

H/10

November 14, 2019

ATTN: School District Boundary

*Please find attached my written testimony against the dissolution of Palmyra-Eagle School District, along with additional supporting documentation of items referenced in my testimony – including DPI District Report cards for MASD and PEASD, Letter from Wisconsin Elections Commission dated October 23, 2019; copy of personal email between myself and Mukwonago School board member / Real Estate Agent; and copy of example of negative Facebook media; copies of literature our group created, paid for and mailed, and hand /or hand delivered in support of our school district through the past year.*

Thank you for your careful consideration.

Submitted by:

Tara LeRoy

Parent of 5<sup>th</sup> & 8<sup>th</sup> Grade PEASD Students

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Thank you for the opportunity to speak - I have left you with a packet of supporting documentation and lengthy testimony, so I will just speak of some of the highlights

### **Transportation –**

Right now we live 4 miles from PEHS. My kids are among the first picked up by the bus at 6:45 AM and they are among the first dropped off and are home at 3:15. This allows things like dentist appts and doctor appts to be scheduled after school rather than having to take my children out of the classroom. This schedule ensures that I am always home when they get on and off the school bus. The closeness of the school to our home allows me the opportunity to easily frequent the school to participate in and/or volunteer with without taking time off work to do so. My children can easily attend after school activities -as it is quick and easy to drive the 4 miles to and from the school for drop offs and pickups.

When my kids first learned of the possibility of going to a different district, one of their first questions was “is how much longer would our bus ride be? How much earlier would we have to wake up and how late would we get home? Will my friends be going to the same school?”. These are legitimate concerns, as they already know how long it takes to drive to neighboring communities – the next closest HS is Whitewater – 11 miles away and a treacherous drive down HWY 59 in the winter with blowing and drifting snow from the abundance of farmland that borders the HWY the whole stretch. I drove this for 5 years commuting from WW office and I would not want any new / young drivers making that daily trek in winter. The remainder of the HS are 12 -14 miles away – not considering the additional time taken in bus routes.

Documented bus driver shortages in our area is also a huge concern as to whether schools will even be able to accommodate additional bus routes.

Too many people focus on what we don't have in our district – which is why we are all here tonight. But this community is filled with people focused on what we DO have. We still have 646 students that CHOSE to attend PEASD this year and that number is still greater than the number that chose to leave – even as we face the most devastating years of the school's very existence. If these remaining 646 students are forced into school districts they don't want to be a part of, those school districts will then be facing same situation PEASD currently is -as those families OE out or just opt to move and leave this community- as several families have already done this past year.

We have over 31% of our students that are economically disadvantaged in our district – increasing the travel time and travel expense and school registration fees / athletic fees / extracurricular expenses, etc for these families to attend other district schools could be a considerable burden and prevent students and their families from enjoying the very activities they are currently able to enjoy now in our district. Extending the distance and creating more barriers and making it more difficult for families to be involved will have a negative impact on all students.

My daughter lost her 3 best friends this year - 2 of which would never have left this district if we weren't here. This has left her emotionally hurt and she has lost some of her enthusiasm for school as classroom dynamics have changed – both with kids leaving and some new kids arriving. Don't underestimate the effect on our children when they are forced to leave an environment they feel comfortable and safe in and how it affects their ability to learn. One of the 3 of her friends is not adjusting well and Bailey worries about her. Look around – which students or parents will also have to deal with those same issues next year? Some families have left all together, some families have children in 2 different districts and some are looking into home schooling options for next year if PEASD is not an option.

We understand there are challenges ahead with whatever decision you make. We know that as a community and school working together, we can come up with solutions. We know the school board needs to rebuild some community trust – which starts in April by filling at least 3 board positions which are up for election. We have developed a community network for the past year focused on promoting and fighting for our school district. This group could become a valuable communication bridge between school board, students, and community. The burden of success or failure of our district should not lie on the shoulders of 7 people – but should be a community partnership as we all benefit from our schools being successful. With consolidation of responsibilities and/or buildings, reduction in administration, pursuit of additional sponsorships, donations, grants, etc, we are confident we can make up what the projected shortfalls for 2020/21 school year.

Among the items interest include option of 4-day school weeks (popular in over 400 districts in West, Midwest, and Southern states.) An option such as 4-day school week could cut transportation costs by 20%, reduce utilities and food service expense, give teachers additional preparation time, and help retain and attract quality teachers and staff without increasing salary or benefit expenses to do so. 4-day school weeks also have worked well in boosting community and school moral in troubled areas. By exploring additional unique options, our vision for the future would be to focus on things we can provide that other districts cannot and attract new families and students to this area.

Thank you for your careful consideration of the impacts that will be felt by all students. I know your decision is not an easy one. The families of students in Palmyra Eagle schools continue to believe the best choice for their families is right here in Palmyra area community. Please help us to continue to have that opportunity for our families

Tara LeRoy

## **Referendum Analysis**

When reviewing the referendum results, please take into consideration more than the final results. As this was an advisory referendum, it is worth analyzing more than just the win/loss. Like any piece of data, or test, or report given, when breaking it down there is much additional information to be considered.

- 1) The Jefferson County voters, again, showed overwhelming support in keeping and supporting their district (Town and Village of Palmyra voted 634 to keep the schools to 236)
- 2) The 914 votes in Town & Village of Eagle approximately represent just the number of those who already open enroll out (if you consider on average 2 votes per household).
- 3) More than 50% voter turnout was had – despite it not being a statewide election, despite challenges submitted to the petitions and unsubstantiated claims of illegal activity by the school district and petitioners. There was a concentrated effort by those that OE out to prevent the advisory referendum from taking place. Despite headlines just weeks before the election of claims the district violated laws and the election may not be allowed to proceed – (It was not until October 23, 2018 the Wisconsin Elections Commission confirmed no laws were broken and referendum could be allowed– see attached letter from WEC dated 10/23/2019)
- 4) Voters in Eagle were led to believe by Village of Eagle Trustee, by negative direct mailers, illegally placed flyers on mailboxes, and social media, the only way to keep Eagle elementary open and get lower property taxes, would be to vote to dissolve the district. Facebook pages such as “Eagle Wisconsin Taxpayers (which has a large number of non-Eagle taxpayers fueling the fires against a district they are not a part of or pay taxes in) and Citizens/Families of Eagle Choose Mukwonago. These groups also developed website to advocate against the PEASD <http://PalmyraEagleReferendum.com>

## **Transportation Concerns –**

Currently, Palmyra High School is 4 miles from my home – a home we specifically purchased in PEASD. We love the close proximity to school, while still allowing us opportunity to own farm acreage with horses and cropland. My kids are among the first picked up by the bus at 6:45 AM. MS/ HS starts at 7:40 and PES starts at 7:45. Benefit of our location and bus route for the last 9 years, is that in the afternoon, they are among the first dropped off and are home at 3:15. This is important for our family – allows time for my son to ride his bike to work at a local pumpkin farm when he is needed. This allows my daughter time to prepare before leaving for gymnastics practice 3 days a week at 4:00. This allows things like dentist appts and doctor appts to be scheduled after school rather than having to take my children out of the classroom. This schedule ensures that I am always home when they get on and off the school bus. The closeness of the school to our home allows me the opportunity to easily frequent the school to participate in and/or volunteer with activities (such as field trips, class parties, “Breakfast with Books”, “Muffins with Mom”, parent-teacher conferences, etc), without taking time away from work and losing \$\$ or vacation time to do so. My children can easily attend after school activities -as it is quick and easy to drive the 4 miles to and from the school for drop offs and pickups.

The next CLOSEST High School is Whitewater School District – 11 miles away; followed by Kettle Moraine & Oconomowoc at 12 miles; Jefferson, East Troy, Mukwonago are all 13 miles away; and Fort

Atkinson is 14 miles away. Nearly every single district high school is more than TRIPLE the current distance for our family (using the shortest possible routes, not bus routes which would be significantly longer). The question my kids asked is how much longer would our bus ride be? How much earlier would we have to wake up and how late would we get home? Will my friends be going to the same school? As someone who worked in Whitewater only a few blocks from the Whitewater School District office, I made the daily commute down HWY 59 for 5 years. I am well aware of how dangerous that drive can be in winter and the regular number of accidents there are. I would not want any new / young drivers making that drive in snow / icy conditions. (This road is bordered by cropland the entire way from Palmyra to Whitewater and is subject to heavy blowing and drifting snow.) Documented bus driver shortage in our area and already rising transportation costs already burden the limited supply of bus companies in our area. The potential of significantly longer bus rides exists for all students forced to attend schools other than those in PEASD.

