



1 ¶1 I, John Washburn, ("COMPLAINANT") state under penalty of perjury that this complaint is brought  
2 under WI Stats chapters 7 and 5; specifically, but not limited to, 7.23, 5.06, and 5.08. This complaint  
3 is based on my personal knowledge. I do state the following.

4 ¶2 I am a citizen.

5 ¶3 I am a resident of the State of Wisconsin, of Washington County, and of the Village of Germantown.

6 ¶4 I am an elector residing within the Village of Germantown and was an elector for the federal elections  
7 held on September 12, 2006 and November 7, 2006.

8 ¶5 This jurisdiction (the Village of Germantown) was served by Brenda Jaszewski ("DEFENDANT"), in  
9 her capacity as the Clerk of Washington County, for the two elections in question.

10 ¶6 As such, the COMPLAINANT has standing, under WI Stats. 5.08, to bring this complaint.

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12 ¶7 I allege following criminal acts based on my personal knowledge.

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14 ¶8 On or about October 3, 2006 the defendant did willfully and intentional direct the destruction of the  
15 contents of Memory Card 67131-D1-A. Memory Card 67131-D1-A contained election data from  
16 August 26, 2006 and election data from September 12, 2006. This election data was destroyed  
17 without making the backup required under WI Stats 7.23(1)(g). See Exhibits A and B-01.

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19 ¶9 . On or about October 3, 2006 the defendant did willfully and intentional direct the destruction of the  
20 contents of Memory Card 67131-D2-A. Memory Card 67132-D2-A contained election data from  
21 August 26, 2006 and election data from September 12, 2006. This election data was destroyed  
22 without making the backup required under WI Stats 7.23(1)(g). See Exhibits A and B-02.

23  
24 ¶10 On or about October 3, 2006 the defendant did willfully and intentional direct the destruction of the  
25 contents of Memory Card 67131-D3-A. Memory Card 67131-D3-A contained election data from

1 August 26, 2006 and election data from September 12, 2006. This election data was destroyed  
2 without making the backup required under WI Stats 7.23(1)(g). See Exhibits A and B-03.

3  
4 ¶11. On or about October 3, 2006 the defendant did willfully and intentional direct the destruction of the  
5 contents of Memory Card 67131-D4-A. Memory Card 67131-D4-A contained election data from  
6 August 26, 2006 and election data from September 12, 2006. This election data was destroyed  
7 without making the backup required under WI Stats 7.23(1)(g). See Exhibits A and B-04.

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9 ¶12. On or about October 11, 2006 the defendant did willfully and intentional direct the destruction of the  
10 contents of Memory Card 79260-AA. Memory Card 79260-AA contained election data from August  
11 30, 2006 and election data from September 12, 2006. This election data was destroyed without  
12 making the backup required under WI Stats 7.23(1)(g). See Exhibits A and B-05.

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14 ¶13 On or about October 11, 2006 the defendant did willfully and intentional direct the destruction of the  
15 contents of Memory Card 79276-AA. Memory Card 79276-AA contained election data from August  
16 30, 2006 and election data from September 12, 2006. This election data was destroyed without  
17 making the backup required under WI Stats 7.23(1)(g). See Exhibits A and B-06.

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19 ¶14 On or about October 11, 2006 the defendant did willfully and intentional direct the destruction of the  
20 contents of Memory Card 79270-AA. Memory Card 79270-AA contained election data from August  
21 30, 2006 and election data from September 12, 2006. This election data was destroyed without  
22 making the backup required under WI Stats 7.23(1)(g). See Exhibits A and B-07.

23  
24 ¶15 On or about January 15, 2007 the defendant did willfully and intentional direct the destruction of the  
25 contents of Memory Card 67131-D1-A. Memory Card 67131-D1-A contained election data from

1 October 20, 2006 and election data from November 7, 2006. This election data was destroyed  
2 without making the backup required under WI Stats 7.23(1)(g). See Exhibits A and B-08.

3  
4 ¶16 On or about January 15, 2007 the defendant did willfully and intentional direct the destruction of the  
5 contents of Memory Card 67131-D2-A. Memory Card 67131-D2-A contained election data from  
6 October 20, 2006 and election data from November 7, 2006. This election data was destroyed  
7 without making the backup required under WI Stats 7.23(1)(g). See Exhibits A and B-09.

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9 ¶17 On or about January 15, 2007 the defendant did willfully and intentional direct the destruction of the  
10 contents of Memory Card 67131-D3-A. Memory Card 67131-D3-A contained election data from  
11 October 20, 2006 and election data from November 7, 2006. This election data was destroyed  
12 without making the backup required under WI Stats 7.23(1)(g). See Exhibits A and B-10.

13  
14 ¶18 On or about January 15, 2007 the defendant did willfully and intentional direct the destruction of the  
15 contents of Memory Card 67131-D4-A. Memory Card 67131-D4-A contained election data from  
16 October 20, 2006 and election data from November 7, 2006. This election data was destroyed  
17 without making the backup required under WI Stats 7.23(1)(g). See Exhibits A and B-11.

18  
19 ¶19 On or about January 15, 2006 the defendant did willfully and intentional direct the destruction of the  
20 contents of Memory Card 79260-AA. Memory Card 79260-AA contained election data from October  
21 20, 2006 and election data from November 7, 2006. This election data was destroyed without making  
22 the backup required under WI Stats 7.23(1)(g). See Exhibits A and B-12.

23  
24 ¶20 On or about January 15, 2006 the defendant did willfully and intentional direct the destruction of the  
25 contents of Memory Card 79276-AA. Memory Card 79276-AA contained election data from October

1 20, 2006 and election data from November 7, 2006. This election data was destroyed without making  
2 the backup required under WI Stats 7.23(1)(g). See Exhibits A and B-13.

3  
4 ¶21 On or about January 15, 2006 the defendant did willfully and intentional direct the destruction of the  
5 contents of Memory Card 79270-AA. Memory Card 79270-AA contained election data from October  
6 20, 2006 and election data from November 7, 2006. This election data was destroyed without making  
7 the backup required under WI Stats 7.23(1)(g). See Exhibits A and B-14.

## Relief Sought

¶22 The COMPLAINANT seeks the following relief from the District Attorney of Washington County, Wisconsin ("DA").

1. Prosecution of the DEFENDANT under any applicable portion of Wisconsin statute the DA finds applicable. The grounds for prosecution include, but are not limited to, WI Stats 12.13(2)(a) and WI Stats 12.13(2)(b)7.
2. That the DA file and pursue a Writ of Mandamus against the DEFENDANT directing the DEFENDANT to retain any election data still extant on any memory card (or other device meeting the definition found WI Stats. 7.23) which the defendant has in her position or her control.
3. A Public Notice signed by the DA. The Public Notice shall be sent to all municipal clerks serving in Washington County, Wisconsin. The Public Notice shall also be published in same manner and venues as would a public notice of a municipal meeting which a municipal clerk would publish in accordance with WI Stats.19.84. The Public Notice shall consist of at least the following:
  - a. A complete citation of WI Stats. 7.23 with a special emphasis on 7.23 (1)(g),
  - b. A description of the positive duty placed on said clerks by 7.23 (1)(g) to make backups, and
  - c. A description of the penalties for failing to follow the backup procedures of WI Stats. 7.23(1)(g)
4. A letter to each of the District Attorneys of the other 71 counties in Wisconsin and to the COMPLAINANT which describes this action and any and all findings of fact or law resulting from this action.