



The Kloppenburg for Justice Committee
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April 20, 2011

Mr. Kevin Kennedy
Director and General Counsel
Wisconsin Government Accountability Board
212 East Washington Avenue, Third Floor
P.O. Box 7984
Madison, Wisconsin 53707-7984

RE: Complaint Regarding Waukesha County Clerk Kathy Nickolaus

Dear Mr. Kennedy:

On behalf of the JoAnne Kloppenburg for Justice campaign, I am filing the enclosed complaint alleging that Waukesha County Clerk Kathy Nickolaus violated state election laws in carrying out her duties for the spring election held on April 5, 2011.

Many questions remain unanswered about Ms. Nickolaus' egregiously inaccurate report of Waukesha County's election results on April 5, 2011, and her unaccountable two-day delay in issuing a correct report to the public. These questions include how and why Ms. Nickolaus failed to include the City of Brookfield's returns when she posted the results on election night; whether the omission of the City of Brookfield returns from the vote totals for Waukesha County was intentional; whether Ms. Nickolaus' later explanation for underreporting the election results was truthful; why Ms. Nickolaus failed to inform GAB of the error but chose instead to hold a press conference; why she failed to immediately issue a correct report to the public or the media, given the overwhelming public interest in the election result; whether Ms. Nickolaus informed anyone else of the error before the press conference; and what steps will be taken to ensure, going forward, that Ms. Nickolaus' actions do not compromise another state or local election.

These and other questions must be answered. The citizens of Wisconsin deserve to have complete confidence in the results of elections. They deserve to know that their votes have been counted. The public's confidence in elections has been eroded by the revelation that, for a period of nearly two days following an election, an entire municipality's votes were not counted in the election results.

The need for public confidence in election results is nowhere more important than in elections for justices of the Wisconsin Supreme Court. As the court of last resort in the state, the Wisconsin Supreme Court must dispense justice fairly, impartially, and according to the law, in the eyes of all of the state's citizens. If an election for a Supreme Court justice is tainted by the misconduct or incompetence of a local election official, the Supreme Court's integrity is jeopardized and its standing in the eyes of the citizens is diminished.

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Director and General Counsel, GAB
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Ms. Nickolaus has repeatedly brushed off significant concerns raised by the media and the public about her management of Waukesha County elections, and has rebuffed calls by Waukesha County officials for greater transparency and accountability in her handling of elections data. It is extremely unfortunate that an egregious inaccuracy in reporting the county's results in a hotly-contested statewide election had to occur before this situation was remedied.

I ask that the Government Accountability Board take immediate action to authorize an investigation into Ms. Nickolaus' actions. Further, I urge the Board to appoint an experienced special investigator to ensure that an objective, thorough investigation is conducted. Finally, after an investigation is completed, I urge the Board to pursue all available legal and administrative remedies to ensure that Ms. Nickolaus has no further opportunity to undermine public confidence in an election.

Sincerely,

A handwritten signature in black ink, appearing to read 'M. Mulliken', with a long horizontal flourish extending to the right.

Melissa Mulliken

Enc.

cc: JoAnne Kloppenburg
Attorney Susan Crawford