

STATE OF WISCONSIN  
WISCONSIN ELECTION COMMISSIONS

In the Matter of:

Adrian Amelse v. Vernon County Clerk and Canvas Board. Case No. EL 22-41

ADRIAN AMELSE REBUTTAL TO RESPONDENTS SUMMARY DATED 5/26/22

My rebuttal will address a number of statements made by the Respondents who dismissed or denied the majority of my claims submitted to the Wisconsin Elections Commission on 5/12/2022. The rebuttal will utilize transcripts provided by the Vernon County Canvas Board minutes that contradict sworn testimony made by the Respondents. In addition, I will include sworn testimony from my wife Donna Amelse and Lori Polhamus who was representing me in person at the Vernon County Canvas Board meeting on 4/12 when these decisions were made.

Lastly, at the request of the Wisconsin Elections Commission, I attempted to schedule a meeting with the Vernon County Canvass Board after returning from Europe. Unfortunately, a meeting never materialized after two weeks. A formal complaint was then submitted on May 12, 2022 to the Wisconsin Elections Commission.

**Rebuttal: Claims 1 & 2 (pages 1 & 2)**

The Respondents are omitting an important point and fact. The Village of Viola Deputy Clerk and Chief Election Inspector Kelly Mendygral was able to remove the four Richland County ballots in question and that created a tie, 139 Amelse & 139 Yttri. On page 12 at 9:05am the Vernon County Canvas Board minutes state "a recount was done to make sure the count is right for the Village of Viola 23, 6, 2". This statement in the Canvas Board minutes confirms the four (4) incorrect Richland County ballots were removed at that point and resulted in a tie. As a point of reference, the previous tally with the four (4) Richland County ballots included was 24 Amelse & 9 Yttri.

Please see sworn testimony from Ms. Polhamus following my rebuttal that also corrects inaccuracies made by the Respondents for claims 1 & 2. Ms. Polhamus was advocating to break the tie using a deck of cards, which was an option presented to the Vernon County Canvas Board by the Wisconsin Elections Commission. Under the Respondent's statement of facts on page four, it incorrectly states Polhamus agreed to draw ballots. Ms. Polhamus who was representing Amelse at the Vernon County Canvas Board opposed drawing ballots because it disenfranchised all the voters that had voted correctly. She advocated on my behalf that the four Richland ballots be removed since every voter was treated the same with a voter # on the ballot. Viola also contacted those four voters as well who were then allowed to vote again in the Richland County election.

In summary, the Respondents were incorrect to dismiss and deny claims #1 & #2 on pages 1 & 2 by Amelse. The sworn statements from Ms. Polhamus and the Vernon

County Canvas Board transcripts contradict the statements made by the Respondents.

**Rebuttal: Claims #3 & #4 (Page 2)**

The Respondents were incorrect to deny claims as it relates to the presumption of fairness and that there were no decision on how to break the tie. On page 12 at 9:35am of the Canvas Board transcript minutes it states "Gwen bought a brand new deck of cards. Yttri is here and Lori Polhamus will draw for Amelse. Ron and Rachel are shuffling the deck". The Vernon County Canvas Board meeting notes clearly show they were preparing to draw from a deck of cards at 9:35am, which would have given Amelse and Yttri a 50/50 statistical probability of winning the election. Presumption of fairness and equitability for candidates Yttri and Amelse are important principles in determining an election. Selecting a method that gives each candidate a fair statistical probability using only Vernon County Ballots for a Vernon County election is fair & logical. This is not about winning or losing, but instead principle & election integrity. I am troubled how ballots from a different county can be used to determine an election and also be used in a drawdown when they had previously been removed. This disenfranchises legal voters and a candidate like me that served faithfully 8 years on the Vernon County Board of Supervisors.

**Rebuttal: Claim #5 (Page 2)**

Respondents deny it would not be a fair characterization to state that any specific four voters decide an election. I find that statement concerning with notarized signatures from the Vernon County Canvas Board who the public looks up to for fair and honest elections. In this case four voters from a different county (Richland) impacted this election not once, but twice with the drawdown. I am of the opinion that 1. every legal vote matters 2. each person should vote once per election and 3. voting is one of the most important things we can do as citizens.

**Rebuttal: Claim #6 (page 3)**

Please see sworn statement from my wife, Donna Amelse following my rebuttal.

