

# Official Election Complaint Form



**STEP 1**

## Complaint Type

Please select the statutory process that governs your complaint:

**Note:** you should choose only one statutory process per complaint; if you feel that your allegations fall under more than one statutory process, you should submit separate complaints under each process.

- 5.05 (Election Law Violation)
- 5.06 (Violations by Election Officials or Appeals of Decisions of Election Officials)
- 5.061 (Help America Vote Act Violation)

**STEP 2**

## Complainant Contact Information

Please provide the following information about yourself.

**Note:** Anyone filing this complaint with you can add their information on a separate page (see page 4).

<b>First Name</b> Peter	<b>Last Name</b> Bernegger
<b>Residential Address</b> 1806 Brynnwood Trace	
<b>Mailing Address (if different)</b> 625 52nd St Rm 105	
<b>Telephone (optional)</b> 920-551-0510	<b>Email</b> pmbmap123@gmail.com

**STEP 3**

## Respondent

Please provide the following information about the individual or individuals whom you allege violated or improperly administered election laws:

**Note:** For 5.06 complaints, each respondent must be an election official. If there are multiple respondents, you can add their information on a separate page (see page 5).

<b>Respondent Name</b> Michelle Nelson	<b>Respondent Title (5.06 complaints)</b> City Clerk of Kenosha
<b>Mailing Address</b> 625 52nd St Rm 105	
<b>Telephone (if available)</b> 262-653-4020	<b>Email (if available)</b> cityclerk@kenosha.org

STEP 4

**Applicable Statutes**

Please cite each statute within Chapters 5 to 10 and 12 of the Wisconsin Statutes, as well as any other laws relating to elections, other than laws relating to campaign financing, that you allege were violated or improperly administered.

**Note:** The Commission cannot accept a complaint that does not cite specific provisions, including the correct subsections, of election law.

5.84(1), (2); 7.15(1)(d).

STEP 5

**Allegations**

Set forth in detail the facts that establish probable cause to believe that a violation occurred. Be as specific as possible as it relates to dates, times, individuals, and actions involved. Use as many separate pages as needed and attach copies of any supporting documentation, evidence, or affidavits.

See 2 PDFs attached & 2 WORD documents attached.

**STEP 6**

**Sign**

Each complainant must complete **either** step 6a, "Unsworn Statement," or Step 6b "Sworn Statement." For either option, you may enter your digital signature by clicking the box and following the instructions, or you may print the form and sign it.

**STEP 6a**

**Unsworn Statement**

I declare under penalty of false swearing under the law of Wisconsin that

the foregoing is true and correct. Signed on the  day of ,

at

(city or other location and state or country).

Printed Name

Signature

**STEP 6b**

**Sworn Statement (to be completed in the presence of a notary)**

I, , being first duly sworn, on oath, state that I personally read the above complaint, 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.

Complainant's Signature

**Note:** Each complainant listed above in section 6b must have this form sworn before a notary or other official able to swear oaths.

**STATE OF WISCONSIN**

County of,  (county of notarization)

Sworn to before me this day of,

(Signature of person authorized to administer oaths)

**T DOEDE**  
Notary Public  
State of Wisconsin  
Here

My commission expires on , or is permanent.

Notary Public or  (official title if not notary)



.....  
**Filing the Complaint**

Please send this completed form to the Wisconsin Elections Commission

**Email:**

[elections@wi.gov](mailto:elections@wi.gov)

Please put your name and  
"Complaint" in the email  
subject field

**Mail:**

Wisconsin Elections  
Commission  
P.O. Box 7984  
Madison, WI 53707-7984

**Fax:**

608-267-0500

# Additional Respondents

<b>Respondent Name</b>	<b>Respondent Title (5.06 complaints)</b>
Christina Oppeneer	deputy city clerk
<b>Mailing Address</b>	
625 52nd St Rm 105	
<b>Telephone (if available)</b>	<b>Email (if available)</b>
262-653-4020	

<b>Respondent Name</b>	<b>Respondent Title (5.06 complaints)</b>
<b>Mailing Address</b>	
<b>Telephone (if available)</b>	<b>Email (if available)</b>

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<b>Telephone (if available)</b>	<b>Email (if available)</b>

The City Clerk of Kenosha admitted she did not test all the voting machines on the pre-election day machine testing. She also failed to notice she was going to be testing most of the voting machines the day before, in secret.

According to her, she said she tested all, except one, the day before the public was there to observe the required pre-election day testing of said machines. Those other voting machines were even tested over days. None of these tests were noticed as mandated. She admitted no notice was given that she was going to test most of the voting machines over days, include the day before the public showed up to observer.

There were three firsthand eyewitnesses: Leonid Kudryavtsev, Moria Menninga and Julie Seegers. Two PDFs and one WORD document from them are attached to this emailed complaint.

All the other machines, except the one properly tested, cannot be used in the Nov.5th election. They were not tested as mandated by 5.84(1),(2). And, the Clerk failed to give notice to the public she was testing most of the machines in effect in secret. 7.15(1)(d), and 5.84(1),(2). The public had no chance to observe. Id et al. If those machines are used, then it will also lead to false swearing on the certification certificate ~10 days after Nov.5<sup>th</sup>.

Approved to file this Complaint by a licensed Wisconsin Attorney.

/s/Peter Bernegger  
233 words



First eye-witness:

To whom it may be relevant, My name is Leonid Kudryavtsev and I am resident of Pleasant Prairie, WI.

