

**STATE OF WISCONSIN
BEFORE THE ELECTIONS COMMISSION**

David M. Baker
690 Happy Hollow Road
Kronenwetter, WI 54455

Complainant,

v.

Bobbi Birk-LaBarge
Clerk for the Village of Kronenwetter
1582 Kronenwetter Drive
Kronenwetter, WI 54455

Chris Voll
Board President for the Village of Kronenwetter
1582 Kronenwetter Drive
Kronenwetter, WI 54455

Kelly Coyle
Trustee for the Village of Kronenwetter
1582 Kronenwetter Drive
Kronenwetter, WI 54455

Chris Eiden
Trustee for the Village of Kronenwetter
1582 Kronenwetter Drive
Kronenwetter, WI 54455

Alex Vedvik
Trustee for the Village of Kronenwetter
1582 Kronenwetter Drive
Kronenwetter, WI 54455

Respondents.

VERIFIED COMPLAINT

The Complainant alleges the following:

1. Complainant is a registered Wisconsin voter and qualifies as an “elector” within the meaning of Chapters 5 and 6 of the Wisconsin Statutes. Complainant resides in the Village of Kronenwetter, Wisconsin.

2. Under Wisconsin Statute § 5.02(4e), an “Election official” means an individual who is charged with any duties relating to the conduct of an election.” Wisconsin Statute § 7.30(4) “Appointments” charges the “governing body” of a municipality with duties relating to the conduct of an election. Among other duties, Wisconsin Statute § 7.30(4)(b)(2)(c) provides that:

... the governing body shall appoint each first choice nominee for so long as positions to be filled from that list are available. The governing body shall appoint other nominees in its discretion. If any nominee is not appointed, the mayor, president, or chairperson of the municipality shall immediately nominate another person from the appropriate lists submitted and continue until the necessary number of election officials from each party is achieved at that meeting.

3. Respondent, Bobbi Birk-LaBarge, is the Village Clerk for the Village of Kronenwetter. Clerk Birk-LaBarge is an “election official” within the meaning of Chapters 5 of the Wisconsin Statutes and is sued in that capacity. Clerk Birk-LaBarge was appointed to the

office of Village Clerk on 7/25/2022 by Village Board President Voll and was confirmed by the Village Board. https://www.kronenwetter.org/departments/village_personnel/staff_directory.php

4. Respondent, Chris Voll, is the Village Board President for the Village of Kronenwetter. As a member of the “governing body” of the Village of Kronenwetter, President Voll is an “election official” within the meaning of Chapters 5 of the Wisconsin Statutes and is sued in that capacity. Village President Voll was elected to the office of Village Board President in 2015. https://www.kronenwetter.org/government/president_chris_voll.php

5. Respondent, Kelly Coyle, is a Trustee for the Village of Kronenwetter. As a member of the “governing body” of the Village of Kronenwetter, Trustee Coyle is an “election official” within the meaning of Chapters 5 of the Wisconsin Statutes and is sued in that capacity. Trustee Coyle was elected to the office of Trustee in April of 2023.

https://www.kronenwetter.org/government/trustee_kelly_coyle.php

6. Respondent, Chris Eiden, is a Trustee for the Village of Kronenwetter. As a member of the “governing body” of the Village of Kronenwetter, Trustee Eiden is an “election official” within the meaning of Chapters 5 of the Wisconsin Statutes and is sued in that capacity. Trustee Eiden was elected to the office of Trustee in April of 2013.

https://www.kronenwetter.org/government/trustee_chris_eiden.php

7. Respondent, Alex Vedvik, is a Trustee for the Village of Kronenwetter. As a member of the “governing body” of the Village of Kronenwetter, Trustee Vedvik is an “election official” within the meaning of Chapters 5 of the Wisconsin Statutes and is sued in that capacity. Trustee Vedvik was elected to the office of Trustee in April of 2023.

8. The Complainant first became fully aware of the duties of the governing body on June 9th, 2024 while preparing an email to members of the Village Board. This email is

documented at <https://supervisorbaker.blog/2024/06/09/request-for-consideration-by-kronenwetter-village-board-members/>

9. The process of selecting and appointing Election Officials is integral to maintaining confidence in the voting process. This process is complex, but is clearly laid out in Wisconsin Statute § 7.30.

10. The Respondents literally failed to follow the delineated process to select and appoint Election Officials from beginning to end; from Wisconsin Statute § 7.30(1) which specifies the number of election officials to Wisconsin Statute § 7.30(4)(b)(2)(c) which specifies the actual appointment process.

11. Respondent Village Clerk Birk-LaBarge has failed to demonstrate that she understands or is willing to follow Wisconsin Statute § 7.30, as demonstrated at the December 11, 2023 Kronenwetter Village Board Meeting and in her responses to the Charneski v. Birk-LaBarge complaint to the Wisconsin Election Commission.

