

STATE OF WISCONSIN

WISCONSIN ELECTIONS COMMISSION

IN THE MATTER OF:
CONSOLIDATED COMPLAINTS FILED AGAINST
TOWN OF OMRO ELECTION AND LOCAL OFFICIALS
WITH RESPECT TO THE OCTOBER 20, 2020
RECALL ELECTION FOR TOWN BOARD CHAIRMAN

SHERRY SEAMAN, *et al.*,

Complainants,

v.

Case No. EL 20-21

TOWN OF OMRO, *et al.*,

Respondents.

CONSOLIDATED VERIFIED ANSWER TO CONSOLIDATED COMPLAINTS

This answer is made pursuant to Wis. Admin. Code § EL 20.01(3), in response to a number of complaints filed by Town of Omro electors regarding the recall election for Town Board Chairman held on October 20, 2020. For the sake of clarity and administrative ease, the complaints within each filing have been combined according to topic and the following answer is organized accordingly.

INTRODUCTION

In accordance with state law, a recall petition for the position of Town of Omro Board Chairman was circulated, filed, and deemed sufficient. A recall election was subsequently called by the Town of Omro Board. Ms. Sherry Seaman submitted sufficient

nomination papers to be a candidate on the ballot to challenge the incumbent, Mr. Brian Noe. The election was held on October 20, 2020, and Mr. Noe won. Several electors, including Ms. Seaman, subsequently filed complaints with the Wisconsin Election Commission, alleging violations of state election laws.

RESPONSE

The complaints allege violations of state law relating to the following topics: (1) public records; (2) election threats; (3) false representations affecting elections; (4) election notices; (5) conflicts of interest; (6) electioneering at the polling place on Election Day; (7) absentee ballot tampering; and (8) certification and publication of the elections results. The following answer is organized according to these topics. Nowhere in the complaints do the complainants allege that they did not know that the recall election was being held or that they were unable to vote in person if they so desired. In other words, despite the complaints, it is clear that the will of the electors is reflected in the results of the recall election. Wis. Stat. § 5.01(1). Moreover, it is clear that the Town Clerk worked diligently to ensure that the recall election was conducted fairly and in compliance with state law and, to that end, was in regular contact with both the Wisconsin Elections Commission staff and with the Winnebago County Clerk's office.

For the reasons discussed below, all of these claims are without merit. However, even if one or more of the claims is deemed meritorious, the remedy would be to conduct a new recall election, which, at this point in time would be redundant given that the term of office at issue expires in 2021 and the position of Town Board Chairman is on the ballot for the Spring Election in April, 2021.

I. All of the Claims Made Are Without Merit and Should Be Dismissed.

A. The Wisconsin Elections Commission Does Not Investigate Public Records Violations.

In paragraph 1 of her complaint, Ms. Seaman alleges the Town of Omro Clerk denied her access to a mailing list containing the names and addresses of Town of Omro residents. Pursuant to Wis. Stat. § 19.37, public records claims are pursued in court by the requester, the District Attorney, or the Attorney General. The Wisconsin Elections Commission is not authorized to investigate alleged public records violations; therefore, this claim is inappropriately before the Wisconsin Elections Commission and should be dismissed.

B. No Election Threats Were Made.

In paragraph 6 of her complaint, Ms. Seaman alleges the Town of Omro Treasurer and her husband engaged in harassment in violation of Wis. Stat. § 12.09(3). This claim should be dismissed for three reasons. First, neither the Town Treasurer, Beth Jackson, nor her husband, Greg Jackson, is “an individual who is charged with any duties relating to the conduct of an election;” therefore, neither is an election official as defined under state law. Jackson Aff. ¶5; Wis. Stat. § 5.02(4e). Wis. Stat. § 5.06 provides an opportunity for electors to bring claims against election officials for review of compliance with election laws. Because neither the Town Treasurer nor her husband is an election official, this claim is invalid and should be dismissed.

Second, the claim alleges the Town Treasurer and her husband violated state law which prohibits a person from compelling, inducing, or prevailing upon an elector either

to vote or refrain from voting at any election for or against a particular candidate or referendum. Wis. Stat. § 12.09(3). However, Ms. Seaman provides neither evidence to support this claim, nor even a logical argument to explain how the alleged harassment did, or was intended to, compel, induce, or prevail upon an elector to vote or refrain from voting for or against a particular candidate. Thus, the alleged activity does not qualify as an election threat under Wis. Stat. § 12.09(3).

Furthermore, at the time that this alleged activity occurred, on June 9, 2020, there was no election at issue. The committee to recall Brian Noe as Town of Omro Chairman registered with the Wisconsin Ethics Commission on June 15, 2020. Carley Aff. ¶5, Ex A. The recall election, itself, was not called until September 14, 2020. Carley Aff. ¶6. Thus, without addressing whether the alleged activity amounts to harassment in any context, it most certainly was not activity intended to “compel, induce, or prevail upon an elector either to vote or refrain from voting at any election for or against a particular candidate or referendum” because, at the time, there was no election at issue. Wis. Stat. § 12.09(3).

Third, the allegation of harassment is based on speculation. Ms. Seaman presumes that the black vehicle she saw on the street outside her home on June 9, 2020, from inside of which a man is claimed to have been taking photographs of her property, is the same black vehicle that is owned by Ms. Jackson, but she provides no clear evidence to support that presumption. Ms. Jackson categorically denies that the vehicle in the photograph is hers. Jackson Aff. ¶6. In fact, Ms. Jackson emphatically states that neither she nor her husband has ever driven to the Seaman property, and, at the time of the alleged harassment, she did not even know where the Seamans lived. Jackson Aff. ¶¶6, 8. Blurry photographs

do not confirm that the vehicles are the same. Further, Ms. Seaman claims that the man she saw taking photographs of her property in June matches the Facebook profile pictures of Greg Jackson, which she viewed on August 27, 2020. Again, this is speculation at best, and Ms. Jackson strongly denies that she or her husband ever took photographs of the Seaman property. Jackson Aff. ¶7. There is simply no clear evidence to support this claim.

C. Town Election Officials Did Not Make False Representations to Affect the Recall Election.

In paragraphs 7 through 10 of her complaint, Ms. Seaman alleges Mr. Noe made efforts to spread false information about her in order to persuade voters and thereby affect the recall election in violation of Wis. Stat. § 12.05. In paragraph 11 of her complaint, Ms. Seaman also alleges Ms. Dvorachek violated Wis. Stat. § 12.05. These claims should be dismissed for the following reasons. First, Ms. Seaman's basis for this claim is: (1) an article written by Mr. Noe that she admits was never published; (2) an article published in the Omro Herald on September 24, 2020, about an ongoing investigation which never mentions her, her husband, or her business by name; and (3) an opinion piece written and paid for by Mr. Allen Knurr in support of Mr. Noe. None of these are sufficient to support a claim that Mr. Noe was knowingly spreading false information, nor causing such false information to be spread, in order to persuade voters and to affect the recall election. Mr. Noe categorically denies knowingly making, publishing, or causing to be made or published false representations pertaining to Ms. Seaman or to himself in order to affect voting at the recall election. Noe Aff. ¶¶10-12.

Second, and more importantly, Mr. Noe was charged with no duties relating to the conduct of the recall election and was, therefore, not an election official for purposes of the recall election. Wis. Stat. § 5.02(4e). Noe Aff. ¶5. Therefore, like the Town Treasurer, as discussed in Part I.B., *supra*, Mr. Noe is not an appropriately named party in this complaint which was filed pursuant to Wis. Stat. § 5.06. Therefore the claim against Mr. Noe should be dismissed.

Third, Ms. Seaman provides no evidence that Ms. Dvorachek actually made false representations or caused false representations to be made about her or Mr. Noe that were intended to or tended to affect voting at the recall election. Rather, all Ms. Seaman provides is evidence that Ms. Dvorachek provided neutral, fact-based information about the fact that a recall election was to be held and about who was on the ballot. Ms. Dvorachek asserts that she posted only fact-based information about the election online to inform the public. Dvorachek Aff. ¶9. She did not make any false representations herself, nor did she post the information with any intent to encourage debate or to prompt others to make statements that could be perceived as false. *Id.* The fact that other residents engaged in an online debate about the merits of the recall election and posted information about Ms. Seaman that she believes is false is not evidence that Ms. Dvorachek violated state election law.

D. Adequate Notice of the Recall Election Was Given.

1. The Only Required Notice is by Newspaper Publication.

In paragraph 2 of her complaint, Ms. Seaman alleges Town of Omro electors received inadequate notice of the recall election because, for a short time period, the notices posted to the Town of Omro website were inaccessible. The same complaint was made by

Ms. Marlana Ross. In paragraphs 2.e. and f., specifically, Ms. Seaman also implies that Attorney Karen Marone was, at best, complicit in depriving electors of adequate notice by stating that publication on the Town website was not required.

In paragraph 3 of her complaint, Ms. Seaman also alleges Town of Omro electors received inadequate notice of the recall election and, specifically, of the opportunity to request an absentee ballot by mail or to vote early because many either did not receive a letter sent out by the Town Clerk or received it after the deadline for requesting an absentee ballot. Ms. Seaman alleges electors were, thereby, deprived of their right to vote by mail-in absentee ballot or to vote early. All of the other complainants make the same or similar allegations. However, the Town of Omro clerk provided adequate notice of the recall election.

First, regarding the claim against Attorney Marone, as is true of Ms. Jackson and Mr. Noe per Parts I.B. and I.C., *supra*, Attorney Marone was charged with no duties relating to the conduct of the recall election and was, therefore, not an election official for purposes of the recall election. Marone Aff. ¶5. Wis. Stat. § 5.02(4e). Therefore, she is not an appropriately named party in this complaint which was filed pursuant to Wis. Stat. § 5.06, and all claims made against her should be dismissed.

Second, both the letter at issue and publication of notices on the Town website are not required by state law. Rather, they are evidence that the Town Clerk went above and beyond what is legally required in order to ensure Town residents were made aware of the recall election. Under Wis. Stat. § 10.04, election notices are to be published in qualified newspapers. In lieu of publication in a newspaper, a Town may instead post 3 notices, but

only when there is not a newspaper published within the Town. Wis. Stat. § 10.05. A weekly newspaper, the Omro Herald, is published within the Town of Omro, Carley Aff. ¶7, so publication of election notices in the newspaper is required, and any other forms of publication are supplemental.

To satisfy the requirement for newspaper publication, the Town Clerk published the election notices in the Omro Herald. Carley Aff. ¶7, Ex. B. In addition, and in conformance with guidance from the Wisconsin Elections Commission, Carley Aff. Ex. C, the Town Clerk posted the election notices on the three town posting boards, which are located at the Town Hall, at the Town refuse and recycling location, and at a Winnebago County tower located at, or near, 7392 Liberty School Road, and on the Town's website. Carley Aff. ¶8. Information about the recall election was also published in the September 2020 issue of the Omro Town Crier, which is an informal, free newsletter that is distributed to subscribing residents and is available online. Carley Aff. Ex. D. The Town Clerk also specifically sent the Type E notice to the Town Crier for additional distribution. *Id.* Finally, and with the knowledge of the Wisconsin Elections Commission, Carley Aff. Ex. E, the Town Clerk sent to the residents of the Town for whom she had mailing addresses a letter informing them about the election and the absentee ballot process. While this letter may have arrived late for some residents, it still functioned as an additional notice of the recall election, and no residents were legally entitled to receive it in the first place. Likewise, while the website may have been malfunctioning for a period of time, it was not a required form of notice to the general public, the Town Clerk worked diligently with the website developer to resolve the problem, Carley Aff. ¶11, and the electors were certainly not deprived of notice in any

meaningful way as there were a sufficient number of alternative notification methods employed.

