

WISCONSIN ELECTIONS COMMISSION

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ERIN WEBSTER,

Complainant,

v.

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

SUZANNE PINNOW

TOWN CLERK, TOWN OF THORNAPPLE,

Respondents.

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**WIS. STAT. § 5.06 COMPLAINT  
EXPEDITED CONSIDERATION REQUESTED**

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Pursuant to Wis. Stat. § 5.06, Erin Webster alleges under oath as follows:

1. Electronic voting equipment,<sup>1</sup> specifically those voting systems in which the elector either records their vote on a paper ballot that is subsequently tabulated, or systems that permit an elector to record their votes onto a paper ballot which the voter may verify, provide an accurate, safe, and effective means of voting in Wisconsin.<sup>2</sup>

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<sup>1</sup> Wisconsin law defines these systems and devices in various ways: “Electronic voting system” is “a system in which votes are recorded on ballots, and the votes are subsequently counted and tabulated by automatic tabulating equipment. The term also includes a voting machine on which votes are recorded and tabulated by electronic means.” Wis. Stat. § 5.01(4m). A “Voting device” is “an apparatus other than a voting machine which the elector uses to record his or her votes on a ballot.” *Id.* (24g). “Voting machine” is “a machine which serves in lieu of a voting booth and which mechanically or electronically records the votes cast by electors, who depress levers or buttons located next to the choices listed on a ballot to cast their votes.” *Id.* (24r). The statutes also include a definition of “voting system.” *Id.* (24w). Since the relevant statute, Wis. Stat. § 5.40, addresses voting machines and electronic voting systems, this Complaint focuses on those.

<sup>2</sup> See Christina A. Cassidy, *EXPLAINER: Voting systems reliable, despite conspiracies*, AP (Oct. 4, 2022), <https://permanent.link/to/webster-thornapple-complaint/apnews-com-article-2022-midterm-elections-technology-voting-donald-trump-campaigns-46c9cf208687636b8eaa1864c35ab300>; Wisconsin Elections Commission, *Has the Wisconsin Elections Commission investigated the allegations of computer hacking and election fraud made in the video titled ‘Absolute Proof’?* (Apr. 26, 2021), <https://permanent.link/to/webster-thornapple-complaint/elections-wi-gov-resources-quick-reference-topics-has-wisconsin-elections-commission-investigated-allegations>.

2. In addition to tabulating votes more quickly and accurately than human tabulators, thereby reducing the amount of money and labor required to count votes on election day, electronic voting systems permit voters with certain disabilities, including but not limited to certain visual or manual disabilities, to vote without requiring assistance, thereby protecting the right to a secret ballot guaranteed by the Wisconsin Constitution. Wis. Const. art. III, § 3.

3. Wisconsin law mandates the use of voting machines or electronic voting systems in every ward of every municipality exceeding a certain population, subject to certain exceptions. Wis. Stat. § 5.40(1). This statute also provides, however, that, once a municipality of any size has begun using voting machines or electronic voting systems, the municipality may not stop using them without permission from the Wisconsin Elections Commission (“WEC”). Wis. Stat. § 5.40(5m).

4. Additionally, under state and federal law, Wisconsin municipalities must provide voting systems that make voting accessible to voters with disabilities. Wis. Stat. § 5.25(4)(a); 52 U.S.C.A. § 21081(a)(3).

5. No device or equipment used in an electronic voting system may be employed in Wisconsin without WEC certifying the device or equipment comports with certain statutory requirements. Wis. Stat. § 5.91; *see also* Wis. Adm. Code ch. EL 7. Electronic voting systems undergo testing before and after elections. *See* Wis. Stat. § 7.08(6); 52 U.S.C. § 21081(a)(5).

6. Despite these requirements and safeguards, Respondent Suzanne Pinnow, Town Clerk of the Town of Thornapple, has stopped using any form of voting

machine or electronic voting system and has made no provision for compliance with her obligations under either state or federal law.

7. The Town of Thornapple did not provide any accessible voting systems for voters during either the April 2 or August 13, 2024 elections.

