

**Subject:** Re: Public Records Request (WI-WEC-22-1173)  
**Date:** Wednesday, April 24, 2024 at 5:21:19 PM Eastern Daylight Time  
**From:** Angela Sharpe (Support)  
**To:** AO Records  
**CC:** Ben Sparks, Christa Westerberg

EXTERNAL SENDER

Your Wisconsin Elections Commission request number (5439) is updated with the information below.

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**Angela Sharpe** (Wisconsin Elections Commission)

Apr 24, 2024, 16:21 CDT

Dear Emma Lewis,

The Wisconsin Elections Commission (“the Commission”) acknowledged your public records request on March 7, 2022. You requested communications sent or received by Commissioner Spindell “regarding attempts to block, delay, or otherwise alter the certification of the November 2020 election, whether in Wisconsin or other jurisdictions.”

After reviewing the WEC’s records, I have identified records that appear to be responsive to search terms derived from your request.

Records are being withheld under the doctrine of attorney–client privilege. A requestor has a right to inspect any record, “except otherwise provided by law.” Wis. Stat. § 19.35(1)(a). The attorney–client privilege protects confidential communications between attorneys and their clients. Wis. Stat. § 905.03. Accordingly, records protected under the doctrine of attorney–client privilege are not subject to disclosure under Wisconsin’s open records law. Additionally, other records have been partially redacted under the doctrine of attorney–client privilege, but the nonprivileged portions are being released to you.

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

Best,

**Angela O’Brien Sharpe**  
**Staff Attorney**  
Wisconsin Elections Commission

Attachment(s)

[Final – Responsive Records\\_Redacted \(5439\).pdf](#)

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**Madhumita Das** (Wisconsin Elections Commission)

Dec 1, 2022, 09:18 CST

Dear Eva Mayanja,

The Wisconsin Elections Commission (WEC) acknowledges that it has received your public records request. The WEC will contact you when its review is complete or if any questions arise.

Sincerely,

Brandon Hunzicker  
Staff Attorney  
Wisconsin Elections Commission  
P.O. Box 7984  
Madison, WI 53707  
(608) 266-8005  
[electionsPIO@wisconsin.gov](mailto:electionsPIO@wisconsin.gov)

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**American Oversight**

Nov 30, 2022, 15:35 CST

**CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Dear Public Records Officer:

Please find attached a request for records under Wisconsin's public records law.

Sincerely,

**Eva Mayanja** | (she/her)

Paralegal | American Oversight

[eva.mayanja@americanoversight.org](mailto:eva.mayanja@americanoversight.org) | (202) 869-5246

[www.americanoversight.org](http://www.americanoversight.org) | @weareoversight

PRR: WI-WEC-22-1173

Attachment(s)

[WI-WEC-22-1173.pdf](#)

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**From:** [Wolfe, Meagan - ELECTIONS](#)  
**To:** [EL DL Elections Comm](#)  
**Cc:** [EL DL Administration](#)  
**Subject:** Audit Deadlines/Local Recount in LaCrosse Co  
**Date:** Tuesday, November 22, 2022 4:54:32 PM

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Commissioners-

We will discuss on the 30<sup>th</sup>, but just wanted to make you aware that there was one local contest that did have a recount and where some of their reporting units will be exempt from the audit requirement because they hand counted. The reporting units that were selected for the audit that were not hand counted for the recount will still need to be audited but their deadline is extended to December 23, in keeping with the Commission's directives as described in our answer.

Thanks,

Meagan

**Ginny-**

Our apologies for the delay.

1. **Deadline**

The Commission's extension of the audit deadline to December 23, 2020 applies to any race, meaning that for the reporting units selected for an audit, in a jurisdiction impacted by a recount, the deadline is extended to December 23. For history's sake, the original staff memo to the Commission limited the extension to statewide contests, and the Commission removed the "statewide" language in their final motion and ultimately directed that, "Any recount of any ballots must precede the audit of those ballots. Should the audit be postponed due to a recount, all materials must be submitted to the WEC no later than December 23, 2022."

[file:///C:/Users/wolfemxprl/Downloads/Open%20Session%20Minutes%20September%2021%202022%20\(Draft\)%20\(1\).pdf](file:///C:/Users/wolfemxprl/Downloads/Open%20Session%20Minutes%20September%2021%202022%20(Draft)%20(1).pdf)

2. **Exemption Because of Hand Count Recount**

Related to an exemption of the audit requirement, the Commission directed that, "Exempt reporting units from audit in the event of a recount if the ballots for that reporting unit are hand counted as was done in 2016." [file:///C:/Users/wolfemxprl/Downloads/Open%20Session%209.21.22.FINAL\\_\\_0%20\(1\).pdf](file:///C:/Users/wolfemxprl/Downloads/Open%20Session%209.21.22.FINAL__0%20(1).pdf). Meaning, if your jurisdictions that were selected for an audit were recounted by hand, they would be exempt from the audit requirement. To tie the pieces together, reporting units selected for the audit that were *not* part of the recount, would still have to be audited but the deadline is extended to December 23.

Please let us know if you need anything else.

Meagan

**From:** Ginny Dankmeyer <[gdankmeyer@lacrossecounty.org](mailto:gdankmeyer@lacrossecounty.org)>

**Sent:** Tuesday, November 22, 2022 4:01 PM

**To:** Wolfe, Meagan - ELECTIONS <[Meagan.Wolfe@wisconsin.gov](mailto:Meagan.Wolfe@wisconsin.gov)>; Kehoe, Robert Y - ELECTIONS <[robert.kehoe@wisconsin.gov](mailto:robert.kehoe@wisconsin.gov)>

**Subject:** FW: audit

Hi Riley,

Need to know what you found out about the audit for muni that had a recount.

City of La Crosse had 5 wards selected for an audit, but 13 wards went to a recount for Sheriff's race.

2 of the 13 wards in the recount were selected for the audit.

Because we had a recount, do we still need to audit?

And if we do, the deadline is Dec 23 because we had a recount, right?

Thanks.

***Ginny Dankmeyer, PME, CPD  
La Crosse County Clerk***

**From:** [Hunzicker, Brandon L - ELECTIONS](#)  
**To:** [EL DL Elections Comm](#)  
**Cc:** [EL DL Administration](#)  
**Subject:** Election Observer Discussion Materials  
**Date:** Monday, August 29, 2022 9:26:11 PM  
**Attachments:** [Election Day Manual.pdf](#)  
[Election Observer Rules at a Glance.pdf](#)  
[2017 Scope Statement.pdf](#)  
[2014 proposed rule.pdf](#)

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Commissioners,

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Sincerely,

Brandon Hunzicker

Staff Attorney  
Wisconsin Elections Commission  
201 West Washington Avenue  
P.O. Box 7984  
Madison, WI 53707-7984  
[brandon.hunzicker@wisconsin.gov](mailto:brandon.hunzicker@wisconsin.gov)

**From:** [Wolfe, Meagan - ELECTIONS](#)  
**To:** [EL DL Elections Comm](#)  
**Cc:** [EL DL Administration](#)  
**Subject:** Emergency Meeting Tonight at 8:00pm  
**Date:** Thursday, July 28, 2022 12:31:15 PM  
**Attachments:** [Agenda-Meeting Notice Open-Closed 7-28-22.docx](#)  
**Importance:** High

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Commissioners-

Chairman Millis is calling an emergency meeting of the Commission to be held tonight at 8:00pm. Attached you will find the draft meeting notice. The meeting will be to discuss the statement from the Racine Sheriff that was sent yesterday and resulting unlawful activities by individuals. As staff prepares any information relevant to the discussion, I will send it to the Commission.

The zoom link for the meeting will be sent shortly.

Meagan

**From:** [Vetterkind, Riley - ELECTIONS](#)  
**To:** [EL DL Elections Comm](#); [EL DL Elections Staff](#)  
**Subject:** FW: No Indication of MyVote Vulnerability  
**Date:** Thursday, July 28, 2022 2:05:53 PM  
**Attachments:** [No Indication of MyVote Vulnerability.pdf](#)

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Commissioners and staff,

For your awareness, I sent out the below press release this afternoon regarding claims by the Racine County Sheriff's Office of unlawful and isolated attempts to use another person's identity to obtain absentee ballots via MyVote.

Thanks,  
Riley

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**From:** From the Wisconsin Elections Commission <elections@wi.gov>  
**Sent:** Thursday, July 28, 2022 1:36 PM  
**To:** Vetterkind, Riley - ELECTIONS <riley.vetterkind@wisconsin.gov>  
**Subject:** No Indication of MyVote Vulnerability

FOR IMMEDIATE RELEASE:  
INFORMATION, CONTACT:  
July 28, 2022  
[riley.vetterkind@wi.gov](mailto:riley.vetterkind@wi.gov)

FOR MORE  
Riley Vetterkind,

## No Indication of MyVote Vulnerability

The Wisconsin Elections Commission issued the below statement following reports of unlawful and isolated attempts to obtain absentee ballots via MyVote, Wisconsin's public facing online voter registration and information website:

There is no indication of any vulnerability with the MyVote application. The idea that absentee ballot requests made online, via MyVote, are more susceptible to fraud is false. The MyVote web application requires a person to provide the same information he or she would provide if the person made the ballot request through traditional mail or email. MyVote does not make it any easier to commit voter fraud than requesting a ballot through other methods.

Requesting or attempting to vote an absentee ballot in the name of another person has long been and [continues to be a crime](#). Under the law, a voter can request an absentee ballot for him or herself only. In some instances an individual may be able to serve as an assistor with explicit permission from a voter with a disability.

People who intentionally misuse the MyVote application can be subject to severe criminal and civil penalties. It is illegal to provide false information or use another person's information to unlawfully request the ballot of someone else.

"Claiming that by committing a crime by submitting false information to obtain an absentee ballot somehow reveals a vulnerability of our system is inaccurate and irresponsible," said WEC Administrator Meagan Wolfe. "Intentionally using someone else's identity to subvert the system does not demonstrate a flaw with MyVote, but rather a flaw with that person's conduct. A nefarious person who chooses to impersonate someone else in order to gain official documents of any kind – whether for election use or any other purpose – is clearly violating

state and federal law and could face consequences.”

“The WEC and your local clerk are continually monitoring for any unlawful activity and working with state and federal authorities to investigate any and all attempts to break the law regarding access to absentee ballots,” Wolfe continued.

[Wis. Stat. § 12.13\(3\)\(i\)](#) states no person may “falsely make any statement for the purpose of obtaining or voting an absentee ballot.” [Wis. Stat. § 12.13\(1\)\(d\)](#) states that a person who “impersonates a registered elector or poses as another person for the purpose of voting at an election” violates the law. A person who “falsely procures registration or makes false statements to the municipal clerk, board of election commissioners or any other election official whether or not under oath,” also violates state law, per [Wis. Stat. § 12.13\(1\)\(b\)](#).

A person may lawfully request, through MyVote or the mail, that their own absentee ballot be mailed to a different address than their residential address if they plan to be away, or if they do not receive mail at their residential address. This is an option whether you make your request for a ballot via paper application, email, or through [MyVote.wi.gov](#).

The MyVote application does not automatically send an absentee ballot to the requester. Requests for absentee ballots made on MyVote generate an email to the respective voter’s municipal clerk, who then determines whether the voter has provided the necessary and correct information to receive an absentee ballot, including a photo ID. To receive an absentee ballot through the mail, a voter either must provide a copy of an acceptable photo ID or the clerk must check that one is on file for the voter from a previous request.

As required by Wisconsin law, a person who attests they are indefinitely confined is not required to present a photo ID; however, those who make this attestation do so under the penalty of law.

Voter fraud remains very rare in Wisconsin. Even so, the state maintains multiple checks to ensure Wisconsin elections are secure and accurate, including the recording of every voter transaction in the statewide voter database.

Anyone who has credible information that a person has fraudulently requested an absentee ballot in the name of another voter should contact local law enforcement or their local FBI field office.

As always, voters may use [MyVote.wi.gov](#) to check their own voter information, including whether an absentee ballot request has been made.

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You are currently subscribed to newspaperdaily as: [riley.vetterkind@wisconsin.gov](mailto:riley.vetterkind@wisconsin.gov).

To unsubscribe click here: <https://lists.wi.gov/u?id=6097937.6bf31bfdd66bf01f317c7d0e6cb9c5a6&n=T&l=newspaperdaily&o=1801635>

(It may be necessary to cut and paste the above URL if the line is broken)

or send a blank email to [leave-1801635-6097937.6bf31bfdd66bf01f317c7d0e6cb9c5a6@lists.wi.gov](mailto:leave-1801635-6097937.6bf31bfdd66bf01f317c7d0e6cb9c5a6@lists.wi.gov)

**From:** [Wolfe, Meagan - ELECTIONS](#)  
**To:** [EL DL Elections Comm](#)  
**Cc:** [EL DL Administration](#)  
**Subject:** FW: PRESS RELEASE: Marathon County Clerk Warns of Fraudulent Calls, Polling Places will be Open  
**Date:** Monday, November 7, 2022 12:54:58 PM  
**Attachments:** [image001.jpg](#)  
[11.07.22 - Election Day Fraud Calls.pdf](#)

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**Commissioners-**

Sending for your awareness. We have also had reports of other third parties sending messages to voters that contain inaccurate polling place information. We always encourage voters, political parties, and the public at large to use the official source to find their polling place

[www.myvote.wi.gov](http://www.myvote.wi.gov)

Thanks,

Meagan

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**From:** Sarah Severson <[Sarah.Severson@co.marathon.wi.us](mailto:Sarah.Severson@co.marathon.wi.us)>  
**Sent:** Monday, November 7, 2022 12:47 PM  
**Subject:** PRESS RELEASE: Marathon County Clerk Warns of Fraudulent Calls, Polling Places will be Open

**CAUTION: This email originated from outside the organization.  
Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Good afternoon,

Please see the attached press release warning voters of fraudulent calls that their polling place will be closed on Election Day. **All designated polling locations in Marathon County will be open 7:00 am to 8:00 pm on Tuesday, November 8, for voting.**

**Any media outlets wishing to conduct interviews on this matter should report to the Assembly Room in the Marathon County Courthouse at 2:00 pm today (Monday, November 7).** Marathon County Clerk Kim Trueblood and Public Information Officer Sarah Severson will be available to speak with the media at that time.

We appreciate your assistance in helping us spread this message.

Sarah

*Sarah Severson*

Communications & Engagement Strategist

Marathon County Administration  
Office: 715.261.1448  
Cell: 715.432.8034  
[sarah.severson@co.marathon.wi.us](mailto:sarah.severson@co.marathon.wi.us)



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**From:** [Vetterkind, Riley - ELECTIONS](#)  
**To:** [EL DL Elections Comm](#); [EL DL Elections Staff](#)  
**Subject:** FYI -- recent media  
**Date:** Thursday, September 8, 2022 5:25:08 PM  
**Attachments:** [image001.jpg](#)  
[image003.jpg](#)

FYI – On the first WisPolitics.com story I'm requesting MyVote.org be changed to MyVote.wi.gov.

Thanks –

Riley

**From WisPolitics.com ...**

**-- H.O.T. Government President Harry Wait today pleaded not guilty to two felonies and two misdemeanors after he illegally requested absentee ballots for Assembly Speaker Robin Vos and Racine Mayor Cory Mason.**

Ahead of today's hearing, Wait read a speech outside the courthouse, likening his actions to civil disobedience to expose what he says are vulnerabilities in a state website that allows voters to request absentee ballots through their local clerks. The state Elections Commission has countered there is no unique vulnerability in MyVote.org compared to requesting an absentee ballot via email or fax.

"I have acted in a similar manner as the founders of this nation acted," Wait said ahead of the hearing. "For that reason, I assert that my actions are indeed both lawful and under organic law of the nation."

Wait last month was charged with two counts of felony identity theft and two misdemeanor counts of election fraud after a Department of Justice investigation. Racine County Judge Robert Repischak today released Wait on a signature bond, finding he doesn't pose a threat to the community. Repischak also interrupted Wait while he was being interviewed by the media inside the courtroom and ordered him not to talk about the case with reporters until the proceedings are over.

"I have the ability and the discretion to make sure that parties do not engage in commentary about open cases with the media," Repischak said. "I am not going to risk this proceeding being tried in the media."

The two felony charges each carry a maximum penalty of 6 years imprisonment and up to \$10,000 in fines.

Wait, who is representing himself in the case, immediately after signing the bond agreement and leaving the courtroom told reporters he plans to appeal the "gag order," as he called it. When asked by WisPolitics.com if he intends to fully comply with the order, Wait said "no comment."

Repischak also ordered Wait not to contact Vos or Mason, who he only identified by their initials, RV and CM.

Wait objected, arguing the no contact order violates his First Amendment rights.

"So, obviously I'm not a criminal," he said in court. "But I do engage in public activities, and you know, I want to be able to have this clarity with the court and myself that I may still engage in public engagements. Obviously not going to be adverse other than maybe a little terse because of some of the actions these two individuals are engaged in."

Wait's initial appearance today was met by Repischak forcibly ordering him to sit down.

"Mr. Wait, come and sit at the defendant's table," Repischak told Wait as he entered and attempted to sit among the general public. Wait responded he did not know he was supposed to cross the threshold yet.

"OK, well I haven't heard the case called yet, but thank you for the invitation," Wait said.

Repischak fired back, "sit down."

A few minutes into the hearing, Repischak ordered several people wearing yellow "Free Harry" T-shirts to leave his courtroom.

"No, out, out," he said. "This is not a political rally. This is a courtroom. Out."

H.O.T. Government members outside the Racine County Courthouse were selling the shirts for \$20 each with the proceeds going toward a legal defense fund for Wait.

Rep. Timothy Ramthun, R-Campbellsport and former Village of Menomonee Falls President Jefferson Davis were among the dozens spectating. Wait, Ramthun and Davis have regularly attended and spoken at Capitol events seeking to overturn the results of the 2020 election.

Wait was also set to appear in another Racine County courtroom for a motion hearing he filed to quash a DOJ subpoena regarding Wait's actions shortly after his appearance in front of Repischak. Outside Judge Wynne Laufenberg's courtroom, a court employee told Wait the hearing was rescheduled for 11:30 a.m. on Sept. 19.

**-- The conservative Thomas More Society today filed a complaint against the Wisconsin Elections Commission, saying the agency violated federal law by contracting the Electronic Registration Information Center to maintain the state's voter rolls.**

The complaint seeks a declaration that WEC's use of ERIC is illegal under the Help America Vote Act. The complainant argues HAVA requires WEC and its officials exclusively maintain and implement WisVote, without outside assistance from third parties. They also argue the law doesn't allow the sharing of voter data or use of that data with third parties.

The complaint asserts WEC's use of ERIC to maintain WisVote could enable manipulation of federal elections in favor of certain candidates.

ERIC is a multi-state data sharing effort that WEC has used in the past to detect cases of voters casting ballots in more than one state. It also has been the target of conspiracy theories from some who have claimed the 2020 election was stolen.

Thomas More Society attorney Erick Kardaal appeared at an Assembly Campaigns and Elections Committee hearing today to argue WEC must break ties with the ERIC, calling the nonprofit "progressive-aligned."

Former state Supreme Court Justice Michael Gableman, who was fired as the Assembly's special counsel last month, attended today's hearing. He confirmed to reporters he is now working for the Thomas More Society, but declined to answer other questions.

"I'm here to support Erick Kardaal and the work of the Thomas More Society," Gableman said before walking away from reporters.

At a conference with MyPillow CEO Mike Lindell last month, Gableman listed his occupation as senior counsel for the group. Since then, the Thomas More Society has not responded to numerous requests from WisPolitics.com for confirmation he is working for the group and what his role is with the organization.

Records from Gableman's review of the 2020 election in Wisconsin show he signed an office sharing agreement with the group.

See the complaint:  
<https://www.wispolitics.com/wp-content/uploads/2022/09/220908WI-HAVA-Complaint.pdf>

## Waukesha judge bars election clerks from filling in witness information on absentee ballot envelopes, giving Republicans a victory



**Molly Beck**

Milwaukee Journal Sentinel

MADISON - State law does not allow election clerks to fill in missing address information on absentee ballots, a Waukesha County judge ruled Wednesday — a victory for Republicans who have sought to block election clerks from filling in such information.

The ruling is in a lawsuit supported by Republican lawmakers who have spent months pushing for tighter voting rules since former President Donald Trump's 2020 loss to President Joe Biden, a contest decided by about 21,000 votes in a battleground state crucial to both parties' pursuit of power.

Waukesha County Circuit Judge Michael Aprahamian on Wednesday granted motions to block clerks from adding the missing information to ballot envelopes and said the election officials could alert voters about the problem if they wish.

Wisconsin Supreme Court will likely take up the absentee ballot issue

The decision, which comes two months before the next election, is likely heading to the state Supreme Court, which is controlled by conservative justices.

At issue is guidance issued by the [Wisconsin Elections Commission](#) in 2016 that allows clerks to fix witness certificate errors without contacting voters. The guidance was not challenged until Trump began falsely claiming his election loss was a casualty of widespread voter fraud despite recounts he paid for that confirmed the result.

Clerks were able to fill in missing information under the guidance, such as a ZIP code.

Republican lawmakers in July [voted to eliminate regulations](#) allowing the practice but the commission did not agree to withdraw the guidance to clerks because the three Democratic members voted against doing so, resulting in a deadlock.

On Wednesday, Aprahamian blasted the Democratic commissioners for ignoring state law. \_\_\_\_\_

"It is a little wonder that proponents from all corners of the political spectrum are critical, cynical and suspicious of how elections are managed and overseen when three unelected bureaucrats can defy the legislature and declined to suspend guidance that the joint committee under its oversight authority has determined violates Wisconsin law," he said.

An attorney for the Waukesha County Democratic Party said barring clerks from fixing small omissions would amount to disenfranchising voters.

Donald Trump challenged the policy after the 2020 election

State auditors last year said the commission should adopt rules allowing the practice after reviewing nearly 15,000 absentee ballots from 29 municipalities cast during the 2020 election.

More than 1,000 certificates, or 7% of those sampled, had partial addresses for witnesses. Most of those were missing a ZIP code but included other parts of the address.

Fifteen lacked witness addresses entirely, eight lacked witness signatures and three lacked voter signatures. Certificates without signatures should not be counted under state law.

Trump challenged the policy after the 2020 election, but the state Supreme Court found he had done so too late. Such challenges need to be brought before elections, not after them, the court [found in its 4-3 ruling](#).

Supreme Court Justice Brian Hagedorn, [who is often a swing vote in high-profile cases](#), wrote in the ruling's majority opinion that it's unclear what constitutes a sufficient address under the state law — a question that the justices could take up again.

Republicans happy by decision, while Democrats say this disenfranchises voters

Republican Party of Wisconsin chairman Paul Farrow said in a statement that the party is "extremely pleased" with the ruling.

"This ruling cleans up the process, and if WEC puts aside political games by issuing sound guidance, this will ensure uniformity across all of the state's municipalities," Farrow said.

Democrats blasted Republicans for pursuing the restrictions in the first place.

"An entire political party has such horrible policies and ideas that instead of responding to voters' needs and embracing the future, they are instead clinging to the past and focusing on preventing votes from counting," Sen. Chris Larson, D-Milwaukee, said in a tweet.

Contact Molly Beck at [molly.beck@jrn.com](mailto:molly.beck@jrn.com). Follow her on Twitter at [@MollyBeck](https://twitter.com/MollyBeck).

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## Wisconsin election clerks race to understand ballot ruling

By SCOTT BAUER<sup>today</sup>

MADISON, Wis. (AP) — Wisconsin's 1,800-plus election clerks were racing Thursday to understand a judge's ruling nine weeks before the election that some fear could lead to absentee ballots being counted in parts of the battleground state but rejected in others.

A judge on Wednesday barred the bipartisan Wisconsin Elections Commission from issuing guidance to clerks, in place since 2016, about how to handle absentee ballots that are missing all or parts of the address of the person who witnessed the voter casting the ballot. Clerks say that now means it is up to them to determine which ballots should be counted and which should not.

"What is tricky is what is an address?" said Dane County Clerk Scott McDonell. "You're going to get varying interpretations."

State law requires clerks to either return ballots missing a witness address to the voter to be corrected or not count the ballot. The elections commission in 2016 told clerks that they could add information themselves if all or part of an address was missing.

Clerks only address problems on the witness certificate, which doubles as an envelope, and not the ballot itself. Republicans did not contest the practice until after [Donald Trump's narrow loss](#) in 2020, when nearly 1.4 million voters cast absentee ballots and COVID-19 vaccines weren't available yet.

Waukesha County Circuit Judge Michael Aprahamian on Wednesday said state law does not allow clerks to fill in missing information. He granted a request from Republicans, including the GOP-controlled Legislature, to prohibit the elections commission from telling clerks they can do that. Aprahamian was appointed by former Republican Gov. Scott Walker.

Democrats plan to appeal and the case is expected to end up before the conservative-controlled Wisconsin Supreme Court.

In the meantime, clerks are struggling to understand what ballots they should count, or not, with absentee voting slated to begin in about two weeks. The deadline for absentee ballots to be mailed to voters is Sept. 22.

The elections commission has guidance on what constitutes an address, but the issue has not been addressed by the courts.

"It certainly leaves things very unclear," said Claire Woodall-Vogg, executive director of the Milwaukee Election Commission, in an email. "Historically, voters have not been penalized for minor errors in voting where intent is clear. I will be consulting with my City Attorney's office for their advice on the matter."

The number of affected ballots is likely to be small but could be an issue in close races. President Joe Biden won Wisconsin in 2020 by fewer than 21,000 votes.

Woodall-Vogg said just over 1% of all absentee ballots cast in Milwaukee in April were missing address information. In a recount of the Republican race for the 2nd Congressional District, which includes the city of Madison, only 25 ballots out of 120,000 cast had deficient absentee addresses, McDonell said.

The Legislative Audit Bureau [last year reviewed](#) nearly 15,000 absentee ballot envelopes from the 2020 election across 29 municipalities and found that 1,022, or about 7%, were missing parts of witness addresses. Only 15 ballots, or 0.1%, had no witness address. Auditors found that clerks had corrected addresses on 66 envelopes, or 0.4% of the sample.

McDonell said in Dane County, the state's second largest, the practice has been to count ballots that contain partial addresses.

"We don't care if it says Wisconsin or has the zip," he said. "So it's a game of what's missing. ... The sort of basic common sense is 'Can I find this address?'"

