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May 7, 2026

Via Email ([elections@wi.gov](mailto:elections@wi.gov)) and Registered Mail

Wisconsin Elections Commission  
201 West Washington Avenue, Second Floor  
P.O. Box 7984  
Madison, WI 53707-7984

Re: **Verified Reply of Complainant**  
*Theresa Sipes v. Celestine Jeffreys – EL 26-12*

Dear Commissioners and Administrator Wolfe:

On behalf of Complainant Theresa Sipes, enclosed herewith please find the final Verified Reply of Complainant in the above-entitled matter.

**Certificate of Service.** Pursuant to Wis. Admin. Code § EL 20.03(6), I hereby certify that a complete copy of the Verified Reply of Complainant has been (or is in the process of being) served upon Respondent, Celestine Jeffreys, Clerk of the City of Green Bay and her counsel, contemporaneously with this filing, via both email and registered mail to the Office of the City Clerk and City Attorney, 100 N. Jefferson Street, Rooms 106 and 200, Green Bay, WI 54301.

Please do not hesitate to contact me if you have any questions or require additional information.

Respectfully submitted,

**Nicholas J. Boerke**  
Attorney  
NJB Law & Consulting LLC  
*Counsel for Complainant*

Enclosure: Verified Reply of Complainant

cc: Celestine Jeffreys (via email & registered mail)  
City Clerk’s Office  
100 N. Jefferson St., Room 106  
Green Bay, WI 54301

Atty. Logan Wood (via email & registered mail)  
City Attorney’s Office  
100 N. Jefferson St., Room 200  
Green Bay, WI 54301

**State of Wisconsin  
Before The Elections Commission**

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IN THE MATTER OF THE COMPLAINT OF:

**THERESA SIPES,**

Complainant,

v.

EL-26-12

**CELESTINE JEFFREYS,** in her capacity  
as City Clerk of the City of Green Bay,

Respondent.

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**VERIFIED REPLY OF COMPLAINANT**

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Complainant Theresa (Terri) Sipes, by and through undersigned counsel, submits this Reply to the Response of Respondent Celestine Jeffreys (“Response”) filed on April 23, 2026.

**INTRODUCTION**

Rather than acknowledge fault, Respondent takes the extraordinary position that issuing at least 152 duplicate ballots is legal. She argues that Wisconsin law prohibits only multiple *voting*, not the multiple *issuance* of ballots. To support this outrageous claim, Respondent misapplies the spoiling statute, conspicuously omitting its central requirement: that *the original ballot is first returned by the voter and destroyed by the clerk before any replacement ballot is issued.*

The issuance of illegal ballots promptly acknowledged and corrected is one thing. A legal defense that reveals a clerk’s fundamental misunderstanding, or indifference to, the governing law and procedure is another thing entirely. A clerk who does not believe the law prohibits issuing duplicate ballots cannot be trusted to prevent it from happening again. The Response itself is perhaps more disqualifying than the conduct it defends. It should shock the conscience of each Commissioner and it reinforces the need for this Commission to investigate and take all action possible against Respondent.

**DISCUSSION**

The Response advances two primary arguments: (I) that the Complaint is moot because no duplicate ballot was allegedly tabulated, and (II) that the issuance of duplicate ballots is not a violation of law. Both are meritless.

## I. THE COMPLAINT IS NOT MOOT

Respondent argues that the Complaint is moot because the Spring Election has concluded and, according to her, “only one ballot per eligible voter was tabulated.” RESP. at 3–4. This argument fails for many different reasons.

### a. The Complaint seeks necessary and appropriate prospective relief.

A case is moot only when resolution would “have no practical effect on the underlying controversy.” *PRN Assocs., LLC v. DOA*, 2009 WI 53, ¶25, 317 Wis.2d 656, 766 N.W.2d 559. The Complaint does not seek only election-day relief. It expressly requests that the Commission investigate the cause of the violations, determine whether corrective action is warranted, order additional training or oversight, and take action to prevent similar violations in future elections. COMPL. ¶¶ 31(a)–(e), 32(a)–(e). These forms of relief remain fully available and would have practical, real-world consequences. The passage of Election Day does not moot a complaint seeking systemic remedies.

### b. Respondent’s conclusory “no harm, no foul” theory has no basis in law.

Respondent’s position is that election law violations cannot be investigated or remedied absent actual fraud or double voting. That is not the law. WISCONSIN STAT. § 5.06 allows a complaint whenever an elector believes an election official’s “decision or action” or “failure . . . to act” violates the law. WIS. STAT. § 5.06(1). The statute does not require the complainant to prove that the violation changed an election outcome, resulted in fraud, or caused any other harm beyond the violation itself. The unlawful act is the issuance of 152 illegal ballots, whether or not further harm results in the form of fraud or double voting.