<https://www.jsonline.com/story/news/education/2019/03/18/bus-driver-shortage-has-wisconsin-schools-scrambling-fill-routes/3105691002/>

[https://www.dailyunion.com/news/bus-pact-personnel-policies-approved-by-jefferson-school-board/article\\_dc244059-af37-5645-b954-e2cfec89caed.html](https://www.dailyunion.com/news/bus-pact-personnel-policies-approved-by-jefferson-school-board/article_dc244059-af37-5645-b954-e2cfec89caed.html)

### **School Options**

Our family is a farm family that treasures the rural and agricultural nature of our area. I was raised on a small farm in Jefferson County. My husband and I both worked and lived many years in Eagle and have many ties throughout the Palmyra-Eagle area. We purchased our home in a community we wanted our children to be a part of and attend school in – before our son was 1 year old. Significant personal investments of money and time were made well in advance of our children actually attending school as we planned ahead. (We moved from our home in Idaho back to Wisconsin after birth of our oldest child to be closer to family, to give our children the opportunity to graduate from the same school their father, aunts, and uncles did – which was PEASD).

Concerns with sending large amounts of additional students into Mukwonago school district – include distance / transportation as explained above. Mukwonago has early release every Wednesday. Routine Early Release days are a hardship for parents that our district recognized and removed from our schedules in response to parent complaints. Local after school care centers are already burdened and filled for those days – often turning away families seeking after school care, how would addition of hundreds more in the district affect all of the families?

Additionally, in reviewing DPI report cards for MASD, a trend of decreasing accountability scores in 5 of the district's 8 schools was seen from 2011 – 2018 (despite passing in 2016 \$49.5 million ref to add on to HS and passing \$7 mill referendum to maintenance expenses for the NEW addition.) MASD 2019 Annual School Board meeting also documented receiving at least 6 written complaints from parents of overcrowded classrooms at Big Bend Elementary (one of the schools whose scores declined) – with at least one complaint noted as being sent to DPI. (Worth noting during that same time period, 3 of 4 PEASD schools experienced positive growth and an upward trend of improving DPI scores, with no additional funding received). (see attached comparison charts and copies of DPI report cards)

## Evaluating Open Enrollment –

Obviously, the expense to the district for OE Out students is significant – however, one must consider several things when taking OE numbers into consideration.

- 1) Net OE numbers decreased both 2016//17 and 2017/2018 school years.
- 2) Student OE IN to PEASD for 2019/20 school year is highest it's been since 2015-16 school year. The district had been making progress in reducing net OE in recent years -all of which was undone by the failed referendum in April
- 3) Consider how many of this year's 409 OE out never would have left the district had the referendum passed (or we had received sufficient State funding) and they didn't believe the district would be dissolved
- 4) Consider how many of the OE OUT students were never students in PEASD and OE out immediately upon moving into the district believing the district is 'failing" academically.
- 5) Consider how many new OE families this year currently have students in more than one district as families try to juggle their current needs while trying to plan for the future
- 6) Consider how many homes have been sold in the PEASD portion of Waukesha county over the last 12 years by a realtor who also happens to be a Mukwonago School Board member, whose clients then OE into MASD.
- 7) Consider the undue hardships the OE program causes for PEASD that have nothing to do PEASD failing to meet student's needs – when the child was never a student in the district's schools to begin with. (Less than 15% of completed surveys from OE families that left the district stated "dissatisfaction with the district" as their reason for OE out)

PEASD is unique as a rural school encompassing a much larger area than many rural schools throughout the state; however, a large portion of the PEASD is home to land which does not allow residential development to ever generate school tax revenues. (If PEASD is dissolved, this land then becomes the same problem for another district.) The 22,000 acre Kettle Moraine State Forest spans a length of 30 miles of State managed recreational trails, lakes, parks, and campgrounds and lie within PEASD. PEASD also includes countless acres of farmland protected from development through programs like the Working Lands Initiative/ Farmland Preservation Program which was passed as part of the state's 2009-2011 biennial budget, under Chapter 91 of the Wisconsin State Statutes or by Jefferson County's Purchase of Agricultural Conservation Easements (PACE) Program which designates farm acreage as Permanently Protected Farmland. It is important to local families to have small, rural schools such as PEASD in the heart of farm and forest land.

Too many people want to focus on what we don't have in our district. But this community is filled with people focused on what we DO have. We still have 646 students that CHOSE to attend PEASD this year and that number is still greater than the number that chose to leave. If these remaining 646 students are forced into school districts they don't want to be a part of, those school districts will then be facing same situation PEASD currently is -as those families OE out or just opt to move and leave this community- as several families have already done this past year. We also have 31.5% economically disadvantaged students in our district – increasing the travel time and travel expense and school registration fees / athletic fees / extracurricular expenses, etc for these families to attend other district schools could be a considerable burden and prevent students and their families from enjoying activities they are currently able to enjoy.

PEASD also has a FFA program and Equestrian program – which neither MASD or Kettle Moraine have. PEASD's own CeCe Jaeckel was winner of the 2018 American FFA Degree and was the first woman in PEHS history to win!! (The American FFA Degree is awarded at the National FFA Convention & Expo each year to less than one percent of FFA members, making it one of the organization's highest honors. Requirements to earn the honor are lengthy.)

<https://www.ffa.org/.../meet-the-2018-american-ffa-degree-re...>

Additionally, in 2018, our Equestrian team was Reserve Champions at State. Also unique about our Equestrian program is the coach is also a Palmyra Public Safety officer -Sgt LePak – so the students get the added benefit of interacting with a local law enforcement officer in a positive, fun, and educational environment. Why is an equestrian program important? Jefferson County is one of the most heavily horse populated counties in the entire state of Wisconsin. Palmyra is home to the State's finest State-owned equestrian campground. This area regularly draws equestrians from all over the Midwest for nationwide sanctioned events because of its 22,000 acres of State trails and campgrounds. The horse industry contributes \$2.24 billion to Wisconsin's economy and the Palmyra-Eagle area benefits greatly from that. So, yes, FFA, classes with agricultural focus, and Equestrian programs are important to have in this area.

### **Our Assets:**

We still have 646 students who CHOSE this school district, we have teachers and staff that still CHOSE to be here this year. We still have an entire community made up of parents, grandparents, teachers, businesses, and business leaders that support our schools. (<https://palmyracommunityfoundation.com/> is a great example of how our community has worked together to set up opportunities to provide educational opportunities and gifts to better our community and our schools. The foundation is a public charity created in 1998 as a 501© to receive and distribute donations of cash or property for educational, cultural, charitable or community development for benefit and improvement of Palmyra area. This organization has helped ensure ALL PEASD graduating students who applied for scholarships received at least one scholarship.) The choice of the 646 kids to remain in PEASD should carry far more weight than the choice of those who were never students in our schools.

We understand there are challenges ahead with whatever decision you make. We know that as a community and school working together, we can come up with solutions. Unfortunately, the timeline between the failed April Referendum and the July dissolution vote, did not allow much opportunity to coordinate and implement other options. We know the school board needs to rebuild some community trust – which starts in April by filling at least 3 board positions which are up for election. We have developed a community network for the past year focused on promoting and fighting for our school district. This group could become a valuable communication bridge between school board, students, and community. The burden of success or failure of our district should not lie on the shoulders of 7 people – but should be a community partnership as we all benefit from our schools being successful. With consolidation of responsibilities and/or buildings, reduction in administration, pursuit of additional sponsorships, donations, grants, etc., and the knowledge that additional funds were added back to district fund balance this past year, we are confident we can make up what the projected shortfalls for 2020/21 school year. A group of staff members have already created and sent out education survey to district residents to start the conversation and research into what direction the community would like to see us go from here. Students have also been recently surveyed to help us continue to serve them better.

Among the items interest include options of things such as online classes and/or 4-day school weeks (popular in over 400 districts in West, Midwest, and Southern states.) An option such as 4-day school week could cut transportation costs by 20%, reduce utilities and food service expense, give teachers additional preparation time, and help retain and attract quality teachers and staff without increasing salary or benefit expenses to do so. 4-day school weeks also have worked well in boosting community and school moral in troubled areas. By exploring additional unique options, our vision for the future would be to focus on things we can provide that other districts cannot and attract new families and students to this area.