Republicans contend the ruling means that clerks have two choices for ballots missing information: return them to voters or don't count them.

"This ruling cleans up the process, and if (the elections commission) puts aside political games by issuing sound guidance, this will ensure uniformity across all of the state's municipalities," said Wisconsin Republican Party Chairman Paul Farrow.

The attorney for the Republican Party of Waukesha County, which brought the lawsuit, did not immediately return a message seeking comment Thursday. Republican legislative leaders, who joined the lawsuit, did not immediately return messages.

Both McDonell and Woodall-Vogg said they would be trying to educate voters about the need to have witnesses completely fill out the address portion on the absentee ballot. The ruling will increase the workload on clerks who will be returning ballots to voters to complete missing information, McDonell said.

"We will continue to be diligent in our communication with voters - both initially when mailing the ballot and if needing to return the ballot to be cured," Woodall-Vogg said. "I fear for voters across the state who live in municipalities where the clerk may not have the staff or resources to notify a voter of their error."

## Wisconsin Elections Commission approves guidance for disabled voters following court order

• [Mitchell Schmidt | Wisconsin State Journal](#)

The bipartisan Wisconsin Elections Commission on Tuesday approved guidance for local election clerks clarifying that voters with disabilities are entitled to receive third-party help when mailing or delivering absentee ballots.

Following almost two hours of debate, the six-member commission voted 4-2 to approve the guidance, which was ordered last week by U.S. District Court Judge James Peterson, of the Western District of Wisconsin.

Republican-appointed commissioners Don Millis and Robert Spindell opposed the motion, while fellow Republican Marge Bostelmann joined Democratic appointees Mark Thomsen, Julie Glancey and Ann Jacobs in supporting the measure.

Under the guidance and per Peterson's order, clerks will be notified that the federal Voting Rights Act allows voters with disabilities to receive assistance as long as the person helping them isn't the voter's employer, an agent of that employer "or officer or agent of the voter's union."

Proposals by Millis and Spindell seeking to require those assisting voters to fill out an attestation form proving their identity failed along 3-3 split votes with Democratic members of the commission opposed to what they described as additional requirements for voters with disabilities.

"We did not require this for folks who have a disability under the Voting Rights Act in 2016 or 2018 or 2020," Thomsen said. "I do not think we should add that hurdle now. We should not make it harder for those with a disability to vote."

Under the guidance approved Tuesday, clerks do not need to confirm a person's disability or the identity of the voter or assistor to accept the ballot.

Peterson's order came after several voters with disabilities asked a federal court to ensure they can receive help voting following a Wisconsin Supreme Court decision and subsequent comments from the state's chief elections officer that appeared to severely limit, if not eliminate, their ability to vote.

Peterson ruled that federal law requires local clerks and election officials to provide assistance to voters with disabilities, regardless of what state statutes say or decisions by the Wisconsin Supreme Court.

The lawsuit followed the Wisconsin Supreme Court's 4-3 ruling that absentee ballots must be delivered by mail or in person to a local clerk's office or designated alternate site. The majority also held that no one but the voter can return the voter's ballot in person.

The state high court did not rule on whether voters can have someone else handle their ballot on its way to a mailbox. But a week after the ruling, Wisconsin Elections Commission administrator Meagan Wolfe declared that "the voter is the one who is required to mail their ballot."

## Local measures respond to, exemplify ongoing fight over elections administration in Wisconsin

• [Alexander Shur | Wisconsin State Journal](#)

Citing increased threats amid false reports of widespread voter fraud, local governments across Wisconsin are creating special rules to safeguard election workers.

Some municipal and county bodies are also expressing support for the bipartisan Wisconsin Elections Commission, which oversees elections in the state and has become a frequent target of Republicans, many of whom want to disband it.

In August, local governments in Madison, Racine and Sheboygan raised penalties for people who threaten or harass election workers.

Committing disorderly conduct against election staff in Madison, for example, will now yield a \$691 citation, compared to \$439 for typical

disorderly conduct citations. Under the ordinance, each instance of disorderly conduct can be charged under a separate violation, and if the conduct is repeated or poses a “significant threat,” law enforcement could refer the matter to the district attorney.

The efforts come as about 15% of election workers nationwide report receiving threats and 66% say false information is making their jobs more dangerous, according to a [March poll](#) by the liberal Brennan Center for Justice.

That poll came several months after the federal Department of Justice [launched a task force](#) to address the rise in threats toward election workers and officials.

Democrats applauded the local initiatives, which they said are aimed at protecting the people who keep elections fair. But some Republicans have been critical of them.

Republican Party of Dane County chair Scott Grabins, who did not respond to a request for comment, [told the conservative outlet Empower Wisconsin](#) that the ordinance “was clearly put in place to intimidate poll watchers.”

“It’s to make people have second thoughts before they even politely ask or challenge something they might see in a polling location,” Grabins told the outlet.

Madison City Attorney Mike Haas said in July that the Madison ordinance is aimed at “violent, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct” that tends to cause or provoke a disturbance or has the intent of harassing or annoying the recipients.

Last month, Dane County Executive Joe Parisi signed a measure setting aside \$95,000 to begin planning for a secure elections facility. That came after a Dane County task force in late July [called for hardening the county’s election infrastructure](#), describing the security of election equipment as “inadequate” and threats to elections workers as a “serious problem.”

### **Elsewhere**

Other local resolutions seek to encourage turnout and help make elections run more smoothly.

In June, Green Bay officials set aside close to \$16,000 before the primary to hire more poll workers and expand voting hours.

In August, Milwaukee County Executive David Crowley signed a resolution setting aside \$50,000 for voter outreach, registration and education efforts.

Other local governments have leapt to the defense of the Elections Commission, which has come under fire since the 2020 election for issuing guidance to clerks that was later rescinded or found to conflict with state law, including permitting the use of secure drop boxes for ballots, allowing clerks to fill in missing witness information on absentee ballot envelopes and suspending the requirement that special election workers be present before certain nursing home residents can cast an absentee ballot.

At least 10 counties and municipalities have passed resolutions in support of the commission, local clerks or both. Some of those measures also push back against the lawmakers and candidates seeking to disband it.

### **Lukewarm support**

Most such resolutions have passed in Democratic-leaning cities and counties, but two were adopted in conservative Rusk County and its county seat, Ladysmith.

While the Rusk County resolution opposed efforts to transfer election administration duties from the commission to a partisan entity, supervisors struck language in the original resolution that lauded election workers.

For example, language that election officials played “a critical role in making the 2020 election safe, secure, and accessible during the COVID-19 pandemic” and that bullying and threats “hurts the health of our democracy” was removed. It also struck a reference to “democracy” in the resolution’s first line, replacing it with “Constitutional Republic.”

And the resolution added a paragraph calling on the Elections Commission to follow state law. The board also requested the Legislature and governor create legislation regarding “unsecured drop boxes, voter roll integrity, and voting machine security.”

“It’s actually the job of the state lawmakers to oversee the Wisconsin Elections Commission and to make law regarding elections,” said Jonathan Unterschuetz, the County Board supervisor who suggested the changes to the resolution.



In a separate resolution, also introduced at that July meeting, supervisors opposed the use of private funds for election administration — spurred by supplemental funding for the 2020 election provided by the Chicago-based Center for Tech and Civic Life. That organization, funded by Facebook CEO Mark Zuckerberg, provided more than \$10 million in grants to help administer the last presidential election amid the COVID-19 pandemic. Court rulings have found nothing illegal about the funding the group distributed to about 214 municipalities in 39 of Wisconsin’s 72 counties, including many in areas solidly won by former President Donald Trump.

The board passed that resolution unanimously.

### **‘Do what you can’**

Rusk County resident Chrysa Ostenso, who asked her local representatives on the city and county levels to introduce the proposal supporting the Elections Commission, said, “We would like to ... have some of these government bodies on record, saying that they want free and fair elections.”

“People feel like we don’t have any power,” she said. “You could talk to your legislator. You can talk to your congressman. You can write letters. It doesn’t seem to be doing anything. But at the same time, if you do nothing, you’ll just go crazy. So you just try to do what you can.”

Similar resolutions have passed in Madison, Dane County, Kenosha, Fox Point, Bayside, Glendale, Beloit, Fitchburg and Milwaukee County.

Joe Waldman, the Wisconsin campaign manager for the liberal voter-advocacy group All Voting is Local, said he contacted his Madison City Council representative to get support for a local resolution backing election officials. That organization and other liberal groups like the Wisconsin Democracy Campaign and Wisconsin Conservation Voters have also supported voting-related proposals around the state. Elsewhere, the measures have been driven by local volunteers.

“There’s a lot of people throughout the state who are just really independently motivated because ... these election officials are their friends and neighbors,” Waldman said. “They know these people and are upset when they hear that they’re getting death threats, which unfortunately is happening in all sorts of different communities.”

**From:** [Vetterkind, Riley - ELECTIONS](#)  
**To:** [EL DL Elections Comm](#); [EL DL Elections Staff](#)  
**Subject:** FYI (From Racine Journal Times)  
**Date:** Thursday, July 28, 2022 2:17:28 PM

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# It's relatively easy to request someone else's absentee ballot. Is that an election 'vulnerability'?

- [Adam Rogan](#)

If you have an internet connection, it is not particularly difficult to order someone else's absentee ballot in Wisconsin. Doing that is a crime, just as it's a crime to steal a TV from Walmart or order a credit card in someone else's name, but it is not necessarily difficult.

Being able to actually cast the ballot in someone else's name and not get caught by authorities is another matter entirely.

Racine County Sheriff Christopher Schmaling on Wednesday afternoon issued a statement on Facebook aiming to bring light to this, alleging there are "vulnerabilities" in Wisconsin's election system.

Elections officials quickly pushed back on the sheriff's claims, noting

that the system to request ballots online via [MyVote.WI.gov](https://MyVote.WI.gov) is practically identical to the system for requesting absentee ballots by mail, and that there has been no evidence presented that the alleged vulnerability has been used for votes to be illegally cast and counted.

“The fact that people can commit crimes doesn’t mean the system doesn’t work,” Ann Jacobs, one of three Democratic members of the six-person Wisconsin Elections Commission, said in a phone interview Wednesday evening.

### ‘Apparent vulnerabilities’

Here’s what the Racine County Sheriff’s Office is aiming to bring to public attention to:

- If you know a registered voter’s legal name and date of birth, you can go to [MyVote.WI.gov](https://MyVote.WI.gov) and request an absentee ballot in their name and request it be delivered to an address that does not match their registered address.
- “No photo identification is needed,” the RCSO’s [Facebook post](#) stated, “and the requester can make a declaration of being indefinitely confined — thus, for the current and future elections, the requestor will be sent someone else’s ballot at the different address entered.”

Not addressed in the RCSO’s post is that this is only allowed if the individual’s government-issued voter ID is already on file with the Wisconsin Elections Commission, indicating they likely voted absentee before. If the individual’s ID is not on file, this would not work.

Also, if someone were to request another person’s absentee ballot and then vote in their name, the fraudster could be found out if the individual whose ballot was illegally requested tried to vote or looked up whether they requested a ballot via [MyVote.WI.gov](https://MyVote.WI.gov).

To ensure they would get away with it, the person who surreptitiously requested someone else's ballot would need to know that the individual whose ballot they were stealing had no plans to vote but is still a registered voter with their voter ID on file.

No evidence has been presented that the potential for fraud the Sheriff's Office highlighted Wednesday has actually been used to carry out election fraud.

The Sheriff's Office called "for the immediate suspension of the function within MyVote Wisconsin where a person can request another's absentee ballot and have it mailed to a different address, with or without showing any proper photo identification." Likewise, the Sheriff's Office said it "is calling for the immediate suspension of the function allowing for the declaration of being indefinitely confined, which allows for ballots to be sent to different addresses for 'All future elections.'"

In a statement Wednesday, Schmaling said "I am disheartened by the apparent vulnerabilities in MyVote Wisconsin that are ripe for fraud, and everyone — no matter their political leanings — should join in requesting a thorough, statewide, investigation into this significant election integrity issue."

The Sheriff's Office said it has reached out to the Wisconsin Attorney General's Office and Wisconsin Elections Commission to investigate the matter. It does not appear that will happen.

"There is no indication of any vulnerability with the MyVote application," Riley Vetterkind, Wisconsin Elections Commission public information officer, said in an email Wednesday. "The idea that absentee ballot requests made online, via MyVote, are more susceptible to fraud is false. The MyVote web application requires a person to provide the same information he or she would provide if the person made the ballot request through traditional mail. MyVote does not make it any easier to commit voter fraud than requesting a

ballot through the mail.”

## Testing the theory

The Facebook post said that multiple individuals requested ballots on behalf of other people without their knowledge to test if there was a “vulnerability.” Those unidentified individuals are referred to as “complainants,” who then reported what they did to the Racine County Sheriff’s Office.

One of the complainants, the RCSO said, “requested the ballot of two prominent government officials and numerous individuals from around the state. This complainant reported he was successful in ordering these ballots be sent to the complainant’s home because he knew these individuals’ dates of birth and without showing any form of photo identification.”

A screenshot from the MyVote website shared by the Sheriff’s Office appears to show an Oak Creek voter named Michael having his ballot sent to the Racine County Law Enforcement Center, 717 Wisconsin Ave.

Another complainant identified herself to The Journal Times. She is Adrienne Melby, a Burlington mom and conservative organizer. She thinks Joe Biden’s 2020 election win should be thrown out and a new election should be held due to alleged irregularities.

Melby said she was “tinkering online” on the MyVote website “and wondering if I could get my own ballot without a photo ID.” She learned she could. After some more “tinkering,” it appeared she could request her dad’s ballot to be delivered to her house — not his.

She said she asked a friend go to [MyVote.WI.gov](https://www.MyVote.WI.gov) and see if the friend could attempt to request Melby’s ballot and have it delivered to the friend’s house. According to Melby, her friend mistakenly hit

the "request ballot" button on the website after filling out Melby's information and actually requested the ballot; Melby said the friend had only intended to get to the final step but never actually request the ballot and thus risk breaking the law.

"It cannot be this easy to get somebody's ballot get delivered to their address," Melby recalled thinking to herself.

But, Melby said the absentee ballot arrived in her friend's mailbox three days later.

After the ballot arrived in her friend's mailbox, Melby said she immediately reported it to Schmaling. Melby said Schmaling told her she needn't be worried about criminal prosecution because the friend was requesting Melby's ballot at Melby's request.

## **WEC responds**

Jacobs called it "astonishing" that the Racine County Sheriff's Office is highlighting the reports of these complainants, as what they did could have been illegal.

"Requesting or attempting to vote an absentee ballot in the name of another person has long been and continues to be a crime. Under the law, a voter can request an absentee ballot for him or herself only," according to Vetterkind.

Vetterkind further explained: "Requests for absentee ballots made on MyVote generate an email to the respective voter's municipal clerk, who then determines whether the voter has provided the necessary and correct information to receive an absentee ballot, including a photo ID. To receive an absentee ballot through the mail, a voter either must provide a copy of an acceptable photo ID or the clerk must check that one is on file for the voter from a previous request."

“Once again,” Jacobs said, “the Racine sheriff has embarrassed himself by making false claims of voting impropriety ... If he understood Wisconsin’s election system, he would know the MyVote website works the exact same way as a paper request for an absentee ballot.”

### ‘Could it happen? Yes. It’s election fraud’

Tuesday afternoon, prior to the RCSO issuing its statement, a Journal Times reporter interviewed Racine City Clerk Tara Coolidge about this topic.

Coolidge said that what Schmaling brought to light Wednesday is possible. But, Coolidge also noted that it is possible to order a credit card under someone else’s name if you have their information — although more information is needed to order a credit card than to order a ballot, such as a social security number.

“Could it happen? Yes. It’s election fraud,” Coolidge said. “If they are caught, we obviously would refer to them to the district attorney for prosecution.”

Added Jacobs: “It’s also possible for me to walk into Walmart, grab a flat-screen TV and walk out the front door. It’s a crime either way.”

Elections officials, as well as advocates for expanding voting access, argue the relative risks of potential voter fraud via mail-in voting are outweighed by making it easy for all adult citizens to vote.

Those who have disabilities, are poor or work more demanding jobs — or are employed in places that require a significant commute from home — are **more likely to be disenfranchised** should it become more difficult to vote absentee.

“People need to stop attacking our safe, fair and effective voting system and instead focus on the people who are trying to prevent us

from voting — and I consider him (Schmaling) one of them,” Jacobs said.

**From:** [Vetterkind, Riley - ELECTIONS](#)  
**To:** [EL DL Elections Comm](#); [EL DL Elections Staff](#)  
**Subject:** FYI (From Racine Journal Times)  
**Date:** Thursday, August 25, 2022 9:06:05 AM

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# Racine County man who admitted to illegally requesting ballots appears to have been subpoenaed by DOJ

Harry Wait, the Racine County man who admitted to illegally requesting absentee ballots to prove he could, has been “subpoenaed to felony court,” according to the group Wait leads.

Wait has admitted to, [on July 26](#), using the names of Republican Assembly Speaker Robin Vos and Democratic Racine Mayor Cory Mason to go online and request absentee ballots addressed to them be delivered to Wait’s Town of Dover home.

A ballot addressed to Mason [ended up being delivered](#), but Vos’ was never delivered. A ballot addressed to state Rep. Elijah Behnke, R-Oconto, was [also delivered to Wait’s home](#), but Wait says he never requested Behnke’s ballot.

Wait informed election officials, including Vos and Mason as well as

Racine County District Attorney Patricia Hanson and Sheriff Christopher Schmaling, of what he did via email after 3 a.m. July 27.

In a phone call on the morning of July 27, Wait asked Schmaling if he would be arrested, to which Schmaling replied “Hell no.” In a [Facebook post July 29](#), the Sheriff’s Office aimed to clarify Schmaling’s statement, saying “Criminal arrests, where police physically place a citizen in handcuffs, are made after thorough investigations and the formulation of probable cause. Criminal arrests are not based upon late-night emails and requests to be arrested.”

The Wisconsin Department of Justice launched an investigation into Wait. That investigation is believed to still be ongoing.

Asked for comment on this story, DOJ Director of Communications Gillian Drummond said in an email: “DOJ does not confirm or deny the existence of an investigation, except in unique public safety circumstances.” The fact that the DOJ is investigating Wait was initially made public by the Racine County Sheriff’s Office.

The news of Wait being subpoenaed came out Wednesday afternoon after a post was made on a social media channel controlled by HOT (Honest, Open, Transparent) Government; Wait is the president of HOT Government, a group that has aimed to overturn the 2020 presidential election results and has also spread unfounded claims of there being widespread fraud within Wisconsin’s election system.

A photo also posted to the social media channel, hosted on the Telegram smartphone application, appears to show Wait holding the subpoena while speaking with two DOJ officers outside of a home.

Wait said he had “no comment” regarding the subpoena Wednesday, but did say in a phone call “My real crime is exposing the vulnerabilities of a system that is inherently weak.” Wait then

accused elections officials of “malfeasance and maladministration ... (because) it’s incredibly simple to get somebody else’s ballots.”

Despite Wait showing it is possible to have someone else’s ballot mailed to any address without providing voter ID and allegations from Schmaling of “vulnerabilities” in the election system, the Wisconsin Elections Commission said in a statement July 28: “There is no indication of any vulnerability with the MyVote (online) application. The idea that absentee ballot requests made online, via MyVote, are more susceptible to fraud is false.”

State elections officials noted that if individuals don’t break the law, then fraud would not occur.

Schmaling called for the Wisconsin Elections Commission to disallow requesting absentee ballots be sent to an address that is not on file, a request that WEC declined.

Elections officials have repeatedly noted that the information needed to request absentee ballots online is identical to what is needed to request a ballot by mail. To request a ballot online without marking the voter as indefinitely confined, all that is needed to request a mail-in ballot is the name of a registered voter who has voted by mail before and the voter’s birthdate.

While Democrats have universally rebuked Wait and called for him to be arrested, the situation has divided Republicans.

U.S. Sen. Ron Johnson, an Oshkosh Republican, said last week “I certainly wouldn’t prosecute whatever he (Wait) did ... **I appreciate what he did.**”

After learning that Wait had requested his ballot, Vos, a Republican, said in a statement to the Milwaukee Journal Sentinel: “His (Wait’s) actions are sad. If election integrity means anything, it means we all

have to follow the law — Republicans and Democrats alike.”

**From:** [Vetterkind, Riley - ELECTIONS](#)  
**To:** [EL DL Elections Comm](#); [EL DL Elections Staff](#)  
**Subject:** FYI (WaPo)  
**Date:** Thursday, July 28, 2022 4:32:25 PM  
**Attachments:** [image001.png](#)

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# Wisconsin anti-voting-fraud activist commits voter fraud to make a point



By [Patrick Marley](#)

July 28, 2022 at 5:12 p.m. EDT

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MADISON, Wis. — A Wisconsin man this week ordered absentee ballots for himself in the names of a mayor and top state lawmaker in what he says was an attempt to expose vulnerabilities in the state’s voting system.

Harry Wait, who leads a group in southeastern Wisconsin that has focused on voting issues, said Thursday that he was willing to go to jail to prove his point. The stunt angered many state elections officials, especially those who have spent the last several years fighting [baseless claims](#) of widespread voter fraud.

“I would be willing to take that hit for the country,” Wait said of facing jail time. “You can’t have ballots going all over the place, unsecured.”

Wait said he used the state’s online elections portal Tuesday to request absentee ballots for the Aug. 9 primary to be sent to his home in the names of [Assembly Speaker Robin Vos](#) (R) and Racine Mayor Cory Mason (D). Wait has clashed with both of the officials repeatedly as the president of the group HOT Government, which takes its name from an acronym for “honest, open and transparent.”

Soon after he made the requests, Wait explained his actions in an email to Vos and Mason as well as Racine County District Attorney Patricia Hanson (R) and Racine County Sheriff Christopher Schmaling (R), who has promoted former president Donald Trump’s claims of voter fraud and called for the arrest of five of the state’s elections commissioners.

Wait said he requested about a dozen ballots in all. Other than the requests for ballots for Vos and Mason, Wait said he had permission from the voters to request their ballots. He said he had not received ballots for Vos and Mason and did not expect to because he had alerted authorities to what he had done.

[\*‘A real conflagration’: Wisconsin emerges as front line in war over the 2020 vote\*](#)

Hanson said she was investigating the matter. Under Wisconsin law, it’s a misdemeanor to make a false statement to obtain a ballot and a felony to make a false statement to an election clerk.

In a Facebook post about the incident, Schmaling made no mention of investigating Wait — and instead called for an investigation of the state’s online elections portal, [MyVote](#)

## [Wisconsin.](#)

Ann Jacobs, who sits on the state's elections commission, said the district attorney should charge anyone involved in the effort to try to get ballots meant for others.

"They intentionally went and stole somebody's ballot," said Jacobs, a Democrat on a board that is politically evenly divided. "It's like walking into Walmart and picking up a large-screen TV and walking out the door with it and then going to the cops and saying, 'It's really easy to steal this.' You still stole it."

Jacobs and the commission's nonpartisan director, Meagan Wolfe, said the attempts to illegally obtain ballots did not expose any vulnerabilities in the state's system.

"Intentionally using someone else's identity to subvert the system does not demonstrate a flaw with MyVote, but rather a flaw with that person's conduct," Wolfe said in a written statement. "A nefarious person who chooses to impersonate someone else to gain official documents of any kind — whether for election use or any other purpose — is clearly violating state and federal law and could face consequences."

Wisconsin's online portal allows registered voters to request absentee ballots after logging in using their names and dates of birth. They can have the ballots sent anywhere so that those who are temporarily living somewhere other than their homes have a chance to vote.

A similar procedure can be followed by sending in a paper form through the mail.

Most voters must provide a copy of a photo ID the first time they request an absentee ballot that the election clerk can keep on file. Voters who say they are confined to their home because of age or disability do not have to show an ID, but falsely making such a claim is a crime.

When voters make online requests for ballots, their clerk receives an email informing them of the request. The clerk makes the final call on whether to issue ballots.

Wait said he recently explained to a reporter with the conservative Epoch Times how to request an absentee ballot in Wait's name and have it mailed to Michigan. A short time later, he received a call from his clerk to alert him to the request, he said.

Wait said the system worked in that instance, but he was worried clerks in other parts of the state would not be as diligent.

"I want MyVote shut down," Wait said. "I want all absentee ballots shut down until they can secure the ballots."

## [Ballot drop boxes not allowed in Wisconsin, state Supreme Court rules](#)

Wait made his ballot requests two weeks before the primary, when Vos faces a challenge from Adam Steen. The primary will also narrow the field for governor and U.S. Senate.

Wait, who backs Steen, has long fought with Vos over the 2020 presidential election. Joe Biden beat Trump by about 21,000 votes in Wisconsin — results that have been upheld by courts and independent reviews.

Wait said he does not believe Vos has done enough to look into the election even though Vos hired a former state Supreme Court justice to conduct a year-long investigation of it.

A spokeswoman for Vos did not say whether the speaker wanted anyone to be charged with

a crime. Mason did not immediately return a phone call.

Schmaling last year called for Jacobs and four other elections commissioners to be charged with crimes for the policies they set for voting in nursing homes in 2020. Because nursing homes weren't allowing visitors during the coronavirus pandemic, the elections commission told clerks to disregard a law that required them to send poll workers to those facilities and instead send residents absentee ballots.

Hanson and two other district attorneys declined to charge the commissioners. Two other prosecutors have not said whether they plan to bring charges over that matter. Schmaling did not return a call Thursday, but Wait said the sheriff told him he did not plan to arrest him during a call they had Wednesday.

“He said, ‘Thank you so much for breaking this open,’ ” Wait said of his talk with Schmaling. “So I said, ‘Does that mean you’re not going to arrest me?’ And he said, ‘Hell no.’ ”

That same morning, Schmaling posted a message on Facebook that said, “I am disheartened by the apparent vulnerabilities in My Vote Wisconsin that are ripe for fraud, and everyone — no matter their political leanings — should join in requesting a thorough, statewide, investigation into this significant election integrity issue.”

As of Thursday afternoon, the post had generated hundreds of comments and had been shared nearly 1,000 times.

