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November 20, 2020

**Sent Via Email and US Mail**

James.witecha@wisconsin.gov

James Witecha  
Wisconsin Elections Commission  
212 East Washington Avenue, Third Floor  
PO Box 7984  
Madison, WI 53707-7984

RE: **Sherry Seaman et al. v. Town of Omro et al.**  
Case No. EL20-21

Dear Mr. Witecha:

We represent Marlena Ross and her husband, Harve Ross, who are complainants in the above-referenced matter. On their behalves, I submit the reply that was prepared by Marlena Ross to the Consolidated Answer filed by the Respondents in the above-referenced matter. The response was prepared by Marlena Ross.

Should you have any questions concerning the foregoing, please advise me.

Sincerely,

**DEMPSEY LAW FIRM, LLP**

  
Charles J. Hertel  
cjh@dempseylaw.com

CJH:sma  
Enclosure  
Cc: Marlena Ross

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## Shannon M. Andris

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**From:** Marlena R. <sparks6983@gmail.com>  
**Sent:** Thursday, November 19, 2020 9:45 AM  
**To:** Charles J. Hertel  
**Subject:** Re: Re My reply to Omro Response

**Follow Up Flag:** Copied to Worldox (Documents\82601\000000\07629111.MSG)

Let me just say that I am appalled that the town board chairman, Brian Noe, and town clerk, Carey Carley, believe that I filed a complaint regarding the recall election because I was “persuaded” by Sherry Seaman. I may be a working class, middle income mother and wife who is trying hard to keep my family together during this difficult time but that does not mean that I just follow someone because they “persuaded me”. I will admit that I didn’t know much about the town board and things going on until this year which is sad but my parents didn’t get involved in politics and local government while growing up and I hadn’t thought much of it myself. However, before the recall election was even brought to my attention, I started attending town hall meetings and was upset on how the meetings were run and that it seemed like the town board members didn’t have the electors best interests in mind. The town chairman would repeatedly say that the town board would take under advisement an issue that the electors wanted to have put on the next month’s agenda to be addressed. Anyways, back to the point of this response, the reason I filed a complaint was because I saw some things that seemed shady and as I have told my children, we have a voice and we need to use that voice to stand up for what’s right, to speak up to make a difference and a change. Nothing will happen if everyone sits back and waits for someone else to do something. If we aren’t willing to speak up, then we have no reason to complain about the things we can speak on and push for changes to be made. If corruption starts at the local level and we don’t try to stop it, it then spreads and goes up the chain and we wonder why the government seems corrupt. Who are the elected supposed to be working for? For themselves and what they can gain, or for the people who elected them, the ones hoping for change and a voice? I can’t just tell my children to use their voice. I must also lead by example showing my children that we are important as well and have a right to be heard, to speak up and fight for truth. I am not the type of person who is going to follow someone or be persuaded to do something just because someone tells me to. If you know me, you will know that I am my own person and make my own thoughts and decisions based on what I see and what I learn by seeing, by researching to make my own final input.

As far as receiving notification of the recall election prior to the letter I received on Friday, Oct. 16th, 2020 letting me know about the recall election and absentee ballots, I had not seen any notifications letting the general public know about it. I do not get the newspaper and didn’t drive on a daily basis to the town hall or any of the 3 locations where they post notices to find out if there was anything new posted and to see notices regarding the recall. Additionally, I was on the website on Sept. 20th, 2020 and Sept. 26th, 2020 (screenshot of my browser history on Sept. 20th and Sept. 26th, 2020 is attached in this email) and there was nothing mentioned regarding the recall election and also how one could vote early or request absentee ballot. I did look up the Sept. 14th, 2020 meeting agenda as I was not aware ahead of time that the town board moved the monthly meeting up a week and there was no mention of the recall election in the agenda other than stating “7.Set date for special election”. There are no meeting minutes listed on the website to allow the electors to know what was discussed and decisions made at the meetings. So I did not see and did not know of any recall election information on the website until Oct. 15th, 2020 when I was again on the website and the website finally had links regarding the recall election. However, when I clicked on the links for the recall election and the Type E notice, I received a 404 error and could not view any information for them. Nothing was fixed on the website until after I emailed the town clerk and town board members regarding the issues. Who knows how long the links were not working? Then I received the letter from the town clerk on Oct. 16th, 2020, where it stated that the last day to send in absentee ballots was Oct. 15th, 2020. So please tell me how most of the Town of Omro electors were notified within a

reasonable timeframe regarding the recall election when most probably don't get the newspaper, most probably like myself don't drive to the town hall or the other locations to see if notices were posted within the legal timeframes and the town of Omro website was having issues that were not fixed until on or after Oct. 16,2020? Also, every time I have called the town hall, the voicemail is full. How is someone supposed to leave a message for the town clerk to call them regarding questions or needing anything if they can't leave a voicemail?