While 1 in 5 students in Wisconsin attend a rural school, we need to ensure these schools are adequately funded and supported – not dismantled. By promoting dissolution, by making dissolution easier, more districts will follow. How will the system process multiple districts going through dissolution in the future? Kettle Moraine School district has stated in their August 20, 2019 Sustainability Report <https://www.kmsd.edu/sustainabilitystudy> that “without community support there will be continued reductions in essential programming and within a few years, like Palmyra-Eagle School District, dissolution of the district will become necessary.” Their district may be facing dissolution, same as PEASD, within just a few years! Where will those students end up? Many of those students had left PEASD because of concerns of dissolution, only to end up in another district with the same potential to dissolve and facing all the emotional, financial situations they face right now. Where will Fort Atkinson students end up if they cannot find funding for the over \$40 million on maintenance their district buildings require? Where will Whitewater’s students go if absorbing the Palmyra students and debt, losing students to OE, and increased expenses forces their district to falter and become unable to continue under its current funding plans?

If current laws are to be changed through the course of the dissolution process, the focus of doing so should be to act in a manner that protects students by helping districts from ever reaching the point of dissolution in the first place – not enacting new legislation to make it faster and easier to dismantle otherwise successful districts. Put a freeze or put the cap back on OE, add additional funding or emergency funds for rural areas with large amounts of non-taxable land (ie. State Forests), discontinue funding by local referendum – as future of a school district should not be decided the vote of 1 person and students should not be subject to emotional trauma that comes with every referendum election year.

Thank you for your careful consideration of the impacts that will be felt by all students. I know your decision is not an easy one. The families of students in Palmyra Eagle schools continue to believe the best choice for their families is right here in Palmyra area community. Please help us to continue to have that opportunity for our families.

When educating the minds of our youth, we must not forget to educate their hearts” \_

*Dalai Lama*

**Submitted by:**

Tara LeRoy – mother of 5<sup>th</sup> and 8<sup>th</sup> grade PEASD students

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## Comparison of DPI Report Cards from 2012/2013 – 2017/2018 School Year

MASD*	2012/2013	2017/2018	Change
Big Bend Elem.	81.1	80.3	-0.8
Clarendon	87.4	88.1	0.7
Eagleville Charter	83.1	91.7	8.6
Prairie View	86.2	81.6	-4.6
Rolling Hills	80.6	80.2	-0.4
Section El	88.4	85.7	-2.7
Parkview Middle	76.7	71.9	-4.8
High School	81.1	81.8	0.7
District	80.8	83.1	2.3

\*In 2016 MASD Passed both a \$49.5 Million Referendum for HS addition and a \$7 million just for maintenance on the NEW addition.

WUSD*	2012/2013	2017/2018	Change
Lakeview	75.4	72.3	-3.1
Lincoln Charter	75.4	89.1	13.7
Washington Elem	73.1	91.2	18.1
Middle	71.1	65.4	-5.7
High School	69	66.8	-2.2
District	70.2	72.3	2.1

\*In 2016 passed \$23.5 million for renovation/remodeling and in 2018 WUSD Passed \$12.8 Million Referendum for classes, curriculum, safety and technology

PEASD*	2012/2013	2017/2018	Change
Eagle Elemen	64.8	83.4	18.6
Palmyra Elem	68.6	78.7	10.1
Middle	65.6	58	-7.6
High School	71	72.9	1.9
District	67	73.2	6.2

\*PEASD last referendum was in 2003 for \$15.9 million to remodel and improve MS/HS, Eagle & Palmyra

\*Updates with just released 2019 DPI District Report Cards – Items worth noting:

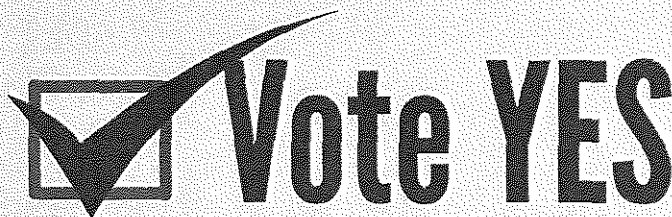
Palmyra-Eagle High School jumped 4.3 points from last year to 77.2 “Exceeds Expectations”

Palmyra-Eagle High School scored higher in 2018/2019 than surrounding Jefferson High (72.3), Whitewater High, (74.6), Kettle Moraine High (77.0) and Fort Atkinson High Schools (65.8).

Palmyra-Eagle Middle School improved by 2.7 from 58.0 to 60.7 for 2018/2019 – after just the first year of implementing new curriculum programs to address areas of concern. Upward trend is expected to continue and now Middle school is only 2.3 points away from “Meeting Expectations”

Eagle Elementary Exceeds Expectations-77.3 and Palmyra Elementary Meets Expectations 71.8

# Palmyra Eagle School District Referendum 2019



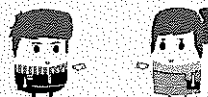
## ? Why do we need an operational referendum?

Responsibility was



The responsibility of funding schools is now expected to be addressed locally.

Responsibility is

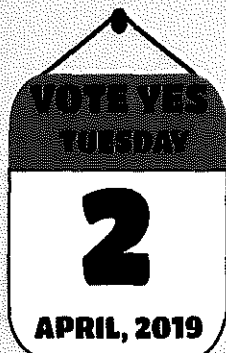


Local - Community

Schools statewide are facing declining enrollment combined with a lack of state and federal funding, forcing communities to rely on local taxpayers for adequate funding of operating expenses. The referendum funds do not increase the schools' debt, are not interest bearing, and will be used solely for operating and maintenance. **All PEASD long-term debt will be paid off in 2029** for an estimated MILL rate reduction of  $-\$2.12$ .

## ? Will my taxes go down if I vote no?

There is no guarantee of preferred placement of students or lower taxes. All surrounding districts have operating referendums in place or on the April 2 ballot. **Many surrounding districts have higher MILL rates.** From taxes, to busing routes, to class sizes, to athletics and extra-curricular activities, the dissolution of our district would affect everyone. PEASD does not have the highest taxes in the area.



Go to  
**YES4PEASD.com**  
for

More on the referendum, plus  
early & in-person voting information



Follow us on Facebook  
at [fb.me/EagleandPalmyra](https://fb.me/EagleandPalmyra)

Paid for by WEAC as an in-kind contribution to Vote Yes for PEASD.

## ? What will happen if it doesn't pass?

The PEASD Board will recommend the district be dissolved in 2020 and be split up among the neighboring school districts. **Our buildings and assets would be assigned to other districts.**

## Ⓢ What will it cost?

Per \$150,000 Assessed Value	2019-20	2020-21	2021-22	2022-23	2023-24
MILL Rate*	\$12.22	\$13.06	\$13.52	\$14.02	\$10.97
Total School Tax	\$1,833	\$1,959	\$2,028	\$2,103	\$1,645.50
Increase Per Year	\$187.50	\$126	\$69	\$75	-\$457.50
Cumulative Increase	\$187.50	\$313.50	\$382.50	\$457.50	

\*Estimation based on current mill rate

## ? I don't have children in school. Why should I vote YES?

If the referendum does not pass, Palmyra and Eagle lose one of their largest employers and 140 people lose their jobs. School buildings and associated debt would be assigned to other districts, possibly sold or left vacant. **Over 750 students would be divided up between neighboring districts.**

## Vote YES

*To Continue our Tradition of Excellence...*

- ✓ Since 2011 PEASD has improved state accountability scores in every school, achieving 4-star Exceeds Expectations rating in 2018.
- ✓ Through the referendum, we can continue to offer small class sizes so children get one-on-one attention.
- ✓ With your support, we can maintain Advanced Placement and Honors courses, along with Tech Ed and Business.
- ✓ Strong emphasis on student involvement in our community.

# Maintain Panther Tradition

## Vote (NO) vember 5th

This is a non-binding advisory referendum that  
does not involve any financial commitment



### ADVISORY REFERENDUM

As provided by law, this Advisory Referendum is being held because a Petition requesting an Advisory Referendum was signed by at least ten percent of the electors who reside in the affected School District and was filed with the School District Clerk before September 10, 2019, after the Palmyra-Eagle Area School District Board adopted a Resolution ordering dissolution of the District.

#### Question

Shall the Palmyra-Eagle Area School District be dissolved under Chapter 117.10 of the Wisconsin Statutes?

YES

NO



### What happens when you vote NO?

- Choose what school you want your children to attend rather than let the state decide
- Express **alternatives** to dissolution
- Support your **community**
- Are **not** agreeing to increased taxation

Paid for by **Community Network for Panther Nation**

For more information go to: [www.facebook.com/EagleandPalmyra/](https://www.facebook.com/EagleandPalmyra/)

For polling information, visit: [myvote.wi.gov/en-us/](https://myvote.wi.gov/en-us/)

For information on Palmyra-Eagle Schools, visit: [palmyra.k12.wi.us/](https://palmyra.k12.wi.us/)

# S.O.S Save Our School District!



Please consider the following information regarding the vote on the November 5th advisory referendum.