12. Respondent Village Board President Chris Voll failed to follow the process laid out in Wisconsin Statute § 7.30 both prior to and at the December 11, 2023 Kronenwetter Village Board Meeting. Village Board President Voll voted yes to pass Resolution 2023-16, A Resolution Appointing Election Inspectors for the 2024-2025 Election Cycle.

13. Respondent Village Trustee Kelly Coyle failed to follow the process laid out in Wisconsin Statute § 7.30 at the December 11, 2023 Kronenwetter Village Board Meeting. Furthermore, Trustee Coyle made several statements during the meeting which were contrary to the process specified in the Statute. Trustee Coyle voted yes to pass Resolution 2023-16, A Resolution Appointing Election Inspectors for the 2024-2025 Election Cycle.

14. Respondent Village Trustee Chris Eiden failed to follow the process laid out in Wisconsin Statute § 7.30 at the December 11, 2023 Kronenwetter Village Board Meeting. Trustee Eiden voted yes to pass Resolution 2023-16, A Resolution Appointing Election Inspectors for the 2024-2025 Election Cycle.

15. Respondent Village Trustee Alex Vedvik failed to follow the process laid out in Wisconsin Statute § 7.30 at the December 11, 2023 Kronenwetter Village Board Meeting. Trustee Vedvik made several comments during the meeting which demonstrated that he has a good understanding of the selection and appointment process, but then inexplicably still voted to pass Resolution 2023-16, A Resolution Appointing Election Inspectors for the 2024-2025 Election Cycle.

16. The agenda, packet, and minutes for the December 11, 2023 Kronenwetter Village Board Meeting are included as an attachment. They are available at <https://kronenwetter-wi.municodemeetings.com/>

17. An audio of the December 11, 2023 Kronenwetter Village Board Meeting is available at <https://kronenwetter-wi.municodemeetings.com/>

18. A non-official, but accurate and potentially useful video of the December 11, 2023 Kronenwetter Village Board Meeting is available on YouTube at <https://www.youtube.com/watch?v=3EIV8rKsY8w>.

The relevant section of the meeting starts at 21.38 minutes and continues to 55.39 minutes.

19. A non-certified transcript of the relevant section of the December 11, 2023 Kronenwetter Village Board Meeting audio has been made and is included as a reference. At times, multiple conversations occurred simultaneously, which made accurate transcription

difficult. In addition, Village Board President Voll didn't control or identify who had the floor during the discussion. As a result, speakers could only be identified if I could recognize their voice and/or discern who was speaking from the video.

20. Responsibility for preparing the 2024-2025 Republican list of names for poll workers primarily fell upon 2 volunteer members of the Republican Party of Marathon County (RPMC). The recruitment and selection of potential election inspectors including the preparation of lists for the 40 towns, 15 villages and 6 cities in Marathon County is a herculean effort, which was made more difficult by the Respondents' failure to follow the selection and appointment process. <https://www.marathoncounty.gov/about-us/government/municipalities>

21. The Respondents' failure to properly follow the selection and appointment process for election inspectors caused concerns regarding the integrity of the Village of Kronenwetter's overall election process. This concern was shared by numerous members of the RPMC, including some members of the RPMC Executive Committee.

22. As of a result of the aforementioned concern, it was arranged to have a very experienced and knowledgeable election observer monitor the April 2024 election at the Village of Kronenwetter. The Village of Kronenwetter polling place was one of a very few polling places within Marathon County that were deemed to justify an election observer due to perceived potential election issues during the April 2024 election.

23. The Complainant represented District 23 in the Village of Kronenwetter as Marathon County Board Supervisor from April 2022 to April 2024. The Complainant was on the April 2024 Ballot, but was not re-elected.

24. The Respondent, Chris Voll, represented District 23 in the Village of Kronenwetter as Marathon County Board Supervisor from April 2020 to April 2022, lost the

April 2022 election to the Complainant, and was re-elected Marathon County Board Supervisor in April 2024. Respondent Chris Voll also served as Marathon County Board Supervisor for one or more terms prior to April 2020.

25. The Complainant is **not** alleging that the failure to properly administer the poll worker selection and appointment process impacted the April 2024 vote for District 23 Marathon County Board Supervisor.

JURISDICTION

26. This Complaint is brought against the Respondents under Wisconsin Statute § 5.06, which provides:

Whenever any elector of a jurisdiction or district served by an election official believes that a decision or action of the official or the failure of the official to act with respect to any matter concerning nominations, qualifications of candidates, voting qualifications, including residence, ward division and numbering, recall, ballot preparation, election administration or conduct of elections is contrary to law, or the official has abused the discretion vested in him or her by law with respect to any such matter, the elector may file a written sworn complaint with the 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. The complaint shall set forth such facts as are within the knowledge of the complainant to show probable cause to believe that a violation of law or abuse of discretion has occurred or will occur. The complaint may be accompanied by relevant supporting documents. The commission may conduct a hearing on the matter in the manner prescribed for treatment of contested cases under ch. 227 if it believes such action to be appropriate.

