

To whom this may concern,

I am a registered voter in the Village of Kronenwetter and this is a complaint against the Kronenwetter Village Clerk Bobbi Jo Birk-LaBarge for violations of statute

**5.84 Testing of equipment; requirements for programs and ballots.**

- (1) Where any municipality employs an electronic voting system which utilizes automatic tabulating equipment, either at the polling place or at a central counting location, the municipal clerk shall, on any day not more than 10 days prior to the election day on which the equipment is to be utilized, have the equipment tested to ascertain that it will correctly count the votes cast for all offices and on all measures. Public notice of the time and place of the test shall be given by the clerk at least 48 hours prior to the test by publication of a class 1 notice under ch. [985](#) in one or more newspapers published within the municipality if a newspaper is published therein, otherwise in a newspaper of general circulation therein. The test shall be open to the public. The test shall be conducted by processing a preaudited group of ballots so marked as to record a predetermined number of valid votes for each candidate and on each referendum. The test shall include for each office one or more ballots which have votes in excess of the number allowed by law and, for a partisan primary election, one or more ballots which have votes cast for candidates of more than one recognized political party, in order to test the ability of the automatic tabulating equipment to reject such votes. If any error is detected, the municipal clerk shall ascertain the cause and correct the error. The clerk shall make an errorless count before the automatic tabulating equipment is approved by the clerk for use in the election.
- (2) Before beginning the ballot count at each polling place or at the central counting location, the election officials shall witness a test of the automatic tabulating equipment by engaging the printing mechanism and securing a printed result showing a zero count for every candidate and referendum. After the completion of the count, the ballots and programs used shall be sealed and retained under the custody of the municipal clerk in a secure location.

I have obtained and attached a copy of an email that Clerk Birk-LaBarge had sent, that I believe to be true and accurate. As the email indicates, on October 28, 2024, a fellow resident Dan Joling was present at the public testing of the vote tabulation machine to witness the test as a public meeting. In the clerk's own words, she admitted to obstructing and preventing Dan Joling from video recording the public inspection. Her email states that she stopped Mr. Joling from recording in accordance with statute 7.41(1). This statute clearly references a polling place where votes are cast not a public inspection of the tabulation machine. It doesn't make sense that she thinks she can block a resident from recording a public meeting. That was not the "Election day" nor was it at a "polling place", so the reference to statute 7.41(1) does not apply. The reason I say this is Clerk Birk-LaBarge's email refers to "Election Day Manual for Wisconsin Election Officials." That is irrelevant to this particular situation because it did not take place on "Election Day" or at a "Polling place." Clerk Birk-LaBarge emails directed Mr. Joling to pages 81 and 83, both make clear statements to a "polling place."

Page 83 states-

"Voter cell phones and photography in polling area-

Voters may silently use cell phones in the polling area and voters may take photos or videos of themselves if it is not disruptive. Voters may not take photos or videos of other voters or other voter's ballots without their consent. The chief inspector may prohibit an observer from using a cell phone if it is deemed disruptive. Inspectors may wish to caution voters that sharing an image of

their voted ballot in exchange for compensation may violate the election bribery or election fraud statutes.”

Clerk Birk-LaBarge referred to the booklet on pages 174 and 175 of the manual, which also is clearly identified as rules for election day/polling place observers. Clerk Birk-LaBarge doesn't seem to comprehend what she is referencing. As a Clerk that has worked for the Village of Kronenwetter for over two years, and has overseen at least six previous elections and primary events, shouldn't they be well versed in elections and the statutes at hand? She is denying citizens their rights on a basis that she does not fully understand and should be held accountable for her actions.

The manual that Clerk Birk-LaBarge should have presented to Dan Joling is “The Election Administration Manual for Wisconsin Municipal Clerks” that states on page 140:

“The proper use and security of voting equipment is integral to ensuring accuracy and maintaining voter confidence in the electoral process. Voting equipment accuracy and security has long been an issue of extreme importance for both election officials and voters. Elector confidence in the equipment used to count votes is an aspect of elections administration which continues to grow in significance. Careful execution and documentation of the procedures detailed in this section will alleviate many concerns, ensuring that the voting equipment used in your municipality is reliable and accurate.”