As to the Town Crier that is emailed out to people who asked to be put on the email list to be sent it, I was not on the list to be emailed until the middle of October. I did see the Sept. 2020 issue that Carey Carley attached in Affidavit Exhibit D, the editor didn't even have knowledge of who was running during the recall election and only had the date and times of the election. He did not have any information regarding the early voting and absentee ballots. The only ones who would have seen the Type E notice that the town clerk, Carey Carley, sent to the editor of the Town Crier, would have been those who were already on the email list which I was not at that time to see the Type E notice. I do not think that the Town Crier falls under a legal newspaper for the town clerk to assume it follows the Wisconsin State Legislature SS 985.01, 985.02 and 985.12 listed below state.

985.01 Definitions. As used in this chapter, unless the context requires otherwise:

(1b) "Bona fide paid circulation" means the paid circulation of a newspaper that satisfies all of the following:

(a) The publisher of the newspaper sells 50 percent or more of the circulation of the newspaper.

(b) The publisher of the newspaper has actual subscribers at each publication of not less than 1,000 copies in 1st and 2nd class cities or 300 copies in 3rd and 4th class cities, villages, or towns.

(1g) "Governing body" has the meaning given in s. 345.05 (1) (b) and includes a long-term care district board under s. 46.2895.

(1m)

(a) Except as provided in par. (b), "insertion," when used to indicate the publication of a legal notice more than one time, means once each week for consecutive weeks, the last of which shall be at least one week before the act or event, unless otherwise specified by law.

(b) With respect to a newspaper published in the town of Washington, Door County, at least 2 times a month, "insertion," when used to indicate the publication of a legal notice more than one time, means once in each issue of consecutive issues published at intervals of at least one week, the last issue of which shall be published at least one week before the act or event, unless otherwise specified by law.

(2) "Legal notice" means every notice required by law or by order of a court to be published in a newspaper or other publication, except notices required by private and local laws to be published in newspapers, and includes all of the following:

(a) Every publication of laws, ordinances, resolutions, financial statements, budgets and proceedings intended to give notice in an area.

(b) Every notice and certificate of election, facsimile ballot, referenda, notice of public hearing before a governmental body, and notice of meetings of private and public bodies required by law.

(c) Every summons, order, citation, notice of sale or other notice that is intended to inform a person that the person may or shall do an act or exercise a right within a designated period or upon or by a designated date.

(3) "Municipality" has the meaning in s. 345.05 (1) (c) and includes a long-term care district under s. 46.2895.

(3g) "News content" means written information and images, other than advertisements, that are printed in a publication.

(3r) "Newspaper" means a publication that is published at regular intervals and, except as otherwise provided in this subsection, at least once a week, containing, on average, [at least] 25 percent news content per issue, including reports of happenings of recent occurrence of a varied character, such as political, social, moral and religious subjects, designed to inform the general reader. "Newspaper" includes a daily newspaper published in a county having a population of 750,000 or more, devoted principally to business news and publishing of records, which has been designated by the

courts of record of the county for publication of legal notices for a period of 6 months or more. "Newspaper" also includes a newspaper published in the town of Washington, Door County, at least 2 times a month.

#### 985.02 Method of notification.

(1) Except as otherwise provided by law, a legal notice shall be published in a newspaper likely to give notice in the area or to the person affected. Whenever the law requires publication in a newspaper published in a designated municipality or area and no newspaper that satisfies the requirements under s. 985.03 (1) (a) or (am) is published therein, publication shall be made in a newspaper likely to give notice.

(2) If the governing body of a municipality elects to post under s. 985.05 (1) it shall post in the following manner:

(a) The notice must be posted in at least 3 public places likely to give notice to persons affected or must be posted in at least one public place likely to give notice to persons affected and placed electronically on an Internet site maintained by the municipality.

