

**Subject:** FW: Public Records Law Request (WI-REP-22-1138)  
**Date:** Tuesday, November 22, 2022 at 9:55:09 AM Eastern Standard Time  
**From:** Downloads  
**To:** AO Records  
**Attachments:** image001.png, ASM22 - 2022-11-07 - AO - 1138 List.zip

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**From:** Redell, Carol <Carol.Redell@legis.wisconsin.gov>  
**Sent:** Tuesday, November 22, 2022 6:52:59 AM (UTC-08:00) Pacific Time (US & Canada)  
**To:** Downloads <Downloads@americanoversight.org>  
**Cc:** Rep.Brandtjen <Rep.Brandtjen@legis.wisconsin.gov>; Blazel, Ted <Ted.Blazel@legis.wisconsin.gov>  
**Subject:** RE: Public Records Law Request (WI-REP-22-1138)

EXTERNAL SENDER

Marwah Adhoob  
American Oversight  
[downloads@americanoversight.org](mailto:downloads@americanoversight.org)

Dear Marwah:

Open records requests are processed through the Assembly Chief Clerk's office for billing purposes only. You submitted an open records request to Representative Brandtjen. The records are being provided in electronic format and, thus, there is no charge for any location or reproduction costs. Accordingly, all records that are responsive to your request are attached to this email.

Carol Redell  
Office of the Assembly Chief Clerk  
17 West Main Street, Suite 401  
Madison, Wisconsin 53703  
608.266.1501  
[carol.redell@legis.wi.gov](mailto:carol.redell@legis.wi.gov)

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**From:** Rep.Brandtjen <Rep.Brandtjen@legis.wisconsin.gov>  
**Sent:** Tuesday, November 22, 2022 8:01 AM  
**To:** Downloads <Downloads@americanoversight.org>  
**Cc:** Blazel, Ted <Ted.Blazel@legis.wisconsin.gov>; Redell, Carol <Carol.Redell@legis.wisconsin.gov>  
**Subject:** RE: Public Records Law Request (WI-REP-22-1138)

American Oversight,

This is in response to your public records request in the attached document.

Responsive records have been delivered to the Office of the Assembly Chief Clerk and they will contact with you with instructions on how to retrieve those records.

We now consider this matter closed.

Thank you,



Janel Brandtjen  
Wisconsin State Representative  
22<sup>nd</sup> Assembly District

cc: Ted Blazel, Assembly Chief Clerk  
Carol Redell, Assembly Chief Clerk's Office

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**From:** Downloads <[Downloads@americanoversight.org](mailto:Downloads@americanoversight.org)>  
**Sent:** Monday, November 07, 2022 11:15 AM  
**To:** Rep.Brandtjen <[Rep.Brandtjen@legis.wisconsin.gov](mailto:Rep.Brandtjen@legis.wisconsin.gov)>  
**Subject:** Public Records Law Request (WI-REP-22-1138)

Dear Public Records Custodian:

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

Sincerely,

Marwah Adhoob  
Pronouns: she/her  
Paralegal  
American Oversight  
[downloads@americanoversight.org](mailto:downloads@americanoversight.org)  
<https://smex-ctp.trendmicro.com:443/wis/clicktime/v1/query?url=www.americanoversight.org&umid=35fc5f56-e776-44a3-b03b-de99bd11ff8d&auth=7d072aa196d03db39b5b411e8b955160ca7a712a-42fb8533080d8698848d82528ce6457863ae37e3> | @weareoversight

PRR: WI-REP-22-1138



State of Wisconsin  
2021 - 2022 LEGISLATURE

LRB-5957/2  
MPG:cjs

## 2021 BILL

1     **AN ACT** *to repeal* 6.36 (1) (ae) and 343.50 (8) (c) 3.; *to amend* 6.36 (1) (b) 1. a.,  
2           342.06 (1) (eg) and 343.14 (2j); and *to create* 6.36 (1) (af) of the statutes;  
3           **relating to:** Wisconsin's membership agreement with the Electronic  
4           Registration Information Center.

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***Analysis by the Legislative Reference Bureau***

Under current law, the administrator of the Elections Commission is required to enter into a membership agreement with the Electronic Registration Information Center (ERIC) to assist the commission in maintaining Wisconsin's official voter registration list.

This bill terminates Wisconsin's membership agreement with ERIC and directs the administrator of the Elections Commission to undertake all actions necessary and proper to effect that termination. The bill also expressly prohibits the commission and any other state agency from entering into a membership agreement with ERIC.

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***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

5           **SECTION 1.** 6.36 (1) (ae) of the statutes is repealed.

6           **SECTION 2.** 6.36 (1) (af) of the statutes is created to read:

**BILL****SECTION 2**

1           6.36 (1) (af) Neither the commission nor any other agency, as defined in s.  
2           13.172 (1), may enter into a membership agreement with Electronic Registration  
3           Information Center, Inc.

4           **SECTION 3.** 6.36 (1) (b) 1. a. of the statutes is amended to read:

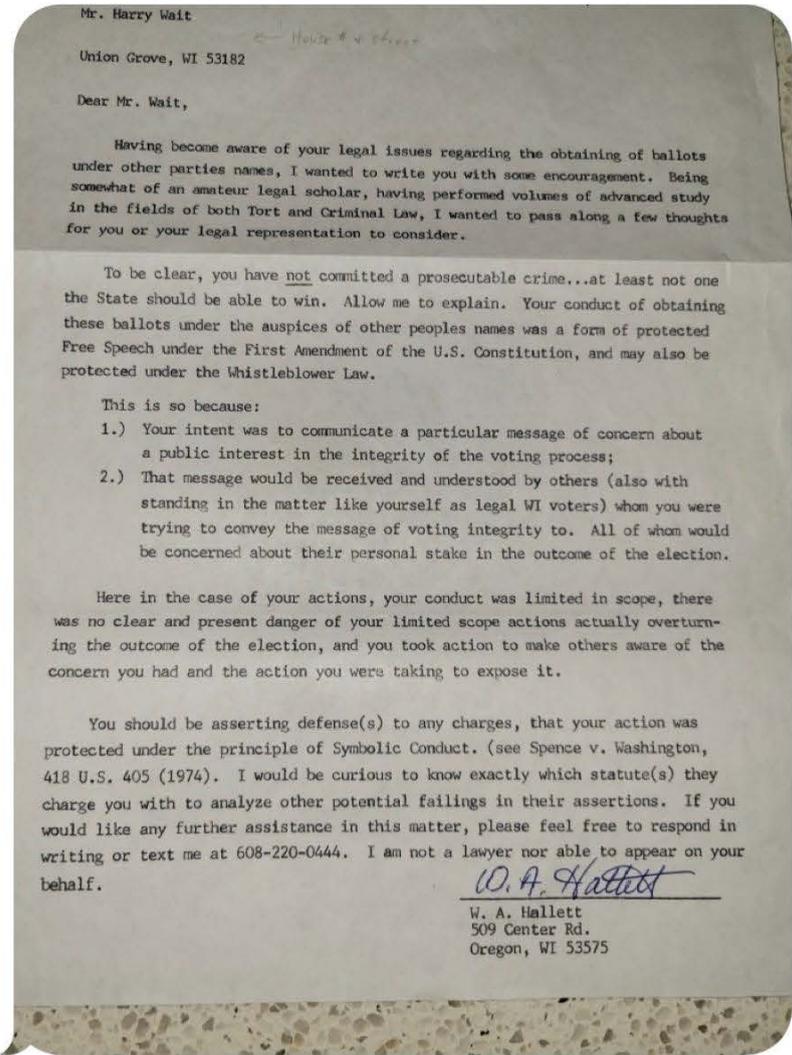
5           6.36 (1) (b) 1. a. Except as provided in pars. ~~(ae), (bm), and (bn)~~, no person other  
6           than an employee of the commission, a county clerk, a deputy county clerk, an  
7           executive director of a county board of election commissioners, a deputy designated  
8           by the executive director, a municipal clerk, a deputy municipal clerk, an executive  
9           director of a city board of election commissioners, or a deputy designated by the  
10          executive director may view the date of birth, operator's license number, or social  
11          security account number of an elector, the address of an elector to whom an  
12          identification serial number is issued under s. 6.47 (3), or any indication of an  
13          accommodation required under s. 5.25 (4) (a) to permit voting by an elector.

14          **SECTION 4.** 342.06 (1) (eg) of the statutes is amended to read:

15          342.06 (1) (eg) Except as provided in par. (eh), if the applicant is an individual,  
16          the social security number of the applicant. The department of transportation may  
17          not disclose a social security number obtained under this paragraph to any person  
18          except to the department of children and families for the sole purpose of  
19          administering s. 49.22, to the department of workforce development for the sole  
20          purpose of enforcing or administering s. 108.22, and to the department of revenue  
21          for the purposes of administering state taxes and collecting debt, ~~and to the elections~~  
22          ~~commission for the sole purpose of allowing the chief election officer to comply with~~  
23          ~~the terms of the agreement under s. 6.36 (1) (ae).~~

24          **SECTION 5.** 343.14 (2j) of the statutes is amended to read:





Good Lord is looking out for you 🙏🙏❤️

Yes and so are our supporters ❤️

Do you need money? Can I send you some? ❤️

We are good! ❤️

Text Message

**HOT Government©**  
**Racine, Wisconsin**  
**Contacts**  
**Jay Stone**  
**262-455-0027**  
**Jim Spodick**  
**262-930-5467**

## **10 Reasons to Impeach WEC Administrator Meagan Wolfe**

Wisconsin law provides for the impeachment of WEC Administrator Meagan Wolfe. Wis. Stat. § 17.06(1) states, “Any civil officer of this state may be removed from office by impeachment for corrupt conduct in office ....” According to Wis. Stat. § 5.05(3g), “The [Wisconsin election] commission administrator shall serve as the chief election officer of this state.” Since Administrator Wolfe is a Wisconsin state officer, Wolfe is subject to Wisconsin’s articles of impeachment.

There is a distinction between moral and ethical corrupt conduct and criminal corrupt conduct. As a Wisconsin state officer, it is possible for Administrator Wolfe to commit corrupt conduct without committing a crime such as election bribery or election fraud, though currently there is one allegation of election fraud against Wolfe (see Cause 7 below). Corrupt conduct includes a public official’s conduct that constitutes a breach of public trust or dishonest performance of official duties. Wolfe violated the public’s trust because she allegedly failed to follow Wisconsin election laws 12 times.

Wis. Stat. § 17.001 defines “cause” for an impeachment as “inefficiency, neglect of duty, official misconduct, or malfeasance in office.” Below are 10 causes to impeach Administrator Wolfe and remove her as Wisconsin’s chief election officer. Also below are Administrator Wolfe’s 12 violations or alleged violations of Wisconsin election law. Though we claim there are 10 causes and 12 violations or alleged violations of law to impeach Administration Wolfe, we only need one violation of law or serious act of Wolfe’s “misconduct” or “malfeasance” for her impeachment.

### **10 Causes to Impeach Administrator Meagan Wolfe**

Cause 1: Administrator Wolfe’s memos promoted the unlawful use of ballot drop boxes.

Cause 2: Administrator Wolfe permitted absentee voting in long-term care facilities in three 2020 elections without special voting deputies as required by Wisconsin election law.

Cause 3: Administrator Wolfe promoted the curing of absentee ballots in violation of Wisconsin election law.

Cause 4: Administrator Wolfe permits a spouse, campaign volunteer, etc, to return voters’ absentee ballot applications to clerks’ offices in violation of Wisconsin election law.

Cause 5: Administrator Wolfe maintains an absentee ballot request webpage presumably in violation of Wisconsin election law.

Cause 6: Administrator Wolfe’s failure to make a timely decision in the Weidner et al. v. Tara Coolidge WEC complaint allowed Racine’s mobile polling place to be used for alleged unlawful voting in two elections.

Cause 7: Administrator Wolfe recommended Brooklyn New York Resident Michael Spitzer Rubinstein to help Wisconsin election clerks with the 2020 election in alleged violation of Wisconsin’s election official and election fraud laws.

Cause 8: Administrator Wolfe presumably misinterpreted a Wisconsin election law to dismiss a WEC complaint and then assigned to two of her subordinates to adjudicate the complaints against her in an alleged cover-up.

Cause 9: Administrator Wolfe failed to include CTCL’s grants in her September 2020 report of “How Wisconsin was Preparing for the 2020 Election.”

Cause 10: Administrator Wolfe failed to report CTCL and the Zuckerberg 5 clerks for redesigning English and Spanish absentee ballot instructions in alleged violation of Wisconsin election law

### **Administrator Wolfe’s 12 Violations or Alleged Violations of Election Law**

1. Administrator Wolfe approved and promoted the placing of absentee ballots in ballot drop boxes in violation of Wis. Stat. § 6.87(4)(b)1. (See Cause 1)

2. Administrator Wolfe approved and promoted a family member or another person placing a voter's absentee ballot in ballot drop boxes in violation of Wis. Stat. § 6.87(4)(b)1. (See Cause 1 and Cause 4).
3. Administrator Wolfe permitted absentee voting in long-term residential care facilities during three 2020 elections in violation of Wis. Stat. § 6.85(4). (See Cause 2)
- 4,5. Administrator Wolfe advocates for the curing of ballots in violation of Wis. Stat. § 6.87(6d) and Wis. Stat. § 6.87(9). (See Cause 3)
6. Administrator Wolfe permits a spouse, campaign volunteer, etc. to return absentee ballot applications in violation of Wis. Stat. § 6.86(1)(a)(2). (See Cause 4)
7. Administrator Wolfe maintains a WisVote webpage as a method for voters to obtain absentee ballots in alleged violation of Wis. Stat. § 6.86 (See Cause 5)
8. Administrator Wolfe allowed the City of Racine to use a handicap inaccessible mobile polling place in two elections in alleged violation of Wis. Stat. 5.25(4)(a). (See Cause 6).
- 9,10. Administrator Wolfe recommended New York resident Michael Spitzer-Rubenstein to help Wisconsin election clerks with the 2020 election in alleged violations of Wis. Stat. § 5.02(4e) and Wis. Stat. § 12.13(2)(7). (See Cause 7)
11. Administrator Wolfe allegedly misinterpreted Wisconsin's Compliance Review law—Wis. Stat. § 5.06(1)—as a quick and easy means to dispose of a CTCL related complaint. (See Cause 8).
12. Administrator Wolfe failed to report CTCL and the Wisconsin municipal election officials for creating absentee ballot instructions in alleged violation of Wis. Stat. § 6.869 (Cause 10).

## **Cause 1**

### **Administrator Wolfe Unlawfully Promoted the Use of Ballot Drop Boxes**

In the Wisconsin Supreme Court's Teigen decision, the justices said Administrator Wolfe's two memos that advised Wisconsin election clerks to use ballot drop boxes were in violation of the law (To read about Wolfe's two ballot drop box memos in the Wisconsin Supreme Court decision, click [here](#) and see pages 4 and 5).

The Wisconsin Supreme Court justices explained that it is the job of the legislature, not WEC Administrator Wolfe, to write Wisconsin election laws. “A majority of this court permits Administrator Megan Wolfe's unilateral declarations regarding election procedures to have the force of law, subject only to judicial review (if the court even bothers to take the case). 'No one man should have all that power.' Kanye West, *Power* (2010). It is not the province [or the prerogative] of a state executive official to re-write the state's election code.” (Click [here](#) and see page 16).

Wolfe’s unlawful promotion of ballot drop boxes had direct consequences on the 2020 presidential election. The cities of Green Bay, Kenosha, Madison, Milwaukee and Racine received \$216,000 from the Center for Tech and Civic Life (CTCL) to specifically purchase and use 44 ballot drop boxes in Wisconsin’s five largest metropolitan areas. No one knows how many thousands of ballots were deposited in Wisconsin’s unlawful drop boxes during the 2020 election.

## Cause 2

### **Administrator Wolfe Unlawfully Permitted Absentee Voting in Long-Term Care Facilities Without Special Voting Deputies**

Wis. Stat. § 6.85(4) requires each municipality to send two special voting deputies to qualified retirement homes or residential care facilities for the purpose of early absentee voting. WEC suspended Wis. Stat. § 6.85(4)’s special voting deputy requirement for three 2020 elections. Wisconsin’s Legislative Accountability Board (LAB) concluded WEC violated Wisconsin election law each time WEC permitted absentee voting in long-term care facilities without requiring at least two special voting deputies.

Wisconsin Institute of Law and Liberty (WILL) reviewed WEC’s suspensions of special voting deputies in three 2020 elections and concluded the following: “But under Wis. Stats. § 6.84 WEC lacked the authority to unilaterally change the law. It had two choices—figure out a way to comply with the statute (as some municipalities eventually did) or ask the legislature to change it. Making up something “better”—even if it was “better” —was beyond its authority. It’s stunning that its current chair and Executive Director don’t even seem to have recognized this problem.”

### Cause 3

#### **Administrator Wolfe Promotes the Curing of Ballots in Violation of the Law**

Administrator Wolfe encourages the curing of absentee ballots by clerks although the law stipulates that the voters are responsible for providing missing information. Wis. Stat. § 5.05(3g) proclaims Administrator Wolfe the chief election officer of Wisconsin. As chief election officer, Administrator Wolfe is responsible for the instructions contained in the Election Administration Manual for Wisconsin Municipal clerks. The Wisconsin Election Administration Manual for Municipal Clerks states, “Clerks may add a missing witness address using whatever means are available.” (For the Wisconsin Election Administration Manual, click [here](#) and see page 99).

The term “curing of the ballot” comes from adding a missing residential address, city, state, or zip code to an absentee ballot. Curing occurs when an absentee ballot witness fails to provide his or her complete address information. When clerks added missing absentee ballot information, they turned invalid absentee ballots into valid absentee ballots. However, clerks adding missing information to ballot envelopes is contrary to Wisconsin law.

Wis. Stat. § 6.87(6d) states, “If a certificate is missing the address of a witness, the ballot may not be counted.” Wis. Stat. § 6.87(9) is the Wisconsin law that addresses how to correct missing absentee ballot information. The law says, “If a municipal clerk receives an absentee ballot with an improperly completed certificate or with no certificate, the clerk may return the ballot to the elector, inside the sealed envelope when an envelope is received, together with a new envelope if necessary, whenever time permits the elector to correct the defect and return the ballot within the period authorized under sub. (6).” According to Wis. Stat. § 6.87(9), the duty to correct absentee ballot errors is the voter’s responsibility, not the clerks as Administrator Wolfe recommends. No where in the Wisconsin statutes does it say clerks may fill in missing information on an absentee ballot.

It is no surprise that WILL discovered high rates of cured ballots in Green Bay and Racine (Click [here](#) and see page 14). US Digital Response (USDR), Elections Group, and National Vote at Home Institute (NVAHI) were CTCL’s nonprofit partners that were active in curing Green Bay and Racine ballots. Elections Group offered their “mail and absentee ballot processing” and “cure process” services to all Zuckerberg 5 cities. USDR offered the Zuckerberg 5 clerks to automate the processing of their absentee ballots.

Michelle Shafer of Elections Group emailed Racine Clerk Tara Coolidge on October 22, 2020 to report that, “Last Week 58 ballots needed curing.” In a September 4, 2020, email to Green Bay Clerk Teske, USDR employee Erika Reinhardt offered to streamline and automate Green Bay’s ballot cure process. The question remains, “Why were non-Wisconsin residents and non-Wisconsin election officials involved in curing of Wisconsin ballots when curing of ballots is not even legal in Wisconsin?”

#### Cause 4

#### **Administrator Wolfe Permits a Spouse, Campaign Volunteer, etc, to Return Voters’ Absentee Ballot Applications to Clerks’ Offices in Violation of Wisconsin Election Law**

Wis. Stat. § 5.05(3g) proclaims Administrator Wolfe the chief election officer of Wisconsin. As chief election officer, Administrator Wolfe is responsible for the instructions contained in the Election Administration Manual for Wisconsin Municipal clerks.

The Election Manual states, “If an absentee ballot request is delivered by a person other than the registered elector (spouse, campaign volunteer, etc.) it is treated as a by mail request” (For the Wisconsin Election Administration Manual, click [here](#) and see page 89).

Wis. Stat. § 6.86 describes six separate “methods for obtaining an absentee ballot.” Wis. Stat. § 6.86(1)(a)(2) provides the law for submitting an absentee ballot application directly to the municipal clerk. “In person at the office of the municipal clerk or at an alternate site under s. 6.855, if applicable.”

Wis. Stat. § 6.86(1)(a)(2) only allows for the *elector* to submit his or her absentee ballot application in person at the clerks office. Wolfe allowing a “spouse,” “campaign volunteer,” or some other agent acting on behalf of the elector is contrary to the plain language of Wis. Stat. § 6.86(1)(a)(2). For Wolfe to treat an absentee ballot application submitted by an agent to the clerk’s office as a delivered “by mail” request is also contrary to the plain language of Wis. Stat. § 6.86(1)(a)(2) and contrary to what actually occurred.

The method in which Wolfe mismanaged the return of *absentee ballot applications* and the manner in which Wolfe mismanaged the return of *absentee ballots* are analogous. The Wisconsin Supreme Court took up the issue of the delivery of absentee ballots in the Teigen case. The court

said, “In regard to whom may return an absentee ballot, the circuit court explained that “[it did not] see any language in the statute that provides a basis for having agents, somebody other than the elector, actually deliver the ballot. Further, in quoting the portion of the [Wolfe] memo that purported to allow family members or other persons to return a ballot on behalf of the voter, the court concluded that it did not “see anything in the statute that says that” (Click [here](#) and see page 57). As with the return of absentee ballots, Wisconsin law does not provide for a family member or agent to submit an elector’s absentee ballot application directly to a clerk’s office as Wolfe is allowing.

In another passage the Court said, “Teigen focuses his challenge to the March 2020 [Wolfe] memo on the following sentence: “A family member or another person may also return the ballot on behalf of the voter.” Teigen argues, correctly, that this advice was contrary to Wis. Stat. § 6.87(4)(b)1. (Click [here](#) and see page 112). As with the Teigen case, a family member or another person submitting an absentee ballot application to the clerk on behalf of an elector is contrary to law.

As with the following Teigen quote, Wis. Stat. § 6.86(1)(a)(2) requires a person to person exchange between the elector who is submitting an absentee ballot application and the clerk or the clerk’s official representative. “Rather, this statute specifies return of absentee ballots through two and only two means: mailing by the voter to the municipal clerk, or personal delivery by the voter to the municipal clerk. And personal delivery to the clerk contemplates a person-to-person exchange between the voter and the clerk or the clerk’s authorized representative at either the clerk’s office or a designated alternate site. Wis. Stat. §§ 5.02(10), 6.855, 6.87(4)(b)1., 6.88(1). The two [Wolfe] memos advising otherwise therefore conflict with the law and are properly void” (Click [here](#) and see page 89).

## Cause 5

### **Administrator Wolfe Maintains an Absentee Ballot Request Webpage Presumably in Violation of Wisconsin Election Law**

On July 26, 2022 Hot Government President Harry Wait requested absentee ballots for Wisconsin House Speaker Robin Vos, Racine Mayor Corey Mason, and several other registered Wisconsin voters. Harry ordered absentee ballots to prove how easy it was for one person to obtain absentee ballots by using the names of other Wisconsin voters. Harry had no intention of using the absentee ballots to vote. Harry quickly and publicly confessed to requesting absentee

ballots in the name of others in his emails that he sent to Racine County Sheriff Christopher Schmaling, Racine Clerk Tara Coolidge, Racine County Clerk Patricia Hanson, etc. By Harry bringing state and national attention to this issue, Harry exposed the flaws in WisVotes' process of mailing of absentee ballots to voters.

Wis. Stat. § 6.86 describes six “methods for obtaining an absentee ballot.” All six methods to request an absentee ballot require “proof of identification,” though there are a few, limited exceptions. After Harry went public with his absentee ballot requests for other people, WEC sent out confirmation postcards to voters who requested absentee ballots be sent to new addresses. WEC sending out postcards to verify that absentee ballots were properly sent is WEC's admission that the WisVote absentee ballot request process was flawed.

Had Administrator Wolfe required WisVote to ask Harry to provide proof of identification as the law required, Harry would not have received other people's absentee ballots, and WEC would not have had to send out confirmation cards. The real crime is the mailing of absentee ballots without first receiving proof of identification as the law demands. Because of Harry the public is learning why proof of identification is such an important safeguard to preventing vote fraud.

A WEC webpage provides an online form in which voters can submit their names, addresses, and birthdate to obtain an absentee ballot. Wis. Stat. § 6.86 describes six “methods for obtaining an absentee ballot;” however, none of six Wis. Stat. § 6.86 methods state that WisVote's absentee ballot form is a lawful method to apply for absentee ballots. Furthermore, Wis. Stat. § 6.86 requires voters to only direct their absentee ballot requests to their municipal clerk, not WEC.

The Wisconsin State Supreme Court ruled that Administrator Wolfe did not have the authority to create a law that allowed citizens to use ballot drop boxes to return their absentee ballots. According to Wis. Stat. § 6.86, “an absent elector may make a written application to the municipal clerk of that municipality for an official ballot,” but Wis. Stat. § 6.86 does not give WEC the authority to WEC to intervene in the absentee ballot application process. Since there is no law that allows WEC to serve as an absentee ballot intermediary, Administrator Wolfe created her own an absentee voting application law like she created the ballot drop box law. It appears that Administrator Wolfe deliberately set up WEC's absentee voting application method as means for absentee voters to avoid Wisconsin's requirement for proof of identification.

When Harry Wait submitted absentee ballot requests using other people's names, none of Harry's absentee ballot requests were legitimate since WEC had no legal authority to establish the

WisVote absentee ballot request form. The irony of WEC wanting to charge Harry Wait with a crime is that Harry Wait submitted his absentee ballot requests by using WEC's illegal system.

## Cause 6

### **Administrator Wolfe's Failure to Make a Timely Decision in the Weidner et al. v. Tara Coolidge WEC complaint allowed Racine's Mobile Polling Place to be Used for Alleged Unlawful Voting in Two Elections**

HOT Government members Sandy Weidner and Sandra Morris submitted a WEC complaint on March 24, 2022 because the Racine mobile polling location was *not* accessible to every disabled person as required by law. Wis. Stat. 5.25(4)(a) states, "Each polling place shall be accessible to all individuals with disabilities." In response to the complaint, Racine Clerk Tara Coolidge said that a bell was placed outside the mobile polling location door for voters who were physically unable to enter the converted mobile home. Racine implied that the bell constituted a "reasonable accommodation" for voters unable to enter. However, the handicap accessibility law for polling places is absolute. The statute does not provide the clerk's office to unilaterally decide to have a reasonable accommodation as an alternative; the law unequivocally mandates "Each polling place shall be accessible to all individuals with disabilities." To view a video on the extent of Racine's mobile polling location inaccessibility, please click here.

WEC requires a Polling Place Accessibility Survey for each new polling place (Click here and see page 155). As soon as WEC discovered Racine failed to submit a Polling Place Accessibility Survey, Administrator Wolfe should have temporarily restrained Racine from using its mobile polling location until WEC determined that the mobile unit was accessible to all individuals with disabilities as the law requires.

Administrator Wolfe's malfeasance allowed Racine to use its mobile polling place in two elections. WILL filed a WEC complaint alleging that Racine's mobile polling location is a ploy for partisan politics. Most likely WILL will file a circuit court lawsuit regardless of how WEC decides its mobile polling place complaint. Indeed, the second complaint could have been avoided had Administrator Wolfe restrained Racine from using the mobile polling place until WEC completed the required Polling Place Accessibility Survey.

WEC had one standard for the Racine mobile polling location and another standard for Harry Wait. During the August WEC commissioners meeting, Administrator Wolfe and the

commissioners discussed *expediting* a Harry Wait investigation. Harry requested absentee ballots to expose the vulnerability of WisVotes absentee ballot request form. Once Harry said what he did to public officials and the public, there was no chance that Harry could vote multiple times. On the other hand, as the complaint involving the Racine mobile polling continued to linger at WEC, in two elections Racine voters casted ballots in a polling place after a complaint alleged Racine’s mobile polling location violates the law. Because votes were most likely cast at an illegal polling place, the complaint involving the Racine mobile polling location is the WEC complaint that Administrator Wolfe should have expedited, not the complaint against Harry Wait.

### **Cause 7**

#### **Administrator Wolfe Recommended Brooklyn, New York Resident Michael Spitzer-Rubinstein to help Wisconsin Election Clerks with the 2020 election in Alleged Violation of Wisconsin’s Election Official and Election Fraud Laws**

August 28, 2020 Milwaukee Election Commission Claire Woodall-Vogg recommended Michael Spitzer-Rubenstein and Hillary Hall of the NVAHI to Administrator Wolfe (See Exhibit 1). Without properly vetting Spitzer-Rubenstein, twelve minutes later Administrator Wolfe sent her own Spitzer-Rubenstein recommendation email. She said, “Green Bay, Madison, Racine and Kenosha-Passing along a recommendation and resource from Milwaukee. Just wanted you to be aware in case you thought this might be a group you are interested in working with or learning about. Claire in Milwaukee okayed me sending this along, and it sounds like you should reach out to Michael at [michael@voteathome.org](mailto:michael@voteathome.org) if you are interested in learning more.”

Administrator Wolfe who is Wisconsin’s highest election official gave her gold seal of approval for Michael Spitzer-Rubenstein to perform election official duties although Mr. Spitzer-Rubenstein lacked the training, certification, and oath of office that is required to work Wisconsin elections.

According to Wis. Stat. § 5.02(4e), the definition of an election official is “an individual who is charged with any duties relating to the conduct of an election.” The Wisconsin Election Administration Manual states that, “Election officials perform a very important public service by enhancing the high quality and integrity of our elections,” and it is important for a municipal clerk to make sure individuals are “qualified and well-trained.”

Michael Spitzer-Rubenstein was neither qualified nor well-trained, and his *New York* residence disqualified him from becoming a *Wisconsin* election official. After Wolfe recommended Spitzer-

Rubinstein to the municipal election clerks, any jobs the clerks assigned to Spitzer-Rubinstein would have involved his participation in the conducting of an election and a violation of Wis. Stat. § 5.02(4e).

Had Administrator Wolfe hired Spitzer-Rubenstein as a WEC employee, Mr. Spitzer-Rubenstein would have had to complete a job application, submit a resume, attend multiple job interviews, and undergo a background check. Because Mr. Spitzer-Rubenstein was not a vetted WEC employee and he was without the requisite Wisconsin training, certification and qualifications, Administrator Wolfe's referral of Mr. Spitzer-Rubenstein to the clerks of Green Bay, Madison, Kenosha and Racine constitutes official misconduct and malfeasance.

After Administrator Wolfe recommended Spitzer-Rubenstein to Racine, Spitzer-Rubenstein was involved in the Racine 2020 election in several ways:

- Spitzer-Rubenstein set up a ballot tracking and map system for Racine (Exhibit 3)
- Spitzer-Rubenstein collected Racine ballots and transported them (Exhibit 4)
- Spitzer-Rubenstein created an absentee ballot log for the Racine ballots that were received from the post office and ballot drop boxes (Exhibit 5)
- Spitzer-Rubenstein or his subordinates delivered ballots to the Racine polling places (Exhibit 5)

Green Bay employee Deanna Debruler wrote to State Rep. Shae Sortwell that Spitzer-Rubenstein role was "purely advisory" (Exhibit 6). What were Spitzer-Rubenstein's qualifications and experience that made him qualified to advise Green Bay on how to conduct Wisconsin elections?

Since Wisconsin Statute § 5.02(4e) defines an election official as "an individual who is charged with any duties relating to the conduct of an election," Spitzer-Rubenstein would have had to have been a Wisconsin election official in order to advise Green Bay election officials. However, Spitzer-Rubenstein could not become a Wisconsin election official because he was a New York resident, and he lacked the required training, certification, and oath of office. Debruler's email said Spitzer-Rubenstein's role was purely advisory, but Debruler did not explain, What election advice did Spitzer-Rubenstein provide to the City of Green Bay?

After Administrator Wolfe's recommended Spitzer-Rubenstein to Green Bay, Spitzer-Rubenstein was involved in the 2020 Green Bay election in numerous ways, so numerous that they are not all listed below (Exhibit 7, or click [here](#) and see pages 67-70).

- “Providing Instructions to the Central Count workers
- Offering to take ‘curing ballots’ off of the City of Green Bay’s plate
- Setting up voting machines and patterns in the Central Count Location
- Allocating poll workers on election day
- Determining whether to accept ballots after the deadline of 8 PM”

HOT Government Vice-President Jay Stone filed a WEC complaint in which he alleged Administrator Wolfe committed election fraud with her Michael Spitzer-Rubenstein recommendation. Wis. Stat. § 12.13(2)(7) states, “In the course of the person's official duties or on account of the person's official position, intentionally violate or intentionally cause any other person to violate any provision of chs. 5 to 12 for which no other penalty is expressly prescribed.”

Administrator Wolfe’s intentional recommendation of Mr. Spitzer-Rubenstein to Green Bay and Racine clerks led Mr. Spitzer-Rubenstein to perform dozens of Green Bay and Racine election official duties as evidence by Mr. Spitzer-Rubenstein’s numerous aforementioned emails. Mr. Spitzer-Rubenstein violated Wis. Stat. § 5.02(4e) because he performed Green Bay and Racine election official duties though he was not a Wisconsin election official. Administrator Wolfe should have vetted Spitzer-Rubenstein to learn that he was ineligible to become a Wisconsin election official before she recommended him.

Wolfe said she recommended Spitzer-Rubenstein to Green Bay, Kenosha, Madison, and Racine because these are four of the five largest Wisconsin cities, but Wolfe has never told us, what were the specific election duties that she thought Spitzer-Rubenstein could perform? Because Administrator Wolfe’s intentional August 28, 2020 job recommendation led Mr. Spitzer-Rubenstein to violate the Wisconsin election official law which doesn’t have a penalty, Administrator Wolfe presumably violated one of Wisconsin’s election fraud statutes, namely Wis. Stat. § 12.13(2)(7).

Jay Stone accused Administrator Wolfe of election fraud with his complaint on or about April 14, 2022. Harry Wait submitted absentee ballot applications on July 26, 2022. Within weeks the Wisconsin Department of Justice sent out investigators to interview Harry and other witnesses. Has the Wisconsin DOJ interviewed any of the key figures in the Wolfe fraud complaint? Has the DOJ interviewed Megan Wolfe, Jay Stone, Michael Spitzer-Rubenstein, Racine Clerk Tara

Coolidge, Green Bay Clerk Kris Teske, or others? If not, then the Wisconsin DOJ has one standard for outsiders like Harry Wait and another standard for insiders like Meagan Wolfe.

### **Cause 8**

#### **Administrator Wolfe Presumably Misinterpreted a Wisconsin Law to Dismiss a WEC Complaint and Then Assigned Two of Her Subordinates to Adjudicate the Complaints Against Her in an Alleged Cover-Up**

On August 28, 2020 HOT Government Vice-President Jay Stone filed a WEC complaint because CTCL gave \$6.3 million in disproportionate election administration grants to five Democratic run Wisconsin cities. Mr. Stone did not question whether it was legal for CTCL to provide election administration grants to Wisconsin municipalities; his WEC complaint only questioned the grants' disproportionality; Stone cited First and Fourteenth Amendment violations as the basis of his complaint.

Administrator Wolfe announced a WEC CARES Subgrant on June 17, 2020 for \$4.1 million (Exhibit 8). Wolfe sent her grant announcement to all 1,922 election jurisdictions and provided an equal share of the \$4.1 million to each Wisconsin jurisdiction who applied for the grant. By comparison, CTCL secretly offered its grants to only Wisconsin's five largest cities, and CTCL distributed its grant money unevenly to a tiny percentage of Wisconsin election jurisdictions. In June 2020 Wolfe made sure all Wisconsin election jurisdiction had an equal opportunity to apply for the CARES subgrant and that each election jurisdiction received a fair share, but two months later Wolfe was unconcerned that CTCL invited only five Wisconsin jurisdictions to apply for its grants and CTCL disproportionately distributed its grants to Wisconsin election jurisdictions.

Every study of CTCL's grants has shown Stone was right about CTCL's disproportionate and partisan distribution of grants, including WILL's. Ten weeks before the November 3, 2020 election, Stone's complaint said, "CTCL specifically targeted its grant money to Wisconsin's five largest cities because CTCL's grant increases Democrat Joe Biden's statewide Wisconsin vote total and enhances Joe Biden's chances of winning Wisconsin's 10 electoral votes." Will had this to say about CTCL's grants helping candidate Joe Biden. "[CTCL's] Spending Increased Turnout for Joe Biden. Areas of the state that received [CTCL's] grants saw statistically significant increases in turnout for Democrats. Increases in turnout were not seen for Donald Trump."

Administrator Wolfe and her staff were communicating with CTCL and CTCL's partners before, and during the period when Wolfe was investigating Stone's complaint. For example, Wolfe and Noah Praetz, of the Elections Group exchanged emails 18 days before Stone filed his complaint (Exhibit 9). CTCL sent an August 18, 2020 email to WEC Assistant Administrator Richard Rydecki to make WEC aware of CTCL's free cybersecurity training and rural election administration grants (Exhibit 10).

Michael Spitzer-Rubenstein emailed Administrator Wolfe on August 25, 2020, three days before she recommended him to the clerks of Green Bay, Kenosha, Madison, and Racine (Exhibit 11). Spitzer-Rubenstein's subject line was "Elections Communications Assistance with CTCL. CTCL's Keegan Hughes emailed Rydecki with a description of USDR's tech support (Exhibit 12). Both Spitzer-Rubenstein and Keegan mentioned CTCL in their emails because they thought using CTCL's name was the best way to receive a positive response from WEC's staff.

Green Bay Mayor Eric Genrich's Chief of Staff Celestine Jeffreys emailed Rydecki on August 31, 2020 to let WEC know about Green Bay receiving a \$1 million election administration grant from CTCL (Exhibit 13). In a September 1, 2020 response to Jeffery's email, Rydecki said he provided the WEC Commissioners with Green Bay's addendum prior to today's Commissioners' meeting (Exhibit 14).

Administrator Wolfe sent a September 1, 2020 email to her subordinates asking if they were interested in attending a meeting with Spitzer-Rubenstein (Exhibit 15). Rachel Lefsky of the NVAHI emailed Administrator Wolfe on September 2, 2020 to invite Wolfe and others to an Operation Toolkit Demo (Exhibit 16).

Stone's complaint regarding CTCL's grant never stood a chance because of WEC and Wolfe's cozy relationship with CTCL, USDR, NVAHI, and their employees. Wolfe should have disclosed her relationship with CTCL, CTCL's partners, and their employees before she reviewed and decided the Stone complaint.

Indeed, Wolfe relationships with CTCL and its partners created a bias before she rendered her Stone complaint decision. Wolfe's bias in favor of CTCL is obvious because the emails between Wolfe and CTCL and CTCL's partners abruptly stopped on September 2, 2020, a mere three business days after Stone filed his WEC complaint. Wolfe's fear of getting caught is the only reason Wolfe stopped emailing and working directly with CTCL and its partners.

In Wolfe's September 11, 2020 decision she wrote, "Complaints filed under Section 5.06 are filed by individuals that are served by local election officials, but you do not reside in any of the municipalities cited in the complaint." However, in a Wisconsin Assembly Committee on Campaigns and Elections, Wolfe said, "There is mechanisms and statutes in terms of what the commission can look into through a formal complaint and one was filed with the commission but again the commission doesn't have any sort of statutory authority over private grant funding and so it was dismissed" (To watch a video of Wolfe's testimony before the Assembly Committee, click [here](#)) .

Wolfe gave two contrasting reasons why she dismissed Stone's complaint. In her letter she said she was dismissing Stone's complaint because Stone did not live in the same municipalities as the officials he filed his complaint against. At the Assembly Committee hearing Wolfe said she dismissed Stone's complaint because the commission had no statutory authority over private funding, which was very different than what she wrote in her letter to Stone.

Wolfe misled the Assembly committee because Wis. Stat. § 5.06(4) clearly authorized the commission to perform a Compliance Review that Stone's complaint requested. The statute says, "The commission may, on its own motion, investigate and determine whether any election official, with respect to any matter concerning nominations, qualifications of candidates, voting qualifications, including residence, ward division and numbering, recall, ballot preparation, election administration or conduct of elections, has failed to comply with the law or abused the discretion vested in him or her by law or proposes to do so."

After Wolfe dismissed Stone's complaint, Stone filed a complaint against Wolfe to challenge the reasons Wolfe gave for dismissing his complaint. Stone claimed Wolfe deliberately misinterpreted Wis. Stat. § 5.06(1) as a quick and easy means to dispose of his CTCL related complaint. Two times in Wolfe's letter she said Stone had to reside in the municipalities cited in his complaint. Wis. Stat. § 5.06(1) does not contain the word "municipality."

In the Teigen case the justices wrote, "Courts are not permitted to read words into a statute that the legislature did not insert itself." Wolfe was duty bound to apply Wis. Stat. § 5.06(1) to Stone's complaint without adding the word "municipality" to her decision. The plain language of Wis. Stat. § 5.06(1) permitted an elector like Stone to file a WEC complaint for the jurisdiction and district where he is an elector, not the municipality where he resides that Wolfe incorrectly stated in her dismissal letter.

Wolfe assigned Stone's complaint against her to her subordinate, staff attorney Nathan Judnic. Stone said Wolfe assigning a complaint against her to her subordinate was "a serious conflict of interest." When Judnic refused to recuse himself from reviewing a complaint against his boss, Stone filed a complaint against Judnic. Administrator Wolfe assigned Stone's complaint against Judnic to another one of her subordinates, James Witecha. Of course, both of Wolfe's subordinates ruled in favor of Wolfe and in support of their boss. Stone maintains that Wolfe deliberately chose two of her subordinates to review his complaints because Wolfe was using her underlings to cover-up her alleged misdeeds and involvement with CTCL and CTCL's partners.

### **Cause 9**

#### **Administrator Wolfe Failed to Include CTCL's grants in Her Sept. 2020 Report of How Wisconsin was Preparing for the 2020 Election**

WEC published a 125 page report called, "How Wisconsin is Ready for the November 3, 2020 Election" (This is a separate exhibit because of the large size of the file). Meagan Wolfe created the report in response to Congressional Committee members and WEC commissioners questions (Exhibit 17). Wolfe only asked the cities of Green Bay, Madison, and Milwaukee to provide their specific preparation plans for the November 2020 election. However, the cities of Green Bay, Madison, and Milwaukee are very significant because these three cities were part of the five Wisconsin cities that initially received \$6.3 million in CTCL funding.

It's not what Administrator Wolfe wrote in her "How Wisconsin is Ready for the November 3, 2020 Election" report, it's what Wolfe did not write. CTCL is not mentioned once in the 125 page report.

The Zuckerberg 5 cities described how they were using CTCL's \$6.3 million grant money in their "Wisconsin Safe Voting Plan." If the Wisconsin Safe Voting Plan was so significant for preparing for the election, why didn't Wolfe include a copy of the Wisconsin Safe Voting Plan in her report? Wolfe took an eraser to erase all references to CTCL, CTCL grants, CTCL partners, and their employees in her 2020 election preparedness report.

In Wolfe's August 17, 2020 email, Wolfe gave Green Bay until August 20, 2020 to explain how Green Bay was preparing for the impending election (Exhibit 17). Green Bay deliberately timed its August 30, 2020 addendum so it would *not* appear in Wolfe's September 1, 2020 report. More

significantly, the cities of Madison and Milwaukee failed to mention CTCL one time when they submitted their preparedness report.

Wolfe's report had a section on grants and subgrants. CTCL's \$10.4 million in Wisconsin election administration grants was equal to about two-thirds of the \$15.3 million that Wisconsin received in federal grants and local subgrants. However, unlike the federal grants and local subgrants, Wolfe's report did not speak of CTCL's grant money or how the CTCL money was spent.

At the Assembly Hearing Wolfe claimed she did not find out about CTCL's funding until a city submitted an addendum to a report. Wolfe neither named the city who submitted the addendum, nor did Wolfe say what was the date she learned of the CTCL grants. Given Green Bay's emails, we'll assume the city was Green Bay. However, Wolfe was receiving emails from CTCL and its partners six weeks before she published her report.

Most likely Wolfe learned of CTCL's grants in early July because when the Zuckerberg 5 cities announced their \$6.3 million in CTCL grants, it was widely reported in radio, TV, and print news sources. For Wolfe to claim she first learned of CTCL's grants after she wrote her "How Wisconsin is Ready for the November 3, 2020 Election" report is just not believable. Furthermore, Wolfe could have written a "How Wisconsin is Ready for the November 3, 2020 Election" CTCL grant addendum after she submitted her report just like Green Bay did.

## **Cause 10**

### **Administrator Wolfe Failed to Report CTCL and the Zuckerberg 5 Clerks for Creating Their Own Uniform Instructions for Absentee Voters in Alleged Violation of Wisconsin Election Law**

Wis. Stat. § 6.869 states the following: "Uniform instructions. The commission shall prescribe uniform instructions for municipalities to provide to absentee electors." There are about 80 emails between CTCL, Center for Civic Design (CCD), Zuckerberg 5 clerks, and Milwaukee Election Commission Executive Director Woodall-Vogg that discussed the creation and printing of the Zuckerberg 5's English and Spanish absentee ballot instructions. The municipal election officials creating their own absentee ballot instructions violated Wis. Stat. § 6.869 since the statute only allows WEC to provide uniform absentee voting instructions.

Exhibit 18 contains CTCL's Whitney May's email that asked the Zuckerberg 5 clerks to provide feedback for the ballot instructions and ballot envelopes. Exhibit 18 also contains the ballot instructions and ballot envelope images. Administrator Wolfe sent out an update for Uniform Instructions for Absentee Voters on August 18, 2020 (Exhibit 19). Wolfe admonished the clerks, "Per the Commission's directive, these instructions are to be used for all absentee voters moving forward, beginning with the absentee ballots that clerks will be sending for the November 3rd General Election (Exhibit 19).

On the same day Wolfe issued her uniform instructions for absentee voters, CTCL's Whitney May sent an email to the Zuckerberg 5 clerks that said the following: "CTCL is putting the brakes on operation envelope with the WI-5 because: WEC wants everyone in the state using the same formats, WEC wants to complete new envelope design work next year, WEC shared uniform instructions today (Exhibit 20). How did Whitney May learn what WEC wanted? How did Whitney May discover that WEC was providing uniform absentee ballot instructions? May's email failed to state that CTCL, CCD, and the Zuckerberg 5 clerks' creation of their own absentee ballot instructions violated Wis. Stat. § 6.869.

Wolfe's August 18, 2020 memo made it clear that the uniform absentee ballot instruction were to be used for absentee voters. Madison Clerk Maribeth Witzel-Behl sent a September 17, 2020 email to Whitney May and the other Zuckerberg 5 clerks with an attachment for absentee ballot instructions in Spanish (Exhibit 21). Wis. Stat. § 6.869 doesn't differentiate between English or Spanish absentee ballots instructions. The statute states in plain language that whether it's in English or Spanish "the commission shall prescribe uniform instructions for municipalities to provide to absentee electors." Wolfe's memo clearly stated that the uniform absentee ballot instruction were to be used for absentee voters from August 18, 2020 moving forward. It is unclear why 30 days after Wolfe's memo Witzel-Behl would produce and send Spanish absentee ballot instructions in direct conflict to Wolfe's memo and Wis. Stat. § 6.869. Whether or not any of the Zuckerberg 5 cities sent their version of absentee ballot instructions in Spanish to voters in violation of Wis. Stat. § 6.869 should be investigated.

This cause shows how CTCL and its partners manipulated Wisconsin election officials during the run-up to the 2020 election. Although the Zuckerberg 5 clerks never sent out their absentee ballot instructions, the mere fact that created one is more than likely unlawful. One thing is for sure, Administrator Wolfe failed to hold CTCL, CCD, Zuckerberg 5 clerks, or Milwaukee Election

Commission's Claire Woodall-Vogg accountable for creating their own absentee ballot instructions in violation of Wis. Stat. § 6.869.

## **Conclusion**

If Wisconsin political leaders want to restore Wisconsin voters' faith, then Wolfe has got to go. Wolfe's impeachment starts in Wisconsin's House of Representatives with a simple majority of representatives voting to impeach her. Two-Thirds of Wisconsin state senators must vote to convict Wolfe to permanently remove her as WEC's administrator. Wolfe should quit to spare herself the embarrassment of impeachment. If Wolfe fights her impeachment, we support that as well. The more people learn how Wolfe performs her duties as a WEC administrator, the more people will become aware of Wolfe's failures to carry out her duty by following Wisconsin election laws. The 10 Causes to Impeach Administrator Wolfe, and Administrator Wolfe's 12 Violations or Alleged Violations of Wisconsin Election Laws listed above provide ample reasons to lawfully and rightfully impeach Administrator Wolfe.



