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RE: Uminowicz v. Naeger (EL 25-29)
Reply to Response of Respondent Naeger dated April 8, 2025

Attorney Hunzicker,

Thank you for the opportunity to respond to the statement you have received from Ms. Naeger. I hope the following will be useful to you and the Commission.

You will recall that my original complaint, pursuant to Wis. Stat. § 5.06, raised two issues: improper administration of the process for determining candidate ballot order for the February primary election for president and trustees of the Village of Arena, and failure to determine a new ballot order by random lot for the general election. It appears that Ms. Naeger has conceded the second violation and focuses primarily on arguments to mitigate that offense.

Compliance with statutory procedures is not discretionary, and failure to comply with clear statutory mandates undermines the validity of election results, regardless of intent. In the administration of elections, statutory fidelity is essential to maintaining public trust and the legitimacy of electoral outcomes.

The Drawing Process for the Primary

With respect to the first violation, she says very little, which leaves me with many questions. She mostly repeats the basic information that appeared in the formal documentation

for the drawing. Recall that the outcome of the drawing was a 69:1 improbability. Given that the observed outcome was so unlikely and entirely in favor of Ms. Naeger, I would have expected her to point to evidence which would allay my reasonable suspicion. Her failure to do so only makes me more concerned.

The one detail she does add is that the slips with candidates' names were drawn from a bowl. Note please, however, that Richard Meili, one of the named participants, publicly stated at a candidate forum that the names were drawn "from a stocking cap," contradicting Ms. Naeger's account. While this detail is not in itself particularly important, and it is unclear which account is correct, it only increases my concern that Ms. Naeger may have sworn falsely, and this would reflect at very least a lack of caution and consideration.

Should the Commission seek further verification of the irregularities surrounding the drawing, Mr. Meili's public account and other participant recollections could be instructive. I can make a recording or transcript of Mr. Meili's account at the forum available upon request.

But my more basic issue is that her response is so brief and reveals so little. It does not say what if any steps were taken to ensure that the drawing was random. She says nothing new about witnesses to the drawing or whether anyone was present from the public. She says nothing about how Mr. Meili and Mr. McKeown came to be selected. She does not even state where the drawing occurred.

Her account fails to reflect that the drawing of names necessarily would have required a separate procedure for the candidates for trustee and candidates for president. She does not mention doing this, and in fact her account makes it seem as though the drawings for the two positions were combined. If this is the case, it means that Kathy Stoltz, being the only candidate to have her name in the bowl, stocking cap, or whatever, for two positions instead of one, had 2:1 odds in favor of having her name drawn before that of any other given candidate. Something as subtle as drawing her name and assigning it automatically to the village president ballot before the trustee ballot, would be enough to wildly skew the results of the drawing.

She does not mention any effort to notice the drawing. I am not aware of any sound public notice of the drawing. There was a one page "Notice" which I included in my complaint that states of itself that it was posted on January 7, but this was obtained through a public records request and I cannot vouch for where or when or whether it was actually posted. Had there been a variety of witnesses from a spectrum of political allegiances, issues with the drawing might have been identified before it was too late, or their presence may have deterred willful misconduct.

I cannot say for certain that any of this is purposeful or duplicitous, but I also cannot say otherwise. I would expect greater transparency, documentation, and attention to detail both in the conduct of an election and in a formal response to the Commission. With no description of the

precise procedures, and no documentation affirming the randomness of the selection, I am left with no reason not to be suspicious, or at very least alarmed at the informality and lack of care evident here.

Moreover, under Wis. Stat. § 7.23(1)(h), election officials are required to preserve records documenting the conduct of elections. While a single-sheet summary was produced indicating the outcome of the drawing, the complete absence of documentation describing how the drawing was conducted—including procedures to ensure fairness, randomness, and transparency—casts serious doubt on the Clerk’s compliance with her statutory responsibilities.

The slips that were purportedly used, based on what I can see, were of different shapes and lengths. Perhaps the paper they were printed on was not as opaque as Ms. Naeger’s procedures. Elections cannot function on good faith alone, and in this case what faith I have is sorely strained. Further reasons for this strain follow below.

