

# Exhibit 1



**Municipal Board of Canvassers  
City of Green Bay  
Green Bay Area Public Schools  
City Hall, 100 N. Jefferson St.  
Council Chambers, 2<sup>nd</sup> floor  
Monday, April 8, 2024 at 8:45 am**

In accordance with Chapter 2, Article VIII of the Green Bay Municipal Code and Wis. Stats. § 7.53(2), the City of Green Bay Municipal Board of Canvassers will convene on the date and time indicated above to conduct the Municipal and Green Bay Area Public School Board Canvass of the 2024 Spring General Election.

This canvass is open to the public for in-person attendance.

If you are disabled and need assistance, please call 920-448-3010 before this meeting to make arrangements for reasonable accommodations.

The Canvass will begin at 8:45 am.

Municipal Board of Canvassers: Celestine Jeffreys, Jaime Fuge and Pam Vanderbloemen

# Exhibit 2

RECEIVED  
APR 11 2024  
BY:

RECOUNT PETITION

In Re: The Election for  
City of Green Bay Alderperson, District 6

Verified Petition  
for Recount

Petitioner Steven Campbell alleges and shows to Green Bay Municipal Clerk Celestine Jeffreys:

- 1. That Petitioner was a candidate for the office of City of Green Bay Alderperson, District 6 in an election held on April 2<sup>nd</sup>, 2024;
- 2. The Petitioner is an Aggrieved Party as defined in Wis Statute 9.01(1)(a)5

That Petitioner is informed and believes that a mistake has been committed in Wards 20, 20A, 21, and 22 of the City of Green Bay in the counting and return of votes cast for the office of Alderperson, District 6; and/or

That Petitioner is informed and believes that fraud has been committed in Wards 20, 20A, 21, and 22 of the City of Green Bay in the counting and return of votes cast for the office of Alderperson, District 6; and/or

- 3. That Petitioner is informed and believes that:

“The illegal activity shut down by Lasee, and Prestley's involvement with said activity is grounds for a legal challenge against the election outcome in the 6th”

Wherefore: Petitioner requests a recount of Wards 20, 20A, 21, and 22 of the City of Green Bay.

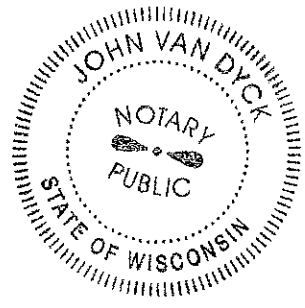
Dated this 11th day of April, 2024.

Steven Campbell  
Petitioner

I, Steven Campbell, being first duly sworn, on oath, state that the matters contained in the above petition are known to me to be true except for those allegations stated on information and belief, which I believe to be true.

Steven M Campbell  
Petitioner

Subscribed and sworn to before me this 11th day of April, 2024.



[Signature]  
Notary Public  
(or any other person authorized to administer oaths)

My Commission Expires 7/19/2027  
(specify expiration date)

# Exhibit 3

Copy submitted @ 4pm

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That Petitioner is informed and believes that fraud has been committed in Wards 20, 20A, 21, and 22 of the City of Green Bay in the counting and return of votes cast for the office of Alderperson, District 6; and/or

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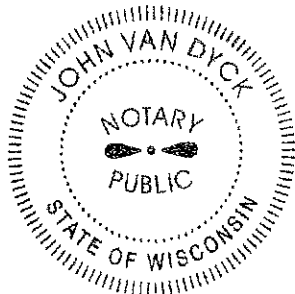
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Steven Campbell  
Petitioner

Subscribed and sworn to before me this 11th day of April, 2024.



John Van Dyck  
Notary Public  
(or any other person authorized to administer oaths)

My Commission Expires 7/19/2027  
(specify expiration date)

The information on this form is required by §.9.01, Wis. Stats. This form is prescribed by the Wisconsin Elections Commission, 201 W. Washington Avenue, 2<sup>nd</sup> Floor, P.O. Box 7984, Madison, WI 53707-7984, 608-261-2028

# Exhibit 4



# **AGENDA OF THE RECOUNT--ALDER DISTRICT 6**

**FRIDAY, APRIL 12, 2024, 9:00 AM**

**100 N Jefferson St., Rm 106**

- A. Roll Call.**
- B. Description of proceedings**
- C. Delivery of recount petition**
- D. Delivery of public notice**
- E. Delivery of notice to candidates**
- F. Selection of hand count or voting tabulation equipment by Board of Canvassers.**
- G. Information to attendees**
- H. Assignment of Duties**
- I. Recount of ward 20**
- J. Recount of ward 20A**
- K. Recount of ward 21**
- L. Recount of ward 22**
- M. Preparation of the Canvass for Wards 20, 20A, 21 and 22**
- N. Adjournment.**

- 1) **SUPPLEMENTAL INFORMATION:** The Video of this meeting, Agenda, Agenda Packet, and Minutes are available online at [www.greenbaywi.gov/Meetings](http://www.greenbaywi.gov/Meetings).
- 2) **ACCESSIBILITY:** Any person wishing to attend who requires special accommodation because of a disability, should contact the City Safety Manager at 920-448-3125 at least 48 hours before the scheduled meeting time so that arrangements can be made.



- 3) **QUORUM:** Please take notice that a majority or quorum of the Common Council will attend this committee meeting and will constitute a meeting of the Common Council for purposes of discussion and information gathering relative to this agenda.
- 4) **REPRESENTATION:** The party requesting the communication, or their representative, should be present at this meeting.

**City of Green Bay Alderperson, District 6  
Recount Minutes**

**Date of Recount:** 4/12/2024

**County:** Brown

**Office to be Recounted**

Aldermanic District 6, City of Green Bay

**Original Result**

Joey Prestley, 355 votes

Steven Campbell, 340 votes

**Board of Canvassers Members**

Deputy Clerk Jaime Fuge

Pamela Vanderbloemen

Steve Grenier

**Other Personnel**

City Clerk Celestine Jeffreys

Voting machine technician: Dave Dimmer

Counsel: Assistant City Attorney Lindsay Mather

Clerical staff: Deanna Debruler

Security: Phil Scanlan

**Others Present**

Deputy City Attorney Lacey Cochart

Petitioner Steven Campbell

David Vanderleest, Petitioner's Representative

Jefferson Davis, Petitioner's Representative

Candidate Joey Prestley

Attorney Larry Sarver, Candidate's Representative

**MINUTES**

Meeting starts at 9:00am

9:01 am-Clerk Jeffreys calls meeting to order and begins explaining recount process.

9:03 am-David Vanderleest alleges the Clerk is not prepared and asks to stop the meeting. Clerk Jeffreys states she is prepared. Meeting proceeds.

9:06 am-David Vanderleest requests a hand count of the ballots. Clerk Jeffreys explains he would need to go to court if they want a hand count.

9:06 am-Board of Canvassers votes to count the ballots using voting tabulators.

9:07 am-David Vanderleest, Petitioner's Primary Representative, 146 Alpine Drive, Green Bay,

WI

9:08 am-Attorney Larry Sarver, Candidate's Rep, 1777 Camarillo Court, De Pere, WI

9:11 am-Lindsey Belongea, paralegal from law department, hand-delivers a bag from the County Clerk with the memory sticks for the voting machines. The seal number on the bag is 21449959.

9:12 am-David Vanderleest objects again to no hand counting of the ballots.

9:13 am-Joey Prestley and Attorney Sarver have no questions.

9:14 am-Clerk Jeffreys takes questions from observers.

9:27 am-Steven Campbell mentions the 38 absentee ballots brought to central count 10 minutes to 8:00 pm on election night and asked for explanation of how that happened. Petitioners put in records request instead.

9:35 am-Brief recess while Clerk Jeffreys consults with legal counsel.

9:42 am-Meeting resumes. Clerk Jeffreys goes through the materials from each ward for the recount.

9:46 am-David Vanderleest requests recess on behalf of Petitioner. Request granted; meeting in recess.

9:53 am-Meeting resumes.

9:53 am-Jefferson Davis, W169 N8630 Sheriden Dr., Menomonee Falls, WI 53051 -replaces David Vanderleest as Petitioner's Representative.

9:56 am-Board of Canvassers votes to stand in recess until 11:00 am to allow petitioner to go to Circuit Court to obtain order for hand count of ballots.

10:55 am-Meeting resumes. Petitioner has asked to extend recess. Board votes to extend recess to 11:15 am; at that time, recount will resume. Board members express concerns about concluding the recount that day (i.e., Friday).

11:15 am-Meeting resumes. Petitioner has filed an emergency motion which has been assigned to Judge Liegeois, believes a hearing will be scheduled within an hour. Petitioner does not have an injunction in hand. Clerk Jeffreys explains the recount will continue until the Board is made aware of an injunction or order for hand count having been entered. Recount process resumes, starting with reconciling the poll books.

11:17 am-**Board of Canvassers begins with Ward 20.** Jaime Fuge has City poll book and Steve Grenier has the county poll book. Pamela Vanderbloemen has voter check card for at-polls. First page of poll book has stats present, as well as chief inspector signature and election inspector signatures. No confidential electors.

11:19 am-Poll book covers shown to Petitioner and Candidate and their representatives.

11:21 am-Poll book reconciliation for Ward 20 begins.

11:25 am-David Vanderleest questions signatures for voter numbers 57 and 58; he believes the penmanship looks the same for both signatures. Clerk Jeffreys had stepped out of the room briefly so the Board notes the objection and waits to address it until she returns.

11:28 am-David Vanderleest asks if they can photograph poll books; Clerk Jeffreys indicates they can.

11:31 am-Clerk Jeffreys returns. Jaime Fuge updates Clerk Jeffreys on David Vanderleest's objection to the signatures for voters # 57 and 58. Clerk Jeffreys indicates that election inspectors do not do signature matching in the state of Wisconsin, and further, the two signatures appeared to state the two different names associated with those two voter numbers in the poll book.

11:33 am-Attorney Sarver asks for clarification as to whether all of David Vanderleest's challenges fall under Section 9.01. Attorney Mather responds that any challenges to the process are allowable under 9.01.

11:40 am-David Vanderleest objects to a statement made by Clerk Jeffreys and alleges that she is “prejudiced” against him and Steven Campbell.

11:42 am-Board examines a note in the poll book related to a voter signature. Clerk Jeffreys examines the inspector statement and determines the voter had an assistor and it appears the voter was not able to sign the poll book. No objection from Steven Campbell or Joey Prestley.

11:46 am-David Vanderleest asks for a recess to take a call from the Court. Clerk Jeffreys indicates the call can be taken outside. David Vanderleest alleges Clerk Jeffreys’s behavior is adversarial.

11:50 am-Page 34, voter #89 no signature in at poll book.

11:51 am-Page 37, voter #35 no signature in at poll book.

11:59 am-Page 51, voter #103, Chase Meidam signed the City copy of the poll book, and the number is written next to that name. On the County copy, the voter number is written next to Harry K. Menon (sp?). Steven Campbell asks why that wasn’t caught on election day; Clerk Jeffreys answers it is not possible to know that answer. No formal objections; canvass continues.

12:05 pm-David Vanderleest states Steven Campbell will be amending the recount petition to include errors found in the poll books. No amended petition submitted at this time. Canvass continues.

12:21 pm-**Board concludes review of Ward 20 at-polls poll books.** #141 is the last voter number.

12:23 pm-**Beginning Central Count, Ward 20.** Ward 20 is pages 106-111 of 405 pages for the absentee ballot log.

12:33 pm-Reconciliation of absentee ballot log complete. #73 is the last voter number. David Vanderleest asks to see the absentee ballot log; Clerk Jeffreys responds that it is not being shown in order to preserve the secrecy of electors’ votes, since those voter numbers appear on the ballots as well.

12:34 pm-Recess for lunch.

1:04 pm-Recount resumes. **Board begins reviewing Ward 20A,** starting with the at-polls poll books.

1:08 pm-Board confirms statistics and signatures are present on front pages of poll books. Last voter number is #48.

1:25 pm-**Board completes review of Ward 20A at-polls poll books.** Board confirms the last voter number is #48.

1:34 pm-**Board begins reviewing Ward 20A absentee poll book.**

1:35 pm-David Vanderleest states an objection to not having copies of certain materials at the start of meeting and demands a recess until copies are available for them. Clerk Jeffreys clarifies that all required materials are present and explains that the request for copies is an open records request.

1:40 pm-Board reviews absentee poll book for Ward 20A, which is pages 112-118 of 405 pages of the absentee ballot log. #60 is the highest voter number.

1:41 pm-David Vanderleest objects again to not having copies of redacted absentee ballot log. Both the objection and the records request have been recorded.

1:49 pm-**Board completes reconciliation of Ward 20A absentee poll book.**

1:50 pm-David Vanderleest again asks about copies of the absentee ballot log. There is a discussion again about the open records request.

1:52 pm-**Board begins reviewing Ward 21 at-polls poll book.** Clerk Jeffreys notes that the covers on the county and city poll books had been switched, so those were corrected. Steve

Grenier confirms there are no confidential electors.