2. Electors Were Not Deprived of Any Rights.

The published notices were clearly sufficient to put residents on notice about the fact that a recall election was being conducted. In fact, 55 electors submitted absentee ballots for the recall election by mail, and 20 electors did take advantage of early voting on October 12 and by appointment as had been offered in the published notice. Carley Aff. ¶12. The complainants claim neither that they were unaware of the recall election nor that they did not vote because of any alleged notice deficiencies. Rather, at most, their complaints allege that they were deprived of the ability to vote by mail-in absentee ballot or to vote early. However, under state law, electors have no right to vote by mail-in absentee ballot or to vote early. Rather, under Wis. Stat. § 6.84(1), voting is recognized as a constitutional right, but voting by absentee ballot is considered a privilege. Receiving additional information regarding absentee voting late, but before the election, is not equivalent to being deprived of the right to vote. Because complainants were still able to exercise their right to vote and it is clear that they were made aware of the recall election prior to Election Day, they suffered no harm.

Moreover, the fact that many electors voted, by mail-in absentee ballot, early in person, and on Election Day, despite any alleged procedural deficiencies supports the conclusion that the election should not be overturned. Under Wis. Stat. § 5.01(1), Wisconsin election laws are generally “construed to give effect to the will of the electors, if that can be ascertained from the proceedings, notwithstanding informality or failure to

fully comply with some of their provisions.” This provision has been interpreted “to mean that only substantial violations of the election law should operate to vacate an election.” *Carlson v. Oconto Cty. Bd. of Canvassers*, 2001 WI App 20, ¶9, 623 N.W.2d 195. “[I]n construing election laws, the will of the electorate is to be furthered....[S]ubstantial, and not literal, compliance with elections laws has been deemed consistent with sec. 5.01, Stats.” *Stahovic v. Rajchel*, 122 Wis. 2d 370, 376-77, 363 N.W.2d 243 (Ct. App. 1984).

Now that the recall election has been held, Wis. Stat. § 5.01(1) applies, and Wisconsin courts have held that an election was valid even when the statutory provisions regarding notice of the election were not complied with because, “if from the proceedings had pursuant to the statute the will of the electors has been in fact ascertained, that will shall be given effect, notwithstanding the informality of the procedure or failure to comply with all of the requirements of the statute....[A] court shall not set aside the ascertained result of political procedure if in fact the will of the electors can be ascertained.” *State ex rel. Oaks v. Brown*, 211 Wis. 571, 578-80, 249 N.W. 50 (1933); *see also, McNally v. Tollander*, 97 Wis. 2d 583, 294 N.W.2d 660 (Ct. App. 1980), *rev'd on other grounds*, 100 Wis. 2d 490, 302 N.W.2d 440 (1981) (holding, in part, that the notice defect did not affect the actual result of the election, based on an analysis of voter turnout).

In this case, there is no evidence to support the conclusion that voter turnout was suppressed as a result of any alleged notice deficiencies. In fact, the opposite appears to be true. As mentioned above, all complainants were able to express their will by voting. In total, 476 electors cast legally sufficient ballots in the recall election. Carley Aff. Ex. F. By comparison, 404 electors cast legally sufficient ballots in the immediately preceding,

regularly scheduled primary election held on August 11, 2020, for which no notice deficiencies have been alleged. *Id.* If anything, it appears that the notices provided for the recall election encouraged, rather than suppressed, voter turnout. Regardless, it is apparent that the will of the electors can be ascertained from the election results; therefore, the results of the election should not be vacated, notwithstanding any alleged technical notice deficiencies.

3. The Town Board Chairman is Not Responsible for Election Notices.

In paragraph 4 of her complaint, Ms. Seaman alleges that Mr. Noe, as Town Board Chairman, bears legal responsibility for ensuring that election notices are published in compliance with state statute. This is simply incorrect. To support her claim, Ms. Seaman cites to Wis. Stat. § 8.05(1)(c), which provides only that the Town Chairperson will serve as a caucus official in towns where candidates for elective office are nominated by caucus rather than by the filing of nomination papers. In the event that the Town Chairperson is a candidate, he or she is required to call for the election of other officials to conduct the caucus. *Id.* This aligns with the general premise that candidates should be not responsible for or directly involved in the conduct of an election so to avoid the very conflicts of interest Ms. Seaman claims others had in this election.

Moreover, Ms. Seaman alleges Mr. Noe and Ms. Carley, the Town Clerk, conspired together to deprive Town residents of adequate notice, again, without providing any evidence. The Town Clerk categorically denies this allegation. Carley Aff. ¶14.

E. There Are No Conflicts of Interest.

In paragraph 11 of her complaint, Ms. Seaman alleges Lisa Dvorachek, by virtue of living next door to Mr. Noe, is conflicted out of serving as the Town's chief election inspector. Ms. Marlana Ross makes the same complaint. Ms. Seaman also implies that Attorney Karen Marone was aware of this alleged conflict of interest and failed to fulfill her responsibilities as Town Attorney to advise the Town Board and the Town Clerk that Ms. Dvorachek should be removed as Chief Election Inspector. This complaint should be dismissed for the following reasons.

First, Ms. Dvorachek served as an election official, but not the Chief Election Inspector, at the recall election held on October 20, 2020. Instead, at the request of Ms. Dvorachek, who was concerned about accusations of wrongdoing such as the one made by Ms. Seaman in her complaint, the Town Clerk asked Cheryl Gardner to serve in that role, and Ms. Gardner did so. Carley Aff. ¶15, Ex. G; Dvorachek Aff. ¶10; Gardner Aff. ¶5.

Second, there is no conflict of interest created for an election official by virtue of living next door to a person who happens to be a candidate for election. To be an eligible election official, all that state law requires is that a person: (1) be a qualified elector of the county in which the municipality where the official serves is located; (2) be able to read and write the English language; (3) be capable; (4) be of good understanding; and (5) not be a candidate for any office to be voted for at the election at which the official will serve. Wis. Stat. § 7.30(2)(a).

Third, regarding the complaint against Attorney Marone, as discussed in Part I.D.1., *supra*, Attorney Marone was not an election official and is, therefore, not a properly named

party in this complaint. Marone Aff. ¶5. Therefore, this complaint against her should be dismissed. However, even if she were a properly named party, she could not have failed to fulfill a duty that did not exist. As established above, there was not conflict of interest, so there was no obligation for Attorney Marone to do anything about Ms. Dvorachek's role in the recall election. Furthermore, the allegation, as stated, does not accurately reflect the interaction between Attorney Marone and the woman who is purported to have brought the alleged conflict of interest to her attention. Attorney Marone was approached by a woman who claimed that the individuals who were setting up chairs and tables for the election should not be doing so due to conflicts of interest; she was not aware that a specific allegation was being made against Ms. Dvorachek. Marone Aff. ¶7. Thus, Ms. Seaman's allegation against Attorney Marone is, at best, speculation, but more accurately completely unfounded and should be dismissed.

F. Election Officials Did Not Observe Electioneering at the Polling Place on Election Day.

In paragraph 13 of her complaint, Ms. Seaman alleges that Mr. Noe engaged in electioneering at the polling location on Election Day in violation of Wis. Stat. § 12.03, and implies that other election officials violated Wis. Stat. § 5.35(5) by not stopping him. This same complaint is made by Mr. Charles Hertel and by Ms. Marlana Ross. First, as discussed in Part I.C., *supra*, Mr. Noe is not an appropriately named party in this complaint which was filed pursuant to Wis. Stat. § 5.06. Therefore this claim, as it relates to Mr. Noe, should be dismissed.

As far as any alleged failure to prevent or stop alleged electioneering goes, neither Ms. Seaman, Mr. Hertel, nor Ms. Ross have first-hand knowledge of these alleged activities as none of them were present when the claimed electioneering and failure to stop it are alleged to have occurred. Rather, both Ms. Seaman and Mr. Hertel rely upon statements apparently made by Mr. Hertel's wife, Ms. Diane Hertel, in response to her purported observations at the polling place. Ms. Ross simply states that Mr. Noe was seen electioneering by members of the Omro community. This is far from adequate evidence of wrongdoing.

The Town Clerk, the Chief Election Inspector, Cheryl Gardner, and election official Lisa Dvorachek never witnessed any illegal electioneering by anyone, let alone Mr. Noe. Carley Aff. ¶16; Gardner Aff. ¶7; Dvorachek Aff. ¶16. Mr. Noe denies having engaged in illegal electioneering. Noe Aff. ¶9. Rather, he was present for a short period of time at the Town Hall primary for the purpose of casting his own vote. Noe Aff. ¶¶7-8. Out of courtesy, he greeted a member of the community who was out in the parking lot when Mr. Noe was leaving the Town Hall. Noe Aff. ¶7. To the extent that he was "hanging out" in the office of the Town Clerk, as Mr. Hertel alleges, it was for the purpose of signing checks as Town Board Chairman. Noe Aff. ¶7; Carley Aff. ¶16. Therefore, this claim should be dismissed.

G. Election Officials Did Not Engage in Absentee Ballot Tampering.

In paragraph 14 of her complaint, Ms. Seaman alleges the Town Clerk engaged in ballot tampering in violation of Wis. Stat. § 12.13. Her only corroborating evidence is a statement from her husband, Mr. Brian Seaman, who served as an election observer on the

day of the recall election. Mr. Seaman states only that he saw the Town Clerk deliver some ballots to an election official and that they appeared to have already been open. He did not witness the use of a letter opening or tearing to open any envelopes.

The Town Clerk and Ms. Jackson categorically deny that the Town Clerk opened any ballots before delivering them to the election officials in the polling place on Election Day. Carley Aff. ¶17; Jackson Aff. ¶13. Ms. Gardner confirms that she never saw the Town Clerk deliver any open absentee ballots. Gardner Aff. ¶6. Instead, the Town Clerk spent the day in her office collecting absentee ballots for both the recall election and for the general election. Carley Aff. ¶17; Jackson Aff. ¶13. She sorted all received absentee ballots, recorded them as required, and then delivered those related to the recall election to the election officials. Carley Aff. ¶17; Jackson Aff. ¶13. Throughout the day, the election officials who were working in the polling place opened the ballots after receipt from the Town Clerk, proceeded to record them in the voter registration log, and then inserted them into the voting machines for counting. Dvorachek Aff. ¶11.

Ms. Dvorachek and Ms. Gardner confirm that Mr. Seaman spent his observation time sitting in the corner quietly, without objecting or asking questions. Gardner Aff. ¶8; Dvorachek Aff. ¶18. Ms. Dvorachek emphasized that Mr. Seaman had earbuds in his ears and spent most of his time watching his phone; in other words, he did not appear to be paying much attention to what was happening in the polling place. Dvorachek Aff. ¶18. Both Ms. Gardner and Ms. Dvorachek also confirm that Mr. Seaman did not stay for the canvass after the polls closed. Gardner Aff. ¶9; Dvorachek Aff. ¶19.

H. Election Results Were Appropriately Certified and Published.

In paragraph 12 of her complaint, Ms. Seaman alleges the Town Clerk failed to certify the recall election results. However, this is inaccurate. Under state law, for municipal elections, the municipal board of canvassers conducts the ballot canvass and certifies the results. Wis. Stat. §§ 7.51(4)(a) and (b) and 7.53(1). The municipal clerk must then make the results public. Wis. Stat. § 7.51(4)(b).

In this case, the municipal board of canvassers did certify the results of the election. Carley Aff. Ex. G. The Town Clerk then made the results of the election public by posting them on the Town's website. Carley Aff. ¶18. Furthermore, the Town Clerk was assured by Wisconsin Elections Commission staff that she need do nothing more than that as long as the election officials signed the municipal canvass information at the end of the night on Election Day. Carley Aff. Ex. H.

II. Even if Any of the Claims are Deemed Meritorious, the Remedy is Redundant.

Pursuant to Wis. Stat. § 5.06(1), an elector may file a sworn complaint with the Wisconsin Elections Commission "requesting that the official be required to conform his or her conduct to the law, be restrained from taking any action inconsistent with the law or be required to correct any action or decision inconsistent with the law or any abuse of the discretion vested in him or her by law." Given that the recall election has already been completed and the results published, the only remedy, should any of the claims above be deemed meritorious, would be to order a new recall election. However, the term of office for Town Board Chairperson expires in 2021 and will be on the ballot in April, 2021. Therefore, any recall election called at this point would be redundant, at best, and a waste

of time and resources. The electors of Omro will have another opportunity to choose their Town Board Chairperson very soon and will have suffered no harm, notwithstanding an alleged election law violations.

