

STATE OF WISCONSIN
BEFORE THE ELECTIONS COMMISSION

Aline Kosloski
545 Franklin St.
Stevens Point, WI 54481,

WEC 30OCT2023 PM02:26

Brian Cychosz
3798 County Road Y
Custer, WI 54423,

HAND DELIVERED

Mary Rosicky
5487 Conifer Drive
Stevens Point, WI 54481,

Complainants,

v.

Kari Yenter
Office of the City Clerk
1515 Strongs Avenue
Stevens Point, WI 54481,

Respondent.

COMPLAINT

The Complainants Aline Kosloski, Brian Cychosz, and Mary Rosicky, allege as follows:

1. Complainant Aline Kosloski is a registered Wisconsin voter and qualifies as an elector within the meaning of Chapter 5 and 6 of the Wisconsin Statutes. Complainant Kosloski resides in the City of Stevens Point, Portage County. Complainant Kosloski is seeking an appointment to serve as an Election Inspector in the City of Stevens Point, as a nominee from the Portage County Republican Party.
2. Complainant Cychosz is a registered Wisconsin voter and qualifies as an elector within the meaning of Chapter 5 and 6 of the Wisconsin Statutes. Complainant Cychosz is the

Chairman of the Republican Party of Portage County, and is the co-nominator of Election Inspectors for the Republican Party for the City of Stevens Point.

3. Complainant Rosicky is a registered Wisconsin voter and qualifies as an elector within the meaning of Chapter 5 and 6 of the Wisconsin Statutes. Complainant Rosicky is the Secretary of the Republican Party of Portage County, and is the co-nominator of Election Inspectors for the Republican Party for the City of Stevens Point.
4. The Respondent, Kari Yenter, is the City Clerk of the City of Stevens Point. Ms. Yenter is an “election official” within the meaning of Chapters 5 and 6 of the Wisconsin Statutes and this complaint is brought against her in that capacity.

JURISDICTION

5. This case is brought against Ms. Yenter under Wis. Stat. § 5.06 which provides that:

Whenever any elector of a jurisdiction or district served by an election official believes that a decision or action of the official or the failure of the official to act 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 is contrary to law, or the official has abused the discretion vested in him or her by law with respect to any such matter, the elector may file a written sworn complaint with the commission requesting that the official be required to conform his or her conduct to the law, be restrained from taking any action inconsistent with the law or be required to correct any action or decision inconsistent with the law or any abuse of the discretion vested in him or her by law.

THE COMPLAINT

6. Wis. Stat. § 7.30 provides the procedure required for the appointment of election officials.
7. This section states at § 7.30(2)(a) that the qualifications to be an election official include that “each election official shall be a qualified elector of a county in which the municipality where the official serves is located” ... “All officials appointed under this section shall be able to read and write the English language, be capable, and be of good

understanding, and may not be a candidate for any office to be voted for at an election at which they serve.”

8. Section § 7.30(2)(c) further provides that, “The governing body of any municipality may require all persons serving as election officials to prove their ability to read and write English and to have a general knowledge of the election laws...The municipal clerk shall ensure that all training meets the training requirements prescribed in rules promulgated by the commission under ss. 7.31 and 7.315.”
9. In the letter transmitted by Clerk Yenter to the Portage County Republican Party [enclosed as Exhibit A], in the affirmation statement on page 2, and a description of qualifications to be a poll worker on page 4, additional qualifications are imposed on election officials, contrary to statute. These additional qualifications include having strong clerical skills, being an effective communicator, and not being a convicted felon.
10. None of these additional qualifications are provided by statute, and the imposition of new requirements is a function reserved for the Legislature. The statute is clear, and for Clerk Yenter to impose additional qualifications on either the nominating Party or its nominees creates an election environment dissimilar to the other 1,800+ municipalities in Wisconsin.
11. Additionally, on Exhibit A, page 4, under the section “Selection of poll workers,” Clerk Yenter adds an additional qualification of completing a background check in order to be selected and nominated as a poll worker.
12. On its face, this background check requirement goes beyond the qualifications in statute that may be imposed on nominated election officials, and should be declared an impermissible requirement. Throughout Wis. Stat. § 7.30, it is made clear that election

officials must be appointed first, and solely from Party nominated lists until they are exhausted. The only instance provided wherein a nominating body may forego an appointment is under § 7.30(4)(e) that permits a nonappointment only by an appointing authority appealing to, and the Commission ruling that there is a nonappointment for cause.