2:12 pm-Steven Campbell notes that there is an error on Page 49 for voter #20, Ann Ledvina. In the County poll book, the signature is on the line for Randall Ledvina. Board reviews the poll books and determines that there is an error in the County poll book but that the signature is legible as belonging to Ann Ledvina, she was appropriately assigned the voter number.

2:21 pm-Steven Campbell challenges the voters at a particular address on pages 69 and 70 of the poll book. He thought there were three voters registered at a particular address; upon the Board's and his review of the poll books there aren't three voters at the address in question. He withdraws the challenge.

2:26 pm-Steven Campbell notes there is no voter signature on page 83 in the City poll book. The Board confirms that voter number 53 is reflected in both poll books but there is no signature in either poll book. The objection is noted for the record.

2:30 pm-Jaime Fuge makes a note for the record that there are notes in the poll book. On page 95, voter #24 accidentally signed in voter #117's spot. Also noted in the chief inspector statement. No challenge from either candidate.

2:32 pm-Board reviews and reconciles supplemental poll book.

2:33 pm-**Board completes reconciliation of Ward 21 at-polls poll book.** Last voter is confirmed as #192.

2:34 pm-**Board begins reviewing Ward 21 absentee poll book.** Ward 21 is on pages 119-123 of 405 pages of absentee ballot log.

2:41 pm-**Board completes reconciliation of Ward 21 absentee poll book.** Last voter is #58.

2:41 pm-Board takes a brief recess.

2:47 pm-Clerk Jeffreys states again for the record that the Board is reviewing all of the paperwork for each ward in order to provide Steven Campbell as much time as possible to obtain the court order he is seeking.

2:48 pm-**Board begins reviewing Ward 22 at-polls poll books.** Jaime Fuge has the City poll book and Steve Grenier has the County poll book. The Board confirms the statistics and signatures are present on the front pages and there are no confidential electors.

2:55 pm-Page 20, voter #36 spoiled a ballot and was issued a 2<sup>nd</sup> ballot. Spoiled ballots are noted in the inspector statement.

2:58 pm-Page 24, voter #101 spoiled a ballot and was issued a 2<sup>nd</sup> ballot.

3:04 pm-Board notes for the record that on page 33, Nathaniel Jackson was assigned voter #124 in City poll book, but #125 in the County poll book. Neither number assigned to another voter yet; issue noted at this time.

3:10 pm-On page 47, voter #125 is assigned to Norma Merlin-Jimenez, and that number is reflected in both the City and County poll books. Board determines the previously noted misnumbering issue on page 33 was human error and Nathaniel Jackson was properly issued voter #124.

3:17 pm-Board notes for record on page 70, voter #108, Heather Spencer, issued 2<sup>nd</sup> ballot.

3:18 pm-Board notes that on page 77, there's an errant mark on the line below voter #59.

3:20 pm-Board notes that on page 83, voter #75 issued 2<sup>nd</sup> ballot. Jaime Fuge notes this confirms that all 6 out of 6 spoiled ballots noted in the inspector log were also reflected in the poll books.

3:23 pm-Supplemental poll list (2 pgs) reviewed. **Board completes reconciliation of at-polls poll book for Ward 22.** Last voter number is 130.

3:25 pm-**Board begins reviewing Ward 22 absentee poll books.** Ward 22 appears on pages 124-127 of 405 pages of overall absentee poll book.

3:30 pm-**Board completes reconciliation of absentee poll books for Ward 22.** Last voter number is 50.

3:30 pm-Board takes a recess.

3:38 pm-David Vanderleest informs the Board via speakerphone that he is at the courthouse and a different judge may issue an injunction to halt proceedings until the assigned judge can have a hearing on Monday. The Board will continue unless served with an injunction.

3:39 pm-Board members again explain that the Board is going through the paperwork to give petitioner as much time as possible to obtain an order for a hand recount.

3:40 pm-Clerk Jeffreys explains the next step in the process, which is verifying information on

3:41 pm-Clerk Jeffreys reviews EL-104s. At polls, Wards 20, 20A, and 22 share the same machine with seal #27655522. That number is on the seal from the machine after the public test and matches the seal affixed to the inspector statement from Ward 22 (for the machine that counts Wards 20, 20A, and 22). The seal on Ward 21's machine is #27655519. That number is on the seal from the machine after the public test and matches the seal affixed to the inspector statement from Ward 21. Both machines' stickers are initialed. Central count uses two DS450 machines. Wards 1 to 25 use one machine with four tamper-evident seals; the numbers from the test match the numbers on the inspector log. The remainder of the wards use the 2<sup>nd</sup> machine (not at issue here, because all of the wards subject to the recount were counted by the machine that counts Wards 1 to 25).

3:52 pm-Absentee ballots from Wards 20 and 20A were in one ballot bag. Clerk Jeffreys verifies ballot bag seal number from Central Count for Ward 20 and Ward 20A: #479259.

3:53 pm-Clerk Jeffreys verifies ballot bag seal number from Central Count for Ward 21: #4792520.

3:54 pm-Clerk Jeffreys verifies ballot bag seal number from Central Count for Ward 22: #4792521.

3:55 pm-Clerk Jeffreys verifies Ward 20 ballots are sealed in a ballot bag with seal #00197555. Ballot bag is sealed with an integrated seal on the bag itself, as well as an additional tamper-evident seal. The seal number is not noted on the chief inspector's certificate (EL-104). The Chief inspector signed the certificate on the ballot bag.

3:57 pm-Clerk Jeffreys verifies Ward 20A ballots are sealed in a ballot bag with seal #00197554. Ballot bag is sealed with an integrated seal on the bag itself, as well as an additional tamper-evident seal. The seal number is not noted on the chief inspector's certificate (EL-104). The Chief inspector signed the certificate on the ballot bag.

3:58 pm-Clerk Jeffreys verifies Ward 21 ballots are sealed in a ballot bag with seal #00197550. Ballot bag is sealed with an integrated seal on the bag itself, as well as an additional tamper-evident seal. The seal number is not noted on the chief inspector's certificate (EL-104). The Chief inspector signed the certificate on the ballot bag.

3:58 pm-David Vanderleest objects to all ballots from Wards 20, 20A, and 21 because the seal numbers are not properly recorded on the EL104.

3:59 pm-Clerk Jeffreys verifies Ward 22 ballots are sealed in a ballot bag with seal #00197554. Ballot bag is sealed with an integrated seal on the bag itself, as well as an additional tamper-evident seal. The seal number is noted on the chief inspector's certificate (EL-104). The Chief inspector signed the certificate on the ballot bag.

4:00 pm-David Vanderleest again notes petitioner's objection to all at-polls ballots from Wards 20, 20A, and 21 because of the missing seal numbers on the EL-104.

4:01 pm-Clerk Jeffreys states for the record that there were no provisional ballots for any of the

wards subject to the recount.

4:04 pm-Jaime Fuge states for the record that she is Chief Inspector of Central Count, and that she signed the seals on the ballot bags for each ward along with one inspector affiliated with the Republican Party and one inspector affiliated with the Democratic party.

4:05 pm-Clerk Jeffreys and Jaime Fuge verify the seals on the ballot bags from Central count match the inspector statements. The seal numbers are as follows:

Ward 20: #753123

Ward 20A: #753133

Ward 21: #753124

Ward 22: #753125

4:06 pm-David Vanderleest objects again and alleges a due process violation related to amount of time allowed for viewing documents and for not being able to view documents that were reviewed while he was not present.

4:08 pm-Jaime Fuge opens the envelope containing the absentee ballot certificate envelopes for Ward 20. Board covers voter numbers with post-it note so the candidate and petitioner can review the certificates. Board will examine the sufficiency of each certificate and then show it to both parties.

4:11 pm-**Board begins reviewing sufficiency of absentee ballot certificates for Ward 20.**

4:23 pm-David Vanderleest objects to all absentee ballots submitted by indefinitely confined absentee voters. Attorney Mather explains that how a voter ended up voting absentee is not within the scope of the recount and not something that can be challenged during the recount.

4:25 pm-Clerk Jeffreys explains that some in-person absentee vote (IPAV) ballots may not have a date stamp because the voting occurred in the office in person, and the stamps are for votes received via mail.

4:26 pm-Clerk Jeffreys states for the record that IPAV occurred from 3/19/2024 to 3/30/2024.

4:38 pm-David Vanderleest restates his objection to all indefinitely confined absentee voters and requests that he be provided the statements those voters signed to be on the indefinitely confined list. The objection is noted and the recount continues.

4:51 pm-David Vanderleest asks that the at-polls poll book be checked for the name of Kristine Bacon, as he believes he remembers seeing her name on the list as voting in-person as well.

Board continues reviewing ballots while Clerk Jeffreys looks at the at-polls poll book.

4:52 pm-Clerk Jeffreys checks the at-polls poll book. there is no voter signature from Kristine Bacon as having voted at the polls. There is a watermark next to that name indicating she had voted absentee.

4:53 pm-**Board completes its review of the absentee ballot certificates for Ward 20.**

4:54 pm-David Vanderleest again requests absentee applications for indefinitely confined voters. Clerk Jeffreys clarifies that those applications may be obtained via a public records request, but are not part of the materials that are reviewable for the recount.

4:55 pm-Clerk Jeffreys seals the absentee ballot certificate envelopes in a new envelope. The seal number is 736927. The Board signs the envelope.

4:56 pm-**Board begins reviewing the sufficiency of the absentee ballot certificates for Ward 20A.** Jaime Fuge opens the envelope with the certificates.

5:09 pm-Steven Campbell raises a question about two voters, Edna and Thomas Roeback, who had the same witness at a care facility. Clerk Jeffreys explains the process for getting ballots to people in such care facilities if they are not able to vote when Special Voting Deputies are there. Board confirms there is no issue with the same witness signing two voters' ballots.

5:28 pm-**Board completes its review of the absentee ballot certificates for Ward 20A.** Clerk Jeffreys seals the absentee ballot certificate envelopes in a new envelope. The seal number is 736298. The Board signs the envelope.

5:31 pm-**Board begins reviewing the sufficiency of the absentee ballot certificates for Ward 21.** Jaime Fuge opens the envelope with the certificates.

5:50 pm-**Board completes its review of the absentee ballot certificates for Ward 21.** No objections noted for this ward. Clerk Jeffreys seals the absentee ballot certificate envelopes in a new envelope. The seal number is 736217. The Board signs the envelope.

5:52 pm-Attorney Sarver asks if all absentee certificates have been accepted so far and if his window has passed to challenge any that he objected to in the wards the Board has already reviewed. Attorney Mather confirms that those challenges needed to be made at the time the individual certificates were reviewed.

5:55 pm-**Board begins reviewing the sufficiency of the absentee ballot certificates for Ward 22.** Jaime Fuge opens the envelope with the certificates.

5:56 pm-Steven Campbell indicates he had wanted to object to all votes cast using Special Voting Deputies. Clerk Jeffreys, Attorney Mather, Jaime Fuge, and Deanna Debruler all confirm they did not hear that objection being made. Attorney Mather explains those objections would have had to be made as the individual certificates were being reviewed.

6:09 pm-Steven Campbell notes that on Patricia Johnson's absentee ballot there is a signature in the space on the certificate for an assistant. The Board reviews and determines the it appears to be the witness's signature and that the signature was crossed out and the witness then signed in the correct spot. No formal objection.

6:16 pm- **Board completes its review of the absentee ballot certificates for Ward 22.** Clerk Jeffreys seals the absentee ballot certificate envelopes in a new envelope. The seal number is 736931. The Board signs the envelope.

6:20 pm-Board takes a recess.

6:35 pm-Recount resumes.

6:36 pm-Clerk Jeffreys confirms that the Board has not received an injunction to stop the recount or an order for a hand recount. David Vanderleest indicates Judge Liegeois will hear the matter on Monday morning and requests that the Board adjourn until then. The Board will proceed with using the automatic vote tabulation equipment (DS200 machines).

6:38 pm-**The Board begins testing the voting machines** with the assistance of the technician, Dave Dimmer. Clerk Jeffreys breaks the seal on the bag containing the media sticks for the machines, which was received from Brown County earlier in the morning, and the media sticks are put into the machines.

6:44 pm-Jaime Fuge identifies the tabulator unit numbers on the DS200 machines: Unit #0113390315 is for central count absentee ballots; Unit #0113390067 is for at-polls ballots.

6:45 pm-A "Zero Report" is printed from each machine to demonstrate that there are no votes counted for any of the wards before the test. The doors to the machines are opened to demonstrate there are no ballots inside.

6:47 pm-Jaime Fuge shows the parties the test ballots. For each ward, there are five test ballots: a blank ballot, an overvoted ballot with votes for all candidates, a ballot with a vote for Joey Prestley, a ballot with a vote for Steven Campbell, and a vote for a write-in candidate.

6:49 pm-Jaime Fuge begins feeding test ballots into the at-polls machine.

6:52 pm-There is an issue with one of the voting machines. David Vanderleest states he objects to counting the ballots using the machines if the machines are not working by 7:00 pm. The issue



is resolved within moments and the public test continues.

6:57 pm-The public test of the at-polls machine concludes. Dave Dimmer works to make the machine ready to accept the actual ballots from the wards. Jaime Fuge begins feeding the test ballots into the central count machine.