## 2021 ASSEMBLY RESOLUTION

1     **Relating to:** impeaching Meagan Wolfe, Administrator of the Wisconsin Elections  
2             Commission, for corrupt conduct in office.

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*Analysis by the Legislative Reference Bureau*

The resolution provides for the impeachment of Meagan Wolfe, the Administrator of the Wisconsin Elections Commission, for corrupt conduct in office.

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3             **Resolved by the assembly, That** pursuant to article VII, section 1, of the  
4     Wisconsin Constitution, and Wis. Stat. § 17.06 (1), Meagan Wolfe, the Administrator  
5     of the Wisconsin Elections Commission, is impeached for corrupt conduct in office,  
6     thereby warranting trial in the Wisconsin State Senate and removal from office, and  
7     the following articles of impeachment shall be presented to the Wisconsin State  
8     Senate:

9             **Article 1. Administrator Wolfe Unlawfully Promoted the Use of Ballot**  
10     **Drop Boxes**

1 In the Wisconsin Supreme Court's *Teigen* decision, the justices said  
2 Administrator Wolfe's two memos that advised Wisconsin election clerks to use ballot  
3 drop boxes were in violation of the law.

4 The Wisconsin Supreme Court justices explained that it is the job of the  
5 legislature, not WEC Administrator Wolfe, to write Wisconsin election laws. "A  
6 majority of this court permits Administrator Megan Wolfe's unilateral declarations  
7 regarding election procedures to have the force of law, subject only to judicial review  
8 (if the court even bothers to take the case). 'No one man should have all that power.'  
9 Kanye West, *Power* (2010). It is not the province [or the prerogative] of a state  
10 executive official to re-write the state's election code."

11 Wolfe's unlawful promotion of ballot drop boxes had direct consequences on the  
12 2020 presidential election. The cities of Green Bay, Kenosha, Madison, Milwaukee,  
13 and Racine received \$216,000 from the Center for Tech and Civic Life (CTCL) to  
14 specifically purchase and use 44 ballot drop boxes in Wisconsin's five largest  
15 metropolitan areas. No one knows how many thousands of ballots were deposited  
16 in Wisconsin's unlawful drop boxes during the 2020 election.

17 ***Article 2. Administrator Wolfe Unlawfully Permitted Absentee Voting***  
18 ***in Long-Term Care Facilities Without Special Voting Deputies***

19 Wis. Stat. § 6.85 (4) requires each municipality to send two special voting  
20 deputies to qualified retirement homes or residential care facilities for the purpose  
21 of early absentee voting. WEC suspended the special voting deputy requirement  
22 under Wis. Stat. § 6.85 (4) for three 2020 elections. Wisconsin's Legislative Audit  
23 Bureau (LAB) concluded WEC violated Wisconsin election law each time WEC  
24 permitted absentee voting in long-term care facilities without requiring at least two  
25 special voting deputies.

1           The Wisconsin Institute of Law and Liberty (WILL) reviewed WEC's  
2           suspensions of special voting deputies in three 2020 elections and concluded the  
3           following: "But under Wis. Stats. § 6.84 WEC lacked the authority to unilaterally  
4           change the law. It had two choices—figure out a way to comply with the statute (as  
5           some municipalities eventually did) or ask the legislature to change it. Making up  
6           something 'better'—even if it was 'better'—was beyond its authority. It's stunning  
7           that its current chair and Executive Director don't even seem to have recognized this  
8           problem."

9           ***Article 3. Administrator Wolfe Promotes the Curing of Ballots in***  
10          ***Violation of the Law***

11          Administrator Wolfe encourages the curing of absentee ballots by clerks  
12          although the law stipulates that the voters are responsible for providing missing  
13          information. Wis. Stat. § 5.05 (3g) proclaims Administrator Wolfe the chief election  
14          officer of Wisconsin. As chief election officer, Administrator Wolfe is responsible for  
15          the instructions contained in the Election Administration Manual for Wisconsin  
16          Municipal Clerks. The manual states, "Clerks may add a missing witness address  
17          using whatever means are available."

18          The term "curing of the ballot" comes from adding a missing residential  
19          address, city, state, or zip code to an absentee ballot. Curing occurs when an absentee  
20          ballot witness fails to provide his or her complete address information. When clerks  
21          added missing absentee ballot information, they turned invalid absentee ballots into  
22          valid absentee ballots. However, clerks adding missing information to ballot  
23          envelopes is contrary to Wisconsin law.

24          Wis. Stat. § 6.87 (6d) states, "If a certificate is missing the address of a witness,  
25          the ballot may not be counted." Wis. Stat. § 6.87 (9) is the Wisconsin law that

1 addresses how to correct missing absentee ballot information. The law states, “If a  
2 municipal clerk receives an absentee ballot with an improperly completed certificate  
3 or with no certificate, the clerk may return the ballot to the elector, inside the sealed  
4 envelope when an envelope is received, together with a new envelope if necessary,  
5 whenever time permits the elector to correct the defect and return the ballot within  
6 the period authorized under sub. (6).” According to Wis. Stat. § 6.87 (9), the duty to  
7 correct absentee ballot errors is the voter’s responsibility, not the clerks as  
8 Administrator Wolfe recommends. No where in the Wisconsin statutes does it say  
9 clerks may fill in missing information on an absentee ballot.

10 It is no surprise that WILL discovered high rates of cured ballots in Green Bay  
11 and Racine. US Digital Response (USDR), Elections Group, and National Vote at  
12 Home Institute (NVAHI) were CTCL’s nonprofit partners that were active in curing  
13 Green Bay and Racine ballots. Elections Group offered their “mail and absentee  
14 ballot processing” and “cure process” services to all Zuckerberg 5 cities. USDR  
15 offered the Zuckerberg 5 clerks to automate the processing of their absentee ballots.

16 Michelle Shafer of Elections Group emailed Racine Clerk Tara Coolidge on  
17 October 22, 2020, to report that “Last Week 58 ballots needed curing.” In a  
18 September 4, 2020, email to Green Bay Clerk Teske, USDR employee Erika  
19 Reinhardt offered to streamline and automate Green Bay’s ballot cure process. The  
20 question remains, “Why were non-Wisconsin residents and non-Wisconsin election  
21 officials involved in curing of Wisconsin ballots when curing of ballots is not even  
22 legal in Wisconsin?”

23 **Article 4. Administrator Wolfe Permits a Spouse, Campaign Volunteer,**  
24 **etc. to Return Voters’ Absentee Ballot Applications to Clerks’ Offices in**  
25 **Violation of Wisconsin Election Law**

1           Wis. Stat. § 5.05 (3g) proclaims Administrator Wolfe the chief election officer of  
2           Wisconsin. As chief election officer, Administrator Wolfe is responsible for the  
3           instructions contained in the Election Administration Manual for Wisconsin  
4           Municipal Clerks. The manual states, “If an absentee ballot request is delivered by  
5           a person other than the registered elector (spouse, campaign volunteer, etc.) it is  
6           treated as a by mail request.”

7           Wis. Stat. § 6.86 describes six separate “methods for obtaining an absentee  
8           ballot.” Wis. Stat. § 6.86 (1) (a) 2. provides the law for submitting an absentee ballot  
9           application directly to the municipal clerk. “In person at the office of the municipal  
10          clerk or at an alternate site under s. 6.855, if applicable.”

11          Wis. Stat. § 6.86 (1) (a) 2. only allows for the elector to submit his or her absentee  
12          ballot application in person at the clerk’s office. Wolfe allowing a “spouse,” “campaign  
13          volunteer,” or some other agent acting on behalf of the elector is contrary to the plain  
14          language of Wis. Stat. § 6.86 (1) (a) 2. For Wolfe to treat an absentee ballot  
15          application submitted by an agent to the clerk’s office as a delivered “by mail” request  
16          is also contrary to the plain language of Wis. Stat. § 6.86 (1) (a) 2. and contrary to  
17          what actually occurred.

18          The method in which Wolfe mismanaged the return of absentee ballot  
19          applications and the manner in which Wolfe mismanaged the return of absentee  
20          ballots are analogous. The Wisconsin Supreme Court took up the issue of the  
21          delivery of absentee ballots in the *Teigen* case. The court stated, “In regard to whom  
22          may return an absentee ballot, the circuit court explained that “[it did not] see any  
23          language in the statute that provides a basis for having agents, somebody other than  
24          the elector, actually deliver the ballot.” Further, in quoting the portion of the [Wolfe]  
25          memo that purported to allow family members or other persons to return a ballot on

1 behalf of the voter, the court concluded that it did not “see anything in the statute  
2 that says that.” As with the return of absentee ballots, Wisconsin law does not  
3 provide for a family member or agent to submit an elector’s absentee ballot  
4 application directly to a clerk’s office as Wolfe is allowing.

5 In another passage the court stated, “Teigen focuses his challenge to the March  
6 2020 [Wolfe] memo on the following sentence: ‘A family member or another person  
7 may also return the ballot on behalf of the voter.’” *Teigen* argues, correctly, that this  
8 advice was contrary to Wis. Stat. § 6.87 (4) (b) 1. As with the *Teigen* case, a family  
9 member or another person submitting an absentee ballot application to the clerk on  
10 behalf of an elector is contrary to law.

11 As with the following *Teigen* quote, Wis. Stat. § 6.86 (1) (a) 2. requires a  
12 person-to-person exchange between the elector who is submitting an absentee  
13 ballot application and the clerk or the clerk’s official representative. “Rather, this  
14 statute specifies return of absentee ballots through two and only two means: mailing  
15 by the voter to the municipal clerk, or personal delivery by the voter to the municipal  
16 clerk. And personal delivery to the clerk contemplates a person-to-person exchange  
17 between the voter and the clerk or the clerk’s authorized representative at either the  
18 clerk’s office or a designated alternate site. Wis. Stat. §§ 5.02 (10), 6.855, 6.87 (4) (b)  
19 1., 6.88 (1). The two [Wolfe] memos advising otherwise therefore conflict with the law  
20 and are properly void.”

21 ***Article 5. Administrator Wolfe Maintains an Absentee Ballot Request***  
22 ***Webpage Presumably in Violation of Wisconsin Election Law***

23 On July 26, 2022, Hot Government President Harry Wait requested absentee  
24 ballots for Wisconsin House Speaker Robin Vos, Racine Mayor Corey Mason, and  
25 several other registered Wisconsin voters. Harry ordered absentee ballots to prove

1 how easy it was for one person to obtain absentee ballots by using the names of other  
2 Wisconsin voters. Harry had no intention of using the absentee ballots to vote. Harry  
3 quickly and publicly confessed to requesting absentee ballots in the name of others  
4 in his emails that he sent to Racine County Sheriff Christopher Schmaling, Racine  
5 Clerk Tara Coolidge, Racine County Clerk Patricia Hanson, etc. By Harry bringing  
6 state and national attention to this issue, Harry exposed the flaws in WisVote's  
7 process of mailing of absentee ballots to voters.

8 Wis. Stat. § 6.86 describes six “methods for obtaining an absentee ballot.” All  
9 six methods to request an absentee ballot require “proof of identification,” though  
10 there are a few limited exceptions. After Harry went public with his absentee ballot  
11 requests for other people, WEC sent out confirmation postcards to voters who  
12 requested absentee ballots be sent to new addresses. WEC sending out postcards to  
13 verify that absentee ballots were properly sent is WEC's admission that the WisVote  
14 absentee ballot request process was flawed.

15 Had Administrator Wolfe required WisVote to ask Harry to provide proof of  
16 identification as the law required, Harry would not have received other people's  
17 absentee ballots, and WEC would not have had to send out confirmation cards. The  
18 real crime is the mailing of absentee ballots without first receiving proof of  
19 identification as the law demands. Because of Harry, the public is learning why proof  
20 of identification is such an important safeguard to preventing vote fraud.

21 A WEC webpage provides an online form in which voters can submit their  
22 names, addresses, and birthdate to obtain an absentee ballot. Wis. Stat. § 6.86  
23 describes six “methods for obtaining an absentee ballot”; however, none of six Wis.  
24 Stat. § 6.86 methods state that WisVote's absentee ballot form is a lawful method to

1 apply for absentee ballots. Furthermore, Wis. Stat. § 6.86 requires voters to only  
2 direct their absentee ballot requests to their municipal clerk, not WEC.

3 The Wisconsin Supreme Court ruled that Administrator Wolfe did not have the  
4 authority to create a law that allowed citizens to use ballot drop boxes to return their  
5 absentee ballots. According to Wis. Stat. § 6.86, “an absent elector may make a  
6 written application to the municipal clerk of that municipality for an official ballot,”  
7 but Wis. Stat. § 6.86 does not give WEC the authority to WEC to intervene in the  
8 absentee ballot application process. Since there is no law that allows WEC to serve  
9 as an absentee ballot intermediary, Administrator Wolfe created her own absentee  
10 voting application law like she created the ballot drop box law. It appears that  
11 Administrator Wolfe deliberately set up WEC’s absentee voting application method  
12 as means for absentee voters to avoid Wisconsin’s requirement for proof of  
13 identification.

14 When Harry Wait submitted absentee ballot requests using other people’s  
15 names, none of Harry’s absentee ballot requests were legitimate since WEC had no  
16 legal authority to establish the WisVote absentee ballot request form. The irony of  
17 WEC wanting to charge Harry Wait with a crime is that Harry Wait submitted his  
18 absentee ballot requests by using WEC’s illegal system.

19 ***Article 6. Administrator Wolfe’s Failure to Make a Timely Decision in***  
20 ***the Weidner et al. v. Tara Coolidge WEC complaint allowed Racine’s Mobile***  
21 ***Polling Place to be Used for Alleged Unlawful Voting in Two Elections***

22 HOT Government members Sandy Weidner and Sandra Morris submitted a  
23 WEC complaint on March 24, 2022, because the Racine mobile polling location was  
24 not accessible to every disabled person as required by law. Wis. Stat. 5.25 (4) (a)  
25 states, “Each polling place shall be accessible to all individuals with disabilities.” In

1 response to the complaint, Racine Clerk Tara Coolidge said that a bell was placed  
2 outside the mobile polling location door for voters who were physically unable to  
3 enter the converted mobile home. Racine implied that the bell constituted a  
4 “reasonable accommodation” for voters unable to enter. However, the handicap  
5 accessibility law for polling places is absolute. The statute does not provide the  
6 clerk’s office to unilaterally decide to have a reasonable accommodation as an  
7 alternative; the law unequivocally mandates that “Each polling place shall be  
8 accessible to all individuals with disabilities.”

9 WEC requires a Polling Place Accessibility Survey for each new polling place.  
10 As soon as WEC discovered Racine failed to submit a Polling Place Accessibility  
11 Survey, Administrator Wolfe should have temporarily restrained Racine from using  
12 its mobile polling location until WEC determined that the mobile unit was accessible  
13 to all individuals with disabilities as the law requires.

14 Administrator Wolfe’s malfeasance allowed Racine to use its mobile polling  
15 place in two elections. WILL filed a WEC complaint alleging that Racine’s mobile  
16 polling location is a ploy for partisan politics. Most likely WILL will file a circuit  
17 court lawsuit regardless of how WEC decides its mobile polling place complaint.  
18 Indeed, the second complaint could have been avoided had Administrator Wolfe  
19 restrained Racine from using the mobile polling place until WEC completed the  
20 required Polling Place Accessibility Survey.

21 WEC had one standard for the Racine mobile polling location and another  
22 standard for Harry Wait. During the August WEC commissioners meeting,  
23 Administrator Wolfe and the commissioners discussed expediting a Harry Wait  
24 investigation. Harry requested absentee ballots to expose the vulnerability of  
25 WisVote’s absentee ballot request form. Once Harry said what he did to public

1 officials and the public, there was no chance that Harry could vote multiple times.  
2 On the other hand, as the complaint involving the Racine mobile polling continued  
3 to linger at WEC, in two elections Racine voters casted ballots in a polling place after  
4 a complaint alleged Racine's mobile polling location violates the law. Because votes  
5 were most likely cast at an illegal polling place, the complaint involving the Racine  
6 mobile polling location is the WEC complaint that Administrator Wolfe should have  
7 expedited, not the complaint against Harry Wait.

8 **Article 7. Administrator Wolfe Recommended Brooklyn, New York,**  
9 **Resident Michael Spitzer-Rubinstein to help Wisconsin Election Clerks with**  
10 **the 2020 election in Alleged Violation of Wisconsin's Election Official and**  
11 **Election Fraud Laws**

12 August 28, 2020, Milwaukee Election Commission Claire Woodall-Vogg  
13 recommended Michael Spitzer-Rubenstein and Hillary Hall of the NVAHI to  
14 Administrator Wolfe. Without properly vetting Spitzer-Rubenstein, 12 minutes  
15 later Administrator Wolfe sent her own Spitzer-Rubenstein recommendation email.  
16 She said, "Green Bay, Madison, Racine and Kenosha-Passing along a  
17 recommendation and resource from Milwaukee. Just wanted you to be aware in case  
18 you thought this might be a group you are interested in working with or learning  
19 about. Claire in Milwaukee okayed me sending this along, and it sounds like you  
20 should reach out to Michael at michael@voteathome.org if you are interested in  
21 learning more."

22 Administrator Wolfe who is Wisconsin's highest election official gave her gold  
23 seal of approval for Michael Spitzer-Rubenstein to perform election official duties  
24 although Mr. Spitzer-Rubenstein lacked the training, certification, and oath of office  
25 that is required to work Wisconsin elections.

1 According to Wis. Stat. § 5.02 (4e), the definition of an election official is “an  
2 individual who is charged with any duties relating to the conduct of an election.” The  
3 Wisconsin Election Administration Manual states, “Election officials perform a very  
4 important public service by enhancing the high quality and integrity of our  
5 elections,” and it is important for a municipal clerk to make sure individuals are  
6 “qualified and well-trained.”

7 Michael Spitzer-Rubenstein was neither qualified nor well-trained, and his  
8 New York residence disqualified him from becoming a Wisconsin election official.  
9 After Wolfe recommended Spitzer-Rubenstein to the municipal election clerks, any  
10 jobs the clerks assigned to Spitzer-Rubenstein would have involved his participation  
11 in the conducting of an election and a violation of Wis. Stat. § 5.02 (4e).

12 Had Administrator Wolfe hired Spitzer-Rubenstein as a WEC employee, Mr.  
13 Spitzer-Rubenstein would have had to complete a job application, submit a resume,  
14 attend multiple job interviews, and undergo a background check. Because Mr.  
15 Spitzer-Rubenstein was not a vetted WEC employee and he was without the  
16 requisite Wisconsin training, certification, and qualifications, Administrator Wolfe’s  
17 referral of Mr. Spitzer-Rubenstein to the clerks of Green Bay, Madison, Kenosha,  
18 and Racine constitutes official misconduct and malfeasance.

19 After Administrator Wolfe recommended Spitzer-Rubenstein to Racine,  
20 Spitzer-Rubenstein was involved in the Racine 2020 election in several ways:

- 21 • Spitzer-Rubenstein set up a ballot tracking and map system for Racine
- 22 • Spitzer-Rubenstein collected Racine ballots and transported them
- 23 • Spitzer-Rubenstein created an absentee ballot log for the Racine ballots that
- 24 were received from the post office and ballot drop boxes

1           • Spitzer-Rubenstein or his subordinates delivered ballots to the Racine polling  
2 places

3           Green Bay employee Deanna Debruler wrote to Representative Shae Sortwell  
4 that Spitzer-Rubenstein role was “purely advisory.” What were  
5 Spitzer-Rubenstein’s qualifications and experience that made him qualified to  
6 advise Green Bay on how to conduct Wisconsin elections?

7           Since Wis. Stat. § 5.02 (4e) defines an election official as “an individual who is  
8 charged with any duties relating to the conduct of an election,” Spitzer-Rubenstein  
9 would have had to have been a Wisconsin election official in order to advise Green  
10 Bay election officials. However, Spitzer-Rubenstein could not become a Wisconsin  
11 election official because he was a New York resident, and he lacked the required  
12 training, certification, and oath of office. Debruler’s email said Spitzer-Rubenstein’s  
13 role was purely advisory, but Debruler did not explain. What election advice did  
14 Spitzer-Rubenstein provide to the City of Green Bay?

15           After Administrator Wolfe’s recommended Spitzer-Rubenstein to Green Bay,  
16 Spitzer-Rubenstein was involved in the 2020 Green Bay election in numerous ways,  
17 so numerous that they are not all listed below.

- 18           • Providing Instructions to the Central Count workers
- 19           • Offering to take “curing ballots” off of the City of Green Bay’s plate
- 20           • Setting up voting machines and patterns in the Central Count Location
- 21           • Allocating poll workers on election day
- 22           • Determining whether to accept ballots after the deadline of 8 p.m.

23           HOT Government Vice-President Jay Stone filed a WEC complaint in which  
24 he alleged Administrator Wolfe committed election fraud with her Michael  
25 Spitzer-Rubenstein recommendation. Wis. Stat. § 12.13 (2) (b) 7. states, “In the

1 course of the person's official duties or on account of the person's official position,  
2 intentionally violate or intentionally cause any other person to violate any provision  
3 of chs. 5 to 12 for which no other penalty is expressly prescribed."

4 Administrator Wolfe's intentional recommendation of Mr. Spitzer-Rubenstein  
5 to Green Bay and Racine clerks led Mr. Spitzer-Rubenstein to perform dozens of  
6 Green Bay and Racine election official duties as evidence by Mr.  
7 Spitzer-Rubenstein's numerous aforementioned emails. Mr. Spitzer-Rubenstein  
8 violated Wis. Stat. § 5.02 (4e) because he performed Green Bay and Racine election  
9 official duties though he was not a Wisconsin election official. Administrator Wolfe  
10 should have vetted Spitzer-Rubenstein to learn that he was ineligible to become a  
11 Wisconsin election official before she recommended him.

12 Wolfe said she recommended Spitzer-Rubenstein to Green Bay, Kenosha,  
13 Madison, and Racine because these are four of the five largest Wisconsin cities, but  
14 Wolfe has never told us, what were the specific election duties that she thought  
15 Spitzer-Rubenstein could perform? Because Administrator Wolfe's intentional  
16 August 28, 2020, job recommendation led Mr. Spitzer-Rubenstein to violate the  
17 Wisconsin election official law, which doesn't have a penalty, Administrator Wolfe  
18 presumably violated one of Wisconsin's election fraud statutes, namely Wis. Stat. §  
19 12.13 (2) (b) 7.

20 Jay Stone accused Administrator Wolfe of election fraud with his complaint on  
21 or about April 14, 2022. Harry Wait submitted absentee ballot applications on July  
22 26, 2022. Within weeks the Wisconsin Department of Justice sent out investigators  
23 to interview Harry and other witnesses. Has the Wisconsin DOJ interviewed any of  
24 the key figures in the Wolfe fraud complaint? Has the DOJ interviewed Meagan  
25 Wolfe, Jay Stone, Michael Spitzer-Rubenstein, Racine Clerk Tara Coolidge, Green

1 Bay Clerk Kris Teske, or others? If not, then the Wisconsin DOJ has one standard  
2 for outsiders like Harry Wait and another standard for insiders like Meagan Wolfe.

3 **Article 8. Administrator Wolfe Presumably Misinterpreted a Wisconsin**  
4 **Law to Dismiss a WEC Complaint and Then Assigned Two of Her**  
5 **Subordinates to Adjudicate the Complaints Against Her in an Alleged**  
6 **Cover-Up**

7 On August 28, 2020, HOT Government Vice-President Jay Stone filed a WEC  
8 complaint because CTCL gave \$6.3 million in disproportionate election  
9 administration grants to five Democratic run Wisconsin cities. Mr. Stone did not  
10 question whether it was legal for CTCL to provide election administration grants to  
11 Wisconsin municipalities; his WEC complaint only questioned the grants'  
12 disproportionality; Stone cited First and Fourteenth Amendment violations as the  
13 basis of his complaint.

14 Administrator Wolfe announced a WEC CARES subgrant on June 17, 2020, for  
15 \$4.1 million. Wolfe sent her grant announcement to all 1,922 election jurisdictions  
16 and provided an equal share of the \$4.1 million to each Wisconsin jurisdiction who  
17 applied for the grant. By comparison, CTCL secretly offered its grants to only  
18 Wisconsin's five largest cities, and CTCL distributed its grant money unevenly to a  
19 tiny percentage of Wisconsin election jurisdictions. In June 2020, Wolfe made sure  
20 all Wisconsin election jurisdictions had an equal opportunity to apply for the CARES  
21 subgrant and that each election jurisdiction received a fair share, but two months  
22 later Wolfe was unconcerned that CTCL invited only five Wisconsin jurisdictions to  
23 apply for its grants and CTCL disproportionately distributed its grants to Wisconsin  
24 election jurisdictions.

1 Every study of CTCL's grants has shown Stone was right about CTCL's  
2 disproportionate and partisan distribution of grants, including WILL's. Ten weeks  
3 before the November 3, 2020, election, Stone's complaint said, "CTCL specifically  
4 targeted its grant money to Wisconsin's five largest cities because CTCL's grant  
5 increases Democrat Joe Biden's statewide Wisconsin vote total and enhances Joe  
6 Biden's chances of winning Wisconsin's 10 electoral votes." Will had this to say about  
7 CTCL's grants helping candidate Joe Biden, "[CTCL's] Spending Increased Turnout  
8 for Joe Biden. Areas of the state that received [CTCL's] grants saw statistically  
9 significant increases in turnout for Democrats. Increases in turnout were not seen  
10 for Donald Trump."

11 Administrator Wolfe and her staff were communicating with CTCL and CTCL's  
12 partners before and during the period when Wolfe was investigating Stone's  
13 complaint. For example, Wolfe and Noah Praetz of the Elections Group exchanged  
14 emails 18 days before Stone filed his complaint. CTCL sent an August 18, 2020,  
15 email to WEC Assistant Administrator Richard Rydecki to make WEC aware of  
16 CTCL's free cybersecurity training and rural election administration grants.

17 Michael Spitzer-Rubenstein emailed Administrator Wolfe on August 25, 2020,  
18 three days before she recommended him to the clerks of Green Bay, Kenosha,  
19 Madison, and Racine. Spitzer-Rubenstein's subject line was "Elections  
20 Communications Assistance with CTCL." CTCL's Keegan Hughes emailed Rydecki  
21 with a description of USDR's tech support. Both Spitzer-Rubenstein and Keegan  
22 mentioned CTCL in their emails because they thought using CTCL's name was the  
23 best way to receive a positive response from WEC's staff.

24 Green Bay Mayor Eric Genrich's Chief of Staff Celestine Jeffreys emailed  
25 Rydecki on August 31, 2020, to let WEC know about Green Bay receiving a \$1 million

1 election administration grant from CTCL. In a September 1, 2020, response to  
2 Jeffery's email, Rydecki said he provided the WEC Commissioners with Green Bay's  
3 addendum prior to the Commissioners' meeting.

4 Administrator Wolfe sent a September 1, 2020, email to her subordinates  
5 asking if they were interested in attending a meeting with Spitzer-Rubinstein.  
6 Rachel Lefsky of the NVAHI emailed Administrator Wolfe on September 2, 2020, to  
7 invite Wolfe and others to an Operation Toolkit Demo.

8 Stone's complaint regarding CTCL's grant never stood a chance because of WEC  
9 and Wolfe's cozy relationship with CTCL, USDR, NVAHI, and their employees.  
10 Wolfe should have disclosed her relationship with CTCL, CTCL's partners, and their  
11 employees before she reviewed and decided the Stone complaint.

12 Indeed, Wolfe relationships with CTCL and its partners created a bias before  
13 she rendered her Stone complaint decision. Wolfe's bias in favor of CTCL is obvious  
14 because the emails between Wolfe and CTCL and CTCL's partners abruptly stopped  
15 on September 2, 2020, a mere three business days after Stone filed his WEC  
16 complaint. Wolfe's fear of getting caught is the only reason Wolfe stopped emailing  
17 and working directly with CTCL and its partners.

18 In Wolfe's September 11, 2020, decision she wrote, "Complaints filed under  
19 Section 5.06 are filed by individuals that are served by local election officials, but you  
20 do not reside in any of the municipalities cited in the complaint." However, at a  
21 meeting of the Wisconsin Assembly Committee on Campaigns and Elections, Wolfe  
22 said, "There is mechanisms and statutes in terms of what the commission can look  
23 into through a formal complaint and one was filed with the commission but again the  
24 commission doesn't have any sort of statutory authority over private grant funding  
25 and so it was dismissed."

1 Wolfe gave two contrasting reasons why she dismissed Stone's complaint. In  
2 her letter she said she was dismissing Stone's complaint because Stone did not live  
3 in the same municipalities as the officials he filed his complaint against. At the  
4 Assembly committee hearing, Wolfe said she dismissed Stone's complaint because  
5 the commission had no statutory authority over private funding, which was very  
6 different than what she wrote in her letter to Stone.

7 Wolfe misled the Assembly committee because Wis. Stat. § 5.06 (4) clearly  
8 authorized the commission to perform a compliance review that Stone's complaint  
9 requested. The statute states, "The commission may, on its own motion, investigate  
10 and determine whether any election official, with respect to any matter concerning  
11 nominations, qualifications of candidates, voting qualifications, including residence,  
12 ward division and numbering, recall, ballot preparation, election administration or  
13 conduct of elections, has failed to comply with the law or abused the discretion vested  
14 in him or her by law or proposes to do so."

15 After Wolfe dismissed Stone's complaint, Stone filed a complaint against Wolfe  
16 to challenge the reasons Wolfe gave for dismissing his complaint. Stone claimed  
17 Wolfe deliberately misinterpreted Wis. Stat. § 5.06 (1) as a quick and easy means to  
18 dispose of his CTCL related complaint. Two times in Wolfe's letter she said Stone had  
19 to reside in the municipalities cited in his complaint. Wis. Stat. § 5.06 (1) does not  
20 contain the word "municipality."

21 In the *Teigen* case, the justices wrote, "Courts are not permitted to read words  
22 into a statute that the legislature did not insert itself." Wolfe was duty bound to apply  
23 Wis. Stat. § 5.06 (1) to Stone's complaint without adding the word "municipality" to  
24 her decision. The plain language of Wis. Stat. § 5.06 (1) permitted an elector like  
25 Stone to file a WEC complaint for the jurisdiction and district where he is an elector,

1 not the municipality where he resides that Wolfe incorrectly stated in her dismissal  
2 letter.

3 Wolfe assigned Stone's complaint against her to her subordinate, staff attorney  
4 Nathan Judnic. Stone said Wolfe assigning a complaint against her to her  
5 subordinate was "a serious conflict of interest." When Judnic refused to recuse  
6 himself from reviewing a complaint against his boss, Stone filed a complaint against  
7 Judnic. Administrator Wolfe assigned Stone's complaint against Judnic to another  
8 one of her subordinates, James Witecha. Of course, both of Wolfe's subordinates  
9 ruled in favor of Wolfe and in support of their boss. Stone maintains that Wolfe  
10 deliberately chose two of her subordinates to review his complaints because Wolfe  
11 was using her underlings to cover-up her alleged misdeeds and involvement with  
12 CTCL and CTCL's partners.

13 **Article 9. Administrator Wolfe Failed to Include CTCL's grants in Her**  
14 **Sept. 2020 Report of How Wisconsin was Preparing for the 2020 Election**

15 WEC published a 125-page report called, "How Wisconsin is Ready for the  
16 November 3, 2020 Election." Meagan Wolfe created the report in response to  
17 Congressional Committee members and WEC commissioners questions. Wolfe only  
18 asked the cities of Green Bay, Madison, and Milwaukee to provide their specific  
19 preparation plans for the November 2020 election. However, the cities of Green Bay,  
20 Madison, and Milwaukee are very significant because these three cities were part of  
21 the five Wisconsin cities that initially received \$6.3 million in CTCL funding.

22 It's not what Administrator Wolfe wrote in her "How Wisconsin is Ready for the  
23 November 3, 2020 Election" report; it's what Wolfe did not write. CTCL is not  
24 mentioned once in the 125-page report.

1           The Zuckerberg 5 cities described how they were using CTCL's \$6.3 million  
2 grant money in their "Wisconsin Safe Voting Plan." If the Wisconsin Safe Voting Plan  
3 was so significant for preparing for the election, why didn't Wolfe include a copy of  
4 the Wisconsin Safe Voting Plan in her report? Wolfe took an eraser to erase all  
5 references to CTCL, CTCL grants, CTCL partners, and their employees in her 2020  
6 election preparedness report.

7           In Wolfe's August 17, 2020, email, Wolfe gave Green Bay until August 20, 2020,  
8 to explain how Green Bay was preparing for the impending election. Green Bay  
9 deliberately timed its August 30, 2020, addendum so it would not appear in Wolfe's  
10 September 1, 2020, report. More significantly, the cities of Madison and Milwaukee  
11 failed to mention CTCL one time when they submitted their preparedness report.

12           Wolfe's report had a section on grants and subgrants. CTCL's \$10.4 million in  
13 Wisconsin election administration grants was equal to about two-thirds of the \$15.3  
14 million that Wisconsin received in federal grants and local subgrants. However,  
15 unlike the federal grants and local subgrants, Wolfe's report did not speak of CTCL's  
16 grant money or how the CTCL money was spent.

17           At the Assembly committee hearing, Wolfe claimed she did not find out about  
18 CTCL's funding until a city submitted an addendum to a report. Wolfe neither named  
19 the city who submitted the addendum, nor did Wolfe say what was the date she  
20 learned of the CTCL grants. Given Green Bay's emails, we'll assume the city was  
21 Green Bay. However, Wolfe was receiving emails from CTCL and its partners six  
22 weeks before she published her report.

23           Most likely Wolfe learned of CTCL's grants in early July because when the  
24 Zuckerberg 5 cities announced their \$6.3 million in CTCL grants, it was widely  
25 reported in radio, TV, and print news sources. For Wolfe to claim she first learned

1 of CTCL's grants after she wrote her "How Wisconsin is Ready for the November 3,  
2 2020 Election" report is just not believable. Furthermore, Wolfe could have written  
3 a "How Wisconsin is Ready for the November 3, 2020 Election" CTCL grant  
4 addendum after she submitted her report just like Green Bay did.

5 **Article 10. Administrator Wolfe Failed to Report CTCL and the**  
6 **Zuckerberg 5 Clerks for Creating Their Own Uniform Instructions for**  
7 **Absentee Voters in Alleged Violation of Wisconsin Election Law**

8 Wis. Stat. § 6.869 states the following: "Uniform instructions. The commission  
9 shall prescribe uniform instructions for municipalities to provide to absentee  
10 electors." There are about 80 emails between CTCL, Center for Civic Design (CCD),  
11 Zuckerberg 5 clerks, and Milwaukee Election Commission Executive Director  
12 Woodall-Vogg that discussed the creation and printing of the Zuckerberg 5's English  
13 and Spanish absentee ballot instructions. The municipal election officials creating  
14 their own absentee ballot instructions violated Wis. Stat. § 6.869 since the statute  
15 only allows WEC to provide uniform absentee voting instructions.

16 In an email from CTCL's Whitney May, the Zuckerberg 5 clerks were asked to  
17 provide feedback for the ballot instructions and ballot envelopes. Administrator  
18 Wolfe sent out an update for Uniform Instructions for Absentee Voters on August 18,  
19 2020. Wolfe admonished the clerks, "Per the Commission's directive, these  
20 instructions are to be used for all absentee voters moving forward, beginning with  
21 the absentee ballots that clerks will be sending for the November 3rd General  
22 Election."

23 On the same day Wolfe issued her uniform instructions for absentee voters,  
24 CTCL's Whitney May sent an email to the Zuckerberg 5 clerks that said the following:  
25 "CTCL is putting the brakes on operation envelope with the WI-5 because: WEC

1 wants everyone in the state using the same formats, WEC wants to complete new  
2 envelope design work next year, WEC shared uniform instructions today.” How did  
3 Whitney May learn what WEC wanted? How did Whitney May discover that WEC  
4 was providing uniform absentee ballot instructions? May’s email failed to state that  
5 CTCL, CCD, and the Zuckerberg 5 clerks’ creation of their own absentee ballot  
6 instructions violated Wis. Stat. § 6.869.

7 Wolfe’s August 18, 2020, memo made it clear that the uniform absentee ballot  
8 instruction were to be used for absentee voters. Madison Clerk Maribeth  
9 Witzel-Behl sent a September 17, 2020, email to Whitney May and the other  
10 Zuckerberg 5 clerks with an attachment for absentee ballot instructions in Spanish.  
11 Wis. Stat. § 6.869 doesn’t differentiate between English or Spanish absentee ballots  
12 instructions. The statute states in plain language that whether it’s in English or  
13 Spanish “the commission shall prescribe uniform instructions for municipalities to  
14 provide to absentee electors.” Wolfe’s memo clearly stated that the uniform absentee  
15 ballot instruction were to be used for absentee voters from August 18, 2020, moving  
16 forward. It is unclear why 30 days after Wolfe’s memo Witzel-Behl would produce  
17 and send Spanish absentee ballot instructions in direct conflict to Wolfe’s memo and  
18 Wis. Stat. § 6.869. Whether or not any of the Zuckerberg 5 cities sent their version  
19 of absentee ballot instructions in Spanish to voters in violation of Wis. Stat. § 6.869  
20 should be investigated.

21 This cause shows how CTCL and its partners manipulated Wisconsin election  
22 officials during the run-up to the 2020 election. Although the Zuckerberg 5 clerks  
23 never sent out their absentee ballot instructions, the mere fact that created one is  
24 more than likely unlawful. One thing is for sure, Administrator Wolfe failed to hold  
25 CTCL, CCD, Zuckerberg 5 clerks, or Milwaukee Election Commission’s Claire

1 Woodall-Vogg accountable for creating their own absentee ballot instructions in  
2 violation of Wis. Stat. § 6.869.

3 (END)

## Absentee Ballot Analysis of the 2020 Election

1. Total Wisconsin votes cast: 3,297,352
2. Total 2020 Absentee Ballots Cast (Does not include in-person absentee ballots): 1,906,092. To view the WEC absentee ballot source, click [here](#).
3. Total Absentee Ballots Percentage (2/1): 58%
4. Wisconsin Institute for Law and Liberty (WILL) reported 27.4% of Republicans voted with absentee ballots in 2020 and 72.6% Democrats voted with absentee ballots in 2020 For source click [here](#) and see page 9.
5. The number of 2020 Republican absentee votes was 522,269 ( $1,906,092 \times .274 = 522,269$  Republican absentee ballot votes).
6. The number of 2020 Democratic absentee votes was 1,383,823 ( $1,906,092 \times .726 = 1,383,823$  Democratic absentee ballot votes).
7. The Democrats had a 861,554 absentee ballot vote lead over Republicans.  $1,383,823 - 522,269 = 861,554$  Democrat vote lead over Republicans.
8. 85% is the percentage of Democrat absentee votes to total votes cast for Joe Biden.  
 $1,383,823 / 1,630,673$  total Biden votes=85%
9. 32% is the percentage of Republican absentee votes to total votes cast for Donald Trump.  
 $522,269 / 1,610,065 = 32\%$ .

10. Absentee votes for the Zuckerberg 5 cities. To view the WEC absentee ballot source, click [here](#).

City	Absentee Votes
Green Bay	24,265
Kenosha	19,608
Madison	94,832
Milwaukee	109,127
Racine	10,820
Total absentee ballot votes	258,652

11. The number of Republican absentee ballot votes cast in the Zuckerberg 5 cities was 70,871. See number 4 above for .274 number.  $258,652 \times .274 = 70,871$ .

12. The number of Democratic absentee ballot votes cast in the Zuckerberg 5 cities was 187,781. See number 4 above for .726 number.  $258,652 \times .726 = 187,781$ .

13. The Democrats had a 116,910 absentee ballot vote lead over the Republicans in the Zuckerberg 5 cities.

**WISCONSIN CIRCUIT COURT  
WAUKESHA COUNTY**

Concerned Veterans of Waukesha County  
c/o Ken Marek  
745 E. Imperial Dr.  
Hartland WI 53029

Ken Marek  
745 E. Imperial Dr.  
Hartland WI 53029

Tom Gudex  
7051 Parkview Ave.  
Lannon WI 53046

Janel Brandtjen  
N52 W16632 Oak Ridge Trail  
Menomonee Falls, WI 53051,

Plaintiffs

v.

Wisconsin Election Commission  
212 Washington Avenue, Third Floor  
P.O. Box 7984  
Madison WI 53707-7984

Defendant

Case Code:  
Case Type:

Case No. \_\_\_\_\_

**AFFIDAVIT OF HEATHER HONEY**

I, Heather Honey, being first duly sworn on oath, state as follows:

1. I am the President of Haystack LLC an investigations and consulting firm.

2. In July 2022, I reviewed the UOCAVA data submitted to the EAC by all jurisdictions in the state of Wisconsin. Review of that data shows that the number of UOCAVA voters more than doubled from 2016 to 2020.
3. According to DoD report on the military population, the total number of active duty military and their dependents decreased between 2016 and 2020.
4. According to the US State Department and the IRS, the total number of overseas non-military US citizens decreased from 2016 to 2020.
5. On July 13, 2022, I submitted a Freedom of Information Act “FOIA” request to Karen Stritchko, the Deputy City Clerk of the City of South Milwaukee. Included in that FOIA was a request for an electronic copy of the records of all UOCAVA eligible voters by precinct as of July 1, 2022.
6. It is my understanding that the clerk is required to maintain a complete, verified, current list of all military electors. It is my understanding that clerks are also required to obtain information from all non-military UOCAVA voters so that they are able to verify identity and eligibility.
7. In response to my FOIA, the Deputy City Clerk of South Milwaukee informed me that she does not have access to a list of UOCAVA voters. She said that the information was only available from the Wisconsin Elections Commission. That email response is attached.
8. On July 13, 2022, I submitted a FOIA request to Toya Harrell, the Village Clerk of Shorewood, Wisconsin. Included in that FOIA was a request for an electronic copy of the records of all UOCAVA eligible voters by precinct as of July 1, 2022.
9. I received confirmation of receipt of that Village of Shorewood FOIA request but have not received a response to the request.

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

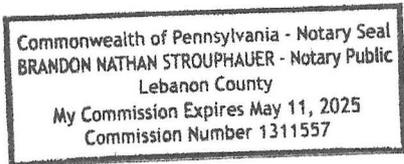
Heather Honey  
Heather Honey

STATE OF PENNSYLVANIA )  
County of Lebanon ) ss.  
(county of notarization)

Sworn to before me this 04 day of November, 2022.

Brandon Nath Stroup

(Signature of person authorized to administer oaths)  
My commission expires May 11, 2025, or is permanent  
Notary Public or \_\_\_\_\_ (official title if not notary)



**From:** Karen Stritchko <[REDACTED]@smwi.org>  
**Sent:** Wednesday, July 13, 2022 1:16 PM  
**To:** [REDACTED]  
**Cc:** Karen Kastenson  
**Subject:** RE: [EXTERNAL] FOIA UOCAVA Records

*Good afternoon,*

*In response to your records request below, items number 1 – 3 should be addressed at [badgervoters.wi.gov](http://badgervoters.wi.gov) for that information as we do not have access to that information on our level.  
Item 4 would be the procedures outlined in the Manual – link below.*

[https://elections.wi.gov/sites/elections/files/2022-02/UOCAVA%20Manual%202022\\_0.pdf](https://elections.wi.gov/sites/elections/files/2022-02/UOCAVA%20Manual%202022_0.pdf)

*Items 5 and 6 do not apply to us as those ballots are not tabulated separately.*

*Thank you.*

*Karen Stritchko  
Deputy City Clerk  
City of South Milwaukee  
414-762-[REDACTED]*

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**From:** foia@verityvote.us <foia@verityvote.us>  
**Sent:** Wednesday, July 13, 2022 9:04 AM  
**To:** Milwaukee\_Municipalities@mail.com  
**Subject:** [EXTERNAL] FOIA UOCAVA Records

Please provide the following electronic records:

1. Records of all UOCAVA eligible voters by precinct as of July 1, 2022.
2. Total number of UOCAVA eligible voters in each precinct as of July 1, 2022.
3. Total number of UOCAVA eligible voters in each precinct as of November 3, 2020.
4. Procedures, guidelines, or instructions for the processing of UOCAVA voters' ballots including receipt of FWABs, duplication, tabulation, and retention.
5. If UOCAVA voters' ballots are tabulated separately, please provide the records showing the results of that tabulation for the 2021 Spring Election and the 2020 General Election.
6. If UOCAVA voters' ballots are not tabulated separately, please so state.

Date range: 10/01/2020 to 07/01/2022

Thank you,  
Heather

[REDACTED]

**WISCONSIN CIRCUIT COURT  
WAUKESHA COUNTY**

<p>Concerned Veterans of Waukesha County c/o Ken Marek 745 E. Imperial Dr. Hartland WI 53029</p> <p>Ken Marek 745 E. Imperial Dr. Hartland WI 53029</p> <p>Tom Gudex 7051 Parkview Ave. Lannon WI 53046</p> <p>Janel Brandtjen N52 W16632 Oak Ridge Trail Menomonee Falls, WI 53051,</p> <p style="text-align: center;">Plaintiffs</p> <p style="text-align: center;">v.</p> <p>Wisconsin Election Commission 212 Washington Avenue, Third Floor P.O. Box 7984 Madison WI 53707-7984</p> <p style="text-align: center;">Defendant</p>	<p style="text-align: right;">Case Code: Case Type:</p> <p style="text-align: center;">Case No. _____</p>
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**AFFIDAVIT OF JANEL BRANDTJEN**

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I, Janel Brandtjen, being first duly sworn on oath, state as follows:

1. I am a Wisconsin elector and taxpayer and a resident of Menomonee Falls.

2. I am an elected member of the Wisconsin General Assembly. I am currently chair of its Elections and Campaigns Committee.

3. This affidavit is based upon my personal knowledge.

4. Wisconsin Elections Commission is a state agency at 212 Washington Avenue, Third Floor, P.O. Box 7984, Madison WI 53707-7984.

5. My concern in this case is that WEC's guidance to the county clerks and municipal clerks does not comply with Wisconsin Statutes 6.22(6) which requires a "military elector list," which is up-to-date, complete, verified, current, accurate and distributed to each polling place.

6. The military elector list is used to ensure that military elector absentee ballots are not sent to non-qualified voters.

7. Wisconsin has a decentralized election system.

8. The legislature has delegated to the WEC the responsibilities of, among others, administering, enforcing and promulgating rules relating to the election laws. *Jefferson v. Dane Cnty.*, 951 N.W.2d 556, 563 n. 5 (Wis., 2020).

9. Therefore, WEC has the responsibility for guidance in the administration and enforcement of Wisconsin's election laws, not the county clerks, not the municipal clerks. *Id.* at 563.

10. Accordingly, county clerks are not to interpret Wisconsin's election laws and make declarations based on those interpretations; instead, the county clerks rely on WEC's guidance. *Id. See, generally*, Wis. Stat. § 5.05.

11. County clerks have different responsibilities such as (1) providing election supplies and ballots, (2) preparing ballots, (3) adhering to the election time schedule, (4) resolving doubts that relate to election notices, (5) certifying candidates for municipal judges, (6) assisting the WEC in conducting the WEC's voter education, (7) maintaining toll-free telephone lines to exchange voting information, (8) training election officials, and (9) reporting information to the WEC. Wis. Stat. §§ 7.10(1)–(10).

12. Similarly, municipal clerks are not to interpret Wisconsin's election laws and make declarations based on those interpretations; instead the municipal clerks rely on WEC's guidance. *See, generally*, Wis. Stat. § 5.05.

13. Municipal clerks have different responsibilities such as (1) supervise registration and elections; (2) equip polling places; (3) provide for the purchase and maintenance of election equipment; (4) prepare ballots for municipal elections, and distribute ballots and provide other supplies for conducting all elections; (5) prepare official absentee ballots for delivery to electors requesting them; (6) send an official absentee ballot to each elector who has requested a ballot by mail, and to each military elector and overseas elector; (7) prepare the necessary notices and publications in connection with the conduct of elections or registrations; (8) train election officials in their duties; (9) discharge election officials for improper conduct or willful neglect of duties; (10) report suspected election frauds, irregularities, or violations of which the clerk has knowledge to the district attorney for the county where the suspected activity occurs and to the commission; (11) review, examine and certify the sufficiency and validity of petitions and nomination papers; (12) direct how and when to destroy the contents of the blank ballot boxes and unused election

materials; (13) send, when required, an absentee ballot to each elector and send or transmit an absentee ballot to each military elector and each overseas elector; (14) reassign inspectors appointed to serve at one polling place to another polling place within the municipality whenever necessary to assure adequate staffing at all polling places. Wis. Stat. §§ 7.15 (1) (a-k).