You may have voted “No” in the April referendum asking for taxpayer dollars for various reasons:

- Maybe you did not agree with the amount of taxpayer burden being requested.
- Maybe you didn’t think the plan took into account possible cuts in spending the district could make.
- Maybe you didn’t think the plan had anything in it to improve the district for the students we currently serve or to bring back those that have left.
- Maybe you didn’t have adequate/accurate information.

## YES

A “Vote **Yes** to Dissolve the District” means the following:

1. That you are comfortable with the DPI deciding which district your property would relocate into and what that would mean as far as taxes and impacts on local businesses.
2. That you believe there is no worth in maintaining a school district that would have local Palmyra-Eagle control, and that you think it would be more beneficial to divide our communities into partials that would become a part of neighboring districts.
3. That you are not interested in pursuing any alternatives in operations that would allow the Palmyra-Eagle Area School District to continue to operate.

The November 5th vote is a non-binding advisory referendum that does not involve any financial commitment.

The ballot states the following:

**“Shall the Palmyra-Eagle Area School District be dissolved under Chapter 117.10 of the Wisconsin Statutes?”**



A “Vote **NO** to Dissolve the District” could:

1. Inform the Department of Public Instruction (DPI) committee that we want some form of our Palmyra-Eagle Area School District to remain in service.
2. Show that you would like to see some effort put into alternative options to keep our district operating in a much more efficient way.
3. Indicate you are not willing to let the DPI decide what school district your residence and/or children may become a part of

# S.O.S Save Our School District!



Please consider the following information regarding the vote on the November 5th advisory referendum

## **Possible ways to reduce spending and continue operating as the PEASD without a large tax increase:**

1. Eliminate one elementary school thus decreasing costs across the board in staff and operating expenses.
2. Eliminate both elementary schools and operate a K-12 building in the current MS/HS building. This could greatly reduce operating costs.
3. Share District Office responsibilities (District Administrator, Business Manager) with other small districts similar to ourselves.
4. Further reduce administrative costs by having a "Lead Teacher" at each level of learning - elementary, middle and high school - that would have a dual role as principal and educator.
5. Shared or combined district wide positions such as Librarian, School Psychologist, Curriculum Coordinator and Pupil Services.

## **What dissolving the district may do:**

1. Negatively impact local businesses that rely on student and parent traffic and support such as gas stations, restaurants, florists, health services, child care services, realtors, etc.
2. Negatively impact local organizations such as food pantries, churches, scouting groups, libraries, 4H, etc.
3. Decrease home values as realtors have stated that having no local school district is not appealing to families seeking to move in.
4. Increase taxes for Palmyra-Eagle residents as districts we may be relocated to may need to go to referendum to cover the costs of taking on the PEASD debt, and increase building capacity to house the new increase in students.

## **What dissolving the district will not do:**

1. Guarantee that your property taxes will be staying the same or decreasing.
2. Guarantee that your property will be relocated into the district you are hoping for.
3. Provide the students and families that are currently served by the PEASD the same opportunity to a quality, rural, small school educational experience.
4. Allow our students to be involved in multiple co-curricular activities
5. Provide our current students \$80,000 in local scholarship opportunities
6. Provide our senior community the opportunities to interact with our student body, volunteer and utilize our facilities.
7. Provide the entire community easy access to cultural events i.e.; plays, musicals, choral/band performances and art exhibits.

*\*This flyer produced and paid for by community volunteers who support and want to keep*

*Palmyra-Eagle Area School District as part of our community*

The below email string is communications I had with Eagle area realtor, who has been a Mukwonago School Board member for 12 years (and a realtor for 19 years). A subsequent follow up phone call with Mr. Schneider made it quite clear his bias as a Mukwonago School Board member (and his disdain for PEASD) clearly influences his clients that are purchasing homes in the area, contributing to the current OE problem PEASD faces with new families moving in and immediately OE out. In his very first communication with me as a potential real estate buyer in the PEASD he indicated he was a school board member in a neighboring district. Clearly, this a position he uses to help his financial gain as a realtor. I question the ethics and code of conduct as both a realtor -stating inaccurate and biased information noted below (which was followed by much more of the same in a phone call) and as that of a School Board member - where his interests would lie in increasing OE to obtain financial advantage for his school district. He clearly is directing clients to his district as priority and discouraging clients from making any communication with PEASD. This appears to me as a conflict of interest and bears additional investigation, as this type of behavior has contributed greatly to the current OE crisis PEASD faces.

Tara LeRoy  
N2577 County Road E  
Palmyra, WI 53156

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From: **Art Schneider** <aschneider@firstweber.com>  
Date: Tue, Nov 12, 2019 at 6:00 AM  
Subject: Re: Listings  
To: Tara LeRoy <2fatponies@gmail.com>

DPI (Department of public instruction) will be making district report cards available today. You can go to their website and see how the districts did. With open enrollment available in Wisconsin, districts need to attract people, so information from districts is not always complete. As for Palmyra Eagle district, it is very possible that portions will become part of the Mukwonago school district next year. There are hearings going on now to determine how it will be divided now that it is being dissolved. DPI is holding the hearings to make that decision. The results of those hearings will be determined in the next couple of months.

Sent from my U.S.Cellular© Smartphone  
Get [Outlook for Android](#)

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**From:** Tara LeRoy <2fatponies@gmail.com>  
**Sent:** Monday, November 11, 2019 10:24:08 PM  
**To:** Art Schneider <aschneider@firstweber.com>  
**Subject:** Re: Listings

Thanks, but we will talk to the schools first and make our decisions from there. I trust the school would have most current and useful information to help us make informed decisions.  
Thank you for your time

On Mon, Nov 11, 2019, 10:18 PM Art Schneider <[aschneider@firstweber.com](mailto:aschneider@firstweber.com)> wrote:  
That is why I was asking to talk to you so I can answer all questions. Please call me tomorrow, thanks.

Sent from my U.S.Cellular© Smartphone  
[Get Outlook for Android](#)

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**From:** Tara LeRoy <[2fatponies@gmail.com](mailto:2fatponies@gmail.com)>  
**Sent:** Monday, November 11, 2019 9:05:27 PM  
**To:** Art Schneider <[aschneider@firstweber.com](mailto:aschneider@firstweber.com)>  
**Subject:** Re: Listings

I'm confused - are you on the school board for Palmyra-Eagle? What do you mean they are dissolving at the end of the year?  
These folks are coming from California, which has its own set of problems! They are interested in a smaller school system and quiet country living.

On Mon, Nov 11, 2019 at 6:25 PM Art Schneider <[aschneider@firstweber.com](mailto:aschneider@firstweber.com)> wrote:  
Palmyra Eagle district is dissolving at the end of this school year but there is more to the story. I am on a school board

Sent from my U.S.Cellular© Smartphone  
[Get Outlook for Android](#)

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**From:** Tara LeRoy <[2fatponies@gmail.com](mailto:2fatponies@gmail.com)>  
**Sent:** Monday, November 11, 2019 5:09:51 PM  
**To:** Art Schneider <[aschneider@firstweber.com](mailto:aschneider@firstweber.com)>  
**Subject:** Re: Listings

Thank you for the information. I see it is in the Palmyra-Eagle school district, (along with another property this family is looking it.) We are going to set up a tour of their schools first before deciding which property, if any, we will consider in that district.  
Thank you!

On Mon, Nov 11, 2019, 1:13 PM Arthur Schneider via flexmls <[listings@flexmail.flexmls.com](mailto:listings@flexmail.flexmls.com)> wrote:

Here is the info sheet on the property. Legally you can have 10 horses, possibly more with a little work. That area is known for horse stables and training facilities. I live very close to this property and would love to talk with you about it. Also I am a School Board Member from the neighboring school district and have raised two teachers so I can speak to you about that also.

Follow this link to see the page:

<http://www.flexmls.com/link.html?lg9r9h4ge3lw%2C19%2C1%2C15296>



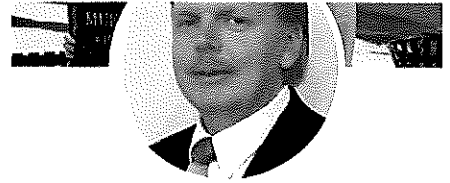
This link will no longer be available after 12/11/2019.  
Clicking to view the listings in this email confirms you want to receive new listing updates.

