

Luke Berg

From: Elections PIO <Electionspio@wisconsin.gov>
Sent: Tuesday, December 14, 2021 12:53 PM
To: Brian W. McGrath
Cc: Luke Berg
Subject: WEC Response to Dec. 8 & 9 Public Records Requests
Attachments: 02-27-2020 WEC Open Meeting Minutes.pdf; 2020 Delegation of Authority to Administrator.pdf; Chapter 5.pdf; Decision Letter_Pellegrini v. Igl_FINAL.pdf; EL 20.pdf; FW_ Complaint EL 21-35_ Pellegrini v_ Darlene Igl_ Village of Hartland Clerk.pdf; FW_ PRIVILEGED_ Draft Decision for Potential Teigen Conflict Review (Pellegrini v_ Igl Draft Decision Letter).pdf; Hartland Response07.08.21.pdf; J. Comm Memo_Delegation of Authority_2_27_20.pdf; New Complaint - 5_06 - Pellegrini v_ Igl_ V of Hartland.pdf; Notice of Complaint and Complaint - Pellegrini v_ Igl_ Village Clerk.pdf; Notice of Complaint_Pellegrini v. Igl.pdf; Open Session Minutes September 9, 2021 (Final).pdf; Pellegrini draft decision letter.pdf; Pellegrini v. Igl Draft Decision Letter - EL 21-35 (2).pdf; Pellegrini v_ Igl Draft Decision Letter - EL 21-35.pdf; RE 5.06 Complaint Pellegrini v. Igl II.pdf; RE_ 5_06 Complaint_ Pellegrini v_ Igl.pdf; RE_ Complaint EL 21-35_ Pellegrini v_ Darlene Igl_ Village of Hartland Clerk.pdf; Reply_Pellegrini v. Igl.pdf; Robert Pellegrini v. Darlene Igl (Case No. EL 21-35) Decision Letter.pdf; Signed Complaint against Village of Hartland.pdf; WEC Agenda-OPEN Meeting Notice 2.27.2020.pdf; WEC Open Meeting Notice 9.9.2021.pdf

Dear Mr. McGrath,

This email is in response to your public records requests from December 8th and 9th concerning *In the Matter of: Robert Pellegrini v. Darlene Igl* (Case No.: EL 21-35). Your requests are partially denied and partially fulfilled with attachments to this email. Below, I will address each part of your requests, which are copied in italics.

Records which reflect the date(s) that the WEC Commissioners considered the Complaint filed in that case.

Your request is partially fulfilled and partially denied. Your request is partially fulfilled with copies of emails providing the Commissioners with each filing, notifying the Commission Chair of the draft decision, providing the Commissioners the draft decision and inviting comments, and notifying the Commissioners of the official posting of the decision letter. The complaint documents, available on the WEC website here: <https://elections.wi.gov/node/7462>, are also attached. Your request is denied to the extent it asks for any preliminary drafts of the decision letter. Under Wis. Stat. § 19.32(2) “Record’ does not include drafts, notes, preliminary computations and like materials prepared for the originator’s personal use or prepared by the originator in the name of a person for whom the originator is working.”

Records which reflect the date(s) that the WEC Commissioners voted on the ruling in that case.

Your request is denied because the WEC does not possess any responsive records. The decision letter was issued in accordance with the Commission approved delegation of authority.

Records which reflect how each of the WEC Commissioners voted on this case.



Your request is denied because the WEC does not possess any responsive records. The decision letter was issued in accordance with the Commission approved delegation of authority.

Records which reflect that the Commission delegated the authority to resolve that complaint to anyone other than the Commission, itself.

Your request is fulfilled with a copy of the current delegation of authority to the Commission Administrator. The Commission last revised the authority delegated to the Commission Administrator in its February 27, 2020, Commission meeting. Copies of the delegation of authority, a memo to the Commissioners regarding the delegation, the meeting minutes, and the meeting notice are attached to this email. Additionally, copies of the meeting minutes and notice from the Commission's September 9, 2021, meeting, where the Commission considered but did not amend the delegation of authority, are also attached.

If the Commission made such a delegation as identified in Request #1, records which reflect the date of such delegation and to who the Commission delegated such authority.

The records attached in response to the previous request also fulfill this request. The attached records show that the Commission unanimously approved the current delegation of authority to the Commission Administrator at the February 27, 2020, Commission meeting.

Records which reflect that the Commission has the authority to delegate the power to resolve complaints filed under Wis. Stat. 5.06 to anyone other than the Commission, itself.

In addition to the records already mentioned, copies of Wis. Stats. §§ 5.05–5.06 and Wis. Admin. Code EL § 20.04(6), (10) are attached to this email.

To the extent that this response denies any part of your public records request, the Commission's determination is subject to review in an action for mandamus under Wis. Stat. § 19.37(1), or by application to a district attorney or the Attorney General.

Sincerely,

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