I would also like to point out that the only notice that was given for the public tabulation test was posted on the village Facebook page and on the village bulletin board. It was not posted in the newspaper as required, making it in violation of statute 5.84(1)

“Public notice of the time and place of the test shall be given by the clerk at least 48 hours prior to the test by publication of a class 1 notice under ch. 985 in one or more newspapers published within the municipality if a newspaper is published therein, otherwise in a newspaper of general circulation therein. The test shall be open to the public.”

The October 25, 2024 WEC press release states “This event is considered a public meeting and must give a notice at least 48 hours in advance.” Since WEC does not specify otherwise, it is reasonable to attribute the rights defined in other public meetings to also apply at this public meeting involving the testing of the vote tabulation machine. This was taken from statute 19.90

**“19.90 Use of equipment in open session.** Whenever a governmental body holds a meeting in open session, the body shall make a reasonable effort to accommodate any person desiring to record, film or photograph the meeting. This section does not permit recording, filming or photographing such a meeting in a manner that interferes with the conduct of the meeting or the rights of the participants.”

This would be compatible with the concept of reinforcing citizens confidence in the security of elections.

Clerk Birk-LaBarge's arbitrary, unjustified and uneducated decision to prevent video recording of an equipment test at a public meeting is unacceptable and inexcusable. In flagrant opposition to the intent stated above, of supporting voter confidence in election equipment and the election process in general.

Clerk Birk-LaBarge has already lost the trust of the community with three other WEC complaints that have been filed and quite frankly make me nervous to even vote in our village.

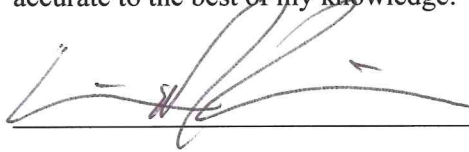
According to a previous complaint EL 24-26 against Clerk Birk-LaBarge she admitted to removing Dan Joling (former Kronenwetter police chief) without reason or authority from the list of election inspectors approved by the village board.

It is very apparent that this negative attitude or grudge Clerk LaBarge has against Dan Joling, has carried over to this situation as well. Complete with her attempt to disparage and shame Dan Joling in front of the Village Board, the current Police Chief and Lieutenant. To add insult to injury, after inappropriately denying Mr. Joling's right to peacefully record the test, Bobbi Jo Birk-LaBarge had photos of the event taken and posted on the Village of Kronenwetter Facebook page. How is it ok for Clerk Birk-LaBarge to take pictures and post them on social media but for a private citizen voter could not record the same event?

It appears that Clerk Birk-LaBarge committed this violation arbitrarily and knowingly just because she wanted to.

I for one would have liked to have seen Mr. Joiling's video along with any questions that he had. The village clerk's refusal to allow him to record the public test was an infringement on my right as a voter, along with the increasing suspicion that Kronenwetter elections are not being conducted honestly.

I Daniel M. Kindelberger affirm that the statements and facts presented in this complaint are true and accurate to the best of my knowledge.



