

The Verified Complaint of

REPUBLICAN PARTY OF WISCONSIN

JOE FADNESS,

Complainant,

Against

VERIFIED  
COMPLAINT

MARY BURKE

and

DEMOCRATIC PARTY OF WISCONSIN

Respondents.

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The Republican Party of Wisconsin, by and through its representative, Joe Fadness, brings this verified complaint against Mary Burke and the Democratic Party of Wisconsin and alleges as follows:

1. Complainant Joe Fadness is a qualified elector of the State of Wisconsin and is the Executive Director of the Republican Party of Wisconsin with a mailing address of 148 East Johnson Street, Madison, Wisconsin 53703.
2. Wisconsin statute section 11.30(5) provides that “[w]hensoever any person receives payment from another person, in cash or in-kind, for the direct or indirect cost of conducting a poll concerning support or opposition to a candidate, political party or referendum, the person conducting the poll shall, upon request of any person who is polled, disclose the name and address of the person making payment for the poll and, in the case of a registrant under s. 11.05, the name of the treasurer of the person making payment.”
3. On Thursday, June 13, 2013, at approximately 6:30 p.m. eastern time, Patrick Hogan (“Hogan”) received a phone call from an individual conducting a political poll. The call lasted approximately thirty (30) minutes. *See* Affidavit of Patrick Hogan attached hereto as Exhibit A (“Hogan Aff.”), ¶ 3.
4. The poll specifically inquired about Mary Burke, a Madison Metropolitan School District Board of Education member. In addition, the poll sought opinions regarding Governor Scott Walker, Senator Ron Johnson, Senator Tammy Baldwin and Former Senator Russ Feingold. *See* Hogan Aff. ¶ 4.
5. Thereafter, Hogan was read a series of statements comparing the various Wisconsin politicians and asking whether the statement would make Hogan “more likely, somewhat

likely, less likely, or not likely at all” to influence Hogan’s vote. Specifically, the poll sought Hogan’s opinion regarding Governor Walker and Mary Burke. *See* Hogan Aff. ¶ 5. Upon information and belief, these statements included, but were not limited to the following:

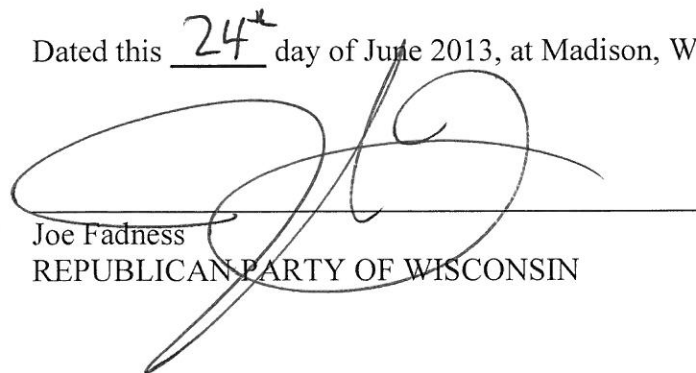
- Mary Burke took a snowboarding sabbatical and avoided working during stretches of her life.
- Mary Burke spent six figures running for a school board seat, which could equate to her spending millions on a race for governor.
- Mary Burke’s family business, and former employer, has outsourced jobs overseas.

6. At the conclusion of the telephone call, Hogan inquired as to who was paying to conduct this call. The individual conducting the poll refused to disclose this information. *See* Hogan Aff., ¶ 6.

The above-referenced activity by Mary Burke and Democratic Party of Wisconsin violates Wisconsin law. To wit: When conducting a poll concerning support or opposition to a candidate, the person conducting the poll shall, upon the request of any person who is polled, disclose the name and address of the person making payment for the poll. Failure to do so violates Section 11.30(5) of the Wisconsin Statutes.

WHEREFORE, Complainant prays that the Government Accountability Board commence an investigation into the actions of Respondents in regard to their activities; commence an action in civil court with respect to any civil violations; refer any criminal violations to the appropriate prosecutorial authorities; and render such other relief that the Government Accountability Board may deem just and equitable.

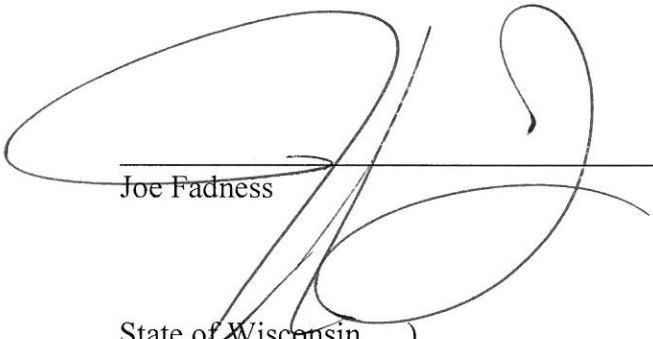
Dated this 24<sup>th</sup> day of June 2013, at Madison, Wisconsin.



Joe Fadness  
REPUBLICAN PARTY OF WISCONSIN

## CERTIFICATION

I, Joe Fadness, being first duly sworn upon oath, state that I personally read the above complaint and that the above allegations are true and correct based on my personal knowledge and, as to those allegations stated on information and belief, I believe them to be true.

  
\_\_\_\_\_  
Joe Fadness

State of Wisconsin )

) ss

County of Dane )



Sworn to before me this 24<sup>th</sup> day of June, 2013.

  
\_\_\_\_\_  
Notary Public or Person Authorized  
to Administer Oaths

My commission expires \_\_\_\_\_  
Or, ☒ is permanent.

REPUBLICAN PARTY OF WISCONSIN  
JOE FADNESS,  
Complainant,

AFFIDAVIT OF PATRICK HOGAN IN  
SUPPORT OF VERIFIED COMPLAINT

Against

MARY BURKE

and

DEMOCRATIC PARTY OF WISCONSIN

Respondents.

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Patrick Hogan, being first duly sworn on oath, deposes and says:

1. That I am adult resident of the District of Columbia and make this affidavit on personal knowledge of the facts set forth herein.
2. That this affidavit is made in support of the Republican Party of Wisconsin's Verified Complaint against Mary Burke and the Democratic Party of Wisconsin.
3. That on Thursday, June 13, 2013, at approximately 6:30 p.m. eastern time, I received a phone call from an individual conducting a political poll. The call lasted approximately thirty (30) minutes.
4. The poll specifically inquired about Mary Burke, a Madison Metropolitan School District Board of Education member. In addition, the poll sought opinions regarding Governor Scott Walker, Senator Ron Johnson, Senator Tammy Baldwin and Former Senator Russ Feingold.
5. Thereafter, I was read a series of statements comparing the various Wisconsin politicians and asking whether the statement would make me more likely, somewhat likely, less likely, or not likely at all to influence my vote. Specifically, the poll sought my opinion regarding Governor Walker and Mary Burke.
6. At the conclusion of the telephone call, I inquired as to who was paying to conduct this poll. The individual conducting the poll refused to disclose this information.

Dated: 6/21/13

Rafael Hagan

Signed and sworn before me  
this 21 day of June, 2013.

Joseph L. Croman, Jr.  
Notary Public, District of Columbia  
My Commission expires 11-14-2016

