



Wisconsin Elections Commission

201 West Washington Avenue | Second Floor | P.O. Box 7984 | Madison, WI 53707-7984
(608) 266-8005 | elections@wi.gov | elections.wi.gov

November 16, 2022

Peter Bernegger
1806 Brynnwood Trace
New London, WI 54961

Sent via email: pmbmap123@gmail.com

**Re: Complaint Filed with Wisconsin Elections Commission
Peter Bernegger v. Claire Woodall-Vogg (EL 22-86)**

On November 8, 2022, the Wisconsin Elections Commission (Commission) received a sworn complaint from you naming the Milwaukee Election Commission's Executive Director, Claire Woodall-Vogg, as the respondent. Wis. Admin. Code § EL 20.04(1) requires that I review the complaint and determine within 10 business days whether the complaint is timely, is sufficient as to form, and states probable cause.

The complaint cites Wis. Stat. § 5.91(10) and alleges that Director Woodall-Vogg was lax in administering the technological security of ballot tabulators. Your complaint is timely, but otherwise fails to meet requirements for consideration. The complaint fails to state a basis upon which the alleged actions constitute a violation of Director Woodall-Vogg's statutory obligations. Therefore, I am returning the complaint to you without prejudice pursuant to Wis. Stat. § 5.06 and Wis. Admin. Code § EL 20.04(1) and (2).

Sufficiency as to Probable Cause

Wisconsin Statute § 5.91(10) dictates the conditions under which the Commission will certify electronic voting equipment, including that the applicable equipment "...is suitably designed for the purpose used, of durable construction, and is usable safely, securely, efficiently and accurately in the conduct of elections and counting of ballots." There is no affirmative obligation of municipal election officials under this provision of statute, and what is more, they play no role in the certification of the applicable equipment. As such, the sufficiency requirements for complaint submission have not been met.

Conclusion

I am returning the complaint, without prejudice, pursuant to Wis. Admin. Code § EL 20.04(2), as it fails to meet the probable cause requirements of a complaint by not alleging that a respondent election official acted contrary to law. I have specified the defects in the complaint (probable cause), and provided information needed to cure the defect (cite a statutory basis upon which the respondent has failed to meet the obligations of her position). You have the opportunity to address the issue described in this letter and resubmit this complaint.

The Commission now considers this matter closed.

Wisconsin Elections Commissioners

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

Administrator
Meagan Wolfe

Sincerely,

A handwritten signature in black ink that reads "Megan Wolfe". The signature is written in a cursive style with a large, stylized initial 'M'.

Meagan Wolfe
Administrator
Wisconsin Elections Commission

cc: Commission Members