Ms. Naeger’s Claim of Innocent Error

With respect to not holding two drawings, one for the primary election and one for the general election, Ms. Naeger takes the position that she is just an innocent clerk, with no experience determining the order of candidates listed on a primary because this was her “first local primary election of this kind.” I would request the Commission employ its resources to double-check this claim, as it seems unlikely to me. Certainly, the overall tenor which Ms. Naeger presents is that she is just an innocent newcomer who failed her responsibility from lack of training and experience runs contrary to her record as a longstanding clerk with lengthy experience. I understand that she holds certifications as both a Certified Municipal Clerk (CMC) and a Wisconsin Certified Municipal Clerk (WCMC), and has held the latter designation since 2008.

The Commission would be better able than I to document whether Ms. Naeger has ever clerked a local primary before, but I am aware that she has held election-related roles in numerous other Wisconsin municipalities going back apparently at least 17 years. In addition to Arena, she has clerked for, on information and belief, Rewey, Dodgeville, Blue Mounds, and Monticello¹. It seems implausible to me that in her years of service, she never once encountered a local primary requiring a post-primary drawing.

I really do not understand what merit she sees in her explanation that she consulted the Wisconsin Election Administration Manual and that the way it was printed is somehow to blame for her failure to do her job properly. This strains credibility and frankly appears deceitful to me.

¹ From what I have researched myself, she was the village clerk for the Village of Monticello in Green County from November 4, 2013, to May 1, 2019. I have also seen a listing of municipal clerks indicating that she was City Clerk for Dodgeville back in 2010. One local resident posted that he remembers when she was the clerk for the Village of Blue Mounds. Others have told me she was clerk in Rewey.

If she can see that there is a point two that is divided into subparts and admits that she has read subpart a, then what would make any reasonable person think that this is the end? The very fact that there is a subpart a would make most people think there must be other subparts, and cause them to read on to the next page for subpart b. In fact, it appears that Ms. Naeger was careful enough to comply with the applicable parts of points three through seven, which suggests she did in fact read on to the next page.

I also do not see how she can point the finger at a media watchdog for pointing out her nonfeasance “too late” or without directing her to a particular statute. How is knowing her duty anyone else’s responsibility but her own? It may be true that she received complaints about her handling of ballot order too late to adjust the ballots, but I don’t understand why she would need to rely on correction from the local press in the first place, much less need the press to direct her to a precise statute. If it was pointed out to her that her conduct was potentially unlawful, couldn’t she review the manual put out by the Elections Commission, consult the Village Attorney (or the Commission), or ask ChatGPT or the member of the press who pointed out the deficiency? Her decision to respond by doing nothing speaks to the lack of seriousness with which she seemed to treat her responsibility in this matter.

Effect on the Election

Ms. Naeger dismisses concerns about ballot order bias by noting that not all top-listed candidates won. However, this argument misses the point. The ballot placement may well have had an effect: just because a candidate won does not mean they did not do so in spite of an artificial disadvantage, and it is unseemly that an election official would suggest that an injury to the integrity of an election which may well have distorted vote totals should not be taken seriously because it did not determine the winner.

Moreover, another complaint filed by the complainant focuses on the Village President race, in which the top-listed candidate did ostensibly win, and under highly suspicious circumstances. Improbably different results in that race were observed between hand-counted and machine-tabulated ballots. A Bayesian analysis estimated the posterior probability of Kathy Stoltz winning the election by the reported margin — given the results of the hand-counted sample — to be roughly 0.04 (or 4.03%). Coming atop other statistical improbabilities, these odds should raise serious concern.

Motive

While Ms. Naeger denies having a financial interest in the outcome of the election, the record suggests a pattern of alignment with a specific bloc of candidates. These candidates openly supported her continued employment and opposed transparency initiatives, including calls for a forensic audit of the Clerk’s office. The nature of the clerk's interest may have been

less that of retaining her salary than ensuring the dominance on the village board of a group of village officials that praise and flatter her and have insulated her work from external scrutiny.

