

REC-201112020-405103

**STATE OF WISCONSIN
ELECTIONS COMMISSION**

COMPLAINT FORM

Please provide the following information about yourself:

Name Nicholas McVey

Address 3463 N. 98th St. #A Milwaukee, WI 53222

Telephone Number (414)349-4841

E-mail officeofnicholasmcvey@gmail.com

**State of Wisconsin
Before the Elections Commission**

The Complaint of Knowingly attempting to destroy official election material,

storing election ballots improperly away from polling site, Complainant(s) against

The City Of Milwaukee Election Commission, Respondent, whose

address is 200 East Wells Street Room 501 Milwaukee, WI 53202

This complaint is under 7.23(1)(k) & 12.13(3)(L) (Insert the applicable sections of law in chs. 5 to 10 and 12 and other laws relating to elections and election campaigns, other than laws relating to campaign financing)

I, Nicholas McVey, allege that:

The following violations of Wisconsin State Statutes pertaining to elections took place during the April 7th Spring Primary Located at the Marshall High School voting location:

1. Knowingly attempting to destroy official election material

2. Ballots were taken from ballot boxes and stored away from the polling location.

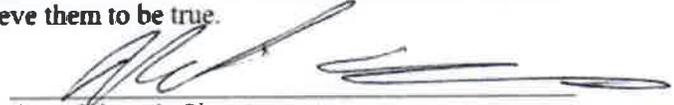
Please see attached documents:

(Set forth in detail the facts that establish probable cause to believe that a violation has occurred. Be as specific as possible as it relates to dates, times, and individuals involved. Also provide the names of individuals who may have information related to the complaint. Use as many separate pages as needed and attach copies of any supporting documentation.)

Date: 5/14/2020


Complainant's Signature

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


Complainant's Signature

STATE OF WISCONSIN

County of MILWAUKEE
(county of notarization)

Sworn to before me this 14th day of
MAY, 2020.





(Signature of person authorized to administer oaths)

My commission expires 6/22/20, or is permanent.

Notary Public or _____
(official title if not notary)

Please send this completed form to:
Mail: Wisconsin Elections Commission
P.O. Box 7984
Madison, WI 53707-7984
Fax: (608) 267-0500
Email: elections@wi.gov

Nicholas McVey

5/14/2020

1. Knowingly attempting to destroy official election material

The following evidence to reinforce this official complaint:

- Video of occurrence
- A copy of the tape
- GAB-104 Form (Ward #1)

The DS200 Ballot machines were programmed to transmit results after the polls were closed. (Exhibit 1-4, 1-5, 1-6, 1-7) (Noted in the April 6th 2020 communication email from WEC)

The DS200 printed tape was thrown out (Exhibit 1-3) State Statute 7.23(1)(k)

2. Ballots were taken from ballot boxes and stored away from the polling location

Gab-104 (Ward #1) Chief inspector notes: Incident #3

(Exhibit 1-1, 1-2) WI State Statute 12.13(3)(L)

Per the DS200 (Ballot Machine) presentation that can be found on the Wisconsin Elections Commission web page 2 ballot boxes were emptied and ballots were not stored correctly and are not supposed to leave the polling site.

Each of these ballot boxes have a 2,500 ballot capacity (Exhibit 5-1). This leads one to believe that at approximately 2pm April 6th there were already over 5,000 physical ballots cast. The Milwaukee Election Commission only reported 3,910 ballots cast at the Milwaukee Marshall High school voting location. This is a very large discrepancy in ballot numbers.

Wisconsin State Statutes cited:

7.23(1)(K) Destruction of election materials.

(k) All other materials and supplies associated with an election may be destroyed 90 days after the election.

12.13(3)(L) Election fraud

(L) When not authorized, during or after an election, break open or violate the seals or locks on a ballot box containing ballots of that election or obtain unlawful possession of a ballot box with official ballots; conceal, withhold or destroy ballots or ballot boxes; willfully, fraudulently or forcibly add to or diminish the number of ballots legally deposited in a ballot box; or aid or abet any person in doing any of the acts prohibited by this paragraph.