7:01 pm-Jaime Fuge confirms all test ballots have been fed into the central count machine, and she concludes the test. Dave Dimmer works to get the machine ready to accept the ballots from the wards.

7:03 pm-Pamela Vanderbloemen reads the tape from the at-polls machine out loud to verify the test.

7:05 pm-Jaime Fuge reads the tape for the central count machine out loud to verify the test.

7:06 pm-Jaime Fuge states for the record that the vote totals have been cleared from the at-polls machine. Clerk Jeffreys states that a tamper-evident seal has been placed on the USB port for the at-polls machine, and seal number is #736246.

7:09 pm-Jaime Fuge states for the record that the vote totals have been cleared from the central count machine. The test ballots are removed from the central count machine.

7:10 pm-The parties are given the opportunity to review the Zero Tape printed from the at-polls machine. The Board members sign the Zero Tape.

7:11 pm-Clerk Jeffreys states that a tamper-evident seal has been placed on the USB port for the central count machine, and the seal number is #736926.

7:12 pm-The parties are given the opportunity to review the Zero Tape printed from the central count machine. The Board members sign the Zero Tape.

7:13 pm-Dave Dimmer opens both machines to show there are no ballots inside. **The Board completes its test of the voting machines.**

7:17 pm-The Board takes a recess for dinner.

7:47 pm-The recount resumes.

7:47 pm-Clerk Jeffreys indicates the Board will address David Vanderleest's objection to all at-polls ballots from Wards 20, 20A, and 21, because the ballot bag seal number was not written on the inspector statement (EL-104).

7:49 pm-The Board examines the ballot bag from Ward 20 and the other materials from the polls to determine whether it believes the ballots were properly secured at the polls on election night. The Board determines that the seals are intact, the dates of the signatures on the bag and the other materials are all from election day (4/2/24), and the signatures on the bag and the poll books appear to match. The Board therefore concludes that the integrity of the ballot bag appears to have been maintained despite the mistake that the seal number had not been written down on the EL-104. David Vanderleest attempts to argue with the Board's decision; Attorney Mather indicates the procedure for appealing that determination is outlined in the statute.

7:55 pm-The Board examines the ballot bag from Ward 20A and the other materials from the polls to determine whether it believes the ballots were properly secured at the polls on election night. The Board determines that the signatures on the bag and the poll books appear to match and are all dated from election day, and the ballot bag appears intact. The Board concludes that the integrity of the ballot bag appears to have been maintained despite the mistake that the seal number had not been written down on the EL-104. David Vanderleest again objects and claims the forms could have been falsified; Attorney Mather indicates the Board has made its decision and will not engage in a back-and-forth with him.

7:57 pm- The Board examines the ballot bag from Ward 20A and the other materials from the polls to determine whether it believes the ballots were properly secured at the polls on election

night. The Board notes that there are signatures on the ballot bag from all five election inspectors at the polling location. The Board determines the signatures match and are dated April 2, 2024, Election Day, and the seals on the bag are maintained. The Board concludes that the integrity of the ballot bag appears to have been maintained despite the mistake that the seal number had not been written down on the EL-104. David Vanderleest objects again and gets the same answer from Attorney Mather.

7:59 pm-Attorney Mather addresses David Vanderleest's objection to all absentee ballots from indefinitely confined voters until he was shown certain requested paperwork. Attorney Mather indicates the objection is not within the Board of Canvasser's purview, as the Board is only reviewing what happened on Election Day, which does not include the manner in which someone obtained an absentee ballot. Additionally, blanket objections are not appropriate; objections would have to be made to individual ballots. The Board will not consider the objection further.

8:02 pm-David Vanderleest again objects to indefinitely confined voters and asks if the Clerk's office has the documentation. Clerk Jeffreys reminds him that is not within the scope of the recount and can be found through the records request he submitted.

8:04 pm-The Board begins examining the ballots from each ward and running them through the voting machines. **The Board begins reviewing the absentee ballots from Ward 20.** Clerk Jeffreys opens the absentee ballot bag from central count. The Board counts the ballots and determines there are 70 ballots.

8:09 pm-The Board reviews the reconstructed ballot from Ward 20 and determines that the reconstructed ballot matches the original ballot. David Vanderleest asks that it be set aside. Attorney Mather clarifies that the only grounds to set it aside would be if the Board had determined that the votes do not match.

8:13 pm-The Board examines the write-in ballots from Ward 20 and determines there are three. The total number of ballots for Ward 20 is 73. That number matches the last voter number from the central count poll book.

8:15 pm-The Board shows the parties and their representatives each of the ballots before they are fed into the machine.

8:23 pm-Clerk Jeffreys begins feeding the ballots into the central count tabulator, starting with the write-in votes. She replaces the write-in ballots back in the write-in envelope. Clerk Jeffreys then feeds the remaining ballots from central count in Ward 20 into the machine.

8:36 pm-Clerk Jeffreys finishes feeding the Ward 20 absentee ballots into the central count machine. All absentee ballots are placed into a new ballot bag #00197541 and sealed with the bag's integrated seal and an additional tamper-evident seal. The Board signs the bag and the inspector statement. Clerk Jeffreys confirms the seal on the USB Port for the central count tabulation machine is still seal number #736926.

8:42 pm-**The Board begins reviewing the at-polls ballots from Ward 20.** Clerk Jeffreys cuts open the ballot bag and confirms that the last voter number on the at-polls poll book was 141.

8:43 pm-The Board begins counting the at-polls ballots. Attorney Mather clarifies the Board does not need to look for the initials on the ballots unless the number of ballots is greater than the number of voters from the poll books.

8:49 pm-The Board finishes counting and counts 140 ballots, which matches the number of votes from the original tape from Election Day. The number of ballots does not exceed the number of voters who voted in the election (last voter number was 141). The Board gives the parties the chance to review the ballots.

8:51 pm-Steve Grenier begins feeding ballots the parties have already reviewed into the at-polls voting machine while the parties continue reviewing the remaining ballots.

8:56 pm-The Board discusses the two earlier objections from Steven Campbell and David Vanderleest to the two voters from Ward 20 who did not sign the poll books (voters #89 and #35; objections noted at approximately 11:50 am). Attorney Mather explains the legal standard. The Board determines that because there is a number in both poll books, and the number of ballots is less than or equal to the number of voters for the ward, it is a procedural error which is not fatal, and the statute provides guidance that says the will of the voter to vote is of paramount importance. David Vanderleest restates his objection for the record. The votes will be counted.

9:01 pm-Steven Campbell objects to a ballot on the grounds that voter intent cannot be determined. The Board determines that voter intent can be determined and it is a vote for Joey Prestley.

9:21 pm-All at-polls ballots for Ward 20 have been fed into the tabulation machine. Clerk Jeffreys seals the ballots in a new ballot bag using the integrated bag seal and a separate tamper-evident seal. The ballot bag number is #00197546, which is reflected on the inspector statement. The Board signs the ballot bag and the inspector statement. **The Board has completed its review of the ballots from Ward 20.** Clerk Jeffreys confirms the seal on the USB Port for the at-polls tabulation machine is still seal number #736246.

9:26 pm-**The Board begins reviewing the absentee ballots from Ward 20A.** Clerk Jeffreys opens the absentee ballots from central count first. There are no write-in ballots. There are two reconstructed ballots. The Board counts the ballots and determines there are 60 ballots, which matches the last voter number from the central count poll book.

9:30 pm-The Board reviews the two reconstructed ballots from central count Ward 20A and determines that reconstructed ballot 1 reflects a vote for Joey Prestley, which matches the voter intent on the original, and that reconstructed ballot 2 reflects a vote for Steven Campbell, which matches the voter intent on the original ballot. The Board determines both ballots were reconstructed appropriately.

9:32 pm-The Board shows the parties and their representatives each of the ballots before they are fed into the machine.

9:34 pm-Steve Grenier begins feeding the Ward 20A absentee ballots the parties have already reviewed into the central count voting machine while the parties continue reviewing the remaining ballots.

9:42 pm-Steve Grenier finishes feeding the Ward 20A absentee ballots into the central count machine. All absentee ballots are placed into a new ballot bag #00197542 and sealed with the bag's integrated seal and an additional tamper-evident seal. The Board signs the bag and the inspector statement. Clerk Jeffreys confirms the seal on the USB Port for the central count tabulation machine is still seal number #736926.

9:46 pm-**The Board begins reviewing the at-polls ballots from Ward 20A.** Clerk Jeffreys cuts open the ballot bag and the Board counts the at-polls ballots. The Board counts 49 ballots, which matches the number of votes from the original tape from Election Day. The number of ballots exceeds the number of voters from the poll books (last voter number was 48) but the Board did not note this during the recount.<sup>1</sup> The Board gives the parties the chance to review the ballots.

---

<sup>1</sup> The Board's inadvertent mistake would not have changed the outcome of the recount. Because the last voter number was 48 and there were 49 ballots, the Board should have reviewed all of the ballots for any that did not have a vote cast for Alder for District 6. There were five at-polls ballots for Ward 20A that were blank for that race. Following the recount manual, the Board would have set aside those five ballots, which would have brought the

Steve Grenier begins feeding ballots the parties have already reviewed into the at-polls voting machine while the parties continue reviewing the remaining ballots.

9:58 pm-All at-polls ballots for Ward 20A have been fed into the tabulation machine. Clerk Jeffreys seals the ballots in a new ballot bag using the integrated bag seal and a separate tamper-evident seal. The ballot bag number is #00197543, which is reflected on the inspector statement. The Board signs the ballot bag and the inspector statement. **The Board has completed reviewing the ballots for Ward 20A.**

10:01 pm-**The Board begins reviewing the absentee ballots from Ward 21.** Clerk Jeffreys opens the absentee ballot bag from central count. The Board counts the ballots and determines there are 55 ballots. The Board examines the write-in ballots from Ward 21 and determines there are three. There are no reconstructed ballots. The total number of ballots for Ward 21 is 58. That number matches the last voter number from the central count poll book. The Board shows the parties and their representatives each of the ballots before they are fed into the machine. Steve Grenier begins feeding the Ward 21 absentee ballots the parties have already reviewed into the central count voting machine while the parties continue reviewing the remaining ballots.

10:17 pm- Steve Grenier finishes feeding the Ward 21 absentee ballots into the central count machine. All absentee ballots are placed into a new ballot bag #00197544 and sealed with the bag's integrated seal and an additional tamper-evident seal. The Board signs the bag and the inspector statement. Clerk Jeffreys confirms the seal on the USB Port for the central count tabulation machine is still seal number #736926.

10:19 pm-**The Board begins reviewing the at-polls ballots from Ward 21.** Clerk Jeffreys cuts open the ballot bag and confirms that the last voter number on the at-polls poll book was 192. The Board begins counting the at-polls ballots.

10:23 pm-David Vanderleest reminds the Board of the earlier objection to voter #53 for not signing the poll book. The Board will address the objection after they finish counting the total number of ballots.

10:29 pm-The Board counts a total of 192 ballots, which matches the number of votes from the original tape from Election Day. The number of ballots is equal to the number of voters who voted at the polls in the election (last voter number was 192).

10:30 pm-The Board discusses the earlier objection from Steven Campbell and David Vanderleest to voter #53 from Ward 21 who did not sign the poll book (objection noted at approximately 2:26 pm). Attorney Mather reminds the Board of the legal standard. The Board determines that because there is a number in both poll books, and the number of ballots is less than or equal to the number of voters for the ward, it is a procedural error which is not fatal, and the statute provides guidance that says the will of the voter to vote is of paramount importance. The vote will be counted. The Board gives the parties the chance to review the ballots. Steve Grenier begins feeding ballots the parties have already reviewed into the at-polls voting machine while the parties continue reviewing the remaining ballots.

10:39 pm-Joey Prestley objects to a ballot on the grounds that the bubble next to Steven Campbell is filled in and the name of a write-in candidate has also been filled in (but the bubble next to it has not).

10:45pm-The Board consults the recount manual and Wis. Stat. § 7.50(2)(d), both of which say that even if there is a mark next to a candidate's name, if there is also a write-in candidate's

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number of ballots for the ward (44) below the number of voters (49), and the remaining 44 ballots would have been fed through the at-polls tabulation machine. The results of the votes cast in that race would have remained the same, with 19 votes for Joey Prestley and 25 votes for Steven Campbell in Ward 20A.

name written, the write-in gets counted. The Board therefore determines that voter intent is to vote for the written-in candidate, and the vote will be counted as a write-in, not a vote for Steven Campbell. The ballot will not be fed into the voting machine as the machine will not properly count the write-in but would instead count it as a vote for Steven Campbell as it did on election day because the bubble next to his name had been filled in.

11:09 pm-All at-polls ballots for Ward 21 have been fed into the tabulation machine except the one vote that was changed to a write-in as previously described. Clerk Jeffreys seals all of the at-polls ballots in a new ballot bag using the integrated bag seal and a separate tamper-evident seal. The ballot bag number is #00197545, which is reflected on the inspector statement. The Board signs the ballot bag and the inspector statement. **The Board has completed its review of the ballots from Ward 21.** Clerk Jeffreys confirms the seal on the USB Port for the at-polls tabulation machine is still seal number #736246.