13. Even if a background check were to be found facially permissible, the background check required by Clerk Yenter is overly broad and requires consent for sources to invade the privacy of individuals who are statutorily required to be appointed, regardless of finding. Sources include: any banking institution, any place or business, credit rating bureaus or institutions maintaining individual credit rating files, any previous employer, present employer, and any military records. This list is not exhaustive, however, the entirety of these examples demonstrate undue invasions into the privacy of nominated election officials, with no basis in statute, and constitutes an imposition of additional qualifications to be an election official.
14. If the Commission concurs with previous GAB opinion that a convicted felon is ineligible to hold an office of public trust, such as an election official, unless pardoned, this background check remains overly burdensome for nominated election officials. Clerks and/or the Commission have access to DOJ records, which are already used to screen for felons when attempting to register to vote, as well as during the biennial submission of suspected election fraud, irregularities or violations statutorily required by Wis. Stat. § 7.15(1)(g). This background check requirement serves no purpose other than to create an additional qualification to be an election official, contrary to statute.

15. On page 1 of Exhibit A, Clerk Yenter's requirement that nominating Parties return completed background check releases for a Party's election inspector nominees, accompanying the Party's list of nominees, is a further violation of statute.

16. Section §7.30(4)(b)2a details clearly, and plainly delineates the process that nominating authorities must follow:

“In a municipality other than a city or village located in a county having a population of more than 750,000, the committees organized under s. 8.17 for each of the 2 recognized political parties described under sub. (2) shall submit a list containing the names of nominees from that party. The chairperson of each of the 2 committees shall submit the list to the mayor, president, chairperson, or clerk of the municipality, or to his or her agent, or shall deliver or mail the list to the office of the municipality. If the chairperson submits the list to the municipal clerk or his or her agent, the clerk shall immediately forward the list to the mayor, president, or chairperson of the municipality. If committees are organized in subdivisions of a city, the chairperson of the city committee shall submit the list. If there is no municipal committee, the chairperson of the county or legislative district committee shall submit the list. Except as provided in par. (c), only those persons submitted by the chairperson of each committee under s. 8.17 may act as election officials. The chairperson of each committee under s. 8.17 may designate any individual whose name is submitted as a first choice nominee. The chairperson and secretary of the submitting committee shall sign the list.”

17. Statute does not require the nominating Party to acquire a signature whatsoever from its nominees. Therefore, the requirement from Clerk Yenter for the nominating party to obtain from its nominees both a signature and personally identifiable information for a background check, including social security number and driver's license number, is inconsistent with statute and should be removed as a requirement.

18. On page 1 of Exhibit A, Clerk Yenter implements an additional requirement that the nominating Party must, “make [nominees] aware that all new employees will be required to go through a background check.”

19. Wis. Stat. §7.30(4)(b) clearly and plainly states that:

“Each person submitting the name of one or more nominees shall certify on his or her list of nominations that the person has contacted each nominee whose name appears on the list and that each nominee has agreed to serve as an election official.”

20. Clerk Yenter’s requirement that nominating Parties notify their nominees of a background check is beyond the agreement to serve, as required by statute, and should be removed as a requirement.
21. When Complainant Cychosz inquired to Clerk Yenter whether her background check requirement for election inspectors applied to those who had agreed to donate their time and service, she answered in the affirmative, [attached as Exhibit B] that volunteers would also be required to complete a background check. This admission from Clerk Yenter removes any suggestion that the background check is simply a routine piece of clerical paperwork, necessary for a municipal employee to be paid. By equally imposing this additional requirement on unpaid election officials, Clerk Yenter is blatantly imposing unlawful burdens on both nominating Parties and nominees for election inspector in the City of Stevens Point, by creating additional qualifications not provided for in statute.
22. Clerk Yenter’s improperly imposed additional qualifications to be an election inspector, her required notification and solicitation by the nominating Party of a completed background check consent form by its nominees, and the undue burden of a broad-scope background check on nominated election officials should all be declared improper, and the City of Stevens Point should be enjoined to appoint nominees for election inspector from the Republican Party of Portage County, pursuant to Wisconsin Statute.