FORM #1

Chief Inspectors' Statement / GAB-104

We, the undersigned election inspectors, certify the following is a true and correct statement for an election held in the **DIST 9, WARD: 1, Firehouse - Engine 38** of the CITY of MILWAUKEE, County of MILWAUKEE, State of Wisconsin, on the **7th of April, 2020**.

THE ELECTION COMMISSION PROVIDES THE FOLLOWING INFORMATION:

Voting Unit Number **1** Memory Device Serial Number: **0001**
45586001 45586002 45586003
45586004 45586005 45586006

JUMP DRIVE DOOR Tamper-Evident SEAL SERIAL NUMBER:

THIS SECTION TO BE COMPLETED BY CHIEF INSPECTOR:

VOTING EQUIPMENT / ELECTION RESULTS JUMP DRIVE CHAIN-OF-CUSTODY RECORD

Confirm that the SEAL SERIAL NUMBER (recorded above) is the same as the seal number on the voting machine Jump Drive Door.

Verified by Chief Inspector (CI): PRE-election: UW POST-election: ML

NUMBER OF BALLOTS FOR THIS WARD: **1050**

BALLOT BAG CHAIN-OF-CUSTODY RECORD - CIRCLE AND INITIAL THE BALLOT BAG SERIAL NUMBERS USED

FOR WARD #1 - 84781 84782 **84783** CHIEF INITIALS KA *new bag 85432*

IF PROVISIONAL BALLOTS ISSUED: CHIEF INITIALS ND KR

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

VOTER STATISTICS

Total Number of Voters (Last Voter Number): 70
Total Number of Ballots Cast (from the DS200 Tape): 72
Difference between Last Voter Number and Ballots Cast: +2
Number of Provisional Ballots (if any): 0

<u>Signatures of Election Inspectors</u>	<u>Time Worked</u>	<u>Signatures of Election Inspectors</u>	<u>Time Worked</u>
_____	to _____	_____	to _____
_____	to _____	_____	to _____
_____	to _____	_____	to _____

CERTIFICATION OF CHIEF INSPECTOR

I certify that: I have completed the required training administered by the Election Commission, 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.

[Signature] ENTIRE DAY FROM _____ a.m. TO: _____ a.m.
(Printed Name and Signature of Chief Inspector for this Ward)

PLACE COMPLETED FORM IN CLOSING CHECKLIST ENVELOPE!

Record on your GAB-104:

- ✓ Any facility or voting equipment problems or other issues that may have disrupted or delayed voting.
- ✓ Any issues or unusual situations that occur that involved voters, observers, election workers, or law enforcement.
- ✓ Anything that has impacted your ability to reconcile (balance your voter numbers to your ballots).
- ✓ Any provisional ballots issued for this ward.
- ✓ The number of spoiled ballots.

① No reconstructed ballots - /

② Around 10am election inspectors noticed "Chris Larsen" was written in chalk in various sidewalk spot. Removed with water.

③ Around 2pm, two machines were at capacity w/ ballots. Emptied machine by putting ballots in ballot bags & securing in guarded lunchroom.

④ At 5pm, notified by police lieutenant that Lena Taylor had been across the street (more than 100 feet from entrance) shouting at voters to not wait in line but do curbside voting.

Record on your GAB-104:

- ✓ Any facility or voting equipment problems or other issues that may have disrupted or delayed voting.
- ✓ Any issues or unusual situations that occur that involved voters, observers, election workers, or law enforcement.
- ✓ Anything that has impacted your ability to reconcile (balance your voter numbers to your ballots).
- ✓ Any provisional ballots issued for this ward.
- ✓ The number of spoiled ballots.

