

DaNean Naeger
Village Clerk
Village of Arena
345 West Street
Arena, WI 53503

April 8, 2025

WISCONSIN ELECTIONS COMMISSION

Attn: Brandon Hunzicker
Staff Attorney
201 West Washington Avenue, Fl 2
PO Box 7984
Madison, WI 53707
Brandon.hunzicker@wisconsin.gov
elections@wi.gov

**RE: Wis. Stat. § 5.06 Complaint Filed with Wisconsin Elections Commission:
Becca Uminowicz v. DaNean Naeger (EL 25-29)**

Dear Mr. Hunzicker,

Please accept this response to the above-referenced Complaint.

Ms. Uminowicz alleges that I failed to draw a second lot for reorganization of the ballot after the Spring 2025 primary election before preparing the general election ballots. I do not dispute that a second drawing did not occur but strongly deny that it was due to any intentional or willful conduct.

The drawing of lots was completed on January 9, 2025 at 8:30 a.m. by drawing names out of bowl. The slips of paper containing the names were drawn by Richard Meili and Troy McKeown and I, DaNean Naeger, placed them on the sheet of paper in order they were drawn. This was witnessed by all three of us and signed as such.

In reviewing the August 2024 version of the Wisconsin Election Administration Manual, unfortunately I did not see subpart b on page 32, which explains this requirement and instead only looked at subpart a, which notes:

“2. For a spring election, drawing of lots is held not later than seven days after the deadline for filing nomination papers. Wis. Stats. §§ 5.58.

a. The drawing is done at this time for those offices requiring a primary and also for the election ballot for those offices where a primary is not required.”

In the election manual, subpart b is on a different page and I simply did not see it where it says that following a primary names are redrawn for that office. This was an inadvertent oversight and not done with any intent of any kind. This was my first local primary election of this kind and so I did not realize a new ballot order was needed.

Unfortunately, this oversight was not brought to my attention until it was too late to do a second drawing and have the ballots printed again. I submitted the ballot order form on February 25, 2025 and the ballots were received on March 6, 2025. Absentee ballots were mailed out on March 10, 2025. I was not told about this issue until March 11, 2025, well after it was too late to correct the mistake. Notably, the communication provided with the complaint from the Valley Sentinel does not contain any explicit reference to the statutes at issue here and instead just generally referred to "Chapter 5". Even if that was enough to call this to my attention as early as March 11, 2025 or March 13, 2025, it was too late to have the ballots reprinted for the April 1, 2025 spring election.

I disagree that any corrective action is necessary or would be appropriate here, let alone referral to the District Attorney. The allegation that the placement on the ballot had any impact on the election is without merit. During the Spring 2025 primary election, the top vote getters were in the bottom three spots on the ballot. During the Spring 2025 general election (which is the election at issue here), the top three vote getters were once again the bottom three spots on the ballot. As such, it had no impact.

While I regret this occurred, it certainly was not done willfully in violation of Wis. Stat. § 13(2)(a) or with an intent to change the result of the election in violation of Wis. Stat. § 12(3)(e). It was an honest mistake. I believe I have discharged my duties as impartially as possible and without favor to any of the candidates. I do not have any financial interest in the outcome of the election and any argument that simply by having my job I have such an interest would mean every election official has some financial interest and cannot do their job for that same reason.

I have corrected the policy/process that caused this oversight and will ensure a second lot is drawn in future elections of this kind.

Should the Commission need anything further, please do not hesitate to contact me.

Sincerely,



DaNean Naeger

Subscribed and sworn to before me this 4 day of April 2025



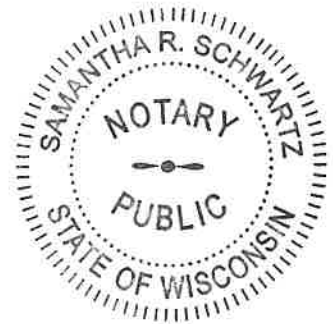
Notary Public

Samantha R. Schwartz

Printed Name

My commission is permanent/expires

7/16/2028



NOTE:**Please mail any follow up correspondences to DaNean Naeger, 314 Commerce Street, Rewey, WI 53580.

BALLOTS

Summary

County, municipal and school district clerks are responsible for preparing the ballots to be used in their respective elections. County clerks are also responsible for preparing ballots for federal and state offices and for the office of multi-jurisdiction municipal judge.

Where electronic voting equipment such as optical scan or direct recording electronic (DRE) is used, and federal and/or state and county offices are up for election as well as municipal and school district offices, the county clerk often prepares the ballots for municipal and school district offices. In these municipalities, municipal clerks are responsible for ensuring that sufficient paper ballots are available in case of equipment malfunctions, for absentee ballot requests, assisted electors, and for any other elector who may request a paper ballot on Election Day.

Procedures

Certifying the Number of Electors

Municipal clerks are required to certify to the county clerk the approximate number of electors in their municipality no later than the first day of the second month before a primary. This number is used by the county clerk to determine the number of ballots to print for the election. Wis. Stat. § 5.66(1).

Determining Ballot Order of Candidate Names

1. The order that candidates' names will appear on the ballot is determined by drawing of lots or some other random determination (for example: drawing numbers or names out of a hat or flipping a coin if there are only two candidates).
2. For a spring election, drawing of lots is held not later than seven days after the deadline for filing nomination papers. Wis. Stats. §§ 5.58
 - a. The drawing is done at this time for those offices requiring a primary and also for the election ballot for those offices where a primary is not required.

Village Clerk

From: Megan Currie <Megan.Currie@iowacounty.org>
Sent: Monday, March 10, 2025 9:10 AM
To: Town of Clyde - Leah; Town of Mineral Point - Debi Heisner; Village of Arena - DaNean Naeger; Village of Ridgeway - Lori Phalen
Cc: Barbara Weinbrenner
Subject: RE: Election Day Ballots

Hi,

Your election media has arrived.

Thanks,
~Megan

From: Megan Currie
Sent: Friday, March 7, 2025 11:51 AM
To: Town of Clyde - Leah <townclerkclyde@gmail.com>; Town of Mineral Point - Debi Heisner <mptownclerk@gmail.com>; Village of Arena - DaNean Naeger <vilarena@villageofarena.net>; Village of Ridgeway - Lori Phalen <clerk@ridgewaywi.gov>
Cc: Barbara Weinbrenner <barbara.weinbrenner@iowacounty.org>
Subject: Election Day Ballots

Happy Friday,

Your election day ballots for the Spring Election have arrived today. I'm hoping to have your media on Monday. You can pick up ballots after the media arrives since you already have your absentee ballots.

Thanks,

Megan Currie
County Clerk
Iowa County
222 N Iowa St, Suite 102
Dodgeville, WI 53533
(608) 935-0399

Batches will include all applications that exactly match all criteria. • New ballots will not be issued if an active ballot already exists.

Batch Name *	Spring Election 040125 Batch 1	Set Ballot Sent Date	
Jurisdiction	VILLAGE OF ARENA - IOWA COUNTY	Date Ballot Sent *	3/10/2025
Election *	2025 Spring Election	Batch Processed Date	3/10/2025