CONCLUSION

For the foregoing reasons, all of the complaints against the Town of Omro election officials and local officials lack merit and should be dismissed. It is apparent that the Town Clerk worked diligently to ensure that the recall election was conducted fairly and in compliance with state law, and she did so with the assistance of the Wisconsin Elections Commission staff and the Winnebago County Clerk's office. These complaints are nothing more than another attempt by Ms. Seaman, and those town residents she has persuaded to argue on her behalf, to seek redress for alleged injuries that have nothing to do with election law. However, should any of the complaints be deemed meritorious, they should still all be dismissed because the only remedy is to call another election for Town Board Chairman, which is already available to Town residents at the Spring Election in April 2021.

Dated this 6th day of November, 2020

By:

Carey Carley
202 Birch Street
Omro, WI 54963

Lisa Dvorachek
5154 David Dr.
Oshkosh, WI 54904

Karen Marone
2933 Manor Dr.
Oshkosh, WI 54904

Brian Noe
5156 David Dr.
Oshkosh, WI 54904

Beth Jackson
5013 Rushford Ave.
Omro, WI 54963

Answer prepared by:

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Madison, Wisconsin 53701-1784
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VERIFICATION


Lisa Dvorachek, being duly sworn, on oath, deposes and says:

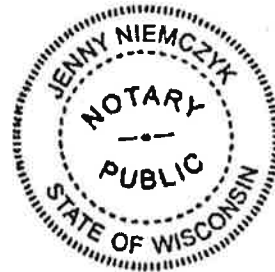
1. That Lisa Dvorachek is an election official for the Town of Omro in Winnebago County, Wisconsin.
2. That Lisa Dvorachek has read the foregoing Consolidated Verified Answer and that the same is true and correct, except as to those matters therein stated upon information and belief or cited to affidavits of other identified individuals, as to which matters she believes them to be true.

Dated at Omro, Wisconsin this 6th day of November 2020.

Lisa Dvorachek


Respondent name


Notary Public, State of Wisconsin
My commission expires: 01-28-2023



VERIFICATION

Carey Carley, being duly sworn, on oath, deposes and says:

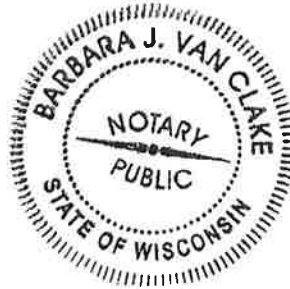
1. That Carey Carley is the Town Clerk for the Town of Omro in Winnebago County, Wisconsin.
2. That Carey Carley has read the foregoing Consolidated Verified Answer and that the same is true and correct, except as to those matters therein stated upon information and belief or cited to affidavits of other identified individuals, as to which matters she believes them to be true.

Dated at Omro, Wisconsin this 10th day of November 2020.

Carey Carley

Respondent name

Barbara J. Van Clake
Notary Public, State of Wisconsin
My commission expires: 3-27-2020



VERIFICATION

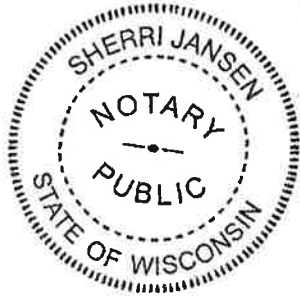
Karen Marone, being duly sworn, on oath, deposes and says:

1. That Karen Marone is the Town Attorney for the Town of Omro in Winnebago County, Wisconsin.
2. That Karen Marone has read the foregoing Consolidated Verified Answer and that the same is true and correct, except as to those matters therein stated upon information and belief or cited to affidavits of other identified individuals, as to which matters she believes them to be true.

Dated at Omro, Wisconsin this 6th day of November 2020.

Karen L. Marone
Karen L. Marone
Respondent name

Sherrri Jansen
Notary Public, State of Wisconsin
My commission expires: July 23, 2023



VERIFICATION

Brian Noe, being duly sworn, on oath, deposes and says:

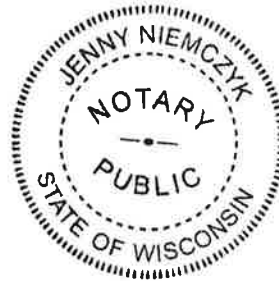
1. That Brian Noe is the Town Board Chairman for the Town of Omro in Winnebago County, Wisconsin.
2. That Brian Noe has read the foregoing Consolidated Verified Answer and that the same is true and correct, except as to those matters therein stated upon information and belief or cited to affidavits of other identified individuals, as to which matters she believes them to be true.

Dated at Omro, Wisconsin this 6th day of November 2020.

BRIAN NOE

Brian Noe
Respondent name

Jenny Niemczyk
Notary Public, State of Wisconsin
My commission expires: 01-28-2023



VERIFICATION

Beth Jackson, being duly sworn, on oath, deposes and says:

1. That Beth Jackson is the Town Treasurer for the Town of Omro in Winnebago County, Wisconsin.
2. That Town Treasurer has read the foregoing Consolidated Verified Answer and that the same is true and correct, except as to those matters therein stated upon information and belief or cited to affidavits of other identified individuals, as to which matters she believes them to be true.

Dated at Omro, Wisconsin this 6 day of November 2020.

Elizabeth A. Jackson
Elizabeth A. Jackson
Respondent name

Barbara J. Van Clarke
Notary Public, State of Wisconsin
My commission expires: 3-27-2020



STATE OF WISCONSIN

WISCONSIN ELECTIONS COMMISSION

IN THE MATTER OF:
CONSOLIDATED COMPLAINTS FILED AGAINST
TOWN OF OMRO ELECTION AND LOCAL OFFICIALS
WITH RESPECT TO THE OCTOBER 20, 2020
RECALL ELECTION FOR TOWN BOARD CHAIRMAN

SHERRY SEAMAN, *et al.*,

Complainants,

v.

Case No. EL 20-21

TOWN OF OMRO, *et al.*,

Respondents.

AFFIDAVIT OF CAREY CARLEY

STATE OF WISCONSIN

WINNEBAGO COUNTY

Carey Carley, being duly sworn, states as follows:

1. I am over 18 years of age.
2. I make this affidavit in reference to the above-captioned matter.
3. I have personal knowledge of the matters set forth herein, and, if called as a witness,

I could and would testify competently as to the truth of such matters.

4. I serve as the Town Clerk for the Town of Omro.

5. A committee to recall Town Board Chairman Brian Noe was registered with the Wisconsin Ethics Commission on June 15, 2020. A campaign finance registration statement for the committee from the Wisconsin Ethics Commission is attached as Exhibit A.

6. The committee gathered a sufficient number of signatures to force the calling of a recall election. On September 14, 2020, the Town Board voted to hold a recall election on October 20, 2020.

7. I published public notices of the recall election in the Omro Herald, which is a weekly newspaper published in the Town of Omro. Affidavits of publication are attached as Exhibit B.

8. I also published notices on the Town's website and on the three town posting boards, which are located at the Town Hall, at the Town Dump, and at a Winnebago County tower located at 7392 Liberty School Road. These postings were made with guidance received from the Winnebago County Clerk's office and the Wisconsin Elections Commission staff. An email exchange between myself, the Winnebago County Clerk's office, and the Wisconsin Elections Commission staff is attached as Exhibit C.

9. In addition to publication in the newspaper, on the Town's website, and on the Town's three posting boards, I also shared the information with the editor of the Omro Town Crier, which is an informal, free town newsletter that is distributed to a subscribing residents and is also available on the Town's website. The September issue of the newsletter and an email showing that I shared the Type E notice with the editor of the Omro Town Crier are attached as Exhibit D.

10. Out of an abundance of caution, I also mailed a letter to the town residents for whom I was able to obtain mailing addresses. The letter notified residents about the recall election and advised about mail-in absentee ballots and early voting. Wisconsin Elections Commission staff were aware of and reviewed this letter. An email exchange with Riley Willman from the Wisconsin Elections Commission is attached as Exhibit E.

11. The Town website was under construction just before the recall election. I became aware that there was a problem with some of election notice links on the website on October 15, 2020. I promptly contacted the contractors who were working on the Town's website, and was informed that I needed to take certain steps to fix the links, which I did. The links were repaired on the morning of October 16, 2020.

12. I did publish notice regarding early voting dates. 55 electors submitted absentee ballots for the recall election by mail, and 20 came to the Town Hall to take advantage of early voting on October 12 or by appointment with me, as was described in the notice.

13. There were 476 legally sufficient votes cast for the recall election. For comparison, there were 404 legally sufficient votes cast for the primary election which was held on August 11, 2020. The results of the recall election and the official results of the August 11, 2020 primary election, as produced by Winnebago County, are attached as exhibit F.

14. I did not conspire with anyone, including Brian Noe, to deprive Town residents of adequate notice of the recall election.

15. Lisa Dvorachek had been assigned the task of being Chief Election Inspector for the recall election. However, she expressed concern about Ms. Seaman holding her role as Chief Election Inspector against her as evidence of wrongdoing. Ms. Dvorachek, therefore,

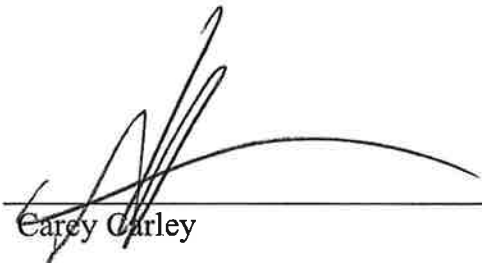
requested that I ask Cheryl Gardner to serve as Chief Election Inspector for the recall election instead. I asked Ms. Gardner to do so on October 12 at a meeting for the poll workers. Ms. Gardner agreed to and did serve as the Chief Election Inspector for the recall election. Attached as Exhibit G are the canvassing forms, election results report, and inspector's report demonstrating that Ms. Gardner served as the Chief Election Inspector.

16. I did see Mr. Noe at the Town Hall on Election Day because he stopped by the Town Hall to vote and then stopped in the office to sign some checks, which had been approved by the Town Board at its meeting the night before. I did not see anyone, including Mr. Noe, engage in electioneering or campaigning at or near the polling place.


17. I did not engage in any ballot tampering, nor did Beth Jackson. I spent Election Day in my office where I received many sealed absentee ballots from electors that day for both the recall election and for the general election. I recorded them, as required. Then I locked away the absentee ballots that had been delivered for the general election, and I delivered the sealed recall election absentee ballots to an election official, most often Ms. Gardner or Ms. Dvorachek, in the polling place. At no time did I ever open an absentee ballot.

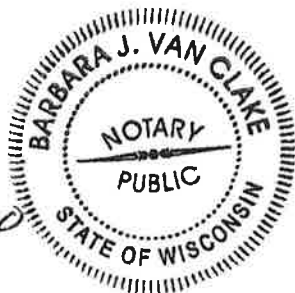
18. The municipal board of canvassers did certify the election results after the canvass was complete. I then published the results on the Town's website. I confirmed with the Wisconsin Elections Commission staff that there was nothing further that I was required

to do. An email exchange with Riley Willman from the Wisconsin Elections Commission is attached as Exhibit H.


Carey Carley

Subscribed and sworn to before me
this 6th day of 11/6/2020.


Notary Public, State of Wisconsin
My commission expires: 3-27-2020



CARLEY
AFFIDAVIT
EXHIBIT A



CAMPAIGN FINANCE REGISTRATION STATEMENT

STATE OF WISCONSIN

Note: An amended registration statement must be filed within 10 days of any changes in information.