(5) observer told me after all voters in line had already voted & left the polling site that three voters were allowed to enter the line after 8pm. I told observer those were not the instructions given to the two national guards who were placed at the end of the line. And since voters were already gone including guards, there was no one to question.

(6) observer questioned the machine tape that was in the trash. He thought it was a results tape. We showed him it was not, but rather a test configuration tape run in the morning.

4/14/20 Opened Ballot Bags to Tally
 Write-In Votes. Ballots re-sealed in bag, bag # recorded on front.

AW

4/24/20
COPY OF
HARDWARE
CONFIGURATION
REPORT

BARRET STATUS
ACCOUNTING
REPORT
NA

See CONFIGURATION REPORT FOR
7:39 AM April 7, 2020
Ball Box ID Number: 001401001

VOTING DEVICE INFORMATION

HARDWARE CONFIGURATION

Current Firm Date
7:32 AM April 7, 2020
Firm Code: America/Chicago
Scanner Status: Not Detected
Touch Screen: OK
Power Source: AC
Battery Charge: 201
Mouse Status: Detected
Mouse Type: VERIZON-80-80
Mouse ID: 551862109954265
Universal Serial Console: Not Detected
Scanner Board: WR215
Motherboard: XT6070
Installed RAM: 165

STORAGE

Available Ballot Box Storage: 60 MB
Available Ballot Storage: 1074 MB
Available Backup Storage: 3 MB
All data paths continuously tested OK

FIRMWARE

Scanner Firmware: 3.1.0.0
Power Management Firmware: 1.2.10.0
2020 Firmware Update: 1.0.0.0

Protected Count: 4700

Ball Box ID: 001401001

Printer Name: 2220 Spring Election & Provisional Voter

Ball Box ID: 001401001

Ball Box ID: 001401001

Ball Box ID: 001401001

ELECTION STATUS

ELECTION STATUS

Poll Started Date: No
Poll Started Time: No
Poll Closed Date: No
Poll Closed Time: No
Poll Status: Not Open
Poll Count: 0

ELECTION INFORMATION

Election Name
Milwaukee County
Election Description
2020 Spring Election & Provisional Voter
Election Date: April 7, 2020
Poll Place ID Name
MILWAUKEE AD - General High School
Election Type: 001401001
Number of Precincts: 01

BALLOT INFORMATION

Ballot No: Provisional
Ballot Height: 17.0
Ballot Width: 8.5
Ballot Area: 01
Ballot Column: 04
Ballot Box Mark: 0001
Target Time: null

ELECTION SETTINGS

Ballots to Re-Scan: Yes
Number of Zero Tapes to Print: 1
Number of Blank Tapes to Print: 1
Print Ballot Log on Close: No
Transmit Results on Close: Yes
Report Format: Detailed
Report Layout: Provisional
Candidate Order: Order

ELECTION SETTINGS

Markets to Be Used: Yes
 Number of Days Taken to Print: 1
 Number of Hours Taken to Print: 2
 Print Event Log on Close: No
 Transmit Results on Close: Yes
 Report Format: Detention
 Report Level: Precinct
 Candidate Print Order
 Race Station Order
 Single Double-Vote: No
 Single Over-Vote: No
 Double Over and Under Votes: No
 Save Ballot Issues: All
 Double Offense Contests: Yes
 Allow Ballot Handling Query on: No
 Detect Unmarked Markings: No
 Require Authorization on Ball Change: No
 Auto Print Ballot Status Reporting Report: Yes
 Auto Print Results on Results Report: No
 Status Barcode: Disabled

EXCEPTION BALLOT SETTINGS

Blank Ballots: Query
 Double-voted Ballots: Query
 Over-voted Ballots: Reject
 Under-voted Ballots: Reject
 Unreadable Marks: Reject
 Cross-over Ballots: Reject

EXCEPTION CARD SECTION

Blank Cards: Query
 Under-voted Cards: Reject

DIVERTER SETTINGS

Diverter Installed: No
 Identify Markings on Diverter: No
 Identify Blank Ballots: No
 Identify Markings: No