Furthermore, Respondent asks this Commission to accept, without any investigation, her own self-serving assertions that “there was minimal voter confusion, no double voting, and no increased risk of . . . fraud.” RESP. at 3. The Response further asserts unsubstantiated conclusions that the Respondent complied with “established Wisconsin election laws” including the Commission’s “manuals and guidance” and that “only one ballot per eligible voter was tabulated.” *Id.* at 4. Respondent is both the official who caused the violation *and* the official now asserting no harm resulted. She has conducted no independent audit. She has produced no evidence beyond her own say-so. The Commission should not dismiss a complaint based on a respondent’s unverified claim that her own violations caused no harm. That is precisely what investigations are for.

Respondent’s “no harm, no foul” argument ignores the entire reason why election laws and procedures exist—especially for absentee voting. The Legislature has expressly declared that

absentee voting "must be carefully regulated to prevent the **potential** for fraud or abuse." WIS. STAT. § 6.84(1) (emphasis added). The Supreme Court has reinforced this principle, holding that the **opportunity** for tampering is itself the harm, even absent evidence of actual fraud. *Teigen v. WEC*, 2022 WI 64 (quoting prior authority: "we have before us no evidence to indicate that any of [the ballots] were actually tampered with . . . but it is entirely obvious that the opportunity to do so was present").

Respondent admits that "special procedures" are required during the issuance of absentee ballots to "protect the elector and the integrity of the process." RESP. at 5. Even if no illegal votes resulted, the opportunity was undeniably present. The fact that Respondent scrambled to mitigate the potential consequences of her own violations and unilaterally claims her mitigation worked does not mean the violations did not occur. After all, at least one voter returned both ballots. RESP. at 3. The issuance of 152 duplicate ballots created precisely the "potential for fraud" that § 6.84(1) was designed to prevent.

**c. Accepting the mootness argument would immunize ballot issuance violations.**

This controversy is not moot, but even if it were, this matter should still be investigated and decided. In fact, the case cited in the Response emphasized that even if the underlying controversy is moot, the merits of a matter should still be addressed if it presents issues "of great public importance" or "capable and likely of repetition and yet evades review." *Portage Cty. v. J.W.K.*, 2019 WI 54, ¶12, 386 Wis. 2d 683-84, 927 N.W.2d 515. This is precisely such a case. The proper administration of elections is of great statewide public importance and ballot issuance errors can recur in any election cycle. In fact, the Wisconsin Court of Appeals recently held that it was appropriate to address the merits of a §5.06 challenge to ballot access more than a year after the election was decided and the winner was sworn in. *See Hess v. Wis. Elections Comm'n*, 2023AP1350 (Wis. App. Jul 30, 2024).

The window between ballot mailing and Election Day is too short to fully litigate a § 5.06 complaint before the election concludes. Moreover, the fundamental misunderstanding of ballot issuance law displayed in the Response makes future violations inevitable absent Commission action. If every complaint of this nature were dismissed simply because the election passed, no clerk could ever be held accountable for ballot issuance violations. That cannot be what the Legislature intended when it enacted § 5.06.

## II. RESPONDENT’S CLAIM THAT CLERKS MAY LEGALLY ISSUE MULTIPLE BALLOTS IS WRONG AND DANGEROUS

Respondent’s most troubling argument—and the one that most clearly demonstrates why the Commission must act—is the assertion that “[t]he statute does not impose liability for inadvertent duplication in issuance, rather, it establishes the elector’s right to receive a ballot.” Resp. at 1. Respondent doubles down on this position, claiming that “Wisconsin law prohibits multiple voting, and not the inadvertent issuance of multiple ballots.” RESP. at 6.

This is flatly wrong. As set forth at length in the Complaint, Wisconsin’s absentee ballot statutes are structured around the fundamental principle that each qualified elector receives one—and only one—ballot per election. Section 6.86(1)(ar) provides that a clerk “shall not issue an absentee ballot unless the clerk receives a written application therefor from a qualified elector,” using the singular throughout. The entire statutory scheme—from application to issuance to return to processing—is built on a one-application, one-ballot, one-vote framework.

### a. Respondent’s reliance on § 6.86(5) is fundamentally wrong.

Respondent cites the ballot spoiling statute, WIS. STAT. § 6.86(5), whereby “absentee voters are eligible to request **replacement** ballots” to claim that sending unsolicited duplicate ballots is legal. RESP. at 5 (emphasis added). Conflating legal replacement ballots issued under the safeguards of § 6.86(5) with illegal duplicate ballots is either incompetent or deliberately misleading. The Response itself illustrates the point. It offers this example as exoneration, but it proves the opposite:

Clerk Jeffreys oversaw the spoilage of **one** voter’s absentee **ballots**.  
That **voter returned both** of their absentee **ballots** and chose to **spoil**  
**both** and receive a new ballot in accordance with Wis. Stat. 6.86(5).

RESP. at 4 (emphasis added).