(b) The notice posted before the act or event requiring notice shall be posted and, if applicable, placed electronically, no later than the time specified for the first newspaper publication.

(c) The notice posted after the act or event requiring notice shall be posted and, if applicable, placed electronically, within one week after the act or event. Actions of governing bodies posted after the act or event shall be effective upon posting.

(d) The affidavit of the officer or person posting the legal notice containing the time, place and manner of the posting is presumptive evidence of the facts stated therein.

(3) The newspaper that publishes a legal notice shall, in addition to newspaper publication, place an electronic copy of the legal notice at no additional charge on the Wisconsin newspapers legal notices Internet site.

#### 985.12 Proof of publication.

(1) Affidavit of printing. The affidavit of the editor, publisher, printer or proprietor of any newspaper, or of his or her foreman or principal clerk, of the publication of any legal notice, annexed to a copy of the notice clipped from the newspaper in either hard copy or electronic format, and specifying the date of each insertion, and the paper in which it was published, shall be received in all cases as presumptive evidence of the publication and of the facts stated therein.

(2) Time of filing. Such affidavit may be filed with the proper officer at any time after the last day of the publication of such notice, unless the filing time is otherwise specified.

(3) Same. The affidavit of publication of any notice of a sale of real property required by law to be published may be filed, at any time within 6 months after the last day of such publication, with the register of deeds of the county in which the premises are situated.

(4) Fee. The fee for an affidavit of publication shall be \$1.

As to their statement of " 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.", let me just say that not having an option of absentee ballot could have put myself in harm's way with this year having a pandemic of the covid 19 virus as I was not given the opportunity to be able to do an absentee ballot as I was not aware that it was available until the day after the absentee ballot day when I received the letter. So the only option I had was to vote in person and risk being exposed to the covid 19 virus if I wanted to vote to make a difference and use my voice. What about those that can't stand in line due to health issues that don't get the newspaper and don't drive? How were they supposed to be notified? Why is the town board not doing their best and coming up with better ways to reach their electors to let them know what is going on in the town hall meetings and communities? As an elected official, shouldn't you want more people to know how you are working for them? Unless you have something to hide.

As to my complaint of Lisa Dvorachek, chief election inspector having conflict of interest, how are we as electors to know that she recused herself from that election especially if she is seen still working the election? How are we to know if she is working as a normal poll worker or still acting as chief election inspector? How does that look to us? Are we allowed to



(5) Activities restricted. No polling place may be situated so as to interfere with or distract election officials from carrying out their duties. The municipal clerk and election inspectors shall prevent interference with and distraction of electors at polling places.

To end my reply, please read and carefully consider all sides especially the electors who are upset with how this was all handled. I am in no way a lawyer, in law school and have no experience in law or anything close so please take that in consideration as well. I am a hard-working mom and wife just trying to live life fighting for truth and justice in this crazy world with the limited resources that I have. Search for the truth and stand up for it as we the electors are trying to do as well. I am fighting and taking a stance so that my children will see and know how to have their voices being heard especially in times where the truth seems blurred. Thank you for your time and efforts to work diligently and find the best outcome of all this especially during this time of pandemic, unrest and not knowing what the future holds.

Also I am very concerned as to how I heard Brian Noe, the town chairman, told Karen, town attorney and Carey Carley, town clerk, after the town of Omro meeting last night on Nov. 16<sup>th</sup>, 2020 tell them that he needed to talk with them before they left. He did not include the other town board members. I feel like this was something he should have done calling a closed session during the meeting and then coming back into the meeting and let us know what it was in regards to. Is Brian Noe trying to hide something? What business do the three of them have that they can't be on record and include the other board members?

On Fri, Nov 13, 2020 at 5:21 PM Marlena R. <[sparks6983@gmail.com](mailto:sparks6983@gmail.com)> wrote:

Here is my (Marlena Ross) reply to the Town of Omro board responses to the allegations regarding Town of Omro recall election held on Oct. 20th, 2020.

