



# Wisconsin Elections Commission

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March 25, 2026

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DaNean Naeger  
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**Sent via email to:** [uminowiczbr@gmail.com](mailto:uminowiczbr@gmail.com), [vilarena@villageofarena.net](mailto:vilarena@villageofarena.net), [dnaeger69@gmail.com](mailto:dnaeger69@gmail.com), [tanderson@boardmanclark.com](mailto:tanderson@boardmanclark.com)

**Re: Becca Uminowicz v. DaNean Naeger (EL 25-29)**

Dear Ms. Uminowicz and Ms. Naeger,

This letter is in response to the verified complaint submitted by Becca Uminowicz (The Complainant) to the Wisconsin Election Commission (Commission), which was filed in response to actions taken by Clerk DaNean Naeger of the Village of Arena (The Respondent) concerning alleged violations of Wis. Stat. §§ 5.58(1b)(cm), 5.60(1)(b), and 5.60(5)(ar).<sup>1</sup> The Complaint alleges the Respondent abused her discretion and acted contrary to law by failing to properly conduct a random drawing of candidate names for the 2025 Spring Primary and failing to conduct a second random drawing of candidate names for the 2025 Spring Election.<sup>2</sup>

The Commission has reviewed the complaint, the response, the original reply, and the second reply from the parties, as well as other materials provided. The procedural history of this matter is further explained below.

The Commission provides the following analysis and decision. In short, the Commission does not find probable cause that a violation of law has occurred with respect to the Spring Primary ballot arrangement. However, the Commission does find probable cause that a violation of law has occurred with respect to the Spring Election ballot arrangement for Village Trustee.

## Commission Authority and Role in Resolving Complaints Filed Under Wis. Stat. § 5.06

Under Wis. Stats. §§ 5.05(1)(e) and 5.06(6), the Commission is provided with the inherent, general, and specific authority to consider the submissions of the parties to a complaint and to issue findings. The Commission may summarily issue a decision and provide that decision to the affected parties. This letter serves as the Commission's final decision regarding the issues raised in this complaint.

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<sup>1</sup> The Complainant also appears to allege violations of Wis. Stat. 12.13. This statute pertains to criminal election practices, which is outside the scope of a Wis. Stat. § 5.06 complaint.

<sup>2</sup> The Complainant also requests various forms of relief for the 2025 Spring Election. Under Wis. Stat. § 5.06(3), complaints related to ballot arrangement must be "filed no later than 10 days after the complainant knew or should have known that a violation of law or abuse of discretion occurred or was proposed to occur." Because the complaint was submitted more than 10 days after the latest possible date of the Complainant's knowledge, this portion of the complaint is untimely. Relief related to the 2025 Spring Election is thus outside of the scope of this Wis. Stat. § 5.06 complaint.

*Commissioners*

Ann S. Jacobs, chair | Marge Bostelmann | Don M. Millis | Carrie Riepl | Robert Spindell | Mark L. Thomsen

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*Administrator*  
Meagan Wolfe

The Commission’s role in resolving verified complaints filed under Wis. Stat. § 5.06, which challenge the decisions or actions of local election officials, is to determine whether a local official acted contrary to applicable election laws or abused their discretion in administering applicable election laws.

Complaints “shall set forth such facts as are within the knowledge of the Complainant to show probable cause to believe that a violation of law or abuse of discretion has occurred or will occur.” Wis. Stat. § 5.06(1). Probable cause is defined in Wis. Admin. Code § EL 20.02(4) to mean “the facts and reasonable inferences that together are sufficient to justify a reasonable, prudent person, acting with caution, to believe that the matter asserted is probably true.”

### Procedural History

This § 5.06 complaint was initially received on March 21, the initial response on April 8, and the Complainant’s first reply on April 25, 2025. The Respondent then provided additional documents that were untimely and received on April 26, 2025, which were also sent to the Complainant, who provided a second reply on June 5, 2025. The Complainant did not object to the Commission considering the late documents submitted by the Respondent.

As a preliminary matter, the Commission believes the interests of both parties would not be best served by refusing to accept the Respondent’s additional documents, even though they were received after the deadline. Nothing in the administrative code provisions governing Wis. Stat. § 5.06 complaints provides a penalty for filings that are not received by their respective deadlines. *See generally* Wis. Admin. Code Chapter EL 20. Accordingly, it appears to be a matter of the Commission discretion. To render a full and complete decision on this matter, the Commission will consider the Respondent’s additional materials, even though they were not timely received.

### Complaint

The Complainant alleges that the Respondent did not follow the correct procedure to determine ballot order for the February 18, 2025, Spring Primary and April 1, 2025, Spring Election in violation of Wis. Stat. §§ 5.58(1b)(cm), 5.60(1)(b), and 5.60(5)(ar).

