

Sworn and Notarized Statement

I, David Bolter who resides at 2761 S. 43rd Street, Milwaukee, WI 53219 submit my Sworn Wisconsin Election Commission Complaint under the Penalty of Perjury.

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



Complainant David Bolter's Signature

STATE OF WISCONSIN)

)) ss.

County of Milwaukee,

(county of notarization)

Sworn to before me this day of May 18th, 20 22.



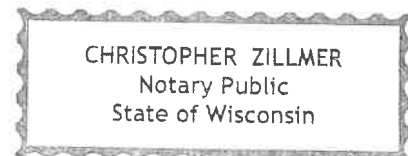
(Signature of person authorized to administer oaths)

My commission expires 10-11-2024, or is permanent.

Notary Public or _____

(official title if not notary)

My commission
expires 10/11/2024



**State of Wisconsin
Before the Wisconsin Elections Commission**

The Verified Complaint of

David Bolter
2761 S. 43rd St.
Milwaukee, WI 53219

Against Complaint Respondent

Executive Director Claire Woodall-Vogg
Milwaukee Election Commission
200 E Wells St Room 501
Milwaukee, WI 53202

Mr. David Bolter's reply to Respondent Executive Director Claire Woodall-Vogg's April 27, 2022 response.

WEC Determined Bolter v. Woodall-Vogg's Complaint was Timely and Stated Probable Cause

Wis. Chapter EL 20 prescribes WEC's "Complaint Procedure" step by step from the proper filing of a complaint, to the WEC Administrator's initial evaluation of a complaint, to the complaint's back and forth responses between the complainant and the respondent, and to the Commission's hearing of the complaint. Given WEC's complaint procedure as describe in Wis. Admin. Code § EL 20.04(1)(2)(3), Mr. Bolter's complaint was sufficient to form, timely and stated probable cause.

Wis. Admin. Code § EL 20.04(1) prescribes the first step of the WEC complaint procedure once a complainant files a complaint. Wis. Admin. Code § EL 20.04(1) states, "Any matter brought to the commission shall be reviewed by the administrator who shall determine within 10 business days whether the complaint is timely, is sufficient as to form and states probable cause."

Wis. Admin. Code § EL 20.04(2) prescribes the second step for WEC's complaint procedure after a complainant files a complaint. Wis. Admin. Code § EL 20.04(2) states,"If the complaint does not meet the standards under sub. (1), the administrator shall promptly return the complaint to the complainant, without prejudice unless otherwise provided by law, specifying both the

defect in the complaint and the information appropriate to cure the defect. A copy of the administrator's letter to the complainant shall be provided to the respondent.”

Wis. Admin. Code § EL 20.04(1) required Administrator Wolfe to determine between April 4, 2022 and April 18, 2022 (10 business days) whether the Bolter v. Woodall-Vogg complaint was “timely,” “sufficient to form” and stated “probable cause.”

Wis. Admin. Code § EL 20.04(2) required Administrator Wolfe to return Mr. Bolter’s complaint to him by April 18, 2022 if Administrator Wolfe determined Mr. Bolter’s complaint was untimely, insufficient to form, or lacked probable cause. Since Administrator Wolfe failed to return Mr. Bolter’s complaint within 10 days to him per Wis. Admin. Code § EL 20.04(2), it meant Administrator Wolfe decided Mr. Bolter’s complaint was “timely,” “sufficient to form,” and stated “probable cause.”

The third step of the complaint process is prescribed in **Wis. Admin. Code § EL 20.04(3)** “If the complaint meets the standards under sub. (1) as applied to complaints under s. 5.05, Stats., the administrator shall promptly forward the complaint to the respondent at the respondent's last known post office address. The respondent shall file with the commission a verified, written answer within 10 business days. After receiving the answer, the administrator shall promptly forward the answer to the complainant at the complainant's last known post office address. The complainant may file a written, verified reply to the answer within 10 business days.”

Currently the Bolter v. Woodall-Vogg complaint is in the step prescribed in Wis. Admin. Code § EL 20.04(3). The procedural steps taken in the Bolter v. Woodall-Vogg complaint so far are as follows: 1. Mr. Bolter filed a WEC complaint against Executive Director Woodall-Vogg. 2. WEC Administrator Wolfe sent Executive Director Woodall-Vogg a copy of Mr. Bolter’s complaint because Administrator Wolfe determined Mr. Bolter’s complaint was timely, sufficient to form, and stated probable cause. 3. Executive Director Woodall-Vogg sent WEC her response to Mr. Bolter’s complaint. 4. WEC sent Respondent Woodall-Vogg’s response to Complainant Bolter. 4. This is Mr. Bolter’s reply to Respondent Woodall-Vogg’s response per Wis. Admin. Code § EL 20.04(3).