1. Is this an Amendment? No Yes If yes, please enter your committee number:

Committee Number

SECTION A: GENERAL INFORMATION				
A1. Candidate Committee/Committee/Conduit Name RECALL BRIAN NOE, TOWN OF OMRO CHAIRMAN		A2. Registrant Type (Choose One) <input type="checkbox"/> Candidate <input type="checkbox"/> Referendum <input checked="" type="checkbox"/> Recall <input type="checkbox"/> Conduit <input type="checkbox"/> Political Action (PAC) <input type="checkbox"/> Independent Expenditure (IEC) <input type="checkbox"/> Political Party <input type="checkbox"/> Legislative Campaign Committee		
A3. Email mechanicalserviceswi@live.com	A4. Phone (920) 410-7843			
A5. Mailing Address 3569 SAND PIT RD		A6. City OSHKOSH	A7. State WI	A8. Zip 54904
Depository Institution Information				
A9. Institution Name	A10. Street Address	A11. City	A12. State	A13. Zip
Treasurer/Administrator Information				
A14. Name BRIAN SEAMAN		A15. Email mechanicalserviceswi@live.com		A16. Phone (920) 410-7843
A17. Mailing Address 3569 SAND PIT RD		A18. City OSHKOSH		A19. State WI
A20. Zip 54904				
Other Officers (Optional)				
<i>Independent and local non-partisan candidates: Indicate by an asterisk (*) which officers are authorized to fill a vacancy in nomination due to death of candidate.</i>				
A21. Name	A22. Title	A23. Email	A24. Phone	
A25. Name	A26. Title	A27. Email	A28. Phone	
Filing Exemption			A29. Exemption Affirmation	
<i>Registrants that will not accept contributions, make disbursements, or incur obligations in an aggregate amount of more than \$2,000 in a calendar year are eligible for exemption from filing campaign finance reports. Exempt status is effective only for the calendar year in which it is granted. Registrants wishing to remain on exempt status must renew each year. Candidates may not claim exemption in the year of their election before the day they appear on the ballot.</i>			<input checked="" type="checkbox"/> Yes, this registrant is eligible for exemption <input type="checkbox"/> No, this registrant is not eligible for exemption	

SECTION B: CANDIDATE COMMITTEES			
B1. Office Sought (include District/Branch)		B2. Political Party	B3. Election Date
Candidate Information			
B4. Name		B5. Email	
B6. Phone			
B7. Mailing Address		B8. City	B9. State
B10. Zip			
Second Candidate Committee		B11. Is this your only registered candidate committee in Wisconsin?	
<i>An individual who holds a state or local elective office may establish a second candidate committee to pursue another state or local office.</i>		<input type="checkbox"/> Yes, this is my only candidate committee in Wisconsin <input type="checkbox"/> No, this is my second candidate committee in Wisconsin	
B12. Other Office Held or Sought (include District/Branch) Only complete B12 if you responded "No" to B11.			

SECTION C: RECALL COMMITTEES		
C1. Name of Official Subject to Recall BRIAN NOE		C2. Office of Official Subject to Recall CHAIRMAN, TOWN OF OMRO
		C3. <input checked="" type="checkbox"/> Support <input type="checkbox"/> Oppose



CAMPAIGN FINANCE REGISTRATION STATEMENT

STATE OF WISCONSIN

Note: An amended registration statement must be filed within 10 days of any changes in information.

SECTION D: PAC, IEC, AND CONDUITS				
D1. Sponsoring Organization	D2. Email	D3. Phone		
D4. Mailing Address	D5. City	D6. State	D7. Zip	

SECTION E: POLITICAL PARTY & LEGISLATIVE CAMPAIGN COMMITTEES				
E1. Political Party (Name candidates appear under on a ballot)			E2. Does the Committee have a Segregated Fund? <input type="checkbox"/> No <input type="checkbox"/> Yes	
Segregated Fund Depository Institution Information (if applicable)				
E3. Institution Name	E4. Street Address	E5. City	E6. State	E7. Zip

SECTION F: REFERENDA COMMITTEES	
F1. Nature of Referendum (if applicable)	F2. <input type="checkbox"/> Support <input type="checkbox"/> Oppose

SECTION G: CERTIFICATION		
Accurate Information <i>I certify that I am an authorized representative of the registrant and that to my knowledge all of the information contained within this registration is true, correct, and complete.</i>		
Timely Amendments <i>I am aware of the requirement to amend this registration statement within 10 days of any change of information contained within, as well as the requirement to register within 10 days of meeting the requirements to register under Chapter 11 of Wisconsin Statutes.</i>		
Records Retention <i>I further acknowledge the requirement to maintain the records of the registrant in an organized and legible manner for three years from the date of the most recent election in which this registrant participated.</i>		
Ongoing Compliance <i>This registrant shall continue to maintain its registration and comply with all applicable reporting requirements under Chapter 11 of Wisconsin Statutes.</i>		
Treasurer/Administrator		
G1. Printed Name BRIAN SEAMAN	G2. Signature 	G3. Date 06/15/2020
Candidate (if applicable)		
G4. Printed Name	G5. Signature	G6. Date

CARLEY
AFFIDAVIT
EXHIBIT B

STATE OF WISCONSIN }
Green Lake County } ss.

Scott Mundro _____ being duly sworn, doth depose and say that he (she) is an authorized representative of the Omro Herald, a newspaper published at Omro, a representative of government of said State, and that an advertisement a true copy, taken from said paper, was

**NOTICE OF RECALL ELECTION
Town of Omro, Winnebago County
September 15, 2020**

NOTICE IS HEREBY GIVEN pursuant to a Certificate of Sufficiency and Order filed by the Town of Omro dated September 9, 2020, it is ordered that on Tuesday, October 20, 2020, a Recall Election will be held in the Town of Omro in the County of Winnebago in the State of Wisconsin, at which the following officer(s) are to be elected:

A TOWN CHAIRMAN to succeed Brian Noe, against whom a recall petition has been filed pursuant to Article XIII, Section 12 of the Wisconsin Constitution and Section 9.10 of the Wisconsin Statutes, for the remainder of the term which expires on April 20, 2021.

NOTICE IS FURTHER GIVEN that a Campaign Finance Registration Statement, Declaration of Candidacy and nomination papers, must be filed no later than 5:00 p.m., on Tuesday, September 22, 2020 in the office of the Town of Omro Clerk.

NOTICE IS FURTHER GIVEN, that the Recall Primary, if necessary, will be held on Tuesday, October 20, 2020 and the Recall Election will be held on Tuesday, November 17, 2020.

Acceptable Photo ID will be required to vote at this election. If you do not have a photo ID you may obtain a free ID for voting from the Division of Motor Vehicles.

DONE in the Town of Omro on September 15, 2020

Carey Carley
Town of Omro, Clerk

Publish: September 24, 2020

September 24, 2020

Mundro _____ (Title)

before me this 24th day of

Stacy K. Hellas
Notary Public,
August 23, 2023

Times 1 Notary Fees \$ 1.00
Printers Fees 114.00
Extra Copies _____
Total \$ 115.00

Received Payment _____

Filed _____
PROOF OF PUBLICATION

STATE OF WISCONSIN
GREEN LAKE COUNTY
IN THE MATTER OF _____

**SPECIAL RECALL ELECTION OCTOBER 20, 2020
VOTING BY ABSENTEE BALLOT**

Any qualified elector who is unable or unwilling to appear at the polling place on Election Day may submit a request to vote an absentee ballot to their municipal clerk. A qualified elector is any U.S. citizen, who will be 18 years of age or older on Election Day, who has resided in the ward or municipality where he or she wishes to vote for at least 28 consecutive days before the election. The elector must also be registered in order to receive an absentee ballot. Proof of identification must be provided before an absentee ballot may be issued.

You must make a request for an absentee ballot in writing or online at MyVote.wi.gov.

Contact your municipal clerk and request that an application for an absentee ballot be sent to you for the primary or election or both. You may also submit a written request in the form of a letter or you may apply for an absentee ballot online at MyVote.wi.gov. Your written request must list your voting address within the municipality where you wish to vote, the address where the absentee ballot should be sent, if different, and your signature. You may make application to your municipal clerk for an absentee ballot in person, by mail, by fax, by email or at MyVote.wi.gov.

Making application to receive an absentee ballot by mail

The deadline for making application to receive an absentee ballot by mail is:

5 pm on the fifth day before the election, October 15, 2020

Note: Special absentee voting application provisions apply to electors who are indefinitely confined to home or a care facility, in the military, hospitalized, or serving as a sequestered juror. If this applies to you, contact the municipal clerk regarding deadlines for requesting and submitting an absentee ballot.

Voting an absentee ballot in person

You may also request and vote an absentee ballot in the clerk's office or other specified location during the days and hours specified for casting an absentee ballot in person.

Carey Carley 920.685.2111
4205 Rivermoor Rd.
October 7, 2020 • 9am-12pm
October 12, 2020 • 3pm- 5:30pm
OR by appointment made with the clerk

The first day to vote an absentee ballot in the clerk's office is/was:
October 6, 2020 9:00am

The last day to vote an absentee ballot in the clerk's office:
October 16, 2020 5:00pm

No in-person absentee voting may occur on the day before the election.

The municipal clerk will deliver voted ballots returned on or before Election Day to the proper polling place or counting location before the polls close on October 20, 2020. Any ballots received after the polls close will not be counted.

Publish: October 8, 2020

ay that he (she) is an authorized representative
newspaper published at Omro, a repre-
of said State, and that an advertisement
a true copy, taken from said paper, was

October 8, 2020

[Signature]

(Title)

efore me this 8th day of

Tracy Kallas
ary Public

August 23, 2023

Times 1 Notary Fees \$ 1.00
Printers Fees 199.50
Extra Copies _____
Total \$ 200.50

IF PUBLICATION

IN THE MATTER OF

GREEN LAKE COUNTY

STATE OF WISCONSIN

ONSIN } ss.

Scott Mundro

being duly

sworn, doth depose and say that he (she) is an authorized representative of the Omro Herald, a newspaper published at Omro, a representative of government of said State, and that an advertisement

Copyright © 2020 Dominion Voting Inc. All Rights Reserved

**Notice of Recall
For the Office of
Town Board Chairperson
and Sample Ballots
October 20, 2020**

OF OMRO CLERK

THE TOWN OF OMRO:

A recall election to be held in the several wards in the Town of Omro, on the 20th day of October, 2020, at which the officer chosen. The names of the candidates, whose nominations filed in this office, are given under the title of the office, each

INFORMATION TO VOTERS

At the polling place, a voter shall state his or her name and address, and if photo identification and sign the poll book before being admitted to vote. If a voter does not have acceptable photo identification, the voter may register to vote at the polling place serving his or her ward. If a voter provides proof of residence in a form specified by law, the initials of two inspectors must appear on the ballot. If a voter is admitted to vote, the voter shall retire alone to a voting booth except that a voter who is a parent or guardian may be accompanied by a minor child or minor ward. An election official may inform the voter of casting a vote, but the official may not in any manner influence the voter's choice.

Write-in is Used

If a write-in is used, the voter shall fill in the oval next to the name of the person whose name he or she intends to vote. To vote for a person whose name is not on the ballot, the voter shall write in the name of the person of his or her choice and fill in the oval on the write-in

ballot marking device ("ImageCast Evolution (ICE)") to assist in casting his or her vote. To vote for a person whose name does not appear on the ballot, the voter shall type in the name of the person of his or her choice for a write-in vote.

Not in any other manner. Not more than five minutes' time shall be allowed in the voting booth. Sample ballots or other materials to assist the voter may be taken into the booth and copied. The sample ballot may be used by anyone so as to reveal how the ballot is marked.

If a voter has a scan ballot, he or she shall return it to an election official at the polling place, but not more than three ballots shall be returned. If a ballot has not been initialed by two inspectors or if a ballot has not been initialed by two inspectors or if a ballot has not been initialed by two inspectors, the voter shall return it to the election official, who shall destroy it.

If a ballot is marked, it shall be inserted in the security sleeve, and the voter shall then insert the ballot in the voting device and return the ballot to an inspector for deposit. The voter shall not remove the ballot.

To assist in casting his or her vote if the voter declares that he or she is unable to read, has difficulty reading, is blind or that due to disability is unable to cast his or her vote, the voter shall request assistance. Assistance may not be the voter's employer or an officer or agent of a labor organization which represents the voter.

