

February 6, 2023

To: Brandon Hunzicker, Staff Attorney, Wisconsin Elections Commission

Re: Clerk Wiedemeier Response to Appeal in Nomination Paper Challenge of Candidate Baur for Town of Peshtigo Supervisor 1

In my challenge filed January 6, 2023 I allege that nomination papers filed by Cindy Baur, candidate for Town of Peshtigo Supervisor 1, are insufficient based on Wis. Admn. Code EL § 2.05(14) which specifically states *"no signature on a nomination paper shall be counted unless the elector who circulated the nomination paper completes and signs the certificate of circulator and does so after, not before, the paper is circulated"* as well as Wis. Admn. Code EL § 2.05(15)(b) which states *"an individual signature on a nomination paper may not be counted when the signature is dated after the date of certification contained in the certificate of circulator."* Pages 1 through 3 of Candidate Baur's nomination papers include elector signatures with corresponding dates that are after the date of the circulator's certification.

Additionally I referenced the manual published by Wisconsin Elections Commission titled *"Nomination Paper Challenges"* dated January 2018 that includes prior Commission decisions on common challenges. On page 8 of the document the following example is provided:

Challenge: The elector's signature is dated after the date of the circulator's certification.
Analysis: Staff has struck these signatures pursuant to the Commission's administrative rules that provide that a signature may not be counted if it is dated after the date of the certificate of the circulator. Wis. Admn. Code EL § 2.05(15)(b).

On January 17, 2023 I filed an appeal to Clerk Wiedemeier's decision as I allege there to be an abuse of discretion in her assertion that the challenge paperwork filed was incomplete as by her claim it was not *"properly verified (Notarized or Sworn) as the challenge process in Administration Code EL 20.03 requires"* as she stated she *"did NOT administer an Oath"* and *"simply stamped it 'received' and signed as is the policy"* of the office. I stand by my appeal with the reasons provided:

- The last statement on the filed Nomination Paper Challenge prior to my signature, which was witnessed by Clerk Wiedemeier at the Town Hall on January 6, 2023, states *"I, Scott Reed Beatty, being first duly sworn on oath state that I personally read the above complaint, and that the above allegations are true based on my personal knowledge and, as to those stated on information and belief, I believe them to be true."* In preparing my challenge I took that sentence directly from the Elections Commission Complaint Form EL-1100 which Clerk Wiedemeier subsequently directed me to in her decision. I know of no other oath that Clerk Wiedemeier would have administered.
- Furthermore, when then Deputy Clerk Wiedemeier signed Clarence Coble's Declaration of Candidacy for Town of Peshtigo Supervisor 1 I do not know of an oath that she would have administered at that time and yet the signature area of the Nomination Paper Challenge is essentially the same. You are welcome to contact Mr. Coble at 715-587-1305 to verify that she indeed did not give him an oath at the time of the signatures.

- If there was indeed an oath that Clerk Wiedemeier should have given me at the time of witnessing my signature I do not believe that to be my responsibility to guide her on how to properly do her job.

I acknowledge that Clerk Wiedemeier started in her official role as Town Clerk on January 1, 2023 and fail to see the relevance of that statement as made in her response. I am not holding then Deputy Clerk Wiedemeier accountable for the insufficiencies on the challenged nomination paperwork but rather the candidate who signed and dated the certificate of circulator prior to that of the elector signatures and corresponding dates. There are clear instructions on the back of the nomination papers themselves as well as an exorbitant amount of online resources to aid the candidate in completing the process sufficiently.

While my complaint in the form of a challenge was in reference to the insufficiency of nomination papers as filed by candidate Cindy Baur my further complaint in the form of an appeal was with the filing officer's decision, specifically that of Clerk Wiedemeier, as her decision was made after she assumed the Town Clerk role. She was provided references in my challenge that should have guided her decision and I even personally expressed to her in the Town Hall office on Tuesday January 10, 2023 that the requirement was to have the challenge verified in the form of a notary or by a person authorized to administer oaths which on January 6, 2023 she was authorized to do so in her role of Town Clerk and even prior to that in her role as Deputy Clerk. This exchange was witnessed by Deputy Clerk Kayla Okins and you are welcome to verify this with her at 715-923-3667. Whether Clerk Wiedemeier is unwilling or unable to comprehend is still in question, both of which are highly concerning to me as she now has the responsibility before her to ensure our Town elections are properly conducted. Clerk Wiedemeier had all of the information at her disposal that I, a lay resident, had and she still came to a conclusion that I wholeheartedly disagree with.