8. Complainant Erin Webster therefore brings this complaint under Wis. Stat. § 5.06 and requests that WEC issue an appropriate order to Respondent Pinnow requiring her to resume the use of an electronic voting system.

9. **Due to the imminence of the November 2024 General Election, DRW respectfully requests that WEC treat this matter on an expedited basis and issue an order in sufficient time to ensure that all voters in the Town of Thornapple can vote in accordance with law.**

#### PARTIES

10. Complainant Erin Webster is an adult resident whose address is W11403 McLean Road, Bruce, Wisconsin 54819. Webster is a qualified elector in the Town of Thornapple and the State of Wisconsin. Wis. Stat. § 6.02. Webster has voted in the Town of Thornapple for approximately 15 years.

11. Webster is an “elector of a jurisdiction” served by Respondent Pinnow within the meaning of Wis. Stat. § 5.06.

12. Respondent Suzanne Pinnow is the Town Clerk for the Town of Thornapple, Wisconsin or otherwise acting in that capacity.<sup>3</sup> Clerk Pinnow’s mailing

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<sup>3</sup> The Rusk County website currently lists Angela Johnson as the Town Clerk for the Town of Thornapple and indicates that Pinnow is the Treasurer. <https://ruskcounty.org/index.asp?SEC=98F9F8DC-169A-4A83-9DD6-1D6729044A1A&DE=700C788A-6C10-4786-9CA5-11A>

address is P.O. Box 83, Ladysmith, Wisconsin 54848. Respondent Pinnow is an “election official” within the meaning of Wis. Stat. § 5.06(1). Wis. Stat. § 5.02(4e). Under Wis. Stat. § 7.15(1), Respondent Pinnow has “has charge and supervision of elections and registration” within the Town of Thornapple, including the duty to equip polling places. Wis. Stat. § 7.15(1), (1)(a).

### **BACKGROUND**

13. The Town of Thornapple is a town organized under the laws of the State of Wisconsin and located in Rusk County. The Town has a population of approximately 711 residents.

14. Although the Town of Thornapple is divided into wards, it uses only one polling place during elections. *See* Wis. Stat. § 5.15(6)(b).

15. Beginning no later than 2009, when Webster began voting in Thornapple, and continuing through approximately 2022, the Town’s polling place was equipped with an electronic voting system that was available to voters.

16. In 2023, the Town of Thornapple began using a new electronic voting system, which was available to voters.

17. Upon information and belief, the electronic voting system that Respondent Pinnow and the Town of Thornapple used in 2023 is owned by Rusk County.

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[66C06766B](#). Ms. Johnson previously resigned from the position as Town Clerk, as did Rhonda Parker. In the event that Pinnow is not, or ceases to be, the clerk in the Town of Thornapple, her successor would automatically become the proper respondent. Wis. Stat. § 803.10(4)(a). Ms. Pinnow also served as chief inspector.

18. Webster regularly used the available electronic voting system to vote. Webster prefers the option of using an electronic voting system to vote in the Town of Thornapple.

### **STATEMENT OF FACTS**

19. Prior to the April 2, 2024 Spring Election and Presidential Preference Primary, Respondent Pinnow equipped the polling place in the Town of Thornapple with an electronic voting system that complied with Wisconsin law.

20. On April 2, 2024, Webster voted in person on election day in the Town of Thornapple. She observed there was no electronic voting system in use for the Spring Election and Presidential Preference Primary. Instead, election officials directed voters to deposit their ballots into a series of wooden boxes at the polling place.

21. During the same election, election officials gave Webster the incorrect ballot, which Webster noticed because she was a candidate for Rusk County Supervisor and did not initially see herself listed on the ballot.

22. On election day, Webster spoke by phone to Rusk County Chief Deputy Clerk, Jill Buchholz-Jones, who confirmed Respondent Pinnow did not have an electronic voting system in place for the April 2, 2024 Spring Election and Presidential Preference Primary.

