

Final Response re: EL 25-10 Andrea Frank v. Stephanie Reinhardt

The original intent of the complaint filed with the Wisconsin Elections Commission was to highlight a series of failures to follow established WEC processes and state elections statutes within the City of Sturgeon Bay Clerk's office. At no time was the fact that three signatures were ultimately invalid under contention. Rather, the issue at hand in the complaint lies with the fact that Ms. Reinhardt was non-responsive to inquiries about the status of the nomination papers prior to the statutory deadline, misrepresented the process to Andrea Frank and her team, and failed to complete her statutory duties as the filing officer for the City of Sturgeon Bay within the time allotted by state statute. Ms. Reinhardt both admits in her response that she failed to meet statutory deadlines and does not dispute that she was non-responsive to communication. Indeed, the fact that Ms. Reinhardt's response was initially filed without notarization or an unsworn declaration is representative of the pattern of failures by Ms. Reinhardt to follow statutory processes and WEC-approved best practices.

Indeed, Ms. Reinhardt did meet with Jamel Jones on December 18, 2024. This meeting came after Mr. Jones had reached out via email on December 12, 2024 and via voicemail on December 16, 2024 requesting specific information. This began a pattern of nonresponsiveness from Ms. Reinhardt. After both physically visiting city hall and contacting the clerk's office by phone on December 18, Mr. Jones was finally able to reach Ms. Reinhardt. Mr. Jones did, in fact, tell her that he was seeking information on behalf of a candidate for the office of Mayor. The fact that he did not specifically say it was on behalf of Andrea Frank is immaterial. Furthermore, Andrea Frank had not filed her candidacy at this point in time due to the fact that getting in contact with Ms. Reinhardt to obtain crucial information related to the filing process was hindered by the aforementioned nonresponsiveness. Again, Ms. Reinhardt does not dispute that emails and phone calls to her office went unresponded. As stated in the timeline

appended to the original complaint, and not contested by Ms. Reinhardt in her response, Mr. Jones was told during the aforementioned December 18 meeting that signatures submitted in advance of the deadline would be reviewed in advance of the deadline with the opportunity to make corrections or submit additional signatures. Accordingly, Ms. Frank turned in a first batch of signatures on December 20, 2024. Ms. Frank continued to collect signatures to have on hand in the event that any were to be found invalid. Ms. Frank collected sufficient additional nomination signatures in the period between December 20, 2024 and January 7, 2025 that would have guaranteed ballot access if the clerk had accepted the additional signatures on January 7.

Over the course of several weeks, multiple attempts were made to get in touch with Ms. Reinhardt with regard to the nomination papers because of the assurance she made that signatures would be proactively reviewed with the opportunity to make corrections. Information available to candidates and campaign staff from the [Wisconsin Elections Commission notes](https://elections.wi.gov/candidates/local-candidates) (<https://elections.wi.gov/candidates/local-candidates>), “candidates for local offices should work with the filing officer for that office to ensure they are meeting all requirements to get on the ballot.” As the filing officer, Ms. Reinhardt was the appropriate person to whom questions about the process should have been directed. Ms. Reinhardt misrepresented the process by telling Mr. Jones that the opportunity to make corrections or submit additional signatures prior to the deadline would be afforded. Ms. Reinhardt’s assertion that “[she] had no legal duty or obligation to conduct such a review” is directly contrary to the representations that she made (and in her response does not dispute making.) and as the filing officer responsible for the race, she had a duty to Ms. Frank to provide accurate information.

Beyond the nomination papers themselves, Ms. Reinhardt neglected to follow protocol and failed to meet deadlines with regard to ballot certification, a point raised that is notably absent

from Ms. Reinhardt's response to the original complaint. Ms. Frank's belief that Ms. Reinhardt implied during their conversation on January 7, 2025 that she had reviewed and accepted the nomination forms submitted is further supported by the fact that between January 8, 2025 and January 9, 2025, Ms. Reinhardt told various news publications, including the Green Bay Press Gazette/Door County Advocate, that Andrea Frank would appear as a candidate for the office of Mayor of the City of Sturgeon Bay. Ms. Reinhardt stated in her response to the original complaint that, "On January 15, 2025, [she] began her process of reviewing all nomination papers prior to submitting the certification of nomination forms to the Door County Clerk." If Ms. Reinhardt did not conduct any review of the nomination papers prior to January 15 as she alleges, she missed the certification deadline. By her own admission, Ms. Reinhardt did not hold a drawing of lots or submit the certification of nomination forms for the office of Mayor to the County Clerk's office by the second Tuesday in January, 1/14, the statutory deadline and thus violated Wis Statute §5.60(3)(b).