**From:** [Vetterkind, Riley - ELECTIONS](#)  
**To:** [EL DL Elections Comm](#); [EL DL Elections Staff](#)  
**Subject:** FYI  
**Date:** Monday, August 1, 2022 9:49:48 AM

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# Wisconsin DOJ launches probe of a scheme to fraudulently request ballots to prove voter fraud exists



**[Molly Beck](#)**

Milwaukee Journal Sentinel

MADISON – The state Department of Justice is launching an investigation into a scheme to commit election crimes by a group of Wisconsin residents who believe former President Donald Trump did not lose the 2020 election and fraudulently requested absentee ballots to prove voter fraud exists.

The probe comes a day after Racine County Sheriff Christopher Schmaling [revealed he was aware of the plot](#) but blamed state elections officials for the violations instead of arresting the offenders who had confessed to the crimes.

Schmaling thanked one of the offenders for committing voter fraud instead of arresting him for his part in the effort, the sheriff's office also acknowledged Friday.

It's unclear whether the DOJ review will examine Schmaling's response to learning of the plot that he initially publicized as an effort to show deficiencies in the state's voting system instead of violations of election law.

"DOJ is aware of reports of ballots being requested in Racine County for registered voters without their permission. DOJ has been in contact with (Racine County) DA (Patricia) Hanson and will be investigating this matter. As this is an ongoing matter, DOJ will not be providing further comment at this time," DOJ spokeswoman Gillian Drummond said in a statement.

Harry Wait, a leader of a Racine County-based group known as H.O.T. Government that promotes false claims of voter fraud in the 2020 election, and others committed the election crimes by submitting false information to obtain absentee ballots — in some cases posing as prominent officials, including Assembly Speaker Robin Vos — to show violations of the law are

possible.

In one email to Schmaling, Hanson, Vos and others, Wait said, "I stand ready to be charged for exposing these voting vulnerabilities when I ordered Mason's and Vos's absentee ballot online, all without providing a photo I.D. or identifying myself."

Racine County Sheriff Christopher Schmaling blames the Wisconsin Elections Commission

Instead of promising to investigate the crimes, Schmaling publicized the plot on social media as being helpful in rooting out vulnerabilities in the state election system and blamed the Wisconsin Elections Commission, calling on commissioners to remove a way voters can easily request ballots online.

"First I put in the name Robin Vos, clicked his address and hit absentee, then I selected a new address and successfully ordered it," said Wait, who has heavily criticized Vos over his response to the 2020 election and supports Vos' primary opponent Adam Steen.

Wait told the Milwaukee Journal Sentinel he then called 10 more people across the state and asked if he could order absentee ballots using their names. That also worked.

Schmaling won't arrest the offender who committed voter fraud, instead thanked him

"Basically, I committed a crime when I ordered them," Wait said. "I emailed Sheriff Schmaling, asked if he was going to arrest me and he said 'hell no.'"

On Friday, Schmaling sought to explain why he did not arrest Wait when Wait told him he had committed the crime.

"After the second Email, Sheriff Schmaling had a telephone conversation with Wait where Sheriff Schmaling began the conversation by thanking Wait for sharing the information, but Sheriff Schmaling informed Wait that he did not have to do what he did on My Vote Wisconsin," the sheriff's office said in the Friday release.

"Wait then asked Sheriff Schmaling if he was going to come to the County Fair grounds and arrest him, and Sheriff Schmaling informed Wait that he was not going to do that by stating, 'Hell, no.'"

Schmaling's office said their deputies and investigators do not make arrests based on confessions in "late-night Emails and requests to be arrested."

"Sheriff Schmaling understands Wait's passion and commitment to honest, open, and transparent government, especially as it pertains to elections; however, he never gave Wait permission or consent for Wait's actions."

Criminal referrals will be made, state elections commission says

In an emergency meeting the Wisconsin Elections Commission scheduled late Thursday to respond to the matter, commissioners agreed to make criminal referrals to prosecutors at a future meeting.

Ann Jacobs, a Democratic elections commissioner, said during Thursday's special meeting that the commissioners need to make criminal referrals immediately in light of the organization of the criminal activity and Schmaling's unwillingness to combat it.

"People who think it's cute to commit a crime to undermine elections, that needs to be stopped and it needs to be stopped now and waiting implies there's something appropriate about it," Jacobs said.

Schmaling's office on Friday sought to recast his response as calling for a statewide investigation.

But in Schmaling's initial response to the crimes by Wait and others, he called on state elections commissioners — whom he has previously recommended criminal charges against for voting rules they recommended for nursing home residents during the coronavirus pandemic — to take down a feature on the commission's website to help voters request absentee ballots.

Schmaling characterized the plot as "complainants who have reported apparent vulnerabilities" on the website and the offenders as people testing vulnerabilities.

In November, Schmaling recommended charges against Jacobs and four other state elections officials over their guidance to local clerks to bypass state law during the coronavirus pandemic and send absentee ballots to nursing homes instead of first visiting in person.

The commissioners said adhering to the law during the early months of the pandemic would have wasted precious time because most, if not all, facilities were barring visitors at the time. Instead, commissioners advised mailing absentee ballots to the facilities to protect a population vulnerable to the coronavirus and to ensure the ballots got to the voters in enough time to cast them.

Few objected to the guidance at the time it was given but the practice later

came under scrutiny following Trump's 2020 election loss.

Contact Molly Beck at [molly.beck@jrn.com](mailto:molly.beck@jrn.com). Follow her on Twitter at [@MollyBeck](https://twitter.com/MollyBeck).

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**From:** [Vetterkind, Riley - ELECTIONS](#)  
**To:** [EL DL Elections Comm](#); [EL DL Administration](#)  
**Subject:** FYI  
**Date:** Thursday, July 28, 2022 7:03:42 PM

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# After residents commit voter fraud to make a point, Racine sheriff seeks to end online ballot requests instead of an investigation

**Molly BeckCorrinne Hess**

Milwaukee Journal Sentinel

MADISON – Racine County Sheriff Christopher Schmaling, who has campaigned for former President Donald Trump and has helped spread baseless claims of widespread voter fraud, is calling on state election officials to stop allowing Wisconsin voters to request absentee ballots online instead of investigating an organized and successful effort by 2020 election deniers to commit voter fraud.

Schmaling says the individuals were able to commit a crime by submitting false information to obtain absentee ballots — in some cases using prominent names, including Assembly Speaker Robin Vos.

Instead of promising to investigate the apparent violations of election law, Schmaling publicized the plot on social media and blamed the Wisconsin Elections Commission and sought to remove a way voters can easily request ballots just a few months ahead of the November election.

The state Elections Commission called an emergency meeting for tonight — blasting Schmaling's statements.

"There is no indication of any vulnerability with the MyVote application. The idea that absentee ballot requests made online, via MyVote, are more susceptible to fraud is false," the commission said in a written statement.

"The MyVote web application requires a person to provide the same information he or she would provide if the person made the ballot request through traditional mail or email. MyVote does not make it any easier to commit voter fraud than requesting a ballot through other methods."

Vos released a statement Thursday saying any attempt to use his name is

voter fraud.

"Yesterday, I learned that one of the top volunteers for my primary opponent's campaign admitted to fraudulently posing as me and attempting to steal my ballot," Vos said. "His actions are sad. If election integrity means anything, it means we all have to follow the law — Republicans and Democrats alike."

Harry Wait, the leader of the Racine-based government transparency group HOT Government (Honest, Open and Transparent), said he went on the state Election Commission's myvote.com site Tuesday and requested Vos' and Racine Mayor Cory Mason's absentee ballot.

"First I put in the name Robin Vos, clicked his address and hit absentee, then I selected a new address and successfully ordered it," Wait said.

Wait said he then called 10 more people across the state and asked if he could order absentee ballots using their names. That also worked.

"Basically, I committed a crime when I ordered them," Wait said. "I emailed Sheriff Schmaling, asked if he was going to arrest me and he said 'hell no.'"

Schmaling called on state elections commissioners — whom he has previously recommended criminal charges against for voting rules they recommended for nursing home residents during the coronavirus pandemic — to take down a feature on the commission's website to help voters request absentee ballots.

Schmaling said he was calling for the feature to be removed after being contacted by "complainants who have reported apparent vulnerabilities" on the website.

He said one person who had come forward had "tested this vulnerability and had a second party request their ballot and had that ballot sent to the second party's address."

"The second party was successful in obtaining the first party's ballot," he wrote in the statement.

He said another person requested ballots for "prominent government officials" and others around the state.

A spokesman for the sheriff's office did not immediately say whether they would investigate individuals who purposefully requested ballots for others.

H.O.T. Government has repeatedly promoted Trump's false claims of

widespread voter fraud affecting his 2020 loss in Wisconsin and has blamed Democratic public officials and Vos for perceived irregularities.

"I selected these two high-profile public figures because they are scofflaws, have no respect for law and are among the most disingenuous and notorious fraudsters within our state. Both in their own way have contributed to the demise of the public's lack of confidence in our elections."

Ann Jacobs, a Democratic elections commissioner, tweeted the explanation was tantamount to "I broke the law to prove I could break the law."

In November, Schmaling recommended charges against Jacobs and four other state elections officials over their guidance to local clerks to bypass state law during the coronavirus pandemic and send absentee ballots to nursing homes instead of first visiting in person.

The commissioners said adhering to the law during the early months of the pandemic would have wasted precious time because most, if not all, facilities were barring visitors at the time. Instead, commissioners advised mailing absentee ballots to the facilities to protect a population vulnerable to the coronavirus and to ensure the ballots got to the voters in enough time to cast them.

Racine County sheriff's investigators say that as a result of the guidance, one resident of the Ridgewood Care Facility in Mount Pleasant likely voted illegally in the November 2020 election against a court order declaring the resident incompetent to vote.

No prosecutions were brought.

*Contact Molly Beck at [molly.beck@jrn.com](mailto:molly.beck@jrn.com). Follow her on Twitter at [@MollyBeck](https://twitter.com/MollyBeck).*

**From:** [Vetterkind, Riley - ELECTIONS](#)  
**To:** [EL DL Elections Comm](#); [EL DL Administration](#)  
**Subject:** FYI  
**Date:** Thursday, August 4, 2022 8:33:51 AM

ADMITTED ABSENTEE BALLOT FRAUDSTER

# Harry Wait wants to be charged. That way, he says he could open up ‘Pandora’s Box’ for elections officials

- [Adam Rogan](#)

Harry Wait says he is unsurprised he has not been arrested yet.

“Am I surprised? No, not really. Investigations take time. I’m not afraid of being arrested,” he said Tuesday in a phone call.

Wait asserts that elections officials should be scared if he is charged with crimes related to the election fraud he admitted to last week. That is because he plans to open “Pandora’s Box” during the discovery process.

He intends to get access to government documents previously inaccessible to himself and others who question Joe Biden’s 2020 election win.

“Discovery could yield hundreds of thousands of documents,” he said in a text to a reporter.

“I do play chess,” he said during the phone call Tuesday.

He expects some kind of “national fund” to come to his defense, thus funding more efforts to fight the Wisconsin Elections Commission in court which could further bog down the understaffed agency.

Wait alleged that “WEC officials are guilty of maladministration and malfeasance” — neither of which are actual crimes, but are still legal terms referring to misconduct in office.

Wait has long been a virulent and uncompromising fighter for open records. He is often quick to accuse public servants of being “corrupt” when he doesn’t get documents he seeks or is unhappy with documents he is provided with, often getting him on the bad side of just about any elected official or municipal employee he rubs elbows with. He said he has voted for Robin Vos a number of times, but on Tuesday said Vos has an “extensive history of being both disingenuous and (a) scofflaw, in an email to Attorney General Josh Kaul Tuesday that was reviewed by The Journal Times.

In a video uploaded to the [Rumble.com](https://www.rumble.com) account of HOT Government, the right-wing watchdog group of which Wait is president, WEC Administrator Meagan Wolfe is referred to as a sexist slur, “b—h,” because she asserts that Wisconsin’s elections are safe and secure.

There remains no evidence of widespread illegal voting in Wisconsin. The few-dozen criminal charges for election fraud filed since the 2020 presidential election are in line with the number of cases expected from prior cases. Wait and his supporters still assert the 2020 election was fraudulent and should be overturned, which election law experts and attorneys assert is constitutionally

impossible.

## **Making ‘a big deal’ on purpose**

Wait is giddy right now. The Town of Dover resident is glad there is so much press coverage and public discussions regarding how he apparently committed felony election fraud by illegally requesting absentee ballots by using the names of Assembly Speaker Robin Vos and Racine Mayor Cory Mason.

“Once they charge me, I can request discovery on all the internal documents of WEC,” Wait said in a phone interview Tuesday afternoon. “The only way we could actually fix this is go ahead and make a big deal about it.”

What Wait wants to see “fixed” is Wisconsin’s elections system, which he believes to be broken despite no evidence of widespread fraud. He, as well as Racine County Sheriff Christopher Schmaling and supporters of Wait, agree that there is a “vulnerability” within WEC.

The alleged “vulnerability,” which WEC staffers say does not exist, is that [MyVote.Wi.gov](https://www.myvote.wi.gov) allows for absentee ballots to be requested and delivered to any address by only providing the registered voter’s name and birthdate, so long as the voter has voted by mail previously.

Wait aimed to expose this by requesting ballots by claiming to be Mason and Vos; Mason’s ballot was mailed to Wait’s home on Friday, but Vos’ ballot does not appear to have ever been sent.

What Wait did would not have been possible if the registered voter, under whose name the absentee ballot was being requested, had only voted in person. That is because to request an absentee ballot online without providing photo ID or claiming to be indefinitely confined,

WEC needs to have the voter's ID on file.

It is unclear why Wait has not been criminally charged yet, as there is video of him requesting Vos' and Mason's ballot. WEC says it is a felony to request an absentee ballot on behalf of another person, and Wait does not dispute that he did commit a felony.

He requested the ballots July 26.

After 3 a.m. July 27, he sent an email to a number of officials admitting to what he did, with the expectation that he would be arrested. No immediate arrest was made.

The Wisconsin Department of Justice is now leading the investigation. The DOJ has been effectively silent on its investigation other than to confirm there is an investigation ongoing.

Wait said he sent an email Tuesday to Kaul again admitting to his "sting operation." In the email, he wrote, "I stand ready to help facilitate your investigation."

The email continued: "The failure to protect the sanctity of the people's ballots was beyond stunning ... Clearly our elections are compromised to the point of NO CONFIDENCE by the public."

## **Commission**

In a special four-and-a-half-hour meeting Wednesday, two Democratic appointees to the six-person Wisconsin Elections Commission said the best way to address the alleged "vulnerability" is to criminally charge and jail Wait, thus deterring copycats who may actually try to cast surreptitiously requested ballots.

WEC Chairman Don Millis, a Republican appointee, said he believes others may get more "creative" and be able to get away with illegally requested ballots; someone actually trying to illegally vote would not

be expected to publicly admit to what they did as Wait has.

Millis indicated he wishes Gov. Tony Evers, a Democrat, had not vetoed a Republican-supported bill that would have required voter ID to be presented every time an absentee ballot is requested, not just the first time. That, Millis said, would have addressed the vulnerability.

It is unlikely for the state Legislature to act quickly to address the issue. The Legislature is not due to reconvene until next year. A special session could be called, but there's no indication from legislative leaders that that could happen.

Another Republican appointee to WEC, Bob Spindell, who alleged during a HOT Government meeting in Racine in February that the 2020 election was **“rigged” against Donald Trump**, said that WEC should add requirements to request absentee ballots online.

Democratic appointees and WEC staff indicated that may not be possible both because of time constraints and that could run afoul of state law. Under state law, there is no requirement as to what information must be provided for requesting an absentee ballot other than it must include the voter's name and be in writing. The birthdate is not required under state statute either, but WEC officials maintain that is necessary to differentiate between multiple voters who may have the same name but different birthdays.

**From:** [Vetterkind, Riley - ELECTIONS](#)  
**To:** [EL DL Elections Comm](#); [EL DL Elections Staff](#)  
**Subject:** FYI  
**Date:** Wednesday, August 31, 2022 5:46:12 PM

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***From WisPolitics.com ...***

**-- Disabled Wisconsin voters are entitled to assistance in returning their absentee ballots despite a state law saying they must return them on their own through the mail or in person, a federal judge ruled today.**

Judge James Peterson's ruling provides clarity on the issue after the state Supreme Court in July declined to weigh in on whether disabled voters are entitled to assistance in returning their ballots.

Peterson noted the plaintiffs in the case -- four disabled voters -- can't comply with a state law requiring them to return their absentee ballots by mail "or delivered in person, to the municipal clerk issuing the ballot or ballots."

That statute leaves disabled voters with a dilemma of whether they violate the law by using assistance to vote absentee, risk their health by voting in person or "give up their right to vote altogether."

Peterson, who noted two of the plaintiffs said their disabilities make voting in person impossible, gave the state Elections Commission until Sept. 9 to issue guidance to local clerks that reflect his order.

"Voters shouldn't have to choose between exercising their federal rights and complying with state law," Peterson wrote.

In January, Waukesha County Circuit Court Judge Michael Bohren ruled that absentee ballot drop boxes weren't allowed under state law. He also found voters placing their absentee ballots in the mail had to do it themselves.

The state Supreme Court upheld Bohren's ruling on drop boxes, though the justices declined to address whether disabled voters were entitled to assistance in returning their ballots. Still, Peterson noted the Supreme Court didn't vacate the portion of Bohren's ruling banning third-party assistance in mailing absentee ballots, leaving some uncertainty on the issue.

Following the state Supreme Court ruling, the state Elections Commission met but failed to agree on guidance to provide clerks on the ruling. Administrator Meagan Wolfe then said at a news conference that "the voter is the one required to mail the" absentee ballot, though she added it wasn't appropriate for her to opine about the Supreme Court decision.

That combination of factors makes it reasonable for the plaintiffs to interpret state law as banning them from relying on a third party to return their absentee ballot, Peterson wrote. But the federal Voting Rights Act grants any "voter who requires assistance to vote by reason of blindness, disability, or inability to read or write" assistance in casting their ballot, and that preempts state law.

The commission didn't have an immediate response to the ruling but announced it will meet Tuesday to provide guidance to comply with the court's order.

Read the order:

<https://www.wispolitics.com/wp-content/uploads/2022/08/220831Order.pdf>

See the injunction:

<https://www.wispolitics.com/wp-content/uploads/2022/08/220831Injunction.pdf>

**-- Scott Thompson of the progressive firm Law Forward, which represented the disabled voters in the suit, said the state Supreme Court's refusal to address how disabled voters return absentee ballots left them "in the lurch."**

Peterson's ruling was a victory for voting rights and access to the ballot, Thompson said.

"What this goes to show is that these voters are not going to rest on their laurels if their federal rights are clouded by any state actor or agency actor," Thompson said. "They're going to do what it takes to make sure their rights are protected."

Meanwhile, the conservative Wisconsin Institute for Law & Liberty, which was part of the suit over absentee drop boxes, is urging the Elections Commission to create a new rule requiring certification that disabled voters needing assistance can't deliver the ballots themselves.

In a letter to the commission today, WILL Deputy Counsel Luke Berg took no issue with Peterson's ruling.

He noted there is already a certification in place for voters with disabilities who can't sign their absentee ballot on their own and need an assistant to do so. Berg suggested a similar certification should be created so those helping disabled voters return their absentee ballots can attest those voters are unable to do so on their own.

Berg also argued a certification should be required before clerks can accept absentee ballots returned by a third party.

Disability Rights Wisconsin, which wasn't a party to the suit, said it's looking forward to guidance from the Elections Commission and the "positive impact it will have on protecting the voting rights of disabled individuals in Wisconsin."

"Those voters should now feel confident to assert their voting rights, which are protected by federal law," the group said. "Wisconsin must end these illegal barriers and ensure that the right.

Read the WILL letter:

<https://www.wispolitics.com/wp-content/uploads/2022/08/220831WILL1.pdf>

**-- The Elections Commission today unanimously signed off on seeking to create an Office of Inspector General to help with investigations and open records requests after tweaking the organization of the new office.**

Dem members of the commission objected to the original proposal to have the unclassified position be hired by the six-member body -- split evenly between partisan appointees -- and serve at its pleasure.

GOP Chair Don Millis said the idea was originally proposed that way to make it more palatable to lawmakers, who would have a say over the proposal if the gov included it in the 2023-25 budget sent to the Legislature early next year.

The proposal comes at a time when some GOP lawmakers have called for the commission to be

abolished, though Republican leaders have said their preference is to make changes to the agency. For the \$1.3 million proposal to be approved, the gov would have to include it in the budget and lawmakers would have to sign off.

"The position is going to be somewhat sensitive," Millis said. "The goal is to have someone who is going to be responsive to a commission that is equally divided between Republicans and Democrats."

But Dem member Mark Thomsen argued that approach left open the possibility of "political mischief." He noted the commission in recent years has deadlocked on a series of issues and creating another political position for the six members to wrangle over was unpalatable.

The motion the commission approved calls for the inspector general to be hired and serve at the pleasure of the administrator. The motion kept it as an unclassified position, meaning the person could be fired without cause.

"I'm fine with it if the administrator gets to hire it, and it works and the administrator is running it," Thomsen said. "I think that's politics enough."

Ahead of today's meeting, agency staff presented an overview of the proposed office to commissioners. The Office of Inspector General would examine allegations of "unlawful or inefficient operations" in state elections while also promoting "best practices designed to increase accuracy of and confidence in election results." It also would help with an influx of public record requests and complaints submitted to the agency.

**-- Millis told WisPolitics.com after today's hearing the idea for the office was born out of brainstorming sessions he had with Wolfe and agency staff.**

Millis, appointed by Assembly Speaker Robin Vos to the commission in June, said the conversations came against the backdrop of knowing some GOP candidates for state office want to get rid of the agency while others want to keep it and make changes. He said the goal was not to "reinvent the wheel," but to look for ways to improve the commission, regardless of who's in office come January.

"What can we do to make the system better?" Millis said, describing the conversations. "We talked through a variety of things."

Britt Cudaback, a spokeswoman for Dem Gov. Tony Evers, said the gov is open to the idea. She said the proposed office was a result of "Republicans' dangerous rhetoric" over the 2020 election.

"Gov. Evers welcomes additional efforts to combat Republican misinformation, continue bolstering election security, and ensure every eligible voter can cast their ballot in Wisconsin, and he looks forward to reviewing the Elections Commission's request as part of the biennial budget process," she said.

The offices of Senate Majority Leader Devin LeMahieu, R-Oostburg, and Vos didn't immediately return a message today seeking comment.

Joint Finance Committee Co-chair Mark Born, R-Beaver Dam, said the proposal is in the early stages.

"JFC will, as usual, consider the executive budget and requests that are presented to the committee during the upcoming legislative budget season, which is in the first half of next year,"

he said.

**-- Meanwhile, GOP secretary of state candidate Rep. Amy Loudenbeck slammed the proposal, saying the commission should look outside its own agency for ideas.**

"The fact the Wisconsin Elections Commission (WEC) is even considering spending more than a million dollars in taxpayer money to set up an agency within an agency to be a check on its own responsibilities is just another painful reminder of why WEC as currently structured does not work," the Clinton Republican said.

Loudenbeck said she would support a "new model" to replace the commission, but provided no specifics other than saying she would work with others to explore options on administering elections.

Loudenbeck is running against longtime Dem Secretary of State Doug La Follette. Some Republicans critical of WEC have said the secretary of state role should have more power over election administration.

La Follette in an interview with WisPolitics.com charged Loudenbeck with speaking out of both sides of her mouth.

"It's pretty clear that she is still a denier of the election," La Follette said of his opponent. "She still thinks there's fraud but she's very careful not to say that sometimes because she wants to kind of get both sides of the issue."

Though La Follette said he hadn't reviewed what the new inspector general's role would be, he said it could be a "positive step" and tone down partisan bickering on the commission.

See the release:

<https://www.wispolitics.com/2022/loudenbeck-campaign-statement-on-wec-elections-inspector-general-program/>

**-- H.O.T. Government President Harry Wait said he plans to file a motion to quash the subpoena the Department of Justice issued to him for illegally requesting the absentee ballots of others.**

The leader of the group that's made dubious claims about fraud in Wisconsin's elections today told WisPolitics.com he plans to file the motion because he feels the Wisconsin Elections Commission is guilty of fraud, not him. Wait also said he wants to see "at least four" Wisconsin Elections Commission officials removed from office for what he says is facilitating fraud through the MyVote absentee ballot request form.

The news comes after three Racine-area residents affiliated with H.O.T. Government filed a complaint with WEC alleging widespread issues with MyVote they say facilitate election fraud. The complaint seeks an order suspending the ability to request absentee ballots through the website and to stop "the persecution of Harry Wait because none of the absentee ballot applications Harry submitted had the force of law behind it."

According to the complaint, DOJ investigators have interviewed Wait and he's received a subpoena.

Wait added he doesn't feel he committed a crime because he says state law doesn't authorize

MyVote's existence.

After Wait's efforts to request absentee ballots of others, the Elections Commission issued a statement pushing back on the suggestion there was a vulnerability with the MyVote system. The agency noted the website doesn't automatically send absentee ballots to those who request them, but generates an email to a voter's local clerk to then process the request. The commission maintains the process is no less secure than the option to request an absentee ballot via email or by mail.

See the complaint:

<https://www.wispolitics.com/wp-content/uploads/2022/08/220831HOT.pdf>

**-- A group targeting lawyers who participated in lawsuits seeking to overturn the 2020 presidential election results filed a complaint against more than a dozen attorneys who were part of the effort in Wisconsin.**

The 65 Project -- which describes itself as a bipartisan effort to "protect democracy from abuse of the legal system" -- filed complaints in March against Wisconsin-based attorneys Andrew Hitt and Jim Troupis for their roles in the effort to present a slate of false Wisconsin electors for Donald Trump even though he lost the state to Joe Biden. Hitt is the former state GOP chair.

The new round of complaints include two filed with the Wisconsin Office of Lawyer Regulation. Those target attorneys Michael Dean and Daniel Eastman.

Dean was involved in one lawsuit that was filed in November 2020 and then voluntarily dismissed days later. He also was part of the legal team in a lawsuit that was rife with errors when it was first filed and raised conspiracy theories about the use of Dominion voting machines.

Eastman was also part of that suit, one of several filed in swing states that raised similar claims about Dominion voting machines and absentee ballots.

Today's filings also include a complaint with Indiana's disciplinary commission against James Bopp for his role in efforts to overturn the election results and his representation of Michael Gableman in the former justice's review of Wisconsin's 2020 election. That filing cited Dane County Circuit Court Judge Frank Remington's ruling that found Bopp and his legal team had violated various Wisconsin rules in their defense of the Office of Special Counsel in an open records lawsuit.

