

ALINE KOSLOSKI  
545 Franklin Street  
Stevens Point, WI 54481,

BRIAN CYCHOSZ  
3798 Couty Road Y  
Custer, WI 54423,

MARY ROSICKY  
5487 Conifer Drive  
Stevens Point, Wi 54481,

Complainants,

v.

**RESPONDENT'S ANSWER AND  
AFFIRMATIVE DEFENSES**

KARI YENTER,  
Office of the City Clerk  
1515 Strongs Avenue  
Stevens Point, WI 54481,

Respondent.

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NOW COMES the Respondent, City Clerk Kari Yenter (“Clerk”), by her attorney, Andrew L. Beveridge, as and for an answer (“Answer”) to the Complainants’ Complaint noticed to the City of Stevens Point on October 31, 2023.

**Answers to Specific Paragraphs Contained in the Complaint:**

The numbered paragraphs in this section below correspond with the numbered paragraphs 1-22 contained within the Complaint.

**Parties**

1. The Clerk admits the contents of ¶1.
2. The Clerk admits the contents of ¶2.
3. The Clerk admits the contents of ¶3.
4. The Clerk admits the contents of ¶4.

**Jurisdiction**

5. The Clerk admits the contents of ¶5.

### The Complaint

6. ¶6 is a legal argument which does not require an answer in this responsive pleading.

7. ¶7 is a recitation of statute which does not require an answer. To any extent that the recitation incorrectly or incompletely recites the statutory text, the Clerk would refer the Commission to the statute itself.

8. ¶8 is a recitation of statute which does not require an answer. To any extent that the recitation incorrectly or incompletely recites the statutory text, the Clerk would refer the Commission to the statute itself.

9. The Clerk admits that Exhibit A is a true and accurate representation of a letter sent by the Clerk to Mr. Cychosz, but otherwise denies the contents of ¶9.

10. To the extent that ¶10 alleges any facts, the Clerk denies the same. To the extent that ¶10 states legal arguments, such arguments do not require an answer in this responsive pleading.

11. The Clerk denies the contents of ¶11

12. ¶12 is a legal argument which does not require an answer in this responsive pleading.

13. To the extent that ¶13 alleges any facts, the Clerk denies the same. To the extent that ¶13 states legal arguments, such arguments do not require an answer in this responsive pleading.

14. To the extent that ¶14 alleges any facts, the Clerk denies the same. To the extent that ¶14 states legal arguments, such arguments do not require an answer in this responsive pleading.

15. To the extent that ¶15 alleges any facts, the Clerk denies the same. To the extent that ¶15 states legal arguments, such arguments do not require an answer in this responsive pleading.

16. ¶16 is a recitation of statute which does not require an answer. To any extent that the recitation deviates from the statutory text, the Clerk would refer the Commission to the statute itself.

17. To the extent that ¶17 alleges any facts, the Clerk denies the same. To the extent that ¶17 states legal arguments, such arguments do not require an answer in this responsive pleading.

18. The Clerk admits that Exhibit A is a true and accurate representation of a letter sent by the Clerk to Mr. Cychosz. To the extent that ¶18 makes further factual allegations, the Clerk denies the same. To the extent that ¶18 states legal arguments about the intent or effect of the contents of Exhibit A, such arguments do not require an answer in this responsive pleading.

19. ¶19 is a recitation of statute which does not require an answer. To any extent that the recitation incorrectly or incompletely recites the statutory text, the Clerk would refer the Commission to the statute itself.

20. To the extent that ¶20 alleges any facts, the Clerk denies the same. To the extent that ¶20 states legal arguments, such arguments do not require an answer in this responsive pleading.

21. The Clerk admits that Exhibit B to the Complaint is a true and accurate representation of an email exchange between Mr. Cychosz and the Clerk, but the Clerk denies all other facts alleged in ¶21. To the extent that ¶21 states legal arguments, such arguments do not require an answer in this responsive pleading.

22. To the extent that ¶22 alleges any facts, the Clerk denies the same. To the extent that ¶22 states legal arguments, such arguments do not require an answer in this responsive pleading.

#### **Clerk's Affirmative Defenses and Narrative Response:**

As and for affirmative defenses, the Clerk further alleges and shows to the Commission as follows:

1. The Clerk's actions with regards to the allegations of this Complaint were taken in reliance upon advice from the Wisconsin Elections Commission in accordance with the email from Elections Administration Specialist Riley Willman to the Clerk dated December 6, 2021, a copy of which is attached to this Answer as Exhibit 1. In that email, Elections Administration Specialist Willman stated: "[i]f you require all unaffiliated poll workers to complete an application form and a Authorization [sic] for Release of Information form, I think it is a fair request to have the partisan appointees also complete those forms." The Clerk requires the application form and Authorization for Release of Information to be completed for all election official applications, including those from both the Republican and Democratic parties as well as any unaffiliated applicants. Given the Election Commission's authority to administer the statutory provisions at issue in the Complaint,

the Clerk is entitled to rely upon representations made by Elections Commission staff regarding such statutes.

