

(VACANT)
Administrator
@kronenwetter.org

Peter Wegner
Community Development Director
pwegner@kronenwetter.org



Bobbi Birk-LaBarge
Village Clerk
bbirklabarge@kronenwetter.org

(VACANT)
Finance Director
@kronenwetter.org

Greg Ulman
Public Works Director
gulman@kronenwetter.org

VILLAGE OF KRONENWETTER

November 20, 2024

Via email

James Witecha, Chief Legal Counsel
Wisconsin Elections Commission (“WEC”)
201 West Washington Avenue
Second Floor
P.O. Box 7984
Madison, WI 53707-7984
James.witecha@wisconsin.gov
elections@wi.gov

Re: Complaint: (EL 24–126) Daniel Kindelberger v. Bobbi Jo Birk-LaBarge et al.

Dear Mr. Witecha:

Please accept this document on behalf of myself to Complaint EL 24-126 made by Daniel M. Kindelberger. Please let me know if I can provide anything more. Thank you.

On Wednesday, October 23, 2024, Dan Joling, named in Daniel Kindelberger’s complaint, came to the municipal center to place his early vote for the 2024 General election during our early absentee voting hours. I received an e-mail from him that same day at 7:42 PM asking me if there was a problem or a potential problem with ballots that had already been completed (See email). He indicated that he was instructed to make 2 folds in his ballot during early voting (to fit into the EL-122 envelope) before he placed his ballot in the envelope. He was requesting to come down and inspect the ballots that he cast. His email included information that explained ballots should not have fold lines or creases in the candidate’s names or they would not count in the machines.

On October 24th at 8:15 AM I emailed Mr. Joling back (see attached email) and explained to him that folding in no way invalidates a ballot. I then offered him a second choice of being able to spoil the ballot that he cast on October 23rd and to come in on Election Day, re-vote, and place his unfolded ballot into the tabulator. Mr. Joling emailed me later that day and asked if he could look at a blank ballot and told me that he found an article and attached that article for my viewing. I again emailed Mr. Joling back and I explained to him that that article was unsubstantiated and only speculation without facts and I urged him to reach out to the Wisconsin Elections Commission with his concerns or his questions. I also informed him sample ballots were displayed in the front entrance of the municipal center, and he could look at them anytime (see email).

On Sunday, October 27th at 8:36 AM Mr. Dan Joling emailed me and attached information and explained that he had follow-up contact with Ms. Furukawa of the NHPR who co-authored the article on folds and ballots (see email). I replied to Mr. Joling at 10:23 AM (see email) to acknowledge his concerns and explained that it is almost impossible to design a ballot where folds would not go through any names. I offered to come for the public testing on Monday, October 28th to observe the ballot testing process. I also explained to him that

election results are always triple-checked and asked him if he wished to leave his vote as it was or if he wished to spoil his first ballot and come back and vote on Election Day.

On October 28th at 7:20 AM I did e-mail the county clerk's office, so they were aware of Mr. Joling's concerns in case anything happened during public testing of our machines. County Clerk Kim Trueblood acknowledged my e-mail.

On October 28th at 9:00 AM we began testing our machines at 9:00 AM. Dan Joling did show up for public testing and he was recorded as an observer (see email). Chief Election Inspector Mary Ventzke introduced herself and went on with the observer information process. She had to tell Mr. Joling several times that he needed to sign the observer log. He just kept handing it back to her unsigned and repeatedly questioning her as to "why". He continued to hand her the observer log back unsigned. Ventzke handed him an observer name tag and instructed him to wear it and he set it down. He looked at the observer pamphlet and began to question the information written on it. He started asking about state statutes. I think it is fair to note, Mr. Joling is the retired Police Chief of Kronenwetter. He looked up Wisconsin State Statutes daily for a living. He is very familiar with statutes, how to understand them, and where to find them. Mr. Joling's refusal to abide by the simple instructions of the Chief Election Inspector was very challenging to the Chief Election inspectors and myself, trying to conduct the public testing and his challenging behavior also interfered with our testing process. Deputy Clerk Kim Coyle came into the room to see how the testing of the equipment was going, and I asked her to get our Chief of Police Terry McHugh. I met Chief Terry as he was walking towards the judge's chamber, and I requested he stand outside the door in case the situation with Mr. Joling escalated. I informed Joling that if his challenging behavior continued, he would be removed. Joling observed Chief McHugh outside the room and complied. He then stood by the wall in the judge's chambers that led into the boardroom.

During public testing, Joling asked if he could video record the test ballots being fed into the tabulator machines. Being a newer clerk, and never have been asked that question, I informed Joling I would contact the county clerk and get clarification. I immediately called the county clerk's office in front of Mr. Joling, so he was able to hear my question. I was told he could not record and that recording public testing could only be done by the media. I was instructed to inform Mr. Joling he could reference Wisconsin Statute 7.41, the elections manual and the observation brochure with information about observers. I informed Mr. Joling of the information the county provided. During public testing Mr. Joling appeared to be screenshotting and sending information from his phone. He appeared to be in a texting conversation with someone. Mr. Joling stayed the entire time of the test. After the test was concluded he asked me who supplied the statute number 7.41, and I again informed him Kelly Blume at the County Clerk's office.

I returned to my office and wrote a small report on what had transpired with Mr. Joling (attached) and sent it to Police Chief Terry McHugh, Village President Chris Voll and the County Clerk's office in case something transpired afterwards.

I received a phone call from the council of the Wisconsin Elections Commission informing me that I may have been given misinformation from the county. It was also noted that videotaping public testing by observers was not covered in any particular statute nor was there any current directive addressing such. I was then informed in the future to treat public testing like a public meeting of the board and allow the videotaping from the public until further clarification is adopted. I said I would follow that direction for the future, and I would inform the county clerks of the same. I called the county clerk's office, spoke with County Clerk Kim Trueblood and informed her of the same.

The complainant in EL 24-126, **Daniel Kindelberger** v. Bobbi Jo Birk-LaBarge, was not even present in the building when any of his written complaint took place with Dan Joling. He wrote a complaint on second and third hand conversations with others. Therefore, Dan Kindelberger is not the aggrieved party to this complaint. Ken Charneski, who has filed an election complaint EL 24-26: Charneski v. Birk-LaBarge, was seeking open records requests for information pertaining to our public testing and information that was used to compile this complaint filed by **Daniel Kindelberger**, came directly from Ken Charneski. Emails reveal he was working with Dan Joling and Dan Kindelberger but did not file the complaint himself, most likely because he was served a cease-and-desist order in August by my attorney. I have included emails in this response. I also included an

email dated November 11, 2024, from Daniel (Dan) Joling which was sent to Police Chief Terry McHugh by email. This can be found starting on page 43 of the packet attachment. There are untruths in that email as I will explain.

Joling states in his typed paragraph #1, I denied his request to look at "their" ballots. In his email to me on October 24, 2024, at 3:31:22 PM. Jolene asks if he can look at a **blank ballot**. I informed him his sample ballots are displayed in the front entrance of our building, and he could definitely look at them.

Under Section #3, Joling states he did not find anything resembling machine testing taking place, just early voting. That is untruthful. I personally had a sign displayed stating public testing of our election equipment was taking place at 9 AM and an arrow pointing to the room we perform the testing in which indeed is also utilized as the Municipal Judge's chambers.

Under section #3, paragraph #4, Joling stated I and started to become confrontational and raise my voice and I told him if he kept it up, I was going to be asked to leave or escorted out of the area. I did not raise my voice. However, I did speak to him in an authoritative manner to establish grounding.