It is my understanding that Ms. Naeger may presently already be under investigation by the Iowa County Sheriff's Department. It has been reported that there were financial discrepancies arising from her service as clerk/treasurer in Monticello which led to her departure from that position. I cannot state whether Ms. Naeger has ever engaged in any misconduct in Monticello, and am not accusing her, but I think this context is important to understand the interest that she may have had in influencing the outcome of village elections.

Most people who follow the local politics are well aware of the entrenched alliance between Ms. Naeger and certain officials. This alignment, while not illegal per se, is deeply problematic in the context of election administration, in which the highest levels of probity and neutrality are sought.

The general appearance of haphazardness and lack of concern evinced by Ms. Naeger does not necessarily indicate the absence of ill motive. The sloppiness and failures of Ms. Naeger may be an instance of malign neglect, where one tolerates dysfunction that conveniently serves their interests. Manipulating conditions to invite failure of safeguards while preserving deniability is often more dangerous than open sabotage, because it hides behind the mask of incompetence. Sometimes mistakes are strategic, and this likelihood increases when there is a convenient lack of scrutiny.

Further Context

You may be aware that Ms. Naeger is no longer Village Clerk of Arena. Her resignation, issued without explanation on the evening of April 8, 2025—mere hours after submitting her sworn response—may suggest a recognition of fault or retreat from accountability. This resignation was quickly followed by that of Trustee Melissa Bandell on April 14 and putative Village President Kathy Stoltz on April 15, her first day in office. While these resignations do not necessarily suggest wrongdoing, they display the close connection between Ms. Naeger and the candidates who stood to benefit from her misperformance as clerk, and they also create an unmistakable appearance of flight in the face of scrutiny, and may reflect Ms. Stoltz's lack of confidence in being able to defend and sustain the legitimacy of her election.

However, resignation may avoid immediate scrutiny but does not resolve the underlying issues affecting the election's legitimacy. The public and the Commission are entitled to a full and transparent accounting of the irregularities regardless of the officials' voluntary departure.

You may be aware that this election has generated a range of formal complaints, to the District Attorney, Ethics Commission, and the Elections Commission. In particular, the

Commission has received at least two other 5.06 complaints concerning Ms. Naeger's administration of the April 2025 election, including:

- A complaint by Paul Pustina alleging unlawful denial of his right to petition for a recount due to the Clerk's absence on the statutory deadline and improper notice of the municipal board of canvassers meeting.
- A second complaint from Complainant Uminowicz detailing failures to ensure ADA-compliant voting access, premature poll closure, and procedural irregularities in ballot counting and equipment handling.

I believe these complaints, and the evidence supporting them, serve to corroborate a broader pattern of administrative negligence and procedural noncompliance. They provide a critical context for evaluating the present matter and confirm that the failures described here are not isolated, and hence less likely to be innocent or insubstantial in effect.

Even if no single act of omission proved decisive, the cumulative effect has been to erode public trust in the neutrality and reliability of local elections—especially in a small village where outcomes can turn on a handful of votes.

The Commission's action in this matter will not only address the present violations but will also set a necessary standard ensuring that similar failures do not occur in other municipalities across Wisconsin.

Accordingly, I would still respectfully request that the Wisconsin Elections Commission issue findings that a violation of Wis. Stat. § 5.60(1)(b) occurred, determine the ballot for the Spring 2025 election was unlawfully ordered, and impose any remedies or administrative actions it deems appropriate to preserve election integrity in future contests in the Village of Arena and beyond.

Thank you for this opportunity to respond and please do not hesitate to contact me again if you have any further questions.

Respectfully submitted,
Becca Raven Uminowicz
Complainant

VERIFICATION/DECLARATION

I declare under penalty of false swearing under the law of Wisconsin that the foregoing is true and correct.

Signed on the 25 day of APRIL [month], 2005 [year], at ARENA, WISCONSIN
[city or other location, and state or country].

By: Becca Raven Uminowicz
BECCA RAVEN UMINOWICZ
COMPLAINANT