23. Town of Thornapple Supervisor Tom Zelm confirmed Thornapple had decided to cease using electronic voting equipment in a May 13, 2024 article published

in the *Milwaukee Journal Sentinel*.<sup>4</sup> The article states: “Zelm said Thornapple carried out the April presidential primary election without electronic voting machines.”

24. According to the May 13, 2024, *Milwaukee Journal Sentinel* article, the United State Department of Justice (“USDOJ”) had previously “sent a letter to Suzanne Pinnow, Thornapple’s chief election official, seeking information about the decision to remove electronic voting machines and information on how the township is accommodating voters with disabilities.” A true and correct copy of the May 7, 2024 letter is attached to this Complaint as Exhibit A.

25. On July 8, 2024, USDOJ sent a letter to Respondent Pinnow and others, stating that after their investigation, “... we have concluded that the State of Wisconsin and the Towns of Thornapple and Lawrence, located in Rusk County, Wisconsin, failed to make at least one direct recording electronic voting system or other voting system equipped for individuals with disabilities available at each polling place, including during the April 2, 2024, federal primary election, in violation of Section 301(a)(3)(A) of HAVA.” A true and correct copy of the July 8, 2024 letter is attached to this Complaint as Exhibit B.

26. In its July 8 letter, USDOJ noted Section 301’s accessibility requirement. The letter also referenced Thornapple’s failure to “make at least one direct recording electronic voting system or other voting system equipped for individuals with disabilities at each polling place.” Exhibit B.

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<sup>4</sup> Molly Beck, *A small Wisconsin town eliminated its electronic voting machines, leading to a federal review*, *Milwaukee Journal Sentinel* (May 13, 2024), <https://www.jsonline.com/story/news/politics/2024/05/13/wisconsin-town-under-federal-review-after-eliminating-voting-machines/73615195007//>

27. According to an August 7, 2024 article in the *Ladysmith News*, Thornapple planned not to use electronic voting equipment for the August 13, 2024 partisan primary election. A copy of this article is attached as Exhibit C.

28. Webster voted again in person, on election day, in the Town of Thornapple for the August 13, 2024 partisan primary.

29. On August 13, Webster again observed there was no electronic voting system at the polling place in the Town of Thornapple.

30. Election officials directed voters to put their completed ballots in a single wooden box.

31. Upon information and belief, over the course of election day, the wooden box containing completed ballots filled up.

32. Respondent Pinnow provided no additional training or documentation to voters—like information on how to avoid ballot errors like undervotes or overvotes—for either the April 2 or August 13, 2024 election.

33. On August 26, 2024, Disability Rights Wisconsin filed a complaint under Wis. Stat. § 5.0161 alleging Respondent Pinnow’s actions, and those of the Town of Thornapple, violate the Help America Vote Act (“HAVA”).

34. There is no indication that Respondent Pinnow intends to equip the polling place in the Town of Thornapple with one or more electronic voting systems or voting machines for the November 2024 general election.

35. Upon information and belief, neither Respondent Pinnow nor anyone else has petitioned for or received WEC's permission to stop using electronic voting systems in the Town of Thornapple.

### COUNT I

#### VIOLATION OF WIS. STAT § 5.40

36. All preceding paragraphs are incorporated by reference.

37. Wisconsin law prescribes whether and how municipalities must adopt electronic voting systems and voting machines. *See generally* Wis. Stat. § 5.40.

38. Specifically, the statute provides "the governing body or board of election commissioners of every municipality with a population of 10,000 or more before July 1, 1995, or of 7,500 or more thereafter shall require the use of voting machines or electronic voting systems in every ward in the municipality at every election." *Id.*, (1). However, "Any other governing body or board of election commissioners may adopt and purchase voting machines or electronic voting systems for use in any ward in the municipality at any election." *Id.*

39. Wis. Stat. § 5.40 includes a number of exceptions, under which a municipality may use paper ballots and voting booths alone without seeking WEC's approval, including in portions of the municipality with populations under 100 which are part of a "congressional district, legislative district, county supervisory district, school district, technical college district, sewerage district or sanitary district," whenever a municipality is precluded from clearing records due to a pending recount, when the municipality is required to use substitute ballots, or when an



elector is reassigned to a different polling place due to age or disability. *Id.*, (3). Municipalities are also prohibited from using voting machines for certain electors requiring assistance, or whose vote is subject to a challenge. *Id.*, (4)–(5).

