

STATE OF WISCONSIN  
GOVERNMENT ACCOUNTABILITY BOARD

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The Complaint of the Democratic Party of Wisconsin,  
by Margaret Brick,

Complainant,

against

Americans for Prosperity Wisconsin

Respondent

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VERIFIED COMPLAINT

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On behalf of the Democratic Party of Wisconsin, I, Margaret Brick, primarily based on public records, but also on information and belief, hereby allege as follows:

1. This Complaint is brought against Americans for Prosperity Wisconsin (“AFPW”), a registered 501(c)(4) organization under the Internal Revenue Service code, by and through its State Director, Matt Seaholm.

2. I am a citizen, resident, and elector of the State of Wisconsin. I am the Executive Director of the Democratic Party of Wisconsin, 110 King Street, Suite 203, Madison, Wisconsin 53703, on behalf of which I bring this Complaint.

3. Respondent maintains an address at 1126 South 70th Street Suite S219A Milwaukee, WI 53214.

4. On or about June 3, 2011, the Wisconsin Government Accountability Board ordered recall elections in Wisconsin State Senate Districts 2, 8, 10, 14, 18, and 32 to be held on August 9, 2011.

5. On or about June 8, 2011, the Wisconsin Government Accountability Board ordered recall elections in Wisconsin State Senate Districts 12, 22 and 30 to be held on August 16, 2011.

6. On or about July 30, 2011, Respondent delivered, or caused to be delivered, a flier (“AFPW Flier”) that includes an application (“Application”) to request an

absentee ballot for the August 9 and August 16 State Senate recall elections. A copy of the AFPW Flier and Application are attached hereto and incorporated herein as Exhibit "A."

7. The AFPW Flier states absentee ballots must be received, "by your city clerk on the Thursday of the week before the general election."

8. The Application states that absentee ballots must be received, "by your city clerk by August 11."

9. The AFPW Flier and Application both falsely represent the time frame permitted under Wis. Stat. Section 6.87(6), which states that an absentee ballot, "shall be returned so it is received by the municipal clerk **no later than 8 p.m. on election day.**" (emphasis added)

10. Notwithstanding the conflict with applicable state law mentioned in paragraph 9, above, the August 11 return date enumerated by Respondent on the Application falls **after** the recall election on August 9, 2011.

11. Wis. Stat. Section 12.13(3)(c) states, in pertinent part, that no person shall willfully prevent the delivery of official ballots within the required time.

12. Violation of Wis. Stat. Section 12.13(3)(c) carries a penalty per violation of a fine not to exceed \$1,000, imprisonment not to exceed six months, or both, as defined by Wis. Stat. Section 12.60.

13. Wis. Stat. Section 12.05 states, in pertinent part, that no person may make a false statement which is intended or tends to affect voting at an election.

14. Violation of Wis. Stat. Section 12.05 carries a penalty per violation of a fine not to exceed \$1,000, imprisonment not to exceed six months, or both, as defined by Wis. Stat. Section 12.60.

15. Respondent has displayed a continued pattern of tampering with the electoral process in Wisconsin with elaborate, illegal and fraudulent schemes designed to suppress Democratic votes.

16. Therefore, regardless of whether the Board addresses this matter pursuant to Chapter 11, Wisconsin Statutes, or finds it appropriate to refer the matter to a district attorney for investigation, the Complainant respectfully submits that the facts warrant the Board's attention.