14. WEC's guidance to county clerks and municipal clerks on military absentee ballots in WEC's Military and Overseas Voting Manual (Feb. 2022) and in its Military and Overseas Voting Cheat Sheet (Rev. 2020-10) does not comply with Wisconsin Statutes 6.22(6).

15. I have attached a true and correct copy of WEC's Military and Overseas Voting Manual (Feb. 2022) hereto as Exhibit A.

16. I have attached a true and correct copy of WEC's Military and Overseas Voting Cheat Sheet (Rev. 2020-10) hereto as Exhibit B.

17. Wisconsin Statutes 6.22(6) requires a "military elector list," which is up-to-date, complete, verified, current, accurate and distributed:

- Up-to-date--"Each municipal clerk shall keep an up-to-date list of all eligible military electors who reside in the municipality in the format prescribed by the commission."
- Complete-- "The list shall contain the name, latest-known military residence and military mailing address of each military elector."
- Verified--"The list shall indicate whether each elector whose name appears on the list is a military elector, as defined in s. 6.34 (1)..."
- Current--"The list shall be kept current through all possible means."
- Accurate--"Each clerk shall exercise reasonable care to avoid ... listing anyone who is not eligible to vote."
- Distributed--"Each clerk shall distribute one copy of the list to the each polling place in the municipality for use on election day."

Wis. Stat. § 6.22(6).

18. Yet, the Wisconsin Election Commission’s guidance to clerks on military absentee ballots in WEC’s Military and Overseas Voting Manual (Feb. 2022) (MOVVM), attached as Exhibit A, does not require an up-to-date, complete, verified, current, accurate and distributed military elector list.

19. In fact, it doesn’t mention “military elector list”—and doesn’t require that a military elector list be applied either.

20. Instead, WEC provides guidance without it:

#### Military Voters

Military voters do not need to register but can do so if they choose. They do not need to provide proof of residence if they do register. They can register using the following methods:

- FPCA
- EL-131
- Online at MyVote.wi.gov

#### Registration deadlines:

- Online or By Mail - form must be postmarked/completed by the third Wednesday before the election. Wis. Stat. §6.28(1).
- In person at the clerk’s office – by 5p.m. CST on the Friday preceding the election. Wis. Stat. §6.29(2).
- At their polling place on Election Day.

Clerks must still obtain sufficient information to enter a military elector into WisVote, such as their name, address, and date of birth. Wis. Stat. §6.22(3). If an unregistered military member uses a Federal Post Card Application (FPCA) to request their absentee ballot, they are effectively registering to vote but are still not required to provide proof of residence. If a military voter retires or wishes to change their status to a regular voter, they must register as a regular voter and provide a proof of residence document.

MOVVM at 5-6. *See, also*, MOVVM at 7.

21. WEC’s Military and Overseas Voting Cheat Sheet (08-2022) (Cheat Sheet), attached as Exhibit B, fares no better at complying with Wisconsin Statutes § 6.22(6). The Cheat Sheet doesn’t mention “military elector list”—and doesn’t require that a military elector list be applied either.

22. To be sure, WEC’s guidance in the MOVVM requires that “Clerks must still obtain sufficient information to enter a military elector into WisVote, such as their name, address, and date of birth.” MOVVM at 6.

23. But, in my opinion, this is a far cry from satisfying the Wisconsin Statutes § 6.22(6) requirement for an up-to-date, complete, verified, current, accurate and distributed military elector list.

24. Under Wisconsin’s decentralized election system, WEC’s legally unauthorized guidance in the MOVVM and Cheat Sheet have caused the municipal clerks to not have up-to-date, complete, verified, current, accurate and distributed military elector list—required by Wisconsin Statutes § 6.22(6).

25. Not having the legally-required lists has created a vulnerability in Wisconsin’s military absentee ballot process: essentially, any person can apply for a military elector absentee ballot and have it sent to any address.

26. This vulnerability has been exposed by recent actions undertaken by now former Milwaukee Elections Commissioner Deputy Director Kimberly Zapata.

27. Zapata publicly admitted on November 3, 2022, that she visited the state’s MyVote Wisconsin website and ordered military elector absentee ballots in the names of Holly A. Brandtjen, Holly Adams and Holly Jones by entering information for them.

28. Zapata admitted that she had the ballot papers delivered to my residence.

29. The absentee ballots were delivered to my residence.

30. It is important to follow the path of these three military elector absentee ballots requested by Zapata to understand the importance of the military elector absentee ballot list to ensuring absentee ballots are only sent to qualified voters.

31. First, on or about October 25, 2022, the Clerk of South Milwaukee, sent a military absentee ballot purportedly requested by “Holly A. Brandtjen,” of 722 Oak St., South Milwaukee, voter identification number 701923081 to my residence at N52 W16632 Oak Ridge Trail, Menomonee Falls, WI 53051.

32. On October 27, 2022, the I received the absentee ballot at my residence.

33. But, I am not qualified to cast the military absentee ballot of Holly Brandtjen.

34. This election illegality would not have occurred if the Clerk of South Milwaukee had an up-to-date, complete, verified, current, accurate and distributed military elector list.

35. Second, on or about October 25, 2022, the Clerk of Menomonee Falls, sent a military absentee ballot purportedly requested by “Holly Adams” to my residence at N52 W16632 Oak Ridge Trail, Menomonee Falls, WI 53051.

36. On October 27, 2022, I received the absentee ballot at my residence.

37. But, I am not qualified to cast the absentee ballot of Holly Adams.

38. This election illegality would not have occurred if the Clerk of Menomonee Falls had an up-to-date, complete, verified, current, accurate and distributed military elector list.

39. Third, on or about October 25, 2022, the Defendant, Village Clerk of Shorewood, sent a military absentee ballot purportedly requested by “Holly Jones” to my residence at N52 W16632 Oak Ridge Trail, Menomonee Falls, WI 53051.

40. On October 27, 2022, I received the absentee ballot at my residence.

41. But, I am not qualified to cast the absentee ballot of Holly Jones.

42. This election illegality would not have occurred if the Clerk of Shorewood had an up-to-date, complete, verified, current, accurate and distributed military elector list.

43. WEC’s guidance fails to comply with the legal requirements under Wisconsin Statutes § 6.22(6) for an up-to-date, complete, verified, current, accurate and distributed military elector list.

44. The recent actions of now former Milwaukee Elections Commissioner Deputy Director Kimberly Zapata have exposed the vulnerability statewide.

45. Discovery should be allowed to determine the complete extent of the legally unauthorized military absentee voting.

46. A declaratory judgment and related injunctive relief are appropriate.

47. Additionally, WEC’s use of taxpayer funds to authorize the legally unauthorized military absentee ballots be sent to non-qualified voters is actionable.

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

Dated: Nov 3, 2022

[Handwritten Signature]

STATE OF WISCONSIN )

)ss.

COUNTY OF WAUKESHA )

Signed and sworn before me this Nov 3, 2022, by \_\_\_\_\_.

(Seal, if any)

Brenda Klemmer

Signature of Notarial Officer



Title (and Rank)

My Commission expires: 10/15/26

# MILITARY AND OVERSEAS VOTING

February 2022



## **Wisconsin Elections Commission**

212 East Washington Avenue, Third Floor

P.O. Box 7984

Madison, WI 53707-7984

Phone: (608) 266-8005

FAX: (608) 267-0500

<https://elections.wi.gov>

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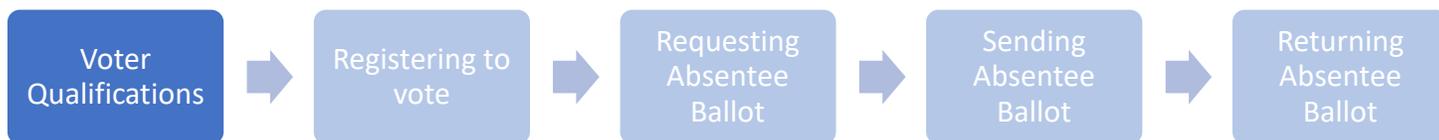
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Military and overseas voters face additional challenges when voting. There are many state and national laws that protect military and overseas individuals' right to vote. Wisconsin clerks are entrusted with ensuring that everyone has access to cast a ballot and much of the clerk activity surrounding ballot requests, mailing, and receipt/processing is tracked and reported to the federal government so they can be sure that all states are following the federally mandated guidelines.

Military and overseas voting can be complicated, and this guide serves as a resource for clerks, providing clarity around the many deadlines, voting and registration requirements, and other important processes. The manual is structured to follow the voting process as shown below, with information about the requirements and actions for each group of voters as well as for the clerks.



## Wisconsin Military and Overseas Voters

### **Who are Military Voters?** Wis. Stat. [§6.22](#)

Military voter means any of the following:

1. Members of a uniformed service meaning the U.S. Army, Navy, Air Force, Marine Corps or Coast Guard, the commissioned corps of the federal public health service or the commissioned corps of the national oceanic and atmospheric administration.
2. Members of the merchant marine of the United States.
3. Civilian employees of the United States and civilians officially attached to a uniformed service who are serving outside the United States. Examples include but are not limited to foreign service members with the U.S. State Department, U.S. Aid, etc.
4. Peace Corps volunteers.
5. Spouses and dependents of those listed in the above categories residing with or accompanying them.

Military voters do not need to be on active duty or away from home to claim this status. This status does not include veterans, and if someone retires from the military they must re-register to vote as a regular voter. Ultimately, it is up to the voter to determine whether they fulfill the requirements under state statute to be a military voter.

### **Who are Overseas Voters?** Wis. Stat. [§6.24\(1\)](#)

There are two types of overseas voters and the definitions for each type both depend on a voter's intent to return. A **permanent overseas voter** has either never lived in the United States or has left the United States and has no intent to return. A **temporary overseas voter** has lived in the United States and is away for temporary purposes, such as a student studying abroad or someone whose employment requires them to live in another country for a period of time. There is no specific timeframe or definition as to what constitutes "intent to return", so it is up to the voter to determine whether they intend to return to the United States.

#### Permanent Overseas Voters

A permanent overseas voter must meet the following criteria (see Wis. Stat. [§6.24\(1\)](#)):

1. Be a U.S. citizen who is not disqualified from voting in Wisconsin under Wis. Stat. [§6.03](#), and who does not qualify as a resident of this state under Wis. Stat. [§6.10](#).
2. Is or will be at least 18 years old by the date of the election in which they are voting.
3. Either they have resided in Wisconsin previously or their parents resided in Wisconsin immediately prior to the parent's departure from the United States.
4. Not registered to vote in any other state, territory, or possession.

A permanent overseas elector may vote in any contest or election for federal office, which typically includes the Partisan Primary, General Election, the Presidential Preference Primary, and potential special elections. These voters may vote for President, Representative to U.S. Congress, and U.S. Senate. This is NOT the same as presidential only voter who can only vote for the Office of President.

Some permanent overseas voters may want to update their status to be able to vote for other offices. They may not vote in an election for state or local office unless they qualify as a resident of the state and are registered as a regular or temporary overseas voter. To re-register, they must first establish a physical residency in Wisconsin for at least 28 days prior to Election Day and must register as a regular or temporary overseas voter by completing a voter registration application and providing a proof of residence document. Wis. Stat. [§6.24\(2\)](#)

### Temporary Overseas Voters

Temporary overseas voters must meet the following criteria:

1. Be a U.S. citizen who is not disqualified from voting in Wisconsin under Wis. Stat. [§6.03](#).
2. Is or will be at least 18 years old by the date of the election in which they are voting.
3. Not registered to vote in any other state, territory, or possession. Wis. Stat. [§6.24\(1\)](#).

Because these voters also meet the Wisconsin residency requirements in Wis. Stat. [§6.10](#), they have intent to return, and they have not lost their registration status by leaving the United States for anything more than temporary purposes, they are treated as regular, absentee voters.

These voters can include short-term travelers, including students studying abroad, and individuals who have moved abroad but intend to return to Wisconsin in the future.



## **Military and Overseas Voter Registration**

### **Methods for Voter Registration**

- 1. The Federal Post Card Application or FPCA** (see p. 17 for more information about what information is contained on the FPCA and what it looks like)

The FPCA is a postage-free postcard, printed and distributed by the U.S. Department of Defense – Federal Voting Assistance Program (FVAP) for use by absentee voters covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). The online version of the FPCA can be obtained from the FVAP website at <http://www.fvap.gov>. The FPCA is a combination **voter registration form** and **absentee ballot request**, and it is required to be accepted in Wisconsin if the voter has provided all required information on the form Wis. Stat. [§6.24\(4\)](#). If it is being used for voter registration, it must be postmarked by the third Wednesday prior to the election.

- 2. EL-131 Voter Registration Form**

The EL-131 Voter Registration form is available on the Wisconsin Elections Commission website (<https://elections.wi.gov/forms/el-131-fillable>). This form must be mailed and postmarked by the third Wednesday before the election.

or

Register online at [MyVote.wi.gov](http://MyVote.wi.gov) by 11:59p.m. CST on the third Wednesday before the election.

### **Military Voters**

Military voters do not need to register but can do so if they choose. They do not need to provide proof of residence if they do register. They can register using the following methods:

- FPCA
- EL-131
- Online at [MyVote.wi.gov](http://MyVote.wi.gov)

Registration deadlines:

- Online or By Mail - form must be postmarked/completed by the third Wednesday before the election. Wis. Stat. [§6.28\(1\)](#).
- In person at the clerk's office – by 5p.m. CST on the Friday preceding the election. Wis. Stat. [§6.29\(2\)](#).
- At their polling place on Election Day.

Clerks must still obtain sufficient information to enter a military elector into WisVote, such as their name, address, and date of birth. Wis. Stat. [§6.22\(3\)](#). If an unregistered military member uses a Federal Post Card Application (FPCA) to request their absentee ballot, they are effectively registering to vote but are still not required to provide proof of residence.

If a military voter retires or wishes to change their status to a regular voter, they must register as a regular voter and provide a proof of residence document.

### **Overseas Voters**

Overseas voters must register and vote in the last Wisconsin municipality where they (or in the case of some permanent overseas voters, their parent(s)) last had residency. Wis. Stat. [§6.24\(3\)](#). Some permanent overseas voters may not recall or know the address where they are attempting to register if they personally never lived there. It is also possible that the address no longer exists. In these instances, clerks should obtain as much information from the voter as possible about nearby landmarks, cross streets, municipal buildings and businesses, etc. Use this information to make an educated guess about the location to create the address record for the voter in WisVote. If you need assistance with creating a record for an address for a permanent overseas voter, please contact our Help Desk at (608) 261-2028 or at [elections@wi.gov](mailto:elections@wi.gov).

### **Permanent Overseas Voters**

Permanent overseas voters must register to vote, but do not need to provide a proof of residence document. They can register using the following methods:

- FPCA
- EL-131

Registration deadlines:

- By Mail - form must be postmarked by the third Wednesday before the election. Wis. Stat. [§6.28\(1\)](#).
- In person at the clerk's office – by 5p.m. on the Friday preceding the election. Wis. Stat. [§6.29\(2\)](#).
- At their polling place on Election Day.

For most permanent overseas voters, their only option is to register to vote by mail (they cannot submit registration electronically by email or fax). They must be sure to follow registration deadlines, and their registration form must be the original signed version.

**Note:** If a regular voter changes their status to permanently overseas, they must re-register under that status.

### **Temporary Overseas Voters**

Temporarily overseas voters must register to vote, but many may already be registered at their Wisconsin address. Temporary overseas voters do not need to re-register to vote if they go overseas, as this is an absentee application status, not a voter status. They may register online, by mail, or in person, if they happen to be stateside, and must provide a proof of residence document. They can register using the following methods:

- FPCA
- EL-131
- Online MyVote.wi.gov with a valid Wisconsin Driver License or State ID

**Note:** Registration forms must ALWAYS be the original (no copies or email versions).

Registration deadlines:

- By Mail - form must be postmarked by the third Wednesday before the election. Wis. Stat. [§6.28\(1\)](#).
- Online – registration through the MyVote website closes at 11:59p.m. CST on the third Wednesday before the election. Wis. Stat. [§6.28\(1\)](#).
- In person – by 5p.m. on the Friday preceding the election. Wis. Stat. [§6.29\(2\)](#).
- At their polling place on Election Day.

Below is a chart that summarizes registration requirements for each voter type:

Type of Voter	Do they have to register to vote?	What are the registration requirements?	How can they register to vote?	Do they have to provide proof of residence?	What are the registration deadlines?
<b>Military</b>	No	Military voters don't need to register, but must meet the following requirements: 1. At least 18 years old by the next election 2. U.S. Citizen 3. Last resided in WI 4. Not registered in a different state	Military voters don't need to register to vote. They may choose to register using any method.	No	<b>Online or by mail:</b> 20 days prior to the election. <b>In person at the clerk's office:</b> Friday at 5pm prior to the election. <b>At the polling place:</b> Prior to 8pm on Election Day.
<b>Permanent Overseas</b>	Yes	1. At least 18 years old by the next election. 2. U.S. Citizen 3. Either last resided in WI or their parent(s) resided in WI prior to leaving the country 4. Not registered in any other state.	1. <b>By mail</b> using the EL-131 or the Federal Post Card Application (FPCA) 2. <b>In Person</b> at the clerk's office or polling place.	No	<b>Online:</b> 20 days prior to the election.* <b>In person at the clerk's office:</b> Friday at 5pm prior to the election. <b>At the polling place:</b> Prior to 8pm on Election Day.
<b>Temporary Overseas</b>	Yes	1. At least 18 years old by the next election. 2. U.S. Citizen 3. Not registered in any other state.	1. <b>Online</b> at MyVote.wi.gov (if they have a WI Driver License or ID) 2. <b>By mail</b> using the EL-131 or the Federal Post Card Application (FPCA) 3. <b>In Person</b> at the clerk's office or polling place.	Yes	<b>Online or by mail:</b> 20 days prior to the election.* <b>In person at the clerk's office:</b> Friday at 5pm prior to the election. <b>At the polling place:</b> Prior to 8pm on Election Day.

\*Online voter registration in Wisconsin requires a driver license or state ID card issued by the WI Department of Transportation.

**Q: I think they're no longer in the military, they live at home. Should I change their status?**

A: You may confirm with the voter that they are still in the military, but you do not need to. However, do not delay mailing the voter a ballot while waiting for confirmation. Please keep in mind that the voter could still be living at home or visiting on leave while serving in the military.

**Q: The voter lived in Wisconsin, moved to another state where they registered to vote, and now lives abroad permanently. The voter has family in Wisconsin, so they want to register to vote here. Can they?**

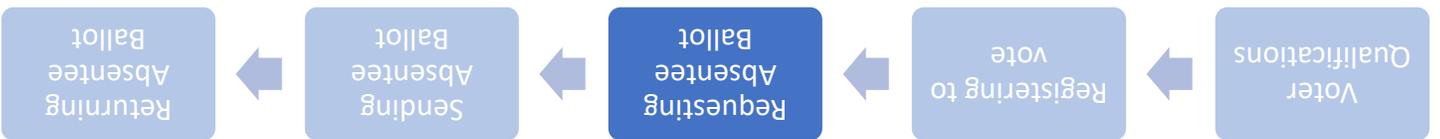
A: No, the voter cannot base their residency on where their family currently lives. Since the voter registered elsewhere after leaving Wisconsin, they must reestablish a physical presence in Wisconsin 28 days prior to an election to achieve residency and identify that as their address.

**Q: Someone accidentally registered as a military or overseas voter. What should I do?**

A: If this was a typo on behalf of the clerk, this can be updated by the clerk in WisVote. Please note that both the "voter type" in the voter registration record AND the "application type" in the absentee request must be updated in the system. If the voter mistakenly checked something, they should confirm in writing that this is a mistake and then you may update their record in WisVote.

**Q: The voter missed the by-mail registration deadline and is overseas. Is there anything they can do?**

A: No, the voter can return to their municipality and register to vote in person, but that is their only option.



**Requesting Absentee Ballots**

**Methods for Requesting Absentee Ballots**

1. **The Federal Write-in Absentee Ballot (FWAB) for Military and Overseas Electors** (see p. 21 for more information about what information is contained on the FWAB and what it looks like)

Citizens living overseas on a permanent or temporary basis and military voters often have difficulty receiving and returning ballots quickly. The Federal Voting Assistance Program (FVAP) has a write-in absentee ballot, called the Federal Write-in Absentee Ballot or "FWAB," available on their website (<http://fvap.gov>) for overseas and military electors to complete if they are unable to submit an official ballot. Wis. Stat. [§6.25](#). It is a multipurpose form that can be used as an **absentee ballot request form** and a **write-in ballot**. The absentee request form section of the FWAB contains areas for voters to provide required information and has a Declaration/Affirmation section where the voter must sign.

The FWAB must be accompanied by a completed Declaration/Affirmation which must also include the signature of the elector and the signature and address of an adult witness to be counted.

The completed and signed Declaration/Affirmation that accompanies the FWAB is also a valid absentee application for a military elector. However, if submitted by an overseas elector, the elector must have submitted an absentee request that is received no later than the 5th day before the election in order to count the FWAB.

**Note:** Permanent overseas voters may only vote in federal elections and will only receive a ballot for federal offices. Temporary overseas and military voters can vote in all elections for all offices. Wis. Stat. [§6.24](#)

2. **The Federal Post Card Application (FPCA)**

The Federal Post Card Application (FPCA) is also known as Standard Form 76. Regular voters who are temporarily overseas may also use this form. Wis. Stat. [§6.24\(4\)\(b\)](#). The FPCA is a dual purpose form that functions as both a voter registration form and/or absentee ballot application depending on the circumstance and the needs of the voter.

3. **EL-121 Application for Absentee Ballot form**

This form is the standard absentee ballot application published by the Wisconsin Elections Commission. Military and Permanent Overseas voters are not required to provide a copy of their photo ID when submitting this application. Temporary Overseas voters are required to include a copy of their photo ID unless they already have one on file with the clerk's office.

4. **MyVote.wi.gov**

All UOCAVA voters may request their absentee ballots through the MyVote website. There is a separate section of the website for Military and Permanent Overseas voters to use. Temporary Overseas voters use the same ballot request process as regular voters on MyVote and will indicate their temporary overseas status as part of that process.

## 5. Email and other written requests

Any other written request is acceptable, provided it gives all required information. Fax or email requests are valid if received by the application deadline and do not require a copy of the applicant's signature. Wis. Stat. [§§6.24\(4\)\(a\)](#) & [6.86\(1\)\(ac\)](#). A scan of the FPCA or EL-121 could be emailed to the clerk for the same purpose.

### Process and Requirements for Requesting an Absentee Ballot

There are different requirements for requesting and returning absentee ballots depending on the type of voter.

#### Military Voters

- May vote in all elections
- Can receive a ballot by email, fax, online, by mail, or in person. If voting in person, including in-person absentee voting, they must provide a photo ID.
- No photo ID required/photo ID is optional if voting absentee by mail.

Absentee request deadlines for military voters:

- Federal Elections:
  - Military Voters (not on active duty) - 5p.m. CST on the Friday before Election Day
  - Military Voters (on active duty) - 5p.m. CST on Election Day. Please note that all ballots, regardless of when they were requested, must be returned to the clerk by 8:00p.m. CST on Election Day in order to be counted.
- Non-Federal Elections
  - Military voters (all) – 5p.m. CST on the Friday before Election Day

#### Permanently Overseas Voters

- May vote only in Federal elections (President, Senate, and Representative to Congress). This includes any special Federal elections.
- Can receive a ballot by email, fax, online, or by mail.
- No photo ID required/photo ID is optional if voting absentee by mail.

Absentee request deadlines for permanently overseas voters:

- Permanent Overseas Voters – 5p.m. CST on the Thursday before Election Day
- Permanent Overseas and Indefinitely Confined Voters- 5p.m. CST on the Friday before Election Day

#### Temporary Overseas Voter

- May vote in all elections.
- Can receive a ballot by email, fax, or by mail.
- Must provide photo ID unless there is already one on file (same as regular absentee voter).

Absentee request deadlines for temporary overseas

- Temporarily Overseas Voters - 5p.m. CST on the Thursday before Election Day

Below is a chart that summarizes absentee ballot request requirements for each voter type:

Type of Voter	Do they have to provide a photo ID	What elections are they eligible to vote in?	How can they request an absentee ballot?	How can they receive an absentee ballot?	How can they return an absentee ballot?	What are the deadlines for requesting an absentee ballot?
<b>Military</b>	No	All	<ul style="list-style-type: none"> <li>• FPCA</li> <li>• FWAB</li> <li>• EL-121</li> <li>• Online</li> <li>• Email</li> <li>• Fax</li> </ul>	<ul style="list-style-type: none"> <li>• In Person</li> <li>• Mail</li> <li>• Email</li> <li>• Online</li> <li>• Fax</li> </ul>	By mail or in person	<p>For federal elections: Active Duty and Away from Home: <b>5pm on Election Day</b></p> <p>Not Active Duty and Away from Home: <b>5pm Friday before Election Day</b></p> <p>For non-federal elections: <b>5pm Friday before Election Day</b></p>
<b>Permanent Overseas</b>	No	Federal Only (President, Senate, and Congress)	<ul style="list-style-type: none"> <li>• FPCA</li> <li>• FWAB</li> <li>• EL-121</li> <li>• Online</li> <li>• Email</li> <li>• Fax</li> </ul>	<ul style="list-style-type: none"> <li>• In Person</li> <li>• Mail</li> <li>• Email</li> <li>• Online</li> <li>• Fax</li> </ul>	By mail or in person	5pm Thursday before Election Day (if they are also indefinitely confined, then the 5pm Friday before Election Day)
<b>Temporary Overseas</b>	Yes	All	<ul style="list-style-type: none"> <li>• FPCA</li> <li>• FWAB</li> <li>• EL-121</li> <li>• Online</li> <li>• Email</li> <li>• Fax</li> </ul>	<ul style="list-style-type: none"> <li>• In Person</li> <li>• Mail</li> <li>• Email</li> <li>• Fax</li> </ul>	By mail or in person	5pm Thursday before Election Day

**Q: Since military voters who are on active duty can request a ballot for federal elections until 5pm on Election Day, does this mean that they still have to return their ballot by 8pm on Election Day?**

A: Yes, all ballots must be returned by 8pm on Election Day and all ballots must be mailed back or dropped off. It is rare that a military voter would be able to return their ballot by 8pm if they request it at 5pm on the same day, but it is possible. For example, if someone in the National Guard is called into duty on Election Day, they could request a ballot and return it as they may be nearby to drop it off.

**Q: Can a military or overseas voter also be indefinitely confined?**

A: A voter can be both indefinitely confined and military. People with disabilities or illnesses can still be in the military. It is also possible that this may be a family member or dependent who qualifies as a military voter.



**Viewing Ballot Requests and Sending Ballots**

Clerks must send out ballots to any military and overseas voters with active requests on file no later than 47 days prior to any election with a federal office on the ballot (typically partisan primaries and general elections) or 21 days before all other primaries and elections. Ballot requests received after those deadlines must be processed and sent out within one business day (meaning any day from Monday to Friday, not including a legal holiday). Wis. Stat. [§7.15\(1\)\(cm\)](#).

**Ballot Delivery Options**

There are a few ways a voter may request to have their ballot sent to them. The preferred method of delivery should be marked on or stated in the absentee ballot request. If you receive a paper form or emailed request, the ballot delivery method requested by the voter will need to be recorded in the ballot request record when entered into WisVote. If the request came through MyVote, the voter should have chosen the preferred delivery method and in that case, it will already appear in WisVote.

Please note the Application Source field in WisVote shown below only lists how the voter made their request. The Ballot Delivery Method field must be reviewed to determine how the voter would like to receive their ballot.

Application Info	
Application Type *	Indefinitely Confined
Application Date *	3/23/2020
Application Source *	Online

Ballot Delivery Info	
Ballot Delivery Method *	Mail
Different Absentee Address	<input type="checkbox"/>

## Procedures for Sending Ballots

Delivery by Mail	Delivery by Email or Fax (see next page for detailed instructions)	Online Delivery
Check to ensure you are sending the right ballot (Federal Only vs Full Ballot).	Take a printed copy of the correct ballot and initial it.	The voter will download their own ballot on MyVote.wi.gov.
Provide return postage UNLESS mailing the ballot outside of the US	Scan the initialed copy and email or fax to the voter.	They will receive an email when it is ready.
Be sure to use the military/overseas <a href="#">EL-122</a> certification envelope which removes the U.S. Citizen requirement for the witness.	Include a pdf copy of the Uniform Instructions for Emailed and Faxed Ballots and the EL-122 Special envelope: <a href="https://elections.wi.gov/forms/voters-uniform-instructions">https://elections.wi.gov/forms/voters-uniform-instructions</a>	If someone wants to change their ballot delivery to online, you must deactivate their original request in WisVote.
	Do not pay for postage.	

**Q: They're not active duty, do I still have to use the military envelope?**

A: Yes, you should still use the postage-free military front side of the envelope for a military voter.

**Q: On the FPCA or FWAB, they said they want their ballot delivered "online/email"? How should I send the ballot?**

A: If a Military or Permanently Overseas voter asks to receive their ballot by "Email/Online," contact the voter to see if they would like to receive their ballot by email or online, but do not choose for the voter. If the voter does not respond within one business day, email the voter their ballot. If the voter did not provide an email address, mail the voter a ballot. If the voter asks to get their ballot online, then point the voter to myvote.wi.gov so that they may initiate their request online. Please do not enter the online absentee application into WisVote for the voter as they will not receive the notification from the system when their ballot is ready.

**Q: On the FPCA, the voter waived their right to privacy so they can email their ballot back. Can they send their ballot back by email?**

A: No, a Wisconsin voter can never return their ballot by email. They must deliver it by mail or in person. The FPCA and FWAB are federal forms that are designed to be universally used. Some other states allow voters to email their ballot back.

### Faxing or Emailing Absentee Ballots

Any military, permanent overseas, or temporarily overseas voter can request an absentee ballot to be sent to them by fax or email. If you receive a request from a voter who would like to receive their ballot by email or fax, follow these instructions when sending the voter their ballot.

#### Request

- Review the request for an absentee ballot to ensure it is from a qualified elector. The absentee application request may be on the EL-121, FPCA, FWAB, or in the form of a letter, email or fax that

contains the information needed for an absentee ballot request. Remember, the request needs to be in writing, but email and fax requests do not need to include the voter's signature. Voters can also submit their request through the My Vote Wisconsin website: [myvote.wi.gov](http://myvote.wi.gov). You will receive an email notification when the voter makes their request through MyVote.

- Military and permanent overseas voters do not need to provide a photo ID with their request. Temporarily overseas voters must provide a photo ID with their absentee ballot request, or have a copy of their ID already on file with their clerk.
- After determining that the elector is qualified to receive an emailed or faxed absentee ballot, the municipal clerk may fax or e-mail the ballot to the elector.

### Faxing

- The municipal clerk should initial the ballot in the endorsement section and initial the face of the ballot.
- Fax the ballot and the face of the [Absentee Ballot Certificate for Military and Overseas Voters](#) along with the [Uniform Instructions for Emailed and Faxed Ballots](#).
- The voter should be instructed to vote the ballot in the presence of a witness, fold the ballot and seal it inside a regular, non-window envelope, complete and sign the absentee certificate. An adult witness must sign and provide their address on the certificate. Military or permanent overseas voters should provide their birthdate in the appropriate section provided on the certificate. The certificate should be affixed to the envelope containing the voted ballot. The envelope with the certificate attached should be placed into another, larger envelope, sealed and mailed to the municipal clerk. The ballot must be received by 8 p.m. on Election Day.

### Emailing

- The municipal clerk should print their initials in the endorsement section of the ballot and on the face of the ballot and scan the initialed ballot. If you do not have access to a scanner, work with your county or the WEC to determine an alternate way of initialing the ballot before sending it via email.
- Email the initialed ballot and the face of the [Absentee Ballot Certificate for Military and Overseas Voters](#) along with the [Uniform Instructions for Emailed and Faxed Ballots](#).
- The elector should be instructed to print the ballot, vote the ballot in the presence of a witness, fold the ballot and seal it inside a regular, non-window envelope, complete and sign the absentee certificate. An adult witness must sign and provide their address on the certificate. Military or permanent overseas voters should provide their birthdate in the appropriate section provided on the certificate. The certificate should be affixed to the envelope containing the voted ballot. The envelope with the certificate attached should be placed into another, larger, envelope, sealed and mailed to the municipal clerk. The ballot must be received by 8 p.m. on Election Day.

### Expediting Late Ballots

There are two ways for a ballot to be considered sent out late:

1. Not sent out by the 47<sup>th</sup> day before a federal election.
2. Not sent out within one business day after requesting.

A business day would be any day not including weekends or Wisconsin legal holidays (see Wis. Stats. §§[7.15\(1\)\(cm\)](#) and [995.20](#)). So, even if a clerk only has office hours once a week, they still must send a military

or overseas voter's ballot within one business day of receiving the request. For example, if a clerk has office hours every other Monday, and a voter puts in a request on a Friday, the clerk must get that ballot out either Friday or the next statutory Business Day (e.g. Monday). However, if the clerk's office is open on Saturdays, or the clerk has a reason to be in office on that day, the ballot request should be processed on Saturday. Additionally, if the clerk has limited hours/days of operation, they should monitor office traffic for military and overseas ballot requests so that they can be processed within the deadlines laid out by statute.

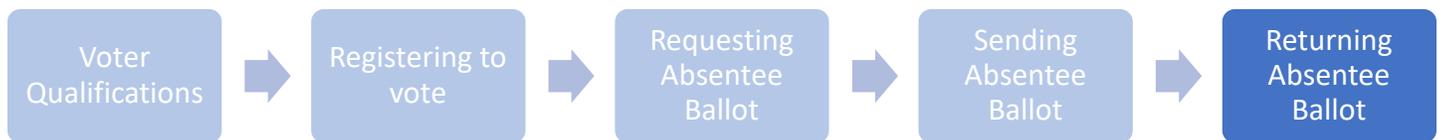
If the ballot is sent out late to a military or overseas voter, then the clerk must expedite the late ballot and include a prepaid expedited return mailing label. If the ballot is sent by email or fax, then the clerk can simply offer expedited return by including a message that says something like "this ballot was sent to you late. Would you like me to send you an expedited prepaid return label?" Then, the clerk can go to the post office, FedEx, UPS, or other mail service provider and get a prepaid expedited return label and scan it to the voter. This expedited delivery and return serves as a sort of "fix" to sending a late ballot to make up for any lost time, but ultimately it can be expensive for the municipality to have to expedite ballot delivery and return. Please plan to send out ballots as soon as possible to avoid any need to expedite ballots or cause a delay for voters.

**Q: I only have office hours one day a week, do I have to come in special to send out ballots to military and overseas voters?**

**A:** Yes, all military and overseas ballots must be sent within one business day of receiving the request.

**Q: I am sending this ballot out one day late, do I really have to expedite it and offer a prepaid expedited return label?**

**A:** Yes, even if the ballot is just one day late.



### **Returning Absentee Ballots**

- The absentee elector must return the hard copy of the ballot and the completed certificate to the municipal clerk in time so that the clerk can deliver the ballot to the polling place before the close of the polls.
- The elector may choose overnight delivery to assure that their ballot arrives on time. The municipal clerk is not responsible for return postage of a faxed or e-mailed absentee ballot. Overseas voters without access to public mail services may use a private mail carrier (such as UPS, FedEx, DHL, etc.) to return their ballot.
- The USPS recommends that ballots be mailed one week prior to the date of the Election to arrive on time. This timeline may be longer for voters who are overseas, so it is important they mail their ballot back as soon as possible.

### **Documentation**

- The municipal clerk records the date absentee ballots are faxed or e-mailed to voters in WisVote or forwards the information to their WisVote Provider.
- When absentee ballots are returned to the clerk’s office, the municipal clerk (or their provider) records the information in WisVote. For returned ballots originally sent by fax or email, the clerk encloses the envelope holding the ballot into a certificate envelope and attaches the completed certificate to the outside. The clerk delivers the ballot to the appropriate polling place in a carrier envelope. [Wis. Stat. §6.88\(1\)](#)
- At the polling place, the election inspectors follow the procedures for processing absentee ballots. The ballot may be remade by 2 election inspectors to be accepted by electronic tabulating equipment.

### **Compliance**

Clerks must send out ballots to any military and overseas voters with active requests on file no later than 47 days prior to any election with a federal office on the ballot (typically partisan primaries and general elections) or 21 days before all other primaries and elections. Ballot requests received after those deadlines must be processed and sent out within one business day (meaning any day from Monday to Friday, not including a legal holiday). Wis. Stat. [§7.15\(1\)\(cm\)](#).

**Q: If a clerk is late in mailing absentee ballots to military or overseas voter, what can/will the U.S. Department of Justice do?**

**A:** Under Section 105 of UOCAVA, the Attorney General is authorized to bring civil actions to enforce UOCAVA requirements. When states have failed to make sure that ballots are sent to qualified UOCAVA protected voters in a timely manner, the Department of Justice has successfully obtained court orders and consent decrees to enforce UOCAVA protections. Many of these have required states to extend their deadlines for receiving these ballots and to count such ballots, even when they arrived after Election Day. In some cases, the states were required to make permanent changes to their laws or procedures to make sure the

problems are not repeated in future elections. Through these cases brought to enforce the federal law, the Department has ensured that qualified servicemembers and overseas voters were able to cast their ballots with confidence that they were counted.

### Absentee Request Duration and List Maintenance

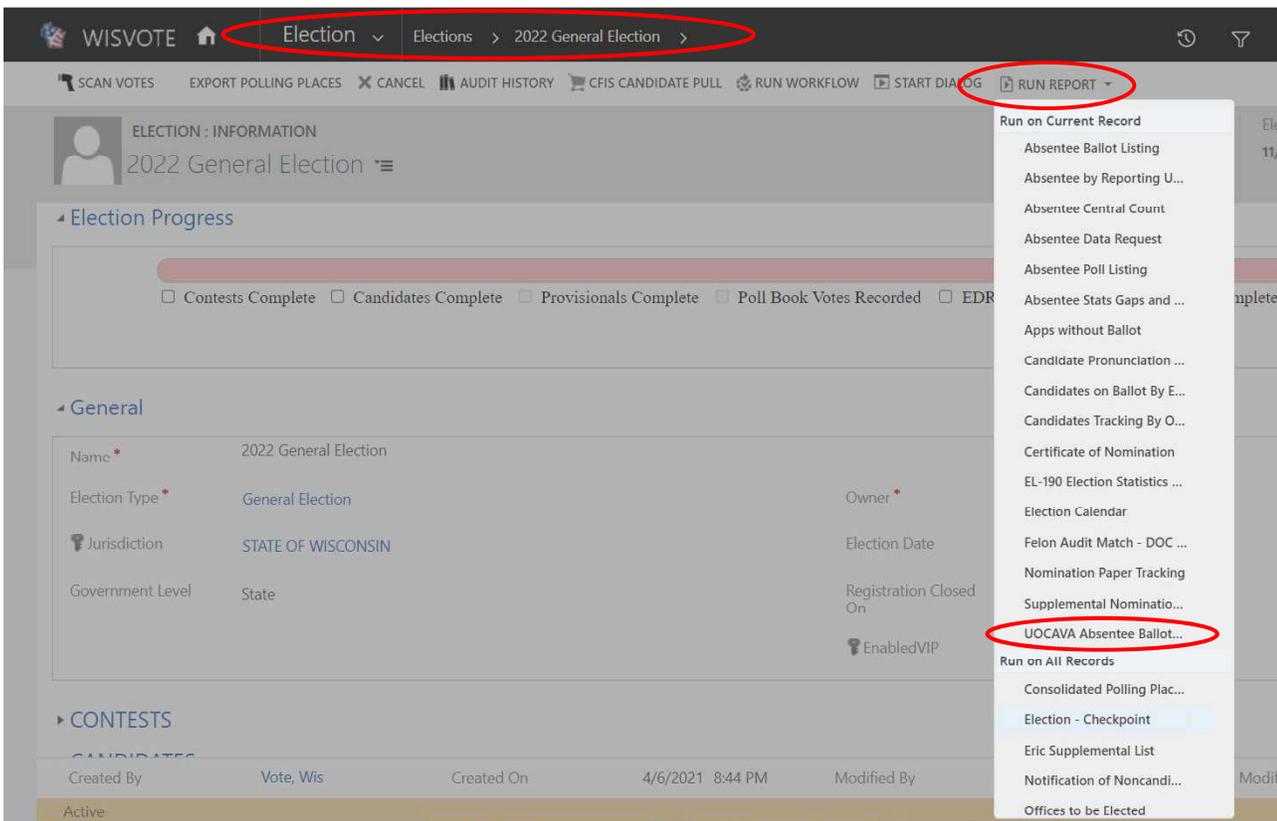
As with regular indefinitely confined voters, if a military or overseas indefinitely confined voter does not return a spring or general election ballot, the clerk should send the “30-day letter” notifying them of the potential cancellation of their indefinitely confined status, Wis. Stat. [§6.86\(2\)\(b\)](#). If they do not respond to the mailing, their absentee request should be inactivated, and they have to reapply if they want to receive ballots for future elections.

Calendar year ballot requests for military and overseas voters that are not indefinitely confined expire on December 31<sup>st</sup> of each year. All regular military and overseas voters must submit a new absentee request each year and can only request ballots for one calendar year in duration.

### Checking Compliance

In order to find all of the overseas and military voters in a municipality, a clerk can run a report of all the UOCAVA ballot requests in WisVote.

1. Click the Elections tile on the main screen
2. Click the Name of the Election
3. Click Run Report
4. Click UOCAVA Absentee Ballot...



Within 30 days after each general election, each municipal clerk shall transmit to the commission a report of the number of absentee ballots transmitted by the clerk to absent military electors and overseas electors for that election and the combined number of those ballots that were cast by those electors in that election. Wis. Stat. [§6.276\(2\)](#). When clerks maintain their UOCAVA-related data in WisVote, WEC staff are able to view an up-to-date report at any given time, requiring no further action by the clerk.

Within 90 days after each general election, the commission shall compile the information contained in the reports received from municipal clerks under sub. (2) and transmit the information to the federal Election Assistance Commission. Wis. Stat. [§6.276\(3\)](#). Again, this information is pulled by WEC staff as a report from WisVote, and so as long as the information has been maintained at the municipal levels, no additional action is required by clerks.

## Forms

As listed previously, there are a number of forms used by UOCAVA voters for registering to vote, requesting absentee ballots, and voting. The federal forms like the FPCA and FWAB are accessed through the FVAP website (<https://www.fvap.gov/election-materials>) while the Wisconsin-specific forms are found on the Wisconsin Elections Commission website ([elections.wi.gov](https://elections.wi.gov)).

**FPCA (Federal Post Card Application):** also known as Standard Form 76 (SF 76), is a postage-free postcard, printed and distributed by the U.S. Department of Defense – Federal Voting Assistance Program (FVAP) for use by absentee voters covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). The FPCA is a combination voter registration form and absentee ballot request. Wis. Stats. [§§ 6.24\(3\)](#) and [6.24\(4\)](#).

### Q: I received an FPCA. What do I do?

A: The FPCA can serve as a voter registration and an absentee request. You will process this form similarly to any other registration or absentee request. Please note that if the voter is using it as a registration form, the original must be mailed or dropped off to the clerk. Please see more information here: <https://elections.wi.gov/sites/elections.wi.gov/files/2021-10/FPCA%20Tips%20for%20Clerks.pdf>.

The first thing you should do when you receive a FPCA is to review it and determine if the voter is attempting register to vote, request an absentee ballot, or both. The chart below identifies the required information on the FPCA, depending on its intended use. Unregistered voters can use the FWAB to both register and request an absentee ballot if they provide all of the required information and supporting documentation. Registered voters can use the FPCA to update their voter registration and/or request an absentee ballot. A sample version of the form and a tip sheet for how to process the FPCA is provided in later in this section of the manual.

### What is required on the FPCA?

Registration (or both registration and absentee)	Absentee Request
Must be mailed (not scanned).	Voter type
Voter type	Voter name
Voter name	WI address
Date of Birth	Method to receive absentee ballot
DL or ID #, Last 4 of SSN, OR blank is acceptable.	Remember! Temporary overseas voters must provide a photo ID if one was not previously provided.
WI address	
(If also using as absentee request): Method to receive absentee ballot.	

# Voter Registration and Absentee Ballot Request

Federal Post Card Application (FPCA)

**This form is for absent Uniformed Service members, their families, and citizens residing outside the United States. It is used to register to vote, request an absentee ballot, and update your contact information. See your state's instructions at FVAP.gov.**

Print clearly in blue or black ink, please see back for instructions.

### 1. Who are you? Pick one.

- I request an absentee ballot for all elections in which I am eligible to vote AND:
  - I am on active duty in the Uniformed Services or Merchant Marine -OR-  I am an eligible spouse or dependent.
  - I am a U.S. citizen living outside the country, and I intend to return.
  - I am a U.S. citizen living outside the country, and my intent to return is uncertain.
  - I am a U.S. citizen living outside the country, and I have never lived in the United States.

Last name  Suffix (Jr, II)  Sex  Female  Male

First name  Previous names (if applicable)

Middle name  Birth date (MM/DD/YYYY)  /  /

Social Security Number  -  -  Driver's license or State ID #

### 2. What is your address in the U.S. state or territory where you are registering to vote and requesting an absentee ballot?

Your voting materials will not be sent to this address. See instructions on other side of form.

Street address  Apt #

City, town, village  State

County  ZIP

### 3. Where are you now? You MUST give your CURRENT address to receive your voting materials.

Your mailing address. (Different from above)

Your mail forwarding address. (If different from mailing address)

### 4. What is your contact information? This is so election officials can reach you about your request.

Provide the country code and area code with your phone and fax number. Do not use a Defense Switched Network (DSN) number.

Email:  Phone:

Alternate email:  Fax:

### 5. What are your preferences for upcoming elections?

A. How do you want to receive voting materials from your election office? (Select One)

Mail  Email or online  Fax

B. What is your political party for primary elections?

### 6. What additional information must you provide?

Puerto Rico and Vermont require more information, see back for instructions. Additional state instructions may be found at FVAP.gov. You may also use this space to clarify your voter information.

### 7. You must read and sign this statement.

- I swear or affirm, under penalty of perjury, that:**
- The information on this form is true, accurate, and complete to the best of my knowledge. I understand that a material misstatement of fact in completion of this document may constitute grounds for conviction of perjury.
  - I am a U.S. citizen, at least 18 years of age (or will be by the day of the election), eligible to vote in the requested jurisdiction, and
  - I am not disqualified to vote due to having been convicted of a felony or other disqualifying offense, nor have I been adjudicated mentally incompetent; or if so, my voting rights have been reinstated; and
  - I am not registering, requesting a ballot, or voting in any other jurisdiction in the United States, except the jurisdiction cited in this voting form.

**Sign here**  **Today's date** (MM/DD/YYYY)  /  /

This information is for official use only. Any unauthorized release may be punishable by law. Previous editions are obsolete. Standard Form 76 (Rev. 04-2019), OMB No. 0704-0003

## You can vote wherever you are.

### 1. Fill out your form completely and accurately.

- Your U.S. address is used to determine where you are eligible to vote absentee. For military voters, it is usually your last address in your state of legal residence. For overseas citizens, it is usually the last place you lived before moving overseas. You do not need to have any current ties with this address. DO NOT write a PO Box # in section 2.
- Most states allow you to provide a Driver's License number or the last 4 digits of your SSN. Some states require a full SSN. See your state's guidelines at FVAP.gov.
- If you cannot receive mail at your mailing address, please specify a mail forwarding address.
- Most states require you to specify a political party to vote in primary elections. This information may be used to register you with a party.
- **Section 6 Requirements:** If your voting residence is Vermont, you must acknowledge the following by writing in section 6: "I swear or affirm that I have taken the Vermont Voter's Oath." If your voting residence is in Puerto Rico, you must list your mother's and father's first name.
- We recommend that you complete and submit this form every year while you are an absentee voter.

### 2. Remember to sign this form!

### 3. Remove the adhesive liner from the top and sides.

- **Fold and seal tightly. If you printed out the form yourself you can fold the form and seal it in an envelope.**
- You can find the address for your election office at FVAP.gov.
- All states accept this form by mail, but they vary on email and fax. See your state's rules in the *Voting Assistance Guide* at FVAP.gov.

### Agency Disclosure Statement

The public reporting burden for this collection of information is estimated to average 15 minutes per response, including the time for reviewing instructions, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden to: Department of Defense, Washington Headquarters Services, Executive Services Directorate, Information Management Division, 4800 Mark Center Dr., East Tower, Suite 03F09, Alexandria, VA 22304-3100. (OMB Control #0704-0003). Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number. DO NOT RETURN YOUR FORM TO THE ADDRESS ABOVE.