See the filings:

<https://the65project.com/filings/>

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## Wisconsin elections agency wants money to bolster confidence

By SCOTT BAUER

an hour ago

MADISON, Wis. (AP) — Wisconsin's bipartisan elections agency, which has been [under fire from Republicans](#) since Donald Trump's loss in 2020, voted unanimously Wednesday to ask the GOP-

controlled Legislature to create a new division designed to increase confidence in election results in the face of [ongoing conspiracy theories](#) and [false claims](#) of widespread fraud.

The Wisconsin Elections Commission approved the proposal at its Wednesday meeting to seek \$1.3 million to hire 10 people and create an Elections Inspector General office.

“This office would not be about dwelling in the past or giving credence to claims that threaten the credibility of Wisconsin’s accurate and secure elections,” said Meagan Wolfe, the commission’s administrator and top elections official in Wisconsin.

The commission has been at the heart of many complaints lodged by Trump, Republican lawmakers and others related to guidance it gave local election officials for the 2020 election. The Wisconsin Supreme Court ruled that [absentee ballot drop boxes are illegal](#) even though the commission issued guidance allowing them, and there are ongoing legal fights over [who can legally return an absentee ballot](#) and whether election clerks can fill in missing information on envelopes that contain absentee ballots.

President Joe [Biden defeated Trump](#) by nearly 21,000 votes in Wisconsin, an outcome that has withstood two partial recounts, a nonpartisan audit, a conservative law firm’s review and numerous state and federal lawsuits. Even a [Republican-ordered review](#) that drew bipartisan criticism [did not turn up evidence](#) of wrongdoing that would change the outcome of the election before the [investigator was fired](#).

However, Republicans have continued to push for changes in how elections are administered in Wisconsin. In the face of that criticism, the commission was proposing creating the new office to increase confidence in elections and bolster the agency’s ability to more quickly research inquiries from the public and lawmakers, especially those alleging illegal behavior.

The agency said that since 2016, the average number of public records requests received by the commission has increased from two per month to more than 16 per month. The number of complaints has also skyrocketed, Wolfe said. They were 15 a year before 2020, but this year, the commission is on pace to receive more than 100, she said

“Public engagement and scrutiny of election administration is higher than at any other point in the commission’s seven-year history,” Wolfe said.

Creating the office to better handle those requests “would be one clear and decisive step toward creating a more effective, efficient agency that will better address citizen concerns and requests and thus increase public confidence in our elections,” the agency said in materials prepared for the meeting.

The proposed office would also include a legislative liaison and a communications specialist whose job it would be to convey the office’s findings to lawmakers and the public, the agency said.

Don Millis, the Republican chair of the elections commission, supported the new office, saying it would increase the integrity of and confidence in elections. The election inspector general would be hired by the commission administrator and report to that person.

Despite the commission’s vote of approval Wednesday, creating the new office faces major hurdles. It would have to be approved by the Legislature, which includes many Republicans who want to dissolve the commission entirely, and then be signed into law by the next governor. Those votes would not happen until the summer of 2023.

Republican state Sen. Howard Marklein, co-chair of the Legislature’s budget committee that would vote on creating the new office, had no comment on the proposal. State Rep. Mark Born, the other co-chair, did not comment on whether he would support the idea, saying it was “in the very early stages of the budget process.”

Democratic Gov. Tony Evers supports the commission, which the Republican-controlled

Legislature created. But his Republican challenger Tim Michels, who is endorsed by Trump and has left open the possibility of trying to decertify his 2020 loss, wants to create a new commission.

Michels did not immediately respond to a message seeking comment. Evers didn't commit to support the idea, but his spokesperson Britt Cudaback said the governor would review it and that he welcomed efforts to combat misinformation, bolster election security and ensure every eligible voter can cast their ballot.

Cudaback said the proposal was made necessary because of Republicans and their allies who "intentionally legitimized disinformation about our elections, attacked the personal and professional integrity of poll workers, clerks, and election administrators, and enabled the harassment of dedicated public servants."

## As misinformation 'spreads like wildfire,' Wisconsin Elections Commission seeks new office of inspector general



**Molly Beck**

Milwaukee Journal Sentinel

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MADISON - The bipartisan Wisconsin Elections Commission voted to create a new office within the agency aimed at responding to misinformation, complaints and requests for records that have skyrocketed since former President Donald Trump began spreading false claims about Wisconsin's elections.

Commissioners voted 6-0 to ask state lawmakers to approve the proposal to create an Elections Inspector General program, which would cost about \$1.3 million in the next two-year state budget and include 10 full-time staff members.

Commission administrator Meagan Wolfe said the state commission needs more resources to respond to inquiries from the public that have ballooned since the 2020 election, when the commission became a target of Trump and supporters who believed his false claims of widespread voter fraud.

"This office would not be about dwelling in the past or giving credence to claims that threaten the credibility of Wisconsin's accurate and secure elections," she said at a Wednesday meeting.



In the proposal, WEC staff said "warding off attempts of electoral manipulation — both real and perceived — remains the highest priority of the WEC. It must be in order to instill public confidence in Wisconsin's elections system and to ensure election integrity."

Before 2020, the elections commission received on average 15 formal complaints per year, according to the commission. Since then, the number has grown to more than 50. Records requests from the public also have ballooned, to more than 130 so far in 2022 — up from fewer than 15 in 2019.

"Current staffing levels are inadequate to handle the post-2020 volume," Wolfe said. Wolfe said the added staff dedicated solely to public inquiries and complaints will combat the misinformation that "spreads like wildfire."

Republican commission [chairman Don Millis](#) said the proposal's intention is not to explore baseless election theories.

"This is not a proposal to pursue unfounded theories — what it is is to determine the facts and communicate effectively with those who have legitimate concerns," he said.

The commission has been under fire for two years because of policies it approved during the 2020 presidential election to navigate hurdles presented by the coronavirus pandemic — decisions that have been characterized as nefarious by

former Supreme Court Justice [Michael Gableman](#), who led a review of the last president election for more than a year, and the [Racine County sheriff](#).

The commission mailed absentee ballot applications to all voters, advised local officials on how to make ballot drop boxes secure and set new policies for voting in nursing homes. State law requires clerks to send poll workers to nursing homes, but the commission told the clerks to send residents absentee ballots because nursing homes weren't allowing visitors during the pandemic. The decision also ensured there was enough time for ballots to be returned and counted.

Few Republicans criticized the commission's decisions when they made them but called out the agency after [Joe Biden narrowly defeated Trump in the state](#). Recounts and court rulings have confirmed Biden's win.

Since then, scrutiny of the commission has ballooned.

Democratic incumbent Gov. Tony Evers has backed the commission's actions while his Republican challenger [Tim Michels has proposed to dissolve the agency](#) and eliminate every rule election clerks follow.

Michels, who is [endorsed by Trump](#), has said he would [consider decertifying the 2020 election](#) and proposed to replace the commission with [a new elections board](#) but has not answered questions about how the board would work.

Commissioners on Wednesday voted to change the structure of the office before approving the proposal to make the Elections Inspector General a position appointed by the commission administrator.

Now, the proposal goes to the governor who will decide whether to include it in his next budget proposal to state lawmakers. Lawmakers will then decide whether to keep, modify or eliminate the proposal while writing the 2023-25 state budget next year.

"The inability to address public concerns promptly and completely frustrates citizens and harms public confidence in election processes," commission staff wrote in their proposal.

"The staffing needs of our agency have evolved, in the same way that elections technology and the voting process itself has evolved. The elections landscape in

Wisconsin has changed and we are at a crossroads of public understanding, confidence, and support for elections administration."

Britt Cudaback, spokeswoman for Evers, called the proposal an unfortunate consequence of "Republicans' dangerous rhetoric" surrounding elections.

"Gov. Evers welcomes additional efforts to combat Republican misinformation, continue bolstering election security, and ensure every eligible voter can cast their ballot in Wisconsin, and he looks forward to reviewing the Elections Commission's request as part of the biennial budget process," Cudaback said.

A spokeswoman for Michels did not respond to whether Michels would include WEC's proposal in the state budget plan the governor will submit to the Legislature next year.

Rep. Mark Born, a Republican co-chairman of the Legislature's budget-writing committee, said in a statement that the committee will consider whatever proposals the governor makes to them.

"This proposal is in the very early stages of the budget process and will need to make it through several more steps before coming to the Joint Committee on Finance for consideration," he said.

"JFC will, as usual, consider the executive budget and requests that are presented to the committee during the upcoming legislative budget season, which is in the first half of next year."

Committee co-chairman Sen. Howard Marklein declined to comment.

Contact Molly Beck at [molly.beck@jrn.com](mailto:molly.beck@jrn.com). Follow her on Twitter at [@MollyBeck](https://twitter.com/MollyBeck).

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## Wis. SOS hopeful wants election control, won't say how much

By TODD RICHMOND  
today

MADISON, Wis. (AP) — Wisconsin's Republican secretary of state hopeful wants lawmakers to hand the office control over elections, but she won't say how much authority she wants or whether her duties should include unilaterally certifying presidential winners in the key battleground state.

Amy Loudenbeck, a state representative from south-central Wisconsin, wants to unseat long-time Democratic incumbent Doug La Follette in November. The Legislature has spent the last few decades stripping La Follette of almost all his responsibilities. Loudenbeck wants to restore some of them, including taking over [election oversight from a bipartisan commission](#).

Republicans who control Wisconsin's Legislature passed bills this year [making it more difficult to vote absentee and imposing restrictions on election administration](#), only to have Democratic Gov. Tony Evers veto them. In an interview with The Associated Press on Friday, Loudenbeck repeatedly declined to explain how much control over elections she wants or how she thinks elections should be administered, saying Republicans who control the Legislature would decide what responsibilities to give her.

"This isn't a power grab," Loudenbeck said. "The Legislature should explore a wide range of policy options to utilize this constitutional office that is directly accountable to voters and look at what other states are doing and talk about restoring some traditional responsibilities, including election oversight, if appropriate, to the office."

La Follette, the secretary of state since 1983, said Loudenbeck is "trying to be cleverly vague."

"I'd call it very politically motivated as to what she'd really do," he said. "She's trying to avoid facing her true positions on issues. I'm worried what they really are."

La Follette does not support giving control over elections to the secretary of state and is campaigning on keeping his office's responsibilities unchanged. All he does is issue travel documents and serve on a timber board.

The secretary of state is the chief elections official in 38 states, according to the National Association of State Election Directors. Elections oversight in Wisconsin falls to the [Wisconsin Elections Commission](#), a panel of three Democrats and three Republicans created by the Republican-controlled Legislature in 2016.

The commission frequently deadlocks and has taken intense criticism from Republicans who want to replace it, including GOP gubernatorial candidate Tim Michels.

[Former President Donald Trump has turned his eye toward secretary of state offices](#) as he considers a 2024 presidential run. Trump called Georgia's GOP secretary of state, Brad Raffensperger, in 2020 asking him to "find" enough votes to overturn Trump's loss to Joe Biden in that state. Raffensperger refused. He withstood a Trump-backed challenger in his primary this year, but Trump-endorsed secretary of state candidates won primaries in the key swing states of Arizona and Michigan.

Trump narrowly lost Wisconsin to Biden by about 21,000 votes in 2020. Trump continues to call for decertifying his loss, falsely claiming that election fraud cost him the state even though multiple reviews and recounts have confirmed Biden's victory. Republican legislative leaders have refused to attempt to decertify his loss, a move that several attorneys and legal experts have dismissed as unconstitutional and impossible.

Loudenbeck has been vague about whether she believes Biden is the legitimate president, saying only that the U.S. Senate certified the election results and Biden was sworn in as president on Jan. 20, 2021. She also has been vague about her views on election fraud, telling AP that questions about the election must be answered and that the government has an obligation to ensure the elections system is secure. She conceded that decertifying Biden's victory "is not an option."

Democrats fear that if Loudenbeck becomes secretary of state in Wisconsin she would certify that Trump or another Republican candidate has won the state in 2024, regardless of the actual result. She told the AP she would reject a call from Trump or any other Republican candidate asking her to tip the scales in the GOP's favor.

“If clerks and all the poll workers are following the law, there shouldn’t be any question at the end,” she said. “If people think that individuals were illegally casting ballots, then they should go to their sheriff or their (district attorney) or their clerk and figure that out. You can’t just find more ballots.”

A lot would have to happen before Loudenbeck would find herself in position to affect the outcome of an election.

She would have to defeat La Follette, who crushed his Democratic primary opponent despite spending almost no money on the race and taking an African safari in the middle of the campaign.

Republican Assembly Speaker Robin Vos would have to allow GOP lawmakers to shift considerable election duties to Loudenbeck. Vos has said he supports the commission and opposes giving the secretary of state election powers.

And Michels would have to defeat Democratic Gov. Tony Evers, putting himself in position to sign oversight legislation into law. Michels has said he wants to revamp the elections commission with members from the state’s eight congressional districts.

Loudenbeck said she would try to persuade Vos to give the office election responsibilities — even though she wouldn’t say what they should be — by convincing him that the election commission is a “failed experiment” and an elected official accountable to the people should run the polls.

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Follow Todd Richmond on Twitter at <https://twitter.com/trichmond1>

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## Wisconsin disabled voters may have help returning their ballots, federal judge rules



**Molly Beck**

Milwaukee Journal Sentinel

MADISON - Wisconsin voters who have disabilities that prevent them from returning ballots themselves may receive assistance while voting, a federal judge ruled Wednesday.

U.S. District Judge James Peterson said the federal Voting Rights Act allows disabled voters to have friends or family return their ballots despite a recent state Supreme Court decision that barred such practices.

“Voters shouldn’t have to choose between exercising their federal rights and complying with state law,” Peterson wrote in his ruling in a lawsuit against the Wisconsin Elections Commission [brought by four Wisconsin voters](#) who are each unable to move their arms or legs or have severely limited mobility

"But that is the position that plaintiffs find themselves in, and that is in part because defendants have refused to provide needed clarification. If defendants

cannot or will not give plaintiffs assurances that their right to vote will be protected, this court must do so."

The voters brought the lawsuit in July after the state Supreme Court's conservative majority ruled state law does not permit unstaffed absentee ballot drop boxes and that voters could not give absentee ballots to someone else to submit to a clerk's office. It did not bar others from dropping absentee ballots in the mailbox for voters.

The lawsuit is brought by Law Forward, a voting rights-focused legal firm, on behalf of Timothy Carey of Grand Chute who has Duchenne muscular dystrophy; Martha Chambers of Milwaukee, who is paralyzed from the neck down; Scott Lubber of Mequon, who has muscular dystrophy; and Mike Reece of Sun Prairie, who has cerebral palsy.

"I'm thrilled with the ruling today from Judge Peterson," Chambers said. "The fact that now people who vote absentee, specifically, people with disabilities, now are assured that they can vote with the assistance of an agent, a loved one, a caregiver, like I vote — it's thrilling. It's reassuring."

The plaintiffs asked Peterson to allow them to have caretakers return ballots to clerks' offices, citing a statement Wisconsin Elections Commission administrator Meagan Wolfe made in July when she interpreted the state Supreme Court's ruling to mean voters must return their own ballots.

"This order confirms what DRW always knew: that voters with disabilities may have assistance from a person of their choice with voting, including with ballot return assistance, and that these rights are protected by federal law," Barbara Beckert, Milwaukee Office Director of Disability Rights Wisconsin, said in a statement.

"DRW has heard from voters who are angry, confused, and disenfranchised because Wisconsin courts and election officials have not upheld the protections in federal law for voters with disabilities. Those voters should now feel confident to assert their voting rights, which are protected by federal law."

*Contact Molly Beck at [molly.beck@jrn.com](mailto:molly.beck@jrn.com). Follow her on Twitter at [@MollyBeck](https://twitter.com/MollyBeck).*

**From:** [Vetterkind, Riley - ELECTIONS](#)  
**To:** [EL DL Elections Comm](#); [EL DL Elections Staff](#)  
**Subject:** FYI  
**Date:** Wednesday, September 28, 2022 6:11:25 PM  
**Attachments:** [image001.png](#)

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# Wisconsin Elections Commission launches video series on how voting works

"Elections 101" is a four-part video series unpacking how the voting system works.

(Video of news report available at [Wisconsin Elections Commission launches video series on how voting works \(tmj4.com\)](#))

With six weeks until the November 8 election, the Wisconsin Elections Commission (WEC) launched an effort to explain how voting works in the state and build confidence in the process.

"Elections 101" is a four-part video series unpacking how the voting system works. It explains everything from administering elections, registration, and security while testing students around the state.

High schools can use the videos as part of their lessons, but the commission stresses they are available for the general public too.

In one classroom at Shorewood High School, the right to vote is not lost on these teenagers.

"Trying to get that awareness out there of how important it is, and even if you're a high schooler or 18, that your voice really matters," said student Jillian Beaster.

"I think it's really important and we're talking to each other about it," said another student Chloe Damm.

Members of the Shorewood ACLU chapter spent lunch making signs to promote an upcoming voter registration event with the League of Women Voters.

"It may not seem like much, but it is one of the best rights we have as Americans is to voice our opinions and see the changes that we want to be made," Beaster said.

Beaster feels strongly about this, even though she cannot legally vote yet.

"I can vote in the next presidential election. I turn 18 in May 2024, so yeah, I'm excited for that," Beaster said.

Senior Chloe Damm recently turned 18. She has been excited to cast her vote for the first time and wants to do it on Election Day. She believes understanding the election system can make a difference in getting voters to show up for issues important to them.

"I'm super concerned about climate change. I feel that's one of the main issues, like the reason I'm getting out there to vote," Damm said.

This year, there will be more than 8 million newly eligible voters in the country, according to a July report from the Center for Information and Research on Civic Learning and Engagement at Tufts University.

The Wisconsin Elections Commission will share the videos on its website and social media pages.

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**-- The Washington County Clerk says she will be working to improve voter confidence by implementing changes to Dominion voting machines and a hand recount of the November election.**

Electronic voting machines and Dominion in particular have become the source of various conspiracy theories related to the 2020 election. That's even though former President Trump did better in the 19 Wisconsin counties that exclusively use Dominion machines compared to his 2016 performance.

"Our main goal is just to restore the faith in our election processes, and the integrity that all of our municipal clerks and poll workers strive to have when they are running an election," Clerk Ashley Reichert said.

Reichert told WisPolitics.com the county approved her request for up to \$75,000 to obtain in January a full version of software used to run the Dominion voting machines her county acquired in 2016. She also said the county on Sept. 21 approved up to \$50,000 to pay for a hand count audit of the gubernatorial, Lt. Gov. and U.S. Senate races.

Reichert said she wants the county to buy Dominion Voting Systems' full version of programming to give her more oversight over the process from start to finish.

"Having the full version will allow more flexibility and allow me to do the entire process from start to finish rather than starting the processing, filing all of the data here, and then having to provide that to our contractor programmer, and then reviewing everything again on my end before it's finalized and then downloaded on my end," she said.

Reichert said the move won't change any of the actual ballots or the counting process from when Washington County had Dominion doing some of the work.

When asked if Washington County was signaling a departure from Dominion voting machines altogether, Reichert said, "no."

Washington County typically audits each election by randomly selecting two reporting units and then hand counting ballots from two randomly selected races. Reichert said she anticipates the audit this year will cost less than the \$36,000 Washington County spent on its recount of the 2020 presidential election.

"So we're either going to have that done in November if there's no chance for a recount, or it will be done in December," she said.

Former Menomonee Falls Village President Jefferson Davis in an email newsletter touted the move as a step in the right direction.

"We have been waiting for almost two years for someone(s) to finally step forward, in addition to the efforts of many others along the way, and actually do something to restore election integrity in a tangible and definable manner for all Wisconsin voters," Davis said. "Washington County has done it!"

Davis has regularly attended events alongside H.O.T. Government President Harry Wait, former Supreme Court Justice Michael Gableman, and Reps. Timothy Ramthun, R-Campbellsport, and Janel Brandtjen, R-Menomonee Falls, at the Capitol to question the validity of Wisconsin's 2020 election.

Davis in the newsletter touted what he called a move away from using Dominion machines, which he has repeatedly questioned at Capitol events.

Reichert said that's not what the move is meant to do. She says she just wants to give her office and local clerks more flexibility with the timeline than it has when relying on

Dominion.

"We're still using Dominion," she said. "We're still using them for the November election and the foreseeable future. We just are planning to do a countywide audit."

Dominion has filed multiple defamation lawsuits against those who have alleged its voting machines were used in election fraud conspiracies, such as MyPillow CEO Mike Lindell, former assistant U.S. Attorney Sidney Powell, former President Donald Trump adviser Rudy Giuliani, Newsmax, Fox News, One America News Network and others.

The primary issues Reichert has seen in the past involved only a few human errors, such as election workers not counting write-in votes correctly. She said she has not seen any evidence of widespread fraud in Washington County elections.

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# Wisconsin Elections Commission launches 'Elections 101' educational video series

- [Mitchell Schmidt | Wisconsin State Journal](#)

Amid a swirl of legal challenges, legislative battles and misinformation, voters can be forgiven for not knowing exactly what to expect on Election Day.

To help address that, the Wisconsin Elections Commission has launched a series of educational videos that aim to create better awareness of the state's electoral process and build more trust in the safety and security of voting in Wisconsin.

“As we’ve seen over the last couple of years, there’s such a desire for people to understand and engage with the election process, and that’s great, but we also understand that elections are complicated,” the agency’s nonpartisan administrator Meagan Wolfe said Monday. “So we wanted to meet that demand by creating easy to follow, easy to understand, engaging videos that taught people the basics about elections.”

Each of the roughly six-minute videos, which are primarily targeted toward students but are available to the general public, comes with accompanying lesson plans to be used in Wisconsin high schools through a partnership with the state Department of Public Instruction. Other groups to partner with the series include state town and county organizations and the Wisconsin Newspaper Association and Wisconsin Broadcasters Association.

Dubbed “[Elections 101](#),” the videos cover four areas: an overview of elections in Wisconsin, voting security, voter processes like registering to vote and requesting an absentee ballot, and a demonstration of what happens at the polls on Election Day.

“This is nonpartisan, factual information about the mechanics of elections,” Wolfe said. “It’s not meant to persuade anybody to vote in any particular manner and certainly not to vote for any particular candidate or party.”

In addition to educating the public about how elections work in the state, Wolfe said the series could also help foster civic engagement among young Wisconsinites looking to work at their local polling location.

The video series comes less than seven weeks before the Nov. 8 election, which sees high-stakes races for both governor, where incumbent Democratic Gov. Tony Evers faces GOP challenger Tim Michels, and U.S. Senate, where Republican Sen. Ron Johnson will

face Democratic Lt. Gov. Mandela Barnes.

The bipartisan elections commission recently approved plans to request [more than \\$1.3 million](#) in additional state funds in the upcoming 2023-25 budget to create an elections inspector general office to expedite research and responses to inquiries and complaints from the public or members of the state Legislature.

Wolfe said the office would also work to tamp down misinformation surrounding elections, which she said “spreads like wildfire.”

The proposal now heads to the GOP-controlled state Legislature as part of next year’s lengthy biennial budget process. Several Republicans in the Senate and Assembly have taken aim at the commission over the last several years, with some calling for the agency to be abolished entirely.

GOP scrutiny over Wisconsin elections has risen since the 2020 presidential election, in which President Joe Biden defeated former President Donald Trump by almost 21,000 votes, due in large part to Trump’s repeated lies that the election was “stolen.” A recount, court decisions and multiple reviews have affirmed the election’s results and found no evidence of widespread fraud. Only 24 people out of nearly 3.3 million who cast ballots have been charged with election fraud in Wisconsin.

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# New lawsuit says Wisconsin clerks should accept ballots

# with partial witness addresses

- [Alexander Shur | Wisconsin State Journal](#)

Election officials should be allowed to accept absentee ballots with partial witness addresses as long as they can discern the correct addresses, a liberal group argues in a lawsuit filed Tuesday.

The lawsuit comes after a Waukesha County judge in early September ruled that election officials can't fix or fill in missing address information on absentee ballot envelopes.

But voters shouldn't be disenfranchised because of "immaterial errors" on ballot envelopes that clerks can no longer fix, like a forgotten ZIP code on the witness certificate, [the lawsuit states](#). State law also doesn't specify what constitutes an address, the group argues.

Rise, Inc., which encourages students to vote, and Jason Rivera, a voter who lives in Madison, filed the lawsuit in Dane County Circuit Court against the state Elections Commission and Madison City Clerk Maribeth Witzel-Behl.

The now-rescinded guidance that had allowed clerks to fix errors on witness certificates was issued in 2016. Voters must have a witness sign a certificate, typically printed on the back of an absentee ballot envelope, for the ballot to be valid. The witness has to include his or her address on the certificate, but under the guidance, election officials were able to fill in missing or incorrect pieces such as the

state or ZIP code.

Republicans only began scrutinizing the guidance after the 2020 presidential election that saw their candidate lose.

Top legislative Republicans in January told the Elections Commission to withdraw the guidance or resubmit it as an administrative rule.

It became a rule in July. That same month, the GOP-controlled Administrative Rules Committee struck it down.

A Waukesha County judge ruled against the separate guidance in September. He ordered the Elections Commission to tell officials not to correct errors or fill in missing information on witness certificates. But he did not specify what information is required for the witness address to be valid.

The ruling has led to confusion among election officials, with no consensus on whether, for example, they can count a ballot if the witness certificate is missing a ZIP code.

The plaintiffs in the lawsuit filed Tuesday argue those ballots should be counted.

"The federal Civil Rights Act prohibits the state from denying any person the right to vote as the result of failure to comply with a requirement that is not material to the voter's qualifications," the plaintiffs said.

The lawsuit seeks an injunction requiring the Elections Commission to tell local election officials to accept ballots as long as the witness address "includes sufficient information from which the clerk can reasonably discern the place where the witness may be communicated with."

Elections Commission spokesperson Riley Vetterkind pointed to a memo the commission sent to local election officials after the Waukesha County judge ruled against fixing witness addresses in early September. In that memo, the agency stated the court didn't overturn its existing definition of an address, which calls for the street number, street name and municipality name. It does not mention ZIP code or state.

Witzel-Behl did not immediately respond to a request for comment.

The plaintiffs are asking the court to clarify what constitutes an address. They're also asking the court to clarify whether ballots are "improperly completed" under Wisconsin law if the witness addresses are missing some information.

