



Wisconsin Elections Commission

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August 11, 2021

Norbert & Donna Mae Normand
2220 North 13th Street
Wausau, WI 54403

Leslie Kremer
407 Grant Street
Wausau, WI 54403

Sent via Email: donnamae777@yahoo.com; norbn2@yahoo.com; clerk@ci.wausau.wi.us

Re: In the Matter of: Norbert & Donna Mae Normand v. Leslie Kremer (Case No.: EL 21-09)

Dear Mr. & Mrs. Normand and Ms. Kremer:

This letter is in response to the verified complaint submitted by Norbert and Donna Mae Normand (“Complainants”) to the Wisconsin Elections Commission (“Commission”), which was filed in reply to actions taken by an election official leading up to the 2020 November General Election. The complaint alleges that Clerk Kremer (“Respondent”) committed fraud by providing duplicate ballots to the Complainants who had already returned their ballots.

Complaints “...shall set forth such facts as are within the knowledge of the complainant to show probable cause to believe that a violation of law or abuse of discretion has occurred or will occur.” Wis. Stat. § 5.06(1). Probable cause is defined in Wis. Admin. Code § EL 20.02(4) to mean “the facts and reasonable inferences that together are sufficient to justify a reasonable, prudent person, acting with caution, to believe that the matter asserted is probably true.”

The Commission has reviewed the complaint and the City of Wausau’s response. The Commission provides the following analysis and decision. In short, the Commission has determined that the Complainant did not show probable cause to believe that a violation of law or abuse of discretion occurred with relation to the alleged mailing of duplicate ballots.

Complaint Allegations and Response

The Normands filed a complaint with the Commission pursuant to Wis. Stat. § 5.06 alleging that the City of Wausau Clerk violated applicable sections of Wisconsin Statutes and committed fraud by mailing duplicate ballots.

The complaint alleges that the Respondent improperly sent a second set of ballots to the Complainants after they had properly voted by in-person absentee ballot at the clerk’s office. The Complainants stated that they received ballots in the mail that contained candidate names. However, these ballots did not look similar to the valid ballots they had previously received, and the mailing lacked the proper certificate envelope.

Commissioners

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

Administrator
Meagan Wolfe

The Respondent provided, in relevant part, the following in response:

1. It is possible that the Complainants received a third-party mailer or other non-official solicitation.
2. The City of Wausau did not send duplicate ballots to the Complainants.
3. The City of Wausau did not violate any election law in this matter or commit any fraud.

Commission Findings

Election Fraud

No specific provision of law or statute was cited in the complaint. Only general fraud was alleged. Election fraud elements and violations are detailed in Wis. Stat. § 12.13. No specific provision of Wis. Stat. § 12.13 directly relates to the allegations being made in the instant matter. Even analyzing adjacent or possibly relevant provisions of statute is not necessary here (*e.g.* No election official may illegally issue, write, change or alter a ballot on election day: Wis. Stat. § 12.13(2)(b)2). The record provides insufficient evidence to support a claim of fraud, or even that duplicate ballots were mailed/received.

No copies of the ballots were provided with the complaint, the Respondent had no record of duplicate ballots having been mailed, and the Respondent correctly notes that voters consistently misidentify third-party mailers as legitimate ballots. By the Complainants' own admission, the alleged ballot they received did not appear similar to the official ballot they had already voted, and the mailing lacked a certificate envelope. Ballot templates go through a lengthy approval process, there is no deviation in the formatting within the same municipality (except that the candidate names may vary a bit), and it is highly unlikely that an official ballot was mailed without a certificate envelope.

Voter confusion pertaining to these mailers is absolutely understandable. Often, legitimate parties send out flyers that contain candidate names or information like that found on a ballot. Other more nefarious parties send out mailers designed to mislead voters or phish for information. The Commission consistently engages in efforts to combat misinformation and counteract these types of materials.

Additionally, on rare occasion, a clerk's office may accidentally or purposefully mail a second ballot to an elector for a variety of understandable or lawful reasons. Most of the time this does not represent fraud or other violations of election law. Regardless of whether the mailer at issue here was an actual ballot, the parties responded exactly as they should have. The Complainants acted commendably by contacting the clerk's office immediately. The Respondent advised the Complainants correctly, recognizing that it may be a third-party mailer and recommending that the Complainants spoil the "ballots" by destroying them. The Respondent also first ensured that the Complainants ballots had been received by her office.

The parties are invited to contact the Commission directly, or forward similar materials for Commission review, if this should happen again. However, by all accounts, the process under consideration here appears to have progressed in accordance with the law. The Commission, therefore, finds that there is no probable cause to believe that a violation of law or abuse of discretion occurred with relation to the alleged mailing of duplicate ballots.

Commission Decision

Based upon the above review and analysis, the Commission finds that the complaint does not raise probable cause to believe that a violation of law or abuse of discretion has occurred under Wis. Stat. § 12.13 or other elections statutes.

Right to Appeal – Circuit Court

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

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

Sincerely,

COMMISSION

A handwritten signature in black ink that reads "Meagan R.M. Wolfe". The signature is written in a cursive style with a large, looped initial "M".

Meagan Wolfe
Administrator

cc: Commission Members