Under section #4, paragraph 1, Joling states I informed him the statute that applied to his concern was that of statute 7.41. I did refer to that statute as I believed, that is what he was questioning.

Under section #4, paragraph #2, Joling states I demanded he wear a sticker saying, "election observer" and Joling placed it on his coat. He had already put the sticker on his jacket prior to standing by the "east wall" after the Chief Election Inspector requested, he wear it several times.

Under section #4, paragraph #3, Joling states he was not able to look at or see any test ballots that were being used. This is untruthful. The judge's chamber is a small room. The test ballots were in the open and he had observed me hand the test ballots to the Chief Elections inspectors, and he observed the ballots being fed into the tabulators. Mr. Joling states there did not "appear" to be any correlation or matching of results gained from the tabulator printouts and that of the test ballots submitted. Joling has no knowledge and no training of how our machines are tested, what the results should be and what we look for once the test ballots are fed into the machine. He has no educational knowledge in testing election equipment to make such a statement.

Under paragraph #5, paragraph #1, Joling mentions someone took pictures of the certification and has since posted them on the village's Facebook account. After the test, I took pictures of the seals that are placed across the opening of the tabulators. I then compare those pictures to what the seals look like on election day to make sure no tampering has taken place to our machines. In reference to Mr. Joling's statement that we posted pictures on the village's Facebook page of the public testing, our village's communication specialist posted two photos on our social media of the chief election inspectors and me getting the machines ready. This is a normal practice for the village of public testing day.

Daniel Kindelberger appears to be a concerned citizen in his written complaint. Attached you will find one of several recent Facebook comments that **Daniel Kindelberger** has made on social media sites about the election's complaints filed against me by himself, Ken Charneski and Ken Charneski's friends. **Daniel Kindelberger** accuses me of making "mistake after mistake" in local elections. **Daniel Kindelberger** falsely accuses me of being "rude to village residents during election day." I have no idea what he is referring to as I did not have one complaint of anyone being rude to residents during the General election. **Kindelberger** directs me to fuck off in his social media message. He then goes on to type this is a blessing for the village (my recent resignation). **Kindelberger** then accuses me of taking advantage of the village people. The tone, profanity language, and dialogue **Kindelberger** uses in his social media post does not orchestrate someone who is truly concerned about an election complaint. **Kindelberger** has made a formal complaint against me during the election process, resorting to offensive language and profanity in an attempt to tarnish my reputation. Rather than addressing concerns through constructive dialogue, emails, or legitimate claims, his approach has been to manipulate public sentiment with derogatory language, seeking to rally others against me with inflammatory tactics.

I have included relative supporting documents, and I followed the law to the best of my ability. It should also be noted that the Village Municipal Center was an active polling place for absentee voting at the same time as the equipment test. The equipment test is a public event. It was understood by me and County Clerk Kelley Blume, that public testing is not a meeting of a governmental body. The equipment test is defined in Wis. Stat. s. 5.84. Governing bodies and meetings of governing bodies are defined in Wis. Stat. ss. 5.02(6) & 19.82. Wis. Stat. s. 19.90 is a part of Wisconsin Open Meetings Law and applies "whenever a governmental body holds a meeting in open session." The equipment test did not involve that so the application of Wis. Stat. s. 19.90 is doubtful. Notices for the public testing were placed on several social media sites, posted in the paper by the county clerk, and hung on the village's notification board weeks before the testing, and social media reminders were made on the village's website weeks before testing day. Notices under Wis. Stat. Ch. 985, which is cited by Wis. Stat. s. 5.84, are not necessarily required to be in a newspaper. There is no newspaper published within the Village; in any case, notices were run in newspapers of general circulation as coordinated by the County Clerk. Finally, nowhere does it say that equipment test observers should not be documented.

Sincerely,
VILLAGE OF KRONENWETTER



Bobbi J. Birk-LaBarge, Clerk

Subscribed and sworn to before me
this 20th day of November 2024.

Dianne E. Drew

Dianne E. Drew

Notary Public for State of Wisconsin

My commission expires: 12/4/2027

Bobbi Birk-LaBarge

From: Dan Joling <djoling2900@gmail.com>
Sent: Wednesday, October 23, 2024 7:42 PM
To: Bobbi Birk-LaBarge
Subject: [External] BALLOT FOLDING

Ms. Birk-LaBarge,

Is this a problem or potential problem with the ballots already completed. We were instructed to make two folds today before placing them in the envelope.

If unsure I am requesting to come down and inspect the ballots we casted today. See below and I await your reply.

Dan Joling

Wisconsin people check your ballots.

Ballots are not supposed to have fold lines or creases in the candidates name area. My clerk also told me that even in person paper ballots are susceptible to this rule where the fold lines would appear. My absentee came with fold lines in three candidates names my clerk is driving to my house to hand deliver a new ballot. If you have an absentee check it! If you vote in person on paper ensure there are no candidates where the ballot would be folded in thirds or half. The machines cannot count it and this has been verified to me by the county clerk. Call your county municipality clerk and make sure they are not doing this also.

Sent from my iPhone

Bobbi Birk-LaBarge

From: Bobbi Birk-LaBarge
Sent: Thursday, October 24, 2024 2:37 PM
To: Dan Joling; Chris Voll
Subject: Re: [External] BALLOT FOLDING

Mr. Joling,

Those are unsubstantiated articles. Only speculation without facts.

Please reach out to the Wisconsin Elections Commission with your concerns or questions.

Sample ballots are displayed in the front entrance of our building. You can definitely look at them anytime.

Thank you,

Bobbi Birk-LaBarge
Village Clerk

Get [Outlook for iOS](#)

From: Dan Joling <djoling2900@gmail.com>
Sent: Thursday, October 24, 2024 3:31:22 PM
To: Bobbi Birk-LaBarge <bbirklabarge@kronenwetter.org>
Subject: Re: [External] BALLOT FOLDING

Ms. Birk-LaBarge,

Found this article...

Ballot Folds, Not Fraud, Likely Culprit At Center of Windham Election Audit. Now What?

Can I look at a blank ballot?

Dan Joling

Sent from my iPhone

On Oct 24, 2024, at 8:15 AM, Bobbi Birk-LaBarge <bbirklabarge@kronenwetter.org> wrote:

Mr. Joling,

Folding in no way invalidates a ballot. I'm not sure how this theory got started. There is nothing in state statute that addresses how ballots are folded.

We fold them so they do not get stuck in our tabulation machines on Election Day.

If you are that worried about your ballot being folded, we will spoil your ballot from yesterday and you can come in on Election Day and vote and place your unfolded ballot into the tabulator. Let me know what you choose.

Bobbi Birk-LaBarge
Village Clerk

Get [Outlook for iOS](#)

From: Dan Joling <djoling2900@gmail.com>
Sent: Wednesday, October 23, 2024 8:41 PM
To: Bobbi Birk-LaBarge <bbirklabarge@kronenwetter.org>
Subject: [External] BALLOT FOLDING

Ms. Birk-LaBarge,

Is this a problem or potential problem with the ballots already completed. We were instructed to make two folds today before placing them in the envelope.

If unsure I am requesting to come down and inspect the ballots we casted today. See below and I await your reply.

Dan Joling

Wisconsin people check your ballots.

Ballots are not supposed to have fold lines or creases in the candidates name area. My clerk also told me that even in person paper ballots are susceptible to this rule where the fold lines would appear. My absentee came with fold lines in three candidates names my clerk is driving to my house to hand deliver a new ballot. If you have an absentee check it! If you vote in person on paper ensure there are no candidates where the ballot would be folded in thirds or half. The machines cannot count it and this has been verified to me by the county clerk. Call your county municipality clerk and make sure they are not doing this also.