11/7/2024

Daniel M. Kindelberger

1905 Deerwood Trl.

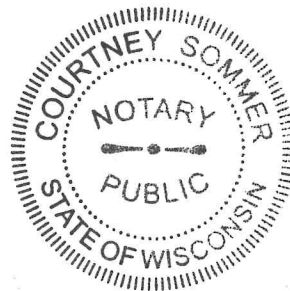
Kronenwetter, WI 54455

Dancindan1985@yahoo.com

Notary: Courtney Sommer

Expiration: 08/31/2026

Marathon Co, WI



---

**RE: [External] NHPR Windham Ballot Article**

---

**From** Bobbi Birk-LaBarge <bbirklabarge@kronenwetter.org>

**Date** Mon 10/28/2024 11:35 AM

**To** Dan Joling <djoling2900@gmail.com>

**Cc** Chris VOLL <chrisvoll54455@gmail.com>; Kelly Coyle <kellycoyle@kronenwetter.org>; Christopher Eiden <ceiden@kronenwetter.org>; Alex Vedvik <avedvik@kronenwetter.org>; Ken Charneski <kcharneski@kronenwetter.org>; Aaron Myszka <amyszka@kronenwetter.org>; Jennifer Poyer <jpoyer@kronenwetter.org>; Kimberly Coyle <kcoyle@kronenwetter.org>; Sarah Fisher <sfisher@kronenwetter.org>; Terry P. McHugh <tmchugh@kronenwetter.org>; Chris Smart <OfficerChris@kronenwetter.org>; Terry P. McHugh <tmchugh@kronenwetter.org>

Mr. Joling,

During Public Machine Testing today you requested to video the Chief Election Inspectors feeding the test ballots into the tabulator machines. I explained you could not because it was a state statute that prohibited that action. You demanded to know what statute I was referring to and you questioned where in Wisconsin State Statute it explains you cannot videotape or film. I did call Kelley Blume from the Marathon County Clerk's office as I was unsure of the exact statute.

After testing was concluded you asked where I had gotten the statute from. Information pertaining to your questions was found in 7.41(1), in the pamphlet (Pages 174 & 175 – see link below) you were given to read composed by the Wisconsin Elections Commission, and in the Wisconsin Election Day Manual on page 81, 83, etc., and can be found here: <https://elections.wi.gov/sites/default/files/documents/ED%20Manual-February%202024.pdf>

While you were observing, your consistent challenge of direction and questioning of the Chief Election Inspectors' direction became a distraction and interfered with our orderly process of public testing of our voting equipment therefore, you did receive a warning from me as the Village Clerk having authorization to do such. I want to thank you for not continuing on with those distractions and challenges to our Chief Election Inspector. Your willingness to tone things down made a significant difference and allowed us to work smoothly to test and finalize our election equipment.

I hope this helps answer your question.

**Bobbi J. Birk-LaBarge**

Village Clerk/Payroll/HR/Open Records Request  
Contact

**Village of Kronenwetter**

(715) 692-1728

(715) 301-8326 work cell

[bbirklabarge@kronenwetter.org](mailto:bbirklabarge@kronenwetter.org)

Village Municipal Center

1582 Kronenwetter Drive Kronenwetter, WI 54455

Population: 8,551

<https://cms6.revize.com/revize/kronenwettervillage>



**Elected Officials and Members of Village Committees:** In order to comply with the Open Meetings Act requirements, please limit any reply to only the sender of this electronic communication.

**Confidentiality Notice:** This electronic mail transmission and any accompanying documents contain information belonging to the sender which may be confidential and legally privileged. This information is only for the use of the individual or entity to whom this electronic mail transmission was intended. If you are not the intended recipient, any disclosure, copying, distribution, or action taken in reliance on the contents of the information contained in this transmission is strictly prohibited. If you have received this transmission in error, please immediately contact the sender and delete this message. Thank you.

---

**From:** Dan Joling <djoling2900@gmail.com>

**Sent:** Sunday, October 27, 2024 6:24 PM

**To:** Bobbi Birk-LaBarge <bbirklabarge@kronenwetter.org>

**Cc:** Chris VOLL <chrisvoll54455@gmail.com>; Kelly Coyle <kellycoyle@kronenwetter.org>; Christopher Eiden <ceiden@kronenwetter.org>; Alex Vedvik <avedvik@kronenwetter.org>; Ken Charneski <kcharneski@kronenwetter.org>; Aaron Myszka <amyszka@kronenwetter.org>; Jennifer Poyer <jpoyer@kronenwetter.org>; Kimberly Coyle <kcoyle@kronenwetter.org>; Sarah Fisher <sfisher@kronenwetter.org>; Terry P. McHugh <tmchugh@kronenwetter.org>; Chris Smart <OfficerChris@kronenwetter.org>

**Subject:** Re: [External] NHPR Windham Ballot Article

Thank you for the information.

