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VILLAGE OF KRONENWETTER

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Via email

Brandon Hunzicker, Staff Attorney
Wisconsin Elections Commission
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Re: Complaint EL 24–26, Ken Charneski v. Bobbi Birk-LaBarge

Dear Mr. Hunzicker:

Please accept this document as my response to Complaint EL 24-26 made by Ken Charneski. I presented Charneski’s allegations in bold type and then responded to them. I have also included relevant documents. Please let me know if I can provide anything more. Thank you.

STATE OF WISCONSIN)
) ss.
MARATHON COUNTY)

1. Removed and/or disregarded available duly appointed election inspectors, both Republican and unaffiliated, in at least 4 separate elections and primaries, and instead arbitrarily hired workers for those positions "off the street" who were not submitted by either of the main political parties, nor were they approved by the Village Board.

Response: I began employment with the Village of Kronenwetter on July 18, 2022, at 8 AM. I had never worked in the position of Village Clerk in any of my previous jobs and I had never been in charge of an election. On my very first day on the job, I learned what a “Chief Election Inspector” was as I had a meeting for the upcoming August 09, 2022, Primary election at 9 AM – 1 hour into my new position. I had no on-the-job training as there was no clerk in the previous position available. I had not been able to attend any election training one hour into the position. I had three weeks to understand how an election was run, to squeeze the bare minimum training hours in, and to try to locate poll workers for the election. Not knowing there was a list of appointed election inspectors (due to lack of training and knowledge) and no one here to show me that I needed to utilize the list, I operated off of an old email chain from the previous clerk (Sashe Menge) to determine who was on the list of election workers.

Poll workers who were working the elections were all given training, and all took an oath. That training was given by either me, past clerk Sashe Menge, or past clerk Cindra Falkowski. Oaths were given by either me, past clerk Sashe Menge, or past clerk Cindra Falkowski.

Charneski questioned me about the removal of Dan Joling. Dan Joling was in fact included in the July 18, 2024, email chain and asked to work the August 09, 2022, election. Joling replied to me on July 20, 2022, and stated he could work the election but replied again on July 29, 2022, stating he was no longer available. On October 5,

2022, I sent an email to Joling asking him to work on the November 08, 2022, election. Joling replied and stated he could work a half day. He was placed on the schedule of workers as a greeter working 1:30-CLOSE. He sent an email on November 06, 2022, asking if I was going to have the plexiglass barriers in place. Due to the recent pandemic, I informed him I would be, so he declined to help. I did not call him back for the February and April elections in 2023 due to the plexiglass still being utilized. Joling wrote to me on April 28, 2023, stating he had been advised he was removed as a poll worker. I questioned who told him that information and let him know he was on the list until the end of 2023 and also let him know there were no more scheduled elections in 2023. On December 06, 2023, Joling emailed me to decline being an election inspector for the upcoming 2024-2025 term due to date scheduling conflicts.

James Wysocki was approved to serve as an election inspector at the December 21, 2021, Village Board meeting. James Wysocki was somehow not included in the group email I had found in the system that previous clerk Sashe Menge had sent out. Wysocki was listed on a Poll Worker Listing that previous clerk Sashe Menge had developed in 2022, before my employment with the Village. I did see next to his name under Spring Election the word "No" next to his name. I understood that as he could not work. I assumed his email was incorporated in the email chain of election workers. I never thought to double-check until Charneski began questioning me about Wysocki on March 30, 2023. Charneski asked if he was on my list. I told him I had never heard of him and that's when I started looking into it. Charneski stated he was not on my list and Sashe must have removed him. I asked Charneski what Wysocki was searching for as far as a resolution to the situation. Charneski stated Wysocki was only wondering what happened. Now knowing what happened, I emailed Charneski and said if he was taken off the list to work the elections it was probably for good reason. I explained I removed Dan Joling for the best interest of the election but didn't feel the need to tell him Dan Joling emailed and stated he did not want to work the elections if the barriers were up because he had difficulty hearing through the plexiglass. I did tell him removal was the clerk's choice because that is how I understood it following statute 7.30 (6) (c). I have since been corrected by Allison Coakley from the Wisconsin Elections Commission. I checked previous emails and looked in files to see why Wysocki was not on the email list. I could not find anything. I think Menge did not have him on the email chain I was using because he wasn't available for the Spring election according to the EXCEL spreadsheet. I received an email on April 17, 2023, from James Wysocki explaining he did not want to be an election worker for the Village of Kronenwetter.