I want to also state that there was no reason to bring my wife into this process when the Vernon County Canvas Board was already preparing to draw cards to break the tie. Ms. Polhamus is a close friend, neighbor and a highly qualified clerk with 21 years of experience was already representing me in person at the Canvas Board meeting on 4/12/22.

**Rebuttal: Statement of Facts – (page 4)**

It was not correct to state Ms. Polhamus agreed to draw ballots. As noted above, she advocated drawing cards, which is also supported in the transcript on page 12 at 9:35am of the Canvas Board Notes.


In closing, I understand the importance of confidentiality in an election. The mistake made in the Village of Viola was clearly inadvertent, the officials involved attempted to quickly remedy the situation by reaching to out the Wisconsin Elections Commission and the Vernon County Clerk. The Village of Viola was able to identify those ballots, remove those ballots and issued the four Richland County residents the correct ballots.

In a general election for the state of Wisconsin, we would not want to include ballots from surrounding states like Minnesota, Iowa, Illinois or Michigan. The same logic holds true for a Wisconsin County election. We should not include votes from counties surrounding Vernon like Richland, Crawford, La Crosse or Monroe.


Thanks for your consideration in the in the Matter of:  
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Regards,  
Adrian Amelse  
6/13/2022



6-13-22



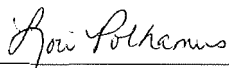


even suggested to do a card draw on which way they should use to break the tie – putting the ballots all back in or drawing cards. Had the Village of Viola not numbered all the ballots I could understand having a random draw but, in this case, when the ballots in question were clearly identified a card draw would have been the best option to break the tie. In this case WEC was called for their instruction and were only given the answer that it is ultimately up to the Board of Canvass to decide; which did not solve the problem with consistent advice.


- c. Item 6 regarding Donna’s consent to a drawdown. – the board quickly went over the options to break the tie with her over the phone. I don’t believe she understood the entire process with not being present in person. I tried to explain to her my thoughts on why a card draw was the fairest, however I left the decision ultimately up to her to represent Adrian. Discussions with her later confirm that she ultimately was not fully aware of how the process was being done but rather wanted the process to be a fair one. Had she not called during the time the canvass was in session, I am not sure how the canvass board would have decided on breaking the tie as both Mr. Yttri and myself had differing opinions on the correct way to handle it. Both of us were fully aware that the numbering of the ballots with the voter number was incorrect and posed a larger issue as we are both Municipal Clerks in Vernon County.

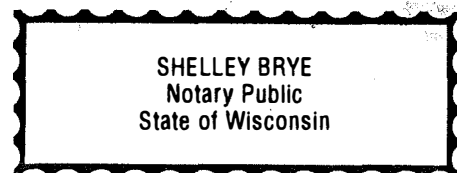
Finally, I would like it noted on record that the Vernon County Corporation Counsel Nikki C. Swayne was not in attendance during the Board of Canvass and would have strictly been informed of what happened at the meeting by the attendees at a later date.

This statement is made based on my personal knowledge of the facts.

  
\_\_\_\_\_  
Lori Polhamus

Subscribed and sworn before me  
This 3<sup>rd</sup> day of June, 2022.

  
\_\_\_\_\_  
Shelley Brye  
State of Wisconsin  
Vernon County  
My Commission expires: 5/2/2026



WISCONSIN ELECTIONS COMMISSION

In the matter of:

Adrian Amelse v. Vernon County Clerk and Canvas Board Case # EL 22-41

Statement Of Donna J Amelse:

On April 12, 2022 I received a voicemail message to please call Jody Audetat back. I was at work and happened to have a break, listened to the message and called her sometime after 10 am. I didn't know the reason for the call.

I was then told there was a TIE and that they needed to break the tie and were considering using cards. I was told Ole was there, Ron and Lori. I wasn't aware there were other people in the room. She explained that Lori was there on Adrian's behalf. It wasn't clear to me that I could've declined a request to get involved. I was only informed the tie needed to be broken and I could make the decision as to how, on behalf of Adrian.

She stated that 4 ballots were incorrect in Viola and they'd been identified and those 4 people had been allowed to vote correctly. I was told the ballots were removed and the meeting was being held to determine how to break the tie, which was the result of removing the incorrect ballots. I stated that, "if the incorrect ballots were removed and the candidates had a 50/50 chance then the ballots could be used". AT NO TIME was I informed the INCORRECT BALLOTS would be returned to the mix. I would NEVER assume that would be the case, as that makes NO sense to me, as a voter. Apparently, I was told later, Lori was trying to say something but I was unable to HEAR ANYONE in the room. I assumed they were just letting me speak but from my end I heard no one.