-----  
Arthur Schneider  
First Weber Inc - Waukesha  
1507 E Sunset Drive  
If you would like a work of Art, please call!!  
Waukesha, WI 53189  
[aschneider@firstweber.com](mailto:aschneider@firstweber.com)  
<http://www.ArtSchneider.firstweber.com>  
License # 53261-94  
Office License # 833993-91  
-----

-----  
You are receiving this email because of your affiliation with  
Arthur Schneider, 1507 E Sunset Drive, If you would like a work of Art, please call!!,  
Waukesha, WI 53189  
You can unsubscribe from further emails by sending them a message:  
[aschneider@firstweber.com](mailto:aschneider@firstweber.com)

*Email Security Advisory: Do not send funds or nonpublic personal information, such as credit card or debit card numbers or bank account and/or routing numbers, by email. First Weber, Inc. will never request that you send funds or such nonpublic personal information by email. If you receive an email message directly or forwarded concerning any transaction involving First Weber, Inc., and the email requests that you send funds or provide nonpublic personal information, do not respond to the email and immediately contact First Weber, Inc. at 608-443.2255, and please forward any suspected email fraud to [antifraud@firstweber.com](mailto:antifraud@firstweber.com).*

*Public Facebook Profile*



**Art Schneider**

Worked at Grsch Foods for 19 years and then have been a Realtor with First Weber for 19 years plus!



Add Friend



Message



More



Elected School Board Member at **Mukwonago Area School District**



Realtor at **First Weber Group**



Worked at **First Weber Realtors**



Studied at **None**

One Example of Social Media Messages continually spread by those in favor of dissolution and those who OE out prior to referendum. This is posting on Facebook page "Citizens/Families of Eagle Choose Mukwonago"

Citizens/Families of Eagle Choose Mukwonago

November 4 at 3:21 PM ·

Let's play a little what if game...

What if Mukwonago gets Eagle and a Whitewater gets Palmyra?

Mukwonago has stated multiple times that they will keep Eagle Elementary open and they can even pick Panthers as their mascot.

Mukwonago has the lowest taxes in Waukesha County and far lower than PEASD.

Mukwonago and Whitewater have proposed plans to the public, lawmakers and soon to DPI to split PEASD in half to provide high quality academics and be fiscally responsible to taxpayers. **This plan can and will be accepted by DPI when they affirm the PEASD school board's decision to dissolve PEASD.**

The forever fb purple people do not understand that **Mukwonago has already agreed to take the students and maintain lower taxes** and better academics. Mukwonago has already stated publicly their fund balance is large enough to pay off the Eagle half of the PEASD debt and accept the PEASD students with the current funding laws. To be even more fiscally responsible Mukwonago and Whitewater are working with lawmakers to lessen the financial impact on their budgets to more professionally educate our students and be more cost effective to taxpayers

Mukwonago and Whitewater do an incredible job, which is why they are not dissolving and can try and help out the PEASD children who have been traumatized by PEASD. They should be mad at PEASD and those telling them it will not dissolve.

Vote YES tomorrow Tuesday Nov. 5 to dissolve

...AND...

What if happens if forever fb gets their way and PEASD does not dissolve?

PEASD has to pay their over \$12,500,000 in long term debt.

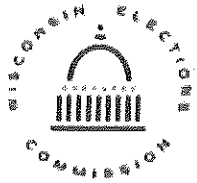
PEASD has to pay \$3 million this year or more next year to other school districts to educate their students who open enroll out.

**PEASD will have 2 additional tax referendums in 2020 to sneak through tax increases on our homes.** Do you remember the last April tax referendum? I do. Below is the chart we made showing the PEASD and Whitewater tax differences. It is definitely cheaper to go to Mukwonago than stay in PEASD. Whitewater is definitely cheaper than the PEASD referendum we faced last April and will again face in February 2020. They will deny any secret referendum, but it is clearly in the school board emails we open records requested to be made public.

PEASD has already cut summer school. Next year they will cut an elementary. They have to. This year PEASD annual budget on their website shows they spent over \$13 million in expenses, yet only had \$12 million in income. What do the forever fb purple people think next year's deficit will be?

In a fairytale world money grows on trees and we can spend \$ millions on anything kids want. This is the real world. The real world has budgets and taxes. In the real world PEASD has to be dissolved for anything good to rise from its ashes.

YES we are voting TODAY to DISSOLVE so we can get on with planning how to best transition these kids to new schools. We want to reduce drama in our community.



# Wisconsin Elections Commission

212 East Washington Avenue | Third Floor | P.O. Box 7984 | Madison, WI 53707-7984  
(608) 266-8005 | [elections@wi.gov](mailto:elections@wi.gov) | [elections.wi.gov](http://elections.wi.gov)

October 23, 2019

Kami Kluss  


Carrie Ollis

Palmyra-Eagle Area School District Clerk

123 Burr Oak St.

Palmyra, WI 53156

Via Email to: School District Attorney, Doug Witte [DWitte@boardmanclark.com](mailto:DWitte@boardmanclark.com)

**Re: In the Matter of: Kami Kluss v. Carrie Ollis, PEASD Clerk  
Case No. EL 19-21**

Dear Ms. Kluss and Ms. Ollis:

This letter is in response to the verified complaint filed with the Wisconsin Elections Commission ("Commission") on September 26, 2019 by Kami Kluss against Carrie Ollis, Palmyra-Eagle Area School District Clerk. The complaint filed under Wis. Stat. § 5.06 is an appeal of the petition sufficiency determination made by the school district. The school district determined that enough valid signatures were submitted to require an advisory referendum election under Wis. Stat. § 117.10 on the issue of dissolution.

## Summary of Decision

The Commission finds that a sufficient number of signatures were submitted to the Palmyra-Eagle Area School District to require an advisory referendum election on the question of school district dissolution pursuant to Wis. Stat. § 117.10. The special advisory referendum election set for November 5, 2019 in the Palmyra-Eagle Areas School District shall proceed as scheduled.

## Complaint

Ms. Kluss submitted a timely complaint on September 26, 2019, and generally makes the following allegations in her complaint:

- Ms. Ollis did not follow the guidelines and violated multiple statutes in not allowing her to challenge the advisory referendum petitions that were filed with the school district.

- Ms. Ollis did not review the challenge letter or the detailed violations that were set forth in the line by line document (15 pages of forms challenging 670 plus signatures) filed with the challenge because she was in Hawaii from September 12, 2019 through September 22, 2019.
- Correcting affidavits from circulators were submitted prior to the challenge being submitted, so the challenges must not have been considered by Ms. Ollis.
- One of the correcting affidavits was not notarized.
- The correcting affidavits indicated that the circulator filled in the dates of each signer line.
- Petitions were not dated by the circulator and dates of signatures completed by the circulator were based on similar handwriting, an alleged violation of Wis. Stat. § 8.40(1).
- Correcting affidavits do not remedy the petitions because they do not contain the municipality type of the circulator – involving about 90% of the petitions.
- Correcting affidavits have the municipality written in as an afterthought as the writing appears different and there is no way to know who completed it or when it was completed.
- Circulator or someone else allegedly filled in lines or multiple lines for the signers, all alleged violations of Wis. Stat. § 8.40(1). Ms. Kluss alleges that this occurs on most pages, but the issue is most prevalent on Pages 2, 28, 33, 38, 42, 100 and 101.
- Multiple signers did not include a complete address (missing municipality), listed a Post Office Box, or the circulator filled out the municipality and date in violation of Wis. Admin. Code § EL 2.05(15)(c).
- The challenges to 15 pages of signatures should have been accepted, and the signatures rejected for the reason indicated.
- School district staff and a school board member circulated petitions which is a violation of school policy and illegal per Wis. Stat. § 120.12.
- A school board member and the school district administrator allegedly violated Wis. Stat. § 19.59(1)(c) (code of ethics for local government officials, employees and candidates) because they circulated the petition and issued the sufficiency determination, and they and/or their immediate family members have substantial financial interests in the matter.
- Other circulators and signers violated Wis. Stat. §§ 19.59(1)(c) and 120.12 because they have a substantial financial interest (salary pending dissolution of school district) in the outcome of the referendum and which contradict the school board's wishes in not conducting an advisory referendum. Ms. Kluss alleges that petitions should be rejected because of this fact.
- Correcting affidavits were not timely filed with the school district.
- Ms. Kluss states that she is filing an ethics complaint due to violations by school district staff, the clerk and the administrator in relation to petition circulators.
- Actions or lack thereof by the clerk should be considered an abuse of discretion in administering the election laws.
- The affidavits submitted prior to the challenge cannot suffice to rectify this situation, and the review of the challenge must not have occurred which is an abuse of discretion.