11:11 pm-**The Board begins reviewing the absentee ballots from Ward 22.** Clerk Jeffreys opens the absentee ballot bag from central count. The Board counts the ballots and determines there are 45 ballots. The Board examines the write-in ballots from Ward 22 and determines there are five. There are no reconstructed ballots. The total number of ballots for Ward 22 is 50. That number matches the last voter number from the central count poll book. The Board shows the parties and their representatives each of the ballots before they are fed into the machine. Steve Grenier begins feeding the Ward 22 absentee ballots the parties have already reviewed into the central count voting machine while the parties continue reviewing the remaining ballots.

11:22 pm- Steve Grenier finishes feeding the Ward 22 absentee ballots into the central count machine.

11:24 pm-All absentee ballots are placed into a new ballot bag #00197979 and sealed with the bag's integrated seal and an additional tamper-evident seal. The Board signs the bag and the inspector statement. Clerk Jeffreys confirms the seal on the USB Port for the central count tabulation machine is still seal number #736926.

11:25 pm-**The Board begins reviewing the at-polls ballots from Ward 22.** Clerk Jeffreys cuts open the ballot bag and confirms that the last voter number on the at-polls poll book was 130. The Board begins counting the at-polls ballots. The Board counts a total of 130 ballots, which matches the number of votes from the original tape from Election Day. The number of ballots is equal to the number of voters who voted at the polls in the election (last voter number was 130). The Board gives the parties the chance to review the ballots. Steve Grenier begins feeding ballots the parties have already reviewed into the at-polls voting machine while the parties continue reviewing the remaining ballots.

11:30 pm-While reviewing the ballots, the Board notes one ballot with a ballot filled in next to the write-in candidate, but no name was written in. The ballot will still be counted as a write-in.

11:46 pm-All at-polls ballots for Ward 22 have been fed into the tabulation machine. Clerk Jeffreys seals all of the at-polls ballots in a new ballot bag using the integrated bag seal and a separate tamper-evident seal. The ballot bag number is #00197535, which is reflected on the inspector statement. The Board signs the ballot bag and the inspector statement. **The Board has completed its review of the ballots from Ward 22.** Clerk Jeffreys confirms the seal on the USB Port for the at-polls tabulation machine is still seal number #736246.

11:49 pm-Clerk Jeffreys does a final confirmation of the seal numbers on the USB Ports on both the at-polls and central count voting machines. She then removes the seal from each machine and places it on the respective recount inspector statements for Ward \_\_. Clerk Jeffreys, Jaime Fuge, and Dave Dimmer close out the at-polls voting machine, followed by the central count machine.

The results tapes from the machines are printed and read out loud.

12:00 am-All of the results have been read. Clerk Jeffrey begins preparing the canvass statement. Steven Campbell and Joey Prestley review and compare the results from election day and from the recount.

12:18 am (4/13/24)-Steven Campbell states that he is satisfied with the results paperwork from both days.

12:28 am-Jaime Fuge and Clerk Jeffrey place the memory sticks back in the bag from the County and reseal the bag with seal number 21449432.

12:29 am-The Board signs a new canvass statement for the recount.

12:31 am-Clerk Jeffrey announces that the recount has concluded. The result is that Joey Prestley has won with 355 votes to Steven Campbell's 339 votes. Clerk Jeffrey informs the parties that they have 5 business days to appeal the recount in Brown County Circuit Court.

12:32 am-Recount adjourned.



Attachment A Recount, Spring General Election 2024-04-12

<b>ward 20</b>	Prestley	Campbell	write-in	over	under	<b>213</b>	
<b>TOTAL D6</b>							
Central Count	39	28	1	0	5	73	
At-polls	71	55	3	0	11	140	
<b>ward 20A</b>						<b>109</b>	
Central Count	19	30	0	0	11	60	
At-polls	19	25	0	0	5	49	
<b>ward 21</b>						<b>250</b>	
Central Count	34	21	0	0	3	58	
At-polls	79	105	1	0	7	192	
<b>ward 22</b>						<b>180</b>	
Central Count	30	18	0	0	2	50	
At-polls	64	57	1	0	8	130	



# Certification of the Board of Canvassers--RECOUNT

We, the undersigned, certify that we are the members of the  
Board of Canvassers for the City of Green Bay

We certify that the attached Tabular Statement of Votes Cast and Summary Statement of the Board of Canvassers, canvassed and prepared by us, are correct and true as compiled from the original returns made to the

Celestine Jeffreys, Clerk.

We further determine and certify that the following persons received the greatest and the next to greatest (for primary only) number of votes for the respective office for which each was a candidate on April 2, 2024

OFFICE  
Alder, District 6

HIGHEST CANDIDATE  
Joey Prestley

## BOARD OF CANVASSERS

- (1) Kimberly K. Vanderveer
- (2) James M. Juege
- (3) Andrew H. Hanner
- (4) \_\_\_\_\_
- (5) \_\_\_\_\_

April 13, 2024  
(Date)

This document is signed by:

### *For Municipal Elections*

- The inspectors when there is only one polling place and one set of election results. s.7.53(1), Stats.
- The municipal board of canvassers when there are 2 or more reporting units. s.7.53(2)(a), Stats.

### *For State and County Elections*

- The county board of canvassers. s.7.60(2), Stats.

# Exhibit 5

8

24 CV 554

STATE OF WISCONSIN CIRCUIT COURT BROWN COUNTY

FILED

Emergency Motion for Relief

APR 12 2024

Clerk of Courts  
Brown County, WI

Petitions pray that this court will grant this Emergency Motion and order Green Bay Municipal Clerk Celestine Jeffreys and the Board of Canvassers to allow for a manual recount of votes. Due to the fact Clerk Jeffreys delivered 38 absentee ballots brought to central count, at 7:50pm on election night from the clerk's office, and ballots were previously brought up at around 7:00. It is the belief of the petitioner that 38 people did not bring in ballots between 7 and 7:50 pm. I believe fraud had occurred, and a physical manual count is believed by the petitioner to give a more accurate result. I would like to also inform the court the petitioner bears the burden of paying for the recount. Please see exhibit 1 Recount Petition.

IT IS Further requested the Clerk be ordered to not proceed until all material allowable in the WEC recount check list be provided the Petitioner. see Ex 2

Respectfully submitted:

*Steven Campbell*

Steven Campbell

"I declare (or certify, verify, or state) under penalty of perjury that the foregoing Complaint is true and correct. Executed on 4/12/2024

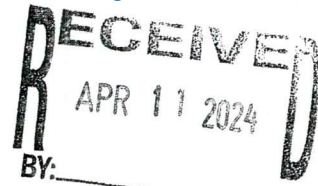
*[Handwritten signature]*



Ex: 02/09/2026

ID: 245914

EX 1



RECOUNT PETITION

In Re: The Election for City of Green Bay Alderperson, District 6

Verified Petition for Recount

Petitioner Steven Campbell alleges and shows to Green Bay Municipal Clerk Celestine Jeffreys:

- 1. That Petitioner was a candidate for the office of City of Green Bay Alderperson, District 6 in an election held on April 2nd, 2024;
2. The Petitioner is an Aggrieved Party as defined in Wis Statute 9.01(1)(a)5

That Petitioner is informed and believes that a mistake has been committed in Wards 20, 20A, 21, and 22 of the City of Green Bay in the counting and return of votes cast for the office of Alderperson, District 6; and/or

That Petitioner is informed and believes that fraud has been committed in Wards 20, 20A, 21, and 22 of the City of Green Bay in the counting and return of votes cast for the office of Alderperson, District 6; and/or

- 3. That Petitioner is informed and believes that:

"The illegal activity shut down by Lasee, and Prestley's involvement with said activity is grounds for a legal challenge against the election outcome in the 6th"

Wherefore: Petitioner requests a recount of Wards 20, 20A, 21, and 22 of the City of Green Bay.

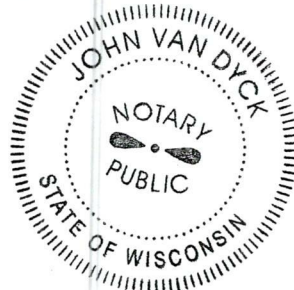
Dated this 11th day of April, 2024.

Signature of Steven Campbell, Petitioner

I, Steven Campbell, being first duly sworn, on oath, state that the matters contained in the above petition are known to me to be true except for those allegations stated on information and belief, which I believe to be true.

Signature of Steven Campbell, Petitioner

Subscribed and sworn to before me this 11th day of April, 2024.



Signature of Notary Public, (or any other person authorized to administer oaths)

My Commission Expires 7/19/2027 (specify expiration date)



Ex 2

## Recount Checklist

Hand Counted Paper Ballots

Municipality \_\_\_\_\_ Date \_\_\_\_\_  
Reporting unit \_\_\_\_\_ Contest \_\_\_\_\_

**This checklist is designed to facilitate uniform practices and is to be completed simultaneously with the recount process for each reporting unit in the recount.**

- Compare and reconcile poll lists.
- Absentee ballot review: number, rejected, defective envelopes, all certificates.
- Verify tamper evident serial number on ballot container matches seal number written on Inspectors' Statement (EL-104) and Ballot Container Certification (EL-101).
- Ballot count.
  - Review ballots marked "rejected," "defective," or "objected to."
  - Separate absentee ballots and drawdown (*May be skipped if the number of absentee ballots equals the number of proper envelopes*).
  - Reconcile the number of ballots with the number of voters.
  - Treatment of excess ballots (*May be skipped if the number of voters equals or exceeds the number of ballots.*)
- Review provisional ballots.
- Hand count paper ballots.
  - Sort ballots by candidate.
  - Create stacks of a fixed number.
  - Tally the stacks using duplicate original tally sheets (EL-105).
- Add in any votes counted separately by other methods.
- Secure the original election materials.
- Prepare canvass statement.
- Prepare minutes for each reporting unit and attach completed checklist to minutes.

# Exhibit 6



City of Green Bay Law Department  
100 North Jefferson Street - Room 200  
Green Bay, Wisconsin 54301-5026  
www.greenbaywi.gov

Phone 920.448.3080  
Fax 920.448.3081

April 12, 2024

**FILED**

APR 12 2024

Clerk of Courts  
Brown County, WI

*Via Hand Delivery*

Honorable Beau Liegeois  
Brown County Courthouse  
100 S. Jefferson Street  
Green Bay, WI 54301

Re: Steven Campbell v. Celestine Jeffreys  
Brown County Case No.: 24-CV-554

Dear Judge Liegeois:

Yesterday, Mr. Steven Campbell filed a petition with the City of Green Bay for a recount in the election for Alder in the Sixth District in the City. The recount is currently being conducted pursuant to the enclosed notice. At the start of the recount process, the Board of Canvassers opted to count the ballots using the voting machines, rather than via hand. Mr. Campbell has since made us aware that he has filed an Emergency Motion for Relief seeking an order from the Court for the recount to be conducted via a hand count. The City does not take any position on Mr. Campbell's motion.

However, in the interest of judicial economy and to aid the Court in consideration of said motion, I direct the Court's attention to Wisconsin Statutes § 5.90, which governs recounts of elections conducted via electronic voting equipment. Pursuant to that statute, the petitioner in an action for a hand recount of ballots

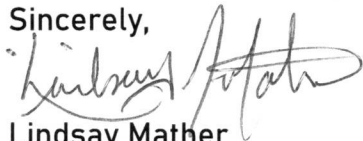
bears the burden of establishing by clear and convincing evidence that due to an irregularity, defect, or mistake committed during the voting or canvassing process the results of a recount using automatic tabulating equipment will produce incorrect recount results and that there is a substantial probability that recounting the ballots by hand or another method will produce a more correct result and change the outcome of the election.

WIS. STAT. § 5.90(2).

The Board of Canvassers conducting the recount will abide by whatever this Court deems appropriate upon consideration of petitioner's Emergency Motion.

Thank you for your consideration.

Sincerely,



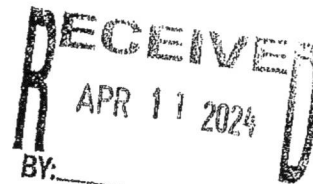
Lindsay Mather

Enclosure

cc: Steven Campbell  
Joey Prestley



X



RECOUNT PETITION

In Re: The Election for City of Green Bay Alderperson, District 6

Verified Petition for Recount

Petitioner Steven Campbell alleges and shows to Green Bay Municipal Clerk Celestine Jeffreys:

1. That Petitioner was a candidate for the office of City of Green Bay Alderperson, District 6 in an election held on April 2nd, 2024;

2. The Petitioner is an Aggrieved Party as defined in Wis Statute 9.01(1)(a)5

That Petitioner is informed and believes that a mistake has been committed in Wards 20, 20A, 21, and 22 of the City of Green Bay in the counting and return of votes cast for the office of Alderperson, District 6; and/or

That Petitioner is informed and believes that fraud has been committed in Wards 20, 20A, 21, and 22 of the City of Green Bay in the counting and return of votes cast for the office of Alderperson, District 6; and/or

3. That Petitioner is informed and believes that:

“The illegal activity shut down by Lasee, and Prestley's involvement with said activity is grounds for a legal challenge against the election outcome in the 6th”

Wherefore: Petitioner requests a recount of Wards 20, 20A, 21, and 22 of the City of Green Bay.