### Privacy Advisory

When completed, this form contains personally identifiable information and is protected by the Privacy Act of 1974, as amended.

**Questions?**  
Email [vote@fvap.gov](mailto:vote@fvap.gov)

**From**  
(Your name and mailing address)



U.S. Postage Paid  
39 USC 3406  
PAR AVION

International airmail postage is required if not mailed using the U.S. Postal Service, APO/FPO/DPO system, or diplomatic pouch.



OFFICIAL ABSENTEE BALLOTING MATERIAL - FIRST CLASS MAIL

NO POSTAGE NECESSARY IN THE U.S. MAIL - DMM 703.8.0

**To**  
(Fill in the address of your election office.  
The address can be found online at FVAP.gov.)

## Federal Post Card Application (FPCA)

### Information about the form and tips for Wisconsin clerks who receive an FPCA from a voter

#### What is the Federal Post Card Application (FPCA)?

The FPCA is a federal form that is provided to Military and Overseas voters (permanent and temporary) by the Federal Voting Assistance Program (FVAP). FPCA forms are made available to voters through the various branches of the U.S. military, through U.S. embassies, or online at [www.FVAP.gov/election-materials](http://www.FVAP.gov/election-materials). The FPCA form can serve as both a voter registration application as well as an absentee ballot request for most Wisconsin voters. The form was designed for use by all 50 states, so some of the information does not perfectly match the Wisconsin-specific forms.

#### Who can use the FPCA?

The FPCA can serve as a voter registration and/or an absentee ballot request depending on the type of voter using the form:

Voter Type	What can they use the FPCA for?	Registration required?	Proof of Residence required?	Photo ID required?	How to receive their absentee ballot?
<b>Military</b> "I am a member of the Uniformed Services" OR "I am an eligible spouse" OR "I am an activated National Guard"	Voter Registration & Absentee Ballot Request	No	No	No	Mail, online, fax, email, or in person*
<b>Permanent Overseas</b> "I am a U.S. citizen residing outside the United States, and my return is not certain" OR "I am a U.S. citizen and have never resided in the United States."	Voter Registration & Absentee Ballot Request	Yes	No	No	Mail, online, fax, email, or in person*
<b>Temporarily Overseas</b> "I am a U.S. citizen residing outside of the United States, and I intend to return."	Voter Registration & Absentee Ballot Request	Yes	Yes	Yes	Mail, fax, email, or in person*
<b>Regular/Domestic</b> Do not select any options in Box 1.	Voter Registration & Absentee Ballot Request	Yes	Yes	Yes	Mail or in person

\*If receiving their ballot in-person, all voters must show a photo ID.

\*All ballots must be originals, returned by mail or in person.

**When using the FPCA as a registration application:** Temporary and permanent overseas voters must submit their FPCA by mail, postmarked no later than the 20<sup>th</sup> day before the election, with an original signature. Military voters do **not** need to register to receive a ballot.

**When using the FPCA as an absentee ballot request:** Voters may submit the FPCA by mail, email, or fax. No signature is required when the voter is using the form as an absentee ballot request. Please note that Permanently Overseas voters are only eligible to vote in federal contests.

### What does the FPCA look like?

You can find the FPCA online at [www.FVAP.gov/election-materials](http://www.FVAP.gov/election-materials).

### What should I look for on the FPCA?

The FPCA may arrive in a military mailing envelope, or it may come to you in a regular envelope. Please open the envelope as soon as you receive it, you have 1 business day to process the request if it is an absentee ballot application. When looking at the FPCA, please note the information in the following boxes:

**Box 1:** This section of the form determines the **voter type** (see above) and will determine how the voter is able to use the form. This form also provides a place for the **voter's name** (and previous name, if applicable). It also asks for a Wisconsin driver's license number, social security number, and date of birth (not required if military voter).

**Box 2:** The voter will list the last **address** where they lived for at least 28 days in Wisconsin. This must be completed by all voters. Permanent overseas voters will list their last Wisconsin address prior to moving out of the country.

**Box 3:** If the voter has a **mailing address** other than the address in Box 2, they will list it here. Send the ballot to this address, if ballot delivery by mail is requested.

**Box 4:** These fields provide **contact information** in case you need to contact the voter or if they have specified fax or email delivery of their ballot.

**Box 5:** The first field allows a voter to specify their **preferred method of ballot delivery** – mail, email, online, or fax – if they are using the FPCA as an absentee ballot request. If a voter selects the email/online option, you should review the tip below before processing this request. The adjacent field, regarding political party, is not required or collected in Wisconsin. Please disregard anything listed in this box.

**Box 6:** Nothing is required in this box. Please look for any special instructions the voter may have listed.

**Box 7:** If the voter is Permanently Overseas, Temporarily Overseas, or a Regular voter, they must **sign** and date their request if they are using it as a voter registration application. If the form is being used as an absentee request only, no signature or date is required. A signature/date is never required for military voters. **A witness signature is never required on the FPCA.**

### What are some tips for processing a FPCA request?

- If a Military or Permanently Overseas voter asks to receive their ballot by "Email/Online," contact the voter to see if they would like to receive their ballot by email or online, but do not choose for the voter. If the voter does not respond with their preference within one business day, email the voter their ballot. If the voter did not provide an email address, mail the voter a ballot. If the voter asks to get their ballot online, then point the voter to [myvote.wi.gov](http://myvote.wi.gov) so that they may initiate their request online. Please do not enter the online absentee application into WisVote for the voter.
- On the FPCA, there is a section for a voter to voluntarily waive their right to a secret ballot when returning by email or mail. In Wisconsin, all voters must return their ballot by mail or in person, so please disregard this portion of the form.
- Photo ID is needed only if a Temporarily Overseas or Regular voter is using the FPCA as an absentee request. If the voter has already provided their Photo ID with a previous absentee ballot request, then they do not need to include a copy with their FPCA absentee ballot request.
- Proof of Residence is needed only if a Temporarily Overseas or Regular voter is using the FPCA as a voter registration application.
- If the voter is using the FPCA as an absentee ballot request, it should be considered a calendar year request. Voters need to submit a new request for each calendar year to continue receiving ballots, unless the voter states they are indefinitely confined.

**FWAB (Federal Write-in Absentee Ballot):** The Federal Voting Assistance Program (FVAP) has a write-in absentee ballot available on their website for overseas and military electors to complete if they are unable to submit an official ballot. Wis. Stat. [§6.25](#). This form may arrive in an official envelope, with or without a privacy sleeve around it inside. The FWAB can also serve as an absentee ballot request form.

**Q: I received a FWAB. What do I do?**

**A:** The FWAB can serve as an absentee request and an absentee ballot. The envelope returned by the voter with the FWAB may contain the Voter Information form, the Official Backup Ballot (*i.e.* the write-in absentee ballot) and any required photo ID documentation, but not all voters will submit the same documents.

The write-in absentee ballot (Official Backup Ballot) will likely be in a separate envelope inside the main envelope. **DO NOT OPEN THIS ENVELOPE** and securely store it with your other returned absentee ballots until Election Day. You should also ensure this returned ballot is logged into the WisVote system. You must then send out the full ballot to the voter as soon as possible. If the write-in ballot does not come in a separate envelope, put it in a separate envelope (this is not a reason to reject), seal the envelope, label it appropriately with the voter's name and any other identifying information you need for record-keeping purposes. Please securely store this write-in ballot and the FWAB form with the witness signature (if needed) until Election Day. If the full, or official, ballot arrives, the write-in ballot will be rejected by the Election Inspectors on Election Day and the full ballot will be counted. If the full ballot does not arrive, you will either hand count it or remake the write-in ballot so it can be processed on the voting equipment. Please see more information here: <https://elections.wi.gov/sites/elections.wi.gov/files/2021-10/FWAB%20Tips%20for%20Clerks%20.pdf>.

**Q: I suspect that an envelope I received from a voter may contain a FWAB, but it is not marked. What do I do?**

**A:** Open the envelope, but please try to maintain voter privacy as much as possible. If it is a FWAB back-up ballot, put it in a separate envelope and attach the Voter Information page of the FWAB to the outside.

**Q: The FWAB was not in a separate envelope, can I still accept it?**

**A:** Yes, returning the FWAB without a separate privacy envelope is not a reason to reject the ballot. Put it in a separate envelope and attach the Voter Information page of the FWAB to the outside



**Federal Write-in Absentee Ballot (FWAB)**

**Information about the form and tips for Wisconsin clerks who receive a FWAB from a voter**

**What is the FWAB?**

The FWAB is a federal form that is provided to Military and Overseas voters (permanent and temporary) by the Federal Voting Assistance Program (FVAP). FWAB forms are made available to voters through the various branches of the U.S. military, through U.S. embassies, or online at [www.FVAP.gov/election-materials](http://www.FVAP.gov/election-materials). The FWAB form can serve as both an absentee ballot request and a write-in absentee ballot for some Wisconsin voters.

**Who can use the FWAB?**

The FWAB can serve as an absentee ballot request and/or a write-in absentee ballot depending on the type of voter using the form:

<b>Voter Type (found in Box 1)</b>	<b>What can they use the FWAB for?</b>	<b>Registration required?</b>	<b>Photo ID required?</b>	<b>Eligible to vote in what contests?</b>	<b>How to receive their official absentee ballot?</b>
<b>Military</b> "I am a member of the Uniformed Services" OR "I am an eligible spouse" OR "I am an activated National Guard"	Write-In Ballot & Absentee Ballot Request	No	No	All contests	Mail, online, fax, email, or in person*
<b>Permanent Overseas</b> "I am a U.S. citizen residing outside the United States, and my return is not certain" OR "I am a U.S. citizen and have never resided in the United States."	Write-In Ballot & Absentee Ballot Request	Yes	No	Federal contests only	Mail, online, fax, email, or in person*
<b>Temporarily Overseas</b> "I am a U.S. citizen residing outside of the United States, and I intend to return."	Write-In Ballot & Absentee Ballot Request	Yes	Yes	All contests	Mail, fax, email, or in person*
<b>Regular/Domestic</b> Do not select any options in Box 1.	Absentee Ballot Request	Yes	Yes	Cannot use FWAB as a ballot	Mail or in person

\*If receiving their ballot in-person, all voters must show a photo ID.

\*All ballots must be returned by mail or in person.

**When using the FWAB as an absentee ballot request:** Voters may submit the FWAB by mail, email, or fax. No signature is required when the voter is using the form as an absentee ballot request.

**When using the FWAB as a write-in absentee ballot:** Voters must submit the FWAB by mail with the voter's original signature affirmation section. The FWAB must contain the signature of a witness (does not need to be a U.S. Citizen for overseas and military voters), but do not reject the FWAB if the witness did not list their address. The write-in selections on the voter's ballot will be counted on Election Day if the voter's official ballot is not received.

**What does the FWAB look like?**

You can find the FWAB online at [www.FVAP.gov/election-materials](http://www.FVAP.gov/election-materials).

### What should I look for on the FWAB?

The FWAB may arrive in a military mailing envelope, or it may come to you in a regular envelope. When using the FWAB as a write-in ballot, voters are instructed to place the write-in ballot inside a smaller envelope; the small envelope should then be placed in a larger envelope along with the FWAB form/affirmation. Always open the outer envelope to review the form/affirmation. Then keep the smaller envelope, containing the write-in ballot, sealed to be processed at the polls. If the voter did not use two envelopes as instructed, but the ballot and affirmation are otherwise complete, the ballot can still be counted. Please open the envelope as soon as it is received; clerks have one business day to process the request. When looking at the FWAB, please note the information in the following boxes:

**Box 1:** This section of the form determines the **voter type** (see above) and will determine how the voter is able to use the form. This form also provides a place for the **voter's name** (and previous name, if applicable). It also asks for a Wisconsin driver's license number, social security number, and date of birth (these fields are not required).

**Box 2:** The voter will list the **address** they are registered at (or the address that ties them to Wisconsin for military voters). This must be completed by all voters.

**Box 3:** If the voter has a **mailing address** other than the address in Box 2, they will list it here. Send the ballot to this address if ballot delivery by mail is requested.

**Box 4:** These fields provide **contact information** in case you need to contact the voter or if they have specified fax or email delivery of their ballot.

**Box 5:** The first field allows a voter to specify their **preferred method of ballot delivery** – mail, email, online, or fax – if they are using the FWAB as an absentee ballot request. The adjacent field, regarding political party, is not required or collected in Wisconsin. Please disregard anything listed in this box.

**Box 6:** If the voter is using the FWAB as an absentee ballot request only, then a witness signature is not required. If the voter is using the FWAB as a write-in ballot, then a **witness signature** is required and should be placed in this box. Additionally, please look for any special instructions the voter may have listed.

**Box 7:** If the voter is using the FWAB as an absentee ballot request only, then the signature of the voter is not required. If the voter is using the FWAB as a write-in ballot, then the **voter's signature** is required.

### What are some tips for processing a FWAB request?

- If a FWAB is received from a voter who is eligible to use the form as a write-in ballot, the clerk must follow up by sending the voter an official absentee ballot.
- If a Military or Permanently Overseas voter asks to receive their ballot by "Email/Online," contact the voter to see if they would like to receive their ballot by email or online, but do not choose for the voter. If the voter does not respond within one business day, email the voter their ballot. If the voter did not provide an email address, mail the voter a ballot. If the voter asks to get their ballot online, then point the voter to [myvote.wi.gov](http://myvote.wi.gov) so that they may initiate their request online. Please do not enter the online absentee application into WisVote for the voter.
- The clerk will hold onto the write-in FWAB until Election Day. If the voter's official ballot is not received by Election Day, then the clerk will send the FWAB to the polls to be counted. If the voter's official ballot is received by Election Day, then the official ballot is sent to the polls to be counted and the FWAB ballot is rejected.
- If using the FWAB as a ballot, please remake the FWAB onto a standard ballot and issue a voter number as described in the Election Day Manual. If an eligible voter is using the FWAB as a write-in ballot, the clerk will only count votes on the ballot for contests in which the voter is eligible to participate. For example, if a Permanently Overseas voter writes in a local or state contest, the votes for those contests cannot be counted.

A witness address is never required on the FWAB. The FWAB should still be counted if a witness address is not included.

## Sources

### **U.S. Code Regulating overseas and uniformed voters**

UOCAVA: <https://www.justice.gov/crt/uniformed-and-overseas-citizens-absentee-voting-act#prov>

MOVE Act: [https://www.justice.gov/sites/default/files/crt/legacy/2011/01/06/MOVE\\_Act.pdf](https://www.justice.gov/sites/default/files/crt/legacy/2011/01/06/MOVE_Act.pdf) (sections 577-589); requires states to allow for electronic ballot requests, registrations, and blank ballot sending; requires tracking system

# Military and Overseas Voting Cheat Sheet

	Military	Permanent Overseas	Temporary Overseas
<b>What are they?</b>	Member of the Uniformed Services or an activated National Guard member. They do not need to be actively deployed to be in the military.	Any U.S. Citizen who is living outside the U.S. and a.) their intent to return is uncertain or b.) they have never lived in the U.S.	Any U.S. Citizen who is living outside the U.S., but has intent to return.
<b>What ballot do I send?</b>	Full ballot	Federal Only (This ballot is NOT Presidential Only. Congress and Senate races are included on Federal Only ballots).	Full ballot
<b>I have to email the ballot, what do I include?</b>  Faxing and emailing instructions <a href="#">here</a> .	<ol style="list-style-type: none"> <li>1. Full ballot – scanned with your initials</li> <li>2. <a href="#">Uniform Instructions – Email and Faxed</a></li> <li>3. <a href="#">EL-122 for Military and Overseas Voters</a></li> </ol>	<ol style="list-style-type: none"> <li>1. Federal Only ballot – scanned with your initials</li> <li>2. <a href="#">Uniform Instructions – Email and Faxed</a></li> <li>3. <a href="#">EL-122 for Military and Overseas Voters</a></li> </ol>	<ol style="list-style-type: none"> <li>1. Full ballot – scanned with your initials</li> <li>2. <a href="#">Uniform Instructions – Email and Faxed</a></li> <li>3. <a href="#">EL-122 for Military and Overseas Voters</a></li> </ol>
<b>Do they have to register to vote?</b>	No	Yes	Yes
<b>How can they register to vote?</b>	They don't need to register.	<ol style="list-style-type: none"> <li>1. EL-131 WI Voter Registration Application</li> <li>2. Federal Postcard Application (FPCA)</li> </ol> <p>All forms MUST be mailed.</p>	<ol style="list-style-type: none"> <li>1. EL-131 WI Voter Registration Application</li> <li>2. MyVote.wi.gov with a valid WI Driver License or ID</li> <li>3. Federal Postcard Application (FPCA)</li> </ol> <p>All forms MUST be mailed.</p>
<b>Do they have to provide a photo ID to get an absentee ballot?</b>	No	No	Yes
<b>How can they request an absentee ballot?</b>	<ol style="list-style-type: none"> <li>1. Online at MyVote.wi.gov</li> <li>2. Email (or fax)</li> <li>3. By Mail using the EL-121 WI Absentee Request</li> <li>4. Federal Postcard Application (FPCA)</li> <li>5. Federal Write-In Absentee Ballot (FWAB)</li> </ol>	<ol style="list-style-type: none"> <li>1. Online at MyVote.wi.gov</li> <li>2. Email (or fax)</li> <li>3. By Mail using the EL-121 WI Absentee Request</li> <li>4. Federal Postcard Application (FPCA)</li> </ol> <p>Federal Write-In Absentee Ballot (FWAB)</p>	<ol style="list-style-type: none"> <li>1. Online at MyVote.wi.gov</li> <li>2. Email (or fax)</li> <li>3. By Mail using the EL-121 WI Absentee Request</li> <li>4. Federal Postcard Application (FPCA)</li> </ol> <p>Federal Write-In Absentee Ballot (FWAB)</p>
<b>How can they receive an absentee ballot?</b>	<ol style="list-style-type: none"> <li>1. Email</li> <li>2. Fax</li> <li>3. Online (they will get an email automatically by the Wisconsin Elections Commission)</li> <li>4. By Mail</li> <li>5. In Person</li> </ol>	<ol style="list-style-type: none"> <li>1. Email</li> <li>2. Fax</li> <li>3. Online (they will get an email automatically by the Wisconsin Elections Commission)</li> <li>4. By Mail</li> <li>5. In Person</li> </ol>	<ol style="list-style-type: none"> <li>1. Email</li> <li>2. Fax</li> <li>3. By Mail</li> <li>4. In Person</li> </ol>
<b>How can they return an absentee ballot?</b>	By Mail or In Person	By Mail or In Person	By Mail or In Person
<b>When are the deadline to request an absentee ballot?</b>	Military voters not on active duty: Friday before the election. Military voter on active duty: Election Day by 5pm.	Thursday before the election (unless indefinitely confined, see below for details).	Thursday before the election (unless indefinitely confined, see below for details).

## Frequently Asked Questions

### **Q: I got a FWAB. What do I do?**

A: The FWAB can serve as an absentee request and an absentee ballot. The write-in absentee ballot will likely be in a separate envelope inside the main envelope. **DO NOT OPEN THIS ENVELOPE** and send out the full ballot to the voter as soon as possible. If it does not come in a separate envelope, put it in a separate envelope (this is not a reason to reject). Please preserve this and the FWAB form with the witness signature (if needed) until Election Day and if the full ballot arrives, you will reject the write-in ballot. If the full ballot does not arrive, you will remake the write-in ballot so it can be counted. Please see more information here: <https://elections.wi.gov/resources/brochures/fwab-tips-clerks>.

### **Q: I got an FPCA. What do I do?**

A: The FPCA can serve as a voter registration and an absentee request. You will process this similarly to any other registration or absentee request. Please note that if using as a registration form, the original must be mailed or dropped off to the clerk. Please see more information here: <https://elections.wi.gov/resources/brochures/fpca-tips-clerks>.

### **Q: I know they're not in the military, they live at home. Should I change their status?**

A: You may confirm with the voter that they are still in the military, but you do not need to. However, do not delay mailing the voter a ballot while waiting for confirmation. Please keep in mind that the voter could still be living at home and be in the military.

### **Q: They're not active duty, do I still have to use the military envelope?**

A: Yes, you should still use the postage-free military front side of the envelope to the military voter.

### **Q: On the FPCA, the voter waived their right to privacy so they can email their ballot back. Can they send their ballot back by email?**

A: No, a voter can never return their ballot by email. They must deliver it by mail or in person. The FPCA and FWAB are federal forms that are designed to be universally used. Some other states allow voters to email their ballot back.

### **Q: They accidentally registered as a military or overseas voter. What should I do?**

A: If this was a typo on behalf of the clerk, this can be updated easily by the clerk on WisVote. Please note that both the voter type in the voter registration record **AND** the application type in the absentee request must be updated. If the voter mistakenly checked something, they should confirm in writing that this is a mistake and then you may update this on WisVote.

### **Q: The voter is no longer in the military or permanently overseas. How do I change this?**

A: The voter must re-register with their correct voter type and updated information.

### **Q: On the FPCA or FWAB, they said they want their ballot delivered "online/email"? How should I send the ballot?**

A: If a Military or Permanently Overseas voter asks to receive their ballot by "Email/Online," contact the voter to see if they would like to receive their ballot by email or online, but do not choose for the voter. If the voter does not respond within one business day, email the voter their ballot. If the voter did not provide an email address, mail the voter a ballot. If the voter asks to get their ballot online, then point the voter to [myvote.wi.gov](http://myvote.wi.gov) so that they may initiate their request online. Please do not enter the online absentee application into WisVote for the voter.

### **Q: Can a military or overseas voter also be indefinitely confined?**

A: A voter can be both indefinitely confined and military. People with disabilities or illnesses can still be in the military and it is possible that this may be a family member.



Ron Heuer with Exhibit, Affidavit of Heather Honey with Exhibit and Proposed TRO upon the joint committee for review of administrative rules by handing to and leaving with \_\_\_\_\_, an expressly authorized agent for service, a true and correct copy thereof.

\_\_\_\_\_  
Subscribed and sworn to before me this \_\_\_\_\_ day of November, 2022, in \_\_\_\_\_ County, Wisconsin.

\_\_\_\_\_  
Notary Public



# Wisconsin Elections Commission

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

July 31, 2022

Jay Stone  
10501 82nd St.  
Pleasant Prairie, WI 53158

Sandra Morris  
908 Belmont Ave  
Racine, WI 53405

Jim Spodick  
5440 River Hills Road  
Calendonia, WI 53402

Sent via email: [JayJoelStone@gmail.com](mailto:JayJoelStone@gmail.com); [sandra.kay.888@gmail.com](mailto:sandra.kay.888@gmail.com); [hotgovernment@gmail.com](mailto:hotgovernment@gmail.com)

**Re:** Complaint Filed with Wisconsin Elections Commission  
Stone et al. v. Wolfe et al.

Dear Mr. Stone, Ms. Morris, and Mr. Spodick:

This communication is to inform you that the verified complaint submitted against Meagan Wolfe, Robert Kehoe, and the members of the Wisconsin Election Commission is being returned without consideration or dismissal by the Wisconsin Elections Commission (“Commission”). It has been the position of the Commission and its staff that a complaint against the Commission, or a specific Commissioner, warrants an ethical recusal by the body or that individual. This is a direct effort to avoid the conflicts associated with an adjudicative body deciding a matter brought against itself, similar to the provisions of law and ethics precluding a judge from presiding over a case filed against herself. It is my sincere hope that you can appreciate our efforts to maintain the integrity of the Wis. Stats. §§ 5.05 and 5.06 complaint processes.

Despite this stance, the Commission does not wish to leave you without a path forward. Wisconsin Statute § 5.05(2m)(c)11 provides the following:

If the commission finds that there is probable cause to believe that a violation under subd. 2. has occurred or is occurring, the commission may, in lieu of civil prosecution of any matter by the commission, refer the matter to the district attorney for the county in which the alleged violator resides, or if the alleged violator is a nonresident, to the district attorney for the county where the matter arises, or if par. (i) applies, to the attorney

*Wisconsin Elections Commissioners*

Ann S. Jacobs, chair | Marge Bostelmann | Julie M. Glancey | Dean Knudson | Robert Spindell | Mark L. Thomsen

general or a special prosecutor. For purposes of this subdivision, a person other than a natural person resides within a county if the person's principal place of operation is located within that county.

Though it is your right regardless, the Commission formally gives you leave to submit this complaint to the respective district attorneys for the jurisdictions in which each party resides. You may also wish to consider any other maintained or available legal rights. Additionally, the complaint would need to be returned without prejudice regardless, because of deficiencies as to form. The document alleges criminal violation under Wisconsin Statutes Chapter 12, but was filed as a Wis. Stat. § 5.06 complaint, rather than a Wis. Stat. § 5.05 complaint.

Please feel free to contact me if you have additional questions regarding this complaint.

Sincerely,



Jim Witecha  
Staff Attorney

## **WISCONSIN ELECTIONS COMMISSION**

cc: Commission Members  
Meagan Wolfe, Commission Administrator  
Robert Kehoe, Deputy Commission Administrator

October 11, 2022

VIA EMAIL: [jayjoelstone@gmail.com](mailto:jayjoelstone@gmail.com)  
AND FIRST CLASS MAIL

Mr. Jay Stone  
10501 82<sup>nd</sup> St.  
Pleasant Prairie, WI 53158

RE: In the Matter of *Jay Stone v. Meagan Wolfe*

Dear Mr. Stone:

Our law firm of DeWitt LLP is retained as special counsel for the Wisconsin Elections Commission (“Commission”) with respect to the Complaint you filed with the Commission against Administrator Meagan Wolfe on or about March 22, 2022. Although the Complaint states on its face that it is brought pursuant to Wis. Stat. § 5.06, the Complaint alleges violations of Wis. Stat. §§ 12.13, 12.11, and 12.09. Therefore, the Commission is required by law to determine this matter under the confidential procedures applicable to Wis. Stat. § 5.05 complaints.

This letter is to inform you that the Complaint was dismissed by the Commission at its October 10, 2022 meeting.

The Commission unanimously passed the following motion in closed session:

**The Wisconsin Elections Commission finds that the Complaint of Jay Stone against the Administrator of the Commission, Meagan Wolfe, does not present reasonable suspicion that a violation of Wis. Stat. §§ 12.13, 12.11, or 12.09 occurred, and the matter is hereby dismissed.**

**The Complaint does not set forth facts giving rise to a reasonable suspicion that the Administrator violated the law. The Complaint is based solely upon gross mischaracterizations of a single email allegedly written by the Administrator. The Complaint alleges that the Administrator was essentially providing an employment reference in support of Mr. Spitzer-Rubenstein and that she had determined and was representing that Mr. Spitzer-Rubenstein could perform election official functions. The email in question, however, says nothing of the sort. The email is merely, as it states, “[p]assing along” information “in case” the municipal clerks receiving the email were**

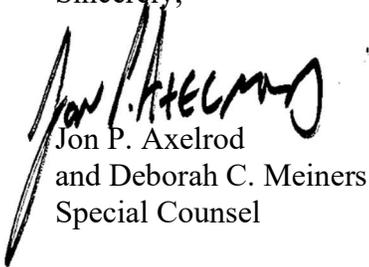
In the Matter of *Jay Stone v. Meagan Wolfe*  
October 11, 2022  
Page 2

**“interested” in such information. The email does not make any representations regarding Mr. Spitzer-Rubenstein’s qualifications or training and does not state any recommendation on the part of the Administrator.**

**There is no objective basis to conclude, based upon the single email the Complaint cites, that any violation of law has occurred.**

If you have questions regarding the dismissal of this complaint, please feel free to contact us.

Sincerely,



Jon P. Axelrod  
and Deborah C. Meiners  
Special Counsel

JPA:sd

cc: Commission Members (*via email*)  
Thomas C. Bellavia, Esq. (*via email*)  
Steven C. Kilpatrick, Esq. (*via email*)

**From: "Rep.Ramthun" <Rep.Ramthun@legis.wisconsin.gov>**  
**Sent: Tuesday, October 11, 2022, 1:59 PM**  
**To: \*Legislative All Assembly <ALLASM@legis.wisconsin.gov>; \*Legislative**  
**All Senate <ALLSEN@legis.wisconsin.gov>**  
**Subject: Co-sponsorship of LRB-5957/2; relating to: Repealing Wisconsin's**  
**membership agreement with the Electronic Registration Information Center.**  
**Attachments: (21-5957 2).pdf**

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## **CO-SPONSORSHIP MEMORANDUM**

**DATE:** October 11th, 2022  
**TO:** Legislative Colleagues  
**FROM:** Rep. Timothy Ramthun  
**RE:** Co-sponsorship of LRB-5957/2; **relating to: Repealing Wisconsin's membership agreement with the Electronic Registration Information Center.**

**DEADLINE: Friday, October 21<sup>st</sup>, 2022 at 12:00pm**

E.R.I.C database is vulnerable to enabling outside entities to gain access to Wisconsin voter data and personal information such as social security numbers, driver's license numbers and home addresses. This database is shared among 32 states, and is extremely vulnerable to hacking that can include identity theft or voter manipulation.

In order to protect and restore confidence in our elections process, this bill seeks to repeal, amend, and create new statutes that will terminate the contract Wisconsin has with E.R.I.C. to protect voters from this vulnerability.

If you have questions or would like to co-sponsor this bill, please reply to this email or contact Representative Ramthun's office at 6-9175 **before 12:00 PM on Friday, October 21st, 2022.**

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### *Analysis by the Legislative Reference Bureau*

Under current law, the administrator of the Elections Commission is required to enter into a membership agreement with the Electronic Registration Information Center (ERIC) to assist the commission in maintaining Wisconsin's official voter registration list. This bill terminates Wisconsin's membership agreement with ERIC and directs the administrator of the Elections Commission to undertake all actions necessary and proper to effect that termination. The bill also expressly prohibits the commission and any other state agency from entering into a membership agreement with ERIC.

From: "Brandtjen, Janel" <Janel.Brandtjen@legis.wisconsin.gov>

Sent: Thursday, November 17, 2022, 10:29 AM

To: "Savidusky, Melodie" <Melodie.Savidusky@legis.wisconsin.gov>

Subject: Fwd: [Election Integrity Leaders:] Democrat blows whistle on alleged ballot harvesting scheme, Florida opens criminal probe | Just The News

---

Janel Brandtjen  
1414-915-8425 cell

Begin forwarded message:

**From:** Sandra Juno <junosandra@yahoo.com>  
**Date:** October 27, 2022 at 9:23:37 AM CDT  
**To:** Sandra Juno <junosandra@yahoo.com>  
**Subject:** Fw: [Election Integrity Leaders:] Democrat blows whistle on alleged ballot harvesting scheme, Florida opens criminal probe | Just The News  
**Reply-To:** Sandra Juno <junosandra@yahoo.com>

FYI - If you see something or hear something, say something!

**Sandy Juno**  
**Election Integrity**  
**920.819.9046**

**The mission of the Wisconsin Election Integrity Network (WI-EIN) is to recruit and unite a conservative grassroots coalition to support election integrity efforts across the state, to promote adherence to established laws, and to increase transparency, accountability, and security in election processes. We share patriotic support of observation and oversight to ensure every legal and certifiable vote is counted properly, all irregularities are dealt with according to law, and that our election processes are free, fair, and transparent.**

----- Forwarded Message -----

**From:** Cleta Mitchell <cleta@cletamitchell.com>  
**To:** Cleta Mitchell <electionintegrityleaders@conservativepartnership.org>  
**Sent:** Thursday, October 27, 2022 at 06:25:29 AM CDT  
**Subject:** [Election Integrity Leaders:] Democrat blows whistle on alleged ballot harvesting scheme, Florida opens criminal probe | Just The News

<https://justthenews.com/politics-policy/elections/florida-opens-criminal-probe-democrat-whistleblowers-evidence-ballot>

This is the result of the excellent work of Wendy Nissan, who chairs the Orange County Election Integrity Task Force. This group of tireless volunteers are responsible for the discovery of this illegal scheme.

Great work, Wendy and Team!

Cleta Mitchell, Esq.  
Senior Legal Fellow  
Conservative Partnership Institute  
202.431.1950 (cell)  
[cleta@cletamitchell.com](mailto:cleta@cletamitchell.com)  
[www.whoscounting.us](http://www.whoscounting.us)

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You received this message because you are subscribed to the Google Groups "Election Integrity Leaders" group.

To unsubscribe from this group and stop receiving emails from it, send an email to [electionintegrityleaders+unsubscribe@cpi.org](mailto:electionintegrityleaders+unsubscribe@cpi.org).

To view this discussion on the web visit

<https://groups.google.com/a/cpi.org/d/msgid/electionintegrityleaders/2AF41F7A-1D84-40B1-A1B3-FB3DE1BD4DF3%40cletamitchell.com>.

From: "Brandtjen, Janel" <Janel.Brandtjen@legis.wisconsin.gov>

Sent: Thursday, November 17, 2022, 10:46 AM

To: "Savidusky, Melodie" <Melodie.Savidusky@legis.wisconsin.gov>

Subject: Fwd: Absentee Voting Analysis

Attachments: 2020 Absentee Ballot Analysis.pdf

---

Janel Brandtjen  
1414-915-8425 cell

Begin forwarded message:

**From:** jay stone <jayjoelstone@gmail.com>  
**Date:** August 31, 2022 at 2:33:27 PM CDT  
**Subject:** Absentee Voting Analysis

Hi Janel,

A review of the absentee voting for the 2020 election shows a staggering advantage for the Democrats. Please see attached analysis. Hence, the reason why WEC does everything lawfully and unlawfully it can to promote absentee balloting.

Janel, I know you filed a WEC complaint regarding the curing of the ballot to help stem the flow of unlawful absenting votes. Are you aware the WEC's Election Manual for Municipal Clerks tells clerks to "use whatever means" to fill in missing information and cure the ballots?

262-455-0027 is my new cell number.

All the best,

jay

From: "Brandtjen, Janel" <Janel.Brandtjen@legis.wisconsin.gov>

Sent: Thursday, November 17, 2022, 10:32 AM

To: "Savidusky, Melodie" <Melodie.Savidusky@legis.wisconsin.gov>

Subject: Fwd: Election Fraud Charges For Wisconsin Man Whose Actions Got Thanks From Sheriff – Thu 06:21:57PM

---

Janel Brandtjen  
1414-915-8425 cell

Begin forwarded message:

**From:** Menomonee Falls Patch <noreply@patch.com>  
**Date:** September 1, 2022 at 6:22:10 PM CDT  
**Subject:** Election Fraud Charges For Wisconsin Man Whose Actions Got Thanks From Sheriff – Thu 06:21:57PM

Harry Wait was charged with election fraud Thursday after prosecutors said

**Patch.** | **BREAKING NEWS**

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29 Insanely  
Getting Be



## Voting Fraud Charges For WI Man Whose Actions S



Harry Wait was charged with election fraud Thursday after prosecutors said he r

[Read full story](#)



Here Are 29 of the Coolest Gifts for This 2022

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**This**  
Qualify  
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# Patch

You received this message because you

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From: Erick Kaardal <kaardal@mklaw.com>

Sent: Thursday, September 8, 2022, 9:01 AM

To: janel Brandtjen <Rep.Brandtjen@legis.wisconsin.gov>; Melodie Savidusky <melodie.savidusky@legis.wisconsin.gov>

Subject: Fwd: Final WEC HAVA Compliant Signed Version to Be Filed at 9:30 a.m. tomorrow

Attachments: WI HAVA Complaint 9-8-22.pdf

---

Sent from my iPhone

Begin forwarded message:

**From:** Erick Kaardal <kaardal@mklaw.com>

**Date:** September 7, 2022 at 7:05:39 PM CDT

**To:** RHH <ronheuer@gmail.com>

**Subject: Final WEC HAVA Compliant Signed Version to Be Filed at 9:30 a.m. tomorrow**

Final Signed Version to Be Filed at 9:30 a.m. tomorrow

From: "Brandtjen, Janel" <Janel.Brandtjen@legis.wisconsin.gov>

Sent: Thursday, November 17, 2022, 11:01 AM

To: "Savidusky, Melodie" <Melodie.Savidusky@legis.wisconsin.gov>

Subject: Fwd: Here are the Republican senators who so far have come out in support of the amended anti-marriage bill

---

Janel Brandtjen  
1414-915-8425 cell

Begin forwarded message:

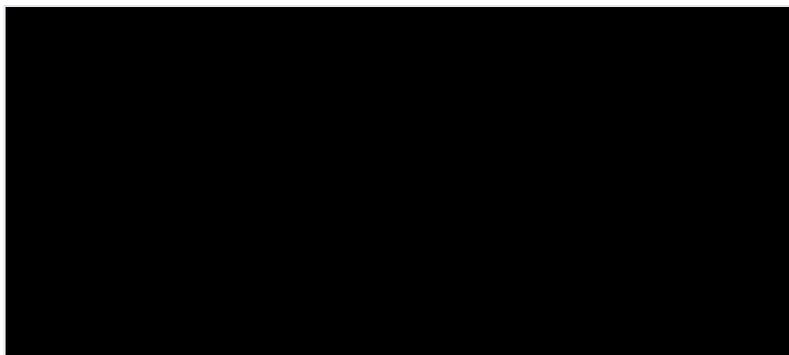
**From:** Helena Ehlke <helena\_ehlke@yahoo.com>  
**Date:** November 16, 2022 at 4:20:59 PM CST  
**To:** Helena Ehlke <helena\_ehlke@yahoo.com>  
**Subject:** Here are the Republican senators who so far have come out in support of the amended anti-marriage bill

Wednesday November 16 and in the days ahead...

**PLEASE PLEASE CONTINUE TO Daily CALL,  
EMAIL, FAX SENATOR RON JOHNSON  
TO VOTE NO NO NO ON THE SO CALLED  
"respect for marriage" bill *no matter  
what amendments are made to it...it is  
absolutely terrible legislation!!!...no  
amendments  
made in days ahead will change this terrible  
legislation to make it good!!!***

please urge Senator Johnson + others to **vote NO on the SO CALLED "respect for marriage" bill *no matter what amendments are made to it in the days ahead!!!...it continues to move forward after today Nov. 16 and you need to help stop it from becoming the law of the land!!!***

[12 Republican senators so far have broken with their party to support a bill codifying same-sex marriage](#)

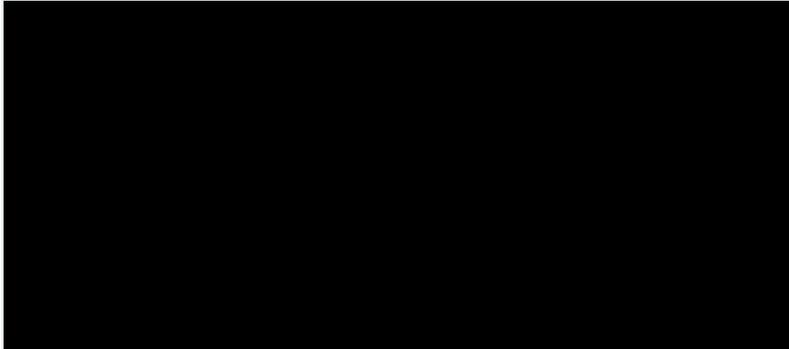


**12 Republican senators so far have broken with their party to support a ...**

The bill surpassed the 60-vote threshold during a procedural vote on Wednesday, clearing the way for final passa...

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[BREAKING: Vote Today - Liberty Counsel Action](#)



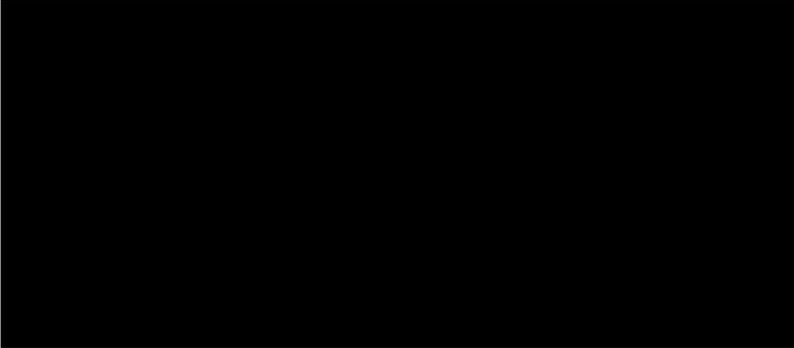
**BREAKING: Vote Today - Liberty Counsel Action**

This bill will give federal agencies massive authority over the personal lives of Americans. This bill will go s...

Object to drag queens shoving their beliefs on your child or grandchild, even in private or religious schools? Too bad. This public policy will make you look like a bigot, much like if someone objected to having a person of color speak to the class. And it can punish you accordingly. LGBTQ will be placed in the same protected category as race and religion, yet I know these radicals will gleefully use it to destroy our religious freedom.

**HR 8404 will force all federal agencies to leverage their authority and resources to do what Congress cannot do for the LGBTQ lobby. This bill would unleash the DOJ, FBI, DHS, DOE, IRS and so much more to crush our freedom.**

[We urgently need your help to STOP this bill right now! Tell senators to Vote NO on HR 8404.](#)



**Fax Congress to Block HR 8404 - Liberty Counsel Action**

Liberty Counsel Action is a faith-based 501(c)(4) law and policy education, training and advocacy organization w...

We are standing at a watershed moment in America, and we are on the front lines of this battle. We cannot be silent.

**I know we have asked you before to respond on HR 8404. Many of you have done so. But we must continue to flood the Senate with faxes. We have been able to delay the vote thus far, but we cannot rest until HR 8404 is dead. We must not let up until we achieve victory.**

Dear Senator,

I am deeply concerned about the "Respect for Marriage Act." I believe this is a political stunt with devastating consequences. As it is written, if just one state allowed incestuous marriage (e.g., between a father and daughter or mother and son), this bill would force the other 49 states to recognize and respect that "marriage."

Also, if only one state allowed child brides, this same bill would force the other 49 states to immediately honor those as well! This is a Pandora's Box. This bill goes far beyond just a "repeal" of the Defense of Marriage Act. Instead, it will force every state

under the threat of law to recognize any and all marriages. One state can dictate the policy for the entire nation.

This is a federal law enslaving all states to the bad laws of just one state.

A healthy marriage is the foundation of society that teaches children how a man and a woman should interact and care for each other. But this bill will attack and destroy the foundation of our nation, which is critical to any society that cares for its long-term stability and health.

I urge you to vote against the so-called "Respect for Marriage Act."

Sincerely,

=====

<https://laction.org/detail/221116-breaking-vote-today>

=====

From: "Brandtjen, Janel" <Janel.Brandtjen@legis.wisconsin.gov>

Sent: Thursday, November 17, 2022, 10:48 AM

To: "Savidusky, Melodie" <Melodie.Savidusky@legis.wisconsin.gov>

Subject: Fwd: In the Matter of Jay Stone v. Meagan Wolfe

Attachments: image002.png; image003.png; image004.png; image005.png; Closing Letter.pdf

---

Janel Brandtjen  
1414-915-8425 cell

Begin forwarded message:

**From:** jay stone <jayjoelstone@gmail.com>  
**Date:** October 14, 2022 at 9:16:51 AM CDT  
**Subject:** Fwd: In the Matter of Jay Stone v. Meagan Wolfe

Greetings,

The attached closure letter is a prime example of the Meagan Wolfe Protection Act. Every complaint WEC gives the DeWitt Law Firm, DeWitt finds in favor of WEC.

My WEC complaint was about Meagan Wolfe's recommendation of Michael Spitzer-Rubenstein.

Positive Regards,

jay

Dear Mr. Stone:

Please see the attached letter in the above-referenced matter.

Sincerely yours,

Jon P. Axelrod

Deborah C. Meiners

**Deborah Meiners**

Partner

Ph: 608.252.9266

**2 E. Mifflin Street, Suite 600**

**Madison, Wisconsin 53703**

From: "Brandtjen, Janel" <Janel.Brandtjen@legis.wisconsin.gov>

Sent: Thursday, November 17, 2022, 10:45 AM

To: "Savidusky, Melodie" <Melodie.Savidusky@legis.wisconsin.gov>

Subject: Fwd: New WEC Complaint Regarding Absentee Ballot Applications

Attachments: 10 Reasons to Impeach Meagan Wolfe.pdf; Stone et al. v. Wofle et al..pdf

---

Janel Brandtjen  
1414-915-8425 cell

Begin forwarded message:

**From:** jay stone <jayjoelstone@gmail.com>  
**Date:** August 31, 2022 at 9:52:32 AM CDT  
**Subject:** New WEC Complaint Regarding Absentee Ballot Applications

Hi Janel,

I attached a WEC complaint that I filed yesterday. My complaint uses a legal argument similar to the Teigen ballot drop box case. [Wis. Stat. § 6.86\(1\)\(a\)](#) provides six ways for voters to obtain absentee ballots. Submitting a MyVote absentee ballot application to WEC is not one of the six methods for voters to obtain an absentee ballot listed in Wis. Stat. § 6.86(1)(a). Absentee ballot drop boxes are no longer allowed because the use of the drop boxes was not one of the two methods to return absentee ballots that is provided for in Wisconsin statutes. Similarly electors should no longer be allowed to obtain absentee ballots from the MyVote website because Wis. Stat. § 6.86(1)(a) does not list MyVote as one of the six lawful methods for voters to obtain absentee ballots.

I also attached 10 Causes to Impeach Meagan Wolfe. We haven't gone public with this yet. My hope is the General Assembly will impeach Wolfe before the November midterm elections. There is enough evidence to impeach Wolfe ten times over. I also believe an impeachment will help Wisconsin Republicans win in November.

Janel, I have more info and want to talk if you have time.

Respectfully,

jay stone

From: "Brandtjen, Janel" <Janel.Brandtjen@legis.wisconsin.gov>

Sent: Thursday, November 17, 2022, 10:32 AM

To: "Savidusky, Melodie" <Melodie.Savidusky@legis.wisconsin.gov>

Subject: Fwd: New WEC Complaint to Remove Wolfe as Administrator

Attachments: Stone et al. v. Wofle et al..pdf

---

Janel Brandtjen  
1414-915-8425 cell

Begin forwarded message:

**From:** jay stone <jayjoelstone@gmail.com>  
**Date:** September 10, 2022 at 8:48:24 AM CDT  
**Subject:** New WEC Complaint to Remove Wolfe as Administrator

Hi Janel,

I attached a WEC complaint that I filed. My complaint asked the commissioners to remove Administrator Wolfe. My complaint included the statute that provides the WEC commissioners the authority to vote Wolfe out as administrator. The Teigen case was my basis for removing Wolfe. The courts ruled that Wolfe did not have the consent of the WEC commission when she unilaterally decided to allow the use of ballot drop boxes. The purpose of my complaint is to hold Wolfe accountable for her misconduct.

The Waukesha court ruling Wolfe's decision to allow curing of the ballot is not in my complaint because the decision came out after I submitted my complaint. The commissioners should also consider Wolfe permitted the curing of the ballot in violation of the law if they hold a meeting to remove her. I put the WEC attorney's response to my complaint after my name below.

I'm in the process of researching and writing another WEC complaint and a lawsuit. These should be winners because of clear and obvious violations of election law.

Positive Regards,

jay stone

Jay,

Good morning. This complaint has been received and gone through the intake process. Please note:

- \* Independent counsel has been requested for the Commission, and for Administrator Wolfe and prior-Deputy Administrator Rydecki who is no longer with the WEC. Please be patient with us as the DOJ determines how to assign counsel and proceed. This can sometimes take a few weeks as outside firms perform conflicts checks and a contract for legal services is completed.
- \* Please note that our agency address has changed, and the new address can be found below (201 W. Wash, 2<sup>nd</sup> Floor).
- \* Please note that this was filed under both Wis. Stat. s. 5.05 and s. 5.06. That creates an impossible procedural conflict. I have asked DOJ to determine how it would like to proceed.

Have a wonderful weekend.