A concerned citizen filed an open records request with Ms. Reinhardt via email on January 22, 2025 seeking access to records pertaining to declarations of candidacy, nomination signature receipts, and nomination signature challenge forms for the office of Mayor and the offices of Alderman of the City of Sturgeon Bay in 2022 and 2025. More than three weeks elapsed, and no response was received. Accordingly, the citizen replied directly to the original email and asked for an update on February 13, 2025. Ms. Reinhardt did ultimately respond to the follow up email with a claim that no previous request was received; this is impossible given the fact that the request for an update was made as a reply to the original email request. The failure to respond in a timely manner to the open records request is not itself an elections commission complaint issue but is indicative of Ms. Reinhardt's disregard for timely communication and inability or unwillingness to follow best practices in the performance of her duties as municipal clerk.

Ms. Reinhardt is correct in her assertion that providing a receipt of nomination signatures is not a *legal* requirement. The failure of her office to provide a receipt of nomination signatures is, however, a deviation from the standard outlined in training materials provided to municipal clerks by the Wisconsin Elections Commission in the [Election Administration Manual \(https://elections.wi.gov/sites/default/files/documents/EA%20Manual-August%202024.pdf\)](https://elections.wi.gov/sites/default/files/documents/EA%20Manual-August%202024.pdf). The failure to provide a receipt of nomination signatures is thus another instance where Ms. Reinhardt failed to follow established guidelines. It is relevant to the complaint as a whole because it exists as part of a pattern of deviation from best practices.

Additionally absent from the response filed on behalf of Ms. Reinhardt is any good faith justification for the pressure campaign against Ms. Frank that Ms. Reinhardt coordinated with Josh VanLieshout, the City of Sturgeon Bay City Administrator. On January 20, 2025, six days after the statutory deadline for certification, Mr. VanLieshout called Ms. Frank (apparently on behalf of Ms. Reinhardt) and directed Ms. Frank to travel to city hall. Upon arriving at city hall, Mr. VanLieshout and Ms. Reinhardt informed Ms. Frank that she would not appear on the ballot. The pair then further attempted to pressure Ms. Frank into signing onto a joint press release that stated that Ms. Frank would not appear on the ballot. Two of three drafts of the press release included quotes attributed to Ms. Frank that were written by either Ms. Reinhardt or Mr. VanLieshout without her knowledge or consent. Ms. Frank left the meeting at city hall without having agreed to release any statement. Mr. VanLieshout called and left voicemails for Ms. Frank on January 21, 2025, January 22, 2025, and twice on January 23, 2025 urging Ms. Frank to sign onto the aforementioned press release. Ms. Reinhardt called and left a voicemail on January 27, 2025 to the same effect. Mr. VanLieshout's inclusion in the ballot access process is not grounded in either the laws of the State of Wisconsin or the City of Sturgeon Bay Municipal Code. The barrage of communication from city hall was a clear attempt to pressure Ms. Frank

into agreeing to forfeit access to the ballot and to essentially waive Ms. Reinhardt of any liability with respect to her actions (or lack thereof) regarding the 2025 municipal elections in the City of Sturgeon Bay.

From start to finish, this process was not conducted in a manner that was fair or respectful to Ms. Frank or any of the residents of the City of Sturgeon Bay. The validity of the signatures that were disqualified is not under contention, however, misrepresentations made by Ms. Reinhardt (that she does not dispute making) directly informed decisions that were made throughout the nomination signature collection process. The idea that elections officials can provide misinformation or disinformation and then disclaim responsibility is unconscionable. Had Ms. Reinhardt not made the aforementioned misrepresentations, additional signatures would have been turned in and no pretext would have existed to deny ballot access. Independent from the decision to withhold ballot access is the fact that by her own admission Ms. Reinhardt apparently did not even begin her process of reviewing the forms submitted by all candidates until *after* the statutory deadline for certification had passed. Even if Ms. Reinhardt believed that she was justified in withholding ballot access, a violation of Wis. Statute §5.60(3)(b) still occurred. For the sake of democracy, the only equitable course of action is to permit Ms. Frank to cure the nomination signature deficiency and obtain placement on the ballot.