Ms. Kluss filed additional documents with her sworn complaint including the September 17, 2019 sufficiency determination letter from Dr. Steven M. Bloom (Administrator), correcting affidavits of petition circulators filed with the school district, all petitions filed with the school district and the original challenge documentation submitted to the school district on September 13, 2019.

## Response

School District Attorney Doug Witte filed a timely response on behalf of School District Clerk Carrie Ollis on October 8, 2019 and responded to the complaint by submitting a sworn written response from Ms. Ollis and a letter from Dr. Steven M. Bloom with attachments.

The allegations raised in the complaint were generally responded to as follows:

### *Carrie Ollis Response*

- The original petitions were submitted on September 6, 2019.
- Ms. Ollis believed she had the authority to delegate signature verification duties to other employees of the district.
- The review and the determination regarding sufficiency of the petitions was delegated to Dr. Bloom and school district employees as Ms. Ollis was not available to conduct the review, pursuant to school board policy.
- It was determined that 403 valid signatures were required for the petitions to be sufficient.
- Based on a preliminary review of the petitions, 680 signatures were submitted and 662 were initially determined to be valid.
- Subsequent to the initial determination, it was discovered that the petitions were not properly signed and dated by the individuals that circulated the petitions as required by statute and the petitioners were notified of the issue.
- On September 12, 2019, correcting affidavits of the circulators were submitted to the school district to supplement the original petitions.
- Ms. Ollis believed the submission of the correcting affidavits was permissible under Wis. Admin. Code § EL 2.05(4) and was timely as the due date for the petitions was September 10, 2019.
- Ms. Kluss filed a challenge to the petitions dated September 12, 2019, which was received by the school district on September 13, 2019.
- With the correcting affidavits filed and accepted by the school district, Dr. Bloom and his staff determined that 30 signatures submitted were not valid, which left 650 valid signatures.
- Under Wis. Admin. Code §§ EL 2.05(4) and 2.05(5), information which appears on a nomination paper is entitled to a presumption of validity and where any required item of information on a nomination paper is incomplete, the filing officer shall accept the information as complete if there has been substantial compliance with the law.
- Under Wis. Admin. Code §§ EL 2.05, it is Ms. Ollis' understanding that the only requirement is for the elector to sign his or her own name, citing EL 2.05(8). The remaining information can be completed or added by other individuals. EL 2.05(12) specifically states that a complete address, municipality, street address, etc. "shall be listed." It does not state the elector must list that information as is stated in EL 2.05(8).
- Wis. Admin. Code § 2.05(15) provides that a signature may be counted if the date is missing if the date can be determined by reference to other dates of other signatures on the papers; and that if an address is incomplete, residency can be determined by other information on the nomination paper.
- The sufficiency determination was issued in letter form by Dr. Bloom and sent to Ms. Kluss on September 17, 2019 – which stated that a sufficient number of signatures were submitted, and the referendum was to proceed.

- Neither Ms. Ollis nor her immediate family have any substantial financial interest within the meaning of Wis. Stat. § 19.59(1)(c) in performing her official duties as clerk. She believes reviewing the petitions is part of the official duties of the clerk and that action does not produce a substantial benefit to her or her family. Allegations of a violation of Wis. Stat. § 19.59 are not proper before the Elections Commission. No authority has been cited to support Ms. Kluss' argument. The cost of the election will be spent by the school district and not paid to any employee of the district.
- Ms. Ollis does not believe she has violated Wis. Stat. § 120.12 by performing her official duties. She does not believe it is improper and is not aware of any restrictions on a school board member, employee of the district or any other individual, as part of their own personal time, to circulate a petition. No specific section of the statute or caselaw or legal argument is provided to support this allegation.

#### *Dr. Steven Bloom Response*

- Dr. Bloom provided the following documents: Letter dated September 17, 2019 to Kami Kluss; Original challenge documentation filed by Kami Kluss with the school district dated September 12, 2019, received on September 13, 2019; Signed and notarized correcting affidavits submitted by petition circulators – submitted on September 12, 2019; all petitions filed with the school district on September 6, 2019; spreadsheet showing the 30 signatures that were determined to be invalid and the reason why they were invalidated and not counted by the district.
- Dr. Bloom stated in his response letter that after receiving the petitions, correcting affidavits and challenges, he prepared the September 17, 2019 letter.

#### Reply

Ms. Kluss submitted a timely reply on October 14, 2019, and generally replied to the response of Ms. Ollis and Dr. Bloom by making the following allegations/statements:

- There is no evidence to support the statement that Ms. Ollis delegated the duty of reviewing the petitions to Dr. Bloom. This is contrary to applicable election laws.
- Allege that Wis. Admin. Code § EL 2.05 is not appropriate and is superseded by Wis. Stat. 8.40(1) and EL 2.09 and 2.11. This supports the previous challenge to signatures that Ms. Ollis believe were filled in by someone other than the signer, and that Ms. Ollis and Dr. Bloom ignored this requirement.
- Reiterate challenge to signatures in which the signer did not clearly state their municipality.
- Reiterate allegations of violations of Wis. Stats. § 19.59(1)(c) and 120.12.
- Allege conflicting statements by Ms. Ollis and Dr. Bloom since petitions were submitted: An October 3, 2019 email sent to the Town of Ottawa said the district had validated the petition signatures on September 9, 2019 but Dr. Bloom's letter says the September 17, 2019 letter was the determination date. Email to Town of Ottawa enclosed with the reply.
- Dr. Bloom's letter dated October 7, 2019 states he reviewed the signatures by September 17, 2019 and determined 30 were invalid, but the spreadsheet he provided was dated on September 29, 2019 and the 30 signatures were not included in the September 17, 2019 letter.
- Ms. Ollis has not publicized the referendum 28 days in advance of the November 5, 2019 election. Only one of eight municipalities in the district has publicly posted or circulated notice of the vote. Ms. Kluss alleges that it is in the best interest of the petitioners and school district staff not to publicize the vote so their 670 signers can win the election. Voters of the district are not aware of the election and are being suppressed.

- The response to the complaint was not timely filed by Ms. Ollis and therefore it is invalid.
- Due to the short notice of the advisory referendum, the people voting are not being offered a fair and unbiased vote. Constituents, including potential absentee voters, are unaware of the election or have not been notified.

#### Commission Authority and Role in Resolving Complaints Filed Under Wis. Stat. § 5.06

The Commission has reviewed the complaint and reply filed by Ms. Kluss and the response filed by Ms. Ollis and Dr. Bloom of the Palmyra-Eagle Area School District and provides the following analysis and decision.

Under Wis. Stats. §§ 5.05(1)(e) and 5.06(6), the Commission is provided with the inherent, general, and specific authority to consider the submissions of the parties to a complaint, and issue findings. The Commission's role in resolving verified complaints filed under Wis. Stat. § 5.06, which challenge the decisions or actions of local election officials, is to determine whether a local official acted contrary to applicable election laws or abused their discretion in administering applicable election laws.

This letter is the Commission's final decision in this matter.

#### Commission Findings

The Commission makes the following findings:

**Delegation of Authority to Review Petitions and Make Determination.** There is no dispute that Ms. Ollis was not available during the time period required to review the petitions submitted and issue a determination letter on the sufficiency of the petitions. In her response to the complaint, Ms. Ollis stated that she delegated her responsibility to verify the signatures to Dr. Bloom and other school district employees. There is no election statute or rule that would prohibit Ms. Ollis from delegating such responsibility when she knew she was not available to make a timely determination. To meet the statutorily required deadlines related to a potential advisory referendum election, delegation of the review to someone who was available is what the Commission staff would have advised had it been consulted.

Ms. Kluss states that there is no proof that such delegation took place, which is not true. Ms. Ollis provided a sworn statement in response to the complaint stating that such delegation took place and that such delegation on election matters has occurred in the past and is consistent with the school board's policy on such matters. The fact that such delegation may not have been communicated to Ms. Kluss or other individuals involved in the circulation of petitions does not invalidate the delegation or the review process and the sufficiency determination made by Dr. Bloom and other members of the school district staff. Ms. Ollis did not violate any election law or statute in delegating the review to Dr. Bloom and other members of his staff, nor did she abuse her discretion in making that delegation decision.

**Timing of Challenge, Correcting Affidavits and Sufficiency Determination.** Ms. Kluss alleges that her petition challenges were not accepted and reviewed because correcting affidavits were filed by the circulators before the challenges were filed. While the affidavits were filed prior to the challenge, that does not mean the challenges were not considered by Dr. Bloom or other members of the school district staff. The correcting affidavits are filed to correct errors committed either by the signer or circulator and must be filed "not later than three calendar days after the applicable statutory due date for the nomination papers." Wis. Admin. Code § EL 2.05(4). The correcting affidavits can be filed prior to or after a challenge is filed, if they are filed within the prescribed timeframe under the rule.