Regards,

**Jim Witecha**

Staff Attorney

Wisconsin Elections Commission

201 West Washington Avenue

Madison, WI 53703

608.266.0136 (direct)

608.712.8683 (cell)

608.267.0500 (fax)

[james.witecha@wisconsin.gov](mailto:james.witecha@wisconsin.gov)

From: "Brandtjen, Janel" <Janel.Brandtjen@legis.wisconsin.gov>

Sent: Thursday, November 17, 2022, 10:55 AM

To: "Savidusky, Melodie" <Melodie.Savidusky@legis.wisconsin.gov>

Subject: Fwd: Personal Service on Joint Committee for Review of Administrative Rules

Attachments: Notice of Motion and Motion for TRO final 11-4-22.pdf; Proposed TI TRO Final.pdf; Ron Heuer Affidavit with Ex 11-4-22.pdf; Summons and Complaint w exs 11-4-22.pdf; Waukesha County Circuit Court Memorandum of Law Final 11-4-22.pdf; Affidavit of Honey with Ex 11-4-22.pdf; Affidavit of Janel Brandtjen with Exs 11-4-22.pdf; Affidavit of Personal Service - Joint Committee.docx

---

Janel Brandtjen  
1414-915-8425 cell

Begin forwarded message:

**From:** Erick Kaardal <kaardal@mklaw.com>  
**Date:** November 7, 2022 at 6:07:18 AM CST  
**To:** "janel brandtjen.com" <janel@brandtjen.com>  
**Cc:** Mike Gableman <wijjustice@protonmail.com>  
**Subject: Personal Service on Joint Committee for Review of Administrative Rules**

Hi Janel and Mike:

Wisconsin Statutes 227.40(5)(5) requires: "The joint committee for review of administrative rules shall be served with a copy of the petition in any action under this section and, with the approval of the joint committee on legislative organization, shall be made a party and be entitled to be heard." Late, Friday afternoon, we were personally served WEC and the AG. But, we need to serve the Joint Committee for Review of Administrative Rules. Janel, can one of your staff deliver these documents and sign the attached Affidavit of Personal Service and return it to us ASAP for filing with the Waukesha County Circuit Court. Thanks.

egk

Erick G. Kaardal  
Mohrman, Kaardal and Erickson, P.A.  
150 S. Fifth St., Ste. 3100

Minneapolis MN 55402  
612-341-1074  
f. 612-341-1076

From: "Brandtjen, Janel" <Janel.Brandtjen@legis.wisconsin.gov>

Sent: Thursday, November 17, 2022, 11:02 AM

To: "Savidusky, Melodie" <Melodie.Savidusky@legis.wisconsin.gov>

Subject: Fwd: Ron Johnson Get Out the VOTE Rally

---

Janel Brandtjen  
1414-915-8425 cell

Begin forwarded message:

**From:** Janel Brandtjen <jbrandtjen@icloud.com>  
**Date:** November 1, 2022 at 8:40:21 AM CDT  
**To:** terry dittrich <twdittrich4@gmail.com>  
**Subject: Re: Ron Johnson Get Out the VOTE Rally**

We will drop lit in the neighborhood !!

Janel Brandtjen  
1414-915-8425 cell

On Nov 1, 2022, at 8:11 AM, terry dittrich  
<twdittrich4@gmail.com> wrote:

Hi Guys, please make sure we push this Friday's Pints n Politics at Village Bowl. Really need to have a big turnout. Spoke with Michels last night. He is planning on attending along with all of the other candidates.

Also, see below. We want to lit drop Sat. morning and then nudge everyone to stop by the HQ for the Big Rally. I have 10,000 Michels door knockers in my hands that we can use to drop with in the Falls. Chris you and I can coordinate getting these to you. Need your Falls Vols Saturday morning. Please get this rolling. Hoping to get 10k from JD with Johnson as well asap.

I will be coordinating drops in the Lake Country. Got to be a BIG week. Txs, T

----- Forwarded message -----

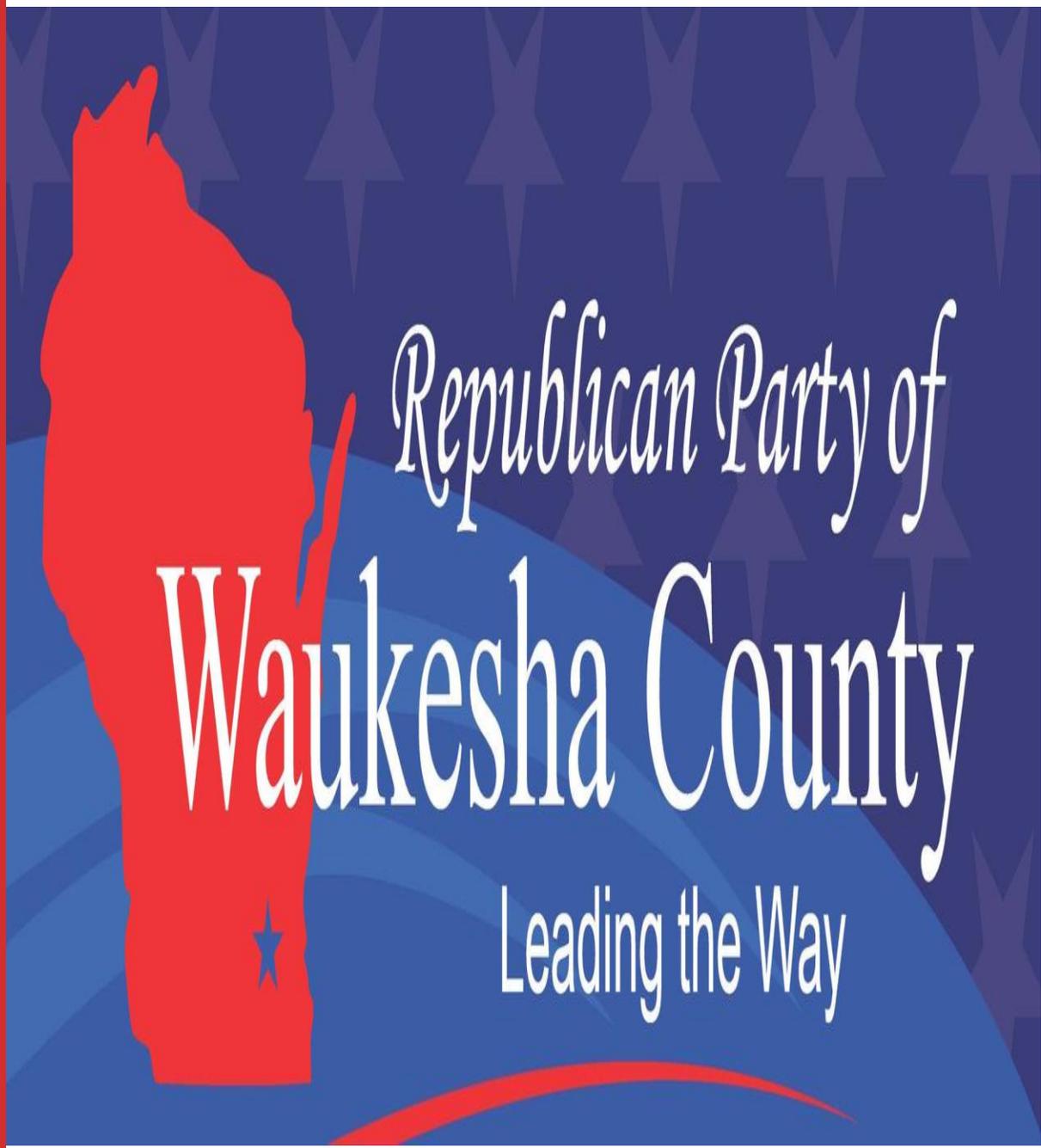
From: **RPWC**

<[republicanpartyofwaukeshacounty@mailman.bloomerang-mail.com](mailto:republicanpartyofwaukeshacounty@mailman.bloomerang-mail.com)>

Date: Mon, Oct 31, 2022 at 2:08 PM

Subject: Ron Johnson Get Out the VOTE Rally

To: Terence Dittrich <[twdittrich4@gmail.com](mailto:twdittrich4@gmail.com)>



---

**MEGA RALLY**  
**SATURDAY,**

# **NOVEMBER 5TH** **We Need Your Support!**

**Ron Johnson is Coming to RPWC  
Headquarters!  
Along with  
**Tim Michels**  
&  
Waukesha County Statewide Candidates**

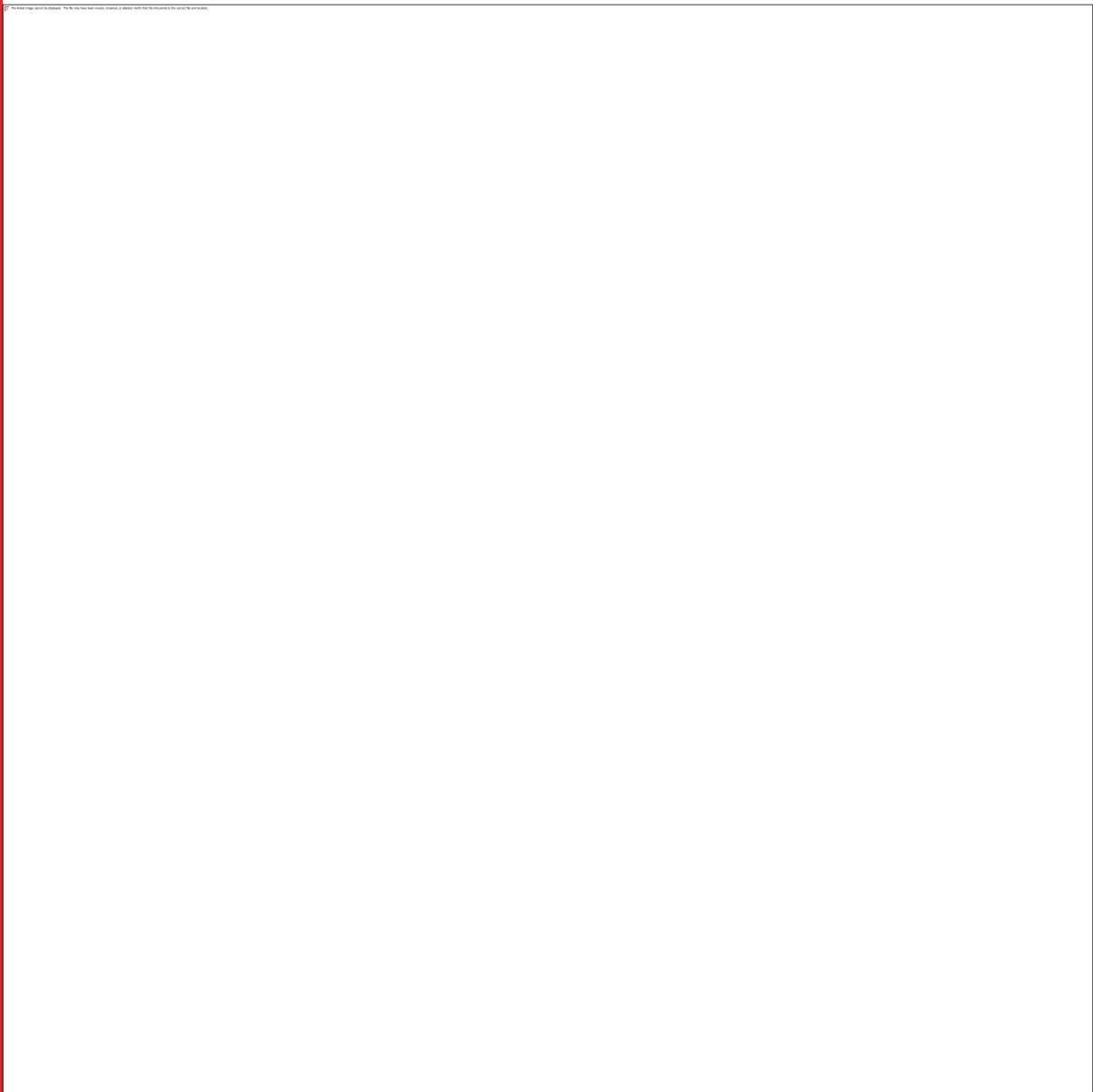


Dear Fellow Patriot,

Senator Ron Johnson is coming to Waukesha, and he hopes to see you there! Come join us on Saturday November 5th at 1:00 PM, at the Waukesha GOP Headquarters.

This election couldn't be more critical. The future of our country is at stake with Biden and the Democrats in power. With record-high inflation, rising crime rates, and the leftist indoctrination and grooming of kids in schools, it is clear that Wisconsinites need to elect Republicans up and down the ballot this year. The energy is in our favor, because people are starting to see the truth. Wisconsin is getting ready to send Ron back to Washington, and elect Republican candidates all across the ballot. But that can't happen without YOUR help! We need all hands on deck for this historic election

We need an overwhelming crowd to show support for our candidates at the bus stop on Saturday November 5th, we need overwhelming Republican turnout at the polls on Election Day November 8th, and we need overwhelming eyes on the ballot counting process to ensure a clean election. The path to victory could not be clearer!



**RSVP HERE**

**RPWC WEBSITE**

Authorized and paid for by the Republican Party of Waukesha County.



## Republican Party of Waukesha County Community Facebook Pages

We now have local pages across our communities in Waukesha County, links are below. This is a reminder to like and follow these pages to get a more local focus on elections and issues effecting your area of the County. If you haven't yet, please also like our main county page on Facebook.

**Waukesha County**

**New Berlin**  
Republicans

**City of Waukesha**  
Republicans

**Brookfield/Elm Grove**  
Republicans

**Lake County**  
Republicans

**Menomonee Falls**  
Republicans

**Sussex, Lisbon, Butler  
& Lannon**  
Republicans

**Oconomowoc, Wales,  
Dousman, Summit &  
Oconomowoc Lake  
Country**  
Republicans

**Mukwonago, Ottawa,  
Genesee, Eagle & North  
Prairie**  
Republicans



### Our Contact Information

Republican Party of Waukesha County  
1701 Pearl St. #5  
Waukesha, WI 53186  
262.542.8532  
<http://www.waukeshagop.org>

[Unsubscribe](#) | [Manage email preferences](#)

--  
Terry Dittrich  
Chairman  
Republican Party of Waukesha County  
Tel: (262)-370-3255  
EM: [twdittrich4@gmail.com](mailto:twdittrich4@gmail.com)  
[waukeshagop.org](http://waukeshagop.org)



From: "Brandtjen, Janel" <Janel.Brandtjen@legis.wisconsin.gov>

Sent: Thursday, November 17, 2022, 10:33 AM

To: "Savidusky, Melodie" <Melodie.Savidusky@legis.wisconsin.gov>

Subject: Fwd: September 6, 2022 - Wisconsin Election Integrity Full Forensic Physical and Cyber Audit Update (FFPCA)

---

Janel Brandtjen  
1414-915-8425 cell

Begin forwarded message:

**From:** Helena Ehlke <helena\_ehlke@yahoo.com>  
**Date:** September 6, 2022 at 6:34:55 PM CDT  
**Subject: Fw: September 6, 2022 - Wisconsin Election Integrity Full Forensic Physical and Cyber Audit Update (FFPCA)**

**Sent:** Tuesday, September 6, 2022, 06:19:52 PM CDT  
**Subject:** FW: September 6, 2022 - Wisconsin Election Integrity Full Forensic Physical and Cyber Audit Update (FFPCA)

**FYI**

**From:** Jefferson <davisforpresident@protonmail.com>  
**Date:** September 6, 2022 at 2:33:37 PM CDT  
**To:** davisforpresident <davisforpresident@protonmail.com>  
**Subject: September 6, 2022 - Wisconsin Election Integrity Full Forensic Physical and Cyber Audit Update (FFPCA)**  
**Reply-To:** Jefferson <davisforpresident@protonmail.com>

Good afternoon County GOP Leaders, Individual  
GOP Members, Affiliates, Patriot Groups, Freedom  
Alliances, Non-Profits, Social Media and Ad-Hoc  
Committee:

Please make every effort to attend the Assembly Committee on Campaigns and Elections Hearing on Thursday, September 8th, at the Capitol as follows:

**Important Election Integrity Hearing Thursday, September 8, 2022, 10:00 A.M, State Capitol, Room 417 North (GAR Hall)**

We know we have asked a lot over the last year with the many trips to the State Capitol in Madison to support those Legislators who actually take the election fraud seriously that affected the outcome of the 2020 Presidential Election, but Thursday, September 8th, is critically important regarding the Wisconsin Voter Rolls.

With the imminent threat of being stripped of the Chairmanship of the Wisconsin Campaigns and Elections Committee, Rep. Brandtjen (R-Menomonee Falls) is doing everything possible to finish strong and doing her part to address the election fraud from 2020 and helping all Wisconsin voters move forward with elections that have integrity.

The meeting will be held in the State Capitol in Room 417 North (GAR Hall -[Committee Schedule \(wisconsin.gov\)](#)) starting at 10:00 A.M. with Attorney Eric Kaardal (Thomas More Society - [A National Not-for-Profit Public Interest Law Firm - Thomas More Society](#)) making a presentation on My Vote WI ([Home \(wigov\)](#)) and what the alternatives are for this highly compromised and vulnerable voter data base.

Remember the following fluid data points of My Vote WI and the Wisconsin Election Commission (WEC) from the 2020 Presidential Election

- 7.2 million names on My Vote WI voter rolls.

- 5.9 million people lived in Wisconsin.
- 4.6 million people in Wisconsin were age 18 or older.
- 3.5 million were eligible registered voters.
- 3.3 million people supposedly voted in November of 2020.
- 2 million people supposedly voted absentee in November of 2020.
- Nearly 1 million new voter registrations were submitted in 2020.
- There are an extra 3.7 million names (deceased, moved, not registered) on My Vote WI for no apparent reason.

It's time for action. The time for rallies, hearings, videos, news stories, investigations, reports, reviews, symposiums, movies, conferences, documentaries, training and reflection are over. If immediate action is not pursued, it is likely the results of the 2022 Mid-term Elections will be very similar to the 2020 Presidential Election.

Fortunately, a citizen (Scott Sidney) has stepped forward in Ozaukee County ([2022CV000300 Case Details in Ozaukee County \(wicourts.gov\)](#)) to address this matter of the Wisconsin voter rolls involving WEC and WEC Director Meagan Wolfe with the filing of a lawsuit on August 26, 2022.

### **Wisconsin Supreme Court Declares a New Winner in Gubernatorial Race**

In the 1855 Governor's Race between democrat incumbent Barstow versus new political party upstart Republican Party Candidate Bashford from the Oshkosh area, there were a total of approximately

72,000 votes cast and the difference between the two candidates was 157 votes.

Democrat Barstow insisted he won the race and was sworn in with pomp and circumstance. Bashford knew Barstow had cheated and asked for an investigation while being sworn in at the same time just in case.

The investigation and Bashford's suspicions proved to be true showing massive election fraud that affected the outcome of the election with votes being tabulated from uninhibited areas of the state as well as votes being tabulated for individuals that swore, they did not vote.

Not much has changed with democrats over the last 167 years and massive election fraud that affects the outcome of an election.

Democrat Barstow refused to cooperate with the Wisconsin Supreme Court for many months until the Supreme Court gave him an ultimatum and if he didn't respond, he was going to be forced to leave Office.

Barstow finally resigned and gave the governorship to the Lt. Governor instead of doing the right thing by facing an accounting of the election fraud that affected the outcome of the election.

The Supreme Court would not have the scheme concocted by Barstow and declared Bashford the new winner in March of 1856. Unfortunately, Bashford turned out to be a scoundrel by accepting bribes while in Office from the railroad lobby ([Barstow-Bashford Affair \(1856\) | Wisconsin Historical Society \(wisconsinhistory.org\)](#)).

Hat tip to one of our many volunteers for bringing this historic and precedent setting election fraud case to our attention.

Now if we only had more than 3-4 Legislators (Ramthun, Brandtjen, Wichgers) that have shown and demonstrated the courage (don't care what the cost), the conviction (is this the right thing to do?) and the commitment (I'm all in!) to address the massive election fraud that affected the outcome of the 2020 Presidential Election in Wisconsin while securing a remedy for the illegal certification of Wisconsin's 10 Electors.

If the Wisconsin Supreme Court can declare a new winner for the Governor's Race in 1856, then they may have to consider the same thing involving the illegal certification of Wisconsin's 10 Electors from the 2020 Presidential Election (See attached Election Fraud Remedy).

### **Absentee Ballots for the November 8, 2022, General Election Being Mailed the Week of September 25th**

Wisconsin Election Law provides for the automatic mailing of absentee ballots 45 days before the General Election without voter ID, a request for the ballot if on the absentee ballot list and or signature at the polls.

The following Big Tech Billionaire funded non-profit groups are currently flooding the State of Wisconsin with millions of absentee ballot requests and voter registration forms for a large portion of the 7.2 million names on My Vote WI whether a voter is deceased, not living in the State of Wisconsin and or unregistered:

- \* Third Act - [www.thirdact.org](http://www.thirdact.org)
- \* Your Vote Matters - [www.yourvotematters.org](http://www.yourvotematters.org)
- \* Turbo Vote - [www.turbovote.org](http://www.turbovote.org)
- \* For Our Future WI - [www.forwisconsinfuture.org](http://www.forwisconsinfuture.org)
- \* Vote.org - [www.vote.org](http://www.vote.org)
- \* The Center for Voter Information - [www.centerforvoterinformation.org](http://www.centerforvoterinformation.org)

- \* The Voter Participation Center -  
[www.voterparticipation.org](http://www.voterparticipation.org)

Please forward as many of these mailings, letters, postcards, emails, forms, envelopes, voicemail and text messages as possible. Every one of them is important to catalog.

The immediate goal of these democrat affiliated non-profit groups is to scour the 7.2 million names on My Vote WI ([www.myvote.wi.gov](http://www.myvote.wi.gov)) between now and election day, on a daily basis if needed, to see how many registered voters there are, when absentee mail-in ballots are recorded, when early in-person ballots are recorded and when the last time a voter has voted.

The democrats know exactly, based on previous elections, demographics and data analysis, how many votes they need to win.

The current number of eligible registered voters in Wisconsin, according to the Wisconsin Election Commission (WEC - [www.elections.wi.gov](http://www.elections.wi.gov)) as of 9-1-22, is approximately 3.525 million.

This number will be inflated to approximately 3.825 million by December 1, 2022, when the next eligible registered voter data point is due from the Clerks to WEC.

With WEC ordering Clerks not to follow Wisconsin Election Law and to cure absentee ballot envelopes that are missing a name, address and or signature of the voter and or witness, this is an open invitation for potential election fraud ([WEC Makes Power Play Over Absentee Ballot Decision | Maclver Institute](#)).

The goal is to flood the zone with absentee ballots at the very last minute when the numbers aren't coming out for

democrats so that Clerks will be encouraged to cure the ballots the night of the election to get them processed and not rejected and or adjudicated.

It is strongly suggested that this is one of the many venues the democrats use to get their numbers to come out on election day if need be.

**ONLY VOTE ON ELECTION DAY! DO NOT VOTE EARLY IN-PERSON OR MAIL IN YOUR BALLOT! IF YOU DO, YOU ARE GIVING THE DEMOCRATS EXACTLY WHAT THEY NEED.**

### **Adam Steen Campaign**

Many of you have asked how you can help Adam Steen (R-63rd District Candidate - Racine County) with his write-in candidacy against Speaker Vos. Candidate Steen supposedly lost in the August Primary by a scant 260 votes out of nearly 10,000 total votes.

Candidate Steen's website is: [www.steenforus.com](http://www.steenforus.com). Donation, volunteer opportunities and updates are posted daily.

With a write-in candidate, every ballot will have to be hand recounted for accuracy because the electronic voting machine cannot read a write-in. The electronic voting machine can only read a filled in oval on the ballot.

### **H.O.T. Government Leader Hearing Racine County**

Wisconsin's Attorney General amazingly was able to conduct an investigation and press charges in record time (2-3 weeks) for what he believes is election fraud involving absentee ballots being sent to an address different from the registered voter.

A hearing is scheduled for Thursday, September 8th, 2:00 P.M., in Branch 9 of Racine County for Harry Wait at the Racine County Courthouse, 730 Wisconsin Avenue, Racine WI.

A show of solidarity for Harry Wait, election integrity and the vulnerabilities of My Vote WI voter rolls is strongly encouraged. Please try to make the hearing if possible.

### **Cast Vote Record Update**

Thanks to the tireless efforts of Wisconsin Volunteers, the CVR's of 13 Wisconsin Counties have been posted on the National Database at [www.ordros.com](http://www.ordros.com).

CVR's are critically important when analyzing the sequential order of voters.

It is estimated that 96% of the CVR data from the 2020 Presidential Election received to date are showing signs of being compromised (<https://americasvoice.news/video/7dmqJLzGKZypeaU>).

The CVR records from Wisconsin Counties that are posted on the Ordros National Database are as follows:

- \* Brown
- \* Calumet

- \* Dane
- \* Eau Claire
- \* Green
- \* Jackson
- \* Jefferson
- \* La Crosse
- \* Outagamie
- \* Pierce
- \* St. Croix
- \* Waukesha
- \* Wood

Thank you Volunteers and the many election integrity supporters across the state for helping with this project.

57 of the 72 County Clerks have responded so far with follow-up communications and requests being initiated this week.

We hope to get caught up this week by responding to voicemail messages, text messages, letters and emails.

With warm regards,

Jefferson E. Davis

Spokesperson

Wisconsin Election Integrity

Full Forensic Physical and Cyber Audit (FFPCA)

262-470-0893 (c)

Election Fraud Examples that Affected the Outcome of an Election

1992-2022

<u>Year</u>	<u>Level</u>	<u>State</u>	<u>Remedy</u>
1. 2016	Local	Alabama	Declared winner
2. 2021	Local	California	Declared winner
3. 2012	Local	California	Declared winner
4. 2021	Local	Florida	Declared winner
5. 1994	State	Pennsylvania	Declared winner
6. 2012	County	West Virginia	Declared winner
7. 1992	County	Florida	Do-over
8. 1996	Mayor	Florida	Do-over
9. 2019	State	Georgia	Do-over
10. 2015	Mayor	Louisiana	Do-over
11. 2021	Local	Mississippi	Do-over
12. 2016	State	Missouri	Do-over
13. 2015	Local	New Jersey	Do-over
14. 2018	Federal	North Carolina	Do-over
15. 2014	Local	North Carolina	Do-over
16. 2016	Mayor	North Carolina	Do-over
17. 2016	Local	North Carolina	Do-over
18. 2018	County	Texas	Do-over
19. 2018	County	Texas	Do-over
20. 2018	Mayor	Texas	Do-over

Sent with [Proton Mail](#) secure email.

Election Fraud Examples that Affected the Outcome of an Election

1992-2022

<u>Year</u>	<u>Level</u>	<u>State</u>	<u>Remedy</u>
1. 2016	Local	Alabama	Declared winner
2. 2021	Local	California	Declared winner
3. 2012	Local	California	Declared winner
4. 2021	Local	Florida	Declared winner
5. 1994	State	Pennsylvania	Declared winner
6. 2012	County	West Virginia	Declared winner
7. 1992	County	Florida	Do-over
8. 1996	Mayor	Florida	Do-over
9. 2019	State	Georgia	Do-over
10. 2015	Mayor	Louisiana	Do-over
11. 2021	Local	Mississippi	Do-over
12. 2016	State	Missouri	Do-over
13. 2015	Local	New Jersey	Do-over
14. 2018	Federal	North Carolina	Do-over
15. 2014	Local	North Carolina	Do-over
16. 2016	Mayor	North Carolina	Do-over
17. 2016	Local	North Carolina	Do-over
18. 2018	County	Texas	Do-over
19. 2018	County	Texas	Do-over
20. 2018	Mayor	Texas	Do-over

From: "Brandtjen, Janel" <Janel.Brandtjen@legis.wisconsin.gov>

Sent: Thursday, November 17, 2022, 11:00 AM

To: "Savidusky, Melodie" <Melodie.Savidusky@legis.wisconsin.gov>

Subject: Fwd: This is all that's left

---

Janel Brandtjen  
1414-915-8425 cell

Begin forwarded message:

**From:** Team RonJon <info@wisgop.org>  
**Date:** September 1, 2022 at 1:07:44 PM CDT  
**To:** Janel Brandtjen <janel@g1marketing.com>  
**Subject:** This is all that's left

Janel,

We need your help.

[\\$32.87](#)

That's all we need for Ron Johnson to stay in this race.

This might seem small, but it'll help keep the lights on, keep our ads up, keep the volunteers fed and will help us buy lawn signs for grassroots conservatives across Wisconsin.

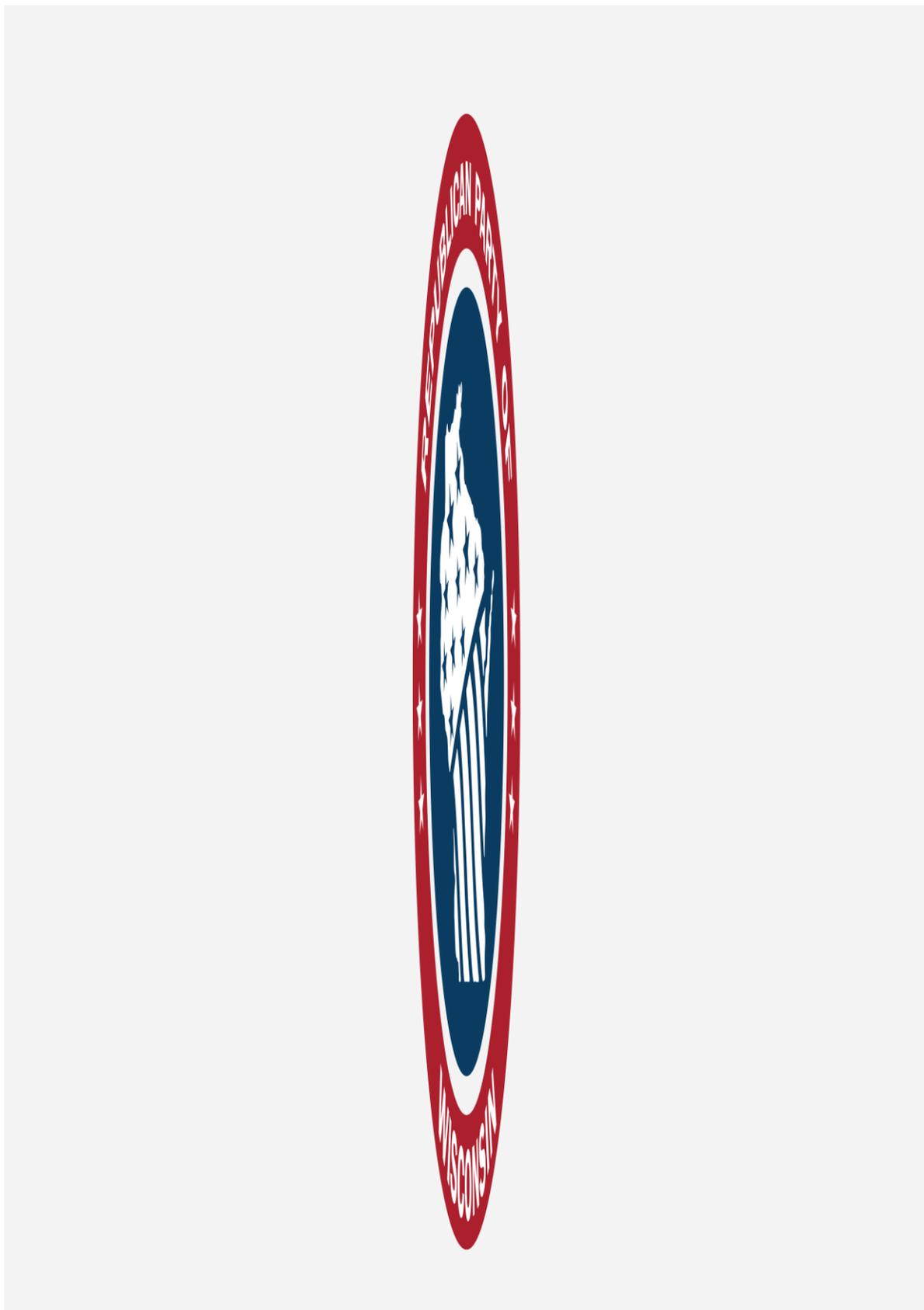
More importantly, if everyone reading this email gave just [\\$32.87](#), we'll be able to fight back against Ron's radical left opponent and take back the Senate Majority.

It's that simple. Give [\\$32.87](#) and take back the Senate. So what are you waiting for Janel? [Can you chip in \\$32.87 now?](#)

**GIVE \$32.87 NOW**

Thank you for your support,  
Team RonJon





Paid for by the Republican Party of Wisconsin.  
148 E Johnson St, Madison, WI 53703 | (608) 257 - 4765

This email was sent to [Janel@G1Marketing.Com](mailto:Janel@G1Marketing.Com).  
To stop receiving emails, [click here](#).  
WISGOP · 148 E Johnson St · Madison, WI 53703-2120 · USA

From: "Brandtjen, Janel" <Janel.Brandtjen@legis.wisconsin.gov>

Sent: Thursday, November 17, 2022, 11:04 AM

To: "Savidusky, Melodie" <Melodie.Savidusky@legis.wisconsin.gov>

Subject: Fwd: Vans

---

Janel Brandtjen  
1414-915-8425 cell

Begin forwarded message:

**From:** Peter <pmbmap123@gmail.com>  
**Date:** October 13, 2022 at 7:44:21 AM CDT  
**Subject:** Fwd: Vans

----- Forwarded message -----

From: **Leschke, Julie (Ron Johnson)** <[Julie.Leschke@ronjohnson.senate.gov](mailto:Julie.Leschke@ronjohnson.senate.gov)>  
Date: Thu, Oct 13, 2022, 7:17 AM  
Subject: Vans  
To: Peter <[pmbmap123@gmail.com](mailto:pmbmap123@gmail.com)>

Peter – are you aware of this going on? Is this legal?

Ginger shared that she saw a "Protect our vote" black SUV with a picture of Congressional Black Caucus leader John Lewis on its side - and she stopped and asked the occupant/driver some questions. He said these vans are all over the city, they had a caravan on Sunday and they're trying to "get everyone to register to vote."

Julie Leschke

Senator Ron Johnson (R-Wisc)

Deputy Chief of Staff

920 230-7250

[Julie\\_Leschke@ronjohnson.senate.gov](mailto:Julie_Leschke@ronjohnson.senate.gov)

From: "Brandtjen, Janel" <Janel.Brandtjen@legis.wisconsin.gov>

Sent: Thursday, November 17, 2022, 10:46 AM

To: "Savidusky, Melodie" <Melodie.Savidusky@legis.wisconsin.gov>

Subject: Fwd: WEC Declined to Review My Complaint Within 24 Hours

Attachments: Close Ltr\_Stone et al v. Wolfe et al.pdf

---

Janel Brandtjen  
1414-915-8425 cell

Begin forwarded message:

**From:** jay stone <jayjoelstone@gmail.com>  
**Date:** September 1, 2022 at 11:26:41 AM CDT  
**Subject:** WEC Declined to Review My Complaint Within 24 Hours

Hi Janel,

In 24 hours WEC sent me a letter in which it said WEC is declining to review my complaint (see attached).

If WEC sending emails on behalf of voters was lawful, WEC would not have so quickly dismissed our complaint.

Warm regards,

jay

From: "Brandtjen, Janel" <Janel.Brandtjen@legis.wisconsin.gov>

Sent: Thursday, November 17, 2022, 10:31 AM

To: "Savidusky, Melodie" <Melodie.Savidusky@legis.wisconsin.gov>

Subject: Fwd: Wisconsin Attorney General Josh Kaul's Voting Secrets Revealed

---

Janel Brandtjen  
1414-915-8425 cell

Begin forwarded message:

**From:** HOT Government <hotgovernment@gmail.com>

**Date:** September 7, 2022 at 8:17:54 PM CDT

**Subject: Wisconsin Attorney General Josh Kaul's Voting Secrets Revealed**

Why is Wisconsin Attorney General Josh Kaul hell-bent on prosecuting Harry Wait? Why has there been no investigation into complaints to the Wisconsin Election Commission? Why have deceased persons remain on the bloated Wisconsin voting rolls? Who is sending out illegal absentee voter applications and why? Watch part 1. **Wisconsin Attorney General Josh Kaul's Voting Secrets Revealed**

<https://rumble.com/v1j481u-wisconsin-attorney-general-josh-kauls-voting-secrets-revealed.html>

From: "Brandtjen, Janel" <Janel.Brandtjen@legis.wisconsin.gov>

Sent: Thursday, November 17, 2022, 10:46 AM

To: "Savidusky, Melodie" <Melodie.Savidusky@legis.wisconsin.gov>

Subject: Fwd: New WEC Complaint to Remove Wolfe as Administrator

Attachments: Stone et al. v. Wofle et al..pdf

---

Janel Brandtjen  
1414-915-8425 cell

Begin forwarded message:

**From:** "Brandtjen, Janel" <Janel.Brandtjen@legis.wisconsin.gov>  
**Date:** November 17, 2022 at 10:32:17 AM CST  
**To:** "Savidusky, Melodie" <Melodie.Savidusky@legis.wisconsin.gov>  
**Subject:** Fwd: New WEC Complaint to Remove Wolfe as Administrator

Janel Brandtjen  
1414-915-8425 cell

Begin forwarded message:

**From:** jay stone <jayjoelstone@gmail.com>  
**Date:** September 10, 2022 at 8:48:24 AM CDT  
**Subject:** New WEC Complaint to Remove Wolfe as Administrator

Hi Janel,

I attached a WEC complaint that I filed. My complaint asked the commissioners to remove Administrator Wolfe. My complaint included the statute that provides the WEC commissioners the authority to vote Wolfe out as administrator. The Teigen case was my basis for removing Wolfe. The courts ruled that Wolfe did not have the consent of the WEC commission when she unilaterally decided to allow the use of ballot drop boxes. The

purpose of my complaint is to hold Wolfe accountable for her misconduct.

The Waukesha court ruling Wolfe's decision to allow curing of the ballot is not in my complaint because the decision came out after I submitted my complaint. The commissioners should also consider Wolfe permitted the curing of the ballot in violation of the law if they hold a meeting to remove her. I put the WEC attorney's response to my complaint after my name below.

I'm in the process of researching and writing another WEC complaint and a lawsuit. These should be winners because of clear and obvious violations of election law.

Positive Regards,

Jay Stone

Jay,

Good morning. This complaint has been received and gone through the intake process. Please note:

- \* Independent counsel has been requested for the Commission, and for Administrator Wolfe and prior-Deputy Administrator Rydecki who is no longer with the WEC. Please be patient with us as the DOJ determines how to assign counsel and proceed. This can sometimes take a few weeks as outside firms perform conflicts checks and a contract for legal services is completed.
  - \* Please note that our agency address has changed, and the new address can be found below (201 W. Wash, 2<sup>nd</sup> Floor).
  - \* Please note that this was filed under both Wis. Stat. s. 5.05 and s. 5.06. That creates an impossible procedural conflict. I have asked DOJ to determine how it would like to proceed.

Have a wonderful weekend.

Regards,

**Jim Witecha**

Staff Attorney

Wisconsin Elections Commission

201 West Washington Avenue

Madison, WI 53703

608.266.0136 (direct)

608.712.8683 (cell)

608.267.0500 (fax)

[james.witecha@wisconsin.gov](mailto:james.witecha@wisconsin.gov)









**From: "Rep.Ramthun" <Rep.Ramthun@legis.wisconsin.gov>**  
**Sent: Tuesday, October 11, 2022, 2:43 PM**  
**To: \*Legislative All Assembly <ALLASM@legis.wisconsin.gov>; \*Legislative**  
**All Senate <ALLSEN@legis.wisconsin.gov>**  
**Subject: LRB-6545/1 Relating to: impeaching Meagan Wolfe, Administrator**  
**of the Wisconsin Elections Commission, for corrupt conduct in office**  
**Attachments: 21-6545 1.pdf**

---

### **CO-SPONSORSHIP MEMORANDUM**

**DATE:** October 11th, 2022  
**TO:** Legislative Colleagues  
**FROM:** Rep. Timothy Ramthun  
**RE:** LRB-6545/1 Relating to: impeaching Meagan Wolfe, Administrator of the Wisconsin Elections Commission, for corrupt conduct in office

**DEADLINE: Friday, October 21<sup>th</sup>, 2022 at 12:00pm**

This is an Assembly Resolution calling for the impeachment and removal of Megan Wolfe for corrupt conduct in office.

If you have questions or would like to co-sponsor this bill, please reply to this email or contact Representative Ramthun's office at 6-9175 **before 12:00 PM on Friday, October 21st, 2022.**

---

### ***Analysis by the Legislative Reference Bureau***

The resolution provides for the impeachment of Meagan Wolfe, the Administrator of the Wisconsin Elections Commission, for corrupt conduct in office.

**WISCONSIN CIRCUIT COURT  
WAUKESHA COUNTY**

Concerned Veterans of Waukesha County  
c/o Ken Marek  
745 E. Imperial Dr.  
Hartland WI 53029

Ken Marek  
745 E. Imperial Dr.  
Hartland WI 53029

Tom Gudex  
7051 Parkview Ave.  
Lannon WI 53046

Janel Brandtjen  
N52 W16632 Oak Ridge Trail  
Menomonee Falls, WI 53051,

Plaintiffs

v.

Wisconsin Election Commission  
212 Washington Avenue, Third Floor  
P.O. Box 7984  
Madison WI 53707-7984

Defendant

Case Code:  
Case Type:

Case No. \_\_\_\_\_

---

**NOTICE OF MOTION AND MOTION FOR TEMPORARY RESTRAINING  
ORDER AND TEMPORARY INJUNCTION**

---

**PLEASE TAKE NOTICE** that the above-named Plaintiffs will, through their counsel, Erick G. Kaardal and Michael Gableman, before the November 8, 2022 election, or as soon thereafter as counsel can be heard, before a Waukesha County Circuit Court Judge at

the Waukesha County Courthouse, 515 W Moreland Blvd, Waukesha, WI 53188, bring for hearing a pre-election motion for a temporary restraining order and temporary injunction enjoining WEC's guidance to county clerks and municipal clerks on military absentee ballots in WEC's Military and Overseas Voting Manual (Feb. 2022) and in its Military and Overseas Voting Cheat Sheet (Rev. 2020-10) in conflict with Wisconsin Statutes 6.22(6) and declaring that the military elector absentee ballots be sequestered prior to the November 8, 2022 election so that Wisconsin Statutes 6.22(6) verification can be completed before they are counted.

### **MOTION**

Upon all of the files, records, and proceedings herein, the above-named Plaintiffs hereby move the Court as follows:

1. For an a temporary restraining order and temporary injunction enjoining WEC's guidance to county clerks and municipal clerks on military absentee ballots in WEC's Military and Overseas Voting Manual (Feb. 2022) and in its Military and Overseas Voting Cheat Sheet (Rev. 2020-10) in conflict with Wisconsin Statutes 6.22(6) and declaring that the military elector absentee ballots be sequestered prior to the November 8, 2022 election so that Wisconsin Statutes 6.22(6) verification can be completed before they are counted.
2. Granting such other and further relief as may be deemed just and equitable by the Court.

The Motion will be based upon all of the files, records, and proceedings herein, including, but not limited to, a memorandum of law and affidavits filed in accord with Wisconsin law and local rules, and the arguments of counsel.

Dated: November 4, 2022

*Electronically signed by Erick G. Kaardal*  
Erick G. Kaardal, No. 1035141  
Mohrman, Kaardal & Erickson, P.A.  
Special Counsel for Thomas More Society  
150 South Fifth Street, Suite 3100  
Minneapolis, MN 55402  
Telephone: (612) 341-1074  
Email: [kaardal@mklaw.com](mailto:kaardal@mklaw.com)  
Attorneys for Plaintiffs

**WISCONSIN CIRCUIT COURT  
WAUKESHA COUNTY**

Concerned Veterans of Waukesha County  
c/o Ken Marek  
745 E. Imperial Dr.  
Hartland WI 53029

Ken Marek  
745 E. Imperial Dr.  
Hartland WI 53029

Tom Gudex  
7051 Parkview Ave.  
Lannon WI 53046

Janel Brandtjen  
N52 W16632 Oak Ridge Trail  
Menomonee Falls, WI 53051,

Plaintiffs

v.

Wisconsin Election Commission  
212 Washington Avenue, Third Floor  
P.O. Box 7984  
Madison WI 53707-7984

Defendant

Case Code:

Case Type:

Case No. \_\_\_\_\_

---

**ORDER FOR TEMPORARY RESTRAINING ORDER/TEMPORARY  
INJUNCTION**

---

The Petitioners filed a motion for temporary restraining order to

Therefore, it is hereby ORDERED that:

1. A temporary restraining order/temporary injunction is issued enjoining WEC's guidance to county clerks and municipal clerks on military absentee ballots in WEC's Military and Overseas Voting Manual (Feb. 2022) and in its Military and Overseas Voting Cheat Sheet (Rev. 2020-10) in conflict with Wisconsin Statutes 6.22(6); and
2. It is declared that the military elector absentee ballots should be sequestered by municipal clerks prior to the November 8, 2022 election so that Wisconsin Statutes 6.22(6) verification can be completed before they are counted.

**WISCONSIN CIRCUIT COURT  
WAUKESHA COUNTY**

<p>Concerned Veterans of Waukesha County c/o Ken Marek 745 E. Imperial Dr. Hartland WI 53029</p> <p>Ken Marek 745 E. Imperial Dr. Hartland WI 53029</p> <p>Tom Gudex 7051 Parkview Ave. Lannon WI 53046</p> <p>Janel Brandtjen N52 W16632 Oak Ridge Trail Menomonee Falls, WI 53051,</p> <p style="text-align: center;">Plaintiffs</p> <p style="text-align: center;">v.</p> <p>Wisconsin Election Commission 212 Washington Avenue, Third Floor P.O. Box 7984 Madison WI 53707-7984</p> <p style="text-align: center;">Defendant</p>	<p style="text-align: right;">Case Code: Case Type:</p> <p style="text-align: center;">Case No. _____</p>
---	---

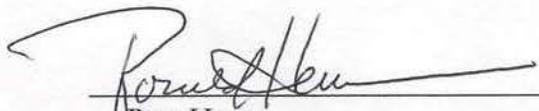
**AFFIDAVIT OF RON HEUER**

I, Ron Heuer, being first duly sworn on oath, state as follows:

1. I am the President of Wisconsin Voter Alliance and live in Kewaunee County, Wisconsin.

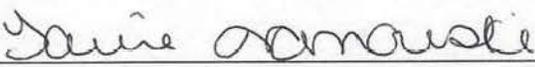
2. I have attached a spreadsheet filled with numbers showing comparisons between 2016 election data and 2020 election data.
3. I derived the data for the attached spreadsheet from a June 2022 WisVote database obtained from the Wisconsin Elections Commission.
4. The numbers in the spreadsheet are true and accurate representations of the data in the June 2022 WisVote database obtained from the Wisconsin Elections Commission.
5. In November, 2016, 6,799 military voted.
6. In November 2020, 9,889 military voted.
7. There was an increase of 3,090 more military voted in 2020 versus 2016.
8. The permanently overseas category are non-military that live overseas and the variance amongst those voters is 38%.
9. In 2016, the total voters in WI was 2,989,958.
10. In 2020, the number increased by 302,891 for a total of 3,292,849.
11. Absentee voter total for WI in 2016 was 829,002.
12. In 2020, 1,956,588 absentee votes were cast in WI.
13. Comparing 2016 with 2020, there was an increase of 1,127,586 more absentee voters in 2020.
14. The 2022 data is unavailable.

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

  
\_\_\_\_\_  
Ron Heuer

STATE OF WISCONSIN )  
County of Kewaunee ) ss.  
(county of notarization)

Sworn to before me this 4 day of November, 2022.

  
\_\_\_\_\_  
(Signature of person authorized to administer oaths)  
My commission expires 10-9-2024 or is permanent  
Notary Public or \_\_\_\_\_ (official title if not notary)

LAURIE JANOWSKI  
NOTARY PUBLIC  
STATE OF WISCONSIN

## Military Voting 2016 Compared to 2020

prepared by R.Heuer 11/4/2022

This data was pulled from a June 2022 copy of the WisVote database. Overall, there are just over 24,000 names listed as military in the database with many of the people being inactive.

<u>Voter Type</u>	<u>Nov-16</u>		
Military	Absentee	3,634	
	At Polls	3,165	
Permanently Overseas	Absentee	3,809	
	At Polls	394	
Presidential Only	Absentee	24	
	At Polls	43	
Regular (all voters)	Absentee	829,002	
	At Polls	2,160,956	

<u>Voter Type</u>	<u>Nov-20</u>		<u>Variance 2016 Vs 2020</u>
Military	Absentee	7,784	4,150
	At Polls	2,105	(1,060)
Permanently Overseas	Absentee	5,642	1,833
	At Polls	140	(254)
Presidential Only	Absentee	65	41
	At Polls	97	54
Regular (all voters)	Absentee	1,956,588	1,127,586
	At Polls	1,336,261	(824,695)

### Summation

In Nov 2016 - 6,799 Military voted as compared to Nov 2020 with 9,889 an increase of 3,090 or 45% more military voted in 2020 vs 2016. The Permanently Overseas category are non-military that live overseas and the variance amongst those voters is 38%. Given both these numbers having increased substantially, I am not particularly alarmed at the military increase 2020 over 2016.