Sent from my iPhone

Bobbi Birk-LaBarge

From: Dan Joling <djoling2900@gmail.com>
Sent: Thursday, October 24, 2024 2:31 PM
To: Bobbi Birk-LaBarge
Subject: Re: [External] BALLOT FOLDING

Ms. Birk-LaBarge,

Found this article...

Ballot Folds, Not Fraud, Likely Culprit At Center of Windham Election Audit. Now What?

Can I look at a blank ballot?

Dan Joling

Sent from my iPhone

On Oct 24, 2024, at 8:15 AM, Bobbi Birk-LaBarge <bbirklabarge@kronenwetter.org> wrote:

Mr. Joling,

Folding in no way invalidates a ballot. I'm not sure how this theory got started. There is nothing in state statute that addresses how ballots are folded.

We fold them so they do not get stuck in our tabulation machines on Election Day.

If you are that worried about your ballot being folded, we will spoil your ballot from yesterday and you can come in on Election Day and vote and place your unfolded ballot into the tabulator. Let me know what you choose.

Bobbi Birk-LaBarge
Village Clerk

Get [Outlook for iOS](#)

From: Dan Joling <djoling2900@gmail.com>
Sent: Wednesday, October 23, 2024 8:41 PM
To: Bobbi Birk-LaBarge <bbirklabarge@kronenwetter.org>
Subject: [External] BALLOT FOLDING

Ms. Birk-LaBarge,

Is this a problem or potential problem with the ballots already completed. We were instructed to make two folds today before placing them in the envelope.

If unsure I am requesting to come down and inspect the ballots we casted today. See below and I await your reply.

Dan Joling

Wisconsin people check your ballots.

Ballots are not supposed to have fold lines or creases in the candidates name area. My clerk also told me that even in person paper ballots are susceptible to this rule where the fold lines would appear. My absentee came with fold lines in three candidates names my clerk is driving to my house to hand deliver a new ballot. If you have an absentee check it! If you vote in person on paper ensure there are no candidates where the ballot would be folded in thirds or half. The machines cannot count it and this has been verified to me by the county clerk. Call your county municipality clerk and make sure they are not doing this also.

Sent from my iPhone

Bobbi Birk-LaBarge

From: Dan Joling <djoling2900@gmail.com>
Sent: Sunday, October 27, 2024 8:36 AM
To: Bobbi Birk-LaBarge
Cc: Chris VOLL; Kelly Coyle; Christopher Eiden; Alex Vedvik; Ken Charneski; Aaron Myszka
Subject: Fwd: [External] NHPR Windham Ballot Article
Attachments: 20210713-sb43-forensic-audit-report Windham Election.pdf

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>
Date: October 25, 2024 at 1:26:56 PM CDT
To: Dan Joling <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

Bobbi Birk-LaBarge

From: djoling2900@gmail.com@intradynarchiver.com on behalf of Dan Joling <djoling2900@gmail.com>
Sent: Sunday, October 27, 2024 6:24 PM
To: Bobbi Birk-LaBarge
Cc: Chris VOLL; Kelly Coyle; Christopher Eiden; Alex Vedvik; Ken Charneski; Aaron Myszka; Jennifer Poyer; Kimberly Coyle; Sarah Fisher; Terry P. McHugh; Chris Smart
Subject: [External] [Forwarded from Intradyn] [Sat Nov 2 02:30:15 2024] 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> 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

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 8:36 AM

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>

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>
Date: October 25, 2024 at 1:26:56 PM CDT
To: Dan Joling <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>
Sent: Thursday, October 24, 2024 9:05 PM
To: Julia Furukawa <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> 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 8th Floor Concord NH 03301

T: 206-334-8658

E: jfurukawa@nhpr.org

Bobbi Birk-LaBarge

From: Bobbi Birk-LaBarge
Sent: Monday, October 28, 2024 7:20 AM
To: Kim Trueblood; kelley.blume@co.marathon.wi.us
Subject: FW: [External] NHPR Windham Ballot Article

Kim and Kelley,

I thought I would keep you both in the loop of this conversation in case anything of this conversation floats your way.

Bobbi

From: Dan Joling <djoling2900@gmail.com>
Sent: Sunday, October 27, 2024 6:24 PM
To: Bobbi Birk-LaBarge <bbirklabarge@kronenwetter.org>
Cc: Chris VOLL <chrsvoll54455@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> 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

Village Municipal Center

1582 Kronenwetter Drive Kronenwetter, WI 54455

Population: 8,551

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

powered by

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 8:36 AM

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>
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>
Date: October 25, 2024 at 1:26:56 PM CDT
To: Dan Joling <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.doi.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>
Sent: Thursday, October 24, 2024 9:05 PM
To: Julia Furukawa <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> 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: 206-334-6858
E: jfurukawa@nhpr.org

Bobbi Birk-LaBarge

From: Bobbi Birk-LaBarge
Sent: Monday, October 28, 2024 11:35 AM
To: Dan Joling
Cc: Chris VOLL; Kelly Coyle; Christopher Eiden; Alex Vedvik; Ken Charneski; Aaron Myszka; Jennifer Poyer; Kimberly Coyle; Sarah Fisher; Terry P. McHugh; Chris Smart; Terry P. McHugh
Subject: RE: [External] NHPR Windham Ballot Article

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

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: Ken Charneski <kcharneski@kronenwetter.org>
To: "dancindan1985@yahoo.com" <dancindan1985@yahoo.com>
Date: 2024-11-01 08:59
Subject: election issues
Attachments: 📎 Clerk problem.pdf; 📎 20241030 my reply elections.pdf

Dan,

As per your request, here are the emails you asked for.

Thanks,

Ken Charneski

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

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> 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

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 8:36 AM

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>

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>
Date: October 25, 2024 at 1:26:56 PM CDT
To: Dan Joling <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>
Sent: Thursday, October 24, 2024 9:05 PM
To: Julia Furukawa <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 await your reply.

Dan Joling
Kronenwetter, Wisconsin

Sent from my iPhone

On Oct 24, 2024, at 3:24 PM, Julia Furukawa <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

Re: [External] Re: Concerns

From Ken Charneski <kcharneski@kronenwetter.org>

Date Wed 10/30/2024 2:51 PM

To Chris Voll <cvoll@kronenwetter.org>

Cc Christopher Eiden <ceiden@kronenwetter.org>; Kelly Coyle <kellycoyle@kronenwetter.org>; Alex Vedvik <avedvik@kronenwetter.org>; Aaron Myszka <amyszka@kronenwetter.org>; KEVIN HERMENING <khermening@mosineeschools.org>

I guess that kind of leaves it to the Board to address this issue. I would be up for a special meeting to discuss the options. ASAP

If that referendum turns out to be close, this ongoing wrong ballot issue could cause all kinds of problems and maybe a liability to the Village.

I think that a termination or suspension by the Board would create the vacancy that is required to get some competent supervision for this election.

Thanks,

Ken Charneski

From: Kim Trueblood <Kim.Trueblood@marathoncounty.gov>

Sent: Wednesday, October 30, 2024 2:33 PM

To: KEVIN HERMENING <khermening@mosineeschools.org>; GDoverspike <gdoverspike@mosineeschools.org>

Cc: Chris Voll <cvoll@kronenwetter.org>; Christopher Eiden <ceiden@kronenwetter.org>; Ken Charneski <kcharneski@kronenwetter.org>; Kelly Coyle <kellycoyle@kronenwetter.org>; Alex Vedvik <avedvik@kronenwetter.org>; Aaron Myszka <amyszka@kronenwetter.org>; Hermening, Kevin <kevin.hermenings@ampf.com>

Subject: RE: [External] Re: Concerns

Hi Kevin,

Thanks for the email. I spoke with Jim Witecha, the chief legal counsel at the Wisconsin Election Commission. He confirmed what I had believed to be the case - barring a vacancy in the clerk's office, there is nothing in statute that would allow the county to step in and administer an election for a municipality.

