



Wisconsin Elections Commission

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

February 10, 2025

Annette Kuglitsch
316 E Wabash Ave.
Waukesha, WI 53186

Linda Gourdoux
201 Delafield St.
Waukesha, WI 53186

Shawn Reilly
201 Delafield St.
Waukesha, WI 53186

Sent via email to: annetekug@gmail.com, lgourdoux@waukesha-wi.gov, sreilly@waukesha-wi.gov

Re: Complaint Filed with the Wisconsin Elections Commission:
(EL 25–13) Annette Kuglitsch v. Linda Gourdoux

Dear Ms. Kuglitsch,

I am in receipt of the complaint you filed with the Wisconsin Elections Commission (Commission), received on February 6, 2025, naming both Clerk Gourdoux and Mayor Reilly as respondents. The administrative rules governing the Commission’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).

First, I am accepting the complaint regarding Clerk Gourdoux, a notice letter has been emailed to her along with this letter, and she will have until February 27 to respond. Second, while I find your complaint to be timely, the complaint is deficient in form and does not allege facts that could lead to a finding of probable cause by the Commission regarding Mayor Reilly. Therefore, I am partially returning the complaint to you without prejudice pursuant to Wis. Stat. § 5.06 and Wis. Admin. Code § EL 20.04(1) and (2).

Wis. Stat. § 5.06(1) states, in part, that:

Whenever any elector of a jurisdiction or district served by an election official believes that a decision 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.

In summary, this subsection requires that a Respondent in a Wis. Stat. § 5.06 complaint be an election official, and that a sufficient complaint must allege a failure related to an election process. The issues of form and probable cause are interrelated regarding Respondent Reilly. Election officials are defined as “individual[s] who [are] charged with any duties relating to the conduct of an election.” Wis. Stat. §

Wisconsin Elections Commissioners

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Administrator
Meagan Wolfe

5.02(4e). While a mayor can perform some duties related to election administration, such as the initial nominating of election inspectors to the governing body, your complaint does not appear to allege that Shawn Reilly was acting in any election-related capacity regarding the staffing or discharging of Special Voting Deputies. Accordingly, your complaint is formally deficient regarding him as a Respondent because he was not acting as an election official.


Relatedly, it is not clear in your complaint what Shawn Reilly is alleged to have done that would establish probable cause of an election law violation. You describe speaking to Mayor Reilly on January 22 concerning your allegations against Clerk Gourdoux, and on January 29 asking for his assistance in reaching Clerk Gourdoux. You do not allege that he took any specific actions or violated an election statute, and you do not explain what relief you seek from the Commission regarding him. Accordingly, your complaint fails to allege facts that could establish probable cause that Shawn Reilly violated an election statute.

Conclusion

I am partially returning the complaint, without prejudice, pursuant to Wis. Admin. Code § EL 20.04(2), as it is not sufficient as to form and fails to allege facts that could lead to a finding of probable cause regarding Shawn Reilly. However, the complaint is sufficient regarding Respondent Linda Gourdoux, and the response from her is due on February 27.

I have specified the defects in the complaint (form and probable cause). To correct the defects described in this letter, you would need to clarify how Shawn Reilly was acting as an election official, and how those actions violated an election statute or rule. The Commission now considers the complaint closed with regard to Shawn Reilly.

Sincerely,

A handwritten signature in black ink that reads "Meagan L.M. Wolfe". The signature is written in a cursive, flowing style.

Meagan Wolfe
Administrator
Wisconsin Elections Commission

cc: Members, Wisconsin Elections Commission