Let me just say that I am appalled that the town board chairman, Brian Noe, and town clerk, Carey Carley, believe that I filed a complaint regarding the recall election because I was "persuaded" by Sherry Seaman. I may be a working class, middle income mother and wife who is trying hard to keep my family together during this difficult time but that does not mean that I just follow someone because they "persuaded me". I will admit that I didn't know much about the town board and things going on until this year which is sad but my parents didn't get involved in politics and local government while growing up and I hadn't thought much of it myself. However, before the recall election was even brought to my attention, I started attending town hall meetings and was upset on how the meetings were run and that it seemed like the town board members didn't have the electors best interests in mind. The town chairman would repeatedly say that the town board would take under advisement an issue that the electors wanted to have put on the next month's agenda to be addressed. Anyways, back to the point of this response, the reason I filed a complaint was because I saw some things that seemed shady and as I have told my children, we have a voice and we need to use that voice to stand up for what's right, to speak up to make a difference and a change. Nothing will happen if everyone sits back and waits for someone else to do something. If we aren't willing to speak up, then we have no reason to complain about the things we can speak on and push for changes to be made. If corruption starts at the local level and we don't try to stop it, it then spreads and goes up the chain and we wonder why the government seems corrupt. Who are the elected supposed to be working for? For themselves and what they can gain, or for the people who elected them, the ones hoping for change and a voice? I can't just tell my children to use their voice. I must also lead by example showing my children that we are important as well and have a right to be heard, to speak up and fight for truth. I am not the type of person who is going to follow someone or be persuaded to do something just because someone tells me to. If you know me, you will know that I am my own person and

make my own thoughts and decisions based on what I see and what I learn by seeing, by researching to make my own final input.

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(1m)

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(2) Time of filing. Such affidavit may be filed with the proper officer at any time after the last day of the publication of such notice, unless the filing time is otherwise specified.

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(4) Fee. The fee for an affidavit of publication shall be \$1.

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of the covid 19 virus as I was not given the opportunity to be able to do an absentee ballot as I was not aware that it was available until the day after the absentee ballot day when I received the letter. So the only option I had was to vote in person and risk being exposed to the covid 19 virus if I wanted to vote to make a difference and use my voice. What about those that can't stand in line due to health issues that don't get the newspaper and don't drive? How were they supposed to be notified? Why is the town board not doing their best and coming up with better ways to reach their electors to let them know what is going on in the town hall meetings and communities? As an elected official, shouldn't you want more people to know how you are working for them? Unless you have something to hide.

As to my complaint of Lisa Dvorachek, chief election inspector having conflict of interest, how are we as electors to know that she recused herself from that election especially if she is seen still working the election? How are we to know if she is working as a normal poll worker or still acting as chief election inspector? How does that look to us? Are we allowed to ask questions while in the middle of voting?

Brian Noe was listed in my complaint as well since he is the town chairman and is according to what I understand of Wisconsin State Legislature Statute 60.24 listed below that he is to supervise and make sure that the town and town operations are faithfully executed which to me includes making sure that the electors were given adequate notice regarding the recall election.

60.24 Powers and duties of town board chairperson.

(d) Assure administration of statutes. Supervise the administration of statutes relating to the town and town operations to see that they are faithfully executed.

Also it was stated in their response that Brian Noe was only at the town hall during the recall election for 10-15 minutes and he only voted and then signed checks in the front office. Why couldn't he wait til the next day so that it didn't look like he was trying to talk to electors as they entered? I don't believe that he didn't not once not talk to any of the electors as they came in. As far as Brian Noe greeting a member of the community out in the parking lot, he was still within 100ft of the town hall and it could be considered electioneering as who knows what he said to that member and if he did try to sway that elector's vote. See below Wisconsin State Legislature Statute 12.03. Also, what is to say that Brian Noe being at the town hall signing checks was not distracting to electors as they came to vote? See below Wisconsin State Legislature Statute 5.35 (5). What appearance does that give to the electors? Who did he all talk to, gesture to during that time?

12.03 Campaigning restricted.

(1) No election official may engage in electioneering on election day. No municipal clerk or employee of the clerk may engage in electioneering in the clerk's office or at the alternate site under s. 6.855 during the hours that ballots may be cast at those locations.

(2)

(a)

1. No person may engage in electioneering during polling hours on election day at a polling place.
2. No person may engage in electioneering in the municipal clerk's office or at an alternate site under s. 6.855 during the hours that absentee ballots may be cast.

(b)

1. No person may engage in electioneering during polling hours on any public property on election day within 100 feet of an entrance to a building containing a polling place.
  2. No person may engage in electioneering during the hours that absentee ballots may be cast on any public property within 100 feet of an entrance to a building containing the municipal clerk's office or an alternate site under s. 6.855.
  3. No person may engage in electioneering within 100 feet of an entrance to or within a qualified retirement home or residential care facility while special voting deputies are present at the home or facility under s. 6.875
- (6).

