

Marie Schmidt and Steven Schmidt
Complainants

Re: EL 24-108

v.

Kaitlyn Bernarde, Kody Hart and Maryanne Groat
Respondents

COMPLAINANTS VERIFIED RESPONSE - JANUARY 6, 2025

On December 4, 2024, We, the Complainants, were told that the respondents could only respond to the amended complaint and not be able to respond to our response dated December 2, 2024. In light of that information, from our understanding then technically anything they commented on from our December 2, 2024 response should be stricken from their response dated December 11, 2024. Correct?

“The Respondents will not be able to respond again to this reply (complaint, response, and reply are usually the three filings). However, the reply is always sent to the Respondents for their awareness and posted to the website.

In this case, because the complaint was amended, they will still be able to submit a response to the amended complaint, and you will be able to submit a reply to the response to the amended complaint.

After that, all materials will be considered by the Commission in an open session meeting.”

But, just in case it is not stricken from their December 11, 2024 response, we will comment on it.

The respondents claim that our timeline was inaccurate and that they started working on this July 5, 2024. If that is true, that just solidifies our concerns even more. They had from July 5, 2024, even more time to get it right AND THEY DIDN'T. THEY STILL GOT IT WRONG.

If the city clerk 'worked' to determine if having a drop box was best for the city, was there any consideration of our, the electors, voices heard when we spoke to Wausau's CEO, the Mayor, and our elected representatives, city council alderpersons? We think not. Yet, the respondents, still planned on installing a drop box regardless.

If the respondents did review the guidelines set forth by the Election Administration Manual for Wisconsin Municipal Clerks by Wisconsin Elections Commission (which they should have read the

most current version dated August, 2024 not the outdated version of July 11, 2024 – the respondents FAILED because it is their job to keep up with the most updated version and guidelines), Cybersecurity and Infrastructure Security Agency (CISA) Elections Infrastructure Government Coordinating Council and Sector Coordinating Council’s Joint COVID Working Group, or the Election Management Guidelines from the United States Elections Assistance Commission, etc. there would have been no need to contact other clerks to find out what they do because they, other clerks, don’t set the guidelines. They are ALL supposed to follow the guidelines set forth by the agencies named above. By following the wrong advice or outdated information, you are setting yourself up for the blind leading the blind, resulting in confusion on how to properly organize and run an election, instructing the electors how to return their ballots legally, etc. A perfect example of a bad example is the disaster of confusion created with the box for our last presidential election (2024). Electors who did improperly return their absentee ballots by putting it in a box not exclusively designated for absentee ballot returns was because the respondents failed to clearly mark boxes what they will or will not be used for, whether is for payments, correspondence, water bills, property taxes, fines, or absentee ballots. Period. One day you can put ballots in an “official ballot box”, the next day you can’t. Another day you are told to put it in a “payment box”, the next day you can’t. Then you are told to put it in “the box”, or today you can put it into a “bill box”. Every time you read where to put it, it’s in a different place, or is it? The box, bill box, drop box, city hall drop box, city’s official drop box, payment box, comingled drop box, official drop box, universal payment drop box, ballot drop box, absentee ballot drop box, ... No wonder some Wausau electors don’t or can’t get it right, they are taking instructions from a 3 ring circus. The city is all over the place with what is or is not allowed. The respondents are responsible for this confusion because they can’t figure out what they are doing. Flying by the seat of your pants on decision making makes Wausau look incompetent. No where in the guidelines does it state that a comingled drop box was advised or a good idea.

The steps taken and the evaluating of the security done by the respondents completely FAILED and missed the mark prior to deployment of a box.

FAILED ATTEMPT AT ALL OF THE FOLLOWING:

FAILED - Respondents placed the Universal Drop Box unsecured outside in front of City Hall – September 20, 2024

- Re-labeled
- Box was left unsecured to the ground
- Did not have well-lit adequate lighting
- Did not have adequate video camera surveillance
- It was not exclusive for absentee ballots
- It was not labeled at all for absentee ballots, it was labeled for PAYMENTS
- It was not marked for the time of final retrieval of ballots
- it was unable to be secured/locked to prevent the submission of absentee ballots after the retrieval time if it was to be used for other drop off items
- It did not have the proper opening of the box for only a ballot to be dropped in it

Note: - Wausau CEO, Mayor - moved the box on September 22, 2024 inside City Hall because it was unsecured, poor lighting, and poor security video surveillance.

Respondents claim that they didn't know where the box was inside city hall when Wausau's CEO/ Mayor brought the box inside. It was no secret where the box was, everybody knew where the box was, that information was not withheld from anybody, the media even had press released reports on it. Another inaccurate poor excuse by the respondents.

FAILED - City respondents placed the drop box back outside – September 30, 2024

- It was re-labeled
- It still did not have well-lit adequate lighting
- It still did not have adequate video camera surveillance
- It still was not exclusive for absentee ballots
- It still was not labeled at all for absentee ballots , it was labeled for PAYMENTS
- It still was not marked for the time of final retrieval of ballots
- It still was unable to be secured/locked to prevent the submission of absentee ballots after the retrieval time if it was to be used for other drop off items
- It still did not have the proper opening of the box for only a ballot to be dropped in it

FAILED – When we submitted our concerns on October 2, 2024 were completely ignored. Not a single concern we raised was addressed or corrected.