The nonpartisan Legislative Audit Bureau last year reviewed 14,710 absentee ballot certificates in 29 municipalities and found that 1,022 certificates, or 6.9%, were missing parts of witness addresses, 15, or 0.1%, did not have any witness address at all, eight, or less than 0.1%, did not have a witness signature and three, or less than 0.1%, did not have a voter signature. Clerks corrected 66, or about 0.4%, of those certificates.

**From:** [Vetterkind, Riley - ELECTIONS](#)  
**To:** [EL DL Elections Staff](#); [EL DL Elections Comm](#)  
**Subject:** FYI  
**Date:** Thursday, October 6, 2022 5:10:31 PM

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# Wisconsin judge blocks absentee ballot spoiling

By SCOTT BAUER and HARM VENHUIZEN today

MADISON, Wis. (AP) — A Wisconsin judge is prohibiting voters from canceling their original absentee ballot and casting a new one, siding with a conservative group created by prominent Republicans that said the practice known as ballot spoiling is illegal.

The ruling Wednesday from a Waukesha County judge who was a former Republican attorney general comes as voters in the battleground state are submitting their absentee ballots for the Nov. 8 election. [Democratic Gov. Tony Evers](#) and [Republican Sen. Ron Johnson](#) are both on the ballot.

Restoring Integrity and Trust in Elections filed the lawsuit on behalf of Brookfield voter Nancy Kormanik last month. It challenged the guidance issued on Aug. 1 to more than 1,800 local election clerks by the state elections commission detailing how they can spoil an absentee ballot at the request of the voter after it's already been returned.

[Ballot spoiling](#) got more attention in the August primary after a Republican candidate for governor and [three top Democratic candidates](#) for U.S. Senate dropped out of the races, but their names were still on the ballots. The elections commission made clear then that voters who had cast their ballots for one of them absentee could spoil it and vote again for someone still in the race.

The commission did not immediately have numbers Thursday of how many ballots had been spoiled in the primary.

This is not a common policy across the country, and only a few states do something similar due to logistical challenges associated with pre-processing of ballots, according to Sylvia Albert, director of voting and elections for the nonpartisan voter advocacy group Common Cause.

In most states, local election officials can begin verifying mail ballots and processing them ahead of time, which involves removing them from their envelopes so there is no way to track who voted which ballot.

RITE argued that the practice in Wisconsin is both against the law and creates additional opportunities for fraud and confusion. The group was created in July by former U.S. Attorney General William Barr, longtime Republican strategist Karl Rove, GOP donor Steve Wynn and others. The group has also filed election-related lawsuits in the battleground states of Arizona and Pennsylvania.

The Democratic National Committee joined the bipartisan Wisconsin Elections Commission in fighting the lawsuit.

Waukesha County Circuit Judge Brad Schimel, who was attorney general from 2015 to 2019, sided on Wednesday with RITE and ordered the election commission to rescind its guidance. He also denied a request to put his oral ruling on hold. A written order was

expected Thursday.

“There doesn’t seem to be a compelling security reason why this should happen,” said David Levine, an elections researcher with the German Marshall Fund’s Alliance for Securing Democracy. According to Levine, the ability to spoil a ballot doesn’t create significant risk for election fraud due to checks and balances clerks have in place.

Levine said it remains to be seen whether the ruling will discourage absentee voting or affect accessibility.

Thursday’s ruling is the latest legal defeat for the election commission, which Republican lawmakers who created it have targeted for abolishment. Republican [gubernatorial candidate Tim Michels](#) also supports doing away with the commission. The commission and its guidance became a target after Donald Trump narrowly lost Wisconsin in 2020, an outcome that’s withstood numerous lawsuits, two partial recounts, a nonpartisan audit and partisan reviews.

A judge [last month ruled](#) that commission guidance allowing election clerks to fill in missing information on a witness certification for absentee ballots was illegal and must be rescinded. [Two other lawsuits](#) are pending seeking orders on what constitutes enough of an address for an absentee ballot to be accepted.

“We disagree with this decision to restrict voting access in Wisconsin, particularly as voters in the state have already begun to cast their ballots. We will appeal the ruling so that every eligible voter can cast a valid ballot and have it counted,” DNC spokeswoman Brooke Goren said.

Spokespeople for elections commission and the state Department of Justice did not immediately return messages seeking comment Thursday on the latest ruling.

Derek Lyons, president of RITE, called the ruling “another major victory for Wisconsin voters.”

“WEC’s unlawful guidance destroys voter confidence and taints the integrity of Wisconsin’s elections,” he said in a statement. “Once a vote is cast, it is cast. Period.”

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Associated Press writer Christina A. Cassidy in Atlanta contributed to this report.

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Harm Venhuizen is a corps member for the Associated Press/Report for America Statehouse News Initiative. Report for America is a nonprofit national service program that places journalists in local newsrooms to report on undercovered issues. Follow Venhuizen on [Twitter](#).

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**-- Republicans who sued to prevent local clerks from adding missing information from witness addresses on absentee ballots want a Dane County lawsuit over what constitutes a complete address moved to Waukesha County.**

Rise Inc. and a fourth-year UW-Madison student who works for the organization last month filed the suit seeking an order that would bar local clerks from rejecting absentee ballots if witnesses left off bits of their addresses, such as the ZIP code.

It was filed after a Waukesha County judge issued a ruling barring local clerks from curing absentee ballots by filling in missing address information from witnesses. Judge Michael Aprahamian directed the Elections Commission to rescind 2016 guidance it issued on what steps clerks could take to fill in missing information without first contacting voters. He noted that decision didn't address what constituted a complete address.

The plaintiffs in the Dane County suit argued that created confusion for local clerks. They also argued a ruling in their favor would "restore the functional result of the 2016 guidance" that the Elections Commission issued on curing absentee ballots. That's because absentee ballots wouldn't be rejected due to witnesses leaving off their ZIP codes, for example.

Michael and Eva White, two of the plaintiffs in the Waukesha County case, cited that as a reason for having the case transferred to Aprahamian. The Whites yesterday filed a motion to intervene in the Dane County suit and to have the case transferred.

Among other things, they argue only Aprahamian can entertain a request for an order that would essentially negate the ruling he issued in the ballot curing case.

A motion hearing is scheduled tomorrow in Dane County Circuit Court. Judge Juan Colas issued an order today allowing the Wisconsin Legislature to intervene, while putting off deciding the Whites' motion at a later hearing that hadn't yet been scheduled.

See the motion to transfer:

<https://www.wispolitics.com/wp-content/uploads/2022/10/221006White.pdf>

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## WEC RULES AGAINST CITY

# Wisconsin Elections Commission says Racine's mobile voting unit is not ADA compliant

- [Adam Rogan](#)

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RACINE — Racine’s Mobile Election Unit could be used as a legal polling place, but it is not legal right now because it is not ADA compliant, despite the accommodations the city had in place for disabled voters.

The ruling was issued by the Wisconsin Elections Commission last week.

City Clerk Tara McMenammin confirmed use of the MEU was “on pause” and its future use was up in the air.

The MEU has been used in the last two elections as an early voting location.

The city touted use of the voting van because it saved effort for poll workers and made it easier for residents throughout the city to cast ballots. By not having to move equipment — just the vehicle — more voting locations on more days were available to City of Racine residents.

However, the vehicle was not wheelchair accessible. The Wisconsin Elections Commission ruled that the accommodations the city had in place to compensate were not sufficient.

WEC’s decision, signed by Administrator Meagan Wolfe Sept. 30, came after a complaint was filed March 9 by Racine resident Sandra Morris and former city alderman/mayoral candidate Sandy Weidner.

“Of course I was happy when they ruled in my favor. I was wondering why it took them six months to do it,” Weidner said in a phone interview Tuesday. “The WEC should have made a decision back in March ... There have been two elections since then when (Racine Mayor) Cory (Mason) was able to use a polling place that was not ADA compliant.”

Due to unprecedented numbers of complaints being filed with WEC since the 2020 presidential election, there remains a backlog of complaints filed many months ago that are only now being addressed by the commission.

## **So, what now?**

“The mobile election unit will be on pause for the general election,” McMenamain said in an email.

But don’t expect the vehicle to disappear.

“Many residents may still see the MEU out and about while we help all voters outside of the MEU to submit their in-person absentee ballots, and to be in compliance with the ruling of the WEC,” McMenamain continued. “As always I believe voting should be accessible for all those legally able to vote, and we want to ensure we are following the letter of the law and providing accessible voting through ADA (Americans with Disabilities Act) standards, while still providing access to the polls.”

So, might the city sell the vehicle? Or outfit it in a way that would make it ADA compliant? It’s unclear right now.

“At this point in time I am focusing on the November election and how I can help voters now. I’ll reevaluate after this November,” McMenamain said in a follow-up email Wednesday.

Multiple important contested statewide and regional elections — including for Assembly seats, U.S. Senate, governor and attorney general — are on Racine County ballots for the Nov. 8 election.

Why isn’t it legal?

The city had aimed to make the vehicle accessible to all by setting up

a “doorbell” outside that could be pressed by those needing assistance because they could not enter the vehicle itself, which the city attested made the vehicle ADA compliant. WEC said that wasn’t enough.

WEC’s decision noted numerous benefits to democracy that could be provided by such a mobile voting unit while still concluding it was not in compliance with the law.

“The precinct may even increase the participation of disabled voters by providing a mobile service that can be stationed at care facilities and in neighborhoods in which such voters reside, giving them access to registration and voting services that do not require accessible vans or other forms to transit,” the decision said. “Despite all of the benefits of the mobile precinct, and an analysis of the equivalent and private voting experiences of all voters, the Commission concedes that the ADA and HAVA (Help America Vote Act) still necessitate absolute compliance with polling place facility requirements, even for mobile units that may benefit voters with disabilities.”

The law requires that those who cannot enter a polling place due to a disability are given an “equally effective opportunity” to vote. The mobile voting unit, according to WEC, does not achieve that standard.

The complaint filed by Morris and Weidner noted there were federal requirements including that “each polling location is required to have at least one ADA accessible entrance,” while the van is practically impossible to enter with the use of a wheelchair — the MEU does not have a wheelchair lift.

### *City wins in second dispute*

In a second WEC decision, also issued Sept. 30 related to a separate complaint filed by Sandy Weidner and Sandra Morris, ruled in favor of the city.

Weidner and Morris had unsuccessfully claimed that the use of CTCL grants, the city's [VoteRacine.org](https://www.vote Racine.org) website and the city's focus on hiring poll workers who are students were illegal.

"The city's advocacy for, and encouragement of, an increase in absentee voting by mail is a get out the vote effort which is impermissible under the Help America Vote Act," Weidner and Morris claimed, and further said that "Racine's stated goal to 'Expand Voter Education and Outreach to Disenfranchised Populations' is unconstitutional. More explicitly, the focus on race and historical disenfranchisement as a determination of voter education and outreach violates equal protection rights guaranteed by the 14th Amendment to the United States Constitution."

WEC rejected that argument. "The Commission finds no probable cause to believe a violation of law or abuse of discretion has occurred with regard to the alleged violation of HAVA and the U.S. Constitution, relating to the (city's) website usage, get-out-the-vote campaigns, voter outreach efforts and hiring practices for poll workers."

## **Conservative-led questions**

Conservatives have disparaged the Mobile Election Unit as a "polling booth on wheels" with partisan goals.

The MEU was purchased using at least \$250,000 of the **\$1.7 million** the city received from the Center for Tech and Civic Life, the Chicago nonprofit largely funded by billionaire Priscilla Chan and her husband, Facebook founder Mark Zuckerberg. While CTCL provided more than \$10 million to more than 210 Wisconsin communities prior to the 2020 presidential election, the largest share of the money went to the state's five-most populous cities, all of which vote primarily for Democrats, leading to conservatives painting get-out-the-vote efforts as partisan.

No courts have concluded there was anything illegal about the grants. The Republican-controlled state Legislature passed a bill last year that would have made it illegal for municipalities to directly receive grants from private entities for the purposes of running

elections, but the bill was vetoed by Democratic Gov. Tony Evers.

Democrats have pushed back against Republican claims. Democrats are saying that encouraging participation in democracy is unquestionably good and are dismissing conservatives' attacks as undemocratic.

A **complaint** filed Aug. 10 by Racine County GOP Chairman Ken Brown and the Milwaukee-based Wisconsin Institute for Law and Liberty law firm claims that the city's use of the vehicle unfairly makes it easier for liberals to vote. There has yet to be a resolution to that complaint.



**From:** [Vetterkind, Riley - ELECTIONS](#)  
**To:** [EL DL Elections Comm](#)  
**Cc:** [EL DL Administration](#)  
**Subject:** FYI  
**Date:** Monday, October 31, 2022 5:26:15 PM

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***From WisPolitics.com ...***

**-- Rep. Janel Brandtjen, R-Menomonee Falls, today said she had received three military absentee ballots at her home address that she did not request.**

The Assembly Campaigns and Elections Committee chair has advocated for decertifying the 2020 election results and joined some Republicans in strongly criticizing election administration in the state since Donald Trump's 2020 loss.

Brandtjen said the ballots, addressed to three people named "Holly" with three different last names, came from Menomonee Falls, South Milwaukee and Shorewood. She did not immediately respond to an inquiry about how she knew they were military ballots. She said she had given the ballots to the Waukesha County Sheriff to be investigated and contacted the Thomas More Society and former state Supreme Court Justice Michael Gableman, who now works for the conservative law firm.

Wisconsin Elections Commission spokesperson Riley Vetterkind said the commission is still gathering information about the allegations and plans to work with law enforcement to address them.

"It is illegal to provide false information or use another person's information to unlawfully request the ballot of someone else. The WEC and local clerks are continually monitoring for any unlawful activity," Vetterkind said.

Vetterkind noted non-registered military voters are prompted to provide their name, date of birth and address in the state when requesting an absentee ballot in addition to certifying they meet the qualifications to vote.

Brandtjen in a statement said she believes whoever requested the ballots was trying to point out vulnerabilities in the military voting system, noting registration isn't required for military voters. Military voters are required to show photo ID when voting absentee in person, but not for requesting an absentee ballot via fax or email.

"Feeling shocked about this situation is an understatement because it demonstrates stolen valor from those who protect this nation," Brandtjen said. "I think it's sad that people feel they have to break the law to get the attention of the legislature. This is now the second time citizens have tried to point out loopholes in our elections."

Last month, conservative activist Harry Wait was charged with two felonies and two misdemeanors after he requested the absentee ballots of Assembly Speaker Robin Vos and Racine Mayor Cory Mason. Wait said his goal was to show weaknesses in absentee ballot request procedures.

See Brandtjen's release, with a photo of the ballots:  
<https://www.wispolitics.com/2022/rep-brandtjen-military-ballots-at-risk>



**From:** [Vetterkind, Riley - ELECTIONS](#)  
**To:** [EL DL Elections Comm](#)  
**Cc:** [EL DL Administration](#)  
**Subject:** FYI  
**Date:** Tuesday, November 1, 2022 10:59:48 AM

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# Waukesha County sheriff investigates who requested absentee ballots for military members and had them sent to lawmaker Janel Brandtjen



**Molly Beck**

Milwaukee Journal Sentinel

AD

0:36



MADISON – The Waukesha County Sheriff's Department is investigating who requested absentee ballots on behalf of members of the military and had them sent to the home of a Republican state lawmaker who suggested Monday someone

copied the actions of a Racine County man who believes voter fraud robbed Donald Trump of a victory in 2020 and wanted to prove election fraud is possible.

Assembly Elections Committee chairwoman Janel Brandtjen said Monday she contacted law enforcement and former Supreme Court Justice Michael Gableman, who oversaw a [partisan review of the 2020 election](#), after she received three ballots from clerks in Menomonee Falls, where Brandtjen lives, South Milwaukee and Shorewood to three different women with the first name Holly.

"None of these individuals reside, or have resided at her address, and the Representative did not request the ballots. After Rep. Brandtjen made inquiries, she realized these three 'Hollies' probably don't exist. If they did, why would they send ballots to her house?" aides to Brandtjen wrote in a press release on the matter.

"I believe someone was trying to point out how easy it is to get military ballots in Wisconsin," Brandtjen said in a statement. "Feeling shocked about this situation is an understatement because it demonstrates stolen valor from those who protect this nation. I think it's sad that people feel they have to break the law to get the attention of the legislature. This is now the second time citizens have tried to point out loopholes in our elections."

The sheriff's department is working with the Waukesha County District Attorney to investigate, the department said Monday.

"We are still gathering the WEC data regarding Rep. Brandtjen's concerns that she outlined in her recent press release. We plan to work with our law enforcement partners as appropriate to address the allegations," Wisconsin Elections Commission spokesman Riley Vetterkind said in a statement.

Brandtjen is characterizing the episode as an effort to expose loopholes in election law, comparing it to crimes committed by Harry Wait, a leader of a Racine County-based group known as H.O.T. Government that promotes false claims of voter fraud in the 2020 election.

Wait was [charged earlier this year](#) with two counts of election fraud and two counts of unauthorized use of an individual's personal identifying information for posing as Assembly Speaker Robin Vos and Racine Mayor Cory Mason to request their ballots in order to show violations of the law are possible.

Before his first court appearance in the matter in September, Wait compared himself to founding fathers such as George Washington and Thomas Jefferson.

"My actions are in the spirit of organic law of this nation, upon which was founded taking action in civil disobedience," he told reporters in a press conference. "I have acted in a similar manner as the founder of this nation acted. For that reason, I am certain my actions are indeed both lawful and under organic law of the nation."

On Monday, a post in Wait's group's social media channel called Brandtjen a "patriot" for highlighting what the group calls problems with the state's system to request absentee ballots. To change the process for military members would require lawmakers to take action. Under state law, military members are exempt from registering to vote or to provide photo identification.

As chairwoman of the elections committee, Brandtjen has repeatedly held hearings promoting false claims of voter fraud and 2020 election conspiracy theories.

"If another Republican has committed election fraud, they should be prosecuted to the fullest extent of the law. I hope whoever did this is caught so we can send a clear message that this will not be tolerated," Democratic state Rep. Mark Spreitzer of Beloit, a member of the Assembly elections committee, said in a statement. "For obvious reasons, military voters need to be able to vote absentee, and we should not tolerate anyone who wants to make our service members pawns for their political agenda."

**From:** [Vetterkind, Riley - ELECTIONS](#)  
**To:** [EL DL Elections Comm](#)  
**Cc:** [EL DL Administration](#)  
**Subject:** FYI  
**Date:** Thursday, November 3, 2022 3:40:08 PM

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# Milwaukee Election Commission official Kimberly Zapata could face charges accusing her of fraudulently requesting military ballots

[Molly Beck](#)[Alison Dirr](#)[Corrinne Hess](#)[Daniel Bice](#)  
Milwaukee Journal Sentinel

A Milwaukee election official could face criminal charges accusing her of fraudulently requesting absentee ballots reserved for members of the military and sending them to a [Republican lawmaker known for embracing unfounded](#) conspiracy theories about the 2020 election.

Milwaukee Election Commission Deputy Director Kimberly Zapata, 44, of South Milwaukee was fired by Milwaukee Mayor Cavalier Johnson this week after Johnson discovered she had requested the ballots. Johnson said Zapata's actions may have been to show voter fraud was possible.

"This has every appearance of being an egregious and blatant violation of trust," Johnson said. "Election integrity is absolutely integral. It's absolutely essential."

Milwaukee County prosecutors are considering charging Zapata with malfeasance in office, a felony, and illegally requesting a ballot, a misdemeanor, a source told the Milwaukee Journal Sentinel.

District Attorney John Chisholm said in a statement his office is reviewing the election fraud allegations and that prosecutors "expect charges to be filed in the coming days."

Michael Maistelman, who is representing Zapata, declined to answer questions.

"We will litigate this in the courtroom, not the media," said Maistelman, who often represents Democrats including Gov. Tony Evers.

Johnson held a news conference Thursday but left before reporters were finished

asking questions about the matter.

The revelation five days before the Nov. 8 midterm election is potentially explosive at a time when Republicans have cast doubt on the security of absentee voting, and in Milwaukee in particular, ever since former President Donald Trump began falsely accusing Milwaukee election officials of rigging the 2020 election.

At Thursday's news conference, Johnson said he learned Wednesday that Zapata “apparently sought fictitious military ballots” from a state elections website and directed them to Brandtjen.



Zapata’s actions may have been an effort to expose vulnerability in the state election system, he said.

“It does not matter to me that the alleged crime did not take place at work,” he said. “It does not matter to me that the city of Milwaukee ballots were not a part of this, nor does it matter that there was no attempt to vote illegally or tamper with any election results.”

City officials revoked Zapata's access to city offices and computer systems when they learned of her actions and she was fired, Johnson said.

He said while there is no other indication of violations by Zapata, city officials are "looking into the possibility of other misdeeds."

Zapata had been with the Election Commission for about seven years and the city about 10, Milwaukee Election Commission Executive Director Claire Woodall-Vogg said.

She was appointed deputy director of the Election Commission this summer.

"Up until this point, we have never had any indication of any type of violation of work policies or procedures," Woodall-Vogg said. "We, of course, will be taking an extra look at that, but up until this point she has been forthcoming and we don't have any indication of any concerns at this point. That's not to say that we won't be looking at every aspect of elections she's been involved in."

Johnson's spokesman, Jeff Fleming, said at this point the city Election Commission is leading the review but that others inside and outside city government are also expected to look into previous elections with which Zapata was involved.

He declined to answer questions about why Zapata apparently approached city officials, who she spoke with, and when the ballots were sent. Fleming instead directed questions to Maistelman or the district attorney's office, which declined to provide additional details about the case.

Asked how they learned of Zapata's actions, Woodall-Vogg said "the employee was forthcoming."

Under state law, military voters are not required to register to vote and do not have to provide photo ID or any other identification.

"It's my belief that she was pointing out that you can go onto the public system, make up a person and request a ballot," Woodall-Vogg said, adding that city officials' understanding is that she sent it to Brandtjen to alert her to the system's vulnerability.

Johnson said faith in Milwaukee's elections should not be shaken because city officials were forthcoming about what had happened and Zapata was immediately

fired.

At that point, he and Woodall-Vogg left as reporters shouted questions.

Zapata's termination means Woodall-Vogg will instead oversee the city's central count operation, where all the absentee ballots are tallied on Nov. 8.

Eight of Milwaukee's 11 council members in a statement applauded Johnson's decision to fire Zapata, calling her actions "shocking, sad and extremely disappointing."

"Although she apparently did this outside of work and on her own time, that fact does NOT matter. Her actions leave a stain on the Election Commission and city government that is hurtful and unwarranted, but nonetheless damaging," wrote Aids. Michael Murphy, Robert Bauman, Milele Coggs, JoCasta Zamarripa, Mark Borkowski, Scott Spiker and Marina Dimitrijevic, along with council President José G. Pérez.

Still, they wrote, they continued to have faith in the city's election workers, system and overall operation.

## **State Rep. Janel Brandtjen contacted law enforcement after receiving three absentee ballots she did not request**

On Monday, the Waukesha County Sheriff's Department announced it was investigating who requested absentee ballots on behalf of members of the military and had them sent to the home of state Rep. Janel Brandtjen of Menomonee Falls.

Brandtjen, who leads the Assembly's elections committee, said Monday she believed the episode involved someone copying the actions of a Racine County man who says he believes voter fraud robbed Donald Trump of a victory in 2020 and wanted to prove election fraud is possible.

On Thursday, Brandtjen suggested Zapata's actions shed light on problems that lawmakers need to address.

"We have uncovered so many issues that demand attention. I have been attacked by the liberal media, Democrats who benefit from the system, and Republicans who don't have the backbone to take on the issues, including Speaker Vos, who has referred to me as a conspiracy theorist," Brandtjen said, referring to Assembly

Speaker Robin Vos.

Brandtjen said Monday she contacted law enforcement and former Supreme Court Justice Michael Gableman, who oversaw a [partisan review of the 2020 election](#), after she received three ballots from clerks in Menomonee Falls, where Brandtjen lives, South Milwaukee and Shorewood to three different women with the first name Holly.

The Sheriff's Department is working with the Waukesha County district attorney to investigate, the department said Monday.

"We are still gathering the WEC data regarding Rep. Brandtjen's concerns that she outlined in her recent press release. We plan to work with our law enforcement partners as appropriate to address the allegations," Wisconsin Elections Commission spokesman Riley Vetterkind said in a statement on Monday. Vetterkind on Thursday did not immediately have a reaction to Zapata's actions.

Republican candidate for governor Tim Michels, who is endorsed by Trump and has endorsed his false claims about the 2020 election, said Thursday he would replace the Wisconsin Elections Commission with a "Wisconsin Election Integrity Group" that included members from the state's eight congressional districts, five of which are represented by Republicans.

Michels suggested he would not seek to eliminate the state's MyVote website for requesting absentee ballots, which Zapata and Wait used to commit election fraud.

Before knowing who was at fault, Brandtjen characterized the episode as an effort to expose loopholes in election law, comparing it to crimes alleged against Harry Wait, a leader of a Racine County-based group known as H.O.T. Government that promotes false claims of voter fraud in the 2020 election.

Wait was [charged earlier this year](#) with two counts of election fraud and two counts of unauthorized use of an individual's personal identifying information for posing as Vos and Racine Mayor Cory Mason to request their ballots in order to show violations of the law are possible.

Before his first court appearance in the matter in September, Wait compared himself to founding fathers such as George Washington and Thomas Jefferson.

"My actions are in the spirit of organic law of this nation, upon which was founded taking action in civil disobedience," he [told reporters in a news conference](#). "I have acted in a similar manner as the founder of this nation acted. For that reason, I am certain my actions are indeed both lawful and under organic law of the nation."

On Monday, a post in Wait's group's social media channel called Brandtjen a "patriot" for highlighting what the group calls problems with the state's system to request absentee ballots. To change the process for military members would require lawmakers to take action. Under state law, military members are [exempt from registering to vote](#) or providing photo identification.

After news broke Thursday about Zapata, Wait commended her. He wrote online that he saluted her "due to her efforts to expose more voting vulnerabilities in MyVote."

As chairwoman of the elections committee, Brandtjen has repeatedly held hearings promoting false claims of voter fraud and 2020 election conspiracy theories.