40. Other than these specific reasons, the statute provides that “Notwithstanding sub. (1), the governing body of a municipality which uses voting machines or an electronic voting system may petition the commission for permission to use paper ballots and voting booths for a specific election, and the commission may grant such a request.” *Id.*, (5m).

41. Notably, Wis. Stat. § 5.40(5m) contains no exception for municipalities with populations below 7,500, and instead provides that *any* municipality which has chosen to start using voting machines or electronic voting systems may not, absent WEC’s permission, revert to hand-counting paper ballots. *Id.*

42. The Attorney General addressed the issue of municipalities retreating from using approved voting equipment in a formal opinion issued over 100 years ago, concluding that, “in a case where a city has adopted voting machines under the above quoted sections which our law authorizes, they have no power thereafter to return to the old system, of voting by ballot.” 1 Op. Atty. Gen. 222 (1912).

43. The opinion of the Attorney General, in turn, relied on the general rule from *Northern Trust Co. v. Snyder* that, when a statute provides that municipalities have the power to adopt a practice, that power is limited and does not necessarily include the power to thereafter revert to their previous practice. 113 Wis. 516, 89 N.W. 460, 465 (“The power to adopt is a special, limited power, which, when once

executed, is exhausted. We venture to say that no authority can be produced to support the contention that power to give effect to an option law carries with it, by implication, power to abolish it.”).

44. Wis. Stat. § 5.40(1) authorized the Town of Thornapple of adopt the use of electronic voting systems, an authority which the Town exercised.

45. Wis. Stat. § 5.40(5m) authorizes the Town to revert to a different system, but *only* with WEC’s permission, which neither Respondent Pinnow nor the Town has either sought or received.

46. By nonetheless ceasing to use electronic voting systems in the Town of Thornapple, Respondent Pinnow is violating Wis. Stat. § 5.40.

## COUNT II

### VIOLATION OF WIS. STAT § 5.25

47. All preceding paragraphs are incorporated by reference.

48. Wisconsin law also requires that “Each polling place shall be accessible to all individuals with disabilities.” Wis. Stat. § 5.25(4)(a). As part of that requirement, WEC “shall ensure that the voting system used at each polling place will permit all individuals with disabilities to vote without the need for assistance and with the same degree of privacy that is accorded to nondisabled electors voting at the same polling place.” *Id.*<sup>5</sup>; *see also* Wis. Const. art. III, § 3.

49. By ceasing to use electronic voting equipment and, instead, exclusively using paper ballots completed and tabulated by hand, Respondent Pinnow is no

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<sup>5</sup> This mandate parallels the federal requirement under HAVA. Respondent Pinnow’s violation of HAVA are the subject of DRW’s complaint under Wis. Stat. § 5.061.

longer using voting systems accessible for individuals with disabilities in a manner that provides the same opportunity for access and participation (including privacy and independence) as for other voters.

50. For example, a voter with a disability that prevented them from seeing the ballot, or from using their hands to complete it, would require some other form of assistance that would not afford them the opportunity to vote privately or independently.

51. By failing to equip the polling place in the Town of Thornapple with an electronic voting system and thereby failing to provide any accessible voting option to voters with disabilities that would afford them the opportunity to vote privately and independently, Respondent Pinnow is violating Wis. Stat. § 5.25.

WHEREFORE, Complainant requests relief pursuant to Wis. Stat. § 5.06 as follows:

- A. Issue an order requiring Respondent Pinnow to resume equipping the polling place in the Town of Thornapple with an electronic voting system as required by Wis. Stat. § 5.40;
- B. Issue an order requiring Respondent Pinnow to equip the polling place in the Town of Thornapple with an electronic voting system to ensure that voters in the Town with disabilities may vote with same degree of privacy and independence as all other voters as required by Wis. Stat. § 5.25(4)(a);

C. Take any other action that the Commission deems appropriate to restrain Respondent Pinnow from acting contrary to law as described in this Complaint.