Dated this 11th day of April, 2024.

[Signature]
Petitioner

I, Steven Campbell, being first duly sworn, on oath, state that the matters contained in the above petition are known to me to be true except for those allegations stated on information and belief, which I believe to be true.

[Signature]
Petitioner

Subscribed and sworn to before me this 11th day of April, 2024.



[Signature]
Notary Public
(or any other person authorized to administer oaths)

My Commission Expires 7/19/2027
(specify expiration date)

# Exhibit 7

**FILED**  
**04-18-2024**  
**Clerk of Circuit Court**  
**Brown County, WI**  
**2024CV000554**

STATE OF WISCONSIN

CIRCUIT COURT  
BRANCH I

BROWN COUNTY

---

STEVEN CAMPBELL,

Petitioner,

Case No. 24-CV-554

v.

CELESTINE JEFFREYS,

Respondent.

---

**BRIEF IN OPPOSITION TO EMERGENCY MOTION FOR RELIEF**

---

Respondent Celestine Jeffreys, in her official capacity as City Clerk for the City of Green Bay, by and through her attorney, Assistant City Attorney Lindsay Mather, submits this Brief in Opposition to Petitioner Steven Campbell's Emergency Motion for Relief, filed on April 12, 2024.

**INTRODUCTION**

In his Motion, Petitioner requests a manual recount of certain votes cast in the recent election on April 2, 2024. Clerk Jeffreys respectfully asks the Court to deny Mr. Campbell's Motion on the grounds that the motion fails to state any facts that would entitle Mr. Campbell to a hand recount under Wisconsin Statutes section 5.90(2)<sup>1</sup> and the petition is now moot, given that the recount has already occurred and its results verified the accuracy of the results of the original canvass.

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<sup>1</sup> All references to the Wisconsin Statutes are to the 2021-2022 version unless otherwise specified.

## BACKGROUND

Mr. Campbell was a candidate for Alderperson for the 6<sup>th</sup> District of the City of Green Bay during the April 2, 2024 election. Following the initial canvass of the election results, Mr. Campbell lost the election to his opponent, Joey Prestley, by a margin of just 15 votes.<sup>2</sup> As the difference in vote totals was below 40 votes, Mr. Campbell was within his rights to request a recount of the results in his District under Wisconsin Statutes section 9.01, and he did so on Thursday, April 11, 2024. The recount was held on Friday, April 12, 2024, beginning at 9:00 am.

Near the start of the meeting, at around 9:06 am, Mr. Campbell's representative<sup>3</sup> made a request to the Board of Canvassers ("Board") conducting the recount that the votes be counted by hand. The Board of Canvassers voted at that time to conduct the recount using automatic vote tabulating equipment—i.e., voting machines. At or around 9:46 am, Mr. Campbell's representative repeated his request for a hand count and asked the Board for a series of recesses. The Board ultimately stood in recess until approximately 11:15 am, at which time Mr. Campbell's representative informed the Board that the Emergency Motion that is the subject of this action had been filed, and that he and Mr. Campbell were hopeful a hearing would be scheduled soon.

As the recount continued, the Board performed as many steps of the recount as possible before beginning to count the ballots using the automatic vote tabulating equipment ("voting machines") in order to allow Mr. Campbell as much time to obtain an order for a hand recount or an injunction directing the Board to wait to continue the recount until the Motion for the hand recount could be heard. At or around 6:35 pm, Clerk Jeffreys confirmed that the City had not been served with any such order or injunction, and Mr. Campbell's representative informed Clerk

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<sup>2</sup> 355 votes were cast for Mr. Prestley; 340 votes were cast for Mr. Campbell.

<sup>3</sup> Pursuant to guidance from the Wisconsin Elections Commission, each candidate for election in a race that is the subject of a recount may designate a primary representative who, in addition to the candidate, may speak on behalf of the campaign. The representative need not be, and Mr. Campbell's representative was not, an attorney.

Jeffreys that Judge Beau Liegeois, Brown County Circuit Court Branch 8, would hear the matter at 11:30 am on Monday, April 15, 2024. In the absence of an order or injunction directing them to do otherwise, the Board of Canvassers proceeded with completing the recount using the voting machines at that time. Prior to the ballots being fed into the voting machines, the Board provided both Mr. Campbell and Mr. Prestley, and their respective representatives, the opportunity to examine each ballot and raise concerns with respect to the evidence of each voter's intent to vote for a particular option.<sup>4</sup> Mr. Prestley and Mr. Campbell asked the Board to clarify voter intent at various times during this examination of the ballots.

The recount was completed at approximately midnight Friday night. The results of the canvass following the recount were the same as those of the initial canvass, with one exception: one vote previously identified as a vote for Mr. Campbell in Ward 21 was, upon examination by the Board, properly counted as a write-in vote. The final results of the recount were 355 votes for Mr. Prestley and 339 votes for Mr. Campbell.

On Monday, April 15, 2024, Mr. Campbell appeared at a hearing in front of Judge Liegeois and requested a substitution of judge. The matter has subsequently been assigned to this Court.

### **ARGUMENT**

Clerk Jeffreys and the Board of Canvassers initially took no position on Mr. Campbell's motion. At this point and under the current circumstances, however, Clerk Jeffreys now opposes Mr. Campbell's Motion and requests that the Court deny Mr. Campbell's motion on the grounds that he has failed to articulate any reason that would satisfy the statutory standard necessary to allow the Court to make a determination that a recount by hand is appropriate.

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<sup>4</sup> Elector intent is to be determined according to the standards articulated in Wisconsin Statutes section 7.50. In making determinations as to voter intent, the Board of Canvassers examines the marks made on the ballot for a given race to ensure the vote is properly counted. WIS. STAT. § 7.50(2).

**A. Mr. Campbell has not met the statutory threshold for a recount by hand.**

Under Wisconsin Statutes section 5.90(2), any candidate who petitions the circuit court for an order requiring ballots to be counted by hand must demonstrate that,

due to an irregularity, defect, or mistake committed during the voting or canvassing process the results of a recount using automatic tabulating equipment will produce incorrect recount results and that there is a substantial probability that recounting the ballots by hand or another method will produce a more correct result and change the outcome of the election.

WIS. STAT. § 5.90(2) (2021-22). There are several parts to that standard; the petitioner must show: that there was an irregularity, defect, or mistake; that due to said irregularity, defect, or mistake the results of a recount using the voting machines will produce incorrect recount results; that there is a substantial probability 1) that recounting the ballots by hand will produce a more correct result, and 2) that recounting the ballots by hand will change the outcome of the election. *Id.* A court may order a hand recount *only* if determines that the petitioner has made such a showing by clear and convincing evidence. *Id.* at § 5.90(3).

Mr. Campbell's Motion falls far short of meeting that mandatory statutory burden. Even if we were to assume, without conceding, that the allegations of the late delivery of absentee ballots to Central Count for processing and the corresponding vague allegation of a belief that fraud could be considered an "irregularity, defect, or mistake," Mr. Campbell has made no attempt at meeting the other requirements of section 5.90(2). While the Motion suggests Mr. Campbell believes a hand count will "give a more accurate result," there is no allegation that a recount using the voting machines will produce *less correct* results—let alone that the results would be less correct as a result of the late delivery of ballots to Central Count.

Perhaps most critically, Mr. Campbell does not come close to demonstrating that there is a substantial probability either that a hand count would produce a more correct result than the result generated by the voting machines, nor that a hand count would change the outcome of the election.

With respect to the former, Mr. Campbell relies only on a bare statement to that effect, but offers no facts in support. As to the latter, the Motion makes no reference to the outcome of the election, nor the likelihood of a hand count to change it, despite the fact that Mr. Campbell and his representative had the opportunity to examine every ballot cast in the election. If a hand count were, in fact, substantially likely to change the outcome of the election, Mr. Campbell would have even more evidence now than he did Friday morning supporting his assertion that a hand count would be more accurate. However, Mr. Campbell has made no attempt to supplement his Motion.

It is also worth noting that Mr. Campbell was shown each individual ballot before it was fed into the voting machine to be counted, and he was given the opportunity—and availed himself of that opportunity—to ask the Board of Canvassers to examine the markings on any ballot to ensure voter intent was properly ascertained. It is difficult to imagine how Mr. Campbell envisions the results changing after having seen the markings on all of the ballots, particularly in the absence of any specific allegations to that effect.

The only allegation Mr. Campbell states in his Motion does not satisfy the many prongs of the standards articulated in Wis. Stat. §§ 5.90(2) and (3). In the absence of facts even tending to support an order for a hand count, Mr. Campbell's Motion must be denied.

**B. The Motion is now moot and untimely, as the entire recount process has already concluded.**

The last day for Mr. Campbell to file a petition for a recount was Thursday, April 11, 2024, and by statute, the latest a recount could begin is 9:00 am on the day following the last day to file a recount petition—in this case, Friday, April 12, 2024. Mr. Campbell was in the best position to know whether he was going to file a recount petition, and therefore was also in the best position to seek a court order for a hand count prior to the start of the actual recount. Instead of filing in advance, or even first thing in the morning the day of the recount, however, Mr. Campbell waited

until around 11:00 am to file anything with the Brown County Circuit Court seeking an order for a hand count. Further, although reference was publicly made during the recount to Wisconsin Statutes sections 5.90(1) and (2), which govern hand recounts, the Motion does not reference the statute, its standards, or its requirement that a court hear a petition for a hand count “as expeditiously as possible.” WIS. STAT. § 5.90(3). It was incumbent upon Mr. Campbell, as the petitioner in the recount and the petitioner for the recount by hand, to ensure that a court timely heard his petition in order to ensure that the recount be conducted by hand. He failed to procure the required order prior to the time at which the Board of Canvassers began processing ballots, despite the Board having waited as long as possible to do so in order to provide Mr. Campbell as much time as possible to obtain the order.

The recount was properly noticed and was conducted according to statute on Friday, April 12, 2024. The Board of Canvassers exercised its right to count the ballots using voting machines, which is a much faster process than a hand count, and at this point the recount has been finished for several days. Mr. Campbell’s Motion for a hand recount is moot at this point. What’s more, the results of the recount conducted on Friday matched the results of the original canvass of the election, with the exception of the write-in vote noted above. The recount was conducted appropriately, timely, and accurately, and Mr. Campbell’s Motion should be denied as moot accordingly.

### **CONCLUSION**

For the foregoing reasons, Celestine Jeffreys, in her official capacity as City Clerk for the City of Green Bay, respectfully requests that the Court deny Steven Campbell’s Emergency Motion for Relief and deny the request for a hand recount.



Dated at Green Bay, Wisconsin, this 18<sup>th</sup> day of April, 2024.

Respectfully submitted,

/s/ Lindsay Mather

Lindsay J. Mather (State Bar No. 1086849)

*Attorney for Celestine Jeffreys, City Clerk*

City of Green Bay

100 N. Jefferson Street, Room 200

Green Bay, WI 54301-5026

(920) 448-3080

[Lindsay.Mather@greenbaywi.gov](mailto:Lindsay.Mather@greenbaywi.gov)

# Exhibit 8

STATE OF WISCONSIN

CIRCUIT COURT

BROWN COUNTY

Steven Campbell vs. Celestine Jeffreys

Minutes

SL

Case No.: 2024CV000554

Clerk:	Date:	Reporter
	04-19-2024	Sharon Millis
Activity:	Time:	Court Official
Hearing	10:00 am	Donald R. Zuidmulder, Judge
	10:15	Interpreter

Appearances

no Atty ✓ David Vandulst assisting not an Atty  
 Lindsay Mather, Respondent's Attorney

- Steven Campbell, Petitioner
- Celestine Jeffreys, Respondent
- Other

Atty Mather appears for Respondent.

Atty Welsh special appearance for Joseph Prestley  
to Judge allows

Steven Campbell hands Judge - Motion to Recertify  
election + recount results  
court states Not properly received a part of this hearing.

Judge addresses Mr. Campbell in reference to  
the hand re-count. he is requesting.  
Mr. Campbell addresses Judge on his reasoning  
for the re-count.

Judge denies the hand re-count

Next Activity: \_\_\_\_\_ Date: \_\_\_\_\_

# Exhibit 9

STATE OF WISCONSIN

CIRCUIT COURT

COUNTY OF BROWN

Plaintiff:

Steven Campbell

Vs

Case Number

24cv554

Respondents

Celestine Jeffreys

Joey Prestley

Green Bay Board of Canvassers

**FILED**

APR 19 2024

**Clerk of Courts  
Brown County, WI**

Motion to Decertify Election and Recount Results

Motion for Scheduling Conference

Demand for Discovery

Motion for /Costs

Comes now Steven Campbell, by special visitation, individual hereby explicitly reserve his First Amendment Constitutional Rights in Good Faith, to amend this and all subsequent pleadings, should future events and/or discoveries prove necessary.