Sent from my iPhone

On Oct 27, 2024, at 10:23 AM, Bobbi Birk-LaBarge <[bbirklabarge@kronenwetter.org](mailto:bbirklabarge@kronenwetter.org)> wrote:

Mr. Joling,

I understand your concern reading that article. However, voting specialists say that a crease through a candidate's name would not invalidate a cast ballot. It is almost impossible to design a ballot where folds would not go through any name areas. The DS200 machines we use are not affected by folds. Modern scanners like the ones the Village uses, count ballots accurately no matter how they're folded. Good ballot design provides an extra measure of protection and the county makes sure that is done prior to delivery of the ballots to municipalities. If a mail ballot or an early vote absentee ballot can't be scanned for any reason, including problems related to a crease, election officials will either manually tally the ballot for inclusion in the totals, or create and scan a "remake" of the ballot which then is kept with the original. They do this rather than asking the voter to fix their ballot because at this point in the process, the ballot would be separated from any information about who cast it. If for some odd reason, a crease over the spot where the voter marks their choice would fool the machine into thinking the voter selected two choices, our election day manual says, two election inspectors must work with the voter to replace the ballot with one that meets the requirements and reflects the voter's intent.

Most absentee ballots are counted on local voting machines that have been certified and tested in public before every election, ensuring the equipment is accurate and in good working order. Since I have been a clerk, the ballots have been folded in various ways and placed into the

tabulator to ensure votes are counted correctly by the machine before election day. We use DS200 machines as our tabulators. You can learn more about those machines here:

<https://verifiedvoting.org/election-system/ess-ds200/>

Monday's public testing of our voting machines is open to the public. From voting machine testing to the counting of absentee ballots, members of the public are welcome to observe the election process alongside trained local election officials. For anyone with skepticism, I encourage them to come and observe the Chief Election Inspector while she tests the machines. Every vote has a paper trail. Wisconsin requires a paper record of every vote that's cast in our state, no matter what kind of ballot or voting equipment is used.

Election results are always triple-checked. An election's vote total isn't official until it has been checked at the municipal level, double-checked by the county, and certified by the state. And, local election officials conduct two separate audits after the Wisconsin elections to look for count inaccuracies and identify cases of vote ineligibility or fraud.

At this point, I am assuming you wish to leave your vote as is. If that changes, please notify me and we can spoil your first ballot and you can vote on election day.

I hope this helps with the skepticism you are questioning. Thanks for reaching out.

**Bobbi J. Birk-LaBarge**

Village Clerk/Payroll/HR/Open Records Request  
Contact

**Village of Kronenwetter**

(715) 692-1728

(715) 301-8326 work cell

[bbirklabarge@kronenwetter.org](mailto:bbirklabarge@kronenwetter.org)

Village Municipal Center

1582 Kronenwetter Drive Kronenwetter, WI 54455

Population: 8,551

<https://cms6.revize.com/revize/kronenwettervillage>

[<image001.png>](#)

[<image002.png>](#)

***Elected Officials and Members of Village Committees:** In order to comply with the Open Meetings Act requirements, please limit any reply to only the sender of this electronic communication.*

***Confidentiality Notice:** This electronic mail transmission and any accompanying documents contain information belonging to the sender which may be confidential and legally privileged. This information is only for the use of the individual or entity to whom this electronic mail transmission was intended. If you are not the intended recipient, any disclosure, copying, distribution, or action taken in reliance on the contents of the information contained in this transmission is strictly prohibited. If you have received this transmission in error, please immediately contact the sender and delete this message. Thank you.*

---

**From:** Dan Joling <[djoling2900@gmail.com](mailto:djoling2900@gmail.com)>

**Sent:** Sunday, October 27, 2024 8:36 AM

**To:** Bobbi Birk-LaBarge <[bbirklabarge@kronenwetter.org](mailto:bbirklabarge@kronenwetter.org)>

**Cc:** Chris VOLL <[chrsvoll54455@gmail.com](mailto:chrsvoll54455@gmail.com)>; Kelly Coyle <[kellycoyle@kronenwetter.org](mailto:kellycoyle@kronenwetter.org)>; Christopher

