

State of Wisconsin
Elections Commission

COMPLAINT FORM

Name: David Bolter

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State of Wisconsin
Before the Elections Commission

The Complaint of David Bolter, Complainant against Milwaukee Election Commission's Executive Director Claire Woodall-Voog, whose address is City Hall, 200 E. Wells Street, Room 501, Milwaukee, WI 53202.

This complaint is made under Wisconsin Statutes § 5.06.

I, David Bolter, allege that:

Complaint continues on pages 1-6.

Sworn and Notarized Statement

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

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



Complainant David Bolter's Signature



STATE OF WISCONSIN)

)) ss.

County of Milwaukee

(county of notarization)

Sworn to before me this day of March 21st, 20 22.



(Signature of person authorized to administer oaths)

My commission expires 07/28/2024, or is permanent.

Notary Public or _____

(official title if not notary)

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

The Verified Complaint of

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

Against Complaint Respondent

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

This complaint is made under Wisconsin Statute § 5.06.

**Michael Spitzer-Rubenstein’s Email to Milwaukee Election Commission’s Executive
Director Claire Woodall-Voog**

Michael Spitzer-Rubenstein emailed Milwaukee Election Commission’s Executive Director Claire Woodall-Voog on August 28, 2020 at 10:17 AM to ask for referrals and provide updates. Mr. Spitzer-Rubenstein’s email had three distinct parts. 1. Mr. Spitzer-Rubenstein asked Executive Director Woodall-Voog for WEC and Milwaukee County referrals. 2. Mr. Spitzer-Rubenstein asked Executive Director Woodall-Voog for “procedures manual” and any “instructions for ballot reconstruction.” 3. Mr. Spitzer-Rubenstein also provided Executive Director Woodall-Voog updates on the election administration he was doing.

According to Wisconsin Statute § 5.02(4e), the definition of an election official is “an individual who is charged with any duties relating to the conduct of an election.” Since Mr. Spitzer-Rubenstein wrote in his email to Executive Director Woodall-Voog that he performed several duties for the Milwaukee Election Commission related to the 2020 election, Mr. Spitzer-Rubenstein was in fact acting as a Wisconsin election official. According to Mr. Spitzer-

Rubenstein's email, it was Executive Director Woodall-Voog who discussed and charged him with election related duties.

The Wisconsin Election Administration Manual states that it is important for a municipal clerk to make sure individuals are well-trained and qualified. No doubt Mr. Spitzer-Rubenstein's *New York* residence would have disqualified him from becoming a *Wisconsin* election official. To ensure Wisconsin elections are safe, secure, fair, and free, Wisconsin legislators required Executive Director Woodall-Voog's election subordinates to be well-trained and qualified, which Mr. Spitzer-Rubenstein was not.

In his email's subject line, Mr. Spitzer-Rubenstein wrote, "Ops Meeting Follow-up." The first line in Mr. Spitzer-Rubenstein's email to Executive Director Woodall-Voog was, "Great talking to you yesterday. Just a few notes on follow-ups."

Executive Director Woodall-Voog abused her discretion by having a high-level "Ops meeting" with Mr. Spitzer-Rubenstein because Mr. Spitzer-Rubenstein had no certification or training in conducting Wisconsin elections. Also, Mr. Spitzer-Rubenstein was not a Wisconsin election official that was required for the type of election duties that he stated he was doing in his email.

Mr. Spitzer-Rubenstein's updates raise several red flags because Mr. Spitzer-Rubenstein lacked statutory authority to perform Wisconsin election administration duties. In Mr. Spitzer-Rubenstein's email he said he will submit his absentee voter instruction edits to Executive Director Woodall-Voog on the next business day. Executive Director Woodall-Voog abused her discretion by delegating Mr. Spitzer-Rubenstein who was a not a Wisconsin election official to edit Milwaukee's voter instructions.

In Mr. Spitzer-Rubenstein's email he wrote that, "We're pushing Quickbase to get their system up and running." Complainant assumes Mr. Spitzer-Rubenstein's reference to "their system" is

US Digital Response (USDR), another nonprofit organization and CTCL partner. Quickbase is a database program whose intended use was to track when Milwaukee voters cast their ballots.

In Executive Director Woodall-Voog's September 16, 2020 email, she wrote, "While I completely understand and appreciate the assistance that is trying to be provided, I am definitely not comfortable having a non-staff member involved in the functions of our voter database, much less recording it. ... I don't think I'm comfortable having USDR get involved when it comes to our voter database."

There are no emails or evidence that shows Executive Director Woodall-Voog tried to stop Mr. Spitzer-Rubenstein or USDR from using Quickbase to interface with the Milwaukee Election Commission's database between August 28, 2020, the date Mr. Spitzer-Rubenstein first discussed Quickbase and September 16, 2020, the date of Executive Director Woodall-Voog's email about feeling uncomfortable with USDR. Executive Director Woodall-Voog abused her discretion by giving her permission to Mr. Spitzer-Rubenstein and USDR to create an interface with Milwaukee's database for the purpose of tracking Milwaukee voters between August 28, 2020 and September 16, 2020.

In Executive Director Woodall-Voog's September 16, 2020 email, the entire content of her email is readable, but to whom did she send her September 16, 2020 email is not. When Executive Director Woodall-Voog wrote she was "definitely not comfortable having a non-staff member involved in the functions of our voter database" to whom was she expressing her concerns to?