## Back Ground

On Tuesday, April 2nd, 2024 an election took place for Green Bay City Council, District 6. This race was also on the same ballot as the Presidential Primary election. The election for City Council, District 6 had a total of 700 votes. The initial results show that Steven Campbell lost by 15 votes. The election results were certified by the Green Bay Board of Canvassers(BOC) on April 8th, 2024. On April 11th 2024 Steven Campbell filed a timely petition for a recount. The recount was granted. Since the percentage was outside the threshold for a free recount, the Petitioner/Candidate Steven Campbell decided to proceed with a recount for which he would bear the responsibility to pay for which had a cost of \$4306.76.

After the petition and fee were paid the recount commenced the next day on, Friday, April 12th, 2024, at 9:00am. The petitioner asked for a manual recount. The BOC denied this request. On April 12th 2024 Steven Campbell filed for emergency relief in the Brown County Circuit Court, seeking an order to require the BOC to do a manual recount under the authority of Wis Stats 5.90(3).

The emergency injunction was assigned to Judge Legois who was out of town, and the matter was never heard, the BOC continued to move forward despite protest from the Petitioner/Candidate Steven Campbell. The emergency injunction was scheduled for Monday April 15th 2024. The BOC proceeded with a machine recount which took 15 hours and concluded on April 16th at around 12:18 am, and affirmed their original results.

On April 16th 2024, Steven Campbell appeared in Circuit Court before the honorable Beau Legois. Honorable Legois granted a motion for a Judicial Substitution on 04/15/2024.

This filing to appeal the outcome of the election and recount is made timely under Wisconsin Statute 9.01 (6) which allows five business days from the BOC certifying the results of the recount which occurred on April 13th, 2024, giving a deadline of April 19th, 2024.

During the recount on April 12-13 2024, many FOIA requests were made for information the plaintiff believes will be helpful in this case before the court. As of 04-16-2024 none of the FOIA requests have been made available. To date the recount which was recorded for public use has still not been put on the city youtube channel. These types of videos are made available immediately after the meeting or hearing is over; why is this different? Why are all requests for information from the city government involving elections met with resistance and delays? Your Honor at this time we ask you to order Discovery from the BOC by 4-22-2024, as this matter needs to proceed quickly, as the good people of Green Bay's 6th district deserve to have representation quickly without delay.

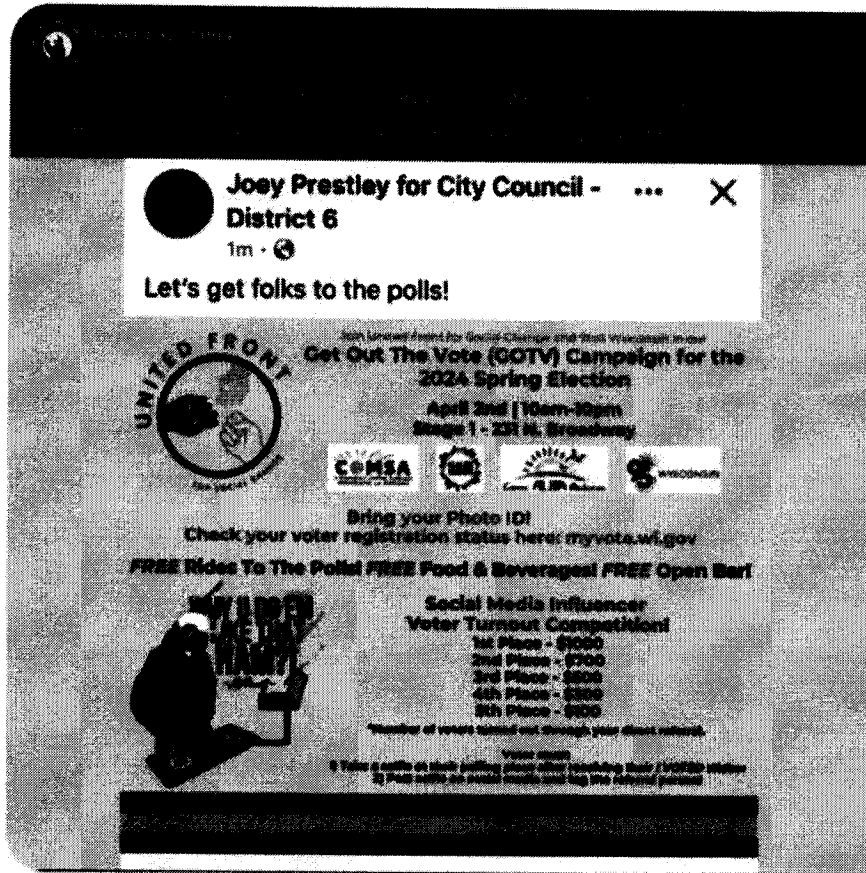
### Evidence of Fraud and Tampering

1. During the process of the recount, the petitioner gained personal knowledge and undeniable evidence that the ballot for Green Bay councilperson, District 6 was tampered with or never secure. The serial numbers on three out of four sealed in person polling locations ballot bags did not have matching serial numbers on the Inspectors statement (EL-104) because they were missing. The EL-104 is signed by all the poll workers. It would be impossible for all 4-5 poll workers at three different polling locations to have missed that the security number on the bag was not written on the EL-104. The only reason for all the poll workers' signatures on the EL-104 is to verify and confirm matching security numbers, to ensure security. The absence of matching bag and report numbers is undeniable proof that the ballot was never secure, tampered with and should be set aside; in plain terms, without matching security codes as required by the Wisconsin State Statutes, there is no proof someone did not have their hand in the cookie jar.
2. It was further discovered during the recount that a ballot harvesting scheme was in full effect during the election. After reviewing the ballots and envelopes, it became very clear that a ballot harvesting operation had occurred in district six. What makes this scheme fraudulent is that many voters are listed as permanently and indefinitely confined. After reviewing the locations and residents, Petitioner Steven Campbell has first hand knowledge that many of these voters have no handicap that would consider them permanently and indefinitely confined. It is illegal and fraudulent to send people up and down the halls at the apartments in Green Bay and attempt to sign everyone up as permanently and indefinitely confined when you have personal knowledge to the contrary. It gives an unfair advantage to one candidate when they know which home will be receiving absentee ballots every election until they die. It needs to be further noted that permanent and indefinitely confined voters are also exempt from photo ID requirements. This is meant for the handicapped, not for students in apartments off University Avenue and healthy individuals. This scheme is a fraud under Wisconsin Statutes 12.13 Wisconsin requires by law that an elector who is indefinitely confined because of age, physical illness or infirmity or is disabled for an indefinite period may by signing a statement to that effect require that an absentee ballot be sent to the elector automatically for every election. The application form and instructions shall be prescribed by the commission, and furnished upon request to any elector by each municipality. The envelope containing the absentee ballot shall be clearly marked as not forwardable. If any elector is no longer indefinitely confined, the elector shall notify the municipal

clerk. Although we have not had time to investigate all of the indefinitely confined voters in the sixth District, we have discovered some from the small number of samples we have had time to verify since the recount, we anticipate many more after we conclude investigating all absentee votes. Here are a small number we personally have knowledge that fraud occurred from the small sample size we had time to investigate since the recount.

- A. John and Kathy Heyrman claim to be permanently confined, yet run a printing business.
  - B. Diane Wright, claims permanently confined yet Volunteer at Bellin Hospital.
  - C. Adam Bormann, 2595 University avenue #10, 36 yr old, Senior Integrated Media Strategist at Ruffalo Noel Levitz, and not permanently confined.
  - D. Becky De Wolfe Moemmartz 2338 Eastman Avenue #2 not indefinitely confined.
3. On April 2nd 2024 Joey Prestley shared from his campaign page on a local social media group page an image from Get Out The Vote (GOTV) which was offering illegal incentive campaign to get people to the polls that, after soon being shared, was deleted . This is a direct violation of Wisconsin Statutes 12.11 and is a class I felony. It needs to be noted that Brown County District Attorney David Lasee sent a cease and desist to (GOTV) and shut this illegal election scheme down shortly after 8:00 am on election day. Also it should be noted that Get Out the Vote was offering illegal incentives disguised as a contest to give 1000's of dollars away for procuring voters; this is also an illegal ballot harvesting operation. Please see the picture below and exhibit the DA letter.





4. The petitioner would request the court proceed under the authority of WI statutes chapter 9.07 and 9.08 which requires all material from this election to be immediately transferred to the court before rendering a decision.

**9.07 COURT PROCEDURES.**

- (a) The court with whom an appeal is filed shall forthwith issue an order directing each affected county, municipal clerk, or board, and the commission, to transmit immediately all ballots, papers and records affecting the appeal to the clerk of court or to impound and secure such ballots, papers and records, or both. The order shall be served upon each affected county, municipal clerk, or board, the commission, and all other candidates and persons who filed a written notice of appearance before any board of canvassers involved in the recount.
- (b) The appeal shall be heard by a judge without a jury. Promptly following the filing of an appeal, the court shall hold a scheduling conference for the purpose of adopting procedures that will permit the court to determine the matter as expeditiously as possible. Within the time ordered by the court, the appellant shall file a complaint enumerating with specificity every alleged irregularity, defect, mistake or fraud committed during the recount. The appellant shall file a copy of the complaint with

each person who is entitled to receive a copy of the order under par. (a). Within the time ordered by the court, the other parties to the appeal shall file an answer. Within the time ordered by the court, the parties to the appeal shall provide the court with any other information ordered by the court. At the time and place ordered by the court, the matter shall be summarily heard and determined and costs shall be taxed as in other civil actions. Those provisions of chs. 801 to 806 which are inconsistent with a prompt and expeditious hearing do not apply to appeals under this section.

**(8) SCOPE OF REVIEW.**

- (a)** Unless the court finds a ground for setting aside or modifying the determination of the board of canvassers or the commission chairperson or chairperson's designee, it shall affirm the determination.
- (b)** The court shall separately treat disputed issues of procedure, interpretations of law, and findings of fact.
- (c)** The court may not receive evidence not offered to the board of canvassers or the commission chairperson or the chairperson's designee except for evidence that was unavailable to a party exercising due diligence at the time of the recount or newly discovered evidence that could not with due diligence have been obtained during the recount, and except that the court may receive evidence not offered at an earlier time because a party was not represented by counsel in all or part of a recount proceeding. A party who fails to object or fails to offer evidence of a defect or irregularity during the recount waives the right to object or offer evidence before the court except in the case of evidence that was unavailable to a party exercising due diligence at the time of the recount or newly discovered evidence that could not with due diligence have been obtained during the recount or evidence received by the court due to unavailability of counsel during the recount.
- (d)** The court shall set aside or modify the determination of the board of canvassers or the commission chairperson or the chairperson's designee if it finds that the board of canvassers or the chairperson or chairperson's designee has erroneously interpreted a provision of law and a correct interpretation compels a particular action. If the determination depends on any fact found by the board of canvassers or the commission chairperson or the chairperson's designee, the court may not substitute its judgment for that of the board of canvassers or the chairperson or designee as to the weight of the evidence on any disputed finding of fact. The court shall set aside the determination if it finds that the determination depends on any finding of fact that is not supported by substantial evidence.

Conclusion

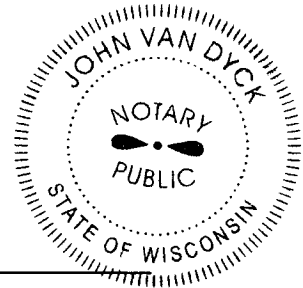
In conclusion we pray the court grant relief in the following manor:

- A. Issue a motion to Decertify the Election and Recount Results for excessive verifiable fraud and ballot tampering,
- B. Issue a refund of the recount fees to the petitioner of \$4306 since the election results need to be set aside for verifiable fraud, ballot tampering and bribery.
- C. Order all FOIA requests made during the recount be provided to the Plaintiff's by the city clerk, by April 22, 2024 to not deny plaintiffs due process rights and the ability to properly prepare for this court proceeding.
- E. Due to the large amounts of fraud and tampering, order the plaintiff's court costs be reimbursed.

Dated the 19th day of April, 2024.

*Steven Campbell*

Steven Campbell  
1207 N Danz Ave  
Green Bay, WI 54302



*John Van Dyck*  
Notary Public,

My commission expires on 7/19/2027

# Exhibit 10

**FILED**  
**04-24-2024**  
**Clerk of Circuit Court**  
**Brown County, WI**  
**2024CV000554**

**DATE SIGNED: April 24, 2024**

Electronically signed by Donald R. Zuidmulder  
Circuit Court Judge

STATE OF WISCONSIN

CIRCUIT COURT  
BRANCH I

BROWN COUNTY

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STEVEN CAMPBELL,

Petitioner,

Case No. 24-CV-554

v.

CELESTINE JEFFREYS,

Respondent.

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**ORDER FOR DISMISSAL**

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This matter having come before the Court for hearing on April 19, 2024, on Petitioner's Emergency Motion for Relief, which requests this Court order the Board of Canvassers for the City of Green Bay to conduct a recount by hand of ballots cast during the election for District 6 Alderperson for the City of Green Bay, and based upon the files, records, and proceedings herein, the Court finds that there is no basis to order a recount by hand under Wisconsin Statutes section 5.90(3).

IT IS HEREBY ORDERED that Petitioner's motion is Denied and this matter is dismissed with prejudice and without costs to either party.