REQUEST FOR RELIEF


WHEREFORE, the Complainants request the following relief:

- A. That Clerk Yenter and the City of Stevens Point be directed to conform their conduct to the law as described in the complaint.
- B. That Clerk Yenter and the City of Stevens Point be enjoined to accept nominees for chief election inspector and election inspector from the Portage County Republican Party without a completed background check release.
- C. That Clerk Yenter and the City of Stevens Point be enjoined to appoint nominees from the Portage County Republican Party for chief election inspector and election inspector without completing the improperly required background check on the nominees.
- D. That Clerk Yenter and the City of Stevens Point be enjoined to appoint nominees from the Portage County Republican Party for chief election inspector and election inspector only with regard to the qualifications imposed in Wis. Stat. § 7.30, and no further qualifications.

CERTIFICATION

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

Aline Kosloski 10/26/2023

Signature 

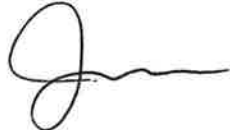
State of Wisconsin)

County of Portage)^{ss}

Signed and sworn to before me this 26 day of October, 2023.

Notary Public or Person Authorized
to Administer Oaths

My commission expires
Or, is permanent.


July 09 2027



CERTIFICATION

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

Brian J. Cychosz
Signature

State of Wisconsin)

County of Portage)^{ss}

Signed and sworn to before me this 26th day of October, 2023.



Notary Public or Person Authorized
to Administer Oaths

Jody L. Cisevski

My commission expires 06.11.2026
Or, is permanent.

CERTIFICATION

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

Signature *Mary B. Rosicky*

State of Wisconsin)

County of Portage)^{ss}

Signed and sworn to before me this 26 day of October, 2023.

Notary Public or Person Authorized
to Administer Oaths

Jody L. Cisevski

My commission expires 06.11.2026
Or, is permanent.



City of Stevens Point
1515 Strongs Avenue
Stevens Point, WI 54481-3594

FAX 715-346-1498



Kari Yenter
City Clerk
715-346-1569

September 11, 2023

Republican Party of Portage County, WI
Brian Cychosz, Chairperson
1001 Brilowski Road, Suite B
Stevens Point, WI 54482

Dear Mr. Cychosz,

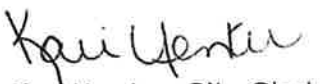
This letter is being sent to you as a courtesy to remind you that your local party's list of recommended individuals for Election Inspectors (poll workers) is due by the statutory deadline of November 30, 2023. Please submit your list to Mayor Wiza and send a copy to the Clerk's Office.

You may be contacted by individuals who have signed up through my office if they wish to be affiliated with your party. It is your decision whether to add them to your list. In producing your updated list, please check with those who have previously served to see if they wish to continue. For new appointees, please make them aware of the position responsibilities and qualifications which are listed on the attached application form. This includes the fact that they are making a commitment to be available during all normal election dates for the next two years. However, this does not mean they will necessarily work every election as we try to rotate workers so everyone gains experience working at the polls. Also, make them aware that all new employees will be required to go through a background check. Please submit their release form with your list. The City currently pays \$17.00 per hour for Chief Election Inspectors and \$14.50 per hour for Election Inspectors.

Please include in your cover letter certification that you have contacted everyone on your list and that they have agreed to serve. You could use language such as "Pursuant to 7.30(4)(b) Wis. Stats., each nominee whose name appears on this list has been contacted and each nominee has agreed to serve as an Election Official."