(d) This subsection does not apply to the placement of any material on the bumper of a motor vehicle that is parked or operated at a place and time where electioneering is prohibited under this subsection.

(3) A municipal clerk, election inspector or law enforcement officer may remove posters or other advertising which is placed in violation of this section.

(4) In this section, "electioneering" means any activity which is intended to influence voting at an election.

History: 1973 c. 334; 1977 c. 427; 1979 c. 89; 1983 a. 484; 1993 a. 173; 2005 a. 451; 2011 a. 23; 2013 a. 159.

### 5.35 Polling place requirements.

(5) Activities restricted. No polling place may be situated so as to interfere with or distract election officials from carrying out their duties. The municipal clerk and election inspectors shall prevent interference with and distraction of electors at polling places.

To end my reply, please read and carefully consider all sides especially the electors who are upset with how this was all handled. I am in no way a lawyer, in law school and have no experience in law or anything close so please take that in consideration as well. I am a hard working mom and wife just trying to live life fighting for truth and justice in this crazy world with the limited resources that I have. Search for the truth and stand up for it as we the electors are trying to do as well. I am fighting and taking a stance so that my children will see and know how to have their voices being heard especially in times where the truth seems blurred. Thank you for your time and efforts to work diligently and find the best outcome of all this especially during this time of pandemic, unrest and not knowing what the future holds.

Marlena Ross

On Fri, Nov 13, 2020, 17:13 Marlena R. <[sparks6983@gmail.com](mailto:sparks6983@gmail.com)> wrote:

Here is my (Marlena Ross) reply to the Town of Omro board responses to the allegations regarding Town of Omro recall election held on Oct. 20th, 2020.

Let me just say that I am appalled that the town board chairman, Brian Noe, and town clerk, Carey Carley, believe that I filed a complaint regarding the recall election because I was “persuaded” by Sherry Seaman. I may be a working class, middle income mother and wife who is trying hard to keep my family together during this difficult time but that does not mean that I just follow someone because they “persuaded me”. I will admit that I didn’t know much about the town board and things going on until this year which is sad but my parents didn’t get involved in politics and local government while growing up and I hadn’t thought much of it myself. However, before the recall election was even brought to my attention, I started attending town hall meetings and was upset on how the meetings were run and that it seemed like the town board members didn’t have the electors best interests in mind. The town chairman would repeatedly say that the town board would take under advisement an issue that the electors wanted to have put on the next month’s agenda to be addressed. Anyways, back to the point of this response, the reason I filed a complaint was because I saw some things that seemed shady and as I have told my children, we have a voice and we need to use that voice to stand up for what’s right, to speak up to make a difference and a change. Nothing will happen if everyone sits back and waits for someone else to do something. If we aren’t willing to speak up, then we have no reason to complain about the things we can speak on and push for changes to be made. If corruption starts at the local level and we don’t try to stop it, it then spreads and goes up the chain and we wonder why the government seems corrupt. Who are the elected supposed to be working for? For themselves and what they can gain, or for the people who elected them, the ones hoping for change and a voice? I can’t just tell my children to use their voice. I must also lead by example showing my children that we are important as well and have a right to be heard, to speak up and fight for truth. I am not the type of person who is going to follow someone or be persuaded to do something just because someone tells me to. If you know me, you will know that I am my own person and make my own thoughts and decisions based on what I see and what I learn by seeing, by researching to make my own final input.

As far as receiving notification of the recall election prior to the letter I received on Friday, Oct. 16th, 2020 letting me know about the recall election and absentee ballots, I had not seen any notifications letting the general public know about it. I do not get the newspaper and didn’t drive on a daily basis to the town hall or any of the 3 locations where they post notices to find out if there was anything new posted and to see notices regarding the recall. Additionally, I was on the website on Sept. 20th, 2020 and Sept. 26th, 2020 (screenshot of my browser history on Sept. 20th and Sept. 26th, 2020 is attached in this email) and there was nothing mentioned regarding the recall election and also how one could vote early or request absentee ballot. I did look up the Sept. 14th, 2020 meeting agenda as I was not aware ahead of time that the town board moved the monthly meeting up a week and there was no mention of the recall election in the agenda other than stating “7.Set date for special election”. There are no meeting minutes listed on the website to allow the electors to know what was discussed and decisions made at the meetings. So I did not see and did not know of any recall election information on the website until Oct. 15th, 2020 when I was again on the website and the website finally had links regarding the recall election. However, when I clicked on the links for the recall election and the Type E notice, I received a 404 error and could not view any information for them. Nothing was fixed on the website until after I emailed the town clerk and town board members regarding the issues. Who knows how