James Wysocki is on the list approved by the village board for the 2024-2025 term and has worked both of the 2024 elections. I am sure he would be happy to speak with you. I explained the situation and he understood. Charneski seems to be the only party not satisfied.

Election workers outside of the December appointments are trained and given an oath by the clerk. They were appointed by the Village Clerk per statute.

2. There were two other elections which likely involve similar violations, but for which LaBarge has not provided worker schedules (see EXHIBIT Q).

Response: On Thursday, December 21, 2023, Charneski requested copies of all previous election schedules from Spring 2020 through the end of 2023, except for the 2023 Spring election. I replied back and informed Charneski I was not able to find an election schedule for the November 03, 2020, election or the April 05, 2022 schedule.

November 03, 2020: I was not employed with the Village at this time. I was not able to locate a schedule.

April 05, 2022: I was not employed with the village at this time. I was not able to locate a schedule.

3. Apparently no effort was made to achieve the statutory balance between Republican and unaffiliated workers at any of the elections conducted by Ms LaBarge.

Response: I disagree. This is the personal opinion of Charneski.

4. Split shifts without a Village Ordinance to authorize such action, in violation of .

The Village uses one polling place, the Village Hall, although some elections utilize multiple rooms for voting. At every election we use two DS-200s, two Express Votes, and six to twelve Badger Books.

We have three election ordinances: sections 41-1, 41-2, and 41-3. In addition, currently in effect are two resolutions, Nos. 2021-026 and 2023-016.

Please see the additional letter by the Village Attorney addressing this complaint paragraph.

5. Openly admitted to removing at least one election inspector without cause, documentation, or notification. (see EXHIBIT K)

Response: This is addressed in the response to complaint paragraph no. 1 above.

6. For all practical purposes, she removed other workers from the Republican list, as some of them have never been called in to work the polls, while others, often unapproved, have been called in numerous times.

Response: I disagree. This is the personal opinion of Mr. Charneski.

7. Submitted the election worker names to the Village Board for approval, without breaking down the list by party affiliation.

Response: It is my understanding that the list of party nominees does not necessarily need to be broken down when they are submitted to the village board for the two-year term. I did call around Wisconsin municipalities and I researched online with other Surrounding Wisconsin municipalities on this question.

Adding the party-affiliated lists next to the election workers names to be approved by the village board is a previous process that was done in the past under clerk Cindra Falkowski that served the Village of Kronenwetter for 10 years.

8. Removed names from the list submitted by the Republican Party, before forwarding that list to the Village Board for approval.

Response: The Republican party supplied the clerk and the Village President with a list received via postal mail. The list received is what was used to compile the list of appointed election inspectors. I never removed any names aside from the residents who contacted me and those emails were included and their names were in Resolution 2023-016 approved for transparency. The resolution was approved 6:1 by the village board on December 11, 2023.

From the Village Board's Minutes December 11, 2023: Discussion and Possible Action: Resolution No. 2023-016: A Resolution Appointing Election Inspectors for the 2024-2025 Election Cycle. The council addressed the resolution to appoint election inspectors for the next election cycle. This process involved acknowledging a list of nominees from affiliated political parties and ensuring all those individuals were willing to serve. Trustee Ken Charneski verbalized his personal concerns in regard to the appointment of election inspectors for the upcoming election cycle. Trustee Charneski questioned clerk Birk-LaBarge regarding the names listed, their affiliated parties, the procedures in which elections are conducted, citing what he believed to be incorrect actions by the clerk. Trustee Charneski alleged inaccuracies in the nominations submitted by the political party lists and suspected Clerk Birk-LaBarge of omitting names on the resolution that were on his personal party lists he had brought to the meeting. Clerk Birk-LaBarge explained to the board how the names are generated and why the affiliated parties were not listed on the report for appointments. Clerk Birk-LaBarge further explained, as was done in the past, she did not include political party preference next to the names of the election inspectors to protect the election inspector's political affiliation. An emphasis was placed on the protectiveness of election inspectors' political party affiliations due to the impact it could have on their impartiality during elections. Three individuals from the republican party list were excluded due to either declining to serve or not having consented to their inclusion. Clerk Birk-LaBarge referred to Trustee Charneski's reference to "incorrect procedures done by the clerk" as his meticulous scrutiny of personal views and directed him to contact the Wisconsin Elections Commission for resolution. Motion made by Trustee Coyle, Seconded by Trustee Vedvik approve resolution, 2023-016 allowing for the appointment of election inspectors as presented. Voting Yea: Village President Voll, Trustee Shaw, Trustee Dumais, Trustee Vedvik, Trustee Eiden, Trustee Coyle Voting Nay: Trustee Charneski. Motion carried 6:1 by roll call vote.