# Exhibit 11

**FILED**  
**09-19-2023**  
**Clerk of Circuit Court**  
**La Crosse County WI**  
**2022CV000555**

BY THE COURT:

DATE SIGNED: September 18, 2023

Electronically signed by Elliott M. Levine  
Circuit Court Judge

**STATE OF WISCONSIN**

**CIRCUIT COURT  
BRANCH II**

**LA CROSSE COUNTY**

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**MARY JO WERNER,**

Plaintiff,

**vs.**

**GINNY DANKMEYER,  
in her official capacity,**

Defendant.

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**DECISION AND ORDER**

Case No.: **22-CV-555**

The Plaintiff, Mary Jo Werner, is seeking judicial review of decisions made by Defendant, Ginny Dankmeyer, in her capacity as the La Crosse County Clerk and the Chair of the County Board of Canvassers regarding a recount of the 2022 La Crosse County Sheriff's Election. The Defendant and the Intervener-Defendant, Democratic National Committee, have filed a Motion for Judgment on the Pleadings. The Plaintiff has filed a Motion for Summary Judgment on this case. For the reasons stated herein, the Defendant and Intervener-Defendant's Motion for Judgment on the Pleadings is GRANTED. The Plaintiff's motion for Summary Judgment is DENIED.

MARY JO WERNER  
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## FACTS

An election in La Crosse County on November 8, 2022 had on the ballot a race for a new La Crosse County Sheriff and a referendum question on a \$194.7 million plan to consolidate two high schools, among other issues and candidates running for other offices. The Plaintiff was a registered voter in La Crosse County at the time of the election and did exercise her right to vote in that election. The Plaintiff voted against the referendum and for Fritz Leinfelder for Sheriff. In the contest to determine the new La Crosse County Sheriff, candidate Fritz Leinfelder lost to candidate John Siegel by 175 votes. In Wards 9, 10 and 11<sup>1</sup> the voter turnout was 240.24%, 306.67% and 139.5% respectively. Candidate Fritz Leinfelder lost in all three of those wards.

On November 16<sup>th</sup>, 2022, candidate Leinfelder demanded a recount of wards 9, 10 and 11 in the City of La Crosse pursuant to Wis. Stat. § 9.01. The day before the recount started, the Leinfelder Campaign asked to review all of the absentee ballot applications citing Wis. Stat. § 9.01(1)(b)11, which provides a right to review election materials. Absentee ballots are mostly maintained by municipal clerks. Page eight of the Wisconsin Election Commission Manual states “The board of canvassers then reviews the written applications for absentee ballots and the list of absentee voters maintained by the municipal clerk. There should be a written application for each

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<sup>1</sup> Ward 11 does not have campus residential buildings



MARY JO WERNER  
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absentee ballot envelope except those issued in-person in the clerk's office.”<sup>2</sup> The La Crosse Municipal Clerk maintains the absentee ballot applications for Ward 9, 10 and 11 of the City of La Crosse. The La Crosse Municipal Clerk is not a party to this law suit.

Defendant Dankmeyer at the La Crosse County Clerk and as the Chair of the Board of Canvassers conducted a recount of the vote for Sheriff on November 18, 2022. The Plaintiff Werner, was an observer at this recount. The candidate Leinfelder made some objections during the recount that Dankmeyer found not appropriate under guidance from the manual prepared by the Wisconsin Elections Commission (WEC) for handling recounts. On November 21, 2022, Dankmeyer emailed the Leinfelder Campaign and stated, “State law acknowledges that college students may move frequently, and provides special exceptions for them.” In that email, Dankmeyer denied the challenges that the Leinfelder campaign had made. The recount verified the original count had determined the correct winner of the 2022 La Crosse County Sheriff's race, John Siegel. Fritz Leinfelder did not appeal this decision to the circuit court.

### STANDARD OF REVIEW

A judgment on the pleadings, under Wis. Stat. § 802.06(3), is essentially a “summary judgment minus affidavits and other supporting documents.” *Freedom from*

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<sup>2</sup> Wisconsin Elections Commission “Election Recount Procedures” manual dated November 2020.

MARY JO WERNER  
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*Religion Found., Inc. v. Thompson*, 164 Wis. 2d 736, 741, 476 N.W.2d 318 (Ct. App. 1991) (quoting *Schuster v. Altenberg*, 144 Wis. 2d 223, 228, 424 N.W.2d 159 (1988)). “[The Court] examine[s] the complaint to determine whether a claim for relief has been stated. In determining the legal sufficiency of the complaint, the facts pleaded by the plaintiff, and all reasonable inferences therefrom, are accepted as true.” *Schuster*, 144 Wis. 2d at 228 (internal citation omitted). If “it is quite clear that under no circumstances can the plaintiff recover,” then the complaint should be found legally insufficient and judgment entered against the plaintiff. *Id.* If a claim for relief has been stated, the Court then determines whether a material factual issue exists as presented by the pleadings. *Id.* If no genuine issue of material fact exists, the court may determine that the moving party is entitled to judgment as a matter of law. *Id.*

“A motion to dismiss for failure to state a claim tests the legal sufficiency of the complaint.” *Data Key Partners v. Permira Advisers, LLC*, 2014 WI 86, ¶19, 356 Wis. 2d 665, 849 N.W.2d 693. “[T]he sufficiency of a complaint depends on substantive law that underlies the claim made....” *Id.* ¶31. If there is no substantive law that supports the complaint, the claim fails and must be dismissed.

In deciding summary judgment motions, the Court will first examine the pleadings to determine whether a claim of relief has been stated and whether any material factual issues exist. *Green Spring Farms v. Kersten*, 136 Wis. 2d 304, 315, 401 N.W.2d 816 (1987). As the moving party, the Plaintiff must then make a prima facie case for

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summary judgment by presenting a claim that would defeat the Defendant's defenses as a matter of law. *Tews v. NHI, LLC*, 2010 WI 137, ¶ 4, 330 Wis. 2d 389, 793 N.W.2d 860.

If the Plaintiff has made a prima face case, the Court must then examine the record and other proof of the Defendant to determine whether any genuine issue exists or whether conflicting inferences may be drawn from the undisputed facts. *Id.* The Court is required to view the facts in the light most favorable to the Defendant as the non-moving party. *Metro. Ventures, LLC v. GEA Associates*, 2006 WI 71, ¶ 20, 291 Wis. 2d 393, 717 N.W.2d 58 (citation omitted). “[S]ummary judgment should not be granted if reasonable, but differing, inferences can be drawn from the undisputed facts.” *Tews*, ¶ 42 (quoting *Delmore v. American Family Mut. Ins. Co.*, 118 Wis. 2d 510, 516, 348 N.W.2d 151 (1984)). Summary judgment is appropriate where no genuine issues of material fact exist and the moving party is entitled to judgment as a matter of law. Wis. Stat. § 802.08(2).

It has long been held, that summary judgment is a drastic remedy, and should not be granted unless the material facts are not in dispute, no competing inferences can arise, and the law that resolves the issue is clear. *Lecus v. Am. Mut. Ins. Co. of Boston*, 81 Wis. 2d 183, 189, 260 N.W.2d 241, 243 (1977). Summary judgment is not to be a trial on affidavits and depositions. *Id.*

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## DECISION

### A. MOTION ON PLEADINGS

A number of arguments are brought up by the Defendant and Defendant-Intervener in support of their motion for a decision on the pleadings. It is argued but not in this order<sup>3</sup>; that Wis. Stat. Sec. 9.01 precludes the relief the Plaintiff requests; that the Plaintiff failed to exhaust administrative remedies that were required; that the Plaintiff lacks standing and has not presented a justiciable controversy; and that the Plaintiff seeks an advisory opinion that is inappropriate as it seeks an opinion on claims that are moot and unripe.

***Wis. Stats. Sec. 9.01 precludes the relief by the Plaintiff.***

Following a motion hearing with argument by both parties, the Court issued an Order Dismissing Plaintiff's First Cause of Action Under s. 9.01(6) for Lack of Standing (Dkt. 12). That order was final for the purposes of appeal, but was not appealed.

The Plaintiff was not an aggrieved candidate who asked for a recount and then sought an appeal to this circuit court regarding that recount. Mr. Leinfelder is not a party of this suit. Nor is the Plaintiff acting on the behalf of Mr. Leinfelder. Furthermore, the Plaintiff had not asked for a recount of a referendum question for which she was an

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<sup>3</sup> The court has changed the order of arguments to respond in the order the court believes are the strongest.

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elector so there was not a recount of that issue to bring before this circuit court.

Therefore, the Plaintiff was not an individual who could appeal to the circuit court for alleged mistakes or errors in voting or the vote counting process. As Wis. Stats. Sec. 9.01(11) states, “This section constitutes the exclusive remedy for testing the right to hold an elective office as the result of an alleged irregularity, defect or mistake committed during the voting or canvassing process.”

The Plaintiff argued, even without standing, that the Court should intervene to correct alleged errors, that the candidate did not on appeal before this Court, in order to clarify future recounts under Wis. Stats. Sec. 9.01. The Wisconsin Supreme Court emphasized that only the aggrieved candidate’s appeal of alleged irregularities or incorrect application of law was the exclusive remedy. “The statute on its face is capable of no other interpretation.” *State ex rel. Shroble v. Prusener*, 185 Wis. 2d 102, 110, 517 N.W.2d 169 (1994). The Court held in *Shroble*, individual voters cannot invoke the administrative or judicial review procedures of § 9.01, and “[t]he need for finality” justifies “reasonably limit[ing] the remedy of recount to the candidates in the election” and “rel[y]ing on them to represent the interests of the electorate.” *Id.* at 115-16. *Shroble* is clear that future relief from any errors or mistakes in recounts would be addressed only through aggrieved candidates appealing decisions on those issues. Thus, the Plaintiff is not an aggrieved candidate, but an individual voter, Wis. Stats. Sec. 9.01 does not provide an avenue for seeking the requested remedy.

MARY JO WERNER  
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***Administrative remedies were not exhausted by Plaintiff.***

Although Wis. Stats. Sec. 9.01 does not allow individuals in the Plaintiff's position to challenge a recount, the Plaintiff was not without remedy. The legislature did provide an avenue for relief for voters in the Plaintiff's position, who disagreed with their election officials' administration of laws impacting the qualification of voters in the district, including whether they qualified due to their residence. Wis. Stats. Sec. 5.06 provides a procedure to the challenges that the Plaintiff wishes to contest.

Wis. Stats. Sec. 5.06 requires specific action under this statute including having the elector file a written sworn complaint with the Wisconsin Election Commission (WEC). After the matter has reached a disposition with the WEC, the Plaintiff can appeal that decision to the circuit court.

The complaint the Plaintiff had with Defendant Dankmeyer, was exactly the type of complaint this statute envisioned an elector may have, with how an election official used its discretion during the administration of an election. The primary objections the Plaintiff had with Defendant Dankmeyer's administration of the election procedures, was her determination of elector's voting qualifications including their residence as a voter qualification. Voter registration is generally administered by the municipal clerks. In this case the wards that were being challenged were wards in the City of La Crosse.

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Registration would be the responsibility of the City Clerk of La Crosse, not Defendant Dankmeyer. This statute provides the Plaintiff a remedy for the objections to the actions of the appropriate election official. Defendant Dankmeyer is not the appropriate election official in a complaint to the WEC, which in turn could be appealed to the circuit court.

The Plaintiff's challenges to the student voter registration process, and the requests for absentee ballots, are clearly issues that need to be appealed to the Wisconsin Election Commission. Students are considered residents for election purposes, when they reside at their university or college housing and have met all other requirements to registrar. The rules by the WEC for same day registration are followed by the local municipalities and more specifically the City of La Crosse Clerks office in the present case.

As pointed out by the Plaintiff, in person voting is highly protected. In fact, in order to challenge an in person voter, an objection would have to be made at the time of voting. For the vote to be disqualified, the objector would have to prove, beyond reasonable doubt, that the individual was not a resident of the ward in which they were voting. Wis. Stats. 6.325, states that "no person may be disqualified as an elector unless the **municipal clerk**, board of election commissioners or a challenging elector under s. 6.48 demonstrates beyond a reasonable doubt that the person does not qualify as an elector or is not properly registered." (emphasis added) A blanket objection to all the voters of entire wards, not only disenfranchises students residing in those wards,

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but also non-students residing in those ward.<sup>4</sup> This would be a clear violation of the statute, the United States Constitution and Wisconsin Constitution.

Wis. Stats. Sec. 5.06 is not only a remedy for the Plaintiff, it is the **exclusive remedy**. As stated in the statute: “No person who is authorized to file a complaint under sub. (1), other than the attorney general or a district attorney, may commence an action or proceeding to test the validity of any decision, action or failure to act on the part of any election official with respect to any matter specified in sub. (1) without first filing a complaint under sub. (1), nor prior to disposition of the complaint by the commission.” Wis. Stats. Sec. 5.06 (2). The recent *Teigen* case referred to by both parties verified this exclusive remedy for grievances against actions of election officials. See, e.g., *Teigen*, 2022 WI 64, ¶47 (lead op.). The Plaintiff did not follow the procedure outlined in this statute, she was not allowed to test the validity of Defendant Dankmeyer's decisions or actions, or the decisions or actions of any election official in the filing of this action.