long the links were not working? Then I received the letter from the town clerk on Oct. 16th,2020, where it stated that the last day to send in absentee ballots was Oct. 15th, 2020. So please tell me how most of the Town of Omro electors were notified within a reasonable timeframe regarding the recall election when most probably don't get the newspaper, most probably like myself don't drive to the town hall or the other locations to see if notices were posted within the legal timeframes and the town of Omro website was having issues that were not fixed until on or after Oct. 16,2020? Also, every time I have called the town hall, the voicemail is full. How is someone supposed to leave a message for the town clerk to call them regarding questions or needing anything if they can't leave a voicemail?

As to the Town Crier that is emailed out to people who asked to be put on the email list to be sent it, I was not on the list to be emailed until the middle of October. I did see the Sept. 2020 issue that Carey Carley attached in Affidavit Exhibit D, the editor didn't even have knowledge of who was running during the recall election and only had the date and times of the election. He did not have any information regarding the early voting and absentee ballots. The only ones who would have seen the Type E notice that the town clerk, Carey Carley, sent to the editor of the Town Crier, would have been those who were already on the email list which I was not at that time to see the Type E notice. I do not think that the Town Crier falls under a legal newspaper for the town clerk to assume it follows the Wisconsin State Legislature SS 985.01, 985.02 and 985.12 listed below state.

985.01 Definitions. As used in this chapter, unless the context requires otherwise:

(1b) "Bona fide paid circulation" means the paid circulation of a newspaper that satisfies all of the following:

(a) The publisher of the newspaper sells 50 percent or more of the circulation of the newspaper.

(b) The publisher of the newspaper has actual subscribers at each publication of not less than 1,000 copies in 1st and 2nd class cities or 300 copies in 3rd and 4th class cities, villages, or towns.

(1g) "Governing body" has the meaning given in s. 345.05 (1) (b) and includes a long-term care district board under s. 46.2895.

(1m)

(a) Except as provided in par. (b), "insertion," when used to indicate the publication of a legal notice more than one time, means once each week for consecutive weeks, the last of which shall be at least one week before the act or event, unless otherwise specified by law.

(b) With respect to a newspaper published in the town of Washington, Door County, at least 2 times a month, "insertion," when used to indicate the publication of a legal notice more than one time, means once in each issue of consecutive issues published at intervals of at least one week, the last issue of which shall be published at least one week before the act or event, unless otherwise specified by law.

(2) "Legal notice" means every notice required by law or by order of a court to be published in a newspaper or other publication, except notices required by private and local laws to be published in newspapers, and includes all of the following:

(a) Every publication of laws, ordinances, resolutions, financial statements, budgets and proceedings intended to give notice in an area.

(b) Every notice and certificate of election, facsimile ballot, referenda, notice of public hearing before a governmental body, and notice of meetings of private and public bodies required by law.

(c) Every summons, order, citation, notice of sale or other notice that is intended to inform a person that the person may or shall do an act or exercise a right within a designated period or upon or by a designated date.

(3) "Municipality" has the meaning in s. 345.05 (1) (c) and includes a long-term care district under s. 46.2895.

(3g) "News content" means written information and images, other than advertisements, that are printed in a publication.

(3r) "Newspaper" means a publication that is published at regular intervals and, except as otherwise provided in this subsection, at least once a week, containing, on average, [at least] 25 percent news content per issue, including reports of happenings of recent occurrence of a varied character, such as political, social, moral and religious subjects, designed to inform the general reader. "Newspaper" includes a daily newspaper published in a county having a population of 750,000 or more, devoted principally to business news and publishing of records, which has been designated by the courts of record of the county for publication of legal notices for a period of 6 months or more. "Newspaper" also includes a newspaper published in the town of Washington, Door County, at least 2 times a month.