"If another Republican has committed election fraud, they should be prosecuted to the fullest extent of the law. I hope whoever did this is caught so we can send a clear message that this will not be tolerated," Democratic state Rep. Mark Spreitzer of Beloit, a member of the Assembly elections committee, said in a statement. "For obvious reasons, military voters need to be able to vote absentee, and we should not tolerate anyone who wants to make our service members pawns for their political agenda."

**From:** [Vetterkind, Riley - ELECTIONS](#)  
**To:** [EL DL Elections Comm](#)  
**Subject:** FYI  
**Date:** Monday, November 7, 2022 5:58:28 PM  
**Attachments:** [image004.png](#)  
[image005.png](#)

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*From WisPolitics.com ...*

**-- A Waukesha County judge late this afternoon declined to issue an injunction that would've sequestered military absentee ballots, saying it was a "drastic" remedy that would at least temporarily disenfranchise soldiers.**

GOP state Rep. Janel Brandtjen and others filed the lawsuit after a Milwaukee election official used phony names to fraudulently obtain military absentee ballots.

During the hearing, Judge Michael Maxwell asked whether a more appropriate remedy would be to require the Wisconsin Elections Commission to provide an accurate list of military voters to local clerks. They could then check military absentee ballots against the list.

But he ultimately ruled state law requires local clerks, not the commission, to maintain the list. Still, he faulted the commission for not stressing that in the guidance it provided local clerks about military absentee ballots.

Maxwell said he wished the commission did a better job of ensuring local clerks comply with the law.

"If WEC's job on the 361 days we're not administering an election can't be to make sure that municipal clerks do their job, I'm not sure why we have that state agency at all," he said.

[See more on the hearing in tomorrow's AM Update.](#)

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*From WisPolitics.com ...*

**-- A Waukesha County judge today questioned whether he should take the "drastic" step of sequestering all military absentee ballots and prevent them from being counted until it can be confirmed they are legitimate.**

Former Supreme Court Justice Michael Gableman, acting as the attorney for those seeking to have the ballots sequestered, argued it was the only way to ensure fraudulent military ballots weren't counted tomorrow.

The lawsuit came after a Milwaukee elections official requested three military ballots using phony names. She now faces charges for her actions, which she said were to expose what she believed was a vulnerability in the system.

Gableman argued late this afternoon that members of the military knowing the details of the case would ask Judge Michael Maxwell, "please, please do not throw the ballots into the pile to be counted because once they're thrown in, they can never be traced back."

Maxwell was skeptical of the request and asked why he shouldn't sequester all absentee ballots until they can be reviewed to ensure there's no fraud.

"I'm not asking you to wait until past tomorrow. I'm not asking for my vote to wait past tomorrow, but I'm going to disenfranchise tens of thousands of military voters for at least a couple of days, a couple of weeks, a couple of months," Maxwell said.

It was unclear when Maxwell would rule, with arguments continuing late this afternoon.

Maxwell also asked Assistant Attorney General Lynn Lodahl why he shouldn't order the Wisconsin Elections Commission to ensure local clerks have an up-to-date list of active military voters. He suggested it wouldn't be dramatic relief to do so.

Lodahl argued the request coming on the eve of the election would be inappropriate and possibly cause confusion. She also noted state law doesn't require military voters to register before requesting an absentee ballot. She said the list plaintiffs want WEC to make sure that local clerks have wouldn't contain information on first-time overseas military voters.

[See tomorrow's AM Update](#) for more on the hearing.

**-- Racine County Clerk Wendy Christensen says Assembly Speaker Robin Vos and the two write-in candidates challenging him may have to wait until Wednesday to know who won the 63rd AD.**

When the county initially reports unofficial returns tomorrow night, it will list votes for Republican Adam Steen and Dem Joel Jacobsen in the same place. Christensen said she will then collect information from local clerks to separate out the write-in ballots for both candidates. That could take until Wednesday to complete.

Christensen also said election results will be updated on the county's website as they come in, but Vos will be the only candidate with up-to-date numbers. She said the list on the website reports what the county's ballot counting machines read, which for write-in candidates is just one oval.

There's no way for the machines to distinguish Steen from Jacobsen votes. That work has to be done by local election workers and then given to Christensen for the final tally.

**-- The Marathon County clerk is warning voters of fraudulent calls trying to trick voters into believing their polling places are closed and they have to find a new place tomorrow to cast their ballots.**

Clerk Kim Trueblood said the callers are posing as representatives of the Democratic Party and are largely targeting elderly voters. The number is spoofed from a legitimate business in Madison. The callers ask recipients who they're voting for before telling them their normal polling place is closed.

Trueblood said the callers know the normal polling place of those they're contacting.

"It's not just a few people" receiving the calls, she said in a short phone interview.

State Dem Party Executive Director Devin Remiker said any attempt to interfere with the elections must be taken seriously.

"The preparation of our Voter Protection team since 2020 pays off," Remiker said. "In Marathon County, election officers were able to quickly track, report, and act on this voter interference."

A state GOP spokesperson said the issue is being handled locally.

See the release:

<https://www.wispolitics.com/wp-content/uploads/2022/11/221107Marathon.pdf>

[DEMOCRACY IN AMERICA](#)

## Election officials fear counting delays will help fuel claims of fraud

Former president Donald Trump and his allies used lags in tabulating the results to falsely allege the 2020 vote had been rigged. Officials are asking for patience.

By [Tom Hamburger](#)

, [Yvonne Wingett Sanchez](#)

and

[Patrick Marley](#)

November 7, 2022 at 6:00 a.m. EST

Officials in a handful of closely contested states are warning that the winners of tight races may not be known on election night, raising the possibility of a delay that former president Donald Trump and his allies could exploit to cast doubt on the integrity of Tuesday's midterm vote.

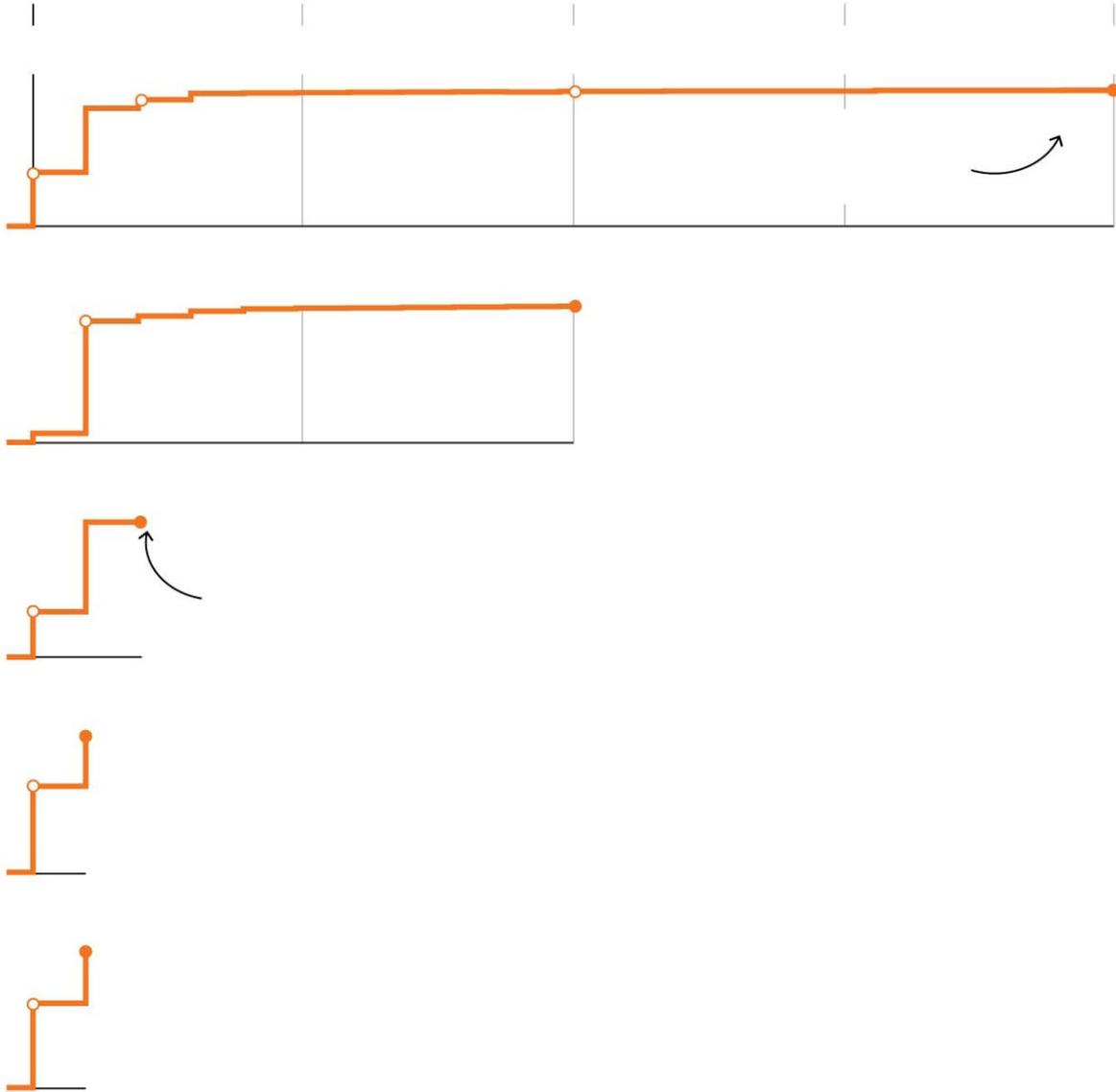
In Pennsylvania, Arizona, Michigan and Wisconsin, officials have in recent days preemptively called for patience, acknowledging that some of the factors that bogged down the process in 2020 remain unresolved two years later. In some cases, partisan disagreements blocked fixes, and Trump's own advice to voters on how to cast ballots may contribute to a longer wait.

[When polls close — and how long counting might take — in each state](#)

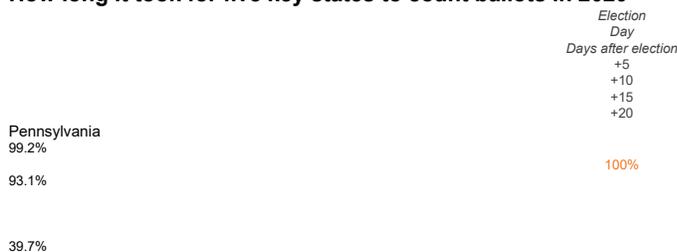
Although the reasons for the delays vary from state to state, officials have been united in urging the public not to draw conclusions just because the count appears to be proceeding slowly.

ADVERTISING

"It's going to take a few days," acting Pennsylvania secretary of state Leigh M. Chapman said at a recent news conference. She added: "It doesn't mean anything nefarious is happening."



**How long it took for five key states to count ballots in 2020**



All ballots were counted 20 days after the election.

Arizona

100%  
89.1%

Michigan

100%  
All ballots were counted  
three days post-election.  
33.3%

Georgia

100%  
63.2%

Wisconsin

100%  
62.1%

HANNAH DORMIDO/THE WASHINGTON POST

Source: Associated Press

Trump and his supporters used long lag times in the count in 2020 to whip up false claims of a rigged process. They were aided by the “red mirage,” in which many Republican candidates took an early lead as votes were being tallied. The phenomenon occurs because Republicans disproportionately cast votes on Election Day and those votes are usually counted first, producing strong early margins for GOP candidates.

But that Republican lead is often eroded as absentee ballots, favored by Democrats, are counted in the hours — and in some cases days — after the polls close. Trump incorrectly claimed in 2020 that officials had stolen the election for Democrats as Americans slept, with the results whipsawing in Pennsylvania from a Trump lead on election night to a Biden advantage days later.

Experts are bracing for the former president and his allies to deploy a similar strategy in close races this year.

“I expect to see what we saw in 2020,” said Sylvia Albert, director of voting and elections for Common Cause, a nonpartisan voter education and advocacy group. “Election officials will be counting votes, some results will come in late and bad actors will be trying to play political games to undermine people’s confidence in the outcome.”

President Biden issued his own caution in a speech Wednesday night.

“In some cases we won’t know the winner of the election until a few days after the election,” he said. “It takes time to count all legitimate ballots in a legal and orderly manner. It’s always been important for citizens in democracy to be informed and engaged. Now it’s important for citizens to be patient as well.”

A voter fills out a ballot in a vehicle in Phoenix. (Joshua Lott/The Washington Post)

The slow-count warning is being issued with special vigor in Pennsylvania, where a delay in counting 2020 presidential votes became central to the fraud narrative adopted by Trump and his allies. The ingredients are once again in place for a contentious post-election period for the commonwealth: a tight [U.S. Senate contest](#) that could determine control of the chamber, ongoing [legal challenges](#) that influence whether some votes are rejected, an angry partisan divide and, most significantly, an [endemic](#) sluggishness in counting mail-in ballots.

As in a handful of other states, officials in Pennsylvania are not permitted to begin processing mail ballots until Election Day. State data show that as of Saturday, nearly 1.1 million mail ballots had been received in Pennsylvania — mostly from Democrats. But election officials are not permitted to even start opening ballot envelopes before 7 a.m. on Election Day.

That rule explains in part why it took four days in 2020 to declare Joe Biden the winner in Pennsylvania. During that period, the Trump campaign lobbied repeated fraud allegations, particularly in Philadelphia, where Trump lawyer Rudy Giuliani and others baselessly [claimed](#) that there were massive problems with mail ballots that arrived after polls had closed.

When polls close on Nov. 8

One way to reduce delays is simple: Allow election officials to open mail ballot envelopes and prepare them for counting as they arrive, rather than waiting until Election Day to begin the process. All but a handful of [states permit early processing of mail ballots](#). A bipartisan group of legislators and election officials backed legislation last year to allow ballot pre-processing in Pennsylvania.

But the modification was never enacted. It was included in a bill approved by the Republican-dominated legislature that was ultimately vetoed by the state’s Democratic governor, Tom Wolf, because it included what he saw as onerous voter identification, ballot deadline and other requirements.

“It’s incredibly frustrating to know that you are facing a problem with an easy solution that our state government has been unable or unwilling to fix,” said Al Schmidt, a former Republican election commissioner in Philadelphia who retired in 2021.

Schmidt called out both parties for the failure to fix the problem, suggesting the legislature could have produced a cleaner bill and that the governor might have done more to negotiate.

Schmidt and other election experts say that [ongoing litigation](#) in the state may further delay and confuse the situation on election night. The Pennsylvania Supreme Court ruled this month that absentee ballots cannot be counted on Election Day if they are not properly dated by the voter, and left their ultimate status in limbo. Republicans had sued to have such ballots thrown out.

“This decision will slow down the tallying as counties check ballots to see whether voters dated the ballot appropriately,” Schmidt said.

Already this year, Trump has renewed his attacks on Pennsylvania’s system. In May, after the state’s primary resulted in a close contest between Mehmet Oz and his GOP rival, David McCormick, [Trump urged Oz](#) to declare victory before all the votes were counted.

“How long does it take to count votes,” Trump wrote on his social media site, Truth Social. “Stop FINDING VOTES in PENNSYLVANIA. RIGGED!”

Liz Michalkiewicz of Milwaukee casts her vote Saturday at an early polling site at the Fiserv Forum arena. (Sara Stathas for The Washington Post)

Trump has also weighed in with advice for voters on how to cast their ballots. In Arizona, where the overwhelming majority of voters choose to vote by mail and state law allows for pre-processing, Trump has urged his supporters to show up at the polls.

“Vote in person on Election Day as opposed to sending in a potentially fake ballot,” Trump said at a rally in Mesa last month.

But that advice is at odds with the guidance from election officials, who have said voting early will lead to a quicker tabulation of results.

Arizona election officials have sought to set expectations for vote counting, saying the process could last up to 12 days in a state notorious for long counts.

In Maricopa County, home to most voters in the state, ballots have not come in as fast as in previous years. If that pattern holds, proportionately fewer ballots may be tabulated before Election Day compared with past votes — leaving election workers a bigger job in the days that follow.

Counting could also take time because the ballot is the longest in Maricopa County history, with as many as 87 races for some residents.

Stephen Richer, the county’s top election official, has encouraged voters who want quicker results to cast ballots as early in the process as possible.

“We know everyone would like results faster,” said Richer, a Republican. “If you want to help us out with that, well, then get your ballot back to us now.”

In recent days, some Republican candidates have joined that plea, despite the advice from Trump and his allies to wait.

In Michigan, the secretary of state’s office has said results in some races may not be known for a day after the election. In part, that’s because more than 1.7 million voters have requested to vote absentee, nearly double the number that voted absentee in the 2018 midterm elections.

Jake Rollow, chief external affairs officer for the secretary of state’s office, said additional delays may occur because some counties did not take advantage of late changes in state law that permitted hiring additional personnel to help with the pre-processing of mail ballots.

Other factors that could affect the count this year include ongoing disputes over election law. Just last week, the Michigan Supreme Court reversed a lower court decision that had blocked implementation of rules governing poll observers.

The legal limbo so close to the election creates uncertainty and can lead to delays, said Mark Brewer, a Michigan elections lawyer who once chaired the state Democratic Party. “Every day that goes by creates more confusion,” he said.

In Wisconsin, which like Pennsylvania restricts handling of absentee ballots until Election Day, officials typically release unofficial results in the early morning the day after the election.

Ann Jacobs, a Democrat who sits on the state’s bipartisan Elections Commission, expressed frustration that Republicans who control the state legislature have declined to speed up the process by letting poll workers process absentee ballots before Election Day.

“The legislature refused to do that, so we’re going to have a late night in Wisconsin,” she said. Milwaukee, the state’s largest city and a Democratic stronghold, often reports its results last because of the city’s size and the way it counts absentee ballots. This time, officials in Milwaukee say they’ll have them before midnight.

Legislation to allow speedier processing of absentee ballots has been discussed in Madison for years but Republican legislators have been split on the issue, and never achieved enough support to pass a bill.

Jacobs said it is important to understand how results are tabulated ahead of time so the public doesn’t fall for false claims related to slow-coming results.

A Michigan voter inserts a ballot into a drop box outside the Grand Rapids Public Library’s West Leonard Branch on Saturday.

“The people participating in the political process ... need to be honest about the fact that this is how the process works and not make false statements and lies about ballot dumps and the like,” she said.

In 2020, Trump and his allies claimed that reports of absentee vote totals from Milwaukee in the early morning the day after the election were a sign of fraud. “I can show you right here that in Wisconsin, we’re leading by a lot, and then at 3:42 in the morning, there was this. It was a massive dump of votes,” Trump said at the time.

Despite the warnings coming from a few states, there are some reasons to think that the slow counting that characterized the 2020 count may improve this year.

Two years ago, voting occurred in a presidential election at the height of the pandemic. This year, fewer voters will cast ballots overall and in some states a greater number more proportionately are expected to vote in person.

Since 2020, [several states have taken steps to improve efficiency](#) by purchasing new machinery to open envelopes and scan ballots and encouraging voters to return ballots early.

In addition, some states have enacted rule changes making it easier to prepare mail ballots for tabulation and to encourage voting before Election Day.

In Georgia, state law allows processing of absentee ballots as soon as they are received, and record numbers of people are voting early this year — nearly 2.5 million as of Sunday.

The early submissions, Secretary of State Brad Raffensperger said in a statement, “played a wonderful role in reducing the lift for their county election directors come November 8th.”

Rosalind S. Helderman contributed to this report.

## Lawsuit asks to sequester military ballots following Milwaukee election official case

Sophie Carson  
Alison Dirr

Milwaukee Journal Sentinel

AD

A Wisconsin veterans group and state Rep. Janel Brandtjen have asked a Waukesha County judge to block the immediate counting of military ballots after [three arrived at Brandtjen's home](#) in the names of voters who do not exist, a move that drew immediate criticism from a national veterans group.

The Washington, D.C.-based Union Veterans Council filed to intervene in the case. Executive director Will Attig said he is afraid the suit is "a canary in the coal mine" of similar suits to come around the country.

"This is a combined effort to sow doubt around the election, and they just picked military members as a pawn, as a tool to do that," Attig said. "This is just an outrageous attack that is completely unwarranted."

A now-fired Milwaukee elections official said she requested the military ballots using fake names and had them sent to Brandtjen's home in Menomonee Falls to make a point about voter fraud, prompting prosecutors to [charge her with a felony and three misdemeanors](#).

The actions of [the former Milwaukee Election Commission deputy director](#), Kimberly Zapata, demonstrate "a vulnerability in Wisconsin's military absentee ballot process," reads a [court document](#) filed Friday by the Thomas More Society.



The Thomas More attorneys are asking the court for a temporary restraining order and a temporary injunction to sequester all military ballots and stop them from being counted — until officials can verify they are legitimate and match current lists of military voters.

The request comes just before Tuesday's midterm election, when heated contests for U.S. Senate and governor are on the ballot.

Republicans have cast doubt on the security of absentee voting, in Milwaukee in particular, ever since former President Donald Trump began falsely accusing Milwaukee election officials of rigging the 2020 election. A recount verified the results in Milwaukee.

It was not immediately clear whether Waukesha County Circuit Judge Michael Maxwell would issue an order in the case before Election Day. A hearing was scheduled for Monday afternoon.

More: [Tight elections feel normal here. Here is what makes this one so unusual](#)

More: [Wisconsin 2022 midterm election: How to register, where to vote and who is on the ballot](#)

## Janel Brandtjen promoted false claims of voter fraud

As chairwoman of the state Legislature's elections committee, Brandtjen has repeatedly held hearings promoting false claims of voter fraud and 2020 election conspiracy theories. The criminal complaint for Zapata states that she wanted to redirect Brandtjen's focus "away from outrageous conspiracy theories and to something that is actually real."

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Brandtjen is listed as a plaintiff alongside a group called Concerned Veterans of Waukesha County and residents Ken Marek of Hartland and Tom Gudex of Lannon.

The attorneys listed on the suit are Erick Kaardal, Thomas More Society special counsel, and Michael Gableman, the former state Supreme Court justice who led a partisan election review in Wisconsin. He is now senior counsel for the Thomas More Society. Kaardal worked with Gableman on those efforts, which produced little information not previously known and [no evidence](#) that the 2020 election was incorrectly called.

Kaardal has also spearheaded legal challenges to grants Wisconsin cities received from the nonprofit Center for Tech and Civic Life to help them run their elections. Courts and the state Elections Commission have thrown out those challenges.

A federal judge in one of the cases said the lawsuit was so meritless that Kaardal should be considered for professional sanctions.

More: [A who's who guide to the Republican review of Wisconsin's 2020 presidential election](#)

## Wisconsin Elections Commission guidance challenged

The attorneys argue that the Wisconsin Elections Commission's guidance to local election clerks on military ballots does not align with state statutes. Clerks should have up-to-date, accurate lists of military electors, the suit states, and the Elections Commission does not mention such lists in its military and overseas voting manuals.

"This situation is particularly egregious as it demonstrates how easily the military absentee mail-in vote can be manipulated due to the commission's lack of compliance with Wisconsin election law. What a disgraceful way to dishonor our military service men and women and our veterans; by allowing their voting privileges to be abused," Kaardal said in a statement.

A spokesman for the Wisconsin Elections Commission declined to comment on the lawsuit.



Largely, three groups of people would be affected by this lawsuit, Attig said: active-duty military members stationed on bases around the U.S. and the world who want to continue to vote in Wisconsin; those who are deployed; and National Guard members who are away from home for extended periods of time for training or other orders.

If those ballots aren't counted, "we're taking away the most fundamental right that our servicemembers are fighting for — that's what makes us all equal, which is the right to vote, that allows us to be in this democracy," Attig said.

Chris Yatchak, chair of the Milwaukee chapter of the Union Veterans Council, said the suit was "unconscionable" and "frankly disgraceful," considering the military has fought to ensure the U.S. has free and fair elections, he said.

In his time as a poll worker, Yatchak said he has not seen any instances of fraud.

"I'm just appalled at this," he said. "It's a disgusting act."

Military voters are not required to register before voting in an election and do not need to provide proof of identification or residence to request an absentee ballot. Like other voters, military voters can request an absentee ballot using the MyVote.wi.gov website.

There hasn't been a significant bump in military ballots, according to Meagan Wolfe, administrator of the Wisconsin Elections Commission. She said last week that in the 2018 general election, around 2,700 military ballots were requested and about 1,500 were returned to be counted.

For Tuesday's election, Wolfe said 2,747 military ballots have been requested, with 1,400 returned so far.

**From:** [Wolfe, Meagan - ELECTIONS](#)  
**To:** [EL DL Elections Comm](#)  
**Cc:** [EL DL Administration](#)  
**Subject:** Information for Tonight's 8:00pm Commission Meeting  
**Date:** Thursday, July 28, 2022 6:14:47 PM  
**Attachments:** [Meeting Notice 7.28.22.pdf](#)  
[Commission Memo Absntee July 28 2022.pdf](#)  
[No Indication of MyVote Vulnerability.pdf](#)  
[Clerk Communication Regarding Absentee Ballot Requests.pdf](#)  
**Importance:** High

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Commissioners-

Attached please find the following related to tonight's meeting:

1. The notice for an emergency meeting that was posted. Please note that the Chair asked that only an open session meeting be noticed
2. I prepared a memorandum for your information. It outlines the efforts we have taken today and provides some statutes for your reference. It also contains, for the commission's consideration, information about sending a follow up mailer to voters
3. Our press statement on the matter that was sent to the media list today
4. An informational reminder communication that was sent to clerks today

Please let me know if you have any questions. You will receive a Zoom link shortly before 8:00 for tonight's Commission meeting.

Meagan

**From:** [Wolfe, Meagan - ELECTIONS](#)  
**To:** [EL DL Elections Comm](#)  
**Cc:** [EL DL Administration](#)  
**Subject:** Racine Sheriff Statement and WEC Response  
**Date:** Wednesday, July 27, 2022 6:34:51 PM  
**Attachments:** [FW WGTDRacine.sheriff.msg](#)

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Commissioners-

Attached you will find a press statement issued by the Racine Sherriff late this afternoon. Below you will find our response which we provided to reporters who were seeking comment.

Please let me know if you have any questions or if you would like to discuss.

Meagan

**Statement provided to those seeking comment:**

Requesting or attempting to vote an absentee ballot in the name of another person has long been and [continues to be a crime](#). Under the law, a voter can request an absentee ballot for him or herself only.

There is no indication of any vulnerability with the MyVote application. The idea that absentee ballot requests made online, via MyVote, are more susceptible to fraud, is false. The MyVote web application requires a person to provide the same information he or she would provide if the person made the ballot request through traditional mail. MyVote does not make it any easier to commit voter fraud than requesting a ballot through the mail.