The Complainant, who is a Village Trustee, alleges that the Respondent did not properly conduct a random drawing of village trustee candidate names for the Spring Primary ballot and village president candidate names for the Spring Election ballot. Regarding the ballot drawing for these offices on January 9, 2025, the Complainant alleges that it is statistically improbable that a truly random drawing would have resulted in the given candidate order. She asserts that the top four trustee candidates “are perceived as supportive of the current administration,” and that the bottom three candidates “are perceived as opposition candidates” to the current village administration. She also asserts that the first listed candidate for president—who is also a trustee candidate—is perceived as supporting the current village administration, and that the second listed candidate is in opposition to the current village administration. The Complainant asserts that there is a 2.86% probability that all administration-supporting candidates would be listed first for the trustee race. Further, the Complainant asserts that there is a 1.43% probability that all administration-supporting candidates would be listed first for both the village president and trustee races.

The Complainant also alleges that the Respondent failed to conduct a second drawing of trustee candidates for the Spring Election following the Spring Primary as required by Wis. Stat. § 5.60(1)(b). Instead, she alleges, the Respondent maintained the candidate order from the primary, removed the lowest vote-getter in the primary election, and unilaterally renumbered the candidates based on the removed candidate.

March 25, 2026

Page 3

The Complainant provides three bases for her allegation that no second drawing took place. First, she provides the Primary and Spring Election ballots, which show the only change in candidate ordering was the removal of one trustee candidate. Second, she provides an official record from the January 9<sup>th</sup> drawing that states, “In the event of a primary, omitted candidates shall be removed and order renumbered for the Spring Election.” Third, she provides emails between the Respondent and the Editor-in-Chief of the Valley Sentinel. The Editor sought information related to the ballot ordering for the two elections. The Respondent provided information about the ballot ordering for the Spring Primary, but not for the Spring Election. When asked in a follow-up email for information related to ballot arrangement of the Spring Election, the Respondent said that there were “no further public records.”

### Response

The Respondent generally answers that she “discharged [her] duties as impartially as possible and without favor to any of the candidates.” For the initial drawing, she answers that, as evidenced by the ballot order document provided by the Complainant, two individuals drew slips of paper containing candidate names out of a bowl on January 9, 2025, at 8:30am. She then placed the names on a sheet of paper in the order they were drawn. The Respondent and the two individuals signed a sheet as witnesses to the drawing.

However, the Respondent admits that she did not conduct a second drawing. She answers that this was an “inadvertent oversight and not done with any intent of any kind.” The Respondent answers that the Commission Manual portion that explains the second drawing requirement was printed on a different page, which she did not see, and that this was her “first local primary election of this kind.”

She further answers that by the time the error was brought to her attention, it was too late to conduct the required second drawing and reprint ballots for the Spring Election. The Respondent acknowledges that she was told about the spring ballot arrangement issue on March 11. Because she submitted the ballot order form on February 25, received the ballots from her country clerk on March 6, and mailed absentee ballots to absentee voters on March 10, she asserts that it was too late for her to remedy the issue on or after March 11. The Respondent also answers that she has corrected the responsible “policy/process” to ensure any second drawings are conducted in future elections.

### Reply

In her first reply, the Complainant maintains the allegations of her complaint. She reaffirms that the Respondent failed to properly conduct a random drawing for the Spring Primary ballot. To this allegation, the Complainant implies that Respondent’s lack of additional evidence to prove the draw was properly conducted is further suggestive of impropriety. She specifically asserts that the Response appears to suggest that the candidate names for both the trustee and president offices were drawn at the same time, which would be both contrary to law and unfairly beneficial to the candidate running for both offices. She also specifically asserts that there is a discrepancy between the Response (stating that the candidate names were drawn from a bowl) and one of Witness Meili’s public statements (stating that the candidate names were drawn from a stocking cap). The Complainant appears to allege the possibility of the Respondent swearing falsely and also appears to allege that the Respondent may not have properly preserved records or noticed the drawing.

Additionally, the Complainant seeks to rebut the Respondent’s claim that her failure to conduct a second drawing was an innocent error. She asserts that the Respondent, as a longstanding clerk with multiple municipal clerk certifications, has sufficient experience to call into question her knowledge of procedures for this kind of election. She also calls into question whether the Respondent failed to read the next page of the manual (and thus not see the second drawing requirement), given her ability to follow the surrounding procedures and subparts.

Finally, the Complainant asserts potential impacts of the alleged actions on the elections, notes other complaints made to the Commission about the Respondent for this election cycle, and alleges potential personal motive for the Respondent to ensure the continued “dominance” of the village board. This personal motive includes allegations that Respondent’s tenure in the Village of Monticello resulted in her departure and an audit.

#### Respondent’s Additional Materials

The Respondent provided additional materials almost three weeks after submitting her response. First, she provides a notarized statement from Richard Meili. In the statement, Meili says that he “physically drew” the names for the “2025 primary/election” from a bowl for the Respondent to write down.