Thank you for your attention to this matter. Please feel free to contact me at 715-346-1572 if you have any questions or concerns.

Sincerely,


Kari Yenter, City Clerk

City of Stevens Point
1515 Strongs Avenue
Stevens Point, WI 54481-3594
www.stevenspoint.com



**ELECTION OFFICIALS
APPLICATION**

Name: _____

Address: _____ Zip: _____

Telephone: _____ Email: _____

District: _____

Would you like to be compensated? Yes No, I want to be a volunteer.

In the event, you are not assigned to work a specific election, would you be willing to serve as an on-call worker should there be a vacancy? Yes No

Election dates for this cycle:

2024: February 20	April 2	August 13	November 5
2025: February 18	April 1		

Please note that an election workday is 14+ hours; however, the City may split that into two 7 to 8 hour shifts if enough election officials are interested. New workers typically start off working seven to eight hour shifts.

I certify that I am a qualified elector of Portage County in which the polling place is established (i.e., an adult citizen of the United States who has resided in the election district for 28 consecutive days and is not otherwise disqualified to vote). I am able to speak, read and write fluently in the English language. I am capable of learning and understanding election laws and procedures. I have strong clerical skills and able to solve problems. I am an effective communicator. I am not a candidate for any office to be voted for at an election which I may work as a poll worker. I understand that I will serve a term of two years and am willing to work the elections during that time. I agree to attend all required training sessions. I have read the attached form which details responsibilities and qualifications of poll workers and the laws pertaining to the use of poll workers and party affiliations.

Signature Date

Return form to: Kari Yenter, City Clerk
1515 Strongs Avenue Stevens
Point, WI 54481

**City of Stevens Point
1515 Strongs Avenue
Stevens Point, WI 54481**

AUTHORIZATION FOR RELEASE OF INFORMATION
(For official use only, not to be released to unauthorized persons)

I hereby authorize an employee or representative of the **City of Stevens Point** or other authorized representative thereof bearing this release to, within one year of its date, obtain information and records pertaining to me from any or all of the following sources:

1. Municipal, State or Federal law enforcement agencies
2. Selective Service System
3. Any banking institution
4. Any place or business (for purposes of obtaining credit or employment data)
5. Credit rating bureaus or institutions maintaining individual credit rating files
6. Any previous employer
7. Present employer
8. Any school, college, university or other educational institution
9. Any law enforcement certification or licensing board of Wisconsin or any other state
10. Any training or school related records
11. Any military records

I hereby release any individual or institution, including its officers, employees, or related personnel, both individual and collectively, from any or all liability for damages of whatever kind, which may any time result to me, my heirs, family or associates because of compliance with this authorization and request to release information, or any attempt to comply with it.

Exceptions to this blanket authorization

1. Any medical information in the possession of any source named above until subsequent to a conditional offer of employment (per Americans with Disability Act).
2. _____
3. _____

This release is executed to authorize the **City of Stevens Point**, as a prospective employer, to obtain the above information. It is understood that said information shall be used only in consideration of my employment and shall not be further disseminated for any purpose.

Today's Date

Full Name with middle initial (please print)

Date of Birth

Signature (full name)

WI Driver's License #

Address (Street and Number)

Social Security #

City State Zip

Responsibilities of a poll worker (Election Inspector)

Poll workers (Election Inspectors) conduct assigned duties at a polling site on Election Day. Duties can include setting up and taking down of the polling place, issuing ballots to registered voters, registering voters, monitoring the voting equipment, explaining how to use the voting equipment, counting votes or escorting the ballots to City Hall.

Qualifications to be a poll worker (Election Inspector)

To be a poll worker, a person must:

- Be a qualified elector of the county in which the polling place is established (i.e., an adult citizen of the United States who has resided in the election district for 28 consecutive days and is not otherwise disqualified to vote).
- Be able to speak, read, and write fluently in the English language.
- Capable of learning and understanding election laws and procedures.
- Have strong clerical skills.
- Be able to solve problems.
- Be an effective communicator.
- Must be able to attend mandatory training sessions.
- NOT be a candidate for any office to be voted on at the polling place at that election.
- NOT a convicted felon.