Eiden <[ceiden@kronenwetter.org](mailto:ceiden@kronenwetter.org)>; Alex Vedvik <[avedvik@kronenwetter.org](mailto:avedvik@kronenwetter.org)>; Ken Charneski <[kcharneski@kronenwetter.org](mailto:kcharneski@kronenwetter.org)>; Aaron Myszka <[amyszka@kronenwetter.org](mailto:amyszka@kronenwetter.org)>

**Subject:** Fwd: [External] NHPR Windham Ballot Article

Ms. Birk-LaBarge,

Attached you will find a follow-up contact I had with Ms. Furukawa of NHPR who co-authored the Article on the folds in the ballots being the cause of the discrepancy in the 2020 election. She also attached a copy of the auditor's report. In addition I called and spoke to the Town Clerk in Windham, NH and although she was not the clerk in 2020 she confirmed the folds being noted as an issue.

Now while I appreciate your offer of voting in the General Election I guess my concerns go a bit beyond that. Not only am I concerned about my wife and my vote being properly counted but those of all the citizens that have already cast their votes to date.

I see that on Monday there is a tabulator certification and was wondering if this matter could also be checked to insure the folding of the ballots are not affecting the results. Or at least fold a ballot as we were instructed to see if there is any compromise of the bubbles?

Appreciate your time and effort in this matter.

Sincerely,

Dan Joling  
Kronenwetter, WI

Sent from my iPhone

Begin forwarded message:

**From:** Julia Furukawa <[jfurukawa@nhpr.org](mailto:jfurukawa@nhpr.org)>  
**Date:** October 25, 2024 at 1:26:56 PM CDT  
**To:** Dan Joling <[djoling2900@gmail.com](mailto:djoling2900@gmail.com)>  
**Subject:** RE: NHPR Windham Ballot Article

Dan,

I stand by my reporting and can substantiate it. I've attached a PDF of the forensic report requested by the state of New Hampshire regarding Windham's 2021 election. It concludes that the folding machine was largely to blame for the discrepancies in vote counts. Here is a link to it as well: <https://www.doj.nh.gov/sb-43-forensic-audit>

I hope this helps your municipal clerk. Thanks for reaching out and have a good weekend!

Best,  
Julia Furukawa

---

**From:** Dan Joling <[djoling2900@gmail.com](mailto:djoling2900@gmail.com)>

**Sent:** Thursday, October 24, 2024 9:05 PM

**To:** Julia Furukawa <[jfurukawa@nhpr.org](mailto:jfurukawa@nhpr.org)>

**Subject:** Re: NHPR Windham Ballot Article

Ms. Furukawa,

Thank you for getting back so quickly on the matter. I am here in Wisconsin so we are an hour behind and I just got home so I don't expect an immediate response.

My issue is that our current absentee/early voting ballot was brought into question and in particular that of folds. Found your article and shared it with our municipal clerk and her reply was that your article was "unsubstantiated". I don't know that she even read it but, is there some means that you could substantiate the article or share some documentation in support as I intend to share such to further weigh my concerns.

I again thank you and away your reply.

Dan Joling  
Kronenwetter, Wisconsin

Sent from my iPhone

On Oct 24, 2024, at 3:24 PM, Julia Furukawa <[jfurukawa@nhpr.org](mailto:jfurukawa@nhpr.org)> wrote:

Dan,

I hope you're well. Julia Furukawa, host of All Things Considered, here.

I understand you have a question about a piece I worked on in 2021 regarding ballots in Windham. How may I help?

Best,  
Julia

**Julia Furukawa**  
Host – All Things Considered  
Pronouns: she/her

**NEW HAMPSHIRE PUBLIC RADIO**  
2 Pillsbury Street, 6th Floor, Concord NH 03301

T: 206-334-8658  
E: [jfurukawa@nhpr.org](mailto:jfurukawa@nhpr.org)