In Mr. Spitzer-Rubenstein's email he wrote, "I'll create a flowchart for the VBM processing that we will be able to share with both inspectors and observers." VBM is an acronym for "vote by mail." Since Mr. Spitzer-Rubenstein is not a Wisconsin election official, Executive Director Woodall-Voog abused her discretion by assigning Mr. Spitzer-Rubenstein the job to create a flowchart for Milwaukee's vote by mail processing.

At the beginning of Mr. Spitzer-Rubenstein's email, he asked Executive Director Woodall-Voog to send him "the procedures manual and any instructions for ballot reconstruction process." At the end of Mr. Spitzer-Rubenstein's email, he said, "I'll look at the reconstruction process and try to figure out ways to make sure it's followed." Executive Director Woodall-Voog abused her election official discretion by allowing Mr. Spitzer-Rubenstein to manage the curing of Wisconsin ballots. Mr. Spitzer-Rubenstein may not have cured Milwaukee's absentee ballots, but according to Mr. Spitzer-Rubenstein email to Executive Director Woodall-Voog, he was involved in the managing of the process.

Executive Director Claire Woodall-Voog's Referral to WEC

According to Mr. Spitzer-Rubenstein's email to Executive Director Claire Woodall-Voog, he was involved with Milwaukee absentee voting instructions, the system for processing vote by mail ballots, the management of curing Milwaukee absentee votes, and the tracking of Milwaukee voters. Given that Mr. Spitzer-Rubenstein was not a Wisconsin election official and had not received Wisconsin election training, Mr. Spitzer-Rubenstein's performing upper management Wisconsin election administration duties was dubious at best. In spite of Mr. Spitzer-Rubenstein zealously and inappropriately injecting himself in the administration of a Wisconsin election, Executive Director Claire Woodall-Voog introduced Mr. Spitzer-Rubenstein to WEC officials as he requested.

Had Mr. Spitzer-Rubenstein been hired as an official Milwaukee Election Commission employee, Mr. Spitzer-Rubenstein would have had to complete a job application, submit a resume, attend multiple job interviews, and undergo a background check. Because Mr. Spitzer-Rubenstein was *not* a vetted Milwaukee Election Commission employee or a certified Wisconsin election official, Executive Director Claire Woodall-Voog's referral of Mr. Spitzer-Rubenstein to WEC officials was an abuse of her election official discretion.

On August 28, 2020 Mr. Spitzer-Rubenstein asked Executive Director Claire Woodall-Voog for WEC and Milwaukee County referrals at 10:17 AM. Thirty-eight minutes later at 10:55 AM, Executive Director Claire Woodall-Voog referred Mr. Spitzer-Rubenstein to WEC officials.

Mr. Spitzer-Rubenstein asked Executive Director Woodall-Voog to refer him to only WEC employee Reid Magney, but Executive Director Woodall-Voog also referred Mr. Spitzer-Rubenstein to WEC Administrator Meagan Wolfe and WEC Assistant Administrator Richard Rydecki. Executive Director Woodall-Voog provided three WEC referrals when Mr. Spitzer-Rubenstein requested only one WEC referral. On the other hand, Executive Director Woodall-Voog did not refer Mr. Spitzer-Rubenstein to Milwaukee County as Mr. Spitzer-Rubenstein requested. Executive Director Woodall-Voog had her reason to not refer Mr. Spitzer-Rubenstein to Milwaukee County. Could Executive Director Woodall-Voog's reason be that Milwaukee County was not privy to CTCL's grants and wouldn't put up with Mr. Spitzer-Rubenstein intrusion into the County's 2020 election administration?

Conclusion and Prayer for Relief

The Oxford English Dictionary defines "discretion" as "the freedom to decide what should be done." Executive Director Woodall-Voog had the freedom to decide whether or not to refer Vote at Home and Mr. Spitzer-Rubenstein to WEC. As with Mr. Spitzer-Rubenstein conducting election related duties in Milwaukee, the purpose of Executive Director Woodall-Voog's referral was to help Mr. Spitzer-Rubenstein perform November 3, 2020 election duties for other election clerks without having the requisite Wisconsin election official training.

Executive Director Woodall-Voog abused her discretion in violation of Wisconsin Statute § 5.06 because Executive Director Woodall-Voog allowed Mr. Spitzer-Rubenstein to become involved in high level election administration management of Milwaukee absentee voting instructions, the system for processing vote by mail ballots, the management of curing Milwaukee absentee votes,

the tracking of Milwaukee voters, and the assignment of inspectors to Milwaukee's central count and polling places.

Complainant Ask for the Following Relief:

1. Admonishment and discipline for Executive Director Woodall-Voog's abuse of her election official discretion in allowing Michael Spitzer-Rubenstein to perform election related duties without having the required training, certification or oath of office for the Milwaukee Election Commission's administration of the November 3, 2020 election.
2. Admonishment and discipline for Executive Director Woodall-Voog's abuse of her election official discretion because she introduced Michael Spitzer-Rubenstein to Administrator Wolfe without notifying Administrator Wolfe that Michael Spitzer-Rubenstein lacked the credentials, training and qualifications to perform election official duties related to the November 3, 2020 election.
3. Complainant requests that a non-WEC arbiter review his complaint and Mr. Stone's complaint against WEC Administrator Wolfe because Mr. Bolter's complaint is material to Complainant Stone's.