People who intentionally misuse the MyVote application can be subject to severe criminal and civil penalties. It is illegal to provide false information or another person's information in an attempt to unlawfully request the ballot of someone else.

[Wis. Stat. § 12.13\(3\)\(i\)](#) states no person may "falsely make any statement for the purpose of obtaining or voting an absentee ballot." [Wis. Stat. § 12.13\(1\)\(d\)](#) states that a person who "impersonates a registered elector or poses as another person for the purpose of voting at an election" violates the law. A person who "falsely procures registration or makes false statements to the municipal clerk, board of election commissioners or any other election official whether or not under oath," also violates state law, per [Wis. Stat. § 12.13\(1\)\(b\)](#).

A person may lawfully request, through MyVote or the mail, that their own absentee ballot be mailed to a different address than their residential address if they plan to be away, or if they do not receive mail at their residential address. This is an option whether you make your request for a ballot via paper application, email, or through MyVote.wi.gov

Requests for absentee ballots made on MyVote generate an email to the respective voter's municipal clerk, who then determines whether the voter has provided the necessary and correct information to receive an absentee ballot, including a photo ID. To receive an absentee ballot through the mail, a voter either must provide a copy of an acceptable photo ID or the clerk must check that one is on file for the voter from a previous request.

As required by Wisconsin law, a person who attests they are indefinitely confined is not required to present a photo ID; however, those who make this attestation do so under the penalty of law.

Voter fraud remains very rare in Wisconsin. Even so, the state maintains multiple checks to ensure Wisconsin elections are secure and accurate, including the recording of every voter transaction in the statewide voter database.

Anyone who has credible information that a person has fraudulently requested an absentee ballot in the name of another voter should contact law enforcement or their local FBI field office.

While Wisconsin election officials do everything they can to stop voter misconduct from occurring, no system in elections or in any other sector – such as banking or technology – can completely prevent wrongdoing. That is why federal and state law provide steep criminal penalties for those who misuse government systems.

**From:** [Vetterkind, Riley - ELECTIONS](#)  
**To:** [EL DL Elections Comm](#); [EL DL Administration](#); [Linski, Sara K - ELECTIONS](#); [Willman, Riley P - ELECTIONS](#)  
**Subject:** RE: FYI  
**Date:** Tuesday, August 2, 2022 5:08:21 PM

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This was from WisPolitics.com's PM Update.

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**From:** Vetterkind, Riley - ELECTIONS <riley.vetterkind@wisconsin.gov>  
**Sent:** Tuesday, August 2, 2022 5:08 PM  
**To:** EL DL Elections Comm <ELECdlelectionscommision@wisconsin.gov>; EL DL Administration <ELECDLAdministration@wisconsin.gov>; Linski, Sara K - ELECTIONS <Sara.Linski@wisconsin.gov>; Willman, Riley P - ELECTIONS <Riley.Willman@wisconsin.gov>  
**Subject:** FYI

**-- H.O.T. Government's Harry Wait handed over Rep. Elijah Behnke's absentee ballot to a Racine County Sheriff's deputy after stating he never requested the ballot.**

Wait is a key member of a group calling itself Honest Open and Transparent Government Wisconsin. He told WisPolitics.com he has no idea who exactly could have had the Oconto Republican's ballot sent to him, but added it could have been one of several people he showed how to request others' absentee ballots last week at the Racine County Fairgrounds.

Requesting another's absentee ballot is a felony. The Racine County Sheriff's office last week in a press release said the Department of Justice is investigating Wait.

Wait also said he could have requested Dem AG Josh Kaul's absentee ballot without providing a photo ID, but he did not because he said he feels his point was proven after he requested and received Assembly Speaker Robin Vos' and Racine Mayor Cory Mason's ballots.

He argued members of the Wisconsin Elections Commission are guilty of malfeasance for allowing such illegal activity on MyVote.

"This is a system made and ripe for fraud," he said.

Wait last week requested ballots for Vos and Mason and notified Racine County Sheriff Christopher Schmaling, who said he would not arrest Wait at the county fair grounds.

But Racine County Sheriff Lt. Michael Luell told WisPolitics.com Schmaling's email should not be construed to mean he would never arrest or charge Wait.

The Wisconsin Elections Commission Thursday night voted 6-0 to delay pursuing criminal charges against Wait.

DOJ spokeswoman Gillian Drummond told WisPolitics.com the department has been in touch with Racine County DA Patricia Hansen regarding the issue but could not provide further details because the investigation is ongoing.

Wait has attended several Capitol events led by those seeking to overturn the results of the 2020 presidential election in Wisconsin.

The Oconto County Sheriff's office did not immediately respond to a request for comment. Behnke lives in Oconto County.

See a picture of the Racine deputy holding the envelope Wait argues holds Behnke's ballot:  
[https://www.wispolitics.com/wp-content/uploads/2022/08/IMG\\_2492.jpg](https://www.wispolitics.com/wp-content/uploads/2022/08/IMG_2492.jpg)

**From:** [Vetterkind, Riley - ELECTIONS](#)  
**To:** [EL DL Elections Comm](#); [EL DL Elections Staff](#)  
**Subject:** Recent News Roundup  
**Date:** Monday, August 8, 2022 11:37:07 AM  
**Attachments:** [image001.jpg](#)  
[image002.png](#)  
[image003.jpg](#)  
[image004.jpg](#)  
[image005.jpg](#)  
[image006.jpg](#)  
[image007.jpg](#)

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# Republicans running for governor are short of specifics when it comes to overhauling Wisconsin elections



**[Molly Beck](#)**

Milwaukee Journal Sentinel

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MADISON - The leading candidates vying to win the Republican primary for governor have both said they will dissolve the state's elections commission if elected. But a day before voters go to the polls, major details to their plans are missing.

Former Lt. Gov. Rebecca Kleefisch and construction executive Tim Michels have made their plans to eliminate the Wisconsin Elections Commission a cornerstone to their campaigns but neither are providing voters with a full plan to replace it.

Missing details to both of their plans include how elections would be certified. Currently, statewide elections are certified by the Wisconsin Elections Commission while the commission and governor have a role in certifying presidential elections.

Michels' most-recent proposal is to [create a new state elections board](#) to replace the state elections commission and said voters could find accountability for the board's actions with their members of Congress.

But he has not released details of this proposal nor responded to questions about the proposed board, specifically whether he meant members of Congress would make its appointments — a dynamic that is not prohibited by the state's constitution but would be unusual if not unprecedented.

U.S. Rep. Tom Tiffany, a Republican who represents the 7th Congressional District and has endorsed Kleefisch, said such a board should be created by state lawmakers. Tiffany was in the state Senate when lawmakers passed a bill creating the current state elections commission.

“This is a state issue, and it should be dealt with in the Wisconsin State Legislature,” Tiffany said in a statement, responding to Michels' proposal. “We should not federalize our elections.”

The makeup of the congressional delegation — majority Republican — raises the question of a partisan elections board.

“Short of proving something is broken, which I don’t think has been proven, I don’t know why you would want to risk doing something that could make elections even more partisan and potentially screw up what I think is a pretty safe process that we have in Wisconsin,” U.S. Rep. Mark Pocan, a Democrat who represents the 2nd Congressional District, said.

Kleefisch has proposed to [abolish the state elections commission](#) and move its duties to either the Secretary of State's office or the state Legislature, but has not yet decided which and has not defined which duties these officers would absorb.

Putting election oversight under the state Legislature could open the door to allowing members who believe the 2020 election was improperly called to certify or oversee elections in the state.

On Sunday, Kleefisch would not say whether she would support giving the Republican-controlled state Legislature the power to certify elections.

“It's just a hypothetical that hasn't even been written,” Kleefisch said in an interview with WKOW.

"Given the importance of getting election administration right and the suspicion these candidates continue to express about the 2020 election, it is surprising that their plans for replacing the WEC are not more specific," said Barry Burden, director of the University of Wisconsin-Madison Elections Research Center.

Burden said the current elections commission structure is problematic because it sets the stage for partisan stalemates. The six-member commission is equally divided between Democratic and Republican members. Proposals to take action often fail on 3-3 votes.

"Despite its dysfunction, one benefit of the WEC design is that neither major party has control over the state's election agency," Burden said. "The models proposed by Kleefisch and Michels would both appear to replace the balanced commission with a design that favors one party over the other."

"Kleefisch would apparently allow a partisan elected official to be the deciding vote in state election administration. Michels would allow a gerrymandered set of congressional districts to determine which party has the majority. Both proposals are steps further away from election administration based on neutral competence."

*Lawrence Andrea of the Milwaukee Journal Sentinel contributed to this report.*

Contact Molly Beck at [molly.beck@jrn.com](mailto:molly.beck@jrn.com). Follow her on Twitter at [@MollyBeck](https://twitter.com/MollyBeck).

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(From NY Times)

## **In Wisconsin, G.O.P. Voters Demand the Impossible: Decertifying 2020**

Donald Trump's supporters have turned anger over his defeat two years ago, and the false notion that it can still be reversed, into central campaign issues ahead of the battleground state's primary.

Reid J. Epstein



By [Reid J. Epstein](#)

- Aug. 8, 2022, 5:00 a.m. ET

SHEBOYGAN, Wis. — When she started her campaign for governor of Wisconsin, former Lt. Gov. Rebecca Kleefisch, a Republican, acknowledged that President Biden had been legitimately elected.

She [soon backtracked](#). Eventually, she said the 2020 election [had been “rigged” against](#) former President Donald J. Trump. She [sued the state’s election commission](#).

But she will still not entertain the false notion that the election can somehow be overturned, a fantasy that has taken hold among many of the state’s Republicans, egged on by one of her opponents, Tim Ramthun.

And for that, she is taking grief from voters in the closing days before Tuesday’s primary.

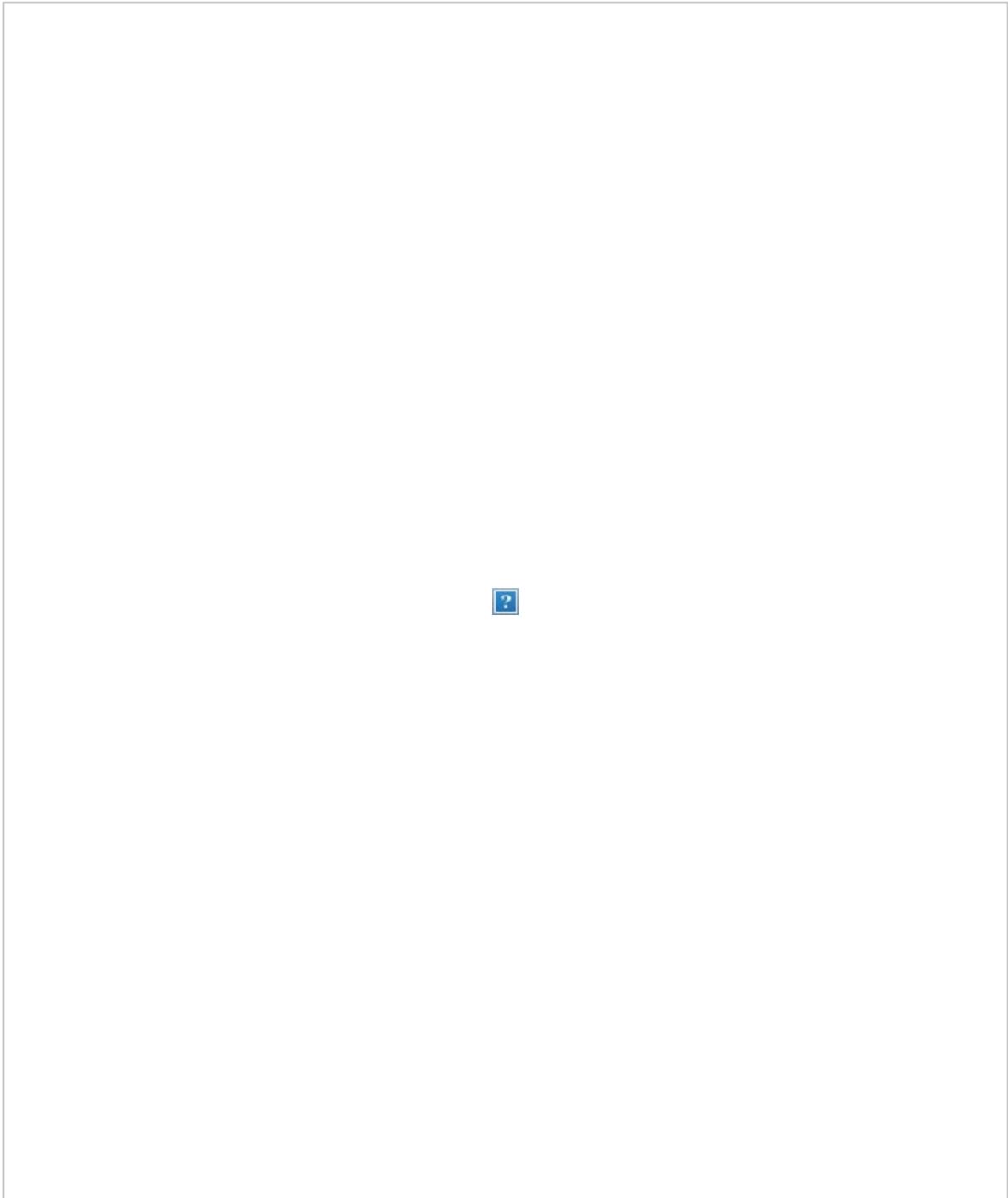
At a campaign stop here last week, one voter, Donette Erdmann, pressed Ms. Kleefisch on her endorsement from former Vice President Mike Pence, whom many of Mr. Trump’s most devoted supporters blame for not blocking the counting of electoral votes on Jan. 6, 2021. “I was wondering if you’re going to resort to a RINO agenda or an awesome agenda,” Ms. Erdmann said, using a right-wing pejorative for disloyal Republicans. Ms. Kleefisch’s startled answer — “don’t make your mind up based on what somebody else is doing,” she warned, defending her “awesome agenda” — was not enough.

“I’m going to go with Tim Ramthun,” Ms. Erdmann said afterward.

Ms. Kleefisch’s predicament illustrates how Mr. Trump’s supporters have turned fury over his 2020 election loss and the misguided belief that its results can be nullified into central campaign issues in the Republican primary for governor in Wisconsin, a battleground state won by razor-thin margins in the last two presidential elections. G.O.P. candidates have been left choosing whether to tell voters they are wrong or to engage in the fiction that something can be done to reverse Mr. Trump’s defeat.

Dozens of Republican voters and activists interviewed across the state in the last week said they wanted to see lawmakers decertify the state’s election results and claw back its 10 electoral votes, something that cannot legally be done. Nearly all of them pointed to [a July decision from the conservative-leaning Wisconsin Supreme Court](#), which ruled that drop boxes used to collect ballots during the pandemic were illegal under state law, as evidence that hundreds of thousands of 2020 votes should be thrown out.

“Everybody that I’ve talked to voted for Trump,” said Cyndy Deeg, a food industry worker from Larsen, Wis. “He should be reinstated and resume the position, because he never surrendered it.”



Cyndy Deeg at a campaign event for Tim Michels in Kaukauna, Wis. Mr. Michels says that if elected, he will consider legislation to decertify the 2020 election results. Credit...Jamie Kelter Davis for The New York Times



There is [no mechanism in Wisconsin law](#) or federal law for a state to retract electoral votes or undo presidential election results two years after the contest, a fact Ms. Kleefisch finds herself explaining to voters, reporters and audiences of televised debates. Her top Wisconsin ally, former Gov. Scott Walker, said Republicans wanted to move on from discussing Mr. Trump's defeat two years ago.

“Across the nation, a great many people who love what the president did are starting to grow tired of hearing about 2020 and want to get focused on winning 2022 and 2024,” Mr. Walker said in an interview.

But even as Ms. Kleefisch campaigns on an agenda of restricting voting access and

eliminating the bipartisan Wisconsin Elections Commission, two Republican rivals promise to do that and more.

Tim Michels, a wealthy construction magnate who has been criticized for [sending his children to school in New York and Connecticut](#), where he owns a \$17 million home, has been [endorsed by Mr. Trump](#) and says that if elected, [he will consider legislation](#) to decertify the 2020 results. Mr. Ramthun is the state's leading proponent of decertification, but polling shows him trailing Ms. Kleefisch and Mr. Michels, [who are in a tight race](#).

The winner of the primary will face Gov. Tony Evers, a Democrat who has [vetoed more than a dozen voting bills](#) passed by the Republican-controlled Legislature in the last two years. Because of the G.O.P.'s large majorities in [the gerrymandered Legislature](#), a Republican governor would be given a wide berth to change how the state casts and counts votes in the 2024 presidential election.

Mr. Michels, who has blanketed Wisconsin's airwaves with [advertisements reminding voters](#) that he is Mr. Trump's choice, has learned that running as the candidate backed by the former president comes with certain obligations.

Image

Mr. Michels has walked back recent statements that angered Trump supporters in Wisconsin.



Mr. Michels has walked back recent statements that angered Trump supporters in Wisconsin. Credit... Jamie Kelter Davis for The New York Times

Mr. Michels has walked back recent statements that angered Trump supporters in Wisconsin.



Twice in recent weeks, he has walked back statements that departed from Trump-wing doctrine.

First, Mr. Michels said at a debate that decertifying Wisconsin's 2020 presidential election results — which [Mr. Trump himself has repeatedly urged](#) the top Republican in the State Assembly to do — would not be a priority in his administration. He soon corrected himself, saying that he was “very, very fired up about this election integrity issue” and pledging to consider signing a decertification bill if legislators passed one.

Then, during [a town hall-style debate](#) on Monday night, Mr. Michels was asked if he would support a presidential bid by Mr. Trump in 2024.

“I’m focused on this election right now,” he said. “I have made no commitments to any candidates in 2024.”

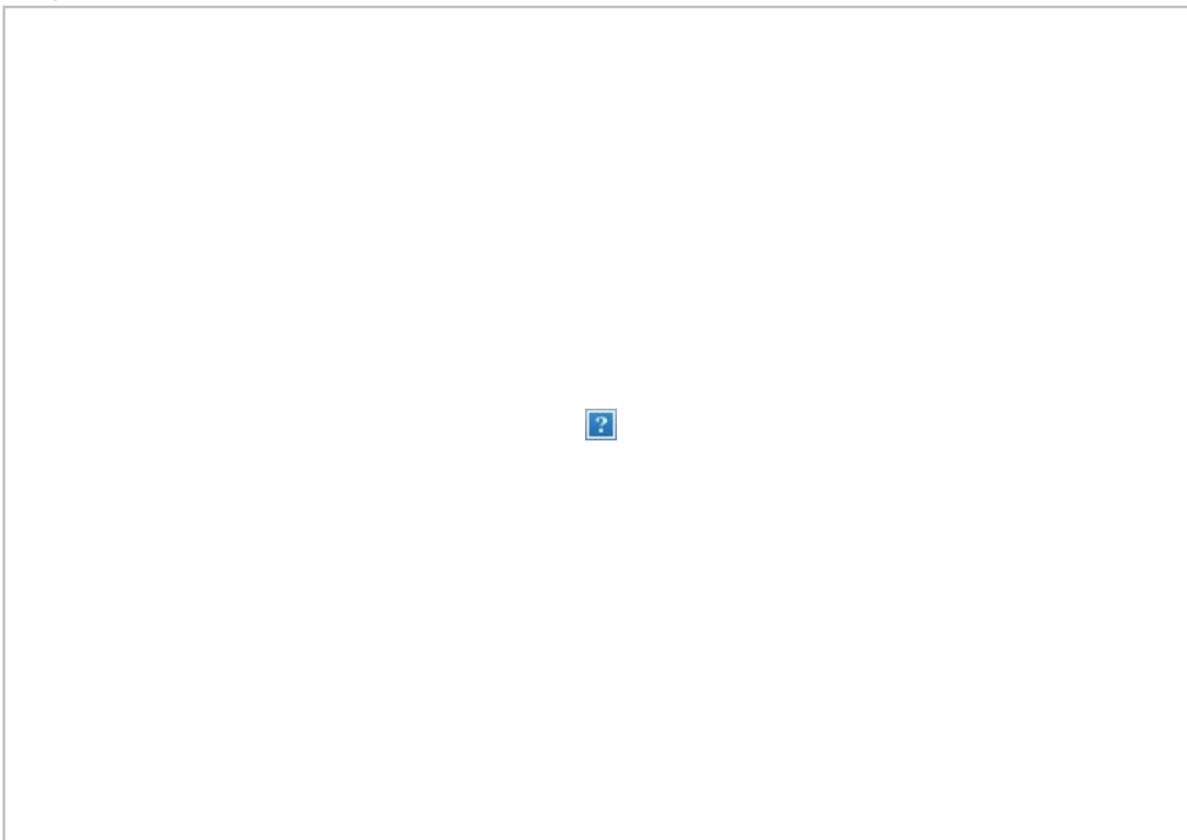
Trump supporters saw the remarks as a betrayal of the former president, and the next day, [Mr. Michels corrected himself](#).

“The day President Trump announces that he’s going to run for president in 2024, if he does, I will support him and I will endorse him,” he told supporters Tuesday in Kaukauna.

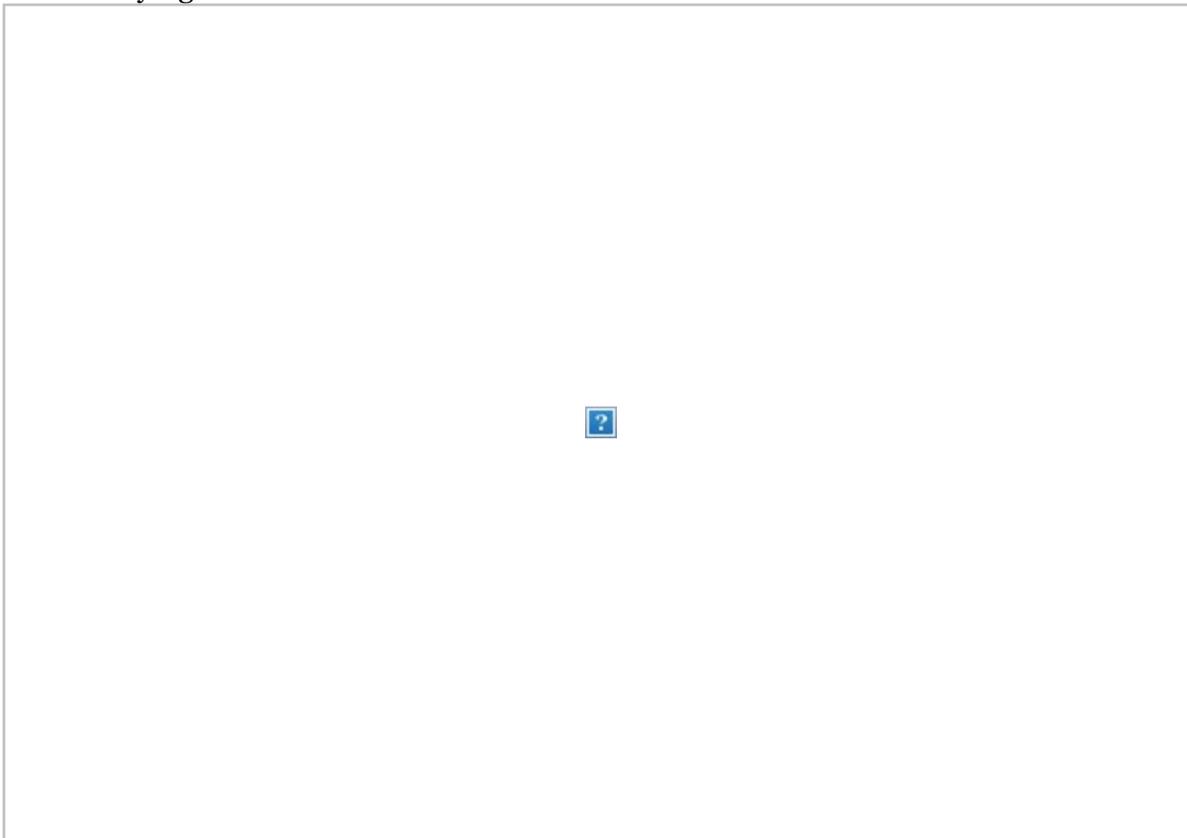
Mr. Michels declined to explain the flip-flop. “I talked about it last night,” he said after the Kaukauna stop, as his aides and [supporters physically pushed reporters](#) away from the candidate.

Complicating matters for both Ms. Kleefisch and Mr. Michels is Mr. Ramthun, a state assemblyman whose campaign for governor is scoring low in the polls but held in high regard by the state’s most devoted conspiracy theorists. It was Mr. Ramthun, in February, who [pioneered the decertification](#) push after Robin Vos, the Assembly speaker, prevented [his proposal for a “cyber-forensic audit”](#) of the 2020 election from coming to a vote.

Image



Tim Ramthun, a state assemblyman running for governor, is the state's leading proponent of decertifying the 2020 results. Credit... Jamie Kelter Davis for The New York Times



Mr. Ramthun's campaign is infused with [Christian nationalism](#), presenting him as a

messianic figure who will lead the state to correct what he presents as the injudicious 2020 election results.

“I’m what you’ve been looking for for decades,” he said at Monday’s debate.