Wis. Admin. Code § EL 20.04(3) states, “If the complaint meets the standards under sub. (1) as applied to complaints under s. 5.05, Stats., the administrator shall promptly forward the complaint to the respondent at the respondent's last known post office address.” Hence, Mr. Bolter’s complaint not only met Wis. Admin. Code § EL 20.04(1)’s requirements of his

complaint being timely, sufficient to form, and with stated probable cause, Mr. Bolter's complaint also met the requirements of Wis. Stats. § 5.05. If Mr. Bolter's complaint did not comply with Wis. Admin. Code § EL 20.04(1) or Wis. Stats. § 5.05, Administrator Wolfe was obligated by Wis. Admin. Code § EL 20.04(1)(2)(3) to refrain from continuing **Chapter EL 20's** prescribed complaint procedure for Mr. Bolter's WEC complaint beyond April 18, 2022.

Mr. Bolter's Complaint is Not Frivolous Because WEC Already Determined His Complaint Was Timely, Sufficient to Form and Stated Probable Cause

The purpose of Wis. Admin. Code § EL 20.04(1) and (2) is to promptly reject WEC complaints that are untimely, insufficient to form and lack probable cause. Wis. Admin. Code § EL 20.04(1) and (2) are the means for WEC to quickly weed out legitimate complaints from frivolous complaints. When complaints are either untimely, insufficient to form or lack probable cause, the WEC administrator is required to return the complaint to the complainant and specify the complaint's defects and cures. WEC Administrator Wolfe neither informed Mr. Bolter that his complaint was deficient, nor that his complaint needed a cure.

Mr. Bolter's complaint was either timely, sufficient to form, and stated probable cause as Wis. Admin. Code § EL 20.04(1) required, or his complaint is frivolous, but WEC cannot determine Mr. Bolter's complaint is timely, sufficient to form and timely *and* frivolous simultaneously. Because Administrator Wolfe advanced Mr. Bolter's complaint from Wis, Admin. Code § EL 20.04(1) to Wis, Admin. Code § EL 20.04(3), Administrator Wolfe's actions deemed Mr. Bolter's complaint timely, sufficient to form, and with probable cause. Because Administrator Wolfe advanced Mr. Bolter's complaint through several steps of the complaint process, WEC cannot determine Mr. Bolter's complaint is frivolous.

The time period for Administrator Wolfe to deem Mr. Bolter's frivolous was during the 10 day period when Administrator Wolfe was determining whether Mr. Bolter's complaint was timely, sufficient to form and stated probable cause. Wis. Admin. Code § EL 20.04(2) states, "If the complaint does not meet the standards under sub. (1), the administrator shall promptly return the complaint to the complainant, without prejudice unless otherwise provided by law" If WEC determines a complaint is frivolous within the initial 10 day period, WEC may also dismiss the complaint with prejudice. The phrase of "unless otherwise provided by law" in Wis. Admin. Code § EL 20.04(2) provides WEC with the authority to take three actions: 1. Deem a complaint frivolous 2. Dismiss a complaint with prejudice 3. Assess a fine.

Since Mr. Bolter's complaint advanced through WEC's complaint procedure as describe in Wis. Admin. Code § EL 20.04(1)(2)(3), WEC can longer deem his complaint frivolous unless WEC acts with willful and gross negligence in disregard for the complaint procedure mandated by Wis. Chapter El 20.

Woodall-Vogg's Response Contained Admissions that She Allowed Michael Spitzer-Rubenstein to Perform Election Official Duties

Executive Director Woods-Vogg response to Mr. Bolter's complaint contained admissions that she allowed Michael Spitzer-Rubenstein to perform election official duties for the Milwaukee Election Commission. Woodall-Vogg tried to minimize her assigning Spitzer-Rubenstein election official duties by calling the definition of an election official "broad."

Wis. Stat. § 5.02(4e) states, "'Election official' means an individual who is charged with any duties relating to the conduct of an election." Because Woodall-Vogg admitted she charged Spitzer-Ruebenstein with duties related to the conduct of the 2020 presidential election, Spitzer-Rubenstein acted as an unqualified 2020 election official as a direct result of abuse of Woodall-Vogg's discretion.

