

**STATE OF WISCONSIN
ELECTIONS COMMISSION**

COMPLAINT FORM

Please provide the following information about yourself:

Name Peter Bernegger
Address 1806 Brynnwood Trace
Telephone Number 9205510510
E-mail pmbmap123@gmail.com

State of Wisconsin
Before the Elections Commission

The Complaint of Peter Bernegger

_____, Complainant(s) against

Meagan Wolfe, Robert Kehoe, Respondent, whose

address is 201 W Washington Ave, Madison, WI 53703

This complaint is under 5.06, 5.91 (Insert the applicable sections of law in chs. 5 to 10 and 12 and other laws relating to elections and election campaigns, other than laws relating to campaign financing)

I, Peter Bernegger, allege that:

see 4 pages -

(Set forth in detail the facts that establish probable cause to believe that a violation has occurred. Be as specific as possible as it relates to dates, times, and individuals involved. Also provide the names of individuals who may have information related to the complaint. Use as many separate pages as needed and attach copies of any supporting documentation.)

Date: Nov. 7th 2022

[Signature]
Complainant's Signature

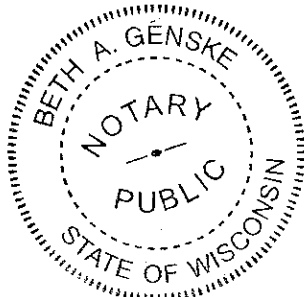
I, Peter Bernegger, being first duly sworn, on oath, state that I personally read the above complaint, and that the above allegations are true based on my personal knowledge and, as to those stated on information and belief, I believe them to be true.

[Signature]
Complainant's Signature

STATE OF WISCONSIN

County of Outagamie,
(county of notarization)

Sworn to before me this 7th day of
November, 2022.



Beth A. Genske
(Signature of person authorized to administer oaths)

My commission expires 01-01-2024, or is permanent.

Notary Public or _____
(official title if not notary)

Please send this completed form to:
Mail: Wisconsin Elections Commission
P.O. Box 7984
Madison, WI 53707-7984
Fax: (608) 267-0500
Email: elections@wi.gov

Cont. – Verified complaint against Meagan Wolfe, Robert Kehoe

A Wolfe and Kehoe intentionally did not list modems in their Staff Memos to this Board when seeking approval of voting systems and other peripherals. The two in fact scammed this Board tricking them into believing the modems were somehow approved. The result is this Board has never voted upon, i.e. certified, modems to be used in Wisconsin.

B Wis. Stat. 5.91 requires in part *“No ballot, voting device, automatic tabulating equipment, or related equipment and materials to be used in an electronic voting system may be utilized in this state unless it is certified by the commission.”*

C Here is how Wolfe and Kehoe scammed this Board, the clerks of this state and the public:

- i. Wolfe is the Administrator for the Wisconsin Election Commission. Kehoe is the IT person and the Deputy Director. Each is a public employee of that agency. Both had a known duty to follow state statute whereby any voting system, machine, device or related equipment must be tested by the staff and then certified by a 4 to 2 or better vote by the six board Commissioners. Wis Stat 5.91.
- ii. Wolfe and Kehoe tricked the six Commissioners to vote for approval of the ES&S 6.0.5.0 and Dominion 5.5-CS systems which have modem capability. They lied by omission to the Commission however as modems have never been certified. Wolfe wrote in her June 2nd, 2021 p.2 staff memo to the Commission:
“The modeming components of Democracy Suite 5.5-CS do not meet federal certification standards. However, the underlying voting system is federally certified.”
The underlying voting system was federally certified – without any modem.
- iii. Modems cannot be certified as they are a two-way street of communication. The election results on election night go out of the modem, through the internet I have learned, ending up in the County Clerk’s election management system (EMS). However, it is possible for malicious code to be transmitted back to the tabulators at that time also. This is exactly why the federal government (the EAC) never certified the modems.
- iv. There is another troubling open door for hackers. For the modem to transmit data they have to transmit to something. That is the “Listener” computer server sitting at the County office. When I found the internet IP address on a tabulator tape I step-traced it back. It showed 30 possible connections, meaning hitting 30 different computer server locations or networks before it stopped. It ended

up in Finland. That does not mean election data ended up in Finland, but it does mean it could have. The possibility exists and therefore the reason why modems have never been certified.