Sworn Statement

6b

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

I, Andrea Frank, being first duly sworn, on oath, state that I personally read the above complaint, and that the above allegations are true based on my personal knowledge and, as to those stated on information and belief, I believe them to be true.

Andrea Frank

Complainant's Signature

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

STATE OF WISCONSIN

County of, Door (county of notarization)

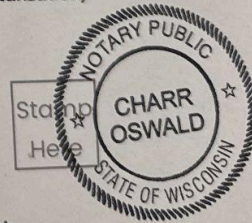
Sworn to before me this day of, 02/21/2025.

Charr Oswald

(Signature of person authorized to administer oaths)

My commission expires on 07/05/2028, or is permanent.

Notary Public or _____ (official title if not notary)



Draft 1—A joint release

The City of Sturgeon has discovered an error on candidate for mayor Andrea Frank's nomination papers. A facial review, prior to certification for ballot placement of all nomination papers received, revealed that three of Frank's 51 signatures were from persons not residing in the City of Sturgeon Bay.

Nomination papers for mayor for the City of Sturgeon Bay, a city of the fourth class, require between 50 and 100 valid signatures to be on the ballot. City Clerk Stephanie Reinhardt shared "part of the election process includes a facial review of nomination papers before certifying the ballot placement to the County Clerk. During this review it was discovered that three signatures were from addresses outside the City." Each person circulating nomination papers must certify that each signature is from a qualified elector residing inside the City of Sturgeon Bay.

Candidate for mayor Andrea Frank was advised of the issue with her nomination papers. Ms. Frank shared the following "While I am very disappointed that I will not be on the ballot for mayor on April 1, 2025, it is my intention to _____. I appreciate the integrity of the Clerk's office and bringing this matter to my attention. Sturgeon Bay is a great city and am proud to call it my home."

All other candidates who filed nomination papers will be on the ballot for the April 1, 2025 election.

Draft 2—A City only release.

The City of Sturgeon has discovered an error on candidate for mayor Andrea Frank's nomination papers. A facial review, prior to certification for ballot placement of all nomination papers received, revealed that three of Frank's 51 signatures were from persons not residing in the City of Sturgeon Bay.

Nomination papers for mayor for the City of Sturgeon Bay, a city of the fourth class, require between 50 and 100 valid signatures to be on the ballot. City Clerk Stephanie Reinhardt shared "part of the election process includes a facial review of nomination papers before certifying the ballot placement to the County Clerk. During this review it was discovered that three signatures were from addresses outside the City." Each person circulating nomination papers must certify that each signature is from a qualified elector residing inside the City of Sturgeon Bay.

All other candidates who filed nomination papers will be on the ballot for the April 1, 2025 election.

The City of Sturgeon has discovered an error on candidate for mayor Andrea Frank's nomination papers. A facial review, prior to certification for ballot placement of all nomination papers received, revealed that three of Frank's 51 signatures were from persons not residing in the City of Sturgeon Bay.

Nomination papers for mayor for the City of Sturgeon Bay, a city of the fourth class, require between 50 and 100 valid signatures to be on the ballot. City Clerk Stephanie Reinhardt shared "part of the election process includes a facial review of nomination papers before certifying the ballot placement to the County Clerk. During this review it was discovered that three signatures were from addresses outside the City." Each person circulating nomination papers must certify that each signature is from a qualified elector residing inside the City of Sturgeon Bay.

Candidate for mayor Andrea Frank shared "I am deeply appreciative of the City Clerk and her office, but am saddened that I will not appear be candidate on the April 1, 2025 ballot. I am very appreciative of the support I've received from the community and will continue to be engaged. My campaign team and I are exploring options to continue my candidacy but have not yet come to any decision." She added, "A part of the background work I did to prepare myself for running included meeting with several City department leaders and will continue to do so, to learn more about the City and how it provides the services to residents. Serving the community of Sturgeon Bay remains a personal priority for me."

All other candidates who filed nomination papers will be on the ballot for the April 1, 2025 election.