FAILED – On October 10, 2024 – the city still failed to acknowledge, address or correct any of the concerns we submitted to them, therefore we had no choice but to submit a complaint to the Wisconsin Elections Commission.

The respondents can muster up all kinds of excuses to try to justify all their mistakes by actions or inactions taken before deployment or after deployment of that box. The fact is, they messed up. They messed up by not having all security measures in place: securing it to the ground or against a building, making sure video surveillance is working and crystal clear, making sure there is adequate lighting, a temporary light put in place after electors started complaining IS NOT BEING PREPARED, which begs the question – why temporary? That is just another misfit decision that they made. They messed up by not thinking through each guideline to make sure compliance was being met or exceeded, patchwork pathetic attempts to bring some compliance as complaints start rolling in after its been deployed and after complaints have been made, doesn't cut it. THAT IS NOT BEING PREPARED! They were never prepared! They just wanted to get that box out there to use for this major presidential election and in doing so they rushed without thinking of security or consequences. Did they not learn anything from the 2020 election chaos? Wausau should have risen above and beyond in preparation to make sure that we have a solid election Integrity for our community. The respondents FAILED in doing so.

There is absolutely no way that any of the concerns were dealt with prior to deployment as the respondents claim. If that were accurate and true, none of us would be dealing with a complaint being filed for FAILURE TO SECURE THIS ELECTION. It seems pretty apparent that Election Integrity

was the furthest thing from their minds when this box was deployed from that start. Making half-hearted poor attempts was only AFTER we submitted a complaint to Wisconsin Elections Commission. After that formal complaint was made, a pathetic attempt was made. These half-hearted poor attempts made were made well after the deployment of that box. We really don't know who the respondents are trying to fool here but we are not buying it. Absolutely everything should have been done correctly and properly before that box was even brought out the first time. Anything short of doing this correctly is a dereliction of duty and all the respondents should be fired for not doing their job.

In all honesty, the respondents response is a walking contradiction. They claim they did everything correctly prior to the deployment of the box, yet if you look at when the box was deployed and look at when the half-hearted pathetic attempts were made, the contradictions speaks for itself. We really don't want to relist everything with the respondents afterthoughts of trying to be compliant in some manner. It would be a waste of our time and yours to repeat all the carelessness again.

What would have been a better way to handle this? That is a common sense easy question to answer, you simply don't do it. You don't do a careless, unprofessional, incomplete move of this magnitude and importance. You don't do this unless you are 100% or better prepared to make a change of this nature. Simply say, we are not ready and cannot be ready in time for the presidential election but we will be working on getting everything in compliance hopefully in the next year to two. A decision of waiting until everything is correct and in full compliance with all the guidelines would have been the intelligent and professional decision to make. The decisions made by the respondents have caused so much divisiveness in our community and the uproar and animosity that now even today lingers in the city of Wausau.

CONCLUSION

For the above mentioned reasons, we are requesting that the Wisconsin Elections Commission review the complaint we have submitted and evidence presented and rule in favor of our complaint. Wausau has lost confidence in our elections, your decision can help to restore and rebuild what has been destroyed. We are very grateful for you taking our complaint into consideration.

Respectfully Submitted,
Steven & Marie Schmidt

SWORN STATEMENT VERIFICATION

I, MARIE SCHMIDT, being first duly sworn, on oath, state that I personally read the above verified response and is true and correct based on my personal knowledge and belief.

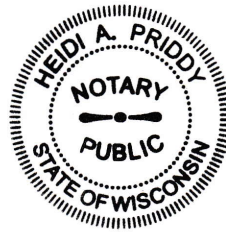
Dated this 6th day of January, 2025.

Marie Schmidt

MARIE SCHMIDT

STATE OF WISCONSIN
County of Marathon

Sworn and subscribed to before me
This 6th day of January, 2025.



Heidi A Priddy

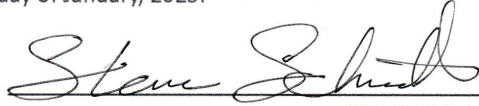
Notary Public, State of Wisconsin

My Commission Expires: 1-26-2028

SWORN STATEMENT VERIFICATION

I, STEVEN SCHMIDT, being first duly sworn, on oath, state that I personally read the above verified response and is true and correct based on my personal knowledge and belief.

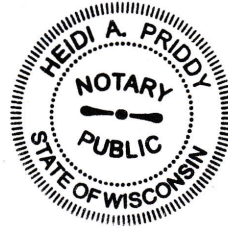
Dated this 6th day of January, 2025.



STEVEN SCHMIDT

STATE OF WISCONSIN
County of Marathon

Sworn and subscribed to before me
This 6th day of January, 2025.



Notary Public, State of Wisconsin

My Commission Expires: 6-26-2028