There is no evidence that the challenges were not considered. To the contrary, Ms. Ollis and Mr. Bloom in their responses state that the challenges were considered before the determination letter was issued on September 17, 2019. The challenges were in the possession of the district on September 13, 2019 (Ollis Response, para. 5) and the decision was issued 4 days later (Bloom sufficiency letter, September 17, 2019; Ollis Response, para. 12; Bloom response letter, October 7, 2019), which is a reasonable amount of time for Dr. Bloom and other staff members to review the challenges and issue the sufficiency determination letter.

Ms. Kluss alleges that the correcting affidavits were not timely filed. Based on the copies of the affidavits filed with the complaint response, it appears they were all filed with the school district on September 12, 2019. The statutory deadline to file the petitions was the "2<sup>nd</sup> Tuesday of September" which in this case was September 10, 2019. Wis. Stat. § 117.10(3)(a)2. The deadline to file correcting affidavits under the Commission's administrative code is "not later than three calendar days after the applicable statutory due date for the nomination papers." Wis. Admin. Code § EL 2.05(4). The deadline for the correcting affidavits was September 13, 2019. The correcting affidavits were filed timely.

Ms. Kluss alleges that there are conflicting statements about the dates on which certain actions were taken by Ms. Ollis, Dr. Bloom and other district staff members during the review of the petitions, the processing of the challenge and the determination of sufficiency. Ms. Kluss attached an email to her complaint reply from the Town of Ottawa clerk. The email was addressed to Ms. Kluss and was an apparent recitation of an email the clerk had received from an administrative assistant from the school district that said the petitions "were verified on September 9." This email does not convince the Commission that the challenges, which were not filed until several days later were not considered by the district. Filing officers routinely conduct a facial review of petitions and nomination papers shortly after they are filed and will determine an initial number of valid signatures prior to any challenge being filed. Any preliminary review of the petition does not substitute for or negate the need for the final sufficiency determination. The sufficiency determination was not issued until September 17, 2019, after the challenges were considered by the school district.

The other piece of information that Ms. Kluss alleges is inconsistent with the timelines sets forth by the school district, is the spreadsheet submitted with Dr. Bloom's response to the complaint. The spreadsheet is dated September 27, 2019. The spreadsheet was prepared in response to the complaint filed with the Commission, and was not part of the original sufficiency letter, therefore the date appears to be appropriate and not conflicting with any timeline referenced by Ms. Kluss.

Neither the email from the Town of Ottawa nor the date on the spreadsheet convince the Commission that the original challenges were not considered by the school district prior to its sufficiency determination being issued.

Ms. Kluss alleges that the response to this complaint was not timely filed by Ms. Ollis, and therefore it should not be considered. Ms. Kluss filed her complaint on September 26, 2019. Ms. Ollis, through the school district's attorney filed her response/answer to the complaint on October 8, 2019. "The respondent shall file with the commission a verified, written answer within 10 business days." Wis. Admin. Code § EL 20.04(3). The due date for the response of Ms. Ollis was October 10, 2019. The response was timely filed by Ms. Ollis.

**Legal Standards for Review of Petitions.** The legal standards for reviewing petitions are contained in both Wisconsin Statutes and in the Commission's Administrative Code. Wisconsin Stat. § 8.40 sets forth general petition requirements and authorizes the Commission to promulgate rules that governing bodies use to determine the validity of petitions and signatures. Wisconsin Admin. Code ch. 2 is the section of the Commission's administrative code that sets forth the sufficiency requirements for both nomination papers and election petitions.

Ms. Kluss alleges that Wis. Admin. Code § EL 2.05 is not appropriate for the review of election petitions here and is superseded by Wis. Stat. 8.40(1) and Wis. Admin. Code §§ EL 2.09 and 2.11. That is simply not the case, as Wis. Admin. Code § EL 2.09(1) specifically incorporates the standards contained in § EL 2.05 into the review of election petitions just as that section applies to nomination papers. "Except as expressly provided herein, the standards established in s. EL 2.05 for determining the treatment and sufficiency of nomination papers are incorporated by reference into, and are made a part of, this section." Wis. Admin. Code § EL 2.09(1). Similarly, the provisions of § EL 2.07 for challenges to nomination papers are incorporated into § EL 2.11 for challenges to election petitions. "Except as expressly provided herein, the standards established in s. EL 2.07 for determining challenges to the sufficiency of nomination papers apply equally to determining challenges to the sufficiency of petitions required to comply with s. 8.40, Stats., including recall petitions, and to any other petition whose filing requires a governing body to call a referendum election." Wis. Admin. Code § EL 2.11. The treatment and sufficiency standards for signatures obtained on nomination papers as set forth in Wis. Admin. Code § EL 2.05 apply equally to the signatures obtained on election petitions as set forth in Wis. Admin. Code § EL 2.09.

**Sufficiency of Correcting Affidavits of Circulators.** There is no dispute that the original petitions filed in this matter were missing blank lines at the bottom of each page for the circulator to certify the information contained on the form by signing and dating the page. The form used by the circulators appears to have been obtained from the Department of Public Instruction and does not comply with the requirements of a petition under Wis. Stat. § 8.40(2). The statute requires the petition to capture the circulator's signature and date upon which they are signing it. "The circulator shall indicate the date that he or she makes the certification next to his or her signature." Wis. Stat. § 8.40(2). The school district staff was not aware of the issue until after a preliminary review of the petitions was conducted. After discovering the issue, the school district reached out to the petitioners and informed them of the error. Because the petitions had already been filed, the only available remedy to correct an error made by either a signer or a circulator of a filed petition, was to submit a correcting affidavit. As discussed earlier, on September 12, 2019, circulators submitted timely affidavits to the school district to provide the missing information and rehabilitate the petitions.

Ms. Kluss alleges that one of the correcting affidavits submitted was not notarized (Lisa Jo Eddy), and therefore the signatures should not be accepted. The school district and the Commission agree, and the 4 signatures contained on Page 36 of the petitions are struck. This does not reduce the number of signatures originally determined to be invalid, as these 4 signatures were part of the original 30 signatures determined insufficient.

Ms. Kluss alleges that the petitions are invalid because the municipality type of the circulator was not included, and the correcting affidavits do not correct that issue. Additionally, she alleges that if the correcting affidavits do have the type and name of the municipality included, it appears that this information was added as an afterthought because the writing appears to be different and there is no way to know who completed it or when it was completed. The lack of residency information for a circulator

on a petition is something that can be corrected by correcting affidavit, per Wis. Admin. Code § 2.05(4) as it was an omission made by the circulator.

In reviewing the petitions and correcting affidavits, full residency information for all circulators is included either on the petitions, the correcting affidavit or both – with one exception - the affidavit of Lisa Jo Eddy which did not include the residency information for the circulator, including the type of municipality and the municipality name. As determined earlier, the Eddy affidavit was not accepted, and the 4 signatures contained on the petition page circulated by her were not counted. Ms. Kluss provides no credible evidence other than her belief that some of the writing appears to be different (which arguably is not the case) to support the allegation that the name and type of municipality was added as an afterthought and done at a different time other than when the affidavit was notarized. Additionally, the statute does not specifically require the type of municipality to be included in the circulator's certification, it simply states that the circulator needs to state their residence. Except for the Eddy affidavit, the affidavits sufficiently correct the missing circulator information on the original petitions filed with the district.

### **Sufficiency of Individual Signatures**

Ms. Kluss generally states that all the original challenges to individual signatures submitted to Ms. Ollis (15 pages) should be accepted. Except for 30 signatures, Dr. Bloom and the school district staff originally rejected her challenges. The Commission reviews the original challenge decision and determines whether that decision violated any applicable election statutes, or whether that decision was an abuse of discretion in applying any applicable election statutes.

Pursuant to Wis. Admin. Code EL § 2.05(5), "where a required item of information on a nomination paper is incomplete, the filing officer shall accept the information as complete if there has been substantial compliance with the law." Information provided on a nomination paper is entitled to a presumption of validity. Wis. Admin. Code EL § 2.05(4). "The burden is on the challenger to establish any insufficiency." Wis. Admin. Code § EL 2.07(3)(a). "The burden of proof applicable to establishing or rebutting a challenge is clear and convincing evidence." Wis. Admin. Code § 2.07(4).