I do, however, agree with Clerk Wiedemeier's statement that the *"town office has one copy machine that is shared with 3 employees. The Town Clerk, Treasurer and Deputy Clerk. Our process is to scan and send to our email. The only email as of January 1st I use is topclerk@townofpeshtigo.org."* This statement was made in reference to the following statement in my appeal:

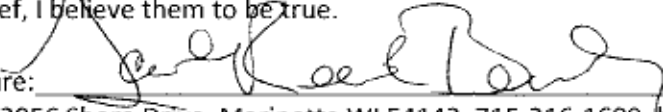
"On January 9, 2023 I received email communication from Candidate Baur at 4:51 p.m. that had her response to the Challenge attached. This attachment was initially scanned in to Clerk Wiedemeier's email from a copier at the Town Hall at 3:43 p.m. and subsequently forwarded to Candidate Baur by Clerk Wiedemeier at 4:34 p.m. stating "Good afternoon Cindy I have sent this to the Wisconsin Elections Commission on Monday January 9, 2023."

With Clerk Wiedemeier's statement regarding the copy machine she has essentially confirmed that Candidate Baur had been given preferential treatment in that Clerk Wiedemeier provided assistance to Candidate Baur during a nonbusiness day on Monday January 9, 2023 (business days Tuesday and Thursday with hours 10 a.m. to 2 p.m.). Candidate Baur's response to the challenge included pages and pages of prior nomination papers that Clerk Wiedemeier forwarded to her email during a nonbusiness day. Even as Town Supervisor, Candidate Baur would not have had access to the Town Hall Office without the assistance of Clerk Wiedemeier so therefore Clerk Wiedemeier willingly obtained the documents for her on a nonbusiness day. While Candidate Baur is indeed the current Town Supervisor she should not be receiving any preferential treatment that any other Town Resident, me included, would receive particularly in the process of a nomination paper challenge and appeal.

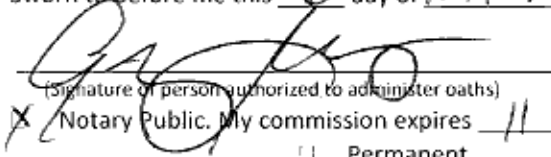
I know for certain that Clerk Wiedemeier has a personal relationship with Candidate Baur. We live in a small Town and yet I have no way to prove their relationship other than how this entire situation has been handled as well as the fact that Supervisor Baur is the Chair of the Personnel Committee which ultimately recommended the hiring of Clerk Wiedemeier without any references included with her resume whereas the other 2 candidates had included references.

Clerk Wiedemeier stated "I do not and will not allow anything or anyone to influence a decision in my field." I wish she would have allowed the references that I clearly provided in my challenge to influence her decision rather than her claim of the paperwork being incomplete without it being notarized or her providing an oath. If all proper steps were indeed followed she would have made the determination that the nomination papers were insufficient and Candidate Baur would have been allowed to appeal that decision.

I, Scott Reed Beatty, being first duly sworn on oath state that I personally read the above appeal, and that the above allegations are true based on my personal knowledge and, as to those stated on information and belief, I believe them to be true.

Complainant Signature: 
Scott Reed Beatty, N3056 Shore Drive, Marinette WI 54143, 715-316-1699, beattysr63@gmail.com

STATE OF WISCONSIN
County of MARINETTE
Sworn to before me this 6 day of FEBRUARY, 2023.


(Signature of person authorized to administer oaths)
 Notary Public. My commission expires 11 MAY 2026
 Permanent



Other Official _____
(Official title if not a notary)