As concerned citizen I took part in voting machine testing today and I am bringing to your attention important fact that only one machine has been presented for testing and that was the only machine tested with observer's presence. Location of the test: Kenosha City Hall, 625 52nd street, Kenosha, WI. This was on the morning of October 28, 2024.

I asked the clerk where are other machines and when we will test them, and she replied that the rest of the machines have been already tested by the clerk. The serial number of the one tested machine is XXX347. I have not seen any other machines and their location or condition is unknown to me.

To my knowledge Wisconsin law requires to "have the equipment tested to ascertain that it will correctly count the votes cast for all offices and on all measures", Chapter 5 Elections - General Provisions; Ballots and voting systems, Subchapter III Electronic Voting Systems, 5.84(1). All machines, except the one mentioned, were not tested on official test day. Lack of equipment testing allows usage of machines not fit for use in the elections; the results produced by untested machines may be questioned for correctness.

Best regards,

Leonid Kudryavtsev

9474 Ashbury Ln

Pleasant Prairie, WI 53158



## Kenosha City Machine Testing Observation Notes

October 29, 2024

9:00 a.m.

Observer: Julie Seegers  
7729 334<sup>th</sup> Ave  
Burlington, WI (Kenosha County)  
608-212-6037

Notes: Christina Coppeneer is the Deputy Clerk/Treasurer for the City of Kenosha. I arrived after the testing started. Moira Menninga was there before myself already asking questions when I arrived in the test room.

Christina performed the machine testing which seemed to take a total of maybe 15 minutes at most. Concerning was only one machine was in the room to test and she only tested Ward 29. It was an ES&S machine, Serial #0320381347. A preprogrammed USB stick was used and a modem, we were told, is hooked up to the machine. Christina said machines are plugged in, but have a battery backup too.

I asked Christina why weren't we able to see all the machines tested. She replied that the testing was done yesterday and it took 4 people about 2 hours to test all the machines. This was not noticed to the public that this was being done. As a matter of fact, when I didn't see the public notice on Monday, Oct 28<sup>th</sup> on their website, I called the clerk's office. The person that answered the phone said that they are switching websites and not everything switched over. I had her walk me thru finding the notice. When both of us clicked on the page, the notice wasn't there. The page was blank. She said she was going to talk to the tech people. She gave me the testing information.

At today's testing, there were only 12 ballots in the test deck. Christina said the write in feature, and over votes were tested. I did take pictures of the tape, but in retrospect, I honestly don't know if it was when she zeroed the machine out or if it was the actual test results.

When I asked Christina if she assigned a unique number to each candidate so she could verify votes were not switched between any two candidates, she said “no”.

Mail in Ballots: Another concern is, if I understood this correctly, Christina said USPS was asked to bring mailed in absentee ballots straight to Central Count in the Kenosha city Hall and skip Milwaukee USPS. I believe this is illegal because it is a first-class piece of mail and needs to go thru the proper chain of events. A first-class piece of mail needs to have a digital picture taken of it at the USPS. This is a serious question to ask if this is occurring all over the state.

## Observations from Machine Testing

Where: Kenosha City Hall

When: October 29, 2024, starting at 9:00

Who: Deput City Clerk & Treasurer - Christina O. (email: [coppenneer@kenosha.org](mailto:coppenneer@kenosha.org))

### Observations:

- Only 1 machine was in the room to be tested. This machine was going to AB#12 Sr. Center & reserve.
- It was an ES& S Machine with a 4G modem.
- Clerk stated that all other 35 machines were tested previously with 4 other poll workers on a different day or days.
- Of the 36 machines for Kenosha, 21 were for absentee ballots, 12 for polling stations and 3 extra to be used as backups. However, clerk did mention they may use the 3 extra at the Kenosha City Hall due to volume, no final decision had been made on that.
- The other 35 machines were in a locked garage in the City Hall. Keys controlled by Clerk & Deputy Clerk.
- When test began, one test per candidate was tested. There was not a unique number of ballots per candidate to ensure that no votes were being flipped.
- 12 ballots in total were tested including 11 with dots and one with bar codes. One over vote was tested and one no vote was tested. Machine did catch these as issues.
- Time was accurate on the machine.
- The count was 0 at the beginning and 0 at the end (once the test was cleared). Previous vote count (after test) was at 46.
- A security sticker was placed over the compartment that had the stick in it and was recorded by the clerk. This security sticker # will be checked by ward clerk to confirm it is the same and has not been tampered with.

### Other notes that were not directly related to the test:

- Machine is delivered to the polling station on 11/04.
- Machine is picked up and returned to city hall on 11/06.
- In past 2 polling stations had issues with modem connectivity, Museum & Kemper Hall and sticks had to be delivered to City Clerk to get a count. They feel these have been rectified for this election.
- Modems are used to communicate the final vote tallies at end of the day. Apparently the modem uses the same broadband as police and fire department.

- Stick, machine printout and ballots are returned to the City Clerk the evening of November 5<sup>th</sup> by the Election Clerk for that ward.
- **No cross check is done between what counts were sent via modem vs what the stick says.**
- The tapes, ballots and a summary of the modem communication is returned to the wards the following Monday after the election, this is where a potential difference could be found as the ward clerk is supposed to match the counts when they get these materials back. **Why can they not do this the night of????**
- When discussing the mail in ballots there was a comment from the clerk that on Election Day the USPS is requested to bring ballots directly to Kenosha City Hall and not go to Milwaukee first so they can get them faster. Normal protocol is for all Kenosha mail to go through Milwaukee first. When Julie commented on this that the ballots would then not be scanned through Milwaukee USPS the clerk commented that she didn't know if that was happening this election.