Carey Carley
Carey Carley, Town of Omro Clerk

Official ballot:

Ballot ID: 7200
Official Ballot Recall Election October 20, 2020
Town of Omro, Wards 1-3

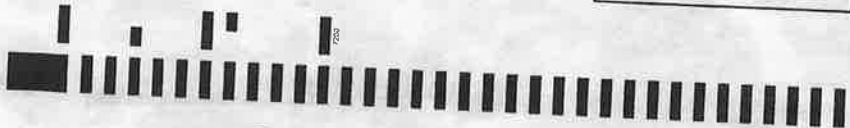
Notice to voters: If you are voting on Election Day, your ballot must be initialed by two (2) election inspectors. If you are voting absentee, your ballot must be initialed by the municipal clerk or deputy clerk. Your ballot may not be counted without initials (see end of ballot for initials).

General Instructions
If you make a mistake on your ballot or have a question, ask an election inspector for help. (Absentee voters: Contact your municipal clerk.)
To vote for a name on the ballot, fill in the oval next to the name like this: ●
To vote for a name that is not on the ballot, write the name on the line marked "write-in" and fill in the oval next to the name like this: ●
Municipal
Town Board Chairperson
Vote for 1
 Brian Noe
 Sherry Seaman
 write-in:

Official Ballot
Recall Election
October 20, 2020
for
Town of Omro
Wards 1-3
Winnebago County, WI
Ballot issued by
Initials of election inspectors
Absentee Ballot issued by
Initials of Municipal Clerk or Deputy Clerk
If issued by SVDs, both must initial
Certification of Voter Assistance
I certify that I marked or read aloud this ballot at the request and direction of a voter who is authorized under Wis. Stat §8.82 to receive assistance.

Signature of assistor
For Official Use Only
Inspectors: Identify ballots required to be remade:
 Overvoted
 Damaged
 Other
If this is the Original Ballot, write the serial number here:
If this is the Duplicate Ballot, write the serial number here:
Initials of inspectors who remade ballot

SAMPLE



Town of Omro Recall Election

Municipal
Town of Omro
All Wards

Town Board Chairperson
Vote for one:
Brian Noe
Sherry Seaman

POLLING PLACE AND HOURS – OCTOBER 20, 2020
POLLING PLACE WILL OPEN AT 7:00 A.M. AND WILL CLOSE AT 8:00 P.M.
POLLING PLACE IS ACCESSIBLE TO ELDERLY AND DISABLED VOTERS.

Town of Omro Town Hall 4205 Rivermoor Road, Omro, WI

Given under my hand this 15th day of October, 2020:
Carey Carley, Clerk, Town of Omro

At the close of voting on Election Day, pursuant to the provisions of Wisconsin State Statutes 19.84, the Election Inspectors at this polling place will convene as the Local Canvassing Board for the purpose of conducting the local canvass pursuant to Wisconsin State Statutes 7.51. This meeting will be open to the public pursuant to Wisconsin State Statutes 19.81-89.

STATE OF WISCONSIN

Green Lake County

being duly

that he (she) is an authorized representative newspaper published at Omro, a representative of said State, and that an advertisement a true copy, taken from said paper, was

NOLAN WALTER (#1) CH last Thursday afternoon in

October 15, 2020

the half as Kewaskum was able to sustain offensive pressure and send a barrage of shots toward the goal.

Joachim made a sliding shot to foil a shot by Hunter Koski the 82nd minute and then defended off a free kick from at

Editor

(Title)

Subscribed and sworn to before me this 15th day of October, 2020

Notary Public

My Commission expires August 23, 2023

No. Lines _____ No. Times 1 Notary Fees \$ 1.00

Printers Fees 712.50

Extra Copies _____

Total \$ 713.50

Received Payment _____

(Seal)

Filed

PROOF OF PUBLICATION

STATE OF WISCONSIN
GREEN LAKE COUNTY
IN THE MATTER OF

CARLEY
AFFIDAVIT
EXHIBIT C



Carey Carley <clerk@townofomro.us>

Type A Notice for Town of Omro October 20 Recall Election?

4 messages

Ertmer, Sue <SErtmer@co.winnebago.wi.us>

Thu, Sep 24, 2020 at 10:12 AM

To: "Willman, Riley P - ELECTIONS" <Riley.Willman@wisconsin.gov>

Cc: Carey Carley <clerk@townofomro.us>, "Barthels, Julie A" <JABarthels@co.winnebago.wi.us>

Hi Riley

Just following up for our new Town of Omro Clerk—Carey Carley—to see if she needs to publish a Type A notice for this election? I know you've been helping her with this, but I didn't know if this issue was brought up.

I looked in the recall manual, but couldn't see any information about election notices.

Let me know. Thanks.

Susan T. Ertmer

Winnebago County Clerk

112 Otter Avenue

Oshkosh, WI 54901

920-232-3432



Ertmer, Sue <SErtmer@co.winnebago.wi.us>

Fri, Sep 25, 2020 at 8:32 AM

To: "Willman, Riley P - ELECTIONS" <Riley.Willman@wisconsin.gov>

Cc: Carey Carley <clerk@townofomro.us>, "Barthels, Julie A" <JABarthels@co.winnebago.wi.us>

[https://docs.legis.wisconsin.gov/document/statutes/10.06\(3\)\(f\)](https://docs.legis.wisconsin.gov/document/statutes/10.06(3)(f))

Hi Riley

With the Town of Omro scheduling their special election on October 20, I'm afraid they haven't meet the timeframe for election notices for a special election has described in Sec. 10.06(3)(f), Wis. Stats.

I know Carey has been working with you and the WEC, so I'm wondering if notices for a recall election are different than the ones for a special election. Can you please let us know before we proceed with getting ballots and a data base ready? Thank you.

From: Willman, Riley P - ELECTIONS <Riley.Willman@wisconsin.gov>
Sent: Friday, September 25, 2020 8:17 AM
To: Ertmer, Sue <SErtmer@co.winnebago.wi.us>
Cc: Carey Carley <clerk@townofomro.us>; Barthels, Julie A <JABarthels@co.winnebago.wi.us>
Subject: RE: Type A Notice for Town of Omro October 20 Recall Election?

Hi Sue,

Yes, she is going to have to publish all of the required notices that she would normally file for an election.

Please let me know if you have any questions and I'd be happy to help.

Thanks,

Riley Willman

Elections Administration Specialist

Wisconsin Elections Commission

(608)261-2030

Riley.Willman@wisconsin.gov



From: Ertmer, Sue <SErtmer@co.winnebago.wi.us>
Sent: Thursday, September 24, 2020 10:12 AM
To: Willman, Riley P - ELECTIONS <Riley.Willman@wisconsin.gov>
Cc: Carey Carley <clerk@townofomro.us>; Barthels, Julie A <JABarthels@co.winnebago.wi.us>
Subject: Type A Notice for Town of Omro October 20 Recall Election?

10/29/2020

Town of Omro Mail - Type A Notice for Town of Omro October 20 Recall Election?

Hi Riley

Just following up for our new Town of Omro Clerk—Carey Carley—to see if she needs to publish a Type A notice for this election? I know you've been helping her with this, but I didn't know if this issue was brought up.

I looked in the recall manual, but couldn't see any information about election notices.

Let me know. Thanks.

Susan T. Ertmer

Winnebago County Clerk

112 Otter Avenue

Oshkosh, WI 54901

920-232-3432



Ertmer, Sue <SErtmer@co.winnebago.wi.us>
To: Carey Carley <clerk@townofomro.us>

Mon, Sep 28, 2020 at 12:45 PM

Here is Nate's contact information...

From: Judnic, Nathan - ELECTIONS <Nathan.Judnic@wisconsin.gov>
Sent: Friday, September 25, 2020 4:16 PM
To: Ertmer, Sue <SErtmer@co.winnebago.wi.us>
Subject: RE: Type A Notice for Town of Omro October 20 Recall Election?

I think the default is 21 days under 7.15(1)(cm), but I know that is tight sometimes.

Nate

Nathan W. Judnic

10/29/2020

Town of Omro Mail - Type A Notice for Town of Omro October 20 Recall Election?

Staff Attorney

Wisconsin Elections Commission

212 East Washington Ave, Third Floor

P.O. Box 7984

Madison, WI 53707-7984

608.267.0953 (direct)

608.228.7697 (cell)

608.267.0500 (fax)

nathan.judnic@wi.gov

From: Ertmer, Sue <SErtmer@co.winnebago.wi.us>
Sent: Friday, September 25, 2020 4:12 PM
To: Judnic, Nathan - ELECTIONS <Nathan.Judnic@wisconsin.gov>
Subject: RE: Type A Notice for Town of Omro October 20 Recall Election?

Awesome! Thank you. I'll let her know.

What is the timeline for her to get out absentee ballots?

From: Judnic, Nathan - ELECTIONS <Nathan.Judnic@wisconsin.gov>
Sent: Friday, September 25, 2020 4:09 PM
To: Ertmer, Sue <SErtmer@co.winnebago.wi.us>
Subject: RE: Type A Notice for Town of Omro October 20 Recall Election?

Yeah I think that's probably sufficient to move forward with it, posting and publishing to get the word out.

Nate

Nathan W. Judnic

Staff Attorney

Wisconsin Elections Commission

212 East Washington Ave, Third Floor

10/29/2020

Town of Omro Mail - Type A Notice for Town of Omro October 20 Recall Election?

P.O. Box 7984

Madison, WI 53707-7984

608.267.0953 (direct)

608.228.7697 (cell)

608.267.0500 (fax)

nathan.judnic@wi.gov

From: Ertmer, Sue <SErtmer@co.winnebago.wi.us>
Sent: Friday, September 25, 2020 4:06 PM
To: Judnic, Nathan - ELECTIONS <Nathan.Judnic@wisconsin.gov>
Subject: RE: Type A Notice for Town of Omro October 20 Recall Election?

Ok.

I just spoke with Carey and they did publish this notice of recall in the Oshkosh Northwestern on September 16 & 18 and the Omro Herald (weekly paper) yesterday, September 24.

If it was posted at the town hall and on their website (9/15?) and then published on 9/16, 9/18 and 9/24, they should be ok?

From: Judnic, Nathan - ELECTIONS <Nathan.Judnic@wisconsin.gov>
Sent: Friday, September 25, 2020 4:02 PM
To: Ertmer, Sue <SErtmer@co.winnebago.wi.us>
Subject: RE: Type A Notice for Town of Omro October 20 Recall Election?

I think that is their Type A for the Recall election, it looks like all the others we see copies of from local jurisdictions for recalls.

Nate

Nathan W. Judnic

Staff Attorney

Wisconsin Elections Commission

10/29/2020

Town of Omro Mail - Type A Notice for Town of Omro October 20 Recall Election?

212 East Washington Ave, Third Floor

P.O. Box 7984

Madison, WI 53707-7984

608.267.0953 (direct)

608.228.7697 (cell)

608.267.0500 (fax)

nathan.judnic@wi.gov

From: Ertmer, Sue <SErtmer@co.winnebago.wi.us>
Sent: Friday, September 25, 2020 3:58 PM
To: Judnic, Nathan - ELECTIONS <Nathan.Judnic@wisconsin.gov>
Subject: RE: Type A Notice for Town of Omro October 20 Recall Election?

That is my understanding. They have a "Notice of Recall Election" posted on their website, listing dates, but I think that's all they did. The clerk isn't available today, so I can't get a hold of her to get a definite answer on things. Here's a link to that notice:

http://www.townofomro.us/uploads/1/3/4/2/13425404/recall_notice.pdf

From: Judnic, Nathan - ELECTIONS <Nathan.Judnic@wisconsin.gov>
Sent: Friday, September 25, 2020 3:51 PM
To: Ertmer, Sue <SErtmer@co.winnebago.wi.us>
Subject: RE: Type A Notice for Town of Omro October 20 Recall Election?

Hi Sue – are you saying they have not yet published a Type A for the recall election? That's a problem – how do people know what to do and what the deadlines are for running in the election, and when nomination papers are due, etc.

Nate

Nathan W. Judnic

Staff Attorney

Wisconsin Elections Commission

212 East Washington Ave, Third Floor

10/29/2020

Town of Omro Mail - Type A Notice for Town of Omro October 20 Recall Election?