The Respondent also provides the minutes from a November 16, 2022, Monticello Village Board meeting. The minutes include brief discussion of the audit, completed in January of 2020, that covered some of Respondent’s tenure as the Monticello clerk and treasurer. The minutes describe the audit as complete and “done on the recommendation of the former president and board’s suspicions at that time.”

#### Complainant’s Second Reply

The Complainant does not object to the Commission considering the Respondent’s untimely materials. In addition, she maintains her allegations against the Respondent. The Complainant questions the lack of additional information provided by Witness Meili, though she acknowledges that he “seeks to confirm” the Respondent’s account of the initial draw. She also provides a news article and the audit related to the Respondent’s tenure as the clerk and treasurer for the Village of Monticello. The Complainant asserts that the Monticello materials should suggest that the Respondent has motive to maintain a friendly village board—and thus not follow ballot arrangement procedures—to ensure her tenure is not investigated in Arena like it was in Monticello.

#### Discussion

The Complainant alleges that the Respondent failed to properly follow ballot arrangement procedures in the Spring Primary and Spring Election. The failure to follow procedure in the Spring Election is not in dispute, but it is in dispute in the primary election.

The Wis. Stat. § 5.58(1b)(cm) requires Spring Primary ballots be in the same form as Spring Election ballots. For village elections, Wis. Stat. § 5.60(5)(ar) requires Spring Election ballot arrangement to follow the lot drawing procedures in § 5.60(1)(b). Under Wis. Stat. § 5.60(1)(b), the arrangement of candidate names on the ballot shall be determined by the drawing of lots. And when a primary is held for an office, a second drawing must be conducted to determine the ballot arrangement for the Spring Election. Taken together, it is clear that whenever a primary is required for a village office, a second drawing for ballot must occur following the primary.

#### Allegation of Improper Drawing for the Primary Election

The Complainant alleges that the Respondent failed to follow ballot arrangement procedures in the Primary Election. She alleges that it is “statistically improbable” that all the candidates that she alleges are perceived as supporting the current village administration would be drawn to appear at the top of the ballot, and concludes that the Respondent’s ballot arrangement was negligent, at best, or possibly intentionally formed. The Respondent answers that she conducted a random draw of the primary candidates at a publicly noticed meeting with two other people, one of whom provided a notarized corroborating statement explaining that he drew names out of a bowl.

March 25, 2026

Page 5

Neither Wis. Stat. § 5.60(1)(b)—nor the rest of Chapter 5—details how a clerk should draw lots for ballot arrangement, and says only that the “arrangement of names of all candidates on the ballot . . . shall be determined by . . . the drawing of lots . . . .” Drawing of lots generally means that names for an office are drawn at random to determine their placement on the ballot. Both the Respondent and Witness Meili assert that the candidate names were drawn at random from a hat. The record from that drawing lists the order in which the names were drawn, and the primary ballot reflects that order. It is entirely possible that the random drawing of lots resulted in a ballot arrangement that placed candidates perceived as supportive of the village administration at the top of the ballot, though the Commission has not attempted to evaluate the positions of the different candidates.

Absent additional evidence to the contrary, the claim of malfeasance is too speculative to support a finding of probable cause that the initial drawing was not random. The Complainant also alleges, without evidence, that the candidates for trustee and president were drawn simultaneously. If true, this would be contrary to law because drawing of lots should be conducted individually for each office. But there is also not enough evidence to support a finding of probable cause on this point. As such, the Commission dismisses this claim.

#### Allegation of No Drawing for the Spring Election

The Complainant alleges that the Respondent did not conduct a second drawing for the Spring Election ballot even though, when there is a primary, Wis. Stat. § 5.60(1)(b) requires a second drawing of lots to determine ballot arrangement. The Respondent admits that she did not conduct the second drawing. As such, Respondent’s failure to conduct a second drawing was contrary to law.

#### Commission’s Findings

First, the Commission does not find probable cause that a violation of law has occurred with respect to the primary election ballot arrangement and hereby dismisses this portion of the complaint.

Second, the Commission does find probable cause that a violation of law has occurred with respect to the Spring Election ballot arrangement due to a failure to conduct a second drawing for Village Trustee following the Spring Primary. The Respondent’s failure to conduct a second drawing of lots violated Wis. Stat. §§ 5.58(1b)(cm), 5.60(5)(ar), and 5.60(1)(b), and the Respondent is ordered to conduct a second drawing of name for ballot order whenever a primary is necessary.

#### Rights to Appeal – Circuit Court

This letter constitutes the Commission’s resolution of this complaint. Wis. Stat. § 5.06(2). Pursuant to Wis. Stat. § 5.06(8), any aggrieved party may appeal this decision to circuit court no later than 30 days after the issuance of this decision.

If any of the parties should have questions about this letter or the Commission’s decision, please feel free to contact the Commission at 608-266-8005 or [elections@wi.gov](mailto:elections@wi.gov).

Sincerely,

**WISCONSIN ELECTION COMMISSION**