Dated September 6, 2024 Complaint prepared by:

Jeffrey A. Mandell, SBN 1100406  
Daniel S. Lenz, SBN 1082058  
Scott B. Thompson, SBN 1098161  
Law Forward, Inc.  
222 W. Washington Ave, Suite 250  
Madison, WI 53703  
*Attorneys for Complainant Erin Webster*

VERIFICATION

I, Erin Webster, being first duly sworn, depose and states as follows:

1. I have read the foregoing complaint and verify that the facts alleged herein are true and correct to the best of my knowledge.
2. I believe to those matters alleged upon information and belief to be true.

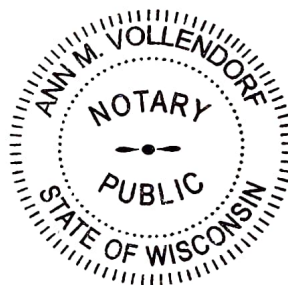
Signed in Rusk Co., Wisconsin this 6 day of September, 2024

Erin M. Webster  
Erin Webster

Subscribed and sworn to before me  
this 6<sup>th</sup> day of September, 2024

Ann M. Vollemdorf  
Notary Public

My commission expires 08/27/2025



# EXHIBIT A



## U.S. Department of Justice

### Civil Rights Division

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*Voting Section  
950 Pennsylvania Ave, NW  
4CON 8<sup>th</sup> Floor  
Washington, DC 20530*

May 7, 2024

Suzanne Pinnow  
Chief Election Officer  
Town of Thornapple  
W10101 Thornapple Road  
Ladysmith, WI 54848  
[Suzannep\\_townoft@yahoo.com](mailto:Suzannep_townoft@yahoo.com)

Dear Ms. Pinnow:

The United States Department of Justice has received reports that the Thornapple Town Board may have voted to remove all electronic voting machines in all elections, including the presidential preferential primary on April 2, 2024. We have also received reports that some voters with disabilities in the Town of Thornapple requested to use an accessible voting machine but were not provided with that opportunity during the April 2, 2024 election for federal office. We write to obtain the Town of Thornapple's response to these reports and to remind the Town of federal law governing voting systems used in federal elections and protecting voters with disabilities in all elections.

The Help America Vote Act of 2002 (HAVA), 52 U.S.C. §§ 20901-21145, establishes minimum standards for states to follow in several key aspects of election administration in Federal elections, including voting systems, voter registration databases, and provisional ballots. Section 301 of HAVA requires that each voting system used in an election for Federal office meet specified requirements. 52 U.S.C. § 21081(a). Particularly relevant here, each voting system must "be accessible for individuals with disabilities, including nonvisual accessibility for the blind and visually impaired, in a manner that provides the same opportunity for access and participation (including privacy and independence) as for other voters." *Id.* § 20181(a)(3)(A). To satisfy this requirement, voting systems must use "at least one direct recording electronic voting system or other voting system equipped for individuals with disabilities at each polling place." *Id.* § 20181(a)(3)(B).

Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12131-12134, as amended (ADA), and its implementing regulation, 28 C.F.R. Part 35, require public entities to make their services, programs, and activities accessible to qualified individuals with disabilities. *See* 42 U.S.C. § 12132; 28 C.F.R. §§ 35.130, 35.160. This includes the Town's voting programs for federal, state, and local elections. Under Title II and its implementing regulation, a public entity must furnish appropriate auxiliary aids and services where necessary to afford qualified individuals with disabilities an equal opportunity to participate in, and enjoy the benefits of, a service, program, or activity of a public entity, including voting programs,

unless the public entity can demonstrate that doing so would result in a fundamental alteration or in undue financial and administrative burdens. To be effective, auxiliary aids and services must be provided in accessible formats, in a timely manner, and in such a way as to protect the privacy and independence of the individual with a disability. 28 C.F.R. § 35.160. For voting programs, an auxiliary aid, such as an accessible voting system, is necessary to provide effective communication to voters who are blind or have print disabilities.