Because this voter was illegally issued multiple ballots to begin with, the voter had to **return both** ballots (the original and the second illegally issued ballot) and **destroy both** ballots before the voter was issued a **replacement** ballot. Section 6.86(5) authorizes a replacement ballot **only** when: (a) the elector initiates the request; (b) the elector returns the spoiled or damaged ballot to the clerk; and (c) the clerk destroys the original ballot.<sup>1</sup> It does not authorize a clerk to mail multiple ballots to voters’ homes with no safeguards, no supervision, and no destruction of the

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<sup>1</sup> WIS. STAT. § 6.80(2)(c) permits issuance of replacement ballots to Election Day voters but again requires the voter to first surrender the original ballot, which is then destroyed under the direct supervision of election inspectors.

prior ballot. The entire point of this process is to ensure that at no time do two (or more) live, votable ballots exist for the same elector—the exact situation that Respondent created here.

Here, none of the prerequisites for issuing a replacement ballot were met. There was no request and no ballot was returned or destroyed prior to a second ballot being issued to the same elector. Instead, Respondent unilaterally mailed a second ballot to at least 152 voters who already possessed a first ballot—placing two live, official, votable ballots in the hands of each affected elector. Respondent’s citation of § 6.86(5) does not support her position; it undermines it. The fact that the Legislature created this narrow, carefully safeguarded exception to the one-ballot rule confirms that all other issuance of additional ballots is prohibited.

In keeping with its mischaracterization of the law, the Response also intentionally mischaracterizes the Complaint—asserting that “the complainant is mistaken when they assert that ‘each voter is only eligible for a single ballot in the Spring Election.’” RESP. at 5. Complainant never argued that a voter may never receive a **replacement** ballot under the safeguards of § 6.86(5)—Respondent knows the 152 duplicate ballots were never intended as replacement ballots. As clearly stated in the Complaint, Wisconsin law “does not contemplate or authorize the mailing of another absentee ballot to the same voter for the same election **absent a valid spoiling request under Wis. Stat. § 6.86(5).**” COMPL. ¶20 (emphasis added). The disingenuous attempt to reframe the Complaint is a straw man.

**b. Respondent’s position leads to an absurd and dangerous result.**

Respondent repeatedly argues that “the legal standard . . . is not dependent on whether more than one ballot was issued . . . but rather, the adherence that each voter only has one ballot tabulated.” RESP. at 6. This argument collapses the critical distinction between ballot issuance controls and ballot tabulation controls—Wisconsin law requires both. Issuance controls (§ 6.86) exist to prevent unauthorized ballots from ever entering circulation. Tabulation controls (§§ 6.88, 7.52) exist as a second layer of protection. Respondent’s argument that only the second layer matters would render the first layer superfluous—a result the Legislature plainly did not intend.

Furthermore, the Legislature has expressly stated that absentee voting procedures “shall be construed as mandatory” and that “strict . . . rules” must be imposed “in order to ensure the integrity of the absentee ballot process.” WIS. STAT. § 6.84(2). The mandatory-construction and strict-compliance directives of § 6.84 apply to the ballot issuance process, not merely to whether a duplicate ballot was ultimately caught at tabulation.

The logical result of Respondent's position is untenable: a clerk could mail thousands of duplicate ballots but so long as the clerk later claims no duplicate was tabulated there is no investigation, no accountability, and no corrective action. The Commission must reject that result.

### **CONCLUSION**

Respondent does not deny the core allegation: that her office mailed 152 duplicate absentee ballots to voters in violation of the procedures mandated by Wis. Stat. § 6.86. Instead, Respondent asks this Commission to look the other way because, in her own unverified assessment, no harm resulted. And she invites this Commission to adopt the legally unsupportable position that Wisconsin law does not prohibit clerks from issuing multiple ballots to voters. Respondent's position itself is grounds for concern about her understanding of Wisconsin election law and her fitness to administer future elections in compliance with the law.

Complainant respectfully renews her request that the Commission investigate the cause and scope of the violations, order appropriate remedial and corrective action, and establish clear precedent that the mailing of duplicate ballots violates Wisconsin law, whether intentional or not.

Respectfully submitted this 7th day of May, 2026.

**NJB LAW & CONSULTING LLC**

/S/ Signed electronically by Nicholas J. Boerke  
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[Verification on following page.]

**VERIFICATION**

I, Theresa Sipes, being first duly sworn upon oath, state that I personally read the above Verified Reply and that the above Verified Reply is true and correct based upon my personal knowledge.

Theresa Sipes

Theresa Sipes, Complainant

May 7, 2026

STATE OF WISCONSIN     )  
  ) ss.  
COUNTY OF Brown     )

Subscribed and sworn to before me  
this 7 day of May, 2026.

[Signature]  
Notary Public, State of Wisconsin

My commission expires: 4/18/27