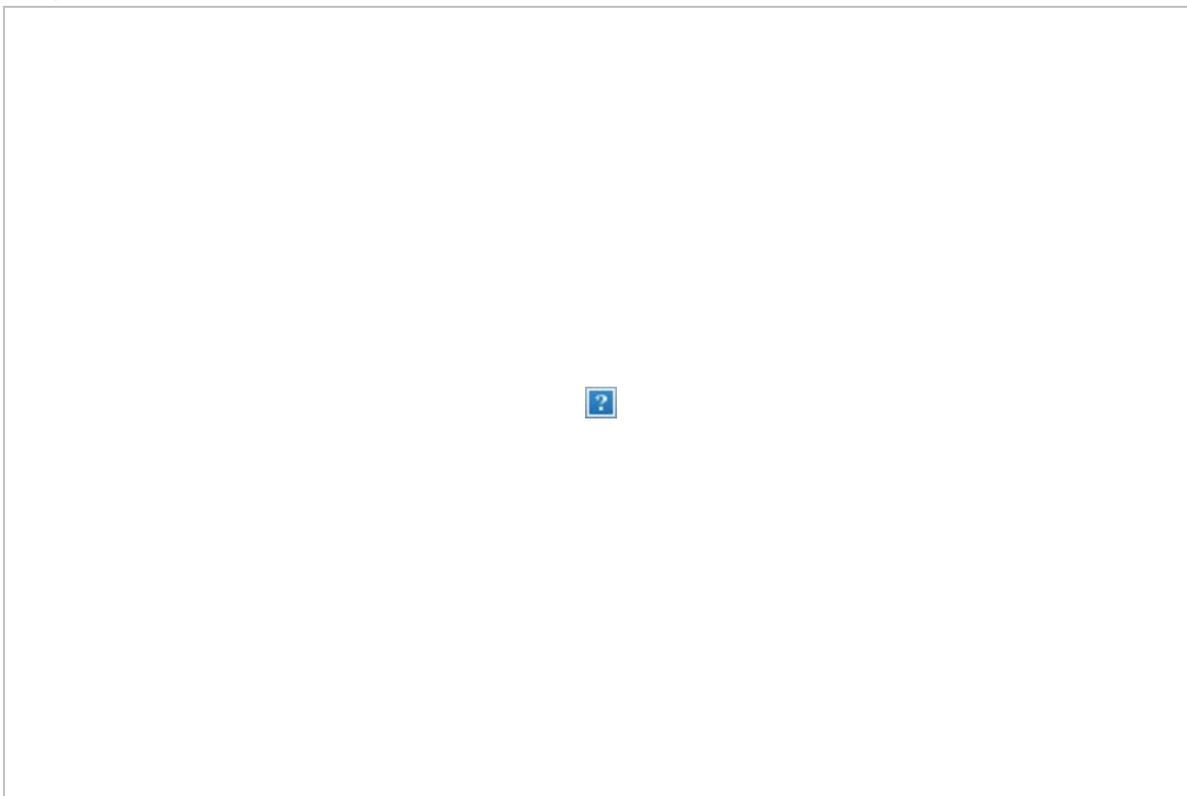
Mr. Vos has aggressively tried to restrict voting access in Wisconsin. Along with passing the bills Mr. Evers vetoed, last year he called for [felony charges against five members](#) of the state election commission for guidance they issued for voting during the pandemic that he said violated state election law. He also ordered a \$1 million [investigation into the 2020 election](#), led by a former State Supreme Court justice, that endorsed debunked conspiracy theories.

But as with Ms. Kleefisch, Mr. Vos’s refusal to allow a decertification vote has exposed him to an attack — in his case, from a primary challenger, Adam Steen, who has no paid staff and barely enough money to print and mail his campaign literature.

Mr. Steen, who was [endorsed by Mr. Trump](#) on Tuesday and was given a prime speaking slot at a [Trump rally on Friday night in Waukesha](#), has built his campaign around decertifying the election and has also said he would seek to make contraception illegal.

During a lunch of cheeseburgers and [cheese curds](#), Mr. Steen said he would not have challenged Mr. Vos had Mr. Trump been re-elected.

Image



Adam Steen, right, has been backed by Donald J. Trump in his challenge to Robin Vos, the powerful Republican speaker of the State Assembly, who has resisted decertification calls. Credit...Jamie Kelter Davis for The New York Times



“Without the knowledge that I have right now, I don’t think I would be running, because it wouldn’t have been exposed,” said Mr. Steen, who drives a Lincoln Town Car with [a commemorative license plate from the 2017 presidential inauguration](#) that says “TRUMP.” “I don’t think there was that catalyst to see those problems without him losing.”

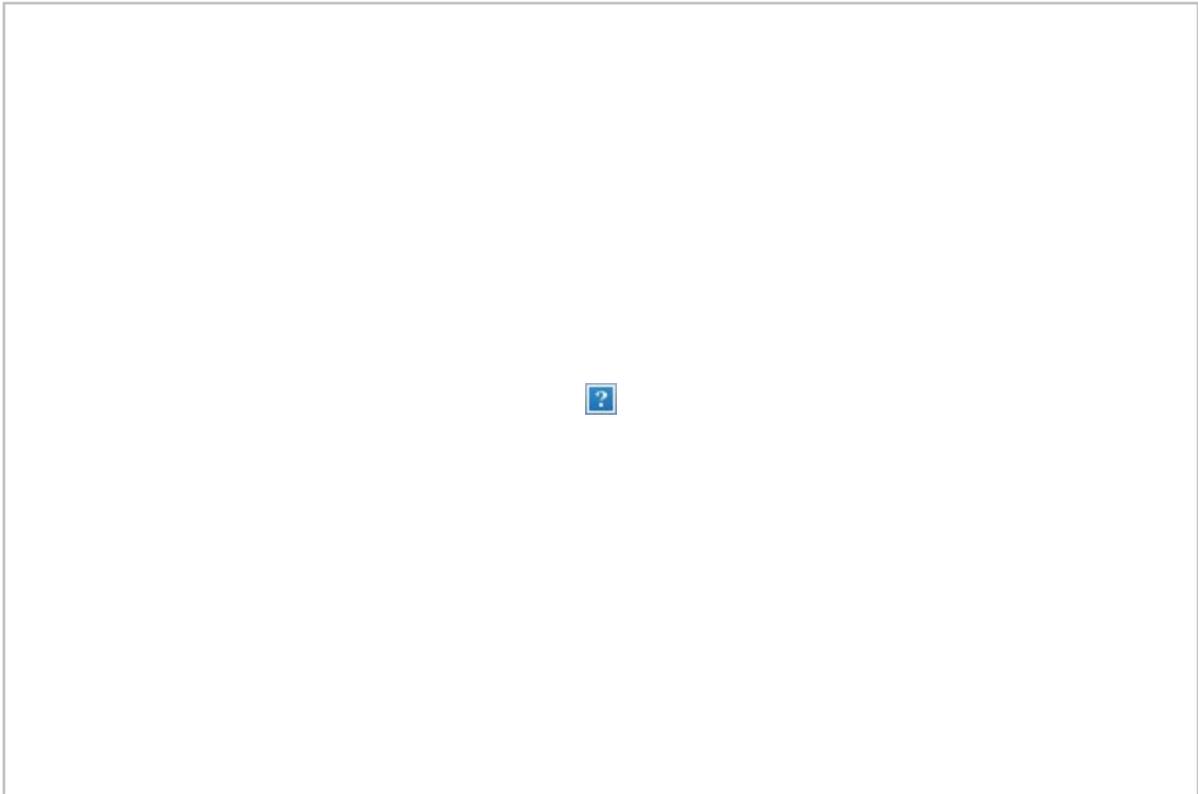
Mr. Vos declined to be interviewed. After Mr. Trump endorsed Mr. Steen, Mr. Vos issued a statement reiterating that decertification is impossible.

The party’s grass-roots base is not convinced.

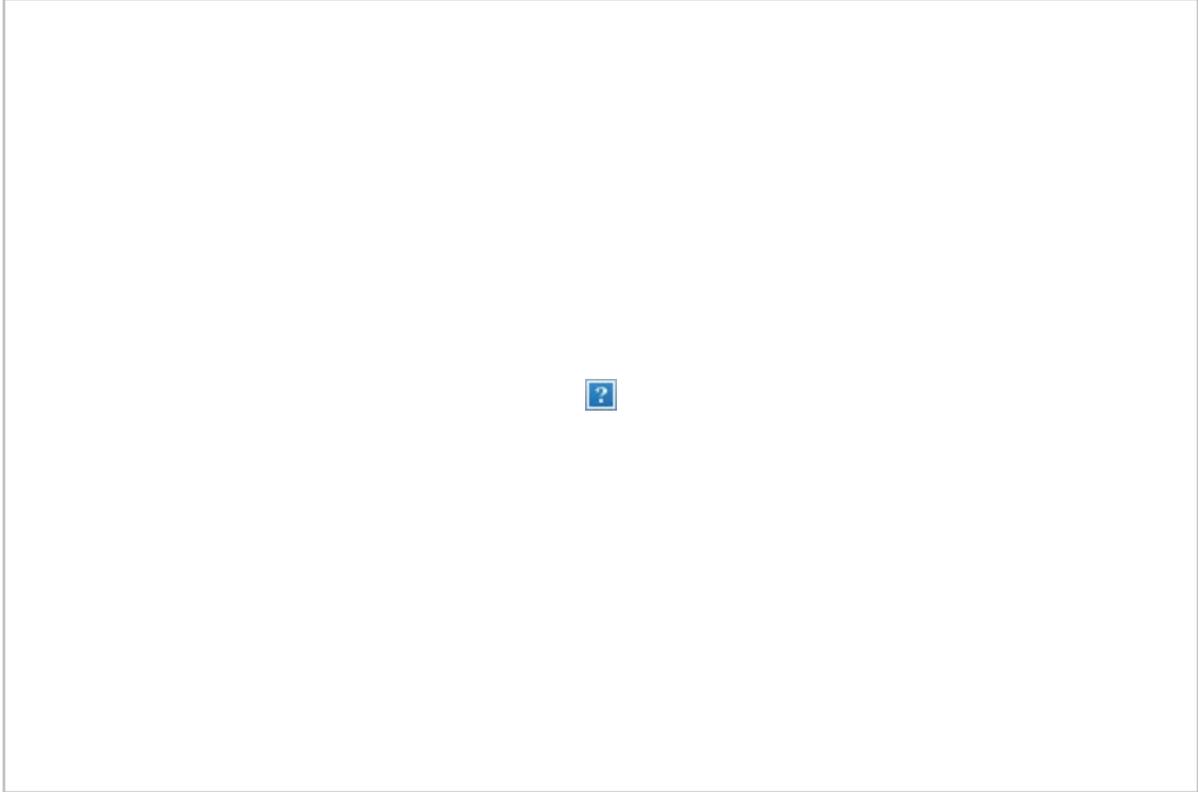
In April, [a poll](#) from Marquette University Law School found that 39 percent of the state’s Republicans backed decertification. Since then, momentum for decertification has built, especially after the Wisconsin Supreme Court’s drop box decision. The [chairwoman of the Assembly’s elections committee](#), along with dozens of the state’s county Republican Parties, has called for the election to be decertified.

Dennis Gasper, the finance director of the Sheboygan County Republican Party, which last month passed a resolution calling for legislators to withdraw the state’s 10 Electoral College votes, said he believed elected officials and Ms. Kleefisch were resisting voters’ decertification calls to spare themselves grief in the news media.

“You know, the press is very powerful, and if they would say what they thought, they would be held up as being a little bit crazy,” Mr. Gasper said.



Ms. Kleefisch has faced pressure from Republican voters on election issues even though she is campaigning on an agenda of restricting voting access and eliminating the bipartisan Wisconsin Elections Commission. Credit...Jamie Kelter Davis for The New York Times



Ms. Kleefisch is left trying to navigate a party that, not long ago, considered her local royalty.

A [former Milwaukee television reporter](#), she was Gov. Scott Walker's deputy when he led Wisconsin Republicans to revoke most public employees' collective bargaining rights, [a political earthquake in state politics](#) that led to weeks of protests and eventually sapped Democrats' power here for a generation.

During two interviews last week, she dismissed the ideas that she had crossed Mr. Trump or that his endorsement of Mr. Michels would be decisive. She said she still supported the former president and praised his policies, though she would not commit to [backing him in 2024](#).

But she acknowledged that the issue most forcefully driving Wisconsin Republicans in the current post-Trump era is not grounded in reality.

"I'm not saying that the passion is imaginary, I'm not saying that the mistrust is imaginary," she said after her Sheboygan stop. "I'm saying the idea that you can disavow the Constitution and statutes and do things that are not articulated anywhere in law is a lost cause, and there's no path that is articulated to do that."

Mr. Michels and Mr. Ramthun, she said, are playing with fire by telling voters they'll deliver something impossible.

"It's irresponsible to pander," she said. "You've got to tell the truth."

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***From WisPolitics.com ...***

**-- Former Supreme Court Justice Michael Gableman recorded a robocall urging voters to support Adam Steen in tomorrow's GOP primary, saying Assembly Speaker Robin Vos "never wanted a real investigation into the 2020 election in Wisconsin."**

Vos, R-Rochester, said the call shows how desperate Gableman is to remain relevant.

Former President Trump revealed during Friday's rally for GOP gov candidate Tim Michels that Gableman was joining him in endorsing Steen, a self-employed investor who lives in Sturtevant. Trump also took shots at Vos for not trying to decertify the 2020 election results. Vos has said repeatedly that isn't an option under the law.

In the call, shared with WisPolitics.com by a source and authenticated by Steen, Gableman urges voters to join him in supporting Steen.

He said "everything that my office and I have been able to do to expose, all the corruption that took place, has been in spite of Robin and not because of him."

Vos approved a \$676,000 taxpayer-financed budget for Gableman's review, which was supposed to be wrapped up last fall. Vos also signed contract extensions to allow Gableman to continue his work and to have taxpayers cover the legal bills that have emerged due to several lawsuits filed seeking records from the probe.

By mid-June, the tab for the probe had already exceeded \$1 million between the costs of the investigation and legal bills. Since then, two Dane County judges have ordered taxpayers to cover more than \$260,000 in legal bills for the Washington, D.C.-based group that sued to obtain the records.

Gableman, who has been paid more than \$100,000 for his work on the review over the past year, didn't immediately respond to an email seeking comment.

"Justice Gableman knows overturning the election is both unconstitutional and impossible," Vos said. "His attempts to lie to voters and gain favor with Adam Steen are sad and show how desperate he is to remain relevant."

Listen to the call:

<https://www.wispolitics.com/wp-content/uploads/2022/08/220807Gableman.mp3>

See coverage of Friday's rally:

<https://www.wispolitics.com/2022/trump-praises-michels-knocks-vos-in-pre-primary-campaign-stop/>

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(The Washington Post)

## **GOP nominee for Michigan AG named in election security breach probe**

**Trump-backed candidate Matthew DePerno was allegedly 'one of the prime instigators' of an effort to gain unauthorized access to voting machines**

By [Rosalind S. Helderman](#)

, [Emma Brown](#)

and

[Tom Hamburger](#)

Updated August 8, 2022 at 10:30 a.m. EDT | Published August 7, 2022 at 11:13 p.m. EDT

Michigan Attorney General Dana Nessel (D) is seeking the appointment of a special prosecutor to investigate the Republican nominee for her job after a state police investigation found evidence that he helped orchestrate an effort last year to gain unauthorized access to voting equipment in an effort to prove there was fraud in the 2020 presidential election.

In [a petition filed Friday](#) with a Michigan agency that coordinates prosecutors, a Nessel representative wrote that her office has a conflict of interest because a preliminary investigation by state police has determined that her opponent — lawyer Matthew DePerno — was “one of the prime instigators” of a conspiracy to persuade Michigan clerks to allow unauthorized access to voting machines.

She asked that an independent prosecutor be named to review the investigation and determine whether to file criminal charges against DePerno and eight others. They include a Michigan state representative and a county sheriff, as well as other key figures in the election-denier movement.

Tyson Shepard, DePerno's campaign manager, told the Detroit News that Nessel has a "history of targeting and persecuting her political enemies." The News [reported the petition](#), which was originally disclosed Sunday evening by [Politico](#).

"Dana Nessel knows she is losing this race," Shepard told the News. "She is desperate to win this election at all costs and is now targeting DePerno, her political opponent. Her actions are unethical and will further demonstrate to the voters that she is unfit for office."

In addition to the petition, the attorney general's office announced early Monday that it had filed a request for an investigation by Michigan's Attorney Grievance Commission, which examines allegations of ethical misconduct by attorneys in the state.

State police have been investigating since February efforts by supporters of former president Donald Trump to persuade Michigan clerks to give them access to voting software and tabulating machines so they could examine them to prove fraud took place in 2020. According to Nessel's petition, DePerno and two others, including a Michigan state representative, "orchestrated a coordinated plan to gain access" to equipment in four Michigan communities.

According to the petition, the tabulators were taken to hotel rooms and Airbnb rentals in Oakland County, where a group of four men "broke into" the tabulators and performed "tests" on them. The petition says that DePerno was present in a hotel room during some of the testing.

DePerno has been a leading election denier in Michigan since shortly after the 2020 election, filing a lawsuit challenging the results in Antrim County because of a quickly corrected error by the county clerk that resulted in the heavily Republican county at first reporting a victory for Joe Biden.

In the course of that lawsuit, DePerno persuaded a judge to authorize an examination of Antrim's Dominion voting machines in early December 2020. That examination yielded a so-called forensic report claiming evidence that Dominion machines had been rigged to flip votes from Trump to Biden. And though the central claims of the report were immediately debunked by the Justice and Homeland Security departments, Trump held it up as evidence of fraud in the run-up to the attack on the Capitol on Jan. 6, 2021.

Former attorney general William P. Barr recalled that Trump called the report "absolute proof that the Dominion machines were rigged," according to a clip of Barr's deposition played during a hearing of the House's Jan. 6 committee in June. Barr recalled that Trump said the report "means that I'm going to have a second term."

Barr said that the report was "amateurish" and that Trump would have to be "detached from reality" to believe it.

According to the petition filed on Nessel’s behalf, the state police investigation found that DePerno was assisted in the effort by Michigan state Rep. Daire Rendon (R), who told one local clerk that the Michigan House of Representatives was conducting an investigation into election fraud. Others named in Nessel’s petition are Sheriff Dar Leaf — the sheriff in Barry County, Mich. — as well as two individuals who played key roles in a GOP-commissioned effort to review election results in Arizona last year. Rendon and Leaf did not respond to requests for comment Sunday evening.

Mark Brewer, a Michigan elections lawyer who was formerly chair of the state Democratic Party, called the action “unprecedented and historic. I don’t recall any previous candidate for attorney general being under investigation.”

Election experts have been sounding the alarm for months about efforts around the country by Trump allies to examine or copy tightly guarded voting equipment to search for evidence of fraud in the 2020 election. They fear the outsiders might have compromised the sensitive tabulators or could publish details about how voting machines and software work that would make it easier to commit fraud in the future. In some episodes that have become public, third parties persuaded sympathetic election officials to assist. Tina Peters, a local clerk in Colorado, was indicted in March on charges stemming from her participation in a successful effort to allow outsiders to copy the hard drives of voting machines in her county. She has denied wrongdoing.

[\*An elections supervisor embraced conspiracy theories. Officials say she has become an insider threat.\*](#)

In Georgia, Secretary of State Brad Raffensperger has asked the Georgia Bureau of Investigation to help probe allegations that Trump allies working with local elections officials [illicitly copied](#) voting equipment in Coffee County in 2021, his attorneys disclosed in a document filed in court last week.

On Friday, Nessel’s chief deputy wrote a letter to Michigan Secretary of State Jocelyn Benson (D), urging that Benson remind election clerks that they have a legal obligation to carefully guard voting equipment. It is a felony under state law to have “undue possession” of a voting machine, she wrote in the letter, obtained by The Washington Post.

In a statement, Benson said: “There must be consequences for those who broke the law to undermine our elections in order to advance their own political agendas.” She said her office would work to ensure local clerks are “equipped with a full understanding of the legal protections in place to block bad actors from pressuring them to gain access to secure election systems.”

The letter to the secretary of state included a narrative of the state police findings of a concerted effort to persuade clerks to hand over carefully guarded voting equipment to unauthorized outsiders — and slapdash efforts to return the equipment once clerks grew wary. According to the letter, the Michigan state police investigation has now determined that “a group of individuals gained unauthorized access and compromised tabulators” in four communities between March and June of last year.

In each case, clerks were contacted by a person identified in the letter only as “Person 1,” who said he was conducting an investigation of alleged fraud and asked for access to the machines. In some cases, clerks were also contacted by a state representative who is not named in the letter but, according to the petition, appears to be Rendon.

The representative told Michelle Stevenson, the clerk in Roscommon County, that state representatives were “doing an investigation into election fraud and needed her voting machine.” Stevenson then turned over a tabulator and several USB drives to “Person 1” on a Sunday in March 2021, according to the letter. She declined to turn over a computer containing the election system hard drive but allowed several individuals to make a copy.

Chief Deputy Attorney General Christina M. Grossi wrote that in Irving Township, “Person 1” told town clerk Sharon Olson that he was acting on behalf of the Barry County Sheriff’s Office. According to the letter, Olson gave “Person 1” a tabulator that had been used in the 2020 presidential election in March 2021. Reuters [has reported](#) that the sheriff’s office had asked Olson to give the equipment to a private investigator, as part of an election probe that Leaf, the sheriff, has claimed his law enforcement role empowered him to undertake.

According to the letter, clerks were told their equipment would be returned within days and “grew apprehensive” when it was not. Stevenson began to press the state representative over several weeks about the whereabouts of Roscommon County’s tabulator. “The Representative told her not to worry about the tabulators, as she was doing the right thing and they had her back. She further advised the clerk that her name would never come up,” Grossi wrote.

Roscommon County’s voting equipment was finally returned to Stevenson in April 2021, Grossi wrote, a handoff that took place in the carpool lot of an interstate exit. A tabulator that had been taken from another community, Lake City Township, was returned to the town clerk in September 2021 at a local shopping mall.

In her letter, Grossi noted that the tabulators in question had already been decommissioned and were not in use for Michigan’s primary election, which took place this month. Technicians employed by Election Systems & Software, the company that manufactures the equipment, reviewed the tabulators as part of the state police investigation, she wrote. They found that one of the five tabulators had been subjected to “extensive physical tampering,” but they did not believe any software was manipulated.

“We view the actions of these individuals to be very serious, yet we do not believe these actions impair the integrity of the recent August 2nd primary election,” she wrote.

Nessel declined further comment on the open investigation. But a Monday morning press statement from the attorney general’s office said that the petition and a related overview document sent to Michigan’s secretary of state were being publicly released because both would be made available under the Michigan Freedom of Information

Act.

*Patrick Marley contributed to this report.*

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# Wisconsin Elections Commission announces actions to keep absentee voting secure after fraudulent incidents

- [Alexander Shur | Wisconsin State Journal](#)

The Wisconsin Elections Commission is sending postcards to thousands of voters to ensure the absentee ballots due to be delivered to addresses different from those the voters previously had on file aren't part of a recent wave of fraudulent absentee ballot requests.

Those nearly 4,000 postcards are part of an Elections Commission effort announced Thursday to ensure secure absentee voting after [two Wisconsin residents](#) admitted to fraudulently ordering absentee ballots for others in an effort to show that such fraud is

possible.

Other initiatives announced Thursday include monitoring the statewide voter registration system and expediting formal complaints related to fraudulently ordering absentee ballots.

“Voters should rest assured that voting absentee remains a secure way to vote in the upcoming August 9 Partisan Primary,” Elections Commission administrator Meagan Wolfe said in a statement.

“However, to provide additional reassurance, election officials at the state and local level continue to closely monitor for any indication of potentially unauthorized absentee ballot requests, no matter how rare those incidents may be.”

The postcards will confirm receipt of the absentee ballot requests and state: “The absentee request indicated you would like your ballot sent to an address other than your home/voter registration address.”

The postcards ask voters who didn’t submit those requests to call or email the commission at [elections@wisconsin.gov](mailto:elections@wisconsin.gov). It will tell voters who did make such requests that they’re not required to take further action.

Commissioners also agreed to refer suspicious activity to municipal clerks, which could lead to clerks canceling potentially fraudulent absentee ballot requests. Clerks who identify and act upon suspicious activity are asked to report that to the commission and law enforcement. The commission and clerks would also work to fulfill law enforcement requests for data and information related to potentially fraudulent absentee ballot requests, the statement says.

And while the website where people request absentee ballots, [MyVote.wi.gov](https://myvote.wi.gov), previously contained some statutory language citing the rules, voters are now required to acknowledge a new warning before the request can be submitted that states, “Any person who impersonates a registered elector, poses as another

person for the purpose of voting at an election, falsely procures registration or election materials, or otherwise violates the law will be referred for prosecution.”

The commission also encouraged voters to check their status at MyVote to see whether an absentee ballot request has been made in their name.

**From:** [Vetterkind, Riley - ELECTIONS](#)  
**To:** [EL DL Elections Comm](#)  
**Cc:** [EL DL Administration](#)  
**Subject:** Written Comment  
**Date:** Tuesday, November 29, 2022 6:11:43 PM  
**Attachments:** [11.30.22 LWVWI Public Comment \(1\).pdf](#)  
[BadgerVote comments 11292022 Sandy Juno.docx](#)  
[Compiled Written Comment \(Emails\).docx](#)  
[N3367CountyRdNNLakeGenevaWIDataPg1BARTELLI.pdf](#)  
[N3367CountyRdNNLakeGenevaWIDataPg2BARTELLI.pdf](#)  
[PastedGraphic-1BARTELLI.tiff](#)  
[W4517WillowRdElkhornWIDataBARTELLI.pdf](#)

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Commissioners,

The attached documents are a compilation of the written comment we've received for tomorrow's Commission meeting.

The "Compiled Written Comments (Emails).docx" document contains written comment received through the Election Comments inbox. The documents ending in "BARTELLI" accompany written comments received by Kathryn Bartelli, which are contained in the Written Comments compilation document.

For the remaining documents, the attachment serves as the written comment (LWVWI and Sandy Juno). These do not appear in the Compiled Written Comment document.

Please let me know if you have any other questions. Before tomorrow morning's meeting, I will send any additional written comment we receive.

Thanks,

Riley Vetterkind – Public Information Officer  
Wisconsin Elections Commission  
[Riley.vetterkind@wisconsin.gov](mailto:Riley.vetterkind@wisconsin.gov)

**From:** [Vetterkind, Riley - ELECTIONS](#)  
**To:** [EL DL Elections Comm](#)  
**Cc:** [EL DL Administration](#)  
**Subject:** Written Public Comment  
**Date:** Tuesday, September 20, 2022 5:37:16 PM  
**Attachments:** [Compiled Written Comment.docx](#)  
[DVC DRW WEC Comments 09212022.pdf](#)  
[WEC 09212022 Juno comment on Item I.docx](#)  
[WisconsinLTR.9.20.2022.pdf](#)

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Commissioners,

Attached is a compilation of written comment for your review ahead of tomorrow's meeting. Please let me know if you have any questions.

Thanks,

Riley Vetterkind – Public Information Officer  
Wisconsin Elections Commission  
[Riley.vetterkind@wisconsin.gov](mailto:Riley.vetterkind@wisconsin.gov)