9. Hired at least one worker who is not a resident of the municipality, in preference over other approved workers from within the municipality who, according to statute 7.30 (4) (c), must be used first. There may be other workers from outside the municipality being given preference as well. We do not know, because Clerk LaBarge has not provided information on any of the unaffiliated workers for us to confirm who they are, or where they live. (see EXHIBITQ)

Response: I assume Charneski is referring to Cindra Falkowski. Mrs. Falkowski is a resident of Marathon County. She resides in Ringle, WI. To be a poll worker, a person must be a qualified elector of the county in which the municipality is located.

EXHIBIT Q YET ANOTHER VIOLATION (Cont). “LaBarge has gotten her favorite, previously illegal poll workers on the list approved by the Village Board.”

Response: I disagree. I do not have “favorites” and my poll workers are not “illegal”.

“LaBarge arbitrarily again brought in an unknown, unapproved worker Cindy Aucutt to work the February 20 primary.”

Response: Cindy Aucutt has served as a Chief Elections inspector for years prior to my employment with the Village of Kronenwetter as the Village Clerk. She is a known and approved worker. Mrs. Aucutt has attended training fulfilling her hourly training hour requirements, and she has completed her online classes. Mrs. Aucutt was sworn in as a Chief Election Inspector and approved by the Village Board on December 11, 2023, in Resolution #2023-016. Mrs. Aucutt was sworn in and approved by me as the clerk to work the February 20, 2024 election.

“She also brought in Cindy Falkowski, a non-resident of the municipality to work the election, when 7.30 (4) (c) states that non-residents, even when approved by the Village Board, can be used only as a last choice, when no other approved worker is available.”

Response: Cindy (Cindra) Falkowski is a resident of Marathon County. She resides in Ringle, WI. To be a poll worker, a person must be a qualified elector of the county in which the municipality is located.

Cindra Falkowski, a previous Village of Kronenwetter Village Clerk, served in that capacity for 10 years. Cindra put together and ran numerous elections over that 10-year term. Cindra attended all required training and was sworn in as an election inspector. Cindra Falkowski is on the approved Resolution 2023-016, appointment of election inspectors, approved by the village board on December 11, 2023. Cindra Falkowski lives in Ringle, Wisconsin which is located in Marathon County. Cindra is a resident of Marathon County.

Attached is Resolution 2023-016 for election inspectors for the 2024-2025 term. The previous clerk never did a resolution prior like I did. The resolution was something new to the Village Board. This was something I learned from my training to do as it is easier for the public to find. The last approved list they did was during a 12/21/21 meeting. I included that document and the minutes from that meeting. It was attached to a report agenda item 8.3. I have attached that for your reference. You will see the prior clerk (Cindra) added the election inspector's choice of political party. I think this is why Charneski is making a big deal of me not doing that because it doesn't follow suit as to how he believes it should be done and how he wants it to be done.

I have also included the list of election inspectors I was sent in November by the Republican and Democratic parties for the 2024-2025 term. I received a copy and Village President Chris Voll received the same copies. I also attached an email I received late, from Bill Conway Chair of the democratic party adding Faye Buchberger. Her name is not on Resolution 2023-016 since it was late.

EXHIBIT Q (Cont.) “is the list of workers submitted by the Republican Party for approval. The reason 3 of those names are not included in the list in EXHIBIT 0, is because LaBarge did not immediately forward the list to the Village President as required by 7.30 (4) (b) 2.a, b, but instead contacted those workers on the list, and one way or another found reason to remove 3 of them before submitting the final list to the Board for approval.