Please let me know if I can be of any additional assistance.

Kim Trueblood

Marathon County Clerk

kim.trueblood@marathoncounty.gov

715-261-1501



PLEASE NOTE that as of September 11, 2024, my email has transitioned from kim.trueblood@co.marathon.wi.us to kim.trueblood@marathoncounty.gov.

From: KEVIN HERMENING <khermening@mosineeschools.org>

Sent: Wednesday, October 30, 2024 12:53 PM

To: GREGORY DOVERSPIKE <gdoverspike@mosineeschools.org>; Kim Trueblood <Kim.Trueblood@marathoncounty.gov>

Cc: cvoll@kronenwetter.org; ceiden@kronenwetter.org; kcharneski@kronenwetter.org; kellycoyle@kronenwetter.org; avedvik@kronenwetter.org; amyszka@kronenwetter.org; Hermening, Kevin <kevin.hermening@ampf.com>

Subject: [EXTERNAL] Re: Concerns

You don't often get email from khermening@mosineeschools.org. [Learn why this is important](#)

This email is intended particularly to the county clerk.

Mrs. Trueblood, I don't know if you have overriding jurisdiction within our county and can remove the responsibility from the village officials to run their elections for the next several days and on election day, but if you do, I I'm asking you respectfully to consider doing that.

Despite the commitment of the village clerk's assistant, it is evident that they are absolutely incompetent and incapable of doing their singular job this time of year. It is a shame that in this era of election integrity, the bureaucrats tasked with this duty are incapable of doing their jobs.

Failing your ability under state statute to do this, a second formal election complaint will be filed with the Wisconsin elections commission.

Sincerely,

Kevin Hermening, President
Mosinee Board of Education

On Wed, Oct 30, 2024 at 7:29 PM GREGORY DOVERSPIKE <gdoverspike@mosineeschools.org> wrote:

Village of Kronenwetter Board,

I am writing to express my concerns with the election process of your Village Clerk. I am sure all of you know about the recent issue the Mosinee School District has had with our referendum voting. I was hoping that the situation was resolved. I was wrong.

I was notified today by one of our staff members that she voted early yesterday, lives in the Village of Kronenwetter in Ward 11, but does not live in the Mosinee School District. She was provided a ballot for our referendum. This is a mistake again. My concern is this is something the village should be used to since they would encounter this every spring election as both DC Everest and the Mosinee School Districts have elections going on at the same time.

This is concerning related to the validity of our referendum results and results of elections in the past. This needs to be addressed. Please let me know how this situation will be resolved now and in the future to ensure the people that live in our district be given the opportunity to vote in our referendum and future elections.

Thanks,

Greg Doverspike
Mosinee School District
District Administrator

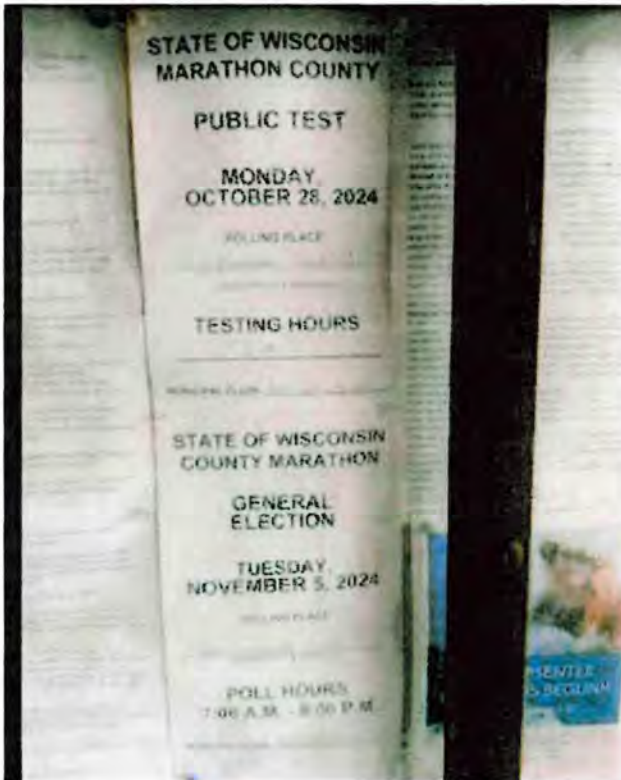
Bobbi Birk-LaBarge

From: Jennifer Poyer
Sent: Monday, November 4, 2024 10:34 AM
To: Ken Charneski
Cc: Bobbi Birk-LaBarge
Subject: RE: vote counting test

Hi Ken,
The notice is currently in the glass case in front of the Municipal Center. (see photo)

The test info is posted on the website here: https://www.kronenwetter.org/government/general_election.php

The county also publishes the notice in a newspaper.



From: Ken Charneski <kcharneski@kronenwetter.org>
Sent: Monday, November 4, 2024 8:54 AM
To: Jennifer Poyer <jpoyer@kronenwetter.org>
Cc: Bobbi Birk-LaBarge <bbirklabarge@kronenwetter.org>
Subject: vote counting test

Jennifer,

I see that an October 25 notice was posted on Facebook for the test of the vote counting machines. Can you tell me where else you posted notifications for that test? I can't find it on the website anywhere.

Thanks,
Ken Charneski

Bobbi Birk-LaBarge

From: Ken Charneski
Sent: Monday, November 4, 2024 8:54 AM
To: Jennifer Poyer
Cc: Bobbi Birk-LaBarge
Subject: vote counting test

Jennifer,

I see that an October 25 notice was posted on Facebook for the test of the vote counting machines. Can you tell me where else you posted notifications for that test? I can't find it on the website anywhere.

Thanks,
Ken Charneski

Bobbi Birk-LaBarge

From: Ken Charneski
Sent: Tuesday, November 5, 2024 9:52 AM
To: Bobbi Birk-LaBarge
Subject: info request

Can you send me copies of the test ballots used for the public testing of the machines last Monday?

Thanks,
Ken Charneski

From: Ken Charneski <kcharneski@kronenwetter.org>
To: Kelley Blume <Kelley.Blume@co.marathon.wi.us>
Date: 2024-11-05 14:45
Subject: Fw: vote counting test
Attachments: * image003.png ; * image002.png ; * image001.png

Kelly,

Can you confirm that the announcement of the October 28 public test of the vote counting machines in Kronenwetter, was published by the county clerk's office in the local newspaper as the clerk below has described? Can you identify which paper and the date of publication of the notice? Does this meet the requirements of compliance with statute 5.84 (1)?

Thanks,

Ken Charneski

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

Sent: Tuesday, November 5, 2024 11:12 AM

To: Ken Charneski <kcharneski@kronenwetter.org>

Cc: Jennifer Poyer <jpoyer@kronenwetter.org>

Subject: RE: vote counting test

Ken,

Kim Trueblood posts a notice of public test and canvass. It went to the Counties weekly papers on October 20, 2024 and was also published in the Marshfield Herald on Tuesday October 22, 2024.

If you need additional information on this subject contact our County clerks Kim Trueblood or Kelley Blume.