COMPLAINT

27. Under Wisconsin Statute § 7.30(1), Appointment of election officials.

NUMBER. (a) Except as authorized under par. (b), there shall be 7 inspectors for each polling place at each election. Except as authorized in par.(b), in municipalities where voting machines are used, the municipal governing body may reduce the number of inspectors to 5. A municipal governing body may provide for the appointment of additional inspectors whenever more than one voting machine is used or wards are combined under s. 5.15 (6) (b). A municipal governing body may provide by ordinance for the selection of alternate officials or the selection of 2 or more sets of officials to work at different times on election day, and may permit the municipal clerk or board of election commissioners to establish different working hours for different officials assigned to the same polling place. Alternate officials shall also be appointed in a number sufficient to maintain adequate staffing of polling places. Except for inspectors who are appointed under par. (b) and officials who are appointed without regard to party affiliation under sub. (4) (c), additional officials shall be appointed in such a manner that the total number of officials is an odd number and the predominant party under sub. (2) is represented by one more official than the other party.

28. A municipal governing body may provide for the appointment of additional inspectors whenever more than one voting machine is used or wards are combined under s. 5.15 (6)(b). The Village of Kronenwetter utilized 19 election inspectors at the February 20 2024 election (see Schedule “R” of EL 24-26: Charneski v. Birk-LaBarge), but has not passed a resolution or ordinance to “provide for the appointment of additional inspectors”.

29. “Alternate officials shall also be appointed in a number sufficient to maintain adequate staffing of polling places.” The Village Board, as the municipal governing body, has nominated and appointed 32 individuals, which appears to include alternates. The alternates are not identified as such. See Resolution No. 2023-016 in 12-11-23 Packet page 19.

30. “... additional officials shall be appointed in such a manner that the total number of officials is an odd number and the predominant party under sub. (2) is represented by one more official than the other party.” Neither the primary election inspectors nor the alternates were appointed in such a manner that the predominant party is represented by one more official than the other party. The lists are combined, party affiliation is not indicated, and the Village Clerk rather the Village Board determines which specific individuals from the combined list are appointed. See Resolution No. 2023-016 in 12-11-23 Packet page 19.

31. Under Wisconsin Statute § 7.30(2),

Except as authorized under subs. (1) (b) and (4) (c), all inspectors shall be affiliated with one of the 2 recognized political parties which received the largest number of votes for president, or governor in nonpresidential general election years, in the ward or combination of wards served by the polling place at the last election. Excluding the inspector who may be appointed under sub. (1) (b), the party which received the largest number of votes is entitled to one more inspector than the party receiving the next largest number of votes at each polling place. Whenever 2 or more inspectors are required to perform a function within a polling place and both parties that are entitled to submit nominees have done so, the chief inspector shall assign, insofar as practicable, an equal number of inspectors from the nominees of each party.

32. “the party which received the largest number of votes is entitled to one more inspector than the party receiving the next largest number of votes at each polling place.”

Determining Party Imbalance at Each Polling Place

a. The party whose candidate for Governor President at the last general election received the most votes at that polling place (the “dominant” party) is entitled to one extra inspector. – Election Administration Manual for Wisconsin Municipal Clerks, Wisconsin Elections Commission, Page 115.

The Republican candidate for President in November 2020 and the Republican candidate for Governor in November 2022 each received the most votes at the Village of Kronenwetter polling place.

<https://www.marathoncounty.gov/services/elections-voting/results>

At the February 20, 2024 Spring Primary, there were 19 total Election Inspectors and only 8 were affiliated with the Republican party instead of the required 10. Excluding greeters, there were 17 total Election Inspectors and only 7 were affiliated with the Republican party instead of the required 9.

33. “Whenever 2 or more inspectors are required to perform a function within a polling place and both parties that are entitled to submit nominees have done so, the chief inspector shall assign, insofar as practicable, an equal number of inspectors from the nominees of each party.”

At the February 20, 2024 Spring Primary, 3 Election Inspectors affiliated with the Republican party and 0 Election Inspectors unaffiliated or affiliated with the Democratic party worked the Absentee Table.

0 Election Inspectors affiliated with the Republican party and 2 Election Inspectors unaffiliated or affiliated with the Democratic party worked Ballot Table 1.

1 Election Inspector affiliated with the Republican party and 1 Election Inspectors unaffiliated or affiliated with the Democratic party worked Ballot Table2.