Wis. Stat. § 5.02(4e) states, "... any duties relating to the conduct of an election." It doesn't matter the kind of election official duties Woodall-Vogg assigned Spitzer-Rubenstein with since Wis. Stat. § 5.02(4e) asserts "any duties." Wis. Stat. § 5.02(4e) has no exception for non-election officials to perform any type of election duty whatsoever.

Wis. Stat. § 5.02(4e) has no provision that allows an election official to charge a non-election official with duties relating to the conduct of an election because the election official is supervising the non-election official. Woodall-Vogg erroneously believes that it was permissible for her to assign election official duties to Spitzer-Rubenstein because she as an election official was supervising him and making the final decision.

Wisconsin election official designation does not transfer from an election official to a non-election official because the election official is supervising the non-election official. Because Woodall-Vogg charged Spitzer-Rubenstein to perform duties relating to the conduct of the 2020 election, according to Wis. Stat. § 5.02(4e) Spitzer-Rubenstein was obligated to become a Wisconsin official in his own right instead of acting as an election official under the color of Woodall-Vogg's election official status.

Woodall-Vogg claimed that because other statutes are more specific in naming the election officials as inspectors, voting machine custodians, automatic tabulating equipment technicians, members of a board of canvassers, messengers, and tabulators it negates the general definition of an election official as defined in Wis. Stat. § 5.02(4e).

It is common practice to assign job titles, job descriptions, and job duties so that employees know what work they can and cannot do. The assignment of specific job titles, job descriptions, and duties to Wisconsin election officials creates order. Because of the specific training of Wisconsin election officials receive for election day and during the counting of the ballots, Wisconsin election officials know exactly what election officials duties they are required to perform.

Because all Wisconsin election officials must be trained, certified, qualified and swear an oath, the intent of Wis. Stat. § 5.02(4e) is to protect Wisconsin's election integrity. The definition and requirements of Wisconsin election officials insure the public that Wisconsin election officials are trained, qualified and know their official duties. The requirement that only certified election officials are allowed to conduct elections the most powerful Wisconsin election law that protects election integrity.

The following paragraphs are Woodall-Vogg's admission that she permitted Spitzer-Rubenstein to perform election official duties.

- Spitzer-Rubenstein provided feedback regarding a City of Milwaukee map that combined election data (by ward) with census data to visualize voting trends and thus allocate election staff appropriately (polling places vs. early voting sites vs. Central Count). No voter names or other identifying information were included in the mapping project or shared with Spitzer-Rubenstein/NVHI. All decisions regarding use of map data in allocating staff were made by Woodall-Vogg and/or MEC staff, not by Spitzer-Rubenstein or other NVHI personnel.
- Spitzer-Rubenstein provided feedback regarding SafeVote mailers, which were communications sent to potential voters regarding options for voting safely during the pandemic. All decisions regarding final content of SafeVote mailers and other voter communications were made by Woodall-Vogg and/or MEC staff, not by Spitzer-Rubenstein or other NVHI personnel.

- Spitzer-Rubenstein and NVHI provided an Excel spreadsheet template that Woodall-Vogg and MEC staff used to project time and expenses associated with ballot mailing, drop box set-up and staffing, and Central Count operations. All decisions regarding these issues, as applied to the administration of the November 2020 election, were made by Woodall-Vogg and/or MEC staff, not by Spitzer- Rubenstein or other NVHI personnel.
- Spitzer-Rubenstein and NVHI provided a “communications toolkit” template that was shared with other election administrators around the country and that offered ideas about how to effectively communicate with voters about voting by mail. All decisions regarding communications with voters, whether about voting by mail or otherwise, were made by Woodall-Vogg and/or MEC staff, not by Spitzer- Rubenstein or other NVHI personnel.
- Spitzer-Rubenstein and NVHI provided Woodall-Vogg with feedback regarding how to best communicate with elections workers about the ballot reconstruction process. ... All such decisions were made by the appropriate election officials, including Woodall-Vogg and her staff.

Woodall-Vogg’s five explanations of what Spitzer-Rubenstein did above are also Woodall-Vogg’s descriptions of Spitzer-Rubenstein performing election official duties to conduct the 2020 presidential election. Woodall-Vogg failed to provide proof that Spitzer-Ruebenstein had the education, training, and experience that made him an expert in conducting Wisconsin elections.

Woodall-Vogg states that all such decisions were made by the appropriate election officials, including her and her staff. It doesn’t matter if Woodall-Vogg or her staff were the ultimate decision makers; what matters is that Spitzer-Rubenstein improperly performed election official duties.