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

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: Jennifer Poyer <jpoyer@kronenwetter.org>

Sent: Tuesday, November 5, 2024 10:33 AM

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

Subject: FW: vote counting test

From: Ken Charneski <kcharneski@kronenwetter.org>

Sent: Tuesday, November 5, 2024 9:54 AM

To: Jennifer Poyer <jpoyer@kronenwetter.org>

Subject: Re: vote counting test

Did the Village post it in the paper as well? If so, what paper and what date?

Thanks.

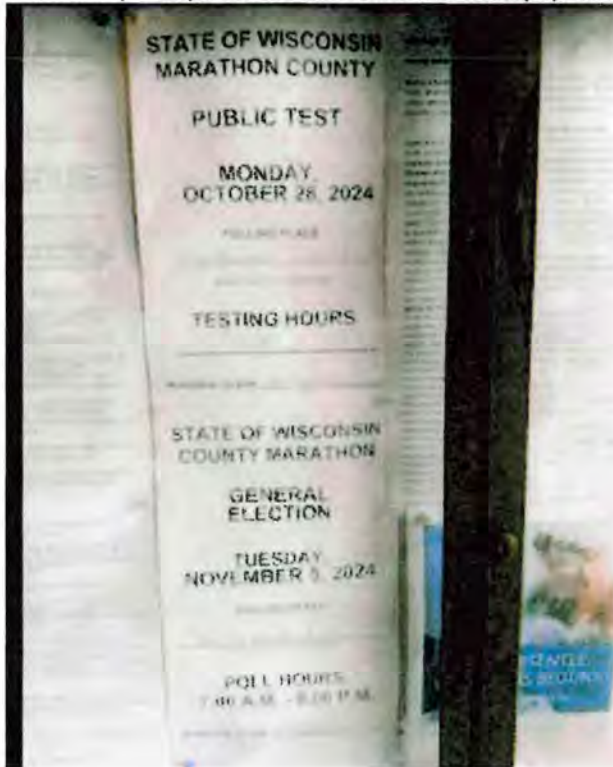
Ken Charneski

From: Jennifer Poyer <jpoyer@kronenwetter.org>
Sent: Monday, November 4, 2024 10:34 AM
To: Ken Charneski <kcharneski@kronenwetter.org>
Cc: Bobbi Birk-LaBarge <bbirklabarge@kronenwetter.org>
Subject: RE: vote counting test

Hi Ken,
The notice is currently in the glass case in front of the Municipal Center. (see photo)

The test info is posted on the website here: https://www.kronenwetter.org/government/general_election.php

The county also publishes the notice in a newspaper.



From: Ken Charneski <kcharneski@kronenwetter.org>
Sent: Monday, November 4, 2024 8:54 AM
To: Jennifer Poyer <jpoyer@kronenwetter.org>
Cc: Bobbi Birk-LaBarge <bbirklabarge@kronenwetter.org>
Subject: vote counting test

Jennifer,

I see that an October 25 notice was posted on Facebook for the test of the vote counting machines. Can you tell me where else you posted notifications for that test? I can't find it on the website anywhere.

Thanks,
Ken Charneski

Bobbi Birk-LaBarge

From: Kim Trueblood <Kim.Trueblood@marathoncounty.gov>
Sent: Tuesday, November 5, 2024 2:55 PM
To: Ken Charneski
Cc: Kelley Blume
Subject: FW: [External] Fw: vote counting test
Attachments: Public Test and Canvass Notice - November.docx

Hi Ken,

Yes, the notice for public test was published in all the Marathon County papers per the attached. Weekly papers were published the week of October 20 and the daily papers were published on October 22. This actually goes above and beyond the requirements of 5.84(1), as the notice is required to be published in the county's paper of record, which is the Wausau Daily Herald, and the notice was published in every county paper. Municipal clerks are required to post their municipal testing times at their town / village hall, and on their website / social media, etc if they have them. From what I can see, Village of Kronenwetter did everything correctly per statute. Please let me know if you have any additional questions.

Thank you!

Kim Trueblood
Marathon County Clerk
kim.trueblood@marathoncounty.gov
715-261-1501



PLEASE NOTE that as of September 11, 2024, my email has transitioned from kim.trueblood@co.marathon.wi.us to kim.trueblood@marathoncounty.gov.

From: Kelley Blume <Kelley.Blume@marathoncounty.gov>
Sent: Tuesday, November 5, 2024 2:47 PM
To: Kim Trueblood <Kim.Trueblood@marathoncounty.gov>
Subject: FW: [EXTERNAL] Fw: vote counting test

Kelley S Blume
Assistant County Clerk
Marathon County Clerks Office
kelley.blume@marathoncounty.gov
715-261-1502

PLEASE NOTE that as of September 11, 2024, my email has transitioned from Kelley.blume@co.marathon.wi.us to Kelley.blume@marathoncounty.gov

From: Ken Charneski <kcharneski@kronenwetter.org>
Sent: Tuesday, November 5, 2024 2:46 PM
To: Kelley Blume <Kelley.Blume@marathoncounty.gov>
Subject: [EXTERNAL] Fw: vote counting test

You don't often get email from kchameski@kronenwetter.org. [Learn why this is important](#)

Kelly,

Can you confirm that the announcement of the October 28 public test of the vote counting machines in Kronenwetter, was published by the county clerk's office in the local newspaper as the clerk below has described? Can you identify which paper and the date of publication of the notice? Does this meet the requirements of compliance with statute 5.84 (1)?

Thanks,

Ken Charneski

From: Bobbi Birk-LaBarge <bbirklabarge@kronenwetter.org>
Sent: Tuesday, November 5, 2024 11:12 AM
To: Ken Charneski <kcharneski@kronenwetter.org>
Cc: Jennifer Poyer <jpoyer@kronenwetter.org>
Subject: RE: vote counting test

Ken,

Kim Trueblood posts a notice of public test and canvass. It went to the Counties weekly papers on October 20, 2024 and was also published in the Marshfield Herald on Tuesday October 22, 2024.

If you need additional information on this subject contact our County clerks Kim Trueblood or Kelley Blume.

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

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: Jennifer Poyer <jpoyer@kronenwetter.org>
Sent: Tuesday, November 5, 2024 10:33 AM

To: Bobbi Birk-LaBarge <bbirklabarge@kronenwetter.org>
Subject: FW: vote counting test

From: Ken Charneski <kcharneski@kronenwetter.org>
Sent: Tuesday, November 5, 2024 9:54 AM
To: Jennifer Poyer <jpoyer@kronenwetter.org>
Subject: Re: vote counting test

Did the Village post it in the paper as well? If so, what paper and what date?
Thanks,
Ken Charneski

From: Jennifer Poyer <jpoyer@kronenwetter.org>
Sent: Monday, November 4, 2024 10:34 AM
To: Ken Charneski <kcharneski@kronenwetter.org>
Cc: Bobbi Birk-LaBarge <bbirklabarge@kronenwetter.org>
Subject: RE: vote counting test

Hi Ken,
The notice is currently in the glass case in front of the Municipal Center. (see photo)

The test info is posted on the website here: https://www.kronenwetter.org/government/general_election.php

The county also publishes the notice in a newspaper.



From: Ken Charneski <kcharneski@kronenwetter.org>
Sent: Monday, November 4, 2024 8:54 AM
To: Jennifer Poyer <jpoyer@kronenwetter.org>
Cc: Bobbi Birk-LaBarge <bbirklabarge@kronenwetter.org>
Subject: vote counting test

Jennifer,

I see that an October 25 notice was posted on Facebook for the test of the vote counting machines. Can you tell me where else you posted notifications for that test? I can't find it on the website anywhere.