We would appreciate a prompt and thorough response to the reports described above and the following information:

1. If the Town is represented by an attorney, the name and contact information of the attorney;
2. A copy of any Town resolution related to electronic voting equipment and any related Town documents, such as Town Board meeting minutes or recordings;
3. Any documents related to requests for an accessible voting machine during the April 2, 2024 election;
4. Any documents related to accommodating voters with disabilities in 2024.

We respectfully request your response within 14 days from the date of this letter, addressed to Barbara Oswald ([barbara.oswald@usdoj.gov](mailto:barbara.oswald@usdoj.gov)) and Jennifer Yun ([jennifer.yun@usdoj.gov](mailto:jennifer.yun@usdoj.gov)). If you would like to discuss this matter, we would be happy to arrange a meeting with appropriate Town officials and counsel.

Thank you for your attention to this important matter.

Sincerely,

R. Tamar Hagler  
Acting Chief

By:

/s/ Jennifer J. Yun  
Richard A. Dellheim  
Jennifer J. Yun  
Margaret M. Turner  
Attorneys  
Voting Section  
Civil Rights Division

/s/ Barbara L. Oswald  
Leslie Herje  
Barbara L. Oswald  
Assistant U.S. Attorneys  
United States Attorney's Office  
Western District of Wisconsin

cc: Chairman Ralph C. Kenyon, Town of Thornapple  
Supervisor Tom Zelm, Town of Thornapple  
Supervisor Jack Zupan, Town of Thornapple  
Ronda Parker, Thornapple Municipal Clerk  
Administrator, Wisconsin Elections Commission



# EXHIBIT B



**U.S. Department of Justice**

Civil Rights Division

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July 8, 2024

Attorney General Josh Kaul  
Wisconsin Department of Justice  
P.O. Box 7857  
Madison, WI 53707  
kauljl@doj.state.wi.us

Administrator Meagan Wolfe  
Wisconsin Elections Commission  
201 W. Washington Ave.  
Madison, WI 53703  
elections@wi.gov

Angela Johnson  
Town Clerk  
Town of Thornapple  
P.O. Box 83  
Ladysmith, WI 54848  
thornappleclerk@mail.com

Charidy Ludescher  
Town Clerk  
Town of Lawrence  
W3570 Walrath Rd.  
Glen Flora, WI 54526  
cludeschertownclerk@gmail.com

Dear Attorney General Kaul, Administrator Wolfe, Ms. Johnson, and Ms. Ludescher:

This is to notify you that I have authorized the filing of a lawsuit on behalf of the United States against the State of Wisconsin, the Wisconsin Elections Commission, the Commission Administrator, the Town of Thornapple, the Town of Lawrence, and the Town Clerks and Town Board Supervisors of Thornapple and Lawrence, pursuant to Section 301 of the Help America Vote Act of 2002 (“HAVA”), 52 U.S.C. § 21081. HAVA authorizes the Attorney General to bring an action in federal district court for such declaratory and injunctive relief as is necessary to carry out the requirements of Title III of HAVA. 52 U.S.C. § 21111.

Section 301 of HAVA sets forth standards for all states for each voting system used in an election for federal office. Among other things, Section 301 requires that each voting system “be accessible for individuals with disabilities, including nonvisual accessibility for the blind and visually impaired, in a manner that provides the same opportunity for access and participation

(including privacy and independence) as for other voters.” 52 U.S.C. § 21081(a)(3)(A). To satisfy this requirement, any voting system currently in use for federal elections must include “at least one direct recording electronic voting system or other voting system equipped for individuals with disabilities at each polling place.” *Id.* § 21081(a)(3)(B). States and their jurisdictions are required to comply with Section 301 of HAVA. *Id.* § 21081(d).