2. The Authorization for Release of Information form attached to the Complaint as part of Exhibit A is used by the City of Stevens Point for all applications for employment of any type, including unpaid volunteer positions. Among such unpaid positions where the form is used are auxiliary police, volunteer staff at the Annette & Dale Schuh Riverfront Arts Center, and ice-skating instructors who work with youth at the K.B. Willett Ice Arena. In the context of election officials, the authorization's purpose is to ensure the Clerk and City staff have the ability to determine whether an applicant's conviction status is compatible with the requirement to be a qualified elector of the district. The other authorizations listed on the form are relevant to various other jobs within the city government but are not utilized or accessed in the processing of applications for election officials. Moreover, during Clerk Yenter's tenure with the City of Stevens Point, no person has been rejected for service as an election official.

3. Among the requirements imposed by Wis. Stat. § 7.30(2)(a) for appointment of election officials is that such persons "be capable, and be of good understanding." The Clerk's requirements that applicants have "strong clerical skills", are "able to solve problems", and are "effective communicator[s]" do not create additional requirements over and above those required by statute. Those traits are within the meaning of the statutory requirement to "be capable, and be of good understanding." The Complainants do not cite to, nor does the statute require, that the qualifications stated on an application form for election officials be verbatim recitations of the statutory language.

s/Andrew Beveridge  
**ANDREW L. BEVERIDGE**  
Attorney for Clerk of Stevens Point  
1515 Strongs Avenue  
Stevens Point, WI 54481  
(715) 346-1556  
State Bar No. 1078864

CERTIFICATION

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

Signature: *Kari Yenter*

Date: *12-04-23*

STATE OF WISCONSIN )

)ss

County of Portage ),

Signed and sworn to before me this 4<sup>th</sup> day of December, 2023.

Notary Public or Person Authorized  
to Administer Oaths

*Bethany Dowling*



My commission expires 12-12-2025  
Or, is permanent

# Exhibit 1

**From:** [Willman, Riley P - ELECTIONS](#)  
**To:** [Kari Yenter](#)  
**Subject:** RE: [External] Election Inspectors  
**Date:** Monday, December 6, 2021 12:37:20 PM  
**Attachments:** [image001.png](#)

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Hi Kari,

If you require all unaffiliated poll workers to complete an application form and a Authorization for Release of Information form, I think it is a fair request to have the partisan appointees also complete those forms.

When it comes to the partisan imbalance at your polling place, you are correct that you will look at each individual polling place to determine which party gets the additional inspector. You will look at each polling place and see if Joe Biden or Donald Trump received more votes in 2020 at that polling place. For example, if you have 9 inspectors serving at a polling place and Biden got more votes than Trump at that polling place, 5 of the inspectors would come from the Democratic list, and the other 4 would come from the Republican list.

Please let me know if you have any questions and I'd be happy to help.

Thanks,

**Riley Willman**

Elections Administration Specialist  
Wisconsin Elections Commission  
(608)261-2030  
[Riley.Willman@wisconsin.gov](mailto:Riley.Willman@wisconsin.gov)



**From:** ELECTIONS HelpDesk <[elections@wisconsin.gov](mailto:elections@wisconsin.gov)>  
**Sent:** Monday, December 06, 2021 11:00 AM  
**To:** Willman, Riley P - ELECTIONS <[Riley.Willman@wisconsin.gov](mailto:Riley.Willman@wisconsin.gov)>  
**Subject:** FW: Election Inspectors

**From:** Kari Yenter <[KYenter@stevenspoint.com](mailto:KYenter@stevenspoint.com)>  
**Sent:** Monday, December 6, 2021 10:47 AM  
**To:** ELECTIONS HelpDesk <[elections@wisconsin.gov](mailto:elections@wisconsin.gov)>  
**Subject:** Election Inspectors

**CAUTION: This email originated from outside the organization.  
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Good morning,

I received lists of nominees for Election Inspectors by both political parties. Can I require them to complete an application form? Or require them to complete an Authorization for Release of Information form?

Can I also please receive clarification on how the political party balance should be at each polling location? I know the nominees by each political party must be used first (before Unaffiliated). However, I still would like clarification on the balance of each party as I have received different information on this. Do I determine this by the number of votes (Democrat or Republican) at the last Gubernatorial Election or the last General Election? It must also be determined by polling place, is that correct?

Thank you,  
Kari Yenter, City Clerk  
1515 Strongs Avenue  
Stevens Point, WI 54481  
715-346-1572

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