Thanks,

Ken Charneski

=====
Statement of Confidentiality This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you are not the intended recipient of this email, any use, dissemination, forwarding, printing, or copying of this email is prohibited. Please notify the sender of this email of the error and delete the email. =====



Kim Trueblood, Marathon County Clerk

Marathon County Courthouse
500 Forest Street
Wausau, WI 54403
715.261.1500 (Telephone)
715.261.1515 (Fax)
Kim.Trueblood@co.marathon.wi.us

PUBLIC TEST & CANVASS NOTICE

TO: Weekly Media - Tribune Phono; Record Review; Mosinee Times
RE: Publish as a display ad, one time the week of Sunday, October 20, 2024

TO: Daily Media - Wausau Daily Herald and Marshfield News Herald
RE: Publish as a display ad, one time on Tuesday, October 22, 2024

FROM: Kim Trueblood, Marathon County Clerk
DATE: October 8, 2024

NOTICE OF PUBLIC TEST AND CANVASS

Notice is hereby given the public testing of the DS-200 Precinct Tabulating Equipment and the ExpressVote marking device being used in municipalities within Marathon County—General Election, Tuesday, November 5, 2024 is scheduled from 8:30 a.m. – 5:00 p.m. on Monday, October 28, 2024. Municipalities within Marathon County will be publicly testing the DS-200 Tabulating Equipment and ExpressVote at the Municipal Clerk's Office in conjunction with the County Clerk's Office. Contact the Municipal Clerk for their scheduled time for testing.

The Marathon County Canvass Board will be canvassing election materials from the Tuesday, November 5 General Election on Monday, November 11, 2024 at 9:00 a.m. at the Courthouse, 500 Forest Street, Wausau, Assembly Room, to complete the canvass, including any rehabilitated Provisional Ballots.

From: Ken Charneski <kcharneski@kronenweiter.org>
To: "xfitmujja@yahoo.com" <xfitmujja@yahoo.com> → Dan Kindelberger
Date: 2024-11-07 12:06
Subject: info as per your request
Attachments: Election Administration Manual - EA Manual-August 2024 electors.pdf

This is what the rules say.

Bobbi Birk-LaBarge

From: Ken Charneski
Sent: Friday, November 8, 2024 5:03 PM
To: Bobbi Birk-LaBarge; Dan Joling
Cc: Chris VOLL; Kelly Coyle; Christopher Eiden; Alex Vedvik; Aaron Myszka; Jennifer Poyer; Kimberly Coyle; Sarah Fisher; Terry P. McHugh; Chris Smart; Terry P. McHugh
Subject: Re: [External] NHPR Windham Ballot Article

Board Members,

I think this email from the village clerk is yet another example of why Kronenwetter has the poor reputation that it does.

The clerk had no authority to prevent Mr. Joling from recording the test of the vote counting machines.

The clerk wrongly uses statute 7.41 (1) and WEC election manual instructions in her email to justify her actions, but neither the statute nor the WEC manual applied to that situation AT ALL.

Her email provided a link to the "Wisconsin Election Day Manual for Election Officials". That manual is relevant to specific to procedures for **Election Day**, and has **nothing to do** with public tests like this, just as statute 7.41 (1) does not apply.

The clerk's email appears to be intended create a narrative putting Mr. Joling in a negative light by attempting to make him look like he created problem. Instead, she succeeds at describing her own, negligence, and violation of statutes

This test was a **public meeting**, according to statute 5.84(1) and the WEC press release about these tests. It was held in a room separate from a "polling place", and Mr. Joling or anyone else had every right to take photos or video of the test.

Transparency and voter confidence is the whole purpose of doing the test in public. The clerks decision to restrict that public accessibility (video and photos) defeated that purpose. She admitted to not even knowing what she was talking about when she prevented Mr. Joling from recording, but she prevented it anyway. She should know by now what "public meeting" means.

The clerk apparently did not even take a moment to read her own WEC election manual (Election Administrative Manual for Wisconsin Municipal Clerks) but instead claims to have checked with someone else about it **after the test was over.**

As if preventing the recording was not enough, she then had her own photos of the event taken and published online, without explaining why she does not allow members of the public like Mr Joling to do the same.

The clerk's latest exhibition of poor judgment appears to be yet another another in a series causing embarrassment for the Village and which reinforce public mistrust of the integrity that our Kronenwetter elections are otherwise supposed to have.

The Village Board looks like fools every time the clerk does something like this and gets a free pass by Board members. I'm getting a little tired of hearing questions from the public as to "why is she not being held accountable for her actions?".

I don't see where those Board members have any excuses left to make for the clerk's incompetent and/or inappropriate behavior, with not even a hint of apology anywhere to be found.

The voters and taxpayers deserve better than this. Mr. Joling is certainly due an apology.

Ken Charneski

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

Sent: Monday, October 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>

Subject: RE: [External] NHPR Windham Ballot Article

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

Village Municipal Center

1582 Kronenwetter Drive Kronenwetter, WI 54455

Population: 8,551

<https://cm86.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 <chrsvoll54455@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> 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

bbirklabarga@kronenwetter.org

Village Municipal Center

1582 Kronenwetter Drive Kronenwetter, WI 54455

Population: 8,551

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

powered by
revize.com

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 8:36 AM
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>
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>
Date: October 25, 2024 at 1:26:56 PM CDT
To: Dan Joling <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.doi.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>
Sent: Thursday, October 24, 2024 9:05 PM
To: Julia Furukawa <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> 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

Date: 11 November 2024

From: Daniel Joling, Village Resident

RE: KRONENWETTER VOTING MACHINE CERTIFICATION

1. **PRIOR CONTACT WITH CLERK REGARDING VOTING CONCERNS** – My wife and I went to early voting on October 23rd, 2024 and upon return home I read a post on social media regarding ballot folds possibly affecting the tabulated results. I contacted the Clerk Birk Labarge and made note of this and asked, if I would be able to come down and look at our ballots (my wife and me). That was denied and I was told that she would “spoil” our ballots and we could then come to the General Election on November 5th.

I proceeded to do some research and found that this exact issue was noted in the 2020 Election in the town of Windham New Hampshire. In particular there was an article written and published by New Hampshire Public Radio and I in turn shared that with Clerk Birk LaBarge and she cited that as being “unsubstantiated”. I then made contact with one of the co-authors of that article and she stated she stood behind their article and in fact sent me a copy of the auditor’s report (I can provide a copy if required). I also contacted the Windham, NH Town Clerk regarding the incident and although she was not the clerk at that time, she did confirm that she was aware of the matter and that it had been investigated.

Again, after making her aware of what I had confirmed Clerk Birk Labarge’s reply was that the tabulators used in Kronenwetter were not affected by folds through the candidate’s name but that was not my concern. Rather that of a fold going through a marked or more so through and unmarked bubble was more my issue.

2. **VOTING MACHINE CERTIFICATION NOTICE** – It was approximately a day or two later my wife noticed the Voting Machine Certification scheduled at the Municipal Building on October 28th, 2024 at 9:00 AM on the social media site called Next-door and I decided I would attend as it stated it was open to the public. This was confirmed on the Village’s Facebook site also.
3. **INCIDENT AT VOTING MACHINE CERTIFICATION** – I arrived shortly before 9:00 AM that morning (October 28th) and proceeded to the basement (Community Room) and did not initially find

anything resembling machine certification taking place, just early voting activity. I then found the actual certification was occurring in a side room known to me as the Judge's Chambers.