1 Election Inspector affiliated with the Republican party and 1 Election Inspectors unaffiliated or affiliated with the Democratic party worked Badger Book #1.

0 Election Inspectors affiliated with the Republican party and 2 Election Inspectors unaffiliated or affiliated with the Democratic party worked Badger Book #2.

2 Election Inspectors affiliated with the Republican party and 0 Election Inspectors unaffiliated or affiliated with the Democratic party worked Badger Book #3.

0 Election Inspectors affiliated with the Republican party and 2 Election Inspectors unaffiliated or affiliated with the Democratic party worked Badger Book #4.

34. Under Wisconsin Statute § 7.30(4)(b)2c,

Unless nonappointment is authorized under par. (e), upon submission of the lists of names as provided under subd. 2. a. or b., the governing body shall appoint each first choice nominee for so long as positions to be filled from that list are available. The governing body shall appoint other nominees in its discretion. If any nominee is not appointed, the mayor, president, or chairperson of the municipality shall immediately nominate another person from the appropriate lists submitted and continue until the necessary number of election officials from each party is achieved at that meeting.

35. "...and continue until the necessary number of election officials from each party is achieved at that meeting." The Village Board President did not nominate individuals and the Village Board did not appoint individuals based on party affiliation at the December 11th, 2023

meeting. As a result, the Village Board failed to appoint the necessary number of election officials from each party at the meeting. In fact, as detailed in items 27 through 30, the Village Board did not even know the number of necessary election officials from each party.

36. Under Wisconsin Statute § 7.30(4)(c),

Except with respect to inspectors who are appointed under sub. (1) (b), for so long as nominees are made available by the political parties under this section, appointments may be made only from the lists of nominees submitted under this subsection. If the lists are not submitted by November 30 of the year in which appointments are to be made, the board of election commissioners shall appoint, or the mayor, president or chairperson of a municipality shall nominate, qualified persons whose names have not been submitted. The board of election commissioners shall give priority to appointing, and the mayor, president, or chairperson of the municipality shall give priority to nominating, qualified electors of the municipality for which no list of nominees was submitted. If an insufficient number of qualified electors of the municipality can be identified, the board of election commissioners may appoint, and the mayor, president, or chairperson of the municipality may nominate, qualified electors of a county within which the municipality is located. If an insufficient number of nominees appears on the lists as of November 30, the board of election commissioners shall similarly appoint, or the mayor, president or chairperson shall similarly nominate, sufficient individuals to fill the remaining vacancies. In addition, the mayor, president, or board chairperson of the municipality shall similarly nominate qualified persons to serve in the inspector positions authorized under sub. (1) (b). Any appointment under this paragraph which is made due to the lack of availability of names submitted under par. (b) may be made without regard to party affiliation.

37. “Except with respect to inspectors who are appointed under sub. (1) (b), for so long as nominees are made available by the political parties under this section, appointments may be made only from the lists of nominees submitted under this subsection.” Village Clerk Birk-LaBarge is apparently not in agreement with this requirement, based on her statements at the December 11, 2023 meeting.

38. Under Wisconsin Statute § 5.06(6) The commission may, after such investigation as it deems appropriate, summarily decide the matter before it and, by order, require any election official to conform his or her conduct to the law, restrain an official from taking any action inconsistent with the law or require an official to correct any action or decision inconsistent with the law. The commission shall immediately transmit a copy of the order to the official. An order issued under this subsection is effective immediately or at such later time as may be specified in the order.

PRAYER FOR RELIEF

WHEREFORE, the Complainant requests the following relief:

A. That Respondents be directed to conform their conduct to the law as described in Wisconsin Statute § 7.30.

B. In order to maintain public confidence in the election integrity of the Village of Kronenwetter in the upcoming November 2024 general election, require the Respondents “to correct any action or decision inconsistent with the law.”

1. As members of the Kronenwetter Village Board, by July 15, 2024, adopt a resolution which specifies the required number of Republican and Democratic Election

Inspectors as well as the sufficient number of Republican and Democratic Alternate Election Inspectors.

2. By July 31, 2024 compose and transmit a letter to the Republican and Democratic parties of Marathon County informing the parties a) that the Election Inspector nomination and appointment process conducted in December 2023 was not conducted in accordance with Wisconsin State Statutes, b) of the correct number of regular and alternate Election Inspectors, and c) that the Election Inspector nomination and appointment process will be repeated at the August 26th Village Board meeting, taking into consideration any supplemental filings that the political parties may wish to submit.

3. Repeat the Election Inspector nomination and appointment process at the August 26th Village Board meeting, in accordance with Wisconsin Statute § 7.30.

C. Such equitable or other relief as is just and appropriate.

By the Complainant,

David M. Baker

Dated this 17th day of June, 2024