In 2016 total voters in WI was 2,989,958, in 2020 the number increase by 302,891 for a total of 3,292,849. Absentee total (all Voters) for WI in 2016 was 829,002 and in 2020 - 1,956,588 an increase of 1,127,586 or 42% more absentee voters.

Text Message  
Thu, Aug 25 at 1:51 PM

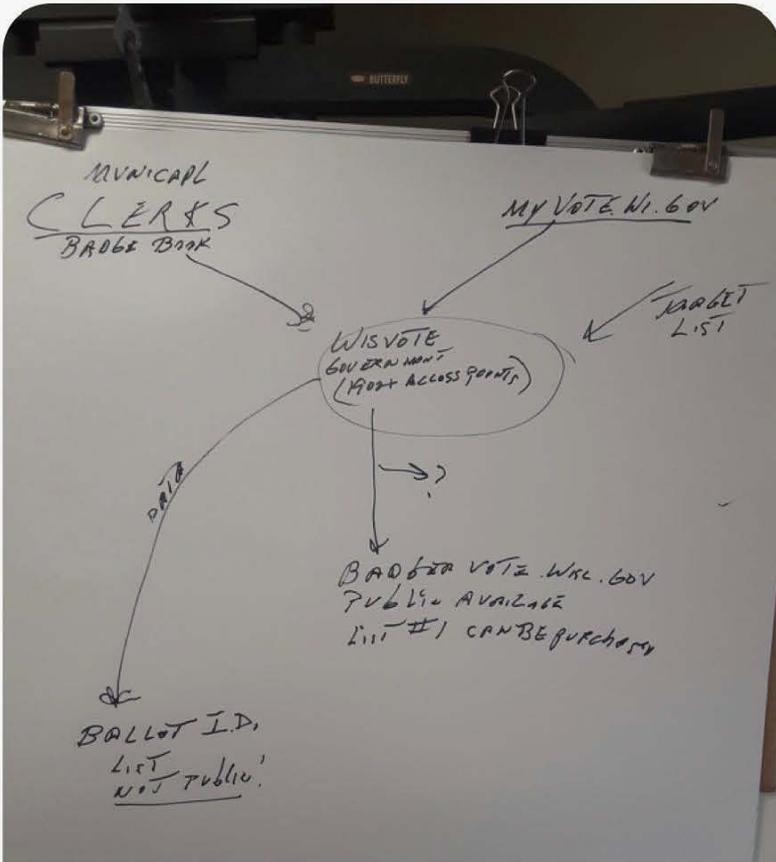
Sending a hug and kiss, you are in my prayers - Janel ❤️

Mon, Aug 29 at 8:40 AM

Thank you there working



Thu, Nov 3 at 1:33 PM



Text Message



Text Message  
Sun, Oct 30 at 6:52 PM

Erick Kaardal

Hi all:  
I called back but I am  
unavailable until later this  
evening until about 930 pm.  
Feel free to call then. Thanks!  
egk

EK

+1 (630) 220-7329

Just want to let you know the  
press conference for tomorrow  
is canceled. Talk to you  
tomorrow.

Erick Kaardal

Thanks!

EK

Thu, Nov 3 at 10:37 AM

Mike Gableman

I just spoke with Ken Marek. He  
tells me the best he can do is to  
get his signature page signed  
"sometime later tonight." I had  
certainly hoped he could have  
done it this morning, but given  
the short turnaround time. I



Text Message





3 People &gt;

I called back but I am unavailable until later this evening until about 930 pm. Feel free to call then. Thanks!  
egk

EK

+1 (630) 220-7329

Just want to let you know the press conference for tomorrow is canceled. Talk to you tomorrow.



Erick Kaardal

EK

Thanks!

Thu, Nov 3 at 10:37 AM

Mike Gableman

I just spoke with Ken Marek. He tells me the best he can do is to get his signature page signed "sometime later tonight." I had certainly hoped he could have done it this morning, but given the short turnaround time, I guess we'll be lucky if he gets it in tonight. I do not see that Tom G has returned his. I will keep you posted. Thanks

MG



Text Message



To: **Harry Wait, Tim Ramthum**

Text Message  
Fri, Sep 9 at 11:35 AM

Harry Wait

**How does this even happen?**

**"Parties are notified off the record that Judge Laufenberg is extending the subpoena through September 19, 2022 at 11:30 a.m. to be heard before Judge Repischak"**

**I show up to court and I am removed from Judge Laufenberg's daily court calander.**

**A deputy looks at my subpoena to appear at court at 3:30pm and then tells me to leave the courthouse.**

**I smell a Wisconsin Judicial Complaint coming for abuse of the court calander**

**I am proud to be in this fight together.**

**We will prevail!**

HW



Text Message



AMERICAN  
OVERSIGHT

WI-REP-22-1138-A-000167

3:19



## New Message

Cancel

To: **Tim Ramthum** |



Sat, Sep 17 at 12:57 PM

JB, do U have Becky's cell number? I'd like to speak with her...

I'm asking her....

Sat, Sep 17 at 3:06 PM

No response yet, she hasn't been returning calls or text

Thank U 4 trying. Let the chips fall where they may...



WI-REP-22-1138-A-000168

Text Message



To: **Tim Ramthum** |



Tue, Sep 20 at 11:44 AM

Have you thrown your support behind Michael's? Ballots are going out if you don't pivot now, a write in loss in on you

Joan recognized it, why not you?

Check my WEC record...  
Joan's situation was nothing like mine. Didn't matter what she did, didn't do...



Text Message



q w e r t y u i o p

a s d f g h j k l

↑ z x c v b n m ↵

123

space

@

.

return



WI-REP-22-1138-A-000169



To: **Tim Ramthum** |



Have you endorsed Tim?

Odd how so much fear & noise is about me. What about Kleefisch, even Fischer? TM's going to need a lot of help & a loss by him will be on him from matters like the hit piece below, or the coming noise about his residency. WI can't allow for another 4yrs of Evers either, so here we are. Election integrity is unresolved. TM will help make that happen. Steen must win 'legally' in the



Text Message 



q w e r t y u i o p

a s d f g h j k l

↑ z x c v b n m ↵

123

space

@

.

return



3:22



## New Message

Cancel

To: **Tim Ramthum**



going to need a lot of help & a loss by him will be on him from matters like the hit piece below, or the coming noise about his residency. WI can't allow for another 4yrs of Evers either, so here we are.

Election integrity is unresolved. TM will help make that happen. Steen must win 'legally' in the 63rd. TM & Steen win, you & I both do too, big! Let's buckle up for the hit pieces & get this done...

To: **Tim Ramthum** |



cbs58.com >

I'll call you back ASAP...

Thu, Oct 6 at 3:42 PM

On a different matter would you call me ?

Fri, Oct 7 at 10:30 AM

No time to call?



Text Message



q w e r t y u i o p

a s d f g h j k l

↑ z x c v b n m ↵

123

space

@

.

return



WI-REP-22-1138-A-000172



**State of Wisconsin  
Before the Wisconsin Elections Commission**

**The Verified Complaint of**

1. Jay Stone  
10501 82nd St.  
Pleasant Prairie, WI 53158  
JayJoelStone@gmail.com
  
2. Sandra Morris  
908 Belmont Ave  
Racine WI 53405  
[sandra.kay.888@gmail.com](mailto:sandra.kay.888@gmail.com)
  
3. Jim Spodick  
5440 River Hills Road  
Calendonia, WI 53402  
hotgovernment@gmail.com

**Against Complaint Respondent**

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Madison, Wisconsin 53707-7984
  
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This complaint is made under Wis. Statute § 5.06(1) and Wis. Stat. § 12.11(2)(b)(7).

## **MyVote Absentee Ballot Applications are Unlawful**

According to Wis. Stat. § 5.05(3g), WEC Administrator Meagan Wolfe is Wisconsin's chief election official. When Wolfe was WEC's Deputy Administrator and IT Director, she was a team leader who helped develop the current MyVote system. As Wisconsin's chief election official, Wolfe is ultimately responsible for the present version and operation of MyVote's website.

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Wis. Statute § 6.86(1)(a) does not permit WEC or MyVote to act as an interloper, intermediary, or to intervene between the electors and municipal clerks when the electors are applying for absentee ballots. The law only allows electors to request their absentee ballots from their appropriate municipal clerks or not at all. The MyVote form for voters to submit their written online absentee ballot applications to WEC is a violation of Wis. Statute § 6.86(1)(a).

In Kehoe's February 16, 2021 testimony to the Assembly Committee on Campaigns and Elections, Kehoe explained MyVote Wisconsin's procedures, including the Fourth, Fifth and Sixth procedures listed below.

"Fourth, we need to get each record a ballot, so we have to create an absentee ballot request. That's another record in the system."

"Fifth, each absentee ballot request has to have a photo ID associated with it. So you either have to use voter records that already have a photo ID on file, or you have to provide a photo ID. If

you choose the second option the system retains an image of the ID, which must be reviewed and validated by the local clerk's office.”

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The Fourth procedure acknowledges that WEC and MyVote receives and records absentee ballot applications. The Fifth procedure states WEC is responsible for checking electors voting records for photo IDs on file. If voters submit new photo IDs, then the local clerks' offices validate the photo IDs.

Kehoe's testimony described how MyVote unlawfully intervenes between the voters and municipal clerks when voters submit their written absentee ballot applications. The Sixth procedure is an admission that MyVote receives absentee ballot requests and alerts local clerks' offices to print and mail the ballot. Wis. Statute § 6.86(1)(a) requires electors to submit their absentee ballot applications directly to their local municipal clerk, not to MyVote or WEC who then alert local clerks that their electors requested absentee ballots.

### **MyVote is Not Included in the Six Methods for Electors to Apply for Absentee Ballots**

Wis. Stat. § 6.86(1)(a) lists six methods for voters to write and submit written applications to their municipal clerks in order to obtain absentee ballots. The six methods are as follows:

1. By mail.
2. In person at the office of the municipal clerk or at an alternate site under s. 6.855, if applicable.
3. By signing a statement and filing a request to receive absentee ballots under sub. (2) or (2m) (a) or s. 6.22 (4), 6.24 (4), or 6.25 (1) (c).
4. By agent as provided in sub. (3).
5. By delivering an application to a special voting deputy under s. 6.875 (6).
6. By electronic mail or facsimile transmission as provided in par. (ac).

Completing a MyVote online form to obtain absentee ballots is clearly not one of the six methods listed in Wis. Stat. § 6.86(1)(a). The Respondents may argue that their form produces an email that is sent to clerk's offices who then processes the absentee ballots applications. However, when Kehoe testified about the Sixth procedure, he said an alert is sent to the local clerk's office; he did not say an email is sent to the clerk's office. Furthermore, MyVote's website doesn't inform users that WEC's alerts their local clerk's office when they submit their MyVote absentee ballot applications.

Recall the Teigen case in which the Wisconsin State Supreme Court ruled ballot drop boxes are illegal. The Teigen case set a legal precedent as to why the MyVote absentee ballot applications are also illegal. As with the return of an *absentee ballot*, the return of an *absentee ballot application* requires a person to person exchange between an elector and the clerk or clerk's representative. The Court said "Rather, this statute specifies return of absentee ballots through two and only two means: mailing by the voter to the municipal clerk, or personal delivery by the voter to the municipal clerk. And personal delivery to the clerk contemplates a person-to-person exchange between the voter and the clerk or the clerk's authorized representative at either the clerk's office or a designated alternate site. Wis. Stat. §§ 5.02(10), 6.855, 6.87(4)(b)1., 6.88(1). The two [Wolfe] memos advising otherwise therefore conflict with the law and are properly void" (Click [here](#) and see page 89).

As with the preceding quote from the Teigen decision, Wis. Stat. § 6.86(1)(a) requires a person to person email between the elector who is submitting an absentee ballot application and the municipal clerk or the municipal clerk's official representative who receives the elector's email. MyVote or WEC's absentee ballot request alert is not a voter to clerk email delivery of the voter's absentee ballot application as Wis. Stat. § 6.86(1)(a) demands.

### **The Alleged Violations of Wis. Fraud Stat. §12.13(2)(b)(7)**

The Wisconsin Supreme Court justices explained that it is the job of the legislature, not WEC Administrator Wolfe, to write Wisconsin election laws. "A majority of this court permits Administrator Megan Wolfe's unilateral declarations regarding election procedures to have the force of law, subject only to judicial review (if the court even bothers to take the case). 'No one man should have all that power.' Kanye West, *Power* (2010). It is not the province [or the prerogative] of a state executive official to re-write the state's election code." (Click [here](#) and see page 16). As with Wolfe rewriting the law to allow the use of absentee ballot drop boxes, Wolfe

has once again rewritten a law. This time Wolfe's "law" allows MyVote to receive absentee ballot applications so voters may obtain absentee ballots though there is no such state statute that permits it.

The method in which Wolfe mismanaged MyVote accepting *absentee ballot applications* and the manner in which Wolfe mismanaged drop boxes accepting *absentee ballots* are analogous. In the Teigen case the court said, "In regard to whom may return an absentee ballot, the circuit court explained that "[it did not] see any language in the statute that provides a basis for having agents, somebody other than the elector, actually deliver the ballot. Further, in quoting the portion of the [Wolfe] memo that purported to allow family members or other persons to return a ballot on behalf of the voter, the court concluded that it did not "see anything in the statute that says that" (Click [here](#) and see page 57).

Wis. Stat. § 6.86(1)(a) does not provide for MyVote to act as voters' agents when voters submit their absentee ballot applications to municipal clerks. As a matter of fact, if you searched the entire Wisconsin state statutes, you will not find a single reference to MyVote (Click [here](#) and type in MyVote in the search bar). There is no Wisconsin state statute that authorizes the existence of MyVote, let alone the existence of MyVote receiving absent ballot applications.

WEC, Wolfe, and Kehoe created and maintain MyVote with the intent of having voters obtain absentee ballots by submitting written applications to the MyVote website. Wis. Stat. §12.13(2)(b)(7) states, "In the course of the person's official duties or on account of the person's official position, intentionally violate or intentionally cause any other person to violate any provision of chs. 5 to 12 for which no other penalty is expressly prescribed."

There are no penalties for violations of Wis. Stat. § 6.86(1)(a). Since there are no penalties associated with Wis. Stat. § 6.86(1)(a), WEC, Wolfe, and Kehoe violated Wis. Fraud Stat. §12.13(2)(b)(7) by intentionally providing voters with an unsanctioned method to obtain absentee ballots; WEC, Wolfe, and Kehoe's chosen method was not one of six prescribed methods to obtain an absentee ballot authorized in Wis. Stat. § 6.86(1)(a).

### **The Real Crime is the Mailing Harry Wait Absentee Ballots Without Proof of Identification**

On July 26, 2022 Hot Government President Harry Wait requested absentee ballots for Wisconsin House Speaker Robin Vos, Racine Mayor Corey Mason, and several other registered

Wisconsin voters. Harry ordered absentee ballots to expose how easy it was for one person to obtain absentee ballots by using the names of other Wisconsin voters. Harry had no intention of using the absentee ballots to vote. Harry quickly and publicly confessed to requesting absentee ballots in the name of others in his emails that he sent to Racine County Sheriff Christopher Schmaling, Racine Clerk Tara Coolidge, Racine County Clerk Patricia Hanson, etc.

Administrator Wolfe sent out a July 28, 2022 [press release](#) with a headline that said, “No Indication of MyVote Vulnerability.” If what Wolfe said about MyVote security was true, why was it so easy for Harry to order and receive other people’s absentee ballots? Indeed, Harry proved MyVote is vulnerable to fraudulent absentee ballot requests, but MyVotes vulnerabilities are self-inflicted. Kehoe described the biggest MyVote weakness when he testified about the Fifth Procedure, proof of identification. MyVote unlawfully acting as an intermediary between electors who apply for absentee ballots and the clerks who provide them is the main source of MyVote’s vulnerabilities—some times WEC is responsible for checking proof of identification and other times clerks are responsible for checking proof of identification.

The Wisconsin Department of Justice investigators already interviewed Harry, and he has received a subpoena. Harry would not have been able to provide proof of identification for the other voters he requested absentee ballots for had he been asked. This means proof of identification would have stopped other people’s absentee ballots from being mailed to Harry. Because of Harry, the public is learning why proof of identification is such an important safeguard to preventing vote fraud. Moreover, the real crime committed is the mailing of absentee ballots without first asking Harry to provide his proof of identification.

Harry did more than just expose how someone can use MyVotes to receive absentee ballots in the name of other voters. Harry’s actions revealed that MyVote acting as an intermediary between the electors who apply for absentee ballots and the clerks who mail the absentee ballots has no foundation in law.

The Wisconsin Supreme Court ruled that there are only two ways to return absentee ballots—1. by mail or 2. by the electors delivering their absentee ballots directly to their clerks. Wis. Stat. § 6.86(1)(a) provides six ways for voters to obtain absentee ballots. Submitting a MyVote absentee ballot application is not one of the six methods to obtain an absentee ballot. Since Wis. Stat. § 6.86(1)(a) has no provisions to allow MyVote to intervene between electors’ absentee ballot applications and their local clerks, all of the absentee ballot applications that Harry completed were null and void at the time Harry was filling out multiple absentee ballot applications.

In Wolfe's press release she alluded to three potential charges against Harry. However, Harry can't be charged with any crimes because the absentee ballot applications he submitted had no legal basis for which to exist. As stated in the last section, the real fraud was Wolfe inserting MyVote between the electors and municipal clerks in the absentee ballot application process for which she had no legal authority to do so.

### **Prayer for Relief**

1. Suspend MyVote's absentee ballot applications because this method is not one of the six methods prescribed by Wis. Stat. § 6.86(1)(a).
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**State of Wisconsin  
Before the Wisconsin Elections Commission**

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"Fifth, each absentee ballot request has to have a photo ID associated with it. So you either have to use voter records that already have a photo ID on file, or you have to provide a photo ID. If

you choose the second option the system retains an image of the ID, which must be reviewed and validated by the local clerk's office.”

“Sixth, your absentee ballot request just generated yet another alert to the local clerk's office because they're the ones that have to print, stuff, and mail the ballot. The state doesn't issue ballots in Wisconsin.”

The Fourth procedure acknowledges that WEC and MyVote receives and records absentee ballot applications. The Fifth procedure states WEC is responsible for checking electors voting records for photo IDs on file. If voters submit new photo IDs, then the local clerks' offices validate the photo IDs.

Kehoe's testimony described how MyVote unlawfully intervenes between the voters and municipal clerks when voters submit their written absentee ballot applications. The Sixth procedure is an admission that MyVote receives absentee ballot requests and alerts local clerks' offices to print and mail the ballot. Wis. Statute § 6.86(1)(a) requires electors to submit their absentee ballot applications directly to their local municipal clerk, not to MyVote or WEC who then alert local clerks that their electors requested absentee ballots.

### **MyVote is Not Included in the Six Methods for Electors to Apply for Absentee Ballots**

Wis. Stat. § 6.86(1)(a) lists six methods for voters to write and submit written applications to their municipal clerks in order to obtain absentee ballots. The six methods are as follows:

1. By mail.
2. In person at the office of the municipal clerk or at an alternate site under s. 6.855, if applicable.
3. By signing a statement and filing a request to receive absentee ballots under sub. (2) or (2m) (a) or s. 6.22 (4), 6.24 (4), or 6.25 (1) (c).
4. By agent as provided in sub. (3).
5. By delivering an application to a special voting deputy under s. 6.875 (6).
6. By electronic mail or facsimile transmission as provided in par. (ac).

Completing a MyVote online form to obtain absentee ballots is clearly not one of the six methods listed in Wis. Stat. § 6.86(1)(a). The Respondents may argue that their form produces an email that is sent to clerk's offices who then processes the absentee ballots applications. However, when Kehoe testified about the Sixth procedure, he said an alert is sent to the local clerk's office; he did not say an email is sent to the clerk's office. Furthermore, MyVote's website doesn't inform users that WEC's alerts their local clerk's office when they submit their MyVote absentee ballot applications.

Recall the Teigen case in which the Wisconsin State Supreme Court ruled ballot drop boxes are illegal. The Teigen case set a legal precedent as to why the MyVote absentee ballot applications are also illegal. As with the return of an *absentee ballot*, the return of an *absentee ballot application* requires a person to person exchange between an elector and the clerk or clerk's representative. The Court said "Rather, this statute specifies return of absentee ballots through two and only two means: mailing by the voter to the municipal clerk, or personal delivery by the voter to the municipal clerk. And personal delivery to the clerk contemplates a person-to-person exchange between the voter and the clerk or the clerk's authorized representative at either the clerk's office or a designated alternate site. Wis. Stat. §§ 5.02(10), 6.855, 6.87(4)(b)1., 6.88(1). The two [Wolfe] memos advising otherwise therefore conflict with the law and are properly void" (Click [here](#) and see page 89).

As with the preceding quote from the Teigen decision, Wis. Stat. § 6.86(1)(a) requires a person to person email between the elector who is submitting an absentee ballot application and the municipal clerk or the municipal clerk's official representative who receives the elector's email. MyVote or WEC's absentee ballot request alert is not a voter to clerk email delivery of the voter's absentee ballot application as Wis. Stat. § 6.86(1)(a) demands.

### **The Alleged Violations of Wis. Fraud Stat. §12.13(2)(b)(7)**

The Wisconsin Supreme Court justices explained that it is the job of the legislature, not WEC Administrator Wolfe, to write Wisconsin election laws. "A majority of this court permits Administrator Megan Wolfe's unilateral declarations regarding election procedures to have the force of law, subject only to judicial review (if the court even bothers to take the case). 'No one man should have all that power.' Kanye West, *Power* (2010). It is not the province [or the prerogative] of a state executive official to re-write the state's election code." (Click [here](#) and see page 16). As with Wolfe rewriting the law to allow the use of absentee ballot drop boxes, Wolfe

has once again rewritten a law. This time Wolfe’s “law” allows MyVote to receive absentee ballot applications so voters may obtain absentee ballots though there is no such state statute that permits it.

The method in which Wolfe mismanaged MyVote accepting *absentee ballot applications* and the manner in which Wolfe mismanaged drop boxes accepting *absentee ballots* are analogous. In the Teigen case the court said, “In regard to whom may return an absentee ballot, the circuit court explained that “[it did not] see any language in the statute that provides a basis for having agents, somebody other than the elector, actually deliver the ballot. Further, in quoting the portion of the [Wolfe] memo that purported to allow family members or other persons to return a ballot on behalf of the voter, the court concluded that it did not “see anything in the statute that says that” (Click [here](#) and see page 57).

Wis. Stat. § 6.86(1)(a) does not provide for MyVote to act as voters’ agents when voters submit their absentee ballot applications to municipal clerks. As a matter of fact, if you searched the entire Wisconsin state statutes, you will not find a single reference to MyVote (Click [here](#) and type in MyVote in the search bar). There is no Wisconsin state statute that authorizes the existence of MyVote, let alone the existence of MyVote receiving absent ballot applications.

WEC, Wolfe, and Kehoe created and maintain MyVote with the intent of having voters obtain absentee ballots by submitting written applications to the MyVote website. Wis. Stat. §12.13(2)(b)(7) states, “In the course of the person’s official duties or on account of the person’s official position, intentionally violate or intentionally cause any other person to violate any provision of chs. 5 to 12 for which no other penalty is expressly prescribed.”

There are no penalties for violations of Wis. Stat. § 6.86(1)(a). Since there are no penalties associated with Wis. Stat. § 6.86(1)(a), WEC, Wolfe, and Kehoe violated Wis. Fraud Stat. §12.13(2)(b)(7) by intentionally providing voters with an unsanctioned method to obtain absentee ballots; WEC, Wolfe, and Kehoe’s chosen method was not one of six prescribed methods to obtain an absentee ballot authorized in Wis. Stat. § 6.86(1)(a).

### **The Real Crime is the Mailing Harry Wait Absentee Ballots Without Proof of Identification**

On July 26, 2022 Hot Government President Harry Wait requested absentee ballots for Wisconsin House Speaker Robin Vos, Racine Mayor Corey Mason, and several other registered

Wisconsin voters. Harry ordered absentee ballots to expose how easy it was for one person to obtain absentee ballots by using the names of other Wisconsin voters. Harry had no intention of using the absentee ballots to vote. Harry quickly and publicly confessed to requesting absentee ballots in the name of others in his emails that he sent to Racine County Sheriff Christopher Schmaling, Racine Clerk Tara Coolidge, Racine County Clerk Patricia Hanson, etc.

Administrator Wolfe sent out a July 28, 2022 [press release](#) with a headline that said, “No Indication of MyVote Vulnerability.” If what Wolfe said about MyVote security was true, why was it so easy for Harry to order and receive other people’s absentee ballots? Indeed, Harry proved MyVote is vulnerable to fraudulent absentee ballot requests, but MyVotes vulnerabilities are self-inflicted. Kehoe described the biggest MyVote weakness when he testified about the Fifth Procedure, proof of identification. MyVote unlawfully acting as an intermediary between electors who apply for absentee ballots and the clerks who provide them is the main source of MyVote’s vulnerabilities—some times WEC is responsible for checking proof of identification and other times clerks are responsible for checking proof of identification.

The Wisconsin Department of Justice investigators already interviewed Harry, and he has received a subpoena. Harry would not have been able to provide proof of identification for the other voters he requested absentee ballots for had he been asked. This means proof of identification would have stopped other people’s absentee ballots from being mailed to Harry. Because of Harry, the public is learning why proof of identification is such an important safeguard to preventing vote fraud. Moreover, the real crime committed is the mailing of absentee ballots without first asking Harry to provide his proof of identification.

Harry did more than just expose how someone can use MyVotes to receive absentee ballots in the name of other voters. Harry’s actions revealed that MyVote acting as an intermediary between the electors who apply for absentee ballots and the clerks who mail the absentee ballots has no foundation in law.

The Wisconsin Supreme Court ruled that there are only two ways to return absentee ballots—1. by mail or 2. by the electors delivering their absentee ballots directly to their clerks. Wis. Stat. § 6.86(1)(a) provides six ways for voters to obtain absentee ballots. Submitting a MyVote absentee ballot application is not one of the six methods to obtain an absentee ballot. Since Wis. Stat. § 6.86(1)(a) has no provisions to allow MyVote to intervene between electors’ absentee ballot applications and their local clerks, all of the absentee ballot applications that Harry completed were null and void at the time Harry was filling out multiple absentee ballot applications.

In Wolfe's press release she alluded to three potential charges against Harry. However, Harry can't be charged with any crimes because the absentee ballot applications he submitted had no legal basis for which to exist. As stated in the last section, the real fraud was Wolfe inserting MyVote between the electors and municipal clerks in the absentee ballot application process for which she had no legal authority to do so.

### **Prayer for Relief**

1. Suspend MyVote's absentee ballot applications because this method is not one of the six methods prescribed by Wis. Stat. § 6.86(1)(a).
2. Stop the persecution of Harry Wait because none of the absentee ballot applications Harry submitted had the force of law behind it.

**WISCONSIN CIRCUIT COURT  
WAUKESHA COUNTY**

<p>Concerned Veterans of Waukesha County c/o Ken Marek 745 E. Imperial Dr. Hartland WI 53029</p> <p>Ken Marek 745 E. Imperial Dr. Hartland WI 53029</p> <p>Tom Gudex 7051 Parkview Ave. Lannon WI 53046</p> <p>Janel Brandtjen N52 W16632 Oak Ridge Trail Menomonee Falls, WI 53051,</p> <p style="text-align: center;">Plaintiffs</p> <p style="text-align: center;">v.</p> <p>Wisconsin Election Commission 212 Washington Avenue, Third Floor P.O. Box 7984 Madison WI 53707-7984</p> <p style="text-align: center;">Defendant</p>	<p style="text-align: right;">Case Code: Case Type:</p> <p style="text-align: center;">Case No. _____</p>
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**SUMMONS**

THE STATE OF WISCONSIN, To Wisconsin Election Commission:

You are hereby notified that the Plaintiffs named above have filed a lawsuit or other legal action against you. The complaint, which is attached, states the nature and basis of the legal action.

Within twenty (20) days of receiving this summons, you must respond with a written answer, as that term is used in chapter 802 of the Wisconsin Statutes, to the complaint. The court may reject or disregard an answer that does not follow the requirements of the statutes. The answer must be sent or delivered to the court, whose address is Waukesha County Courthouse, 515 W Moreland Blvd, Waukesha, WI 53188 and to Erick G. Kaardal, Plaintiffs' attorneys, whose address is 150 South Fifth Street, Suite 3100, Minneapolis, MN 55402, and to Michael Gableman, Plaintiffs' attorney, 150 S. Executive Drive, Ste. 213, Brookfield WI 53005. You may have an attorney help or represent you.

If you do not provide a proper answer within twenty (20) days, the court may grant judgment against you for the award of money or other legal action requested in the complaint, and you may lose your right to object to anything that is or may be incorrect in the complaint. A judgment may be enforced as provided by law. A judgment awarding money may become a lien against any real estate you own now or in the future, and may also be enforced by garnishment or seizure of property.

Dated: November 4, 2022.

*Electronically signed by Erick G. Kaardal*  
Erick G. Kaardal, 1035141  
Mohrman, Kaardal & Erickson, P.A.  
Special Counsel for Thomas More Society  
150 South Fifth Street, Suite 3100  
Minneapolis, MN 55402  
Telephone: (612) 341-1074  
Email: kaardal@mklaw.com  
*Attorneys for the Plaintiff*

*Electronically signed by Michael J. Gableman*  
Michael J. Gableman, No. 1024325  
Senior Counsel  
The Thomas More Society  
150 S. Executive Drive, Ste. 213  
Brookfield WI 53005  
Telephone: (312) 782-1680  
Facsimile: (312) 782-1887

**WISCONSIN CIRCUIT COURT  
WAUKESHA COUNTY**

<p>Concerned Veterans of Waukesha County c/o Ken Marek 745 E. Imperial Dr. Hartland WI 53029</p> <p>Ken Marek 745 E. Imperial Dr. Hartland WI 53029</p> <p>Tom Gudex 7051 Parkview Ave. Lannon WI 53046</p> <p>Janel Brandtjen N52 W16632 Oak Ridge Trail Menomonee Falls, WI 53051,</p> <p style="text-align: center;">Plaintiffs</p> <p style="text-align: center;">v.</p> <p>Wisconsin Election Commission 212 Washington Avenue, Third Floor P.O. Box 7984 Madison WI 53707-7984</p> <p style="text-align: center;">Defendant</p>	<p>Case Code: Case Type:</p> <p>Case No. _____</p>
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**PETITION FOR DECLARATORY JUDGMENT  
UNDER WISCONSIN STATUTES § 227.40 AND INJUNCTION**

The above-named Plaintiffs for their petition for declaratory judgment under Wisconsin Statutes § 227.40 allege the following against the above-named Defendant Wisconsin Elections Commission (WEC).

### **Plaintiff**

1. Ken Marek, a Wisconsin elector and taxpayer, is a resident of Wisconsin, residing at 745 E. Imperial Dr., Hartland WI 53029.
2. Tom Gudex, a Wisconsin elector and taxpayer, is a resident of Wisconsin, residing at 7051 Parkview Ave., Lannon WI 53046
3. Concerned Veterans of Waukesha County, an association of Wisconsin veterans, electors and taxpayers, has a mailing address of Concerned Veterans of Waukesha County, c/o Ken Marek, 745 E. Imperial Dr., Hartland WI 53029. Concerned Veterans of Waukesha County is concerned about the misuse of WEC's on-line military absentee voting system.
4. Janel Brandtjen, a Wisconsin elector and taxpayer, is a resident of Wisconsin, residing at N52 W16632 Oak Ridge Trail, Menomonee Falls, WI 53051.

### **Defendant**

5. Wisconsin Elections Commission is a state agency at 212 Washington Avenue, Third Floor, P.O. Box 7984, Madison WI 53707-7984.

### **Jurisdiction**

6. Plaintiffs as electors have a private cause of action to sue WEC for election law violations and legally unauthorized guidance under Wisconsin Statutes § 5.06 and Wisconsin Statutes § 227.40.
7. The Plaintiffs as electors have standing to sue for election illegalities and irregularities which may cause doubt on a close election result.

8. The Plaintiffs as taxpayers have a private cause of action to sue government agencies for legally unauthorized use of taxpayer funds.

### Claim

9. The administrative procedures act claim in this case is that WEC's guidance to the county clerks and municipal clerks does not comply with Wisconsin Statutes 6.22(6) which requires a "military elector list," which is up-to-date, complete, verified, current, accurate and distributed to each polling place.

10. The military elector list is used to ensure that military elector absentee ballots are not sent to non-qualified voters.

11. Wisconsin has a decentralized election system.

12. The legislature has delegated to the WEC the responsibilities of, among others, administering, enforcing and promulgating rules relating to the election laws. *Jefferson v. Dane Cnty.*, 951 N.W.2d 556, 563 n. 5 (Wis., 2020).

13. Therefore, WEC has the responsibility for guidance in the administration and enforcement of Wisconsin's election laws, not the county clerks, not the municipal clerks. *Id.* at 563.

14. Accordingly, county clerks are not to interpret Wisconsin's election laws and make declarations based on those interpretations; instead, the county clerks rely on WEC's guidance. *Id. See, generally*, Wis. Stat. § 5.05.

15. County clerks have different responsibilities such as (1) providing election supplies and ballots, (2) preparing ballots, (3) adhering to the election time schedule, (4) resolving doubts that relate to election notices, (5) certifying candidates for municipal judges,

(6) assisting the WEC in conducting the WEC's voter education, (7) maintaining toll-free telephone lines to exchange voting information, (8) training election officials, and (9) reporting information to the WEC. Wis. Stat. §§ 7.10(1)–(10).

16. Similarly, municipal clerks are not to interpret Wisconsin's election laws and make declarations based on those interpretations; instead the municipal clerks rely on WEC's guidance. *See, generally*, Wis. Stat. § 5.05.

17. Municipal clerks have different responsibilities such as (1) supervise registration and elections; (2) equip polling places; (3) provide for the purchase and maintenance of election equipment; (4) prepare ballots for municipal elections, and distribute ballots and provide other supplies for conducting all elections; (5) prepare official absentee ballots for delivery to electors requesting them; (6) send an official absentee ballot to each elector who has requested a ballot by mail, and to each military elector and overseas elector; (7) prepare the necessary notices and publications in connection with the conduct of elections or registrations; (8) train election officials in their duties; (9) discharge election officials for improper conduct or willful neglect of duties; (10) report suspected election frauds, irregularities, or violations of which the clerk has knowledge to the district attorney for the county where the suspected activity occurs and to the commission; (11) review, examine and certify the sufficiency and validity of petitions and nomination papers; (12) direct how and when to destroy the contents of the blank ballot boxes and unused election materials; (13) send, when required, an absentee ballot to each elector and send or transmit an absentee ballot to each military elector and each overseas elector; (14) reassign inspectors appointed to serve at one polling place to another polling place within the municipality

whenever necessary to assure adequate staffing at all polling places. Wis. Stat. §§ 7.15 (1) (a-k).

18. WEC’s guidance to county clerks and municipal clerks on military absentee ballots in WEC’s Military and Overseas Voting Manual (Feb. 2022) and in its Military and Overseas Voting Cheat Sheet (Rev. 2020-10) does not comply with Wisconsin Statutes 6.22(6).

19. Wisconsin Statutes 6.22(6) requires a “military elector list,” which is up-to-date, complete, verified, current, accurate and distributed:

- Up-to-date--“Each municipal clerk shall keep an up-to-date list of all eligible military electors who reside in the municipality in the format prescribed by the commission.”
- Complete-- “The list shall contain the name, latest-known military residence and military mailing address of each military elector.”
- Verified--“The list shall indicate whether each elector whose name appears on the list is a military elector, as defined in s. 6.34 (1)...”
- Current--“The list shall be kept current through all possible means.”
- Accurate--“Each clerk shall exercise reasonable care to avoid ... listing anyone who is not eligible to vote.”
- Distributed--“Each clerk shall distribute one copy of the list to the each polling place in the municipality for use on election day.”

Wis. Stat. § 6.22(6).

20. Yet, the Wisconsin Election Commission’s guidance to clerks on military absentee ballots in WEC’s Military and Overseas Voting Manual (Feb. 2022) (MOVVM), attached as Exhibit A, does not require an up-to-date, complete, verified, current, accurate and distributed military elector list.

21. In fact, it doesn’t mention “military elector list”—and doesn’t require that a military elector list be applied either.

22. Instead, WEC provides guidance without it:

#### Military Voters

Military voters do not need to register but can do so if they choose. They do not need to provide proof of residence if they do register. They can register using the following methods:

- FPCA
- EL-131
- Online at MyVote.wi.gov

#### Registration deadlines:

- Online or By Mail - form must be postmarked/completed by the third Wednesday before the election. Wis. Stat. §6.28(1).
- In person at the clerk's office – by 5p.m. CST on the Friday preceding the election. Wis. Stat. §6.29(2).
- At their polling place on Election Day.

Clerks must still obtain sufficient information to enter a military elector into WisVote, such as their name, address, and date of birth. Wis. Stat. §6.22(3). If an unregistered military member uses a Federal Post Card Application (FPCA) to request their absentee ballot, they are effectively registering to vote but are still not required to provide proof of residence. If a military voter retires or wishes to change their status to a regular voter, they must register as a regular voter and provide a proof of residence document.

MOVM at 5-6. *See, also*, MOVM at 7.

23. WEC's Military and Overseas Voting Cheat Sheet (08-2022) (Cheat Sheet), attached as Exhibit B, fares no better at complying with Wisconsin Statutes § 6.22(6). The Cheat Sheet doesn't mention "military elector list"—and doesn't require that a military elector list be applied either.

24. To be sure, WEC's guidance in the MOVM requires that "Clerks must still obtain sufficient information to enter a military elector into WisVote, such as their name, address, and date of birth." MOVM at 6.

25. But, this is a far cry from satisfying the Wisconsin Statutes § 6.22(6) requirement for an up-to-date, complete, verified, current, accurate and distributed military elector list.

26. Under Wisconsin's decentralized election system, WEC's legally unauthorized guidance in the MOVIM and Cheat Sheet have caused the municipal clerks to not have up-to-date, complete, verified, current, accurate and distributed military elector list—required by Wisconsin Statutes § 6.22(6).

27. Not having the legally-required lists has created a vulnerability in Wisconsin's military absentee ballot process: essentially, any person can apply for a military elector absentee ballot and have it sent to any address.

28. This vulnerability has been exposed by recent actions undertaken by now former Milwaukee Elections Commissioner Deputy Director Kimberly Zapata.

29. Zapata apparently admitted on November 3, 2022, that she visited the state's MyVote Wisconsin website and ordered military elector absentee ballots in the names of Holly A. Brandtjen, Holly Adams and Holly Jones by entering information for them.

30. Zapata apparently admitted that she had the ballot papers delivered to Janel Brandtjen's house.

31. The absentee ballots were delivered to Brandtjen's house.

32. It is important to follow the path of these three military elector absentee ballots requested by Zapata to understand the importance of the military elector absentee ballot list to ensuring absentee ballots are only sent to qualified voters.

33. First, on or about October 25, 2022, the Clerk of South Milwaukee, sent a military absentee ballot purportedly requested by “Holly A. Brandtjen,” of 722 Oak St., South Milwaukee, voter identification number 701923081 to Plaintiff Janel Brandtjen’s residence at N52 W16632 Oak Ridge Trail, Menomonee Falls, WI 53051.

34. On October 27, 2022, the Plaintiff Janel Brandtjen received the absentee ballot.

35. But, Janel Brandtjen is not qualified to cast the military absentee ballot of Holly Brandtjen.

36. This election illegality would not have occurred if the Clerk of South Milwaukee had an up-to-date, complete, verified, current, accurate and distributed military elector list.

37. Second, on or about October 25, 2022, the Clerk of Menomonee Falls, sent a military absentee ballot purportedly requested by “Holly Adams” to Plaintiff Janel Brandtjen’s residence at N52 W16632 Oak Ridge Trail, Menomonee Falls, WI 53051.

38. On October 27, 2022, the Plaintiff Janel Brandtjen received the absentee ballot.

39. But, Janel Brandtjen is not qualified to cast the absentee ballot of Holly Adams.

40. This election illegality would not have occurred if the Clerk of Menomonee Falls had an up-to-date, complete, verified, current, accurate and distributed military elector list.

41. Third, on or about October 25, 2022, the Defendant, Village Clerk of Shorewood, sent a military absentee ballot purportedly requested by “Holly Jones” to Plaintiff Janel Brandtjen’s residence at N52 W16632 Oak Ridge Trail, Menomonee Falls, WI 53051.

42. On October 27, 2022, the Plaintiff Janel Brandtjen received the absentee ballot.

43. But, Janel Brandtjen is not qualified to cast the absentee ballot of Holly Jones.

44. This election illegality would not have occurred if the Clerk of Shorewood had an up-to-date, complete, verified, current, accurate and distributed military elector list.

45. WEC’s guidance fails to comply with the legal requirements under Wisconsin Statutes § 6.22(6) for an up-to-date, complete, verified, current, accurate and distributed military elector list.

46. The recent actions of now former Milwaukee Elections Commissioner Deputy Director Kimberly Zapata have exposed the vulnerability statewide.

47. WEC’s use of taxpayer funds to send legally unauthorized military absentee ballots to non-qualified voters is actionable.

48. Plaintiffs sue as taxpayers as well to prevent such legally unauthorized spending.

49. Discovery should be allowed to determine the complete extent of the legally unauthorized military absentee voting.

50. A declaratory judgment and related injunctive relief are appropriate.

### Prayer for relief

WHEREFORE, the Plaintiff respectfully requests that the Court issue a declaratory judgment declaring the legal violation(s) by the Defendant. Additionally, to prevent election fraud, in current and future elections, the Court should issue a declaratory judgement and related temporary and permanent injunction that the UOCAVA/military ballots should be set aside before counting to allow clerks to ensure that they have been voted by only qualified military voters. The Court should also grant any other relief it deems proper, necessary, or just, consistent with the law and under the circumstances of this case.

Dated: November 4, 2022

/s/Erick G. Kaardal

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Erick G. Kaardal, No. 1035141  
Gregory M. Erickson, No. 1050298  
Mohrman, Kaardal & Erickson, P.A.  
Special Counsel for Thomas More Society  
150 South Fifth Street, Suite 3100  
Minneapolis, MN 55402  
Telephone: (612) 341-1074  
Facsimile: (612) 341-1076  
Email: kaardal@mklaw.com  
Email: erickson@mklaw.com  
Attorneys for the Plaintiffs

/s/Michael J. Gableman

---

Michael J. Gableman, No. 1024325  
Senior Counsel  
The Thomas More Society  
150 S. Executive Drive, Ste. 213  
Brookfield WI 53005  
Telephone: (312) 782-1680  
Facsimile: (312) 782-1887

# MILITARY AND OVERSEAS VOTING

February 2022



**Wisconsin Elections Commission**

212 East Washington Avenue, Third Floor

P.O. Box 7984

Madison, WI 53707-7984

Phone: (608) 266-8005

FAX: (608) 267-0500

<https://elections.wi.gov>

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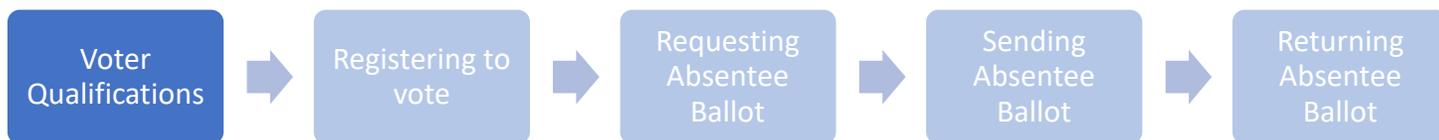
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Military and overseas voters face additional challenges when voting. There are many state and national laws that protect military and overseas individuals' right to vote. Wisconsin clerks are entrusted with ensuring that everyone has access to cast a ballot and much of the clerk activity surrounding ballot requests, mailing, and receipt/processing is tracked and reported to the federal government so they can be sure that all states are following the federally mandated guidelines.

Military and overseas voting can be complicated, and this guide serves as a resource for clerks, providing clarity around the many deadlines, voting and registration requirements, and other important processes. The manual is structured to follow the voting process as shown below, with information about the requirements and actions for each group of voters as well as for the clerks.



## Wisconsin Military and Overseas Voters

### **Who are Military Voters?** Wis. Stat. [§6.22](#)

Military voter means any of the following:

1. Members of a uniformed service meaning the U.S. Army, Navy, Air Force, Marine Corps or Coast Guard, the commissioned corps of the federal public health service or the commissioned corps of the national oceanic and atmospheric administration.
2. Members of the merchant marine of the United States.
3. Civilian employees of the United States and civilians officially attached to a uniformed service who are serving outside the United States. Examples include but are not limited to foreign service members with the U.S. State Department, U.S. Aid, etc.
4. Peace Corps volunteers.
5. Spouses and dependents of those listed in the above categories residing with or accompanying them.

Military voters do not need to be on active duty or away from home to claim this status. This status does not include veterans, and if someone retires from the military they must re-register to vote as a regular voter. Ultimately, it is up to the voter to determine whether they fulfill the requirements under state statute to be a military voter.

### **Who are Overseas Voters?** Wis. Stat. [§6.24\(1\)](#)

There are two types of overseas voters and the definitions for each type both depend on a voter's intent to return. A **permanent overseas voter** has either never lived in the United States or has left the United States and has no intent to return. A **temporary overseas voter** has lived in the United States and is away for temporary purposes, such as a student studying abroad or someone whose employment requires them to live in another country for a period of time. There is no specific timeframe or definition as to what constitutes "intent to return", so it is up to the voter to determine whether they intend to return to the United States.

#### Permanent Overseas Voters

A permanent overseas voter must meet the following criteria (see Wis. Stat. [§6.24\(1\)](#)):

1. Be a U.S. citizen who is not disqualified from voting in Wisconsin under Wis. Stat. [§6.03](#), and who does not qualify as a resident of this state under Wis. Stat. [§6.10](#).
2. Is or will be at least 18 years old by the date of the election in which they are voting.
3. Either they have resided in Wisconsin previously or their parents resided in Wisconsin immediately prior to the parent's departure from the United States.
4. Not registered to vote in any other state, territory, or possession.

A permanent overseas elector may vote in any contest or election for federal office, which typically includes the Partisan Primary, General Election, the Presidential Preference Primary, and potential special elections. These voters may vote for President, Representative to U.S. Congress, and U.S. Senate. This is NOT the same as presidential only voter who can only vote for the Office of President.

Some permanent overseas voters may want to update their status to be able to vote for other offices. They may not vote in an election for state or local office unless they qualify as a resident of the state and are registered as a regular or temporary overseas voter. To re-register, they must first establish a physical residency in Wisconsin for at least 28 days prior to Election Day and must register as a regular or temporary overseas voter by completing a voter registration application and providing a proof of residence document. Wis. Stat. [§6.24\(2\)](#)

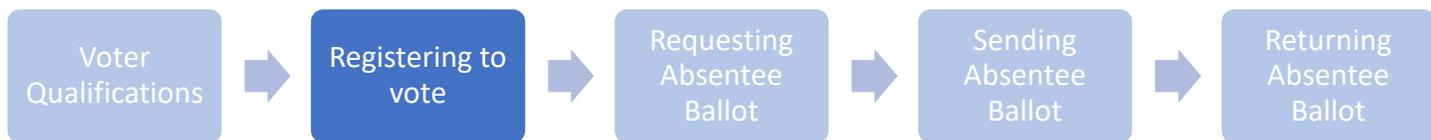
### Temporary Overseas Voters

Temporary overseas voters must meet the following criteria:

1. Be a U.S. citizen who is not disqualified from voting in Wisconsin under Wis. Stat. [§6.03](#).
2. Is or will be at least 18 years old by the date of the election in which they are voting.
3. Not registered to vote in any other state, territory, or possession. Wis. Stat. [§6.24\(1\)](#).

Because these voters also meet the Wisconsin residency requirements in Wis. Stat. [§6.10](#), they have intent to return, and they have not lost their registration status by leaving the United States for anything more than temporary purposes, they are treated as regular, absentee voters.

These voters can include short-term travelers, including students studying abroad, and individuals who have moved abroad but intend to return to Wisconsin in the future.



## **Military and Overseas Voter Registration**

### **Methods for Voter Registration**

- 1. The Federal Post Card Application or FPCA** (see p. 17 for more information about what information is contained on the FPCA and what it looks like)

The FPCA is a postage-free postcard, printed and distributed by the U.S. Department of Defense – Federal Voting Assistance Program (FVAP) for use by absentee voters covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). The online version of the FPCA can be obtained from the FVAP website at <http://www.fvap.gov>. The FPCA is a combination **voter registration form** and **absentee ballot request**, and it is required to be accepted in Wisconsin if the voter has provided all required information on the form Wis. Stat. [§6.24\(4\)](#). If it is being used for voter registration, it must be postmarked by the third Wednesday prior to the election.