Once inside the room I confirmed that the machines were in fact there and I took a chair inside the room. I noted the persons there were, Clerk Birk Labarge and two other female poll workers. I was immediately handed a form that I needed to fill out along with a flyer titled "Wisconsin Election Observers – Rules-at-a-Glance". I at this point stated I didn't see why I needed to complete this requirement as I was not there to observe the polling process rather, I was there to observe the machine certification and in particular that of the tabulators and of most concern was that of the one used for my ward (11). I was also advised they needed to see a form of ID and eventually feeling they wanted to insure I was a Village resident I did show the one election official (unknown) name hoping that would suffice the sign in requirement.

I was at about this point advised by the same election official that they had previously had someone come to this procedure and asked if that was all that actually occurred during this certification in checking the machines. I was also told the procedure was going to take about 2 hours to complete. I then decided if I was going to get to see anything I had better complete the sign in log as directed.

I then asked if I could set up my camera as to allow me to take still or videos of the process which was underway. After getting off of a telephone call, which I believe was with someone at the County Clerks Office I was told by Clerk Birk LaBarge that I was not going to be allowed to take pictures or videos. I then asked if this was based on law or Wisconsin Statute and Clerk Birk Labarge stated that it was. I then asked which Statute this ruling was based upon and she immediately stated that I could look it up myself and she started to become confrontational and raise her voice and at that point said "if I kept it up, I was going to be asked to leave or escorted out of the area." I then stated that she (Clerk Birk Labarge) was the only one that was raising her voice and becoming excited. To this she replied that she was basically establishing the way things were going to be run and that if I proceeded it was going to be considered that I was "challenging" her.

4. **CONDUCT DURING CERTIFICATION PROCESS** – I at this time repositioned myself to the east wall and stood in the doorway leading to the Court/Board room closest to the tabulator for Wards 6-11. I did not say another word through the entire process. There was an error code that came up during what appeared to be initial startup. During this time Clerk Birk LaBarge again contacted someone I again believed to be at the County Clerk's office and talked the trio through what they needed to do to correct the error code. It was during one of these follow up calls that Clerk Birk LaBarge stated after the conclusion that the Statute that applied to my concern was that of Wisconsin Statute 7.41.

During the continued process I referenced Wis. Stat. 7.41 and could see that it did not make reference to the procedure at hand, that being the Voting Machine Certification. Rather this statute governs the Election Poll Observers of which I was not at this time. Also of note was that Clerk Birk LaBarge looked over at me and demanded I be made to wear the sticker saying "Election Observer", I put it on my coat.

I was not able to look at or see nor did I ask to see any of the test ballots used again primarily due to the pending threat of being removed. It was also noted that at times during the counting process the vote totals were apparently incorrect and had to be re-counted until they matched a sheet that Clerk Birk LaBarge was referencing. There did not appear to be any correlation or matching of results gained from the tabulator printouts and that of the test ballots submitted.

5. **CONCLUSION OF THE CERTIFICATION** - The entire certification process was noted to have lasted under the 2-hour time duration I was previously told this would take to complete. The only other question I asked of Clerk Birk LaBarge was when we were leaving the Judges Chamber after the machines had been secured and the room cleared was who she talked to at the County Clerk's Office that gave her the Statute she cited. Her reply was Kelly Blume (sp?). I then left the building. Also noted is that someone took pictures of the certification and has since posted them on the Village's Facebook account.

ATTEST TO AS TRUE AND CORRECT,

/s/

Daniel L. Joling



Hawks
Quindel S.C.
ATTORNEYS AT LAW

MADISON OFFICE
P.O. Box 2155
Madison, WI 53701-2155
PH: 608-257-0040 FAX: 608-256-0236

August 16, 2024

VIA ELECTRONIC MAIL ONLY

Ken Charneski
2604 16th Road
Kronenwetter, WI 54455
Email: screenmaster@pcpros.net; charneski21@gmail.com

Re: *Cease and Desist – Bobbi Birk-LaBarge/Ken Charneski*

Dear Mr. Charneski:

We are writing to demand that you cease and desist from defaming and harassing our client, Bobbi Birk-LaBarge. Ms. Birk-LaBarge has brought to our attention defamatory statements that you have made relating to her work as Village Clerk for the Village of Kronenwetter (the “Village”). These inaccurate statements have harmed Ms. Birk-LaBarge. Your failure or refusal to stop making false statements about Ms. Birk-LaBarge will force her to pursue administrative and civil remedies to enforce her rights.

FACTUAL BACKGROUND

Ms. Birk-LaBarge is a dedicated public servant with over three decades of experience in security and law enforcement. Her extensive background includes roles with the Marathon Sheriff's Department, the Transportation Security Agency, and the Wisconsin Department of Corrections. Given her impressive credentials, it is not surprising that the Village Board, following your recommendation, voted unanimously to appoint her to the Village Clerk position in July 2022.

As the Wisconsin Supreme Court has recognized, “[u]nlike many places around the country, Wisconsin has a highly decentralized system for election administration.” *State ex rel. Zignego v. Wis. Elections Comm'n*, 2021 WI 32, ¶13, 396 Wis. 2d 391, 957 N.W.2d 208. While the Wisconsin Elections Commission is responsible for general oversight and administration of elections, Wisconsin places significant responsibility in local election officials. As the officials primarily responsible for election administration, municipal clerks¹ “are entrusted with the responsibility of ensuring fair, accessible, and transparent elections.” Wisconsin Elections Commission, *Election Administration Manual for Wisconsin Municipal Clerks* 5 (2024), https://elections.wi.gov/sites/default/files/documents/EA%20Manual-February%202024_format%20update.pdf.

Ms. Birk-LaBarge understood the importance of this role, particularly in the aftermath of the 2020 election. Shortly after her appointment, Ms. Birk-LaBarge successfully managed the 2022 elections, demonstrating her professionalism and integrity in handling her responsibilities. During this

¹ “Municipal clerk’ means the city clerk, town clerk, village clerk and the executive director of the city election commission and their authorized representatives.” Wis. Stat. § 5.02(10).

time, you and Ms. Birk-LaBarge also enjoyed a positive working relationship, evidenced by your kind gesture of giving her a gift in December 2022.

However, things changed around February 2023, when the interim Village Administrator resigned. After the background and qualifications of your first choice to fill the vacancy, Sean Dumais, came under scrutiny, an open records request for Mr. Dumais's resume landed on Ms. Birk-LaBarge's desk. As the records custodian for the Village, Ms. Birk-LaBarge is responsible for handling requests in accordance with Wisconsin public records law. *See* Wis. Stat. § 19.31 et. seq. Ms. Birk-LaBarge consulted with the Village's former municipal Attorney, Harold Wolfgram, who advised that there was no legal basis to refuse the request and that she should produce the resume.

Ms. Birk-LaBarge was correct in fulfilling the records request. Wisconsin's public records law "serves one of the basic tenets of our democratic system by providing an opportunity for public oversight of the workings of government." *Nichols v. Bennett*, 199 Wis. 2d 268, 273, 544 N.W.2d 428 (1996). Wisconsin law "recognizes a presumption of accessibility to public records, reflected in both the statutes and in our case law." *Id.*; *see also* Wis. Stat. § 19.31 (providing that the policy of the public records law is to ensure that the public has access to "the greatest possible information regarding the affairs of government and the official acts of those . . . who represent them"). However, you apparently took umbrage to Ms. Birk-LaBarge's adherence to the law, because you subsequently embarked on a mission to harass, intimidate, and defame Ms. Birk-LaBarge.