P.O. Box 7984

Madison, WI 53707-7984

608.267.0953 (direct)

608.228.7697 (cell)

608.267.0500 (fax)

nathan.judnic@wi.gov

From: Ertmer, Sue <SErtmer@co.winnebago.wi.us>
Sent: Friday, September 25, 2020 10:29 AM
To: Judnic, Nathan - ELECTIONS <Nathan.Judnic@wisconsin.gov>
Subject: FW: Type A Notice for Town of Omro October 20 Recall Election?
Importance: High

Hi Nate.

I sent this email to Riley earlier, but haven't heard back yet. Because the clock is ticking, I was hoping you might be able to answer my question. If you need more information about the situation, please let me know. Thank you.

[Quoted text hidden]

Carey Carley <clerk@townofomro.us>
To: Nathan.Judnic@wisconsin.gov, "Ertmer, Sue" <SErtmer@co.winnebago.wi.us>

Mon, Sep 28, 2020 at 1:06 PM

Hello,

I am the clerk that Sue sends you questions about an upcoming recall election on October 20th in the town of Omro. I did publish the type A notice as well as post it on our town website and posting boards. My question is, the town's paper published after the date people could turn in nomination papers because of the way dates fell with sufficiency, presenting to the board and the board meeting and timeline for recall set by WEC. Because it was posted to the website and posting boards, is everything still kosher to hold a recall election on October 20th?

[Quoted text hidden]

Carey Carley
Town of Omro Clerk
4205 Rivermoor Rd
Omro WI 54963
920.685.2111

CARLEY
AFFIDAVIT
EXHIBIT D

OMRO TOWN CRIER

Vol 1, Issue 8, September 2020

RECALL ELECTION

Tuesday, October 20, 2020, has been set as the date of the recall election for the position of Town Chair. The hours will be the normal 7:00 A.M. to 8:00 P.M. at the Town Hall. Check the Town of Omro website to determine the possibility of mail-in ballots or early voting in person with the clerk.

Hopefully the website will show who is running for the Town Chair position. This editor has seen lawn signs for Sherry Seaman and would believe that Brian Noe will run to maintain his position as chair.

This editor was pleased that a resident suggested that this newsletter should include an article about the reasons for the recall and a word or two about the candidates. Unfortunately, this editor does not have the full facts behind the recall beyond statements made during the Town Board meetings and could not describe all candidates fairly.

If more information is gathered in time a note will be e-mailed to persons on the distribution list but there will not be a special edition of the newsletter.

PRESIDENTIAL ELECTION

For the November 3 election, a voter has several options. Votes may be cast in person on the day of elections at the Town Hall between 7 A.M. and 8 P.M. Ballots may be cast early in person with the clerk. She will be posting hours for this on the Town website. She may be contacted at clerk@townofomro.us or at the Town Hall phone 920-685-2111. Please keep in mind that the office is unattended most of the time so you will need to leave a clear message and call back number. Ballots may also be cast absentee by mail. Regulations and deadlines can be found on the state website <https://myvote.wi.gov> Because of the on-going lawsuits, voters should stay alert for changes in procedures mandated through court orders.

BOARD ACTIONS

At the September 14 meeting, the Town Board again discussed potentials for solving drainage issues related to the Ormand Beach Heights First Addition development. It seems that drainage modeling on the area surrounding the new development shows water coming from the Town of Algoma that had not been accounted for in the original development. The Board was not sure that the new developer should be wholly responsible for the costs of accommodating that water. They also discussed the fact that the modeling may not project a problem that would actually occur. In the end the Board decided to relax the regulation since the fix, if a problem does show up, would be managed the same way as it would at this point and roads would not have to be torn up needlessly. If a problem does occur in the next two years, then the developer would be responsible for the fix.

They also approved a parcel split at 3137 Sand Pit Rd.

Use of the Town Hall for Boy Scout meetings was approved.

Allen Silverthorn, who lives in the northwest part of the town was appointed Commissioner to fill the Planning Commission position vacated by the resignation of Chris Musha.

Bringing the Town's ordinances together into a General Code was discussed. It looks like the Board will pursue a contract to do that. This should allow an easier and more meaningful posting of ordinances on the Town website as requested at the annual meeting.

The annual meeting request for a formal audit was discussed and a motion was passed to revisit the issue in November.

The Board will advertise for bids for the installation of address signs at each residence to ensure identification for fire, police and EMTs.

Because of the federal CARES Act there is money distributed through the states to help with compensation for municipal losses because of coping with the Corona virus. Specifically, the Routes to Recovery program has over \$37,000 allotted to the Town of Omro for specific expenses. The Town is planning to use that money to install visual and auditory equipment in the Town Hall meeting room to make it easier for residents to hear and be heard during meetings while being widely spread out. This may also include the use of telecoil (T-Coil or LOOP) for direct listening through hearing aids. Other costs incurred to make elections safer will also be included in the submission.

Board members passed a motion stating that the Town would no longer take responsibility for mailboxes damaged by snow removal activities.

BOARD OF REVIEW

The Board of Review met on September 16, 2020. The purpose was to allow persons to bring disputes over property assessments forward for resolution. No property owner had made an appointment and no one came forward with an issue. The Board spent their time examining the assessment rolls and making general inquiries about the process to the Assessor. It seems that the Town has experienced over \$4,000,000 in new assessed value. Assessment is just under \$220,000,000 without manufacturing and personal possessions and just over \$263,000,000 with those included. The rise is about 7%.

The assessor is currently doing a whole town re-evaluation (which hasn't been done in a long time) to try to bring the town closer to the state's equalized valuation. You may be visited by his assistant in the near future. It is planned that notices of the new assessments would be mailed out in April of 2021 with an Open Book session to follow in late April or May of 2021.

PAVING IN SANDHILL FARMS SUBDIVISION

Recently the developer paved some of the roads in the newest phase of Sandhill Farms. Hayfield Drive is paved wider than the others and has lines painted to separate vehicular traffic from pedestrian/bike traffic. Unfortunately, the original plan was to have only one side lined with that lane as wide as the two present ones combined. Town Board members might be interested in reactions from residents in the neighborhood.

SUBMISSIONS FOR THE NEWSLETTER

This is the eighth issue of the on-line newsletter devoted to things in the Town of Omro. Reader contributions have been and will be appreciated. Questions or thoughts for additional articles are also welcome.

Submissions can be sent to newsletter@townofomro.us as can requests to be included in the mailing list.

Please share this with friends and encourage them to add their e-mail address to the distribution list. The list continues to grow and it is becoming more important that a large number of people be reachable through this list.

Rachel E. Snyder

From: Beth Jackson <treasurer@townofomro.us>
Sent: Thursday, November 5, 2020 1:06 PM
To: Rachel E. Snyder; Carey Carley
Subject: Fwd: type E notice
Attachments: Sample Type E Notice (Rev 2020-08).pdf

----- Forwarded message -----

From: **Tom Tuschl** <newsletter@townofomro.us>
Date: Mon, Oct 5, 2020 at 11:15 PM
Subject: Fwd: type E notice
To:

This attachment is being forwarded from the clerk to all who are on the Newsletter Distribution list. It provides information on obtaining an absentee ballot for the Special Recall Election for Town Chairperson and also information about voting absentee in person with the clerk. This editor still does not have a list of candidates.
Tom Tuschl-editor

----- Forwarded message -----

From: **Carey Carley** <clerk@townofomro.us>
Date: Mon, Oct 5, 2020 at 2:38 PM
Subject: type E notice
To: Tom Tuschl <newsletter@townofomro.us>

Hi Tom,

Attached you will find a type E notice that is published with information regarding absentee and early in-person voting. Thank you!

--

Carey Carley
Town of Omro Clerk
4205 Rivermoor Rd
Omro WI 54963
920.685.2111

--

Sincerely,

Beth Jackson
Treasurer
Town of Omro
treasurer@townofomro.us
920-685-2111

SPECIAL RECALL ELECTION OCTOBER 20, 2020

VOTING BY ABSENTEE BALLOT

Any qualified elector who is unable or unwilling to appear at the polling place on Election Day may submit a request to vote an absentee ballot to their municipal clerk. A qualified elector is any U.S. citizen, who will be 18 years of age or older on Election Day, who has resided in the ward or municipality where he or she wishes to vote for at least 28 consecutive days before the election. The elector must also be registered in order to receive an absentee ballot. Proof of identification must be provided before an absentee ballot may be issued.

You must make a request for an absentee ballot in writing or online at MyVote.wi.gov.

Contact your municipal clerk and request that an application for an absentee ballot be sent to you for the primary or election or both. You may also submit a written request in the form of a letter or you may apply for an absentee ballot online at MyVote.wi.gov. Your written request must list your voting address within the municipality where you wish to vote, the address where the absentee ballot should be sent, if different, and your signature. You may make application to your municipal clerk for an absentee ballot in person, by mail, by fax, by email or at MyVote.wi.gov.

Making application to receive an absentee ballot by mail

The deadline for making application to receive an absentee ballot by mail is:
5 pm on the fifth day before the election, October 15, 2020

Note: Special absentee voting application provisions apply to electors who are indefinitely confined to home or a care facility, in the military, hospitalized, or serving as a sequestered juror. If this applies to you, contact the municipal clerk regarding deadlines for requesting and submitting an absentee ballot.

Voting an absentee ballot in person

You may also request and vote an absentee ballot in the clerk's office or other specified location during the days and hours specified for casting an absentee ballot in person.

Carey Carley 920.685.2111
4205 Rivermoor Rd
October 7, 2020 9am-12pm and October 12, 2020 3pm- 5:30pm
OR by appointment made with the clerk

The first day to vote an absentee ballot in the clerk's office is / was:

October 6, 2020 9:00am

The last day to vote an absentee ballot in the clerk's office:

October 16, 2020 5:00pm

No in-person absentee voting may occur on the day before the election.

The municipal clerk will deliver voted ballots returned on or before Election Day to the proper polling place or counting location before the polls close on October 20, 2020. Any ballots received after the polls close will not be counted.

*Notice was posted at the Omro Town Hall, posting boards and on the Town's website
Notice was also sent to the Omro Herald and Oshkosh Northwestern*

CARLEY
AFFIDAVIT
EXHIBIT E



Carey Carley <clerk@townofomro.us>

RECALL ELECTION

3 messages

Carey Carley <clerk@townofomro.us>
To: riley.willman@wi.gov

Tue, Oct 6, 2020 at 12:04 PM

Hi Riley,

I attached a letter that I was thinking of sending to the town residents regarding the upcoming recall election on October 20. Can you please take a look and let me know what you think and if it is acceptable to mail out? Thank you.

--

Carey Carley
Town of Omro Clerk
4205 Rivermoor Rd
Omro WI 54963
920.685.2111

 **poll letter.docx**
107K

Willman, Riley P - ELECTIONS <Riley.Willman@wisconsin.gov>
To: Carey Carley <clerk@townofomro.us>

Tue, Oct 6, 2020 at 2:52 PM

Hi Carey,

I took a look at the letter and made some suggested edits to hopefully clear up that this recall was scheduled due to state law. Feel free to accept or reject these suggested edits as this is ultimately your letter.

Please let me know if you have any questions and I'd be happy to help!