Based on our investigation, we have concluded that the State of Wisconsin and the Towns of Thornapple and Lawrence, located in Rusk County, Wisconsin, failed to make at least one direct recording electronic voting system or other voting system equipped for individuals with disabilities available at each polling place, including during the April 2, 2024, federal primary election, in violation of Section 301(a)(3)(A) of HAVA.

We hope to resolve this matter amicably and to avoid protracted litigation. Accordingly, we are prepared to delay filing the complaint briefly to permit us time to negotiate a consent decree to be filed with the complaint. Margaret Turner, an attorney with the Civil Rights Division’s Voting Section, will call your offices to discuss your interest in settlement. Ms. Turner may be reached at (771) 217-6882 or by email at [margaret.m.turner@usdoj.gov](mailto:margaret.m.turner@usdoj.gov).

We look forward to working with you to resolve this matter promptly.

Sincerely,



Kristen Clarke  
Assistant Attorney General  
Civil Rights Division

cc: Chairman Ralph C. Kenyon, Town of Thornapple, WI  
Supervisor Tom Zelm, Town of Thornapple, WI  
Supervisor Jack Zupan, Town of Thornapple, WI  
Chairman Bob Nawrocki, Town of Lawrence, WI  
Supervisor Stacy Zimmer, Town of Lawrence, WI  
Supervisor Duane Biller, Town of Lawrence, WI

# EXHIBIT C

TOP STORY

## Thornapple town board sticks with paper ballots

Laura Jennerman

Aug 7, 2024



When it comes to the 2020 elections, there are two worlds of belief about what really happened. Did President Biden win the election fair and square? Or, was Donald Trump really the winner and the Democrats organized the theft of an election? The issue has become contentious right here in Rusk County. On the day of the spring election this year, April 2, the Township of Thornapple did not use electronic voting machines to record votes at its town hall. Instead, they had their constituents vote using paper ballots. And according to a board spokesperson, voting will again be by paper ballot in The Tuesday, Aug. 13, primary election.

Erin Webster, the Chair of the Rusk County Democrats, lives in the Thornapple Township. She is known in local government circles for her efforts to make the County government more transparent, and has been video recording most Rusk County Board meetings since late 2022. On April 2, after she saw that the Thornapple polling place did not have voting machines available, Webster called Jack Zupan, a supervisor on the Thornapple Township Board, who agreed with the board's decision against the use of voting machines, and instead opted to count the votes by hand—due in part to the board's belief the 2020 election was stolen. According to Zupan, the voting machines are “full of error.”

In the ten-minute audio recording of the conversation between Webster and Zupan, which may be viewed on YouTube, Webster expressed frustration about the lack of voting machines in her polling place and accused Zupan of being a conspiracy theorist. She claimed her right to vote using a machine—which she trusts more than a paper ballot—was denied and that her paper ballot somehow would not get counted. Webster stated dropping a paper ballot in a box was “1980.”

When Webster accused the board of breaking Federal election laws, Zupan denied it and defended the board's decision. “There are court cases right now that show that anybody can hack and manipulate that machine within a couple minutes.” Zupan assured her that they do want her vote to count. The Ladysmith News contacted several officials from the Town of Thornapple, who did not respond.

On May 13, 2024, the Milwaukee Journal-Sentinel ran an article titled “A small Wisconsin town eliminated its electronic voting machines, leading to a federal review” about the Town of Thornapple election issue. The article describes the situation as potentially violating federal election law, and says that federal officials are looking into the matter. The Towns of Thornapple and Lawrence have both reportedly received the same letter from the U.S. Department of Justice about the matter, asking for information about how the April 2 election was conducted.

Jefferson Davis is the Spokesperson for the Statewide Election Integrity for Wisconsin Ad Hoc committee formed three years ago to investigate alleged election fraud that may have affected the outcome of the 2020 election. Davis pointed to a number of different legal documents that spell out voting law in regards to voting machines, including Wisconsin State Statutes 5.40 and 7.15., the U.S. Constitution, and the Help America Vote Act (HAVA).