### *Information Allegedly Completed by Someone Other Than the Signer*

The largest category of challenges to signatures filed by Ms. Kluss, was "signer did not fill out entire line (illegal per Wis. § 40(1))". She stated that this issue occurred on "most pages" but the issue was most prevalent for the jurisdiction names "Palmyra" "Sullivan" or "Eagle" and dates written on Pages 2, 28, 33, 38, 42, 100 and 101. Ms. Kluss believes that the signer is required to physically write all the information on the signer's line for it to be valid, so that when handwriting of certain pieces of information related to different signatures on the page looks similar, those signatures should be rejected. That is not an accurate reading of the statute or administrative rules that govern petition and signatures sufficiency for several reasons.

Information on a nomination paper/petition page are entitled to a presumption of validity and any challenge to the validity of the information on the page must be supported by clear and convincing evidence that the information on the page should be invalidated. The evidence presented here is the petition pages themselves and the statement that Ms. Kluss believes "the circulator or someone allegedly filled in lines or multiple lines for the signers." (Kluss Complaint, page 3). That assertion simply does not raise to the level of "clear and convincing" evidence which is required for the filing officer to accept the challenge and invalidate signatures.

Additionally, even if the circulator or another individual completed information on the petition page for the signer, if it was not the signature or the printed name, that action does not violate Wis. Stat. § 8.40(1) or other provisions of the Commission's administrative code. Wisconsin Stat. § 8.40(1) clearly states that a signer must affix their signature and legibly print their name on the page, "accompanied by" his or her municipality of residence for voting purposes, the street and number, if any, on which the signer resides and the date of signing. The Commission's administrative code is consistent with this requirement, "[a]n elector shall sign his or her own name unless unable to do so because of physical disability." Wis. Admin. Code § EL 2.05(8). "A complete address, including municipality of residence for voting purposes, and the street and number, if any, of the residence (or a postal address if it is located in the jurisdiction that the candidate seeks to represent), shall be listed for each signature on a nomination paper." Wis. Admin. Code § EL 2.05(12).

The purpose of the address and dates requirements are so that the filing officer can assess whether the voter resides within a particular district and whether the petition was signed within the proper circulation period. The statute and administrative code minimally require that the person signs their name and prints their name legibly. The other required information can be written in the line by someone other than the signer. For example, many nomination papers and petition pages will have the year of signing pre-filled, so a signer does not inadvertently include a year in the future. The Commission has consistently accepted nomination papers and election petition pages that contain the pre-filled year of signing and ruled that these are consistent with the statute and administrative code. Signatures challenged by Ms. Kluss on the issue of "the circulator or someone allegedly filled in lines or multiple lines for the signers" have all been reviewed by the Commission, and the challenges are dismissed.

#### *Signers Did Not Provide a Complete Address or Provided a P.O. Box*

As discussed in the previous section, signers must include a complete residential address for the signature to be accepted. "A complete address, including municipality of residence for voting purposes, and the street and number, if any, of the residence, (or a postal address if it is located in the jurisdiction that the candidate seeks to represent), shall be listed for each signature on a nomination paper." Wis. Adm. Code EL § 2.05(12); See Wis. Stat. § 8.40(1).

In determining the address issue challenges, Dr. Bloom and the school district staff struck 21 signatures because the municipality was unclear, the municipality name or type was incorrect for the address listed, a P.O. box was listed, or the municipality or street number/name were not provided. The Commission finds no reason to set aside the determination of the filing officer on these issues and defers to their judgment unless there is a clear violation of law or an abuse of discretion. Dr. Bloom and the school district staff were tasked with deciding whether the signer provided enough (or non-conflicting) address information to determine where they lived and if they were within the school district. At the state level, generally the failure to check the correct box to indicate "Town, Village or City" on a nomination paper is not a basis for disqualifying a signature unless a challenger can show that the challenged address is outside the appropriate jurisdiction. Additionally, a P.O. Box may be accepted by the filing officer, if the P.O. Box is located within the jurisdiction or district in which the signer must reside in to be eligible to sign. Wis. Adm. Code EL § 2.05(12). The 21 signatures struck for various address reasons as indicated in the spreadsheet provided by Dr. Bloom will remain struck.

The remaining 9 individual signatures struck by Dr. Bloom and the school district staff will also remain struck: 4 signatures on Page 36 that did not have a properly notarized correcting affidavit from the circulator (addressed above); a signature signed by a guardian and not the individual (Page 2, Line 6);

wrong year of signing (Page 9, Line 7); duplicate signature (Page 71, Line 2); name was not signed properly (Page 100, Line 6).

**Issues Outside of Wisconsin Elections Commission Authority.** Ms. Kluss alleges that petitions were signed by school district staff and a school board member circulated petitions in violation of a school district policy and the signing and circulation was illegal per Wis. Stat. § 120.12.

To sign a petition, the signer must be a qualified elector of the school district (U.S. Citizen, at least 18 years old, reside in the school district for at least 10 days, not disqualified from voting for another reason). To circulate a petition, the circulator must either be a qualified elector of the State of Wisconsin or if they are not a resident of the state, they would not be disqualified from voting under Wis. Stat. § 6.03 if they resided in Wisconsin. Challenges to signers and circulators based on school board policies or statutes outside of the Commission's jurisdiction and that do not affect the qualifications of the signers or circulators are not properly before the Commission and are therefore dismissed.

**Referendum Election Preparations.** On reply, Ms. Kluss stated that Ms. Ollis has not publicized the referendum 28 days in advance of the November 5, 2019 election; only one of eight municipalities in the district has publicly posted or circulated notice of the vote; she believes it is in the best interest of the petitioners and staff not to publicize the vote so their 670 signers can win the election; and voters of the district are not aware of the election and are being suppressed. Ms. Kluss also makes the general argument that due to the short notice of the advisory referendum, the people voting are not being offered a fair and unbiased vote. Constituents, including potential absentee voters, are unaware of the election or have not been notified.

There is no dispute that the timeframes are short, however the Commission and school district are bound by those timeframes provided by statute. The deadline for filing a petition to require an advisory referendum on the issue of dissolution is the 2<sup>nd</sup> Tuesday in September, with the corresponding referendum being held on the Tuesday after the first Monday in November. Wis. Stat. §§ 117.10 and 117.20.

The issue of failure to properly notice the referendum was first raised on reply by Ms. Kluss, and therefore no response from Ms. Ollis was solicited or allowed on this issue under the Commission's rules. While this issue is also outside the scope of the Commission's decision regarding sufficiency of the petitions, it is important that electors in the school district are aware that the referendum election will be held on November 5. Because the special referendum is being conducted by the school district, it is the responsibility of the school district, not the municipalities involved, to publish election notices. The Commission staff reached out to the school district official in charge of posting the required notices for the referendum election, and she stated that the election had been properly noticed in the five required newspapers throughout the district, and that the notice was also posted throughout the district at locations where other public notices are traditionally posted. She indicated that she had received affidavits of publication from four of the newspapers and had seen the actual newspaper section from the paper that did not provide an affidavit of publication which included the election notice. The Commission is confident based on this conversation, and absent other evidence provided, that the referendum election has been properly noticed by the school district.

### **Commission Decision**

The Commission finds that 650 valid signatures were submitted to the Palmyra-Eagle Area School District to require an advisory referendum election on the question of school district dissolution pursuant to Wis. Stat. § 117.10. The 650 valid signatures exceed the minimum number of 403 signatures required as calculated by the school district for a referendum to be called on the issue of school district dissolution. The special advisory referendum election set for November 5, 2019 in the Palmyra-Eagle Areas School District shall proceed as scheduled.

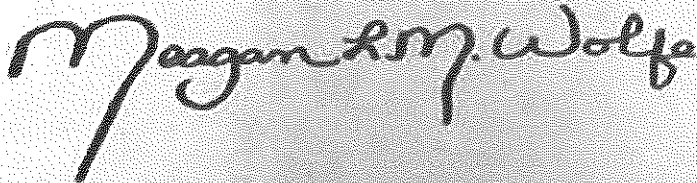
### **Right to Appeal – Circuit Court**

This letter constitutes the Commission's resolution of this complaint. Wis. Stat. § 5.06(2). Pursuant to Wis. Stat. § 5.06(8), any aggrieved party may appeal this decision to circuit court no later than 30 days after the issuance of this decision.

If any of the parties involved have questions about this letter or the Commission's decision, please feel free to contact me.

Sincerely,

**WISCONSIN ELECTIONS COMMISSION**

A handwritten signature in cursive script that reads "Meagan M. Wolfe". The signature is written in dark ink and is positioned above the printed name and title.

**Meagan Wolfe**  
Administrator

cc: Members, Wisconsin Elections Commission  
Dr. Steven Bloom, PEASD Administrator (via email)