Response: The attached list is indeed the list mailed to me and Village President Chris Voll by the Republican Party (See Attached). This list was signed on 11/07/2023 and was received via postal mail on November 30, 2023. Also included with that scanned copy, is an email from Mark Hoffman telling the Republican party, before they printed this list, that he did not want to be an election inspector for this cycle. Dan Joling was on the list and declined due to scheduling conflicts. Cheryl Kempe also emailed stating she was declining.

Charneski states I contacted the workers on the list and one way, or another found reason to remove them before submitting my resolution to the board on December 11, 2023.

Response: This is not truthful.

I contacted the republican party by email on several occasions in regard to Charneski's complaints. That conversation is attached.

EXHIBIT C – CHARNESKI COMPLAINT: “EXHIBIT C shows highlighted, the workers on the list used for that primary. In addition to those approved workers highlighted on the list, the schedule names 2 other people who are unknown and unappointed: Patty Tikalsky and Lucene Udulutch.

Response: Patty Tikalsky and Lucene Udulutch received training from the clerk and were sworn in and appointed as additional poll workers by me.

EXHIBIT E – CHARNESKI COMPLAINT: “EXHIBIT E shows highlighted, the workers on the list used for that election. In addition to those approved workers highlighted on the list, the schedule names 6 other people who are unknown and unappointed: Cindi Falkowski, Faye Buchberger (in two positions), William Gau, Abby Wallis, Dennis Mueller, and Carol Howard (in two positions).”

Response: Cindi Falkowski, Faye Buchberger, William Gau, Abby Wallis, Dennis Mueller, and Carol Howard all received training from the clerk, all took their oath and all were appointed by the clerk outside of the 2022-2023 election inspector schedule approved by the village board on December 21, 2021.

EXHIBIT G – CHARNESKI COMPLAINT: “EXHIBIT G shows highlighted the workers used in that election. In addition to those approved workers highlighted on the list, the schedule names 5 other people who are unknown and unappointed: William Gau, Cindi Falkowski, Carter Coyle (in 2 positions), Dennis Mueller, and Lucene Udulutch.”

Response: William Gau, Cindi Falkowski, Carter Coyle, Dennis Mueller, and Lucene Udulutch all received training from the clerk, all took their oath, and all were appointed by the clerk outside of the 2022-2023 election inspector schedule approved by the village board on December 21, 2021.

EXHIBIT I – CHARNESKI COMPLAINT: “EXHIBIT I shows highlighted the workers used in that election. In addition to those approved workers highlighted on the list, the schedule names 9 other people who are unknown and unappointed: Patty Tikalsky, Audrey Gray, Geraldine Kowalski, Abby Wallis, Kay Palmer, Faye Buchberger, Cindi Falkowski, Dennis Mueller, and Lucene Udulutch.”

Response: Patty Tikalsky, Audrey Gray, Geraldine Kowalski, Abby Wallis, Kay Palmer, Faye Buchberger, Cindi Falkowski, Dennis Mueller, and Lucene Udulutch all received training from the clerk, all took their oath and all were appointed by the clerk outside of the 2022-2023 election inspector schedule approved by the village board on December 21, 2021.

“Some workers were used several times, and some were never used, but instead were displaced by unapproved workers that the Clerk LaBarge arbitrarily brought in.”

Response: No one was displaced. An email is sent prior to the election asking for availability. The available election inspectors' names are passed on to the Chief Election Inspectors by the clerk to develop their schedule for election day. The schedules are based on the availability by the election workers themselves.

“Another violation noticeable in all schedules, is that Labarge also has assigned split shifts for the workers without a Village Ordinance authorizing her to do so.”

Schedules are developed based on availability by the election workers. We retain/maintain election workers by offering full shifts or half day shifts.

Please also see the submission by the Village Attorney regarding complaint paragraph no. 4.

Sincerely,

VILLAGE OF KRONENWETTER



Bobbi J. Birk-LaBarge, Clerk

Subscribed and sworn to before me
this 7th day of May 2024.

Dianne E. Drew

Dianne E. Drew

Notary Public for State of Wisconsin

My commission expires: 12/4/27