#### 985.02 Method of notification.

(1) Except as otherwise provided by law, a legal notice shall be published in a newspaper likely to give notice in the area or to the person affected. Whenever the law requires publication in a newspaper published in a designated municipality or area and no newspaper that satisfies the requirements under s. 985.03 (1) (a) or (am) is published therein, publication shall be made in a newspaper likely to give notice.

(2) If the governing body of a municipality elects to post under s. 985.05 (1) it shall post in the following manner:

(a) The notice must be posted in at least 3 public places likely to give notice to persons affected or must be posted in at least one public place likely to give notice to persons affected and placed electronically on an Internet site maintained by the municipality.

(b) The notice posted before the act or event requiring notice shall be posted and, if applicable, placed electronically, no later than the time specified for the first newspaper publication.

(c) The notice posted after the act or event requiring notice shall be posted and, if applicable, placed electronically, within one week after the act or event. Actions of governing bodies posted after the act or event shall be effective upon posting.

(d) The affidavit of the officer or person posting the legal notice containing the time, place and manner of the posting is presumptive evidence of the facts stated therein.

(3) The newspaper that publishes a legal notice shall, in addition to newspaper publication, place an electronic copy of the legal notice at no additional charge on the Wisconsin newspapers legal notices Internet site.

985.12 Proof of publication.

- (1) Affidavit of printing. The affidavit of the editor, publisher, printer or proprietor of any newspaper, or of his or her foreman or principal clerk, of the publication of any legal notice, annexed to a copy of the notice clipped from the newspaper in either hard copy or electronic format, and specifying the date of each insertion, and the paper in which it was published, shall be received in all cases as presumptive evidence of the publication and of the facts stated therein.
- (2) Time of filing. Such affidavit may be filed with the proper officer at any time after the last day of the publication of such notice, unless the filing time is otherwise specified.
- (3) Same. The affidavit of publication of any notice of a sale of real property required by law to be published may be filed, at any time within 6 months after the last day of such publication, with the register of deeds of the county in which the premises are situated.
- (4) Fee. The fee for an affidavit of publication shall be \$1.

As to their statement of “ 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.”, let me just say that not having an option of absentee ballot could have put myself in harm’s way with this year having a pandemic of the covid 19 virus as I was not given the opportunity to be able to do an absentee ballot as I was not aware that it was available until the day after the absentee ballot day when I received the letter. So the only option I had was to vote in person and risk being exposed to the covid 19 virus if I wanted to vote to make a difference and use my voice. What about those that can’t stand in line due to health issues that don’t get the newspaper and don’t drive? How were they supposed to be notified? Why is the town board not doing their best and coming up with better ways to reach their electors to let them know what is going on in the town hall meetings and communities? As an elected official, shouldn’t you want more people to know how you are working for them? Unless you have something to hide.

As to my complaint of Lisa Dvorachek, chief election inspector having conflict of interest, how are we as electors to know that she recused herself from that election especially if she is seen still working the election? How are we to know if she is working as a normal poll worker or still acting as chief election inspector? How does that look to us? Are we allowed to ask questions while in the middle of voting?

Brian Noe was listed in my complaint as well since he is the town chairman and is according to what I understand of Wisconsin State Legislature Statute 60.24 listed below that he is to supervise and make sure that the town and town operations are faithfully executed which to me includes making sure that the electors were given adequate notice regarding the recall election.

60.24 Powers and duties of town board chairperson.

- (d) Assure administration of statutes. Supervise the administration of statutes relating to the town and town operations to see that they are faithfully executed.

Also it was stated in their response that Brian Noe was only at the town hall during the recall election for 10-15 minutes and he only voted and then signed checks in the front office. Why couldn't he wait til the next day so that it didn't look like he was trying to talk to electors as they entered? I don't believe that he didn't not once not talk to any of the electors as they came in. As far as Brian Noe greeting a member of the community out in the parking lot, he was still within 100ft of the town hall and it could be considered electioneering as who knows what he said to that member and if he did try to sway that elector's vote. See below Wisconsin State Legislature Statute 12.03. Also, what is to say that Brian Noe being at the town hall signing checks was not distracting to electors as they came to vote? See below Wisconsin State Legislature Statute 5.35 (5). What appearance does that give to the electors? Who did he all talk to, gesture to during that time?

### 12.03 Campaigning restricted.

(1) No election official may engage in electioneering on election day. No municipal clerk or employee of the clerk may engage in electioneering in the clerk's office or at the alternate site under s. 6.855 during the hours that ballots may be cast at those locations.