Thanks,

Riley Willman

Elections Administration Specialist

Wisconsin Elections Commission

(608)261-2030

Riley.Willman@wisconsin.gov



[Quoted text hidden]



poll letter RPW edits.docx
109K

Carey Carley <clerk@townofomro.us>
To: "Willman, Riley P - ELECTIONS" <Riley.Willman@wisconsin.gov>

Wed, Oct 7, 2020 at 9:41 AM

Thank you so much Riley! I appreciate your help and cleaning up this letter.
Have a great day!
[Quoted text hidden]

CARLEY
AFFIDAVIT
EXHIBIT F

Town of Omro
Recall Election Results

Tuesday, October 20, 2020

Candidates

Total Votes

Brian Noe ___240___

Sherry Seaman ___236___

OFFICIAL RESULTS
AUGUST 11, 2020 PARTISAN PRIMARY ELECTION
WINNEBAGO COUNTY, WISCONSIN

Precinct	Registered Voters	Cards Cast
County		
Winnebago County		
Town of Algoma, Wards 1 - 2 & 7 - 10		
Election Day	0	677
Total	0	677
Town of Algoma, Wards 3 - 6		
Election Day	0	748
Total	0	748
Town of Black Wolf, Wards 1, 2 & 3		
Election Day	0	521
Total	0	521
Town of Clayton, Wards 1-7		
Election Day	0	905
Total	0	905
Town of Neenah, Wards 1-4		
Election Day	0	781
Total	0	781
Town of Nekimi, Wards 1 & 2		
Election Day	0	263
Total	0	263
Town of Nepeuskun, Ward 1		
Election Day	0	111
Total	0	111
Town of Omro, Wards 1-3		
Election Day	0	404
Total	0	404
Town of Oshkosh, Wards 1A & 2-5, Cong 6		
Election Day	0	638
Total	0	638

CARLEY
AFFIDAVIT
EXHIBIT G

ELECTION RESULTS REPORT

Winnebago County

Town of Omro Recall Election 2020

Tuesday, October 20, 2020

Tabulator Name

Town of Omro, Wards 1-3 Recall

Tabulator ID

1

Precinct

Town of Omro, Wards 1-3

Total Cast : 479

Ballot ID: 7200 Ballots Cast: 479

=====

TOTALS for all Ballots

Total Cast : 479

Town Board Chairperson (1)

Brian Noe : 240

Sherry Seaman : 236

Write-in : 1

Total Votes : 477

Number of Overvotes : 0

Number of Undervotes : 2

Unit Model: ICE (2.3)

Unit Serial: AAFEBFJ0017

Protective Counter: 8028

Software Version: 4.14.21

Certification

WE, THE UNDERSIGNED, CERTIFY THAT THE ELECTION WAS HELD IN ACCORDANCE WITH THE LOCAL AUTHORITY ELECTION ACT AND JURISDICTION REGULATIONS.

Cheryl Gaudin

Inspector Signature

[Signature]

Inspector Signature

Nancy M. Case

Inspector Signature

[Signature]

Inspector Signature

Poll closed

Tuesday Oct 20 20:01:27 2020

Certification of the Board of Canvassers

We, the undersigned, certify that we are the members of the Board of Canvassers for

Town of Omro, Winnebago County
(insert municipality and county, if county canvass insert county only)

We certify that the attached Tabular Statement of Votes Cast and Summary Statement of the Board of Canvassers, canvassed and prepared by us, are correct and true as compiled from the original returns made to the

Town of Omro Clerk.
(County, Municipal, School District)

We further determine and certify that the following persons received the greatest and the next to greatest (for primary only) number of votes for the respective office for which each was a

candidate on October 20, 2020.
(Insert date of primary or election)

OFFICE
(Title of Office)

HIGHEST CANDIDATE
(Name of Winning Candidate)

**SECOND
HIGHEST CANDIDATE**
(Name of Second Highest Candidate)
(For Primary Only)

Town Board Chairperson

Brian Noe



BOARD OF CANVASSERS

(1) *Cheryl L. Gardner*

(2) 

(3) 

(4) _____

(5) _____

10/20/2020
(Date)

This document is signed by:

For Municipal Elections

- The inspectors when there is only one polling place and one set of election results. s.7.53(1), Stats.
- The municipal board of canvassers when there are 2 or more reporting units. s.7.53(2)(a), Stats.

For State and County Elections

- The county board of canvassers. s.7.60(2), Stats.

TALLY

Of the votes given in the

Town of Omro
(Town, Village or City)

County of Winnebago
State of Wisconsin
on October 20, 2020

PRIMARY ELECTION

Name of Party (Partisan Primary)

- PRESIDENT OF THE UNITED STATES
- CONGRESSIONAL OFFICES
- STATEWIDE OFFICES
- LEGISLATIVE & DISTRICT ATTORNEY OFFICES
- JUDICIAL & SUPERINTENDENT
- COUNTY OFFICES
- LOCAL OFFICES
- SCHOOL DISTRICT OFFICES
- REFERENDA

NOTE: THIS STATEMENT IS TO BE MADE IN DUPLICATE, ONE TO BE FILED WITH THE MUNICIPAL CLERK AND THE OTHER TO BE DELIVERED TO THE COUNTY CLERK. FOR SCHOOL DISTRICT ELECTIONS, ONE COPY IS DELIVERED TO THE MUNICIPAL CLERK, AND THE OTHER IS DELIVERED TO THE SCHOOL DISTRICT.

STATE OF WISCONSIN
County of Winnebago
Received and filed this 20 day of October, 20 20

(Signature of County Clerk)

CERTIFICATION

State of Wisconsin)
County of Winnebago)
ss.

We, the undersigned, certify that we are election inspectors for the
1-3 wards(s) of the
aldermanic district of the Town
(town, village or city)
of Omro, State of Wisconsin,
for the primary or election held on the day of
October 20, 2020.

We further certify that we have counted all the ballots cast in said ward or polling place, that the count was duly and legally made and that the results of the count shown on the within tally sheet statement is correct.

Cheryl L. Gardner
Sara Heutowell
Ruth B
Maria J. Hasefer
Nancy M. Case
of Omro

(Signatures of at least 3 Election Inspectors, including the chief inspector and one inspector representing each of the 2 major political parties. Any inspector or tabulator participating in the ballot count must sign the certification.)

Dated October 20, 2020

Inspectors' Statement

We, the undersigned election inspectors, certify the following is a true and correct statement for an election held in the 1-3 ward(s) of the Town of Omro, County of Winnebago, State of Wisconsin, on the 20 day of October, 2020.

(ward number(s)) (Town, Village of City) (Name of Municipality) (Name of County) (Day) (Month) (Year)

THIS SECTION TO BE COMPLETED BY ELECTION INSPECTORS AND VERIFIED BY CHIEF INSPECTOR:

VOTER STATISTICS

Total number of voters (last voter number used) 479 Number of absentee voters 74
(Absentee voters and in-person voters. Do not include provisional voters.) Number of provisional ballots 0

Total Number of ballots cast 479 Number of ballots in excess of total number of voters 0

Number of votes cast on:

paper (hand count) ballots 479, optical scan ballots 0, DRE (touch screen) 0

Signatures of Election Inspectors

[Signature]
Det. Larson
Carolyn Slavik
Sara Kettner
Cheryl L. Gardner

Time Worked

6:30 to 8:30
1:30 to 8:30
1:30 to 8:30
3:30 to 8:30
6:30 to 8:30

CERTIFICATION OF CHIEF INSPECTOR

I certify that: I have completed the required training administered by the State Elections Board, and have been duly certified as a Chief Inspector. I served as the Chief Inspector for the election described above for the time period indicated below.

Cheryl L. Gardner ENTIRE DAY FROM 6:30 ^{a.m.}/_{p.m.} TO: 8:30 ^{a.m.}/_{p.m.}
(Signature of Chief Inspector)

FROM _____ a.m. TO _____ a.m.
(Signature of Chief Inspector) p.m. p.m.

- ✓ The completed form is retained in the office of the Municipal Clerk.
- ✓ A copy of the completed form is returned to each Clerk with the other Election forms.
- ✓ Municipal clerk provides other copies as needed. §7.51, Wis. Stats.

DO NOT SEAL IN BALLOT BAG!

Memory Card & Security Seal Numbers

	Municipal Clerk - Write the appropriate numbers below prior to delivery of this form to your Election Inspectors.	OPENING POLLS	CLOSING POLLS
OPTICAL SCAN UNIT		Chief Insp. Initials	Chief Insp. Initials
<i>Voting Unit Serial Number</i>		(Not required)	(Not required)
<i>Memory Card Number:</i>		(Not required)	(Not required)
<i>Seal No. - Memory Card Compartment:</i>	CA	1-81307	1-81307

		Chief Insp. Initials	Chief Insp. Initials
TOUCH SCREEN UNIT		Chief Insp. Initials	Chief Insp. Initials
<i>Voting Unit Serial Number</i>		(Not required)	(Not required)
<i>Memory Card Number:</i>		(Not required)	(Not required)
<i>Seal No. - Memory Card Compartment:</i>	CA	2-176790	2-176790
<i>Seal No. - Ballot Canister:</i>	CA	248817	248817

If additional security seals are used, those numbers and an explanation of their use MUST be listed below. Please indicate on which voting machine the seal was used.

<i>Seal Number & Voting Machine:</i>	Printer 960915
<i>Seal Number & Voting Machine:</i>	
<i>Seal Number & Voting Machine:</i>	
<i>Seal Number & Voting Machine:</i>	
<i>Seal Number & Voting Machine:</i>	

Ballot Bag Seal Numbers

All security seal numbers used on your ballot bags must be listed below. Please indicate the ballot bag number(s) and the corresponding security seal number.

Bag #1 of ___ Security Seal No. _____	Bag #5 of ___ Security Seal No. _____
Bag #2 of ___ Security Seal No. _____	Bag #6 of ___ Security Seal No. _____
Bag #3 of ___ Security Seal No. _____	Bag #7 of ___ Security Seal No. _____
Bag #4 of ___ Security Seal No. _____	Bag #8 of ___ Security Seal No. _____

CARLEY
AFFIDAVIT
EXHIBIT H



Carey Carley <clerk@townofomro.us>

post election

2 messages

Carey Carley <clerk@townofomro.us>
To: riley.willman@wi.gov

Thu, Oct 22, 2020 at 12:06 PM

Hi Riley,

Is there any additional documentation that needs to be completed post-election? I am working on my final checkpoints. Election night I did notify the county, the paper, and posted results on the town website as well as the front door as I had been directed. Thank you for your help!

--
Carey Carley
Town of Omro Clerk
4205 Rivermoor Rd
Omro WI 54963
920.685.2111

Willman, Riley P - ELECTIONS <Riley.Willman@wisconsin.gov>
To: Carey Carley <clerk@townofomro.us>

Fri, Oct 23, 2020 at 11:58 AM

Hi Carey,

As long as you have your folks at the end of the night sign all of the municipal canvass information, you don't have anything else you'd have to provide at this time.

Please let me know if you have any questions and I'd be happy to help.

Thanks,

Riley Willman

Elections Administration Specialist

Wisconsin Elections Commission

(608)261-2030

Riley.Willman@wisconsin.gov



[Quoted text hidden]

STATE OF WISCONSIN

WISCONSIN ELECTIONS COMMISSION

IN THE MATTER OF:
CONSOLIDATED COMPLAINTS FILED AGAINST
TOWN OF OMRO ELECTION AND LOCAL OFFICIALS
WITH RESPECT TO THE OCTOBER 20, 2020
RECALL ELECTION FOR TOWN BOARD CHAIRMAN

SHERRY SEAMAN, *et al.*,

Complainants,

v.

Case No. EL 20-21

TOWN OF OMRO, *et al.*,

Respondents.

AFFIDAVIT OF BRIAN NOE

STATE OF WISCONSIN

WINNEBAGO COUNTY

Brian Noe, being duly sworn, states as follows:

1. I am over 18 years of age.
2. I make this affidavit in reference to the above-captioned matter.
3. I have personal knowledge of the matters set forth herein, and, if called as a witness,

I could and would testify competently as to the truth of such matters.

4. I am currently serving as the Omro Town Board Chairman and have done so for approximately fourteen years.

5. As Omro Town Board Chairman, I do not serve as an election official, and I was not charged with any duties relating to the conduct of the recall election held on October 20, 2020.

6. I do not oversee the conduct of elections, and I do not supervise the publication of election notices.

7. I went to the Town Hall on October 20, 2020, in order to vote and to sign some checks as the Town Board Chairman. I did not greet anyone on my way into the Town Hall. There was no one in front of me in line when I went inside to vote. I quickly cast my ballot and then proceeded immediately to the Town Clerk's office to sign the checks. Promptly after signing the checks, I left the Town Hall. I said, "Good afternoon," to a man who was in the parking lot as I was leaving, but I do not even know who that man was.