According to Wis. Stat. § 5.02(4e), election official duties include “any duties relating to the conduct of an election.” Spitzer-Rubenstein performed election official duties when he provided feedback for election maps, SafeVote mailers, and best communication practices with election workers to Woodall-Vogg and her staff. Also Spitzer-Rubenstein performed election official duties when he provided Woodall-Vogg with an Excel spreadsheet for voter and staffing analysis and a voter communication toolkit.

All of the 2020 election official duties performed by Spitzer-Rubenstein should have been carried out by Woodall-Vogg and the election officials who are on her staff. Woodall-Vogg’s reliance on Spitzer-Rubenstein to provide feedback and election tools so close to an election

shows she wasn't prepared for the November 3, 2020 election. Woodall-Vogg's need for assistance from Brooklyn, New York resident Spitzer-Rubenstein to conduct a Milwaukee, Wisconsin election raises serious questions about Woodall-Vogg's training and abilities.

The Investigation into CTCL's Grants Won't End With This Complaint

Woodall-Vogg's account of what Spitzer-Rubenstein said and did is very different than what Spitzer-Rubenstein wrote in his emails. The only email in which Woodall-Vogg asserted herself and pushed back against Spitzer-Rubenstein was in her September 16, 2020 email. In this email Woodall-Vogg wrote she was, "definitely not comfortable having a non-staff member involved in the functions of our voter database." Woodall-Vogg has yet to name the person to whom she emailed about feeling uncomfortable with a non-staff member being involved in MEC's voter database. Was Woodall-Vogg emailing someone who works for CTCL, NVAHI, or WEC?

According to Mr. Spitzer-Rubenstein's email to Executive Director Claire Woodall-Vogg, he was involved with Milwaukee absentee voting instructions, the system for processing vote by mail ballots, the management of curing Milwaukee absentee votes, and the tracking of Milwaukee voters. These are Spitzer-Rubenstein's words, not the Complainant's.

What was Mr. Spitzer-Rubenstein's motives to email Woodall-Vogg about his election official duties if he was *not* performing them? Why hasn't Woodall-Vogg produced an email in which she tells Spitzer-Rubenstein he can't do those things like Woodall-Vogg did when she said she was uncomfortable with having a non-staff member involved with MEC's voter database? One would expect Woodall-Vogg to email Spitzer-Rubenstein to let him know that he can't be involved with MEC's absentee ballot instructions, MEC's vote by mail ballots, and curing MEC absentee ballots as Woodall-Vogg did when she cut off access to MEC's voter data base.

Woodall-Vogg and WEC want the investigation of CTCL's grants and technical assistance partners to go away as quickly as possible. If history is any indication of how long the investigation into CTCL's 2020 election administration grants will last, the 2020 CTCL election grant investigation won't be ending any time soon. From 2017 to 2019 Special Counsel Robert Mueller investigated whether Trump colluded with Russia to win the 2016 election. In April 2022 Special Counsel John Durham put a lawyer for the Hillary Clinton campaign on trial for events that occurred prior to the 2016 election. Buckle up, the investigation into CTCL's Wisconsin grants isn't going away anytime soon.

The longer the investigation into CTCL's grants lasts, the more investigators will uncover evidence involving CTCL, the Zuckerberg 5 mayors and clerks, MEC Executive Director Woodall-Vogg, and WEC. There are still volumes of evidence from Wisconsin's 2020 presidential election that has not seen the light of day. To the best of Complainant's knowledge, no CTCL executive, MEC, Zuckerberg 5, or WEC election official has testified under oath. One could only imagine what the outcome will be when Woodall-Vogg and Spitzer-Rubenstein testify separately and their 2020 presidential election stories are compared.

The U.S. House of Representatives has 55 representatives who are members of the **Election Integrity Caucus** who are waiting to investigate CTCL's grants after the November midterm elections. Congresswoman and Election Integrity Co-Chair Claudia Tenney's (NY-22) **research revealed that in key states** 90% of CTCL's grants went to Democrat-leaning counties won by Joe Biden, while only 10 percent went to right-leaning counties that voted for Donald Trump. Indeed, when representatives start to investigate CTCL's role in the 2020 election, no doubt the first place they will look into is Wisconsin. Since CTCL's grants began with the Zuckerberg 5 mayors meeting secretly with CTCL's executives in May 2020, it is only fitting that Congress' inquiry starts in Wisconsin.