- 2. EL-131 Voter Registration Form**

The EL-131 Voter Registration form is available on the Wisconsin Elections Commission website (<https://elections.wi.gov/forms/el-131-fillable>). This form must be mailed and postmarked by the third Wednesday before the election.

or

Register online at [MyVote.wi.gov](http://MyVote.wi.gov) by 11:59p.m. CST on the third Wednesday before the election.

### **Military Voters**

Military voters do not need to register but can do so if they choose. They do not need to provide proof of residence if they do register. They can register using the following methods:

- FPCA
- EL-131
- Online at [MyVote.wi.gov](http://MyVote.wi.gov)

Registration deadlines:

- Online or By Mail - form must be postmarked/completed by the third Wednesday before the election. Wis. Stat. [§6.28\(1\)](#).
- In person at the clerk's office – by 5p.m. CST on the Friday preceding the election. Wis. Stat. [§6.29\(2\)](#).
- At their polling place on Election Day.

Clerks must still obtain sufficient information to enter a military elector into WisVote, such as their name, address, and date of birth. Wis. Stat. [§6.22\(3\)](#). If an unregistered military member uses a Federal Post Card Application (FPCA) to request their absentee ballot, they are effectively registering to vote but are still not required to provide proof of residence.

If a military voter retires or wishes to change their status to a regular voter, they must register as a regular voter and provide a proof of residence document.

### **Overseas Voters**

Overseas voters must register and vote in the last Wisconsin municipality where they (or in the case of some permanent overseas voters, their parent(s)) last had residency. Wis. Stat. [§6.24\(3\)](#). Some permanent overseas voters may not recall or know the address where they are attempting to register if they personally never lived there. It is also possible that the address no longer exists. In these instances, clerks should obtain as much information from the voter as possible about nearby landmarks, cross streets, municipal buildings and businesses, etc. Use this information to make an educated guess about the location to create the address record for the voter in WisVote. If you need assistance with creating a record for an address for a permanent overseas voter, please contact our Help Desk at (608) 261-2028 or at [elections@wi.gov](mailto:elections@wi.gov).

### **Permanent Overseas Voters**

Permanent overseas voters must register to vote, but do not need to provide a proof of residence document. They can register using the following methods:

- FPCA
- EL-131

Registration deadlines:

- By Mail - form must be postmarked by the third Wednesday before the election. Wis. Stat. [§6.28\(1\)](#).
- In person at the clerk's office – by 5p.m. on the Friday preceding the election. Wis. Stat. [§6.29\(2\)](#).
- At their polling place on Election Day.

For most permanent overseas voters, their only option is to register to vote by mail (they cannot submit registration electronically by email or fax). They must be sure to follow registration deadlines, and their registration form must be the original signed version.

**Note:** If a regular voter changes their status to permanently overseas, they must re-register under that status.

### **Temporary Overseas Voters**

Temporarily overseas voters must register to vote, but many may already be registered at their Wisconsin address. Temporary overseas voters do not need to re-register to vote if they go overseas, as this is an absentee application status, not a voter status. They may register online, by mail, or in person, if they happen to be stateside, and must provide a proof of residence document. They can register using the following methods:

- FPCA
- EL-131
- Online MyVote.wi.gov with a valid Wisconsin Driver License or State ID

**Note:** Registration forms must ALWAYS be the original (no copies or email versions).

Registration deadlines:

- By Mail - form must be postmarked by the third Wednesday before the election. Wis. Stat. [§6.28\(1\)](#).
- Online – registration through the MyVote website closes at 11:59p.m. CST on the third Wednesday before the election. Wis. Stat. [§6.28\(1\)](#).
- In person – by 5p.m. on the Friday preceding the election. Wis. Stat. [§6.29\(2\)](#).
- At their polling place on Election Day.

Below is a chart that summarizes registration requirements for each voter type:

Type of Voter	Do they have to register to vote?	What are the registration requirements?	How can they register to vote?	Do they have to provide proof of residence?	What are the registration deadlines?
<b>Military</b>	No	Military voters don't need to register, but must meet the following requirements: 1. At least 18 years old by the next election 2. U.S. Citizen 3. Last resided in WI 4. Not registered in a different state	Military voters don't need to register to vote. They may choose to register using any method.	No	<b>Online or by mail:</b> 20 days prior to the election. <b>In person at the clerk's office:</b> Friday at 5pm prior to the election. <b>At the polling place:</b> Prior to 8pm on Election Day.
<b>Permanent Overseas</b>	Yes	1. At least 18 years old by the next election. 2. U.S. Citizen 3. Either last resided in WI or their parent(s) resided in WI prior to leaving the country 4. Not registered in any other state.	1. <b>By mail</b> using the EL-131 or the Federal Post Card Application (FPCA) 2. <b>In Person</b> at the clerk's office or polling place.	No	<b>Online:</b> 20 days prior to the election.* <b>In person at the clerk's office:</b> Friday at 5pm prior to the election. <b>At the polling place:</b> Prior to 8pm on Election Day.
<b>Temporary Overseas</b>	Yes	1. At least 18 years old by the next election. 2. U.S. Citizen 3. Not registered in any other state.	1. <b>Online</b> at MyVote.wi.gov (if they have a WI Driver License or ID) 2. <b>By mail</b> using the EL-131 or the Federal Post Card Application (FPCA) 3. <b>In Person</b> at the clerk's office or polling place.	Yes	<b>Online or by mail:</b> 20 days prior to the election.* <b>In person at the clerk's office:</b> Friday at 5pm prior to the election. <b>At the polling place:</b> Prior to 8pm on Election Day.

\*Online voter registration in Wisconsin requires a driver license or state ID card issued by the WI Department of Transportation.

**Q: I think they're no longer in the military, they live at home. Should I change their status?**

A: You may confirm with the voter that they are still in the military, but you do not need to. However, do not delay mailing the voter a ballot while waiting for confirmation. Please keep in mind that the voter could still be living at home or visiting on leave while serving in the military.

**Q: The voter lived in Wisconsin, moved to another state where they registered to vote, and now lives abroad permanently. The voter has family in Wisconsin, so they want to register to vote here. Can they?**

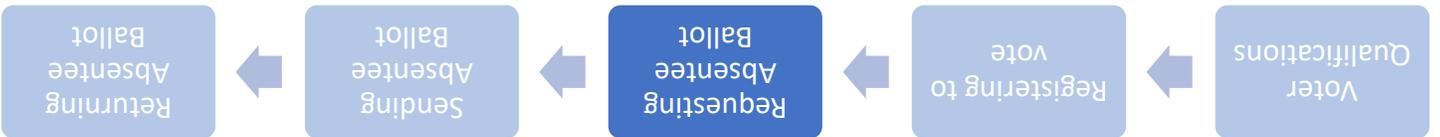
A: No, the voter cannot base their residency on where their family currently lives. Since the voter registered elsewhere after leaving Wisconsin, they must reestablish a physical presence in Wisconsin 28 days prior to an election to achieve residency and identify that as their address.

**Q: Someone accidentally registered as a military or overseas voter. What should I do?**

A: If this was a typo on behalf of the clerk, this can be updated by the clerk in WisVote. Please note that both the "voter type" in the voter registration record AND the "application type" in the absentee request must be updated in the system. If the voter mistakenly checked something, they should confirm in writing that this is a mistake and then you may update their record in WisVote.

**Q: The voter missed the by-mail registration deadline and is overseas. Is there anything they can do?**

A: No, the voter can return to their municipality and register to vote in person, but that is their only option.



**Requesting Absentee Ballots**

**Methods for Requesting Absentee Ballots**

1. **The Federal Write-in Absentee Ballot (FWAB) for Military and Overseas Electors** (see p. 21 for more information about what information is contained on the FWAB and what it looks like)

Citizens living overseas on a permanent or temporary basis and military voters often have difficulty receiving and returning ballots quickly. The Federal Voting Assistance Program (FVAP) has a write-in absentee ballot, called the Federal Write-in Absentee Ballot or "FWAB," available on their website (<http://fvap.gov>) for overseas and military electors to complete if they are unable to submit an official ballot. Wis. Stat. [§6.25](#). It is a multipurpose form that can be used as an **absentee ballot request form** and a **write-in ballot**. The absentee request form section of the FWAB contains areas for voters to provide required information and has a Declaration/Affirmation section where the voter must sign.

The FWAB must be accompanied by a completed Declaration/Affirmation which must also include the signature of the elector and the signature and address of an adult witness to be counted.

The completed and signed Declaration/Affirmation that accompanies the FWAB is also a valid absentee application for a military elector. However, if submitted by an overseas elector, the elector must have submitted an absentee request that is received no later than the 5th day before the election in order to count the FWAB.

**Note:** Permanent overseas voters may only vote in federal elections and will only receive a ballot for federal offices. Temporary overseas and military voters can vote in all elections for all offices. Wis. Stat. [§6.24](#)

2. **The Federal Post Card Application (FPCA)**

The Federal Post Card Application (FPCA) is also known as Standard Form 76. Regular voters who are temporarily overseas may also use this form. Wis. Stat. [§6.24\(4\)\(b\)](#). The FPCA is a dual purpose form that functions as both a voter registration form and/or absentee ballot application depending on the circumstance and the needs of the voter.

3. **EL-121 Application for Absentee Ballot form**

This form is the standard absentee ballot application published by the Wisconsin Elections Commission. Military and Permanent Overseas voters are not required to provide a copy of their photo ID when submitting this application. Temporary Overseas voters are required to include a copy of their photo ID unless they already have one on file with the clerk's office.

4. **MyVote.wi.gov**

All UOCAVA voters may request their absentee ballots through the MyVote website. There is a separate section of the website for Military and Permanent Overseas voters to use. Temporary Overseas voters use the same ballot request process as regular voters on MyVote and will indicate their temporary overseas status as part of that process.

## 5. Email and other written requests

Any other written request is acceptable, provided it gives all required information. Fax or email requests are valid if received by the application deadline and do not require a copy of the applicant's signature. Wis. Stat. [§§6.24\(4\)\(a\)](#) & [6.86\(1\)\(ac\)](#). A scan of the FPCA or EL-121 could be emailed to the clerk for the same purpose.

### Process and Requirements for Requesting an Absentee Ballot

There are different requirements for requesting and returning absentee ballots depending on the type of voter.

#### Military Voters

- May vote in all elections
- Can receive a ballot by email, fax, online, by mail, or in person. If voting in person, including in-person absentee voting, they must provide a photo ID.
- No photo ID required/photo ID is optional if voting absentee by mail.

Absentee request deadlines for military voters:

- Federal Elections:
  - Military Voters (not on active duty) - 5p.m. CST on the Friday before Election Day
  - Military Voters (on active duty) - 5p.m. CST on Election Day. Please note that all ballots, regardless of when they were requested, must be returned to the clerk by 8:00p.m. CST on Election Day in order to be counted.
- Non-Federal Elections
  - Military voters (all) – 5p.m. CST on the Friday before Election Day

#### Permanently Overseas Voters

- May vote only in Federal elections (President, Senate, and Representative to Congress). This includes any special Federal elections.
- Can receive a ballot by email, fax, online, or by mail.
- No photo ID required/photo ID is optional if voting absentee by mail.

Absentee request deadlines for permanently overseas voters:

- Permanent Overseas Voters – 5p.m. CST on the Thursday before Election Day
- Permanent Overseas and Indefinitely Confined Voters- 5p.m. CST on the Friday before Election Day

#### Temporary Overseas Voter

- May vote in all elections.
- Can receive a ballot by email, fax, or by mail.
- Must provide photo ID unless there is already one on file (same as regular absentee voter).

Absentee request deadlines for temporary overseas

- Temporarily Overseas Voters - 5p.m. CST on the Thursday before Election Day

Below is a chart that summarizes absentee ballot request requirements for each voter type:

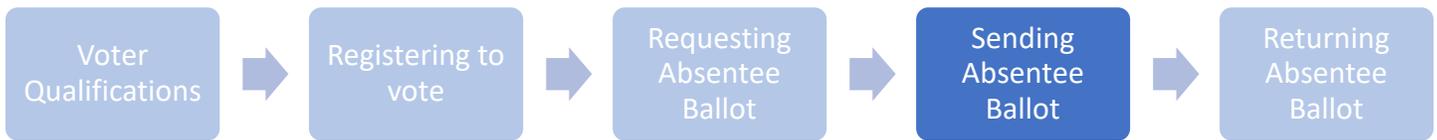
Type of Voter	Do they have to provide a photo ID	What elections are they eligible to vote in?	How can they request an absentee ballot?	How can they receive an absentee ballot?	How can they return an absentee ballot?	What are the deadlines for requesting an absentee ballot?
<b>Military</b>	No	All	<ul style="list-style-type: none"> <li>• FPCA</li> <li>• FWAB</li> <li>• EL-121</li> <li>• Online</li> <li>• Email</li> <li>• Fax</li> </ul>	<ul style="list-style-type: none"> <li>• In Person</li> <li>• Mail</li> <li>• Email</li> <li>• Online</li> <li>• Fax</li> </ul>	By mail or in person	<p>For federal elections: Active Duty and Away from Home: <b>5pm on Election Day</b></p> <p>Not Active Duty and Away from Home: <b>5pm Friday before Election Day</b></p> <p>For non-federal elections: <b>5pm Friday before Election Day</b></p>
<b>Permanent Overseas</b>	No	Federal Only (President, Senate, and Congress)	<ul style="list-style-type: none"> <li>• FPCA</li> <li>• FWAB</li> <li>• EL-121</li> <li>• Online</li> <li>• Email</li> <li>• Fax</li> </ul>	<ul style="list-style-type: none"> <li>• In Person</li> <li>• Mail</li> <li>• Email</li> <li>• Online</li> <li>• Fax</li> </ul>	By mail or in person	5pm Thursday before Election Day (if they are also indefinitely confined, then the 5pm Friday before Election Day)
<b>Temporary Overseas</b>	Yes	All	<ul style="list-style-type: none"> <li>• FPCA</li> <li>• FWAB</li> <li>• EL-121</li> <li>• Online</li> <li>• Email</li> <li>• Fax</li> </ul>	<ul style="list-style-type: none"> <li>• In Person</li> <li>• Mail</li> <li>• Email</li> <li>• Fax</li> </ul>	By mail or in person	5pm Thursday before Election Day

**Q: Since military voters who are on active duty can request a ballot for federal elections until 5pm on Election Day, does this mean that they still have to return their ballot by 8pm on Election Day?**

A: Yes, all ballots must be returned by 8pm on Election Day and all ballots must be mailed back or dropped off. It is rare that a military voter would be able to return their ballot by 8pm if they request it at 5pm on the same day, but it is possible. For example, if someone in the National Guard is called into duty on Election Day, they could request a ballot and return it as they may be nearby to drop it off.

**Q: Can a military or overseas voter also be indefinitely confined?**

A: A voter can be both indefinitely confined and military. People with disabilities or illnesses can still be in the military. It is also possible that this may be a family member or dependent who qualifies as a military voter.



**Viewing Ballot Requests and Sending Ballots**

Clerks must send out ballots to any military and overseas voters with active requests on file no later than 47 days prior to any election with a federal office on the ballot (typically partisan primaries and general elections) or 21 days before all other primaries and elections. Ballot requests received after those deadlines must be processed and sent out within one business day (meaning any day from Monday to Friday, not including a legal holiday). Wis. Stat. [§7.15\(1\)\(cm\)](#).

**Ballot Delivery Options**

There are a few ways a voter may request to have their ballot sent to them. The preferred method of delivery should be marked on or stated in the absentee ballot request. If you receive a paper form or emailed request, the ballot delivery method requested by the voter will need to be recorded in the ballot request record when entered into WisVote. If the request came through MyVote, the voter should have chosen the preferred delivery method and in that case, it will already appear in WisVote.

Please note the Application Source field in WisVote shown below only lists how the voter made their request. The Ballot Delivery Method field must be reviewed to determine how the voter would like to receive their ballot.

Application Info	
Application Type *	Indefinitely Confined
Application Date *	3/23/2020
Application Source *	Online

Ballot Delivery Info	
Ballot Delivery Method *	Mail
Different Absentee Address	<input type="checkbox"/>

## Procedures for Sending Ballots

Delivery by Mail	Delivery by Email or Fax (see next page for detailed instructions)	Online Delivery
Check to ensure you are sending the right ballot (Federal Only vs Full Ballot).	Take a printed copy of the correct ballot and initial it.	The voter will download their own ballot on MyVote.wi.gov.
Provide return postage UNLESS mailing the ballot outside of the US	Scan the initialed copy and email or fax to the voter.	They will receive an email when it is ready.
Be sure to use the military/overseas <a href="#">EL-122</a> certification envelope which removes the U.S. Citizen requirement for the witness.	Include a pdf copy of the Uniform Instructions for Emailed and Faxed Ballots and the EL-122 Special envelope: <a href="https://elections.wi.gov/forms/voters-uniform-instructions">https://elections.wi.gov/forms/voters-uniform-instructions</a>	If someone wants to change their ballot delivery to online, you must deactivate their original request in WisVote.
	Do not pay for postage.	

**Q: They're not active duty, do I still have to use the military envelope?**

A: Yes, you should still use the postage-free military front side of the envelope for a military voter.

**Q: On the FPCA or FWAB, they said they want their ballot delivered "online/email"? How should I send the ballot?**

A: If a Military or Permanently Overseas voter asks to receive their ballot by "Email/Online," contact the voter to see if they would like to receive their ballot by email or online, but do not choose for the voter. If the voter does not respond within one business day, email the voter their ballot. If the voter did not provide an email address, mail the voter a ballot. If the voter asks to get their ballot online, then point the voter to myvote.wi.gov so that they may initiate their request online. Please do not enter the online absentee application into WisVote for the voter as they will not receive the notification from the system when their ballot is ready.

**Q: On the FPCA, the voter waived their right to privacy so they can email their ballot back. Can they send their ballot back by email?**

A: No, a Wisconsin voter can never return their ballot by email. They must deliver it by mail or in person. The FPCA and FWAB are federal forms that are designed to be universally used. Some other states allow voters to email their ballot back.

### Faxing or Emailing Absentee Ballots

Any military, permanent overseas, or temporarily overseas voter can request an absentee ballot to be sent to them by fax or email. If you receive a request from a voter who would like to receive their ballot by email or fax, follow these instructions when sending the voter their ballot.

#### Request

- Review the request for an absentee ballot to ensure it is from a qualified elector. The absentee application request may be on the EL-121, FPCA, FWAB, or in the form of a letter, email or fax that

contains the information needed for an absentee ballot request. Remember, the request needs to be in writing, but email and fax requests do not need to include the voter's signature. Voters can also submit their request through the My Vote Wisconsin website: [myvote.wi.gov](http://myvote.wi.gov). You will receive an email notification when the voter makes their request through MyVote.

- Military and permanent overseas voters do not need to provide a photo ID with their request. Temporarily overseas voters must provide a photo ID with their absentee ballot request, or have a copy of their ID already on file with their clerk.
- After determining that the elector is qualified to receive an emailed or faxed absentee ballot, the municipal clerk may fax or e-mail the ballot to the elector.

### Faxing

- The municipal clerk should initial the ballot in the endorsement section and initial the face of the ballot.
- Fax the ballot and the face of the [Absentee Ballot Certificate for Military and Overseas Voters](#) along with the [Uniform Instructions for Emailed and Faxed Ballots](#).
- The voter should be instructed to vote the ballot in the presence of a witness, fold the ballot and seal it inside a regular, non-window envelope, complete and sign the absentee certificate. An adult witness must sign and provide their address on the certificate. Military or permanent overseas voters should provide their birthdate in the appropriate section provided on the certificate. The certificate should be affixed to the envelope containing the voted ballot. The envelope with the certificate attached should be placed into another, larger envelope, sealed and mailed to the municipal clerk. The ballot must be received by 8 p.m. on Election Day.

### Emailing

- The municipal clerk should print their initials in the endorsement section of the ballot and on the face of the ballot and scan the initialed ballot. If you do not have access to a scanner, work with your county or the WEC to determine an alternate way of initialing the ballot before sending it via email.
- Email the initialed ballot and the face of the [Absentee Ballot Certificate for Military and Overseas Voters](#) along with the [Uniform Instructions for Emailed and Faxed Ballots](#).
- The elector should be instructed to print the ballot, vote the ballot in the presence of a witness, fold the ballot and seal it inside a regular, non-window envelope, complete and sign the absentee certificate. An adult witness must sign and provide their address on the certificate. Military or permanent overseas voters should provide their birthdate in the appropriate section provided on the certificate. The certificate should be affixed to the envelope containing the voted ballot. The envelope with the certificate attached should be placed into another, larger, envelope, sealed and mailed to the municipal clerk. The ballot must be received by 8 p.m. on Election Day.

### Expediting Late Ballots

There are two ways for a ballot to be considered sent out late:

1. Not sent out by the 47<sup>th</sup> day before a federal election.
2. Not sent out within one business day after requesting.

A business day would be any day not including weekends or Wisconsin legal holidays (see Wis. Stats. §§[7.15\(1\)\(cm\)](#) and [995.20](#)). So, even if a clerk only has office hours once a week, they still must send a military

or overseas voter's ballot within one business day of receiving the request. For example, if a clerk has office hours every other Monday, and a voter puts in a request on a Friday, the clerk must get that ballot out either Friday or the next statutory Business Day (e.g. Monday). However, if the clerk's office is open on Saturdays, or the clerk has a reason to be in office on that day, the ballot request should be processed on Saturday. Additionally, if the clerk has limited hours/days of operation, they should monitor office traffic for military and overseas ballot requests so that they can be processed within the deadlines laid out by statute.

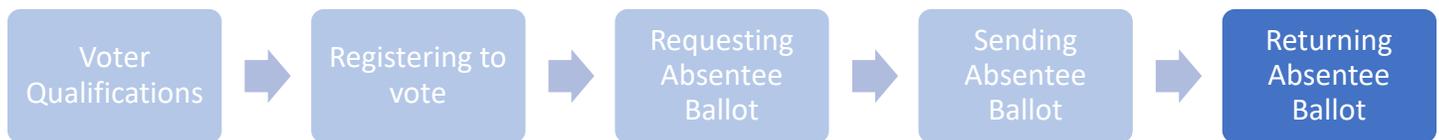
If the ballot is sent out late to a military or overseas voter, then the clerk must expedite the late ballot and include a prepaid expedited return mailing label. If the ballot is sent by email or fax, then the clerk can simply offer expedited return by including a message that says something like "this ballot was sent to you late. Would you like me to send you an expedited prepaid return label?" Then, the clerk can go to the post office, FedEx, UPS, or other mail service provider and get a prepaid expedited return label and scan it to the voter. This expedited delivery and return serves as a sort of "fix" to sending a late ballot to make up for any lost time, but ultimately it can be expensive for the municipality to have to expedite ballot delivery and return. Please plan to send out ballots as soon as possible to avoid any need to expedite ballots or cause a delay for voters.

**Q: I only have office hours one day a week, do I have to come in special to send out ballots to military and overseas voters?**

**A:** Yes, all military and overseas ballots must be sent within one business day of receiving the request.

**Q: I am sending this ballot out one day late, do I really have to expedite it and offer a prepaid expedited return label?**

**A:** Yes, even if the ballot is just one day late.



### **Returning Absentee Ballots**

- The absentee elector must return the hard copy of the ballot and the completed certificate to the municipal clerk in time so that the clerk can deliver the ballot to the polling place before the close of the polls.
- The elector may choose overnight delivery to assure that their ballot arrives on time. The municipal clerk is not responsible for return postage of a faxed or e-mailed absentee ballot. Overseas voters without access to public mail services may use a private mail carrier (such as UPS, FedEx, DHL, etc.) to return their ballot.
- The USPS recommends that ballots be mailed one week prior to the date of the Election to arrive on time. This timeline may be longer for voters who are overseas, so it is important they mail their ballot back as soon as possible.

### **Documentation**

- The municipal clerk records the date absentee ballots are faxed or e-mailed to voters in WisVote or forwards the information to their WisVote Provider.
- When absentee ballots are returned to the clerk’s office, the municipal clerk (or their provider) records the information in WisVote. For returned ballots originally sent by fax or email, the clerk encloses the envelope holding the ballot into a certificate envelope and attaches the completed certificate to the outside. The clerk delivers the ballot to the appropriate polling place in a carrier envelope. [Wis. Stat. §6.88\(1\)](#)
- At the polling place, the election inspectors follow the procedures for processing absentee ballots. The ballot may be remade by 2 election inspectors to be accepted by electronic tabulating equipment.

### **Compliance**

Clerks must send out ballots to any military and overseas voters with active requests on file no later than 47 days prior to any election with a federal office on the ballot (typically partisan primaries and general elections) or 21 days before all other primaries and elections. Ballot requests received after those deadlines must be processed and sent out within one business day (meaning any day from Monday to Friday, not including a legal holiday). Wis. Stat. [§7.15\(1\)\(cm\)](#).

**Q: If a clerk is late in mailing absentee ballots to military or overseas voter, what can/will the U.S. Department of Justice do?**

**A:** Under Section 105 of UOCAVA, the Attorney General is authorized to bring civil actions to enforce UOCAVA requirements. When states have failed to make sure that ballots are sent to qualified UOCAVA protected voters in a timely manner, the Department of Justice has successfully obtained court orders and consent decrees to enforce UOCAVA protections. Many of these have required states to extend their deadlines for receiving these ballots and to count such ballots, even when they arrived after Election Day. In some cases, the states were required to make permanent changes to their laws or procedures to make sure the

problems are not repeated in future elections. Through these cases brought to enforce the federal law, the Department has ensured that qualified servicemembers and overseas voters were able to cast their ballots with confidence that they were counted.

### Absentee Request Duration and List Maintenance

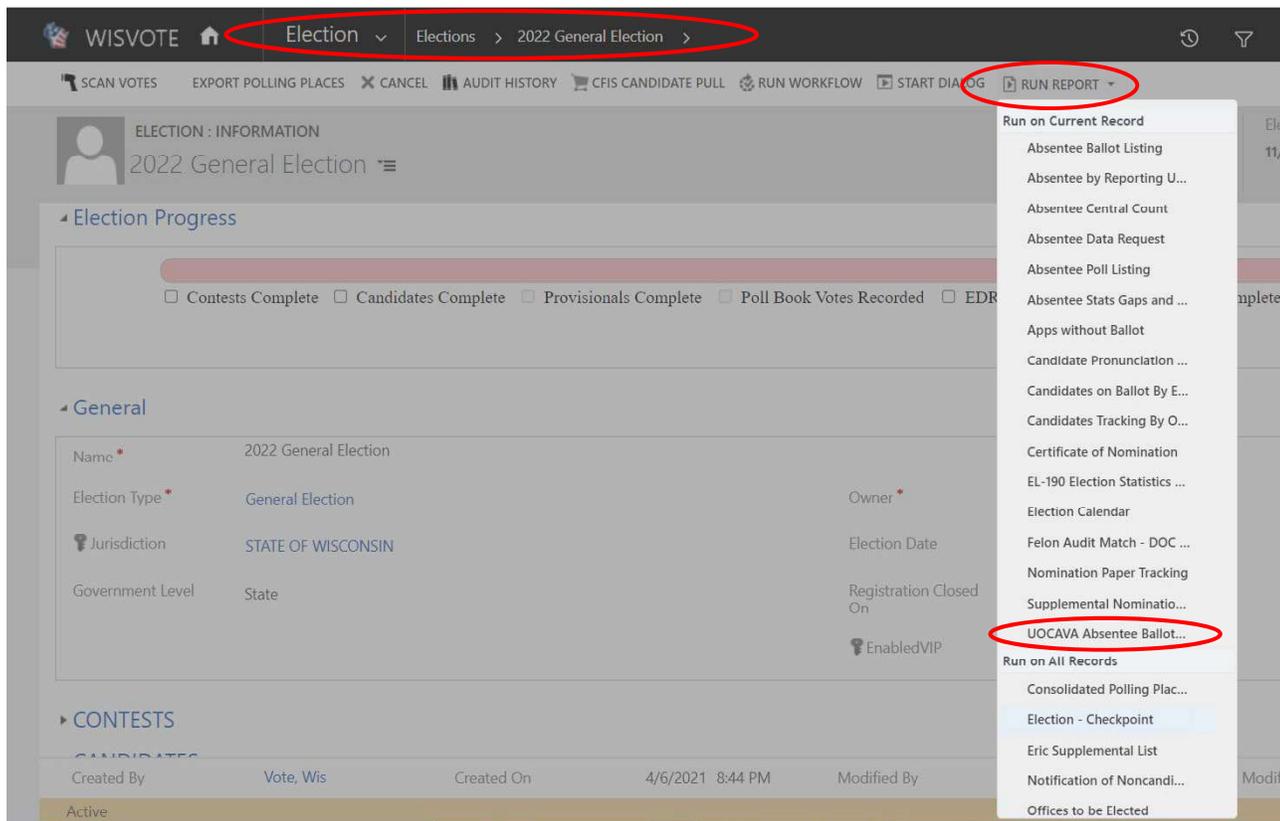
As with regular indefinitely confined voters, if a military or overseas indefinitely confined voter does not return a spring or general election ballot, the clerk should send the “30-day letter” notifying them of the potential cancellation of their indefinitely confined status, Wis. Stat. [§6.86\(2\)\(b\)](#). If they do not respond to the mailing, their absentee request should be inactivated, and they have to reapply if they want to receive ballots for future elections.

Calendar year ballot requests for military and overseas voters that are not indefinitely confined expire on December 31<sup>st</sup> of each year. All regular military and overseas voters must submit a new absentee request each year and can only request ballots for one calendar year in duration.

### Checking Compliance

In order to find all of the overseas and military voters in a municipality, a clerk can run a report of all the UOCAVA ballot requests in WisVote.

1. Click the Elections tile on the main screen
2. Click the Name of the Election
3. Click Run Report
4. Click UOCAVA Absentee Ballot...



Within 30 days after each general election, each municipal clerk shall transmit to the commission a report of the number of absentee ballots transmitted by the clerk to absent military electors and overseas electors for that election and the combined number of those ballots that were cast by those electors in that election. Wis. Stat. [§6.276\(2\)](#). When clerks maintain their UOCAVA-related data in WisVote, WEC staff are able to view an up-to-date report at any given time, requiring no further action by the clerk.

Within 90 days after each general election, the commission shall compile the information contained in the reports received from municipal clerks under sub. (2) and transmit the information to the federal Election Assistance Commission. Wis. Stat. [§6.276\(3\)](#). Again, this information is pulled by WEC staff as a report from WisVote, and so as long as the information has been maintained at the municipal levels, no additional action is required by clerks.

## Forms

As listed previously, there are a number of forms used by UOCAVA voters for registering to vote, requesting absentee ballots, and voting. The federal forms like the FPCA and FWAB are accessed through the FVAP website (<https://www.fvap.gov/election-materials>) while the Wisconsin-specific forms are found on the Wisconsin Elections Commission website ([elections.wi.gov](https://elections.wi.gov)).

**FPCA (Federal Post Card Application):** also known as Standard Form 76 (SF 76), is a postage-free postcard, printed and distributed by the U.S. Department of Defense – Federal Voting Assistance Program (FVAP) for use by absentee voters covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). The FPCA is a combination voter registration form and absentee ballot request. Wis. Stats. [§§ 6.24\(3\)](#) and [6.24\(4\)](#).

### Q: I received an FPCA. What do I do?

A: The FPCA can serve as a voter registration and an absentee request. You will process this form similarly to any other registration or absentee request. Please note that if the voter is using it as a registration form, the original must be mailed or dropped off to the clerk. Please see more information here: <https://elections.wi.gov/sites/elections.wi.gov/files/2021-10/FPCA%20Tips%20for%20Clerks.pdf>.

The first thing you should do when you receive a FPCA is to review it and determine if the voter is attempting register to vote, request an absentee ballot, or both. The chart below identifies the required information on the FPCA, depending on its intended use. Unregistered voters can use the FWAB to both register and request an absentee ballot if they provide all of the required information and supporting documentation. Registered voters can use the FPCA to update their voter registration and/or request an absentee ballot. A sample version of the form and a tip sheet for how to process the FPCA is provided in later in this section of the manual.

### What is required on the FPCA?

Registration (or both registration and absentee)	Absentee Request
Must be mailed (not scanned).	Voter type
Voter type	Voter name
Voter name	WI address
Date of Birth	Method to receive absentee ballot
DL or ID #, Last 4 of SSN, OR blank is acceptable.	Remember! Temporary overseas voters must provide a photo ID if one was not previously provided.
WI address	
(If also using as absentee request): Method to receive absentee ballot.	

# Voter Registration and Absentee Ballot Request

Federal Post Card Application (FPCA)

**This form is for absent Uniformed Service members, their families, and citizens residing outside the United States. It is used to register to vote, request an absentee ballot, and update your contact information. See your state's instructions at FVAP.gov.**

Print clearly in blue or black ink, please see back for instructions.

### 1. Who are you? Pick one.

- I request an absentee ballot for all elections in which I am eligible to vote AND:
  - I am on active duty in the Uniformed Services or Merchant Marine -OR-  I am an eligible spouse or dependent.
  - I am a U.S. citizen living outside the country, and I intend to return.
  - I am a U.S. citizen living outside the country, and my intent to return is uncertain.
  - I am a U.S. citizen living outside the country, and I have never lived in the United States.

Last name	Suffix (Jr, II)	Sex	<input type="checkbox"/> Female <input type="checkbox"/> Male
First name	Previous names (if applicable)		
Middle name	Birth date (MM/DD/YYYY)	/	/
Social Security Number	Driver's license or State ID #		

### 2. What is your address in the U.S. state or territory where you are registering to vote and requesting an absentee ballot?

Your voting materials will not be sent to this address. See instructions on other side of form.

Street address	Apt #
City, town, village	State
County	ZIP

### 3. Where are you now? You MUST give your CURRENT address to receive your voting materials.

Your mailing address. (Different from above) Your mail forwarding address. (If different from mailing address)

<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>

### 4. What is your contact information? This is so election officials can reach you about your request.

Provide the country code and area code with your phone and fax number. Do not use a Defense Switched Network (DSN) number.

Email:	Phone:
Alternate email:	Fax:

### 5. What are your preferences for upcoming elections?

- |  |   |  |
|--|---|--|
| A. How do you want to receive voting materials from your election office? (Select One) | <input type="checkbox"/> Mail<br><input type="checkbox"/> Email or online<br><input type="checkbox"/> Fax | B. What is your political party for primary elections? |
|--|---|--|

### 6. What additional information must you provide?

Puerto Rico and Vermont require more information, see back for instructions. Additional state instructions may be found at FVAP.gov. You may also use this space to clarify your voter information.

<input type="text"/>
<input type="text"/>
<input type="text"/>

### 7. You must read and sign this statement.

I swear or affirm, under penalty of perjury, that:

- The information on this form is true, accurate, and complete to the best of my knowledge. I understand that a material misstatement of fact in completion of this document may constitute grounds for conviction of perjury.
- I am a U.S. citizen, at least 18 years of age (or will be by the day of the election), eligible to vote in the requested jurisdiction, and
- I am not disqualified to vote due to having been convicted of a felony or other disqualifying offense, nor have I been adjudicated mentally incompetent; or if so, my voting rights have been reinstated; and
- I am not registering, requesting a ballot, or voting in any other jurisdiction in the United States, except the jurisdiction cited in this voting form.

Sign here **X**

Today's date (MM/DD/YYYY) / /

This information is for official use only. Any unauthorized release may be punishable by law. Previous editions are obsolete. Standard Form 76 (Rev. 04-2019), OMB No. 0704-0003

## You can vote wherever you are.

### 1. Fill out your form completely and accurately.

- Your U.S. address is used to determine where you are eligible to vote absentee. For military voters, it is usually your last address in your state of legal residence. For overseas citizens, it is usually the last place you lived before moving overseas. You do not need to have any current ties with this address. DO NOT write a PO Box # in section 2.
- Most states allow you to provide a Driver's License number or the last 4 digits of your SSN. Some states require a full SSN. See your state's guidelines at FVAP.gov.
- If you cannot receive mail at your mailing address, please specify a mail forwarding address.
- Most states require you to specify a political party to vote in primary elections. This information may be used to register you with a party.
- Section 6 Requirements:** If your voting residence is Vermont, you must acknowledge the following by writing in section 6: "I swear or affirm that I have taken the Vermont Voter's Oath." If your voting residence is in Puerto Rico, you must list your mother's and father's first name.
- We recommend that you complete and submit this form every year while you are an absentee voter.

### 2. Remember to sign this form!

### 3. Remove the adhesive liner from the top and sides.

**Fold and seal tightly. If you printed out the form yourself you can fold the form and seal it in an envelope.**

- You can find the address for your election office at FVAP.gov.
- All states accept this form by mail, but they vary on email and fax. See your state's rules in the *Voting Assistance Guide* at FVAP.gov.

### Agency Disclosure Statement

The public reporting burden for this collection of information is estimated to average 15 minutes per response, including the time for reviewing instructions, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden to: Department of Defense, Washington Headquarters Services, Executive Services Directorate, Information Management Division, 4800 Mark Center Dr., East Tower, Suite 03F09, Alexandria, VA 22304-3100. [OMB Control #0704-0003]. Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number. DO NOT RETURN YOUR FORM TO THE ADDRESS ABOVE.

### Privacy Advisory

When completed, this form contains personally identifiable information and is protected by the Privacy Act of 1974, as amended.

### Questions?

Email [vote@fvap.gov](mailto:vote@fvap.gov)

### From

(Your name and mailing address)

<input type="text"/>
<input type="text"/>
<input type="text"/>

International airmail postage is required if not mailed using the U.S. Postal Service, APO/FPO/DPO system, or diplomatic pouch.



U.S. Postage Paid  
39 USC 3406

PAR AVION



OFFICIAL ABSENTEE BALLOTING MATERIAL - FIRST CLASS MAIL

NO POSTAGE NECESSARY IN THE U.S. MAIL - DMM 703.8.0

### To

(Fill in the address of your election office. The address can be found online at FVAP.gov.)

<input type="text"/>
<input type="text"/>
<input type="text"/>
<input type="text"/>

## Federal Post Card Application (FPCA)

### Information about the form and tips for Wisconsin clerks who receive an FPCA from a voter

#### What is the Federal Post Card Application (FPCA)?

The FPCA is a federal form that is provided to Military and Overseas voters (permanent and temporary) by the Federal Voting Assistance Program (FVAP). FPCA forms are made available to voters through the various branches of the U.S. military, through U.S. embassies, or online at [www.FVAP.gov/election-materials](http://www.FVAP.gov/election-materials). The FPCA form can serve as both a voter registration application as well as an absentee ballot request for most Wisconsin voters. The form was designed for use by all 50 states, so some of the information does not perfectly match the Wisconsin-specific forms.

#### Who can use the FPCA?

The FPCA can serve as a voter registration and/or an absentee ballot request depending on the type of voter using the form:

Voter Type	What can they use the FPCA for?	Registration required?	Proof of Residence required?	Photo ID required?	How to receive their absentee ballot?
<b>Military</b> "I am a member of the Uniformed Services" OR "I am an eligible spouse" OR "I am an activated National Guard"	Voter Registration & Absentee Ballot Request	No	No	No	Mail, online, fax, email, or in person*
<b>Permanent Overseas</b> "I am a U.S. citizen residing outside the United States, and my return is not certain" OR "I am a U.S. citizen and have never resided in the United States."	Voter Registration & Absentee Ballot Request	Yes	No	No	Mail, online, fax, email, or in person*
<b>Temporarily Overseas</b> "I am a U.S. citizen residing outside of the United States, and I intend to return."	Voter Registration & Absentee Ballot Request	Yes	Yes	Yes	Mail, fax, email, or in person*
<b>Regular/Domestic</b> Do not select any options in Box 1.	Voter Registration & Absentee Ballot Request	Yes	Yes	Yes	Mail or in person

\*If receiving their ballot in-person, all voters must show a photo ID.

\*All ballots must be originals, returned by mail or in person.

**When using the FPCA as a registration application:** Temporary and permanent overseas voters must submit their FPCA by mail, postmarked no later than the 20<sup>th</sup> day before the election, with an original signature. Military voters do **not** need to register to receive a ballot.

**When using the FPCA as an absentee ballot request:** Voters may submit the FPCA by mail, email, or fax. No signature is required when the voter is using the form as an absentee ballot request. Please note that Permanently Overseas voters are only eligible to vote in federal contests.

### What does the FPCA look like?

You can find the FPCA online at [www.FVAP.gov/election-materials](http://www.FVAP.gov/election-materials).

### What should I look for on the FPCA?

The FPCA may arrive in a military mailing envelope, or it may come to you in a regular envelope. Please open the envelope as soon as you receive it, you have 1 business day to process the request if it is an absentee ballot application. When looking at the FPCA, please note the information in the following boxes:

**Box 1:** This section of the form determines the **voter type** (see above) and will determine how the voter is able to use the form. This form also provides a place for the **voter's name** (and previous name, if applicable). It also asks for a Wisconsin driver's license number, social security number, and date of birth (not required if military voter).

**Box 2:** The voter will list the last **address** where they lived for at least 28 days in Wisconsin. This must be completed by all voters. Permanent overseas voters will list their last Wisconsin address prior to moving out of the country.

**Box 3:** If the voter has a **mailing address** other than the address in Box 2, they will list it here. Send the ballot to this address, if ballot delivery by mail is requested.

**Box 4:** These fields provide **contact information** in case you need to contact the voter or if they have specified fax or email delivery of their ballot.

**Box 5:** The first field allows a voter to specify their **preferred method of ballot delivery** – mail, email, online, or fax – if they are using the FPCA as an absentee ballot request. If a voter selects the email/online option, you should review the tip below before processing this request. The adjacent field, regarding political party, is not required or collected in Wisconsin. Please disregard anything listed in this box.

**Box 6:** Nothing is required in this box. Please look for any special instructions the voter may have listed.

**Box 7:** If the voter is Permanently Overseas, Temporarily Overseas, or a Regular voter, they must **sign** and date their request if they are using it as a voter registration application. If the form is being used as an absentee request only, no signature or date is required. A signature/date is never required for military voters. **A witness signature is never required on the FPCA.**

### What are some tips for processing a FPCA request?

- If a Military or Permanently Overseas voter asks to receive their ballot by "Email/Online," contact the voter to see if they would like to receive their ballot by email or online, but do not choose for the voter. If the voter does not respond with their preference within one business day, email the voter their ballot. If the voter did not provide an email address, mail the voter a ballot. If the voter asks to get their ballot online, then point the voter to [myvote.wi.gov](http://myvote.wi.gov) so that they may initiate their request online. Please do not enter the online absentee application into WisVote for the voter.
- On the FPCA, there is a section for a voter to voluntarily waive their right to a secret ballot when returning by email or mail. In Wisconsin, all voters must return their ballot by mail or in person, so please disregard this portion of the form.
- Photo ID is needed only if a Temporarily Overseas or Regular voter is using the FPCA as an absentee request. If the voter has already provided their Photo ID with a previous absentee ballot request, then they do not need to include a copy with their FPCA absentee ballot request.
- Proof of Residence is needed only if a Temporarily Overseas or Regular voter is using the FPCA as a voter registration application.
- If the voter is using the FPCA as an absentee ballot request, it should be considered a calendar year request. Voters need to submit a new request for each calendar year to continue receiving ballots, unless the voter states they are indefinitely confined.

**FWAB (Federal Write-in Absentee Ballot):** The Federal Voting Assistance Program (FVAP) has a write-in absentee ballot available on their website for overseas and military electors to complete if they are unable to submit an official ballot. Wis. Stat. [§6.25](#). This form may arrive in an official envelope, with or without a privacy sleeve around it inside. The FWAB can also serve as an absentee ballot request form.

**Q: I received a FWAB. What do I do?**

**A:** The FWAB can serve as an absentee request and an absentee ballot. The envelope returned by the voter with the FWAB may contain the Voter Information form, the Official Backup Ballot (*i.e.* the write-in absentee ballot) and any required photo ID documentation, but not all voters will submit the same documents.

The write-in absentee ballot (Official Backup Ballot) will likely be in a separate envelope inside the main envelope. **DO NOT OPEN THIS ENVELOPE** and securely store it with your other returned absentee ballots until Election Day. You should also ensure this returned ballot is logged into the WisVote system. You must then send out the full ballot to the voter as soon as possible. If the write-in ballot does not come in a separate envelope, put it in a separate envelope (this is not a reason to reject), seal the envelope, label it appropriately with the voter's name and any other identifying information you need for record-keeping purposes. Please securely store this write-in ballot and the FWAB form with the witness signature (if needed) until Election Day. If the full, or official, ballot arrives, the write-in ballot will be rejected by the Election Inspectors on Election Day and the full ballot will be counted. If the full ballot does not arrive, you will either hand count it or remake the write-in ballot so it can be processed on the voting equipment. Please see more information here: <https://elections.wi.gov/sites/elections.wi.gov/files/2021-10/FWAB%20Tips%20for%20Clerks%20.pdf>.

**Q: I suspect that an envelope I received from a voter may contain a FWAB, but it is not marked. What do I do?**

**A:** Open the envelope, but please try to maintain voter privacy as much as possible. If it is a FWAB back-up ballot, put it in a separate envelope and attach the Voter Information page of the FWAB to the outside.

**Q: The FWAB was not in a separate envelope, can I still accept it?**

**A:** Yes, returning the FWAB without a separate privacy envelope is not a reason to reject the ballot. Put it in a separate envelope and attach the Voter Information page of the FWAB to the outside



## Federal Write-in Absentee Ballot (FWAB)

### Information about the form and tips for Wisconsin clerks who receive a FWAB from a voter

#### What is the FWAB?

The FWAB is a federal form that is provided to Military and Overseas voters (permanent and temporary) by the Federal Voting Assistance Program (FVAP). FWAB forms are made available to voters through the various branches of the U.S. military, through U.S. embassies, or online at [www.FVAP.gov/election-materials](http://www.FVAP.gov/election-materials). The FWAB form can serve as both an absentee ballot request and a write-in absentee ballot for some Wisconsin voters.

#### Who can use the FWAB?

The FWAB can serve as an absentee ballot request and/or a write-in absentee ballot depending on the type of voter using the form:

Voter Type (found in Box 1)	What can they use the FWAB for?	Registration required?	Photo ID required?	Eligible to vote in what contests?	How to receive their official absentee ballot?
<b>Military</b> "I am a member of the Uniformed Services" OR "I am an eligible spouse" OR "I am an activated National Guard"	Write-In Ballot & Absentee Ballot Request	No	No	All contests	Mail, online, fax, email, or in person*
<b>Permanent Overseas</b> "I am a U.S. citizen residing outside the United States, and my return is not certain" OR "I am a U.S. citizen and have never resided in the United States."	Write-In Ballot & Absentee Ballot Request	Yes	No	Federal contests only	Mail, online, fax, email, or in person*
<b>Temporarily Overseas</b> "I am a U.S. citizen residing outside of the United States, and I intend to return."	Write-In Ballot & Absentee Ballot Request	Yes	Yes	All contests	Mail, fax, email, or in person*
<b>Regular/Domestic</b> Do not select any options in Box 1.	Absentee Ballot Request	Yes	Yes	Cannot use FWAB as a ballot	Mail or in person

\*If receiving their ballot in-person, all voters must show a photo ID.

\*All ballots must be returned by mail or in person.

**When using the FWAB as an absentee ballot request:** Voters may submit the FWAB by mail, email, or fax. No signature is required when the voter is using the form as an absentee ballot request.

**When using the FWAB as a write-in absentee ballot:** Voters must submit the FWAB by mail with the voter's original signature affirmation section. The FWAB must contain the signature of a witness (does not need to be a U.S. Citizen for overseas and military voters), but do not reject the FWAB if the witness did not list their address. The write-in selections on the voter's ballot will be counted on Election Day if the voter's official ballot is not received.

#### What does the FWAB look like?

You can find the FWAB online at [www.FVAP.gov/election-materials](http://www.FVAP.gov/election-materials).

## What should I look for on the FWAB?

The FWAB may arrive in a military mailing envelope, or it may come to you in a regular envelope. When using the FWAB as a write-in ballot, voters are instructed to place the write-in ballot inside a smaller envelope; the small envelope should then be placed in a larger envelope along with the FWAB form/affirmation. Always open the outer envelope to review the form/affirmation. Then keep the smaller envelope, containing the write-in ballot, sealed to be processed at the polls. If the voter did not use two envelopes as instructed, but the ballot and affirmation are otherwise complete, the ballot can still be counted. Please open the envelope as soon as it is received; clerks have one business day to process the request. When looking at the FWAB, please note the information in the following boxes:

**Box 1:** This section of the form determines the **voter type** (see above) and will determine how the voter is able to use the form. This form also provides a place for the **voter's name** (and previous name, if applicable). It also asks for a Wisconsin driver's license number, social security number, and date of birth (these fields are not required).