I would NEVER have agreed to a 'tie-breaker' being done with the inclusion of spoiled ballots, as that would no longer allow an equal chance for both of the candidates. Again, I stated, "if there's a 50/50 chance for both candidates and the ballots are equal THEN use the ballots."

1. The statement "Ms. Amelse clearly understood the drawn-down process and agreed to 4 random ballots being removed" is false as I didn't know, as stated above, that bad ballots would be included in a draw-down. Again, I never would have imagined that in a fair election, known INCORRECT ballots would be included in any manner to determine an election outcome. Particularly after they were identified, removed, and voters were allowed to vote correctly. Essentially, by returning the incorrect ballots to the bag, these four voters were allowed to vote twice! I definitely would have opted to have the incorrect ballots removed.

2. If there was "no tie to be broken" I question: why I was called, why Lori Polhamus was contacted, and why cards were obtained.

A card drawing or coin flip would actually have been preferred as I would ASSUME all members of Canvas Board would also want to make a choice most fair to BOTH candidates.

3. "Respondents deny.... that any 4 voters decide a race." I find this comment dismissive of the importance of exercising our right to vote and for our votes to be counted correctly. Indeed, in a close race such as this, every single vote would count and by allowing incorrect ballots to be used at all makes me question the fairness of this election.

I also question as to why so many days passed after the election and these irregularities were not brought to Adrian's (or my) attention prior to this phone call. I could have contacted Adrian and made him aware.

Questions regarding canvas board notes follow:

\* "ok to open ballot bag and take out spoiled ballots"

Why wasn't this just simply done? Especially since the 4 voters were allowed to cast ballots correctly.

\*Canvas board notes state there was a tie to be broken.

Why then, in the response, do they deny there was a tie to be broken?

\* "Make amendments to all races... need to remove votes X4 of those who voted in VC"

WHY wasn't this just accepted and done promptly? Which would then necessitate breaking the tie.

\* "Ms. Amelse affirmed pull 4 ballots randomly." to arrive at 31.

NO. I did NOT state to randomly pull 4 ballots... I repeated several times as I was thinking out loud on the phone that "IF it was an equal number of ballots, THEN it would be fair to use the ballots, same as cards, to randomly draw. THAT is what I understood to be happening and what I agreed to. "If the ballots are equal, THEN use the ballots." I was not corrected.

As a voter, I find several aspects of these actions troubling:

After Lori Polhamus was contacted and a decision was made, why was my opinion valid at all, as it was unnecessary at this point?

Why, after identifying and pulling incorrect ballots, were they then included at all to determine the results of an election?

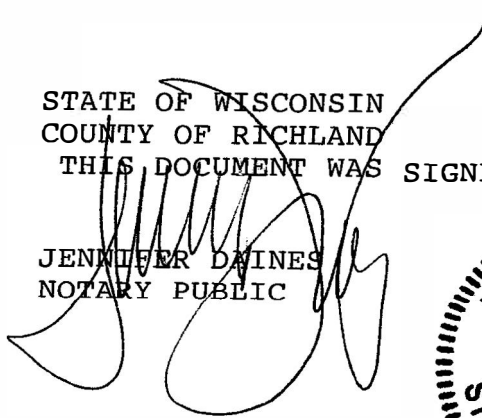
Essentially, the above means 4 voters were allowed to vote twice. Incorrect ballots were removed, voters were allowed to vote correctly, and then the bad ballots were returned to the ballot bag.

I'm not protesting the loss of the election by Mr. Amelse, as this could have occurred after a card draw as well. As a voter however, I'm appalled that I would be allowed to weigh in at all, given my repeated misunderstanding of the situation. They assumed I understood that incorrect ballots were being included to determine an election and this is simply false. The results obtained seem unfair, unequal and questionable in my mind.

  
Donna J. Amelse

STATE OF WISCONSIN  
COUNTY OF RICHLAND

THIS DOCUMENT WAS SIGNED BEFORE ME ON 6-13-2022 BY DONNA J AMELSE.

  
JENNIFER DAINES  
NOTARY PUBLIC