*** END OF REPORT ***

*** ELECTION RESULTS REPORT ***
 11/27/01 08:00:00
 11/27/01 08:00:00

MILWAUKEE COUNTY

11/27/01 08:00:00
 11/27/01 08:00:00
 11/27/01 08:00:00
 11/27/01 08:00:00
 11/27/01 08:00:00
 11/27/01 08:00:00
 11/27/01 08:00:00
 11/27/01 08:00:00
 11/27/01 08:00:00
 11/27/01 08:00:00

Master Accounting

Total Blank: 0
 Total Overvotes: 1
 Total Undervotes: 0
 Total Crossover: 0

Ballot Counts Per Party

Democratic: 0
 Republican: 0
 Nonpartisan: 0

Total Paper Count: 0
 Total Electronic Count: 0

Ballots for Sale 0001-01-01 0
 Ballots for Sale 0002-01-01 0
 Ballots for Sale 0003-01-01 0
 Ballots for Sale 0004-01-01 0
 Ballots for Sale 0005-01-01 0

*** END OF REPORT ***
Report Canceled

*** ZERO TOTALS REPORT ***
7:33 AM April 7, 2020
Unit Serial Number: 0314410027

Milwaukee County
2020 Spring Election & Presidential Preference
0343 Site #2 - Marshall High School
Election Date: April 07, 2020
Poll Opened Date: April 07, 2020
Poll Opened Time: 7:33 AM
Poll Closed Date: No
Poll Closed Time: No
Public Count: 0

Protected Count: 0
Precinct Voting Report

Unit Serial Number: 0314410027

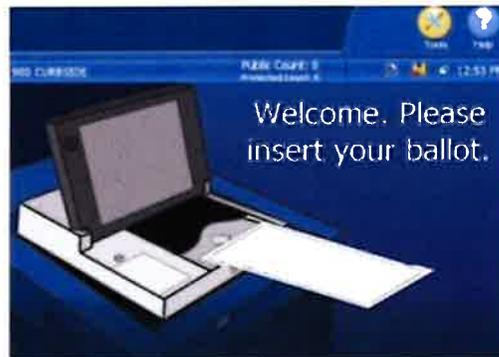
City of Milwaukee Ward 1

Total Paper Sheets: 0

Presidential Preference Vote
Number to Vote For 1

Democratic	0
Republican	0
Report Canceled	0

Voting



Arrange voting booths with the following considerations: traffic flow, voter privacy, safety and accessibility.

Voters will mark their ballots and if applicable, enter their write-in entries in private voting booths. Once a voter has marked a ballot, he or she will place the ballot into the DS200.

The DS200 also has the capability to collect individual graphical ballot images of all ballots. Depending on the options set in ElectionWare, it will collect all ballot images, only those containing write-in votes, or none at all. These ballot images are stored with random names and timestamps assigned to each file to protect voter anonymity.

In addition, the DS200 does not divulge any information identifying how a voter marked a ballot when the ballot is cast. The only visible change in system status after a voter casts a ballot is the visible addition to the public count.



Note: The DS200 ballot bin main storage area was designed to hold approximately 2,500 pieces of paper.



Note: The DS200 emergency ballot bin was designed to hold approximately 100 pieces of paper. This number will need to be divided by the number of pages per ballot to estimate the ballot capacity of the emergency bin.

Good Morning,

I have attached a formal complaint against the Milwaukee Election Commission concerning the April 7th 2020 Spring Primary that recently took place. There are two separate files. The official signed and notarized complaint form and the supporting documentation to support the official complaint.

Also, here is a link to a video clip taken to also support the claim:

<https://www.facebook.com/159256064932160/posts/621300278727734/?sfnsn=mo&d=n&vh=e>

Thank You,

Nick McVey
(414)349-4841