8. Altogether, I spent approximately ten to fifteen minutes at the Town Hall on October 20, 2020.

9. I did not engage in any electioneering or campaigning either inside or outside the polling location on Election Day.

10. I have been asked for comment about the recall election and other matters by reporters, including Mr. Tony Daley, but I have never requested that a reporter publish my remarks or anything that I have written. I did share with Mr. Daley a draft speech that I considered delivering at a Town Board meeting, which is attached to Ms. Seaman's complaint, but I never delivered that speech in public, and I never asked that the speech be published. To my knowledge, it never has been published.

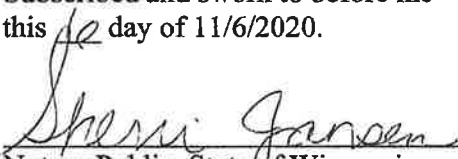
11. I did speak with Tony Daley about complaints that were filed against me and Town Attorney Karen Marone, and some of my comments were published in an article in the Omro Herald on September 24, 2020. However, I made no false statements or representations, and I did not request that Mr. Daley publish the article. At no time have I made or published any false statements or representations or caused anyone else to make or publish any false statements or representations in order to affect voting at an election.

12. I did not ask or encourage Mr. Allen Knurr to publish anything in support of me, nor did I pay for or write any such publications.



Brian Noe

Subscribed and sworn to before me
this 12 day of 11/6/2020.


Notary Public, State of Wisconsin
My commission expires: July 23, 2023



STATE OF WISCONSIN

WISCONSIN ELECTIONS COMMISSION

IN THE MATTER OF:
CONSOLIDATED COMPLAINTS FILED AGAINST
TOWN OF OMRO ELECTION AND LOCAL OFFICIALS
WITH RESPECT TO THE OCTOBER 20, 2020
RECALL ELECTION FOR TOWN BOARD CHAIRMAN

SHERRY SEAMAN, *et al.*,

Complainants,

v.

Case No. EL 20-21

TOWN OF OMRO, *et al.*,

Respondents.

AFFIDAVIT OF LISA DVORACHEK

STATE OF WISCONSIN

WINNEBAGO COUNTY

Lisa Dvorachek, being duly sworn, states as follows:

1. I am over 18 years of age.
2. I make this affidavit in reference to the above-captioned matter.
3. I have personal knowledge of the matters set forth herein, and, if called as a witness,

I could and would testify competently as to the truth of such matters.

4. I have served as Chief Election Inspector for the Town of Omro.
5. I do live next door to Mr. Brian Noe.

6. In the past, I was also a customer of Mr. Brian and Mrs. Sherry Seaman.

7. I do not allow my personal relationships to impact how I conduct elections.

8. On July 31, 2020, while I was out of out of Town, Brian Seaman called me inquiring about the expenses that the Town would incur to hold a recall election.

9. On October 10, 2020, after the recall election was called, I posted information online on the Nextdoor App about the fact that a recall election was scheduled in the Town of Omro on October 20, 2020. I did this only for the purpose of informing the public. I did not intend to encourage debate or to prompt others to make statements about the candidates that could be perceived as false. I never made any false representations myself or engaged in the online debates, and I directed individuals to the newspaper when they asked me questions. I posted only factual information about the recall election simply as another form of public notice.

10. I was afraid that Ms. Seaman would accuse me of wrongdoing so, on October 11, 2020, I spoke with the Town Clerk, Carey Carley, and asked that someone else serve as Chief Election Inspector for the recall election. On October 12, 2020, Ms. Carley asked Cheryl Gardner to serve as Chief Election Inspector for the recall election, and Ms. Gardner agreed to serve.

11. On the day of the recall election, I served only as poll worker, not as the Chief Election Inspector. Throughout the course of the day, Ms. Gardner and I accepted sealed absentee ballots from the Town Clerk. Immediately upon receipt, one of us would open the envelope, always using a letter opener, to make sure that each envelope contained only one piece of paper. Then we would go to the back of the voter line and proceed to check in at

the table. There were always two election officials with an absentee ballot. One of us would read the name and address of the absentee voter out loud and the other would collect a voter number on behalf of the absentee voter. Then that election official would proceed to feed the ballot into the voter machine. The other would stand by with the certified envelope in which the ballot had been delivered by the voter.

12. All of the absentee ballots that we received from the Town Clerk were still sealed.

13. Neither election official responsible for an absentee ballot left the room from the point that the absentee ballot was delivered by the Town Clerk until after it had been fed into the voter machine.

14. There was absolutely no ballot tampering.

15. I did see Brian Noe enter the polling place to cast his vote, but he made no effort to stand out from other voters. He walked quietly through the room, and I did not see him greet or speak with anyone.


16. I did not see anyone, let alone Mr. Noe, engage in campaigning or electioneering inside the polling place.

17. In general, people were not congregating because of the social distancing requirements prompted by COVID-19.


18. Brian Seaman did arrive around 5:30 to be an election observer, although we had expected him to arrive around 7:30 so that he could view the canvass. He sat in the designated location and was generally quiet. He spoke to a few people, but only those that approached him. He sat with earbuds in his ears and looked at his phone most of the time.

He did not appear to watch the voting activities very closely, and he never objected to or questioned anything.

19. Mr. Seaman left shortly after the polls closed and Ms. Gardner announced the initial results. He did not wait to see the canvass.


Lisa Dvorachek

Subscribed and sworn to before me
this 6th day of November, 2020.


Notary Public, State of Wisconsin
My commission expires: 01-28-2023



STATE OF WISCONSIN

WISCONSIN ELECTIONS COMMISSION

IN THE MATTER OF:
CONSOLIDATED COMPLAINTS FILED AGAINST
TOWN OF OMRO ELECTION AND LOCAL OFFICIALS
WITH RESPECT TO THE OCTOBER 20, 2020
RECALL ELECTION FOR TOWN BOARD CHAIRMAN

SHERRY SEAMAN, *et al.*,

Complainants,

v.

Case No. EL 20-21

TOWN OF OMRO, *et al.*,

Respondents.

AFFIDAVIT OF BETH JACKSON

STATE OF WISCONSIN

WINNEBAGO COUNTY

Beth Jackson, being duly sworn, states as follows:

1. I am over 18 years of age.
2. I make this affidavit in reference to the above-captioned matter.
3. I have personal knowledge of the matters set forth herein, and, if called as a witness,

I could and would testify competently as to the truth of such matters.

4. I serve as the Treasurer for the Town of Omro.

5. Neither I, nor my husband, served as election officials for the recall election held on October 20, 2020. Neither of us were charged with any duties relating to the conduct of the recall election.

6. I do own a black GMC Acadia, but the vehicle shown in Ms. Seaman's photograph of a black vehicle outside of her property is not mine. Neither I, nor my husband, have ever driven out to Ms. Seaman's property.

7. Neither I nor my husband, Greg Jackson, took photographs of Ms. Seaman's property.

8. On June 9, 2020, when the alleged harassment is claimed to have occurred, I did not know where Ms. Seaman lived.

9. On the day of the recall election, October 20, 2020, I was at the Town Hall in the morning. It was the day after a monthly Town Board meeting, so it was my practice to mail out checks that had been approved at the meeting the previous night.

10. While at the Town Hall, I responded to email and answered several telephone calls.

11. At no time was the door closed. Poll workers and voters entered in and out of the office with questions throughout the morning. I left the Town Hall before 12:00 p.m.


12. Before I left, we noticed that there were a couple of checks that Brian Noe needed to sign.

13. Neither I nor Carey Carley opened any absentee ballots. People entered the office to drop off ballots for both the recall election and the general election. Ms. Carley processed the ballots as required without opening any. She scanned the label on each

ballot and then locked up those received for the general election and hand delivered those received for the recall election to the poll workers in the polling place.


Beth Jackson

Subscribed and sworn to before me
this 6 day of 11/6/2020.


Notary Public, State of Wisconsin
My commission expires: 3-27-2020



STATE OF WISCONSIN

WISCONSIN ELECTIONS COMMISSION

IN THE MATTER OF:
CONSOLIDATED COMPLAINTS FILED AGAINST
TOWN OF OMRO ELECTION AND LOCAL OFFICIALS
WITH RESPECT TO THE OCTOBER 20, 2020
RECALL ELECTION FOR TOWN BOARD CHAIRMAN

SHERRY SEAMAN, *et al.*,

Complainants,

v.

Case No. EL 20-21

TOWN OF OMRO, *et al.*,

Respondents.

AFFIDAVIT OF KAREN MARONE

STATE OF WISCONSIN

WINNEBAGO COUNTY

Karen Marone, being duly sworn, states as follows:

1. I am over 18 years of age.
2. I make this affidavit in reference to the above-captioned matter.
3. I have personal knowledge of the matters set forth herein, and, if called as a witness,

I could and would testify competently as to the truth of such matters.

4. I am the Town Attorney for the Town of Omro and have been since 2011.

5. I do not serve as an election official for the Town of Omro, and I was not charged with any duties relating to the conduct of the recall election held on October 20, 2020.


6. I did inform Ms. Seaman, via email, that publication of notices on the Town's website is not required, but is supplemental, which I learned from the Town Clerk, Carey Carley, who had received that information from Wisconsin Elections Commission staff.

7. On October 19, 2020, I was approached by a woman in the Town Hall parking lot following the Town Board meeting. She was concerned that there were people in the Town Hall setting up tables and chairs for the election who had conflicts of interest and, in her view, should therefore not be helping to set up for the election. I explained that those individuals were merely helping for the benefit of the entire Town and that she was welcome to volunteer to assist with the set up, as well. I was not aware that she was alleging that Lisa Dvorachek, specifically, had a conflict of interest and should have been removed as Chief Election Inspector.

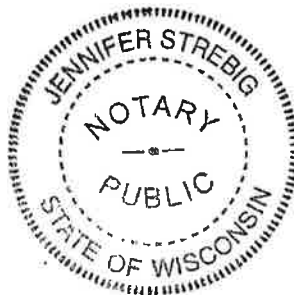


Karen Marone

Subscribed and sworn to before me
this 6 day of 11/6/2020.



Notary Public, State of Wisconsin
My commission expires: 11/14/2020



Corrected

STATE OF WISCONSIN

WISCONSIN ELECTIONS COMMISSION

IN THE MATTER OF:
CONSOLIDATED COMPLAINTS FILED AGAINST
TOWN OF OMRO ELECTION AND LOCAL OFFICIALS
WITH RESPECT TO THE OCTOBER 20, 2020
RECALL ELECTION FOR TOWN BOARD CHAIRMAN

SHERRY SEAMAN, *et al.*,

Complainants,

v.

Case No. EL 20-21

TOWN OF OMRO, *et al.*,

Respondents.

AFFIDAVIT OF CHERYL GARDNER

STATE OF WISCONSIN

WINNEBAGO COUNTY

Cheryl Gardner, being duly sworn, states as follows:

1. I am over 18 years of age.
2. I make this affidavit in reference to the above-captioned matter.
3. I have personal knowledge of the matters set forth herein, and, if called as a witness, I could and would testify competently as to the truth of such matters.
4. I have served as an election official for the Town of Omro for several years. I usually

alternate serving as the Chief Election Inspector with Lisa Dvorachek.

5. I was the Chief Election Inspector for the recall election held on October 20, 2020.

6. I received absentee ballots from the Town Clerk, Carey Carley, that day, but they were all sealed. I did not see the Town Clerk deliver any unsealed absentee ballots to poll workers.

7. I did see Brian Noe and his wife enter the polling place to vote, but they were in and out quickly. I did not see anyone, including Brian Noe, engage in electioneering or campaigning inside the polling location.

8. I also saw Brian Seaman when he entered the polling place to serve as an observer. He sat in the designated location for an hour or two. He was generally quiet and did not question or object to anything. I spoke with him briefly about horses, which is something we have in common.

9. I read the results of the election from the results tape after the polls closed. Mr. Seaman stayed to hear me make that announcement and left shortly thereafter. He did not stay to observe the canvass.

Cheryl Gardner
Cheryl Gardner

Subscribed and sworn to before me
this 6 day of November, 2020.

[Signature]

Notary Public, State of Wisconsin
My commission expires: 05-31-2023