- v. To my knowledge, 27 counties have modems, at least on some of the municipal clerk's tabulators, if not all of them.
- vi. As stated, the modems used on Dominion and ES&S Tabulators have never been certified because this Board never voted for them. They have not been certified by the Feds (EAC). Meagan Wolfe wrote in her October 10, 2019 report to the WEC Board about the ES&S tabulators *"The Modeming component of EVS 6.0.5.0 lacks federal Certification but has undergone successful functional testing on the state level. The underlying voting system (EVS 6.0.4.0) is federally certified."* This means the base system was certified but not the modems. "Functional" testing just means checking to see if the modems worked. Not if they were certified.
- vii. You can't connect an uncertified modem into a tabulator and claim the tabulator is still certified. As soon as the modem is plugged into the tabulator, or turned on if internal, the entire tabulator is uncertifiable.
- viii. Meagan Wolfe and Kehoe hoodwinked the six Commissioners, our clerks and the public, writing *"EVS 6.0.4.0 is a federally -tested and certified paper-based, digital scan voting system powered by the ElectionWare software platform. It consists of six major components: an election management system (EMS) server; an EMS client (desktop and/or laptop computer); the ExpressVote, an Americans with Disabilities Act compliant vote capture device for a polling place; the DS200, a polling place scanner and tabulator; the DS450, a mid-range scanner and tabulator for a central count location; and the DS850, a high-speed scanner and tabulator for a central count location."* Do you see what is missing? No mention of modems at all. Where she plants in your mind the 4.0 ES&S is federally certified. But then here is Wolfe's first deceit: *"EVS 6.0.5.0 is a federally-tested modification to the EVS 6.0.4.0 voting system."* She switches to the phrase "federally-tested", but not certified by the Feds. It can't be certified if it has a modem connected to it in any manner. Wolfe continues *"The modeming component of EVS 6.0.5.0 lacks federal certification but has undergone successful functional testing on the state level."* Once again she deceives us by reassuring us all 'it is ok, it has undergone functional testing.' And the functional testing was *"successful"*. Yes, well when I start my car that it is successful, functional testing of my starter. That doesn't mean it is certified. But don't worry, Wolfe then writes *"The underlying voting system (EVS 6.0.4.0) is federally certified."* Yes, it is – BUT WITHOUT A MODEM. Meagan Wolfe lied to the Board of Commissioners by omitting on purpose the modems have

never been certified by anyone. Kehoe helped her write these staff memos to fool you the Commissioners. The modems would never pass federal Voluntary Voting System Guidelines (VVSG). They would never pass Pro V&V testing standards (the one tester who was working at a grocery store, the other tester who has a degree in Political Science).

- ix. Wolfe and Kehoe left off modems on their list of voting systems, equipment, devices in their Staff Memos. Modems simply were not on the list given to this Board to vote on. Wolfe and Kehoe lied by omission to this Board by not informing this Board modems were not on the list being voted upon.
- x. Wolfe repeats her trickery with the Dominion voting system in her June 2nd, 2021 Staff Memo to the WEC Board, writing: *"Democracy Suite 5.5-CS is a federally tested modification to the EAC certified Democracy Suite 5.5-C voting system. Democracy Suite 5.5-CS provides support for modeming of unofficial election results from an ImageCast Evolution or ImageCast Precinct 2 tabulator to a Secure File Transfer Protocol (SFTP) server through encrypted wireless telecommunications networks after the polls close on Election Day. The modeming components of Democracy Suite 5.5-CS do not meet federal certification standards. However, the underlying voting system is federally certified."* See p.2 June 2nd 2021 Staff memo to the WEC Board.
- xi. Here again, it is *"federally tested"* but NOT certified. *"Modeming components...do not meet federal certification standards,"* Wolfe writes, but don't worry *"...the underlying voting system is federally certified."* This 61-page Staff Memo has a list of all items seeking certification by the WEC Board. The list is in Appendix A. Modems are not on the list. Thus, the WEC Board never voted to approve the use of modems in our elections. Wolfe and Kehoe knowingly and intentionally omitted modems from the Appendix.
- xii. Furthermore, modems are not permitted by state law. Wis Stat 5.91(10). Both memos and resulting "approvals" were transmitted by Wolfe and Kehoe to the clerks in your county. Both wanted the Clerks to believe modems were certified by this Board when in fact the Board never voted on modems.

D. Worse, if a modem is used on any tabulator, the tabulator becomes uncertified. If a modem transmits election results to the county, then the entire EMS at the county level becomes uncertified. You can't plug in an un-certified modem to a certified tabulator as it immediately makes the tabulator uncertified. As soon as the uncertified modem connects to the internet, or VPN or other communications carrier, when it reaches the EMS at the county level it immediately makes that EMS uncertified. It is against the law to use any voting device, machine or system in our elections if not certified. Wis Stat 5.91.

As more evidence weeks ago I submitted a public records request to WEC asking for the record(s) showing the modems were certified by a vote by the WEC Board. WEC staff has never produced any records. Giving strong evidence modems have never been certified by WEC. Meagan Wolfe and Robert Kehoe lied to the WEC Board, and lied to all of us. Their Oct 2019 and June 2021 memos are on the WEC website. <https://elections.wi.gov/>

Relief:

- 1 Immediate and full investigation of Wolfe and Kehoe in regard to the matter of modems used along with tabulators in our elections
- 2 An immediate letter to all clerks in the state of Wisconsin informing them modems have never been certified for use in our state
- 3 Appropriate and swift disciplinary action against Wolfe and Kehoe

Their nefarious actions have disenfranchised all Electors in the State.

/s/ Peter Bernegger

Pmbmap123@gmail.com