#### (2) (a)

1. No person may engage in electioneering during polling hours on election day at a polling place.

2. No person may engage in electioneering in the municipal clerk's office or at an alternate site under s. 6.855 during the hours that absentee ballots may be cast.

#### (b)

1. No person may engage in electioneering during polling hours on any public property on election day within 100 feet of an entrance to a building containing a polling place.

2. No person may engage in electioneering during the hours that absentee ballots may be cast on any public property within 100 feet of an entrance to a building containing the municipal clerk's office or an alternate site under s. 6.855.

3. No person may engage in electioneering within 100 feet of an entrance to or within a qualified retirement home or residential care facility while special voting deputies are present at the home or facility under s. 6.875

#### (6).

(d) This subsection does not apply to the placement of any material on the bumper of a motor vehicle that is parked or operated at a place and time where electioneering is prohibited under this subsection.

(3) A municipal clerk, election inspector or law enforcement officer may remove posters or other advertising which is placed in violation of this section.

(4) In this section, "electioneering" means any activity which is intended to influence voting at an election.

History: 1973 c. 334; 1977 c. 427; 1979 c. 89; 1983 a. 484; 1993 a. 173; 2005 a. 451; 2011 a. 23; 2013 a. 159.

### 5.35 Polling place requirements.



(5) Activities restricted. No polling place may be situated so as to interfere with or distract election officials from carrying out their duties. The municipal clerk and election inspectors shall prevent interference with and distraction of electors at polling places.

To end my reply, please read and carefully consider all sides especially the electors who are upset with how this was all handled. I am in no way a lawyer, in law school and have no experience in law or anything close so please take that in consideration as well. I am a hard working mom and wife just trying to live life fighting for truth and justice in this crazy world with the limited resources that I have. Search for the truth and stand up for it as we the electors are trying to do as well. I am fighting and taking a stance so that my children will see and know how to have their voices being heard especially in times where the truth seems blurred. Thank you for your time and efforts to work diligently and find the best outcome of all this especially during this time of pandemic, unrest and not knowing what the future holds.

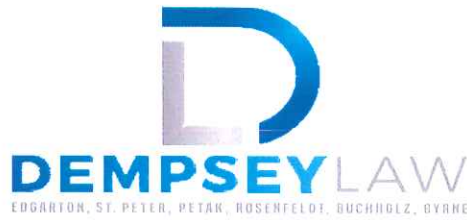
Marlena Ross

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November 23, 2020

**Sent Via Email Only**

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RE: **Sherry Seaman et al. v. Town of Omro et al.**  
Case No. EL20-21

Dear Mr. Witecha:

In my letter to you dated November 20, 2020, I transmitted a reply of Marlena Ross to the Consolidated Answer of the Respondents in the above-referenced matter. My letter incorrectly stated that Ms. Ross was the spouse of Harve Ross. In point of fact, she is his daughter-in-law. It is hoped that my letter does not create an inconvenience or confusion.

If you have any questions concerning the foregoing, please advise me.

Sincerely,

**DEMPSEY LAW FIRM, LLP**



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## Witecha, James - ELECTIONS

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**From:** Judnic, Nathan - ELECTIONS  
**Sent:** Thursday, November 19, 2020 7:54 AM  
**To:** Witecha, James - ELECTIONS  
**Subject:** FW: Town if omro recall election

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

### **Nathan W. Judnic**

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**From:** Harve Ross <hrfarms55@gmail.com>  
**Sent:** Wednesday, November 18, 2020 11:06 PM  
**To:** Judnic, Nathan - ELECTIONS <Nathan.Judnic@wisconsin.gov>  
**Subject:** Town if omro recall election

My response to the town of omro, is their mailing out the letters was weak at best. I have 2 neighbors within a mile that i talked to that didnt get the letter informing them of the special election. Rob and becky giese are one and the signed a complaint, stating such, both disabled. Another neighbor, randy and ryan busse, along with there wives, didnt get letter, when calling them to go vote, didnt know what i was talking about, were combining soybeans, couldnt stop to vote, trying to beat the rain that was coming. Coulda voted earlier. Another, john giddings didnt get letter either, but i reminded him. This is just people in my circle of neighbors, that i know that didnt get letter. Seems like a lot of people didnt get letter. I dont have the time to canvas the town to find how many didnt get letter informing about the election, much less to vote ahead of time