Wisconsin State Statute 5.40 states that only municipalities with populations over 7,500 are required to use an electronic voting system. In Wisconsin there are a total of 1,852 municipalities. Of that number, only 126 communities have populations larger than 7,500. That means that 1728 Wisconsin municipalities (93%) are not required to use voting machines. Under this law, even the City of Ladysmith is not required to use electronic voting equipment.

It also states in sub (4) of statute 5.40 that “Notwithstanding sub. (1), a municipality which utilizes voting machines. . . shall not utilize a voting machine to receive the ballot of an elector who receives assistance under WI Statute 6.82”, which addresses voting by disabled persons. And in sub. (5), it states; “A municipality which utilizes voting machines at a polling place shall not utilize the machines to receive the vote of an elector who declares to the chief inspector that, due to physical disability, the elector is unable to depress a button or lever on a machine”.

In Wisconsin State Statute 7.15, subheading (14) is about voting accommodations for individuals with disabilities. It states that “Each municipal clerk shall make reasonable efforts to comply with requests for voting accommodations made by individuals with disabilities whenever feasible”.

Article 1, Section 4, Clause 1 of the United States Constitution is called the “States and Elections Clause”. It lays out that state legislatures establish the times, places and manner of holding elections for the U.S. House of Representatives, subject to Congress making changes to those state regulations. Supreme Court interpretations of the Elections Clause have given the authority to the states to “provide a complete code for congressional elections, not only as to times and places, but in relation to notices, registration, supervision of voting, protection of voters, prevention of fraud and corrupt practices, counting of votes, duties of inspectors and canvassers, and making and publication of election returns”, according to the Constitution Annotated website.

The Help America Vote Act (HAVA) was passed in 2002 in response to the problems that were identified in the 2000 national elections. HAVA states: “The voting system shall be accessible for individuals with disabilities, including nonvisual accessibility for the blind and visually impaired, in a manner that provides the same opportunity for access and participation (including privacy and independence) as for other voters.” And in order to satisfy that, HAVA requires “the use of at least one direct recording electronic voting system or other voting system equipped for individuals with disabilities at each polling place”.

It is clear that municipalities with populations under 7,500 are not required to use electronic voting systems; they are allowed to count paper ballots by hand. What is unclear is whether every municipality is required to have at least one voting machine set up for disabled voters. The sentence about the voting machine requirement for disabled persons in HAVA seems to allow for non-electronic systems when it says “or other voting system equipped for individuals with disabilities.”

Because of this evidence, it doesn't appear that the use of voting machines is required in townships with fewer than 7,500 people. The laws surrounding the need for having machines available for the disabled are complicated, and without a fair judgement on the matter from the court, it is hard to know what the requirement is. With the next Presidential Election coming up in just a few short months, the public is bracing itself for the results. Will all of our votes be counted accurately?

On July 26, there was a presentation on voting security at the Worden Avenue Exchange in Ladysmith. Mark Cook of Hand Count Road Show ([handcountroadshow.org](http://handcountroadshow.org)) is a subject matter expert on election vulnerabilities who has traveled the country in his camper trailer, educating folks about elections systems and how they can go wrong. A number of local governmental officials were in the audience and saw how Cook showed exactly how voting machines can be easily manipulated. Cook addressed the entire ecosystem of voting, which includes the voter rolls, verification of absentee ballots, tabulation and recording of votes. His conclusion is that there is too much room for fraud when using machines.

The mission of Hand Count Road Show is to ensure that our elections accurately and verifiably represent the will of the people. Cook has been making personal visits to counties all over the U.S. to educate and offer advice on how to fortify the security, accuracy, and verifiability of each county's upcoming elections. In addition to the Friday night presentation, on Saturday Cook met with representatives from both sides of the local political aisle, and showed them the data that he says proves the machines can be hacked. Cook also discussed additional forms of election fraud. The main goal is to get local municipalities to discontinue the use of the electronic voting machines, and count all ballots by hand. Hand Count Road Show's work is non-partisan, because they say fair, accurate, and transparent elections will benefit all Americans.