As was indicated in the pleadings by both parties, Wis. Stats. Sec. 5.06(10) of this statute does not apply to matters related to issues from a recount. The Plaintiff argues that because of this language, they must have standing under Wis. Stats. Sec. 9.01 for their grievance for the ways the election was administered. For the reason stated above, the Plaintiff did not have standing under that statute as she was not the candidate objecting to how the recount was administered. At the time of the election,

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<sup>4</sup> See footnote 1



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however, if the Plaintiff had issues with how Defendant Dankmeyer administration of the election related to voters' qualifications related to their residence or absentee votes were counted, Wis. Stats. Sec. 5.06 afforded her a remedy. This was a remedy she did not pursue, and because she did not pursue that remedy, she is prohibited from bringing this action contesting the administration of that election or future elections through this law suit.

***The Plaintiff has not presented a justiciable controversy.***

The test for standing under Wisconsin law turns on the following considerations, (1) whether the party whose standing is challenged has a personal interest in the controversy (sometimes referred to in the case law as a "personal stake" in the controversy); (2) whether the interest of the party whose standing is challenged will be injured, that is, adversely affected; and (3) whether judicial policy calls for protecting the interest of the party whose standing is challenged. *Foley-Ciccantelli v. Bishop's Grove Condo. Ass'n, Inc.*, 2011 WI 36, ¶ 40, 333 Wis. 2d 402, 797 N.W.2d 789.

When a litigant brings an action for declaratory relief, they must also present a "justiciable controversy." To present a justiciable controversy under Wis. Stat. 806.04(4), the Plaintiff must satisfy four conditions: (1) A controversy in which a claim of right is asserted against one who has an interest in contesting it. (2) The controversy must be between persons whose interests are adverse. (3) The party seeking

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declaratory relief must have a legal interest in the controversy— that is to say, a legally protectible interest. (4) The issue involved in the controversy must be ripe for judicial determination. *Loy v. Bunderson*, 107 Wis. 2d 400, 410, 320 N.W.2d 175 (1982). All four conditions must be satisfied to present a justiciable controversy. *WMC*, 398 Wis. 2d 164, ¶ 13. “It is not a sufficient ground for declaratory relief that the parties have a difference of opinion...” *Lister v. Bd. of Regents*, 72 Wis. 2d 282, 308, 240 N.W. 2d 610 (1976). Due to the similarities between the two standards, Wisconsin courts have characterized the concepts of standing and justiciability as “overlapping concepts in declaratory judgments.” *Foley-Ciccantelli*, 333 Wis. 2d 402, ¶ 47; *Id.* ¶ 55 (the *Loy* test is a “tool” for determining standing). Defendant’s argument unfolds by addressing overlapping elements together. Ultimately, the Plaintiff has not shown that this is a justiciable controversy or that she has standing to bring this action.

The Plaintiff’s answer is that her vote-dilution approach to standing was supported by the Wisconsin Supreme Court, (Dkt. 38 at 5-6 (citing *Teigen v. Wis. Elections Comm’n*, 2022 WI 64, 403 Wis. 2d 607, 976 N.W.2d 519)) but it is very clear that the vote-dilution theory of standing discussed in ¶¶14-31 of *Teigen’s* three-Justice lead opinion was expressly rejected by a majority of the Court. While Justice Hagedorn provided the necessary fourth vote for the majority decision’s outcome, he did not join most of the lead opinion, including the vote-dilution theory of standing. See 2022 WI 64, ¶149 n.1 (Hagedorn, J., concurring) (joining only parts of majority/lead opinion.)

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The Court agrees with the defense position that Hagedorn and the three dissenting Justices all unequivocally rejected the “vote dilution” theory of standing on multiple grounds. *Id.* ¶¶158-67 (Hagedorn, J., concurring); ¶¶210-15 (A.W. Bradley, J., dissenting, joined by Dallet and Karofsky, JJ.). Justice Hagedorn characterized the vote-dilution theory as “unpersuasive” and emphasized it did “not garner the support of four members of this court.” *Id.* ¶167 (Hagedorn, J., concurring) (emphasis added). The three Justices in dissent likewise emphasized that the paragraphs in the lead opinion discussing vote-dilution standing “do not constitute precedential authority.” *Id.* ¶205 n.1 (A.W. Bradley, J., dissenting) (emphasis added).

The *Teigen* majority holding on vote-dilution is not alone on this point. Federal judges in Wisconsin and throughout the country have rejected vote-dilution standing theories like the Plaintiff advances. *Friends of Black River Forest v. Kohler Co.*, 2022 WI 52, ¶17, 402 Wis. 2d 587, 977 N.W.2d 342.4 And, as one federal court recently observed, “[d]istrict courts across the country have consistently dismissed complaints premised on the theory of unconstitutional vote dilution in the aftermath of the 2020 election.” *Soudelier v. Dep’t of State of La.*, Civ. No. 22- 2436, 2022 WL 17283008, \*3 (E.D. La. Nov. 29, 2022) (citing cases), appeal filed, No.22-30809 (5th Cir. Dec. 27, 2022); see also *Graeff v. U.S. Election Assistance Comm’n*, No. 4:22-CV-682 RLW, 2023 WL 2424267, at \*5 (E.D. Mo. Mar. 9, 2023).

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A decision regarding Wisconsin's November 2020 election by Chief Judge Pamela Pepper is on point. See *Feehan v. Wis. Elections Comm'n*, 506 F. Supp. 3d 596 (E.D. Wis. 2020), appeal dismissed, Nos. 20-3396, 20-3448, 2020 WL 9936901 (7th Cir. Dec. 21, 2020). The plaintiff, who "identified himself as a resident of La Crosse, ... a registered voter and a 'nominee of the Republican Party to be a Presidential Elector,'" filed suit, charging "massive election fraud, multiple violations of the Wisconsin Election Code," and various constitutional violations in the conduct of the 2020 Wisconsin general election and subsequent recount. *Id.* at 601. Chief Judge Pepper cites several federal decisions rejecting claims "that a single voter has standing to sue as a result of his vote being diluted by the possibility of unlawful or invalid ballots being counted. *Id.* at 608-09 (analyzing decisions by district courts in North Carolina, Nevada, Vermont, and Texas). *Feehan's* "alleged injuries" were the same as "any Wisconsin voter suffers if the Wisconsin election process" allows illegal votes to be cast and thus "no more than a generalized grievance common to any voter," rather than "a particularized, concrete injury sufficient to confer standing." *Id.* at 609. The Plaintiff is making the similar generalized claims as *Feehan*.

Another federal court rejected other Wisconsin voters' allegations because their "interest in an election conducted in conformity with the Constitution ... merely assert[ed] a 'generalized grievance' stemming from an attempt to have the Government act in accordance with their view of the law." *Wis. Voters All. v. Pence*, 514 F. Supp. 3d

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117, 120 (D.D.C. 2021) (quoting *Hollingsworth v. Perry*, 570 U.S. 693, 706 (2013)). That court reasoned that such generalized grievances do not meet the requirement for a “concrete and particularized’ injury ... as other courts have recently noted in rejecting comparable election challenges.” *Id.*

The U.S. Supreme Court’s holding that individual voters’ allegation “that the law ... has not been followed” is “precisely the kind of undifferentiated, generalized grievance about the conduct of government” insufficient to support standing. *Lance v. Coffman*, 549 U.S. 437, 442 (2007).

The Plaintiff turns to the landmark redistricting decision in *Reynolds v. Sims*, 377 U.S. 533 (1964), but the discussion of dilution in *Reynolds* is distinguishable. *Reynolds* held that “[d]iluting the weight of votes because of place of residence” violates the Fourteenth Amendment’s equal-protection guarantee. *Id.* at 566; see also *Id.* at 567 (“The fact that an individual lives here or there is not a legitimate reason for overweighting or diluting the efficacy of his vote.”).

The Court agrees that the Plaintiff’s claimed vote dilution does not result from any invidious classification targeted at and disfavoring people like her, such as classifications based on “race, sex, economic status, or place of residence within a State,” in which the “favored group has full voting strength and the groups not in favor have their votes discounted.” *Id.* at 555 n.29, 561. Vote-dilution standing can only be based on a classification that causes “individual and personal injury,” not on an

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“undifferentiated, generalized grievance about the conduct of government” that any voter could raise. *Gill v. Whitford*, 138 S.Ct. 1916, 1931 (2018). The Plaintiff’s repeated assertions that her claimed injuries are shared by “everybody” in La Crosse County (Dkt. 38 at 29, 32) supports the defense position that she does not have standing in this suit.

The Court also agrees that Justice Ann Walsh Bradley’s dissenting views in *Teigen*, joined by two other Justices and in Justice Hagedorn’s concurrence, states the current Wisconsin law on this point.

[T]he majority/lead opinion ... extends the doctrine [of standing] beyond recognition. ... [It] attempts to create a free-for-all. It delineates no bounds whatsoever on who may challenge election laws. Instead, it relies on broad pronouncements regarding the import of our election laws and their general effect on all people. But just because all people are subject to a law does not mean that any and all people are entitled to challenge it. Indeed, “Courts are not the proper forum to air generalized grievances about the administration of a government agency.” ... Yet a “generalized grievance” is just what *Teigen* brings to this court. ... Taken to its logical conclusion, the [dilution theory] indicates that any registered voter would seemingly have standing to challenge any election law. The impact of such a broad conception of voter standing is breathtaking and especially acute at a time of increasing, unfounded challenges to election results and election administrators.

2022 WI 64, ¶¶210, 212-14 (A.W. Bradley, J., dissenting); see also *Id.* ¶215

(characterizing lead opinion’s “approach to standing in this case” as “unbridled” and “untethered to any limiting principle, which in effect renders the concept of standing entirely illusory”); *Id.* ¶167 & n.8 (Hagedorn, J., concurring). Thus the plaintiff lacks standing and has not presented a justiciable controversy.

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***Declaratory judgement on claims are moot and unripe.***

If the defendant can no longer make the changes the plaintiff seeks through a law suit to change the outcome of an election, the claim is moot. *See Feehan*, 506 F. Supp. 3d at 613. Wisconsin Supreme Court stated: “[A] case is moot when a determination is sought upon some matter which, when rendered, cannot have any practical legal effect upon a then existing controversy.” *Milwaukee Police Ass’n v. City of Milwaukee*, 92 Wis. 2d 175, 183, 285 N.W.2d 133 (1979). The Court can not change the results of the 2022 election, thus any claims related to that election is moot and not judiciable.

The Plaintiff’s claims are not ripe. “The basic rationale of the ‘ripeness’ doctrine is to prevent courts, through avoidance of premature adjudication, from entangling themselves in abstract disagreements over administrative or, in this case, legislative policies.” *Lister v. Board of Regents of University Wisconsin System*, 72 Wis.2d 282, 309, 240 N.W.2d 610, 625 (1976). Defendant Dankmeyer was following administrative guidance from the WEC in how she was to consider an elector a “resident” in order to vote in the ward that they had voted in, and how to deem an absentee ballot acceptable. It is not “ripe” for this Court to wade into the disagreement regarding the interpretation of this guidance by the WEC for future elections. As discussed above, there were opportunities at the time of the election for aggrieved electors to raise these issues prior to and at the election, but the time has passed for judicial consideration at this point.

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## B. SUMMARY JUDGMENT

Given the analysis of the Defendant's Judgment on the Pleadings above, a summary judgement motion for the Plaintiff is clearly not available. The first step is to determine whether the complaint states a claim for relief. *See Commercial Mortg. & Finance Co. v. Clerk of Circuit Court*, 276 Wis.2d 846, 861, 689 N.W.2d 74, 81 (2004). As was stated above: "[T]he sufficiency of a complaint depends on substantive law that underlies the claim made...." *Data Key Partners v. Permira Advisers, LLC*, ¶31. If there is no substantive law that supports the complaint, the claim fails. As described above, there is no substantive law that supports the relief the Plaintiff is seeking in this action and so the Plaintiff's summary judgment motion fails for not stating a claim for relief.

Furthermore, many of the facts asserted by the Plaintiff are unsupported by the record. The custodian of the absentee ballots are not in the possession of Defendant Dankmeyer. As noted in the above section, those requests for absentee ballots are specifically in the possession of the La Crosse City Clerk. The student address list from the University of Wisconsin-La Crosse, lists two addresses, one at the residence hall and the other the student's home address. The listing is clearly a material fact that is in dispute, as to the meaning of that list between the parties, and how it should be interpreted in light of the WEC regulations.

It is clear that if there are material facts in dispute, the Court must find in favor of the non-moving party. Only if "there is no genuine issue as to any material fact" may a



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moving party be entitled to judgment as a matter of law. Wis. Stat. § 802.08(6). Not only does the Plaintiff fail to state a claim for relief, but furthermore there would be genuine issues of fact that would be in dispute. The motion for Summary Judgment is denied.

### **ORDER**

NOW, THEREFORE IT IS ORDERED:

For the reasons stated above, the Plaintiff's Motion for Summary Judgment is DENIED.

And the Defendant's and the Intervener-Defendant's, Democratic National Committee, Motion for Judgment on the Pleadings is GRANTED.