You quickly began making false and malicious statements about Ms. Birk-LaBarge, accusing her of misconduct, incompetence, and partisanship. These false and inflammatory statements have been disseminated through various channels, including Village Board meetings, personal emails, and social media posts. You have invented a long list of issues with how Ms. Birk-LaBarge performs her duties as Village Clerk. You have claimed that Ms. Birk-LaBarge is unqualified for her position and does not understand Wisconsin election law. Additionally, you have accused Ms. Birk-LaBarge of participating in a conspiracy to undermine the Village's conservative tradition by manipulating elections in favor of liberals. Regardless of how incompatible your outrageous claims might be, they are all false, inflammatory, and defamatory.

You have also engaged in behavior intended to intimidate and harass Ms. Birk-LaBarge. On multiple occasions, your vehicle has been seen parked outside Ms. Birk-LaBarge's home without any legitimate reason. Indeed, you and Ms. Birk-LaBarge live in completely different counties. Furthermore, on at least three occasions, you have been observed circling the parking lot of the municipal center when Ms. Birk-LaBarge was working after hours. These attempts to intimidate Ms. Birk-LaBarge have made her feel unsafe and have caused her and her family significant emotional distress. In December 2023, Ms. Birk-LaBarge filed a formal harassment complaint against you with the Village Board. However, your efforts to harass, defame, and damage Ms. Birk-LaBarge's reputation have continued.

Your false statements and harassment have caused Ms. Birk-LaBarge reputational harm and compromised her professional standing. You have also interfered with her employment, as the Village Board has tabled her reappointment in retaliation for the harassment complaint she filed against you. As explained below, this negligent conduct constitutes defamation and tortious interference with a contract, and Ms. Birk-LaBarge is prepared to pursue administrative and civil remedies to enforce her rights.

LEGAL BACKGROUND

You have made defamatory comments about Ms. Birk-LaBarge, severely damaging her reputation in the community. "A communication is defamatory if it tends to harm the reputation of another so as to lower that person in the estimation of the community or deter third persons from associating with him or her." *Vultaggio v. Yasko*, 215 Wis. 2d 325, 572 N.W.2d 450 (1998); see also *Zinda v. Louisiana Pacific Corp.*, 149 Wis. 2d 913, 440 N.W.2d 548 (1989). Your untrue statements about Ms. Birk-LaBarge have harmed her reputation and put her employment in jeopardy.

A defamation cause of action allows for compensatory damages and attorney's fees. *Zinda v. Louisiana Pac. Corp.*, 149 Wis.2d 913, 922, 440 N.W.2d 548 (1989). Ms. Birk-LaBarge has experienced emotional distress, lack of sleep, marital problems, and embarrassment as a result of your false statements and, as such, would be entitled to significant compensatory damages. Moreover, a defamation cause of action allows for recovery of punitive damages in certain cases. You now have clear notice that the allegations of impropriety against Ms. Birk-LaBarge are false, defamatory, and inflammatory. If you continue to disseminate false information, Ms. Birk-LaBarge will be able to prove that you had knowledge that the information was false. This would mean that Ms. Birk-LaBarge could establish "actual malice," and she would therefore be able to obtain punitive damages against you.

In addition, your false and inflammatory statements may constitute tortious interference with Ms. Birk-LaBarge's employment. The elements of tortious interference with a contract are: (1) the plaintiff had a contract or prospective contractual relationship with a third party; (2) the defendant interfered with the relationship; (3) the interference was intentional; (4) a causal connection exists between the interference and the damages; and (5) the defendant was not justified or privileged to interfere. *Cudd v. Crownhart*, 122 Wis. 2d 656, 659-60, 364 N.W.2d 158, 160 (Ct. App. 1985).

Your defamatory campaign has put Ms. Birk-LaBarge's reappointment as Village Clerk in jeopardy. The Village has tabled her reappointment in retaliation for the harassment complaint she filed against you. If Ms. Birk-LaBarge is not reappointed, you would be liable for damages arising from your interference with her employment contract and claims for future damages arising from your interference with her prospective employment and/or economic relationships.

You have engaged in negligent conduct towards Ms. Birk-LaBarge, resulting in her injury. Furthermore, under the facts of this case, statutory immunity does not shield you from any of Ms. Birk-LaBarge's potential claims. "The general rule acknowledged in Wisconsin is that a public officer or employee is immune from personal liability for injuries resulting from acts performed within the scope of the individual's public office." *C.L. v. Olson*, 143 Wis. 2d 701, 710, 422 N.W.2d 614 (1988) (citing *Lister v. Board of Regents*, 72 Wis. 2d 282, 300, 240 N.W.2d 610 (1976)). To that end, Section 893.80 of the Wisconsin Statutes provides immunity from liability for the discretionary acts of public officers or employees.

Three exceptions exist, however, to this general rule of immunity. First, a public officer or employee does not enjoy immunity if he or she engages in conduct which is malicious, willful, or intentional. *Olson*, 143 Wis. 2d at 711 (citing *Ibrahim v. Samore*, 118 Wis. 2d 720, 728, 348 N.W.2d 554 (1984)). Second, a public officer or employee is not immune from liability if he or she negligently performs a ministerial duty. "A public officer's duty is ministerial only when it is absolute, certain and imperative, involving merely the performance of a specific task when the law imposes, prescribes and defines the time, mode and occasion for its performance with such certainty that nothing remains for

judgment or discretion.” *Olson*, 143 Wis. 2d at 711-12 (quoting *Lister*, 72 Wis. 2d at 301). Third, a public officer’s duty may also face liability when he or she is aware of a danger that is of “such quality that the public officer’s duty to act becomes ‘absolute, certain and imperative.’” *Olson*, 143 Wis. 2d at 715 (quoting *Cords v. Anderson*, 80 Wis. 2d 525, 542, 259 N.W.2d 672 (1977)).

In this case, your conduct towards Ms. Birk-LaBarge was malicious, willful, and intentional. Indeed, none of your statements regarding Ms. Birk-LaBarge and her performance of her duties as Village Clerk were true, a fact which you understood. Thus, there is sufficient evidence that you are acting negligently towards Ms. Birk-LaBarge, resulting in her injuries.

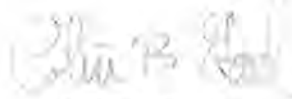
CEASE AND DESIST

We demand that you immediately cease and desist from making false statements about Ms. Birk-LaBarge. Further, we ask that you issue a public reaction and apology for the false statements you have made about Ms. Birk-LaBarge. We also request that you instruct the Village Board to move forward with Ms. Birk-LaBarge’s reappointment.

Your failure or refusal to stop disseminating false information or to retract same by August 28, 2024, will force Ms. Birk-LaBarge to pursue administrative and civil remedies to enforce her rights.

We look forward to working with you to address these concerns. Please direct all future correspondence regarding this matter directly to me.

Kind Regards,



Colin B. Good

BDE/jmw

Cc: Bobbi Birk-LaBarge (via email only)



Kronenwetter Civic Discourse



Faye Buchberger · 14h ·



Dan Kindelberger

Amy Jo Respectful to someone who has made mistake after mistake in our local elections? Respectful to someone who still continues to attack one man for her mistakes? Respectful to someone who is rude to our village residents during election day? Fuck her! This is a blessing to the village. Are you not aware of the four election complaints? I will not respect someone who has been so disrespectful to our village and it's residents. People may not like how I talk but I refuse to be treated like a child because I might hurt someone's feelings. This village is the way it is because people have been so asleep to the people that have been taking advantage of us. Every village resident should be just as angry as I am in how this village is being ran. Wake up Kronenwetter!

13h Like Reply

1



Write a public comm...

