

1 ¶1 I, John Washburn, (“Complainant”) state under penalty of perjury that this complaint is brought under
2 WI Stats chapters 7 and 5 and specifically, but not limited to, 7.24, 7.23, 7.41, 5.06, and 5.08 and is
3 based on personal knowledge. I do state the following.

4 ¶2 I am a citizen, resident, and of the State of Wisconsin and

5 ¶3 As such I am an elector residing within the jurisdiction of the whole state and was an elector for the
6 presidential election held on the date of November 2, 2004, and that

7 ¶4 This jurisdiction (the whole of the State) was served in part by the Interim Director of the City of
8 Milwaukee Election Commissioner, Sharon Robinson, (“Interim Director”) from February 26, 2005
9 until July 17, 2005 for this election of which the complainant was an elector. See exhibits A1 and A2.

10 ¶5 This jurisdiction (the whole of the State) was also served in part by the City of Milwaukee Election
11 Commission then consisting of the three members: Allen E. Campos, Victoria Toliver, and Edward
12 Schultz (“The Election Commission”).

13 ¶6 As such the Complainant has standing under WI Stats. 5.06(1) to bring this complaint.

14 ¶7 I allege based on my personal knowledge that on or about April 1, 2005, the Interim Director and the
15 Election Commission violated Wisconsin statute 7.24 by voluntarily relinquished custody of the
16 November 2, 2004 election records to the Joint Task Force Investigating Possible Election Fraud in
17 the November 2, 2004.

18 ¶8 Wisconsin statute 7.24 is entitled, Title to Election Materials, and states [emphasis mine]:

- 19 1. *The filing of a nomination paper, ballot application, financial report, affidavit, or other form or statement*
20 *with the appropriate official or agency responsible for accepting such materials under chs. 5 to 12*
21 *irrevocably transfers the legal title to such official or agency, regardless of the sufficiency of the filing.*
22 ***The official or agency shall retain all election materials until destruction or other disposition is***
23 ***authorized under s. 7.23.***

24 ¶9 The Complainant alleges WI Stats. 7.24 creates a “required to be kept” relationship between an
25 election official and election materials. Absent a judicial order, an election official can no more turn

1 over original election records to a third party than a county register of deeds can turn over original
2 deeds, mortgages, and other written instruments on file with the county.

3 ¶10 On July 9, 2007 the Complainant was first informed of the statutory breach committed by the Interim
4 Director and the Election Commission by voluntarily transferring the original election records to the
5 Task Force without judicial review, subpoena, or judicial order.

6 7 **Relief Sought**

8 ¶11 The complainant seeks the following relief from the Wisconsin State Elections Board or from its
9 successor, the Government Accountability Board.

- 10 1. An investigation into the nature and circumstances of the transfer of records from the City
11 Election Commission and the Joint Task Force.
- 12 2. A final, public report published by the Wisconsin State Election Board describing the history
13 and circumstances of this transfer of records. The final public report must also contain formal
14 legal opinions from the Wisconsin State Elections Board on each of the following questions:
 - 15 a. Was the transfer of records a violation of WI States 7.24?
 - 16 b. If the transfer is deemed a violation of state statute, then under what conditions can
17 election officials and agencies relinquish election records to other governmental
18 bodies?
 - 19 c. If the transfer is not deemed a violation of state statute, then why not?
 - 20 d. Are election records public records which are "required to be kept" by election
21 officials? In other words is WI Stats. 7.24 analogous to WI Stats. 59.20(c) in that
22 both requires certain records be created and be kept by specific government officers?
23 Two examples of records "required to be kept" under WI Stats. 59.20(c) are deeds
24 which are required to be kept by the County Register of Deeds and minutes of county
25 board meetings which are required to be kept by the County Clerk.

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e. A recommendation by the Board to refer or to not refer the matter to the local district attorney for prosecution.

f. The reason(s) underlying the decision to refer or not to refer the matter to the local district attorney.

3. The Wisconsin State Election Board shall formulate any regulations needed to enforce WI stats. 7.24.

4. The Wisconsin State Election Board shall promulgate such regulations to the municipal and county clerks of the State to aid in enforcement and observation of WI Stats 7.24 by said clerks.