaller, Mark Considine – Present, Alva Fuller - Absent

Chairman Schroeder called the Annual meeting to order with the Pledge of Allegiance at 6:30 pm.

Clark Cupery moved, seconded by Bill Schroeder to approve the **Agenda**. All Citizens Approved.

Open Meeting Law compliance check: Meeting notice was posted on April 8, 2024 in the Town of Fort Winnebago Internet Calendar and at Northside Auto Repair

Dawn Vick moved, seconded by Jane Schroeder, to approve the April 18, 2023 **Annual Meeting Minutes** as printed. All Citizens Approved.

New Business

- a) Approval of 2025 Annual Town Meeting Date – April 15, 2025, Bruce Walker moved, Jane Schroeder seconded, motion carried by voice vote.
- b) Caucus vs Nomination Papers for Local Municipal Elections – Mark Considine made a motion to move to discontinue using the Caucus and start using Nomination Papers, starting in 2025, seconded by Bruce Walker. Motion carried, Yes – 12, No – 4, Abstain - 1
- c) Jane Schroeder moved, seconded by Mary Walker to accept and approve the **2023 Township Annual Financial Report**, presented by the Clerk. All Citizens Approved.
- d) Discussion Items/Feedback from residents
 - a. Chairman Schroeder discussed the mailbox damage this winter due to wet/heavy snow.
 - b. Annexation discussion on recent annexation from the City of Portage. Detailed the process and the fact that the Town has nothing to say in the matter.

Bruce Walker moved, seconded by Jane Schroeder to **adjourn** the meeting at 7:07 pm. All Citizens Approved.

Next Year's Annual Meeting will be held the third (3rd) Tuesday of April 2025, (**April 15, 2025**).

Minutes Prepared by Mark Considine, Clerk



Resolution # 24 12 01

Use of Nomination Papers Resolution

STATE OF WISCONSIN
Town of Fort Winnebago
Columbia County

The Town Board of the Town of Fort Winnebago, Columbia County, Wisconsin, has specific authority under Wis. Stats. 60.10(2), to adopt this resolution.

The Town Board of the Town of Fort Winnebago, Columbia County, Wisconsin, called and properly notified the monthly town meeting.

THEREFORE, the town board of the Town of Fort Winnebago, Columbia County, Wisconsin, by a majority vote of the town electors on the 16th day of April of September 2024, hereby resolves and orders as follows.

1. No longer will the Town of Fort Winnebago use a Caucus for Local Municipal Elections.
2. The Town of Fort Winnebago will use Nomination Papers for Local Municipal Elections.
3. The town clerk shall properly post this resolution as required by law under Wis. Stat. ss 60.80(1)(a) within 30 days after its adoption.

Adopted this 2nd day of December 2024, at a Monthly Town Board Meeting.

William Schroeder Sr., Town Chairman

Alva Fuller, Town Supervisor 1

Clark Cupery, Town Supervisor 2

I hereby certify that this is a true copy of a Resolution passed by the Town of Fort Winnebago of Columbia County, Wisconsin on the 2nd day of December 2024.

Mark Considine, Town Clerk

STEP 6

Sign

Each complainant must complete **either** step 6a, "Unsworn Statement," or Step 6b "Sworn Statement." For either option, you may enter your digital signature by clicking the box and following the instructions, or you may print the form and sign it.

STEP 6a

Unsworn Statement

I declare under penalty of false swearing under the law of Wisconsin that

the foregoing is true and correct. Signed on the day of ,

at

(city or other location and state or country).

Printed Name

Signature

STEP 6b

Sworn Statement (to be completed in the presence of a notary)

I, 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.

Complainant's Signature

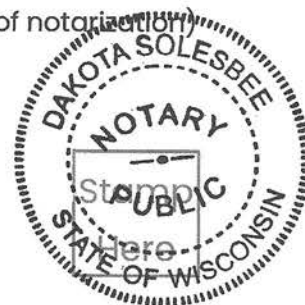
Note: Each complainant listed above in section 6b must have this form sworn before a notary or other official able to swear oaths.

STATE OF WISCONSIN

County of, (county of notary action)

Sworn to before me this day of,

(Signature of person authorized to administer oaths)



My commission expires on , or is permanent.

Notary Public or (official title if not notary)



Filing the Complaint

Please send this completed form to the Wisconsin Elections Commission

Email:

elections@wi.gov

Please put your name and
"Complaint" in the email
subject field

Mail:

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

Fax:

608-267-0500