Selection of poll workers (Election Inspectors)

According to State Statutes the Mayor, President or Board Chairperson of the municipality is required to nominate poll workers to the governing body no later than their last regular meeting in December of odd-numbered years. The governing body of the municipality appoints the poll workers for a two-year term before December 31.

The nominees are to come first from lists submitted by the two dominant political parties, which are due no later than November 30 of odd numbered years and may be supplemented at any time. Local party chairpersons are responsible for submitting these lists of names to the Mayor, President or Board Chairperson of the municipality, for each polling place.

If a local party does not submit a list, or does not submit enough names, the Mayor, President or Board Chairperson may nominate qualified individuals on a non-partisan basis, without regard to party affiliation.

Due to the nature of this position, it is necessary for the City to conduct a background check on all applicants receiving consideration.

If you have any questions, please contact the City Clerk's Office at 715-346-1569.

FREQUENTLY ASKED QUESTIONS:**What are the specific qualifications to be a poll worker (Election Inspector)?**

You must be a qualified elector of the county in which the polling place is established (i.e., an adult citizen of the United States who has resided in the election district for 28 consecutive days and is not otherwise disqualified to vote); Be able to speak, read, and write fluently in the English language; Have strong clerical skills; Be able to solve problems; Be an effective communicator; NOT a candidate for any office to be voted on at the polling place at that election.

How long is the workday?

The average day starts at 6:30 a.m. with setup (polls open at 7:00 a.m.) and ends sometime after 8:00 p.m. (when the poll close). The closing process usually takes about an hour or two. Those that bring the material back to the Court house usually finish after 10:00 p.m. We are also implementing 8 hour shifts but this is based on poll worker interest. Typically, new workers start off working just a shift.

What training is provided?

The City of Stevens Point provides training for all new poll workers. We also provide training before each election to review the process and to keep poll workers informed of any changes in election law. The Elections Commission also provides training for those who wish to become Chief Inspectors, but the Clerk's office encourages all poll workers to attend these trainings to strengthen their understanding of election law.

Compensation?

Citizens can choose to volunteer their time to work at the polls. However, if you wish to be paid for your time, Election Inspectors receive \$14.50 an hour and Chief Inspectors \$17.00 an hour.

How many polling locations are there in the City?

Currently, there are 11 polling locations in the City of Stevens Point.

Where will I work?

The Clerk's office tries to schedule poll workers to work in the district in which they live; however, sometimes you may have to travel to another location.

How many people work at the polls?

The number of poll workers varies depending on the expected voter turnout of the election. Spring elections usually have five workers and fall elections usually have seven to nine workers.

When will I be notified that I am working?

You will be notified approximately three weeks before the election if you were scheduled to work. This time frame could be less if there are any cancellations.

Subject: Fwd: [External] Election Inspector Packet
Date: Monday, September 25, 2023 at 2:35:25 PM Central Daylight Time
From: RPPC WI
To: Chris Olmstead, Chris Olmstead

Chris - Below is the email exchange with the Stevens Point City Clerk.

Brian Cychosz
Chair, Republican Party of Portage County
----- Forwarded message -----
From: Kari Yenter <KYenter@stevenspoint.com>
Date: Mon, Sep 25, 2023 at 11:10 AM
Subject: RE: [External] Election Inspector Packet
To: RPPC WI <rppcwi@gmail.com>

Yes.

From: RPPC WI <rppcwi@gmail.com>
Sent: Sunday, September 24, 2023 10:01 PM
To: Kari Yenter <KYenter@stevenspoint.com>
Subject: [External] Election Inspector Packet

Kari - Thanks for sending the information. If workers want to volunteer, is the background check necessary?
Thankyou

Brian Cychosz
Chair, Republican Party of Portage County

This email and any files transmitted with it are confidential and intended solely for RPPC use. If you are not the intended recipient you are notified that disclosing, copying, distributing or taking any action in reliance on the contents of this information is strictly prohibited.