**Box 2:** The voter will list the **address** they are registered at (or the address that ties them to Wisconsin for military voters). This must be completed by all voters.

**Box 3:** If the voter has a **mailing address** other than the address in Box 2, they will list it here. Send the ballot to this address if ballot delivery by mail is requested.

**Box 4:** These fields provide **contact information** in case you need to contact the voter or if they have specified fax or email delivery of their ballot.

**Box 5:** The first field allows a voter to specify their **preferred method of ballot delivery** – mail, email, online, or fax – if they are using the FWAB as an absentee ballot request. The adjacent field, regarding political party, is not required or collected in Wisconsin. Please disregard anything listed in this box.

**Box 6:** If the voter is using the FWAB as an absentee ballot request only, then a witness signature is not required. If the voter is using the FWAB as a write-in ballot, then a **witness signature** is required and should be placed in this box. Additionally, please look for any special instructions the voter may have listed.

**Box 7:** If the voter is using the FWAB as an absentee ballot request only, then the signature of the voter is not required. If the voter is using the FWAB as a write-in ballot, then the **voter's signature** is required.

## What are some tips for processing a FWAB request?

- If a FWAB is received from a voter who is eligible to use the form as a write-in ballot, the clerk must follow up by sending the voter an official absentee ballot.
- If a Military or Permanently Overseas voter asks to receive their ballot by "Email/Online," contact the voter to see if they would like to receive their ballot by email or online, but do not choose for the voter. If the voter does not respond within one business day, email the voter their ballot. If the voter did not provide an email address, mail the voter a ballot. If the voter asks to get their ballot online, then point the voter to [myvote.wi.gov](http://myvote.wi.gov) so that they may initiate their request online. Please do not enter the online absentee application into WisVote for the voter.
- The clerk will hold onto the write-in FWAB until Election Day. If the voter's official ballot is not received by Election Day, then the clerk will send the FWAB to the polls to be counted. If the voter's official ballot is received by Election Day, then the official ballot is sent to the polls to be counted and the FWAB ballot is rejected.
- If using the FWAB as a ballot, please remake the FWAB onto a standard ballot and issue a voter number as described in the Election Day Manual. If an eligible voter is using the FWAB as a write-in ballot, the clerk will only count votes on the ballot for contests in which the voter is eligible to participate. For example, if a Permanently Overseas voter writes in a local or state contest, the votes for those contests cannot be counted.

A witness address is never required on the FWAB. The FWAB should still be counted if a witness address is not included.

## Sources

### **U.S. Code Regulating overseas and uniformed voters**

UOCAVA: <https://www.justice.gov/crt/uniformed-and-overseas-citizens-absentee-voting-act#prov>

MOVE Act: [https://www.justice.gov/sites/default/files/crt/legacy/2011/01/06/MOVE\\_Act.pdf](https://www.justice.gov/sites/default/files/crt/legacy/2011/01/06/MOVE_Act.pdf) (sections 577-589); requires states to allow for electronic ballot requests, registrations, and blank ballot sending; requires tracking system

## Military and Overseas Voting Cheat Sheet

	Military	Permanent Overseas	Temporary Overseas
<b>What are they?</b>	Member of the Uniformed Services or an activated National Guard member. They do not need to be actively deployed to be in the military.	Any U.S. Citizen who is living outside the U.S. and a.) their intent to return is uncertain or b.) they have never lived in the U.S.	Any U.S. Citizen who is living outside the U.S., but has intent to return.
<b>What ballot do I send?</b>	Full ballot	Federal Only (This ballot is NOT Presidential Only. Congress and Senate races are included on Federal Only ballots).	Full ballot
<b>I have to email the ballot, what do I include?</b>  Faxing and emailing instructions <a href="#">here</a> .	<ol style="list-style-type: none"> <li>1. Full ballot – scanned with your initials</li> <li>2. <a href="#">Uniform Instructions – Email and Faxed</a></li> <li>3. <a href="#">EL-122 for Military and Overseas Voters</a></li> </ol>	<ol style="list-style-type: none"> <li>1. Federal Only ballot – scanned with your initials</li> <li>2. <a href="#">Uniform Instructions – Email and Faxed</a></li> <li>3. <a href="#">EL-122 for Military and Overseas Voters</a></li> </ol>	<ol style="list-style-type: none"> <li>1. Full ballot – scanned with your initials</li> <li>2. <a href="#">Uniform Instructions – Email and Faxed</a></li> <li>3. <a href="#">EL-122 for Military and Overseas Voters</a></li> </ol>
<b>Do they have to register to vote?</b>	No	Yes	Yes
<b>How can they register to vote?</b>	They don't need to register.	<ol style="list-style-type: none"> <li>1. EL-131 WI Voter Registration Application</li> <li>2. Federal Postcard Application (FPCA)</li> </ol> <p>All forms MUST be mailed.</p>	<ol style="list-style-type: none"> <li>1. EL-131 WI Voter Registration Application</li> <li>2. MyVote.wi.gov with a valid WI Driver License or ID</li> <li>3. Federal Postcard Application (FPCA)</li> </ol> <p>All forms MUST be mailed.</p>
<b>Do they have to provide a photo ID to get an absentee ballot?</b>	No	No	Yes
<b>How can they request an absentee ballot?</b>	<ol style="list-style-type: none"> <li>1. Online at MyVote.wi.gov</li> <li>2. Email (or fax)</li> <li>3. By Mail using the EL-121 WI Absentee Request</li> <li>4. Federal Postcard Application (FPCA)</li> <li>5. Federal Write-In Absentee Ballot (FWAB)</li> </ol>	<ol style="list-style-type: none"> <li>1. Online at MyVote.wi.gov</li> <li>2. Email (or fax)</li> <li>3. By Mail using the EL-121 WI Absentee Request</li> <li>4. Federal Postcard Application (FPCA)</li> </ol> <p>Federal Write-In Absentee Ballot (FWAB)</p>	<ol style="list-style-type: none"> <li>1. Online at MyVote.wi.gov</li> <li>2. Email (or fax)</li> <li>3. By Mail using the EL-121 WI Absentee Request</li> <li>4. Federal Postcard Application (FPCA)</li> </ol> <p>Federal Write-In Absentee Ballot (FWAB)</p>
<b>How can they receive an absentee ballot?</b>	<ol style="list-style-type: none"> <li>1. Email</li> <li>2. Fax</li> <li>3. Online (they will get an email automatically by the Wisconsin Elections Commission)</li> <li>4. By Mail</li> <li>5. In Person</li> </ol>	<ol style="list-style-type: none"> <li>1. Email</li> <li>2. Fax</li> <li>3. Online (they will get an email automatically by the Wisconsin Elections Commission)</li> <li>4. By Mail</li> <li>5. In Person</li> </ol>	<ol style="list-style-type: none"> <li>1. Email</li> <li>2. Fax</li> <li>3. By Mail</li> <li>4. In Person</li> </ol>
<b>How can they return an absentee ballot?</b>	By Mail or In Person	By Mail or In Person	By Mail or In Person
<b>When are the deadline to request an absentee ballot?</b>	Military voters not on active duty: Friday before the election. Military voter on active duty: Election Day by 5pm.	Thursday before the election (unless indefinitely confined, see below for details).	Thursday before the election (unless indefinitely confined, see below for details).

## Frequently Asked Questions

### **Q: I got a FWAB. What do I do?**

A: The FWAB can serve as an absentee request and an absentee ballot. The write-in absentee ballot will likely be in a separate envelope inside the main envelope. **DO NOT OPEN THIS ENVELOPE** and send out the full ballot to the voter as soon as possible. If it does not come in a separate envelope, put it in a separate envelope (this is not a reason to reject). Please preserve this and the FWAB form with the witness signature (if needed) until Election Day and if the full ballot arrives, you will reject the write-in ballot. If the full ballot does not arrive, you will remake the write-in ballot so it can be counted. Please see more information here: <https://elections.wi.gov/resources/brochures/fwab-tips-clerks>.

### **Q: I got an FPCA. What do I do?**

A: The FPCA can serve as a voter registration and an absentee request. You will process this similarly to any other registration or absentee request. Please note that if using as a registration form, the original must be mailed or dropped off to the clerk. Please see more information here: <https://elections.wi.gov/resources/brochures/fpca-tips-clerks>.

### **Q: I know they're not in the military, they live at home. Should I change their status?**

A: You may confirm with the voter that they are still in the military, but you do not need to. However, do not delay mailing the voter a ballot while waiting for confirmation. Please keep in mind that the voter could still be living at home and be in the military.

### **Q: They're not active duty, do I still have to use the military envelope?**

A: Yes, you should still use the postage-free military front side of the envelope to the military voter.

### **Q: On the FPCA, the voter waived their right to privacy so they can email their ballot back. Can they send their ballot back by email?**

A: No, a voter can never return their ballot by email. They must deliver it by mail or in person. The FPCA and FWAB are federal forms that are designed to be universally used. Some other states allow voters to email their ballot back.

### **Q: They accidentally registered as a military or overseas voter. What should I do?**

A: If this was a typo on behalf of the clerk, this can be updated easily by the clerk on WisVote. Please note that both the voter type in the voter registration record **AND** the application type in the absentee request must be updated. If the voter mistakenly checked something, they should confirm in writing that this is a mistake and then you may update this on WisVote.

### **Q: The voter is no longer in the military or permanently overseas. How do I change this?**

A: The voter must re-register with their correct voter type and updated information.

### **Q: On the FPCA or FWAB, they said they want their ballot delivered "online/email"? How should I send the ballot?**

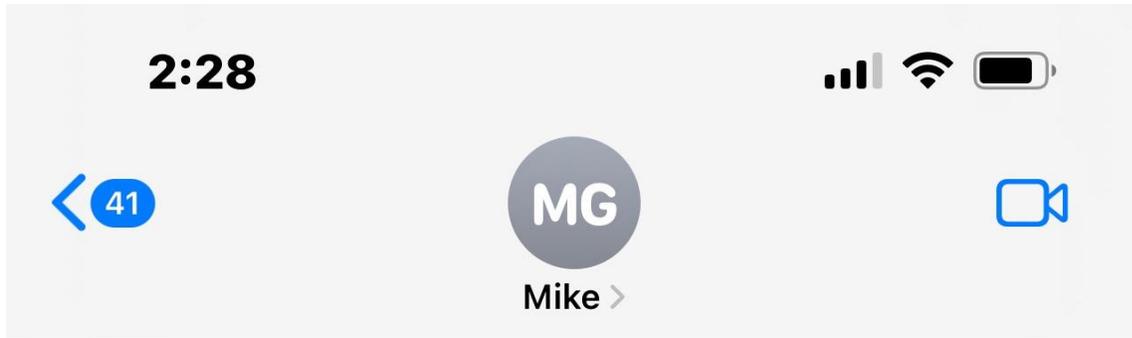
A: If a Military or Permanently Overseas voter asks to receive their ballot by "Email/Online," contact the voter to see if they would like to receive their ballot by email or online, but do not choose for the voter. If the voter does not respond within one business day, email the voter their ballot. If the voter did not provide an email address, mail the voter a ballot. If the voter asks to get their ballot online, then point the voter to [myvote.wi.gov](http://myvote.wi.gov) so that they may initiate their request online. Please do not enter the online absentee application into WisVote for the voter.

### **Q: Can a military or overseas voter also be indefinitely confined?**

A: A voter can be both indefinitely confined and military. People with disabilities or illnesses can still be in the military and it is possible that this may be a family member.

From: Melodie Savidusky <melduesterbeck@gmail.com>  
Sent: Friday, November 4, 2022, 2:33 PM  
To: Melodie.Duesterbeck@legis.wisconsin.gov

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iMessage  
Today 9:26 AM

And TMS!!!

You ROCK!!!

Thank you!!!

**WISCONSIN CIRCUIT COURT  
WAUKESHA COUNTY**

<p>Concerned Veterans of Waukesha County c/o Ken Marek 745 E. Imperial Dr. Hartland WI 53029</p> <p>Ken Marek 745 E. Imperial Dr. Hartland WI 53029</p> <p>Tom Gudex 7051 Parkview Ave. Lannon WI 53046</p> <p>Janel Brandtjen N52 W16632 Oak Ridge Trail Menomonee Falls, WI 53051,</p> <p style="text-align: center;">Plaintiffs</p> <p style="text-align: center;">v.</p> <p>Wisconsin Election Commission 212 Washington Avenue, Third Floor P.O. Box 7984 Madison WI 53707-7984</p> <p style="text-align: center;">Defendant</p>	<p>Case Code: Case Type:</p> <p>Case No. _____</p>
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**PLAINTIFFS' MEMORANDUM OF LAW  
IN SUPPORT OF TRO/TI MOTION**

The Plaintiffs file this memorandum in support of their pre-election motion for a temporary restraining order and temporary injunction enjoining WEC's guidance to county

clerks and municipal clerks on military absentee ballots in WEC's Military and Overseas Voting Manual (Feb. 2022) and in its Military and Overseas Voting Cheat Sheet (Rev. 2020-10) in conflict with Wisconsin Statutes 6.22(6) and declaring that the military elector absentee ballots be sequestered prior to the November 8, 2022 election so that Wisconsin Statutes 6.22(6) verification can be completed before they are counted.

### STATEMENT OF FACTS

The Plaintiffs' concern in this case is that WEC's guidance to the county clerks and municipal clerks does not comply with Wis. Stat. § 6.22(6) which requires a "military elector list," which is up-to-date, complete, verified, current, accurate and distributed to each polling place. Wis. Stat. § 6.22(5). The military elector list is used to ensure that military elector absentee ballots are not sent to non-qualified voters. Wis. Stat. § 6.22(6).

Wisconsin has a decentralized election system. *Jefferson v. Dane Cnty.*, 951 N.W.2d 556, 563 n. 5 (Wis. 2020). The legislature has delegated to the WEC the responsibilities of, among others, administering, enforcing and promulgating rules relating to the election laws. *Id.*; Brandtjen Aff. at ¶ 8. Therefore, WEC has the responsibility for guidance in the administration and enforcement of Wisconsin's election laws, not the county clerks, not the municipal clerks. *Jefferson*, 951 N.W.2d at 563. Brandtjen Aff. at ¶ 9.

Accordingly, "county clerks are not to interpret Wisconsin's election laws and make declarations based on those interpretations;" *Jefferson*, 951 N.W.2d at 563, instead, the county clerks rely on WEC's guidance. *Id.* See, generally Wis. Stat. § 5.05; Brandtjen Aff. at ¶ 10. County clerks have different responsibilities such as (1) providing election supplies and ballots, (2) preparing ballots, (3) adhering to the election time schedule, (4) resolving doubts

that relate to election notices, (5) certifying candidates for municipal judges, (6) assisting the WEC in conducting the WEC's voter education, (7) maintaining toll-free telephone lines to exchange voting information, (8) training election officials, and (9) reporting information to the WEC. *Jefferson*, 951 N.W.2d at 563; Wis. Stat. §§ 7.10(1)–(10); *Brandtjen Aff.* at ¶ 11.

Similarly, municipal clerks are not to interpret Wisconsin's election laws and make declarations based on those interpretations; instead the municipal clerks rely on WEC's guidance. *See, generally* Wis. Stat. § 5.05. *Brandtjen Aff.* at ¶ 12. Municipal clerks have different responsibilities such as (1) supervise registration and elections; (2) equip polling places; (3) provide for the purchase and maintenance of election equipment; (4) prepare ballots for municipal elections, and distribute ballots and provide other supplies for conducting all elections; (5) prepare official absentee ballots for delivery to electors requesting them; (6) send an official absentee ballot to each elector who has requested a ballot by mail, and to each military elector and overseas elector; (7) prepare the necessary notices and publications in connection with the conduct of elections or registrations; (8) train election officials in their duties; (9) discharge election officials for improper conduct or willful neglect of duties; (10) report suspected election frauds, irregularities, or violations of which the clerk has knowledge to the district attorney for the county where the suspected activity occurs and to the commission; (11) review, examine and certify the sufficiency and validity of petitions and nomination papers; (12) direct how and when to destroy the contents of the blank ballot boxes and unused election materials; (13) send, when required, an absentee ballot to each elector and send or transmit an absentee ballot to each military elector and each overseas elector; (14) reassign inspectors appointed to serve at one polling

place to another polling place within the municipality whenever necessary to assure adequate staffing at all polling places. Wis. Stat. §§ 7.15 (1)(a–k). Brandtjen Aff. at ¶ 13.

WEC’s guidance to county clerks and municipal clerks on military absentee ballots in WEC’s Military and Overseas Voting Manual (Feb. 2022) and in its Military and Overseas Voting Cheat Sheet (Rev. 2020-10) does not comply with Wisconsin Statutes 6.22(6).

Brandtjen Aff. at ¶ 14. Wisconsin Statutes 6.22(6) requires a “military elector list,” which is up-to-date, complete, verified, current, accurate and distributed:

- Up-to-date--“Each municipal clerk shall keep an up-to-date list of all eligible military electors who reside in the municipality in the format prescribed by the commission.”
- Complete-- “The list shall contain the name, latest-known military residence and military mailing address of each military elector.”
- Verified--“The list shall indicate whether each elector whose name appears on the list is a military elector, as defined in s. 6.34 (1)...”
- Current--“The list shall be kept current through all possible means.”
- Accurate--“Each clerk shall exercise reasonable care to avoid ... listing anyone who is not eligible to vote.”
- Distributed--“Each clerk shall distribute one copy of the list to the each polling place in the municipality for use on election day.”

Wis. Stat. § 6.22(6). Brandtjen Aff. at ¶ 17.

Yet, the Wisconsin Election Commission’s guidance to clerks on military absentee ballots in WEC’s Military and Overseas Voting Manual (Feb. 2022) (MOVVM), Brandtjen Aff. Exhibit A, does not require an up-to-date, complete, verified, current, accurate and distributed military elector list. Brandtjen Aff. at ¶ 18. In fact, it doesn’t mention “military elector list”—and doesn’t require that a military elector list be applied either. Brandtjen Aff. at ¶ 19. Instead, WEC provides guidance without it:

Military Voters

Military voters do not need to register but can do so if they choose. They do not need to provide proof of residence if they do register. They can register using the following methods:

- FPCA
- EL-131
- Online at MyVote.wi.gov

Registration deadlines:

- Online or By Mail - form must be postmarked/completed by the third Wednesday before the election. Wis. Stat. §6.28(1).
- In person at the clerk's office – by 5p.m. CST on the Friday preceding the election. Wis. Stat. §6.29(2).
- At their polling place on Election Day.

Clerks must still obtain sufficient information to enter a military elector into WisVote, such as their name, address, and date of birth. Wis. Stat. §6.22(3). If an unregistered military member uses a Federal Post Card Application (FPCA) to request their absentee ballot, they are effectively registering to vote but are still not required to provide proof of residence. If a military voter retires or wishes to change their status to a regular voter, they must register as a regular voter and provide a proof of residence document.

MOVM at 5-6. *See, also*, MOVM at 7. Brandtjen Aff. at ¶20.

WEC's Military and Overseas Voting Cheat Sheet (08-2022) (Cheat Sheet), Brandtjen Aff. Exhibit B, fares no better at complying with Wisconsin Statutes § 6.22(6). The Cheat Sheet doesn't mention "military elector list"—and doesn't require that a military elector list be applied either. Brandtjen Aff. at ¶ 21.

To be sure, WEC's guidance in the MOVM requires that "Clerks must still obtain sufficient information to enter a military elector into WisVote, such as their name, address, and date of birth." MOVM at 6. Brandtjen Aff. at ¶ 22. But, this statement is a far cry from satisfying the Wisconsin Statutes § 6.22(6) requirement for an up-to-date, complete, verified, current, accurate and distributed military elector list. Brandtjen Aff. at ¶ 23.

Under Wisconsin’s decentralized election system, WEC’s legally unauthorized guidance in the MOVIM and Cheat Sheet have caused the municipal clerks to not have up-to-date, complete, verified, current, accurate and distributed military elector list—required by Wisconsin Statutes § 6.22(6). Brandtjen Aff. at ¶ 24. Not having the legally-required lists has created a vulnerability in Wisconsin’s military absentee ballot process: essentially, any person can apply for a military elector absentee ballot and have it sent to any address. *Id.* at ¶ 25. This vulnerability has been exposed by recent actions undertaken by now former Milwaukee Elections Commissioner Deputy Director Kimberly Zapata. *Id.* at ¶ 26.

Zapata publicly admitted on November 3, 2022, that she visited the state’s MyVote Wisconsin website and ordered military elector absentee ballots in the names of Holly A. Brandtjen, Holly Adams and Holly Jones by entering information for them. *Id.* at ¶ 27. Zapata admitted that she had the ballot papers delivered to Janel Brandtjen’s residence. *Id.* at ¶ 28. The absentee ballots were delivered to Brandtjen’s residence. *Id.* at ¶ 29. It is important to follow the path of these three military elector absentee ballots requested by Zapata to understand the importance of the military elector absentee ballot list to ensuring absentee ballots are only sent to qualified voters. *Id.* at ¶ 30.

First, on or about October 25, 2022, the Clerk of South Milwaukee, sent a military absentee ballot purportedly requested by “Holly A. Brandtjen,” of 722 Oak St., South Milwaukee, voter identification number 701923081 to Plaintiff Janel Brandtjen’s residence at N52 W16632 Oak Ridge Trail, Menomonee Falls, WI 53051. *Id.* at ¶ 31. On October 27, 2022, Janel Brandtjen received the absentee ballot at her residence. Brandtjen Aff. at ¶ 32. But, Janel Brandtjen is not qualified to cast the military absentee ballot of Holly

Brandtjen. *Id.* at ¶ 33. This election illegality would not have occurred if the Clerk of South Milwaukee had an up-to-date, complete, verified, current, accurate and distributed military elector list. *Id.* at ¶ 34.

Second, on or about October 25, 2022, the Clerk of Menomonee Falls, sent a military absentee ballot purportedly requested by “Holly Adams” to Brandtjen’s residence at N52 W16632 Oak Ridge Trail, Menomonee Falls, WI 53051. *Id.* at ¶ 35. On October 27, 2022, Brandtjen received the absentee ballot at her residence. Brandtjen Aff. at ¶ 36. But, Brandtjen is not qualified to cast the absentee ballot of Holly Adams. *Id.* at ¶ 37. This election illegality would not have occurred if the Clerk of Menomonee Falls had an up-to-date, complete, verified, current, accurate and distributed military elector list. *Id.* at ¶ 38.

Third, on or about October 25, 2022, the Defendant, Village Clerk of Shorewood, sent a military absentee ballot purportedly requested by “Holly Jones” to Brandtjen’s residence at N52 W16632 Oak Ridge Trail, Menomonee Falls, WI 53051. *Id.* at ¶ 39. On October 27, 2022, Brandtjen received the absentee ballot at her residence. *Id.* at ¶ 40. But, Brandtjen is not qualified to cast the absentee ballot of Holly Jones. *Id.* at ¶ 41. This election illegality would not have occurred if the Clerk of Shorewood had an up-to-date, complete, verified, current, accurate and distributed military elector list. *Id.* at ¶ 42.

WEC’s guidance fails to comply with the legal requirements under Wisconsin Statutes § 6.22(6) for an up-to-date, complete, verified, current, accurate and distributed military elector list. *Id.* at ¶ 43. The recent actions of now former Milwaukee Elections Commissioner Deputy Director Kimberly Zapata have exposed the vulnerability statewide. *Id.* at ¶ 44.

## ARGUMENT

The Court should issue a temporary restraining order and temporary injunction under the facts and circumstances of this case.

### **I. The legal standards for temporary restraining orders and temporary injunctions apply.**

A temporary injunction is a pre-trial order requiring a party to refrain from performing an act during an action pending a final decision on the merits. Wis. Stat. § 813.02(1). A temporary injunction is available when it appears the moving party is entitled to a judgment but a threatened act before a final judgment on the merits would injure the moving party and render any judgment ineffectual. Wis. Stat. § 813.02(1)(a). Courts will issue temporary injunctions only if the moving party shows:

- A reasonable probability of success on the merits.
- That it has no adequate remedy at law.
- That it would suffer irreparable harm in the absence of an injunction.
- That an injunction is necessary to preserve the status quo.

*Werner v. A.L. Grootemaat & Sons, Inc.*, 259 N.W.2d 310, 313–14 (Wis. 1977).

A temporary restraining order (TRO) is available whenever a motion for temporary injunction is pending and is effective only until the court can rule on a motion for temporary injunction. Wis. Stat. § 813.05(1). A temporary restraining order (TRO) is a short-lived emergency order requiring a party to refrain from performing a particular act pending the outcome of a motion for temporary injunction. A TRO maintains the status quo until the court rules on the motion for temporary injunction. Wis. Stat. § 813.02(1).

### **II. A reasonable probability of success on the merits exists.**

The first factor of whether a reasonable probability of success exists on the merits is satisfied. *See Gabl on behalf of Zingsheim v. Aurora Health Care, Inc.*, 977 N.W.2d 756, 768 (Wis. Ct. App. 2022), *citing Milwaukee Deputy Sheriffs' Ass'n*, 883 N.W.2d 154, 161 (Wis. Ct. App. 2016). A complaint stating at least one viable legal claim is required as an underlying basis for an injunction. *School Dist. of Slinger v. Wis. Interscholastic Athletic Ass'n*, 563 N.W.2d 585, 589 (Wis. Ct. App. 1997). In other words, there must be a viable or protectable legal claim (or right) upon which plaintiff would have a reasonable probability of success. A request for a temporary injunction is not a claim in and of itself, but a vehicle to prevent harm while litigation is pending on the underlying claim(s). A temporary injunction is available

*[w]hen it appears from a party's pleading that the party is entitled to judgment and any part thereof consists in restraining some act, the commission or continuance of which during the litigation would injure the party, or when during the litigation it shall appear that a party is doing or threatens or is about to do, or is procuring or suffering some act to be done in violation of the rights of another party and tending to render the judgment ineffectual, a temporary injunction may be granted to restrain such act.*

Wis Stat. § 813.02(1)(a) (emphasis added).

The Plaintiffs have a reasonable probability of success on the merits on their claim that WEC's guidance to county clerks and municipal clerks on military absentee ballots in WEC's Military and Overseas Voting Manual (Feb. 2022) and in its Military and Overseas Voting Cheat Sheet (Rev. 2020-10) does not comply with Wis. Stat. § 6.22(6). *Brandtjen Aff.* at ¶ 14. In other words, WEC's guidance in these documents is legally unauthorized—beyond the scope of WEC's powers.

As a preliminary matter, Wis. Stat. § 227.40 authorizes the court to declare a state agency guidance document invalid if it find that it violates constitutional provisions or exceeds the statutory authority of the agency:

(4) (a) In any proceeding pursuant to this section for judicial review of a rule or guidance document, the court shall declare the rule or guidance document invalid if it finds that it violates constitutional provisions or exceeds the statutory authority of the agency or was promulgated or adopted without compliance with statutory rule-making or adoption procedures.

This petition is brought under Wis. Stat. § 227.40.

As to the specific claim, it is based on Wisconsin Statutes 6.22(6) requiring a “military elector list,” which is up-to-date, complete, verified, current, accurate and distributed:

- Up-to-date--“Each municipal clerk shall keep an up-to-date list of all eligible military electors who reside in the municipality in the format prescribed by the commission.”
- Complete-- “The list shall contain the name, latest-known military residence and military mailing address of each military elector.”
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Third, on or about October 25, 2022, the Defendant, Village Clerk of Shorewood, sent a military absentee ballot purportedly requested by “Holly Jones” to Brandtjen’s residence at N52 W16632 Oak Ridge Trail, Menomonee Falls, WI 53051. *Id.* at ¶ 39. On October 27, 2022, Brandtjen received the absentee ballot at her residence. *Id.* at ¶ 40. But, Brandtjen is not qualified to cast the absentee ballot of Holly Jones. *Id.* at ¶ 41. This election illegality would not have occurred if the Clerk of Shorewood had an up-to-date, complete, verified, current, accurate and distributed military elector list. *Id.* at ¶ 42.

Additionally, private investigator Heather Honey submitted a public records request to Karen Stritchko, the Deputy City Clerk of the City of South Milwaukee. Heather Honey Aff. Included was a request for an electronic copy of the records of all UOCAVA eligible voters by precinct as of July 1, 2022. *Id.* In response to the request, the Deputy City Clerk of South Milwaukee informed Honey that the Clerk of South Milwaukee does not have

access to a list of UOCAVA voters. *Id.* She said that the information was only available from the Wisconsin Elections Commission. *Id.*

Consequently, WEC’s guidance fails to comply with the legal requirements under Wisconsin Statutes § 6.22(6) for an up-to-date, complete, verified, current, accurate and distributed military elector list. *Id.* at ¶ 43. The recent actions of now former Milwaukee Elections Commissioner Deputy Director Kimberly Zapata have exposed the vulnerability statewide. *Id.* at ¶ 44. WEC’s provision of legally unauthorized guidance regarding the legally-required security check of Wisconsin Statutes § 6.22(6) has demonstrably resulted in a absentee ballot process so deficient that it allows the unrestricted manufacture of fake ballots. If WEC’s guidance complied with Wisconsin Statutes § 6.22(6), these vulnerabilities would not exist.

For these reasons, and based on these facts and circumstances, the Plaintiffs have satisfied the requirement of showing of probability of success on the merits.

### **III. The Plaintiffs have no adequate remedy at law to prevent the counting of unlawfully cast military ballots—if any.**

The second factor of whether an adequate remedy at law exists is satisfied. Generally, “irreparable injury” means an injury that, without a stay, will harm the movant in a way that “is not adequately compensable in damages” and for which there is not an “adequate remedy at law.” *See Allen v. Wis. Pub. Serv. Corp.*, 694 N.W.2d 420, 429 (Wis. Ct. App. 2005). “The possibility that adequate compensatory or other corrective relief will be available at a later date, in the ordinary course of litigation, weighs heavily against” a claim that an injury is irreparable. *Sampson v. Murray*, 415 U.S. 61, 90 (1974) (quoted source omitted); see also *Brock*

*v. Milwaukee Cnty. Pers. Rev. Bd.*, No. 97-0234, unpublished op., 1998 WL 261627, at \*3 (Wis. Ct. App. May 26, 1998).

In this case, the temporary injunction remedy sought is to prevent any military elector absentee ballots cast by non-qualified persons casting military elector absentee ballots, if any, from being counted. The Plaintiffs want to ensure that any close election result is not determined by non-qualified people voting military elector absentee ballots. By sequestering the military absentee ballots for election official verification, the military absentee ballots by qualified voters will be counted. The military absentee ballots cast by non-qualified voters will not be counted. So, no qualified voter will be disenfranchised. But, the military elector absentee ballots cast by non-qualified voters will not be counted.

Here, there is no possibility of an adequate remedy at law to protect the election's integrity of the November 8, 2022 election. Once a non-qualified person's military elector absentee ballot is counted, the action is complete and irrevocable. If an election margin is narrow, then these unlawfully cast military elector absentee ballots may exceed the victory margin. Further, there is no possibility that adequate compensatory or other corrective relief will be available at a later date, in the ordinary course of litigation. The damage will already be done. A narrow election result will be exceeded by the number of unlawfully cast military absentee ballots.

**IV. An irreparable harm will result in the absence of an injunction because unlawfully cast military absentee ballots, if any, may be counted.**

The third factor of irreparable harm exists is satisfied. To obtain temporary injunctive relief, a moving party must show he is likely to suffer irreparable harm if a temporary

injunction is not issued. *See Milwaukee Deputy Sheriffs' Ass'n*, 883 N.W.2d at 161; *Gabl*, 977 N.W.2d at 776.

In this case, the temporary injunction remedy sought is to prevent any military elector absentee ballots cast by non-qualified persons casting military elector absentee ballots, if any, from being counted. The Plaintiffs want to ensure that any close election result is not determined by non-qualified people voting military elector absentee ballots. By sequestering the military absentee ballots for election official verification, the military absentee ballots by qualified voters will be counted. The military absentee ballots cast by non-qualified voters will not be counted. So, no qualified voter will be disenfranchised. But, the military elector absentee ballots cast by non-qualified voters will not be counted.

Here, irreparable harm will occur if the temporary injunctive relief is not granted because, without the temporary injunctive relief, non-qualified persons' military elector absentee ballots would be counted. Counting unlawfully cast ballots reduces the credibility of a narrow election result. If an election margin is narrow, then these unlawfully cast military elector absentee ballots may exceed the victory margin—casting definitive doubt on the close election result. Once the unlawfully cast military elector absentee ballots are counted, the damage will already be done—irreparable injury. And, the fact will be established that the narrow election result was exceeded by the number of unlawfully cast military absentee ballots—a terrible result for credibility of Wisconsin's elections.

**V. An injunction is necessary to preserve the status quo so that unlawfully cast military absentee ballots, if any, are not counted before verification.**

The fourth factor of preservation of the status quo is satisfied. The last factor pertains to maintaining the status quo between the parties until the litigation ends. *Milwaukee*

*Deputy Sheriffs' Ass'n*, 883 N.W.2d at 161. Usually, “[t]he purpose of a temporary injunction or restraining order is to maintain the status quo and not to change the position of the parties or compel the doing of acts which constitute all or part of the ultimate relief sought.” 8 Jay E. Grenig, *Wis. Pleading and Prac. Forms* § 71:31 (5th ed. 2021); *see also Codept, Inc. v. More-Way N. Corp.*, 127 N.W.2d 29, 34 (Wis. 1964); *Gabl*, 977 N.W.2d at 777–78.

In this case, the status quo is preserved because the temporary injunction sought is to ensure the election integrity of the November 8, 2022 elections. Election integrity’s status quo is preserved by ensuring only military electors cast military elector absentee ballots in the November 8, 2022 election. By sequestering and verifying the military elector absentee ballots, election integrity is preserved—the status quo is preserved—without directing WEC how to change its guidance on military elector lists and the military elector absentee ballot process to legally comply with Wisconsin law. The purpose of the narrow temporary injunction is to get through the November 8, 2022 without any counting of unlawfully cast military elector absentee ballots. The effect of the narrow temporary injunction is to essentially preserve the status quo so that WEC can change its guidance before the 2023 elections to comply with Wisconsin law.

**VI. The low administrative costs of sequestering the military elector absentee ballots were already anticipated in the enactment of Wisconsin Statutes 6.22(6).**

The administrative costs of sequestering the military elector absentee ballots are low. In 2016 and 2020, the number of military absentee ballots were fewer than 10,000 statewide. *Ron Heuer Aff.*; *Heather Honey Aff.* And, any costs associated with comparing the military

elector absentee ballots with the legally-required military elector list required by Wisconsin Statutes 6.22(6) were already incorporated in the enactment of Wisconsin Statutes 6.22(6).

## CONCLUSION

The Court should issue the temporary restraining order and temporary injunction enjoining WEC's guidance to county clerks and municipal clerks on military absentee ballots in WEC's Military and Overseas Voting Manual (Feb. 2022) and in its Military and Overseas Voting Cheat Sheet (Rev. 2020-10) in conflict with Wisconsin Statutes 6.22(6) and declaring that the military elector absentee ballots be sequestered prior to the November 8, 2022 election so that Wisconsin Statutes 6.22(6) verification can be completed before they are counted.

Dated November 4, 2022

/s/Erick G. Kaardal

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Erick G. Kaardal, No. 1035141  
Gregory M. Erickson, No. 1050298  
Mohrman, Kaardal & Erickson, P.A.  
Counsel for Thomas More Society  
150 South Fifth Street, Suite 3100  
Minneapolis, MN 55402  
Telephone: (612) 341-1074  
Email: kaardal@mklaw.com  
Email: erickson@mklaw.com  
Attorneys for the Plaintiffs

/s/Michael J. Gableman

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Michael J. Gableman, No.  
Senior Counsel  
The Thomas More Society  
15[0]5 S. Executive Drive, Ste. 213  
Brookfield WI 53005  
Telephone: (312) 782-1680  
Facsimile: (312) 782-1887

**State of Wisconsin  
Before the Wisconsin Elections Commission**

**The Verified Complaint of**

Wisconsin Voter Alliance  
E 3530 Townline Road  
Kewaunee, WI 54216

Ron Heuer  
E 3530 Townline Road  
Kewaunee, WI 54216

**Against Complaint Respondents**

Wisconsin Elections Commission  
212 East Washington Avenue, Third Floor  
P.O. Box 7984  
Madison, Wisconsin 53707-7984

Commissioner Don M. Millis  
Wisconsin Elections Commission  
212 East Washington Avenue, Third Floor  
P.O. Box 7984  
Madison, Wisconsin 53707-7984

Commissioner Robert F. Spindell, Jr.  
Wisconsin Elections Commission  
212 East Washington Avenue, Third Floor  
P.O. Box 7984  
Madison, Wisconsin 53707-7984

Commissioner Marge Bostelmann  
Wisconsin Elections Commission  
212 East Washington Avenue, Third Floor  
P.O. Box 7984  
Madison, Wisconsin 53707-7984

Commissioner Ann S. Jacobs  
Wisconsin Elections Commission  
212 East Washington Avenue, Third Floor  
P.O. Box 7984  
Madison, Wisconsin 53707-7984

Commissioner Mark L. Thomsen  
Wisconsin Elections Commission  
212 East Washington Avenue, Third Floor  
P.O. Box 7984  
Madison, Wisconsin 53707-7984

Commissioner Julie M. Glancey  
Wisconsin Elections Commission  
212 East Washington Avenue, Third Floor  
P.O. Box 7984  
Madison, Wisconsin 53707-7984

Meagan Wolfe  
Administrator  
Wisconsin Elections Commission  
212 East Washington Avenue, Third Floor  
P.O. Box 7984  
Madison, Wisconsin 53707-7984

I, as one of the above-named complainants, based on personal knowledge or upon information and belief, believe that probable cause exists for violations of HAVA.

### **Introduction**

This complaint is made under Wisconsin Statutes § 5.061 (compliance with federal Help America Vote Act), including a claim, under the federal constitution’s Election Clause, that Wisconsin Statutes § 6.36(1)(ae), which authorizes “the transmission of information and data related to the registration of electors in this state [by the Wisconsin Elections Commission (WEC)] to the Electronic Registration Information Center, Inc., [ERIC] for processing and sharing with other member states and governmental units,” violates the Help America Vote Act (HAVA), 52 U.S. Code § 21083 (Pub. L. 107–252, title III, § 303, Oct. 29, 2002, 116 Stat. 1708). Specifically, Wisconsin’s agreements with ERIC, required by

Wisconsin Statutes § 6.36(1)(ae), involve Wisconsin database sharing and database uses by ERIC which are legally unauthorized under HAVA.

### **Parties**

1. Complainant Wisconsin Voter Alliance (WVA) is a Wisconsin non-stock corporation dedicated to election integrity in Wisconsin.
2. Complainant Ron Heuer is President of WVA.
3. Respondent Wisconsin Elections Commission (WEC) is a commission established by Wisconsin state law.
4. Respondent Commissioner Don M. Millis is a member of WEC. Mr. Millis is also the chair of WEC.
5. Respondent Commissioner Robert F. Spindell, Jr is a member of WEC.
6. Respondent Commissioner Marge Bostelmann is a member of WEC.
7. Respondent Commissioner Ann S. Jacobs is a member of WEC.
8. Respondent Commissioner Mark L. Thomsen is a member of WEC.
9. Respondent Commissioner Julie M. Glancey is a member of WEC.
10. Respondent Meagan Wolfe is Administrator of WEC (“Administrator”).

### **Jurisdiction**

11. The Wisconsin Elections Commission has jurisdiction over this complaint under federal law and Wisconsin law. 52 U.S.C. §21112 (a)(2) and Wis. Stat. § 5.061.

### **Request for Hearing on Record**

12. Pursuant to 52 U.S.C. § 21112 (a)(2)(E), the above-named complainants request a hearing on the record.

## HAVA Violation

### Wisconsin Statutes § 6.36(1)(ae) violates HAVA

13. The federal constitution's Elections Clause states:

Article I, Section 4, Clause 1: The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of choosing Senators.

U.S. Const., art. I, sec. 4, cl. 1.

14. Pursuant to the Elections Clause, Congress enacted HAVA to regulate statewide voter registration system databases. *Id.*

15. The complainants claim that HAVA requires respondent WEC and its officials, by itself and by themselves, respectively, to maintain and implement the statewide voter registration system database called WisVote.

16. HAVA requires WEC to maintain WisVote without the outside assistance of third-party entities.

17. Under HAVA, maintaining the statewide voter registration system database is seen as such a core governmental purpose that it cannot be delegated to any other organization like ERIC.

18. ERIC is a non-profit corporation with members. ERIC asserts its purpose as an entity to engage in “meaningful, evidence-based reform of the election system in the United States.”

19. ERIC further asserts as its purpose to “lessen the burdens of government by facilitating the collaboration of states and local government units to conduct research, develop technology, and perform other charitable and educational activities designed to

reduce the costs and increase the accuracies and efficiencies associated with their use of voter registration systems.”

20. ERIC identifies “Members” as “solely...state, territorial governmental units, or the District of Columbia.” To that end, the member is represented by the “chief election official or a chief election official’s designee to act on the member’s behalf for all purposes related to the Corporation.” |

21. Wisconsin is a member of ERIC.

22. States and their election officials are to maintain and implement statewide voter registration lists. 52 U.S. Code § 21083 (Pub. L. 107–252, title III, § 303, Oct. 29, 2002, 116 Stat. 1708

23. Section 21083 (a)(1)(A) is accurately quoted as follows: a state’s “computerized list shall serve as the official voter registration list for the conduct of all elections for Federal office in the State.”

24. Section § 21083 (a)(1)(A) is accurately quoted as follows: “each State, acting through the chief State election official, shall implement, in a uniform and nondiscriminatory manner, a single, uniform, official, centralized, interactive computerized statewide voter registration list defined, maintained, and administered at the State level that contains the name and registration information of every legally registered voter in the State and assigns a unique identifier to each legally registered voter in the State (in this subsection referred to as the ‘computerized list’)...”

25. Section 21083 (a)(1)(A)(i), is accurately quoted as follows:  
“[t]he computerized list shall serve as the single system for storing and managing the official list of registered voters throughout the State.”

26. Section 21083 (a)(1)(A)(iv) is accurately quoted as follows:  
“[t]he computerized list shall be coordinated with other agency databases within the State.”

27. Section 21083 (a)(1)(A)(v) is accurately quoted as follows: “[a]ny election official in the State, including any local election official, may obtain immediate electronic access to the information contained in the computerized list.”

28. Section § 21083 (a)(2)(A) is accurately quoted as follows:“(2) COMPUTERIZED LIST MAINTENANCE (A)In general The appropriate State or local election official shall perform list maintenance with respect to the computerized list on a regular basis ...”

29. Section § 21083 (a)(2)(A)(ii)(I) is accurately quoted as follows: “the State shall coordinate the computerized list with State agency records on felony status.”

30. Section 21083 (a)(2)(A)(ii)(II) is accurately quoted as follows: “the State shall coordinate the computerized list with State agency records on death.”

31. Section 21083 (a)(2)(A)(ii)(II) is accurately quoted as follows: “states shall remove the names of ineligible voters from the computerized list in accordance with State law.”

32. Section 21083 (a)(3) is accurately quoted as follows: “(3)TECHNOLOGICAL SECURITY OF COMPUTERIZED LIST. The appropriate State or local official shall provide adequate technological security measures to prevent the unauthorized access to the computerized list established under this section.”

33. Section 21083 (a)(5)(B) is accurately quoted as follows: “(B)Requirements for State officials (i)Sharing information in databases The chief State election official and the official responsible for the State motor vehicle authority of a State shall enter into an agreement to match information in the database of the statewide voter registration system with information in the database of the motor vehicle authority to the extent required to enable each such official to verify the accuracy of the information provided on applications for voter registration. (ii)Agreements with Commissioner of Social Security The official responsible for the State motor vehicle authority shall enter into an agreement with the Commissioner of Social Security under section 405(r)(8) [1] of title 42 (as added by subparagraph (C)).”

34. Based on these accurate quotes of the text of § 21083, HAVA requires that states and their election officials are to maintain and implement statewide voter registration lists, exclusively and not out-sourced to or executed by third parties like ERIC who purport to maintain or otherwise implement the requirements of HAVA regarding those lists

35. HAVA does not authorize voter data sharing or voter data use, or both, with third-party non-profit or for profit corporate entities such as the non-profit entity ERIC.

36. In contradiction of HAVA, Wisconsin Statutes § 6.36(1)(ae) authorizes “the transmission of information and data related to the registration of electors in this state [by the Wisconsin Elections Commission] to the Electronic Registration Information Center, Inc., for processing and sharing with other member states and governmental units.”

37. Wisconsin Statutes § 6.36(1)(ae) is accurately quoted as:

**(ae) 1. The chief election officer shall enter into a membership agreement with Electronic Registration Information Center, Inc., for the purpose of**

**maintaining the official registration list under this section.** Prior to entering into an agreement under this subdivision, the chief election officer shall ensure that the agreement satisfies all of the following conditions:

**a.** It safeguards the confidentiality of information or data in the registration list that may be subject to transfer under the agreement and to which access is restricted under par. [\(b\) 1. a.](#)

**b.** It prohibits the sale or distribution of the information or data in the registration list to a 3rd-party vendor and it prohibits any other action not associated with administration of or compliance with the agreement.

**c.** It does not affect the exemption for this state under the national voter registration act.

**d.** It allows the state to make contact with electors by electronic mail, whenever possible.

**2. If the chief election officer enters into an agreement under subd. [1.](#), the chief election officer shall comply with the terms of the agreement, including the transmission of information and data related to the registration of electors in this state to the Electronic Registration Information Center, Inc., for processing and sharing with other member states and governmental units.**

Emphasis added.

38. Pursuant to Wisconsin Statutes § 6.36(1)(ae), WEC has contracted with ERIC to maintain and implement WisVote.

39. Under Wisconsin Statutes § 6.36(1)(ae), WEC's agreement with ERIC requires WEC's "transmission of information and data related to the registration of electors in this state to the Electronic Registration Information Center, Inc., for processing and sharing with other member states and governmental units."

40. Under Wisconsin Statutes § 6.36(1)(ae), WEC currently has a voter-data-sharing and voter-data-base use agreement with ERIC.

41. For example, paragraph 2 of the current ERIC agreement requires WEC to transmit all voter data to ERIC and requires WEC to transmit all licensing or identification records from the motor vehicle records data base to ERIC.

42. Under the current ERIC agreement with WEC, WEC periodically transmits all voter data to ERIC and periodically transmits all licensing or identification records from the motor vehicle records data base to ERIC.

43. In return, ERIC sends voter record updates to WEC.

44. Under § 21083, Congress has limited WEC's database sharing and uses to the state's motor vehicle authority and to the Commissioner of Social Security.

45. The database sharing with ERIC and the database uses by ERIC are legally unauthorized under HAVA.

46. The WEC contract with ERIC authorizing database sharing and database uses by ERIC violates HAVA.

47. The complainants seek an administrative determination, declaration or declaratory judgment that Wisconsin Statutes § 6.36(1)(ae) and WEC's agreements with ERIC permitting ERIC database sharing and database uses are violations of HAVA.

### **Prayer for Relief**

The complainants make the following prayer for relief. The complainants seek an administrative determination, declaration or declaratory judgment as follows: Wisconsin Statutes § 6.36(1)(ae) and WEC's agreements with ERIC permitting ERIC database sharing and ERIC database uses are legally unauthorized under HAVA.

Dated: September 8, 2022

/s/Erick G. Kaardal  
Erick G. Kaardal, No. 1035141  
Mohrman, Kaardal & Erickson, P.A.  
Special Counsel for Thomas More Society  
150 South Fifth Street, Suite 3100  
Minneapolis, MN 55402  
Telephone: (612) 341-1074  
Facsimile: (612) 341-1076  
Email: [kaardal@mklaw.com](mailto:kaardal@mklaw.com)

VERIFICATION

I, Ron Heuer, President of Wisconsin Voter Alliance, complainant, state that the above allegations are true and correct based on my personal knowledge and, as to those stated on information and belief, I believe them to be true.

Dated: 7 September, 2022

Ronald H Heuer

STATE OF WISCONSIN )  
COUNTY OF Kewaunee )ss.

Signed and sworn before me this Sept 7, 2022, by Ronald Heuer

(Seal, if any)

Laurie Janowski  
Signature of Notarial Officer

LAURIE JANOWSKI  
NOTARY PUBLIC  
STATE OF WISCONSIN

Customer Service Supervisor  
Title (and Rank)

My Commission expires: 10-9-26