



VILLAGE BOARD MEETING AGENDA

July 13, 2026 at 6:00 PM

Kronenwetter Municipal Center - 1582 Kronenwetter Drive Board Room (Lower Level)

1. CALL MEETING TO ORDER

- A. Pledge of Allegiance
- B. Roll Call

2. MOTION TO MOVE AGENDA ITEMS

3. CHAIRPERSON COMMENTS

4. ANNOUNCEMENT OF CLOSED SESSION

5. PUBLIC COMMENT

Please be advised per State Statute Section 19.84(2), information will be received from the public. It is the policy of this Village that Public Comment will take no longer than 15 minutes with a three-minute time period, per person, with time extension per the Chief Presiding Officer's discretion. Be further advised that there may be limited discussion on the information received, however, no action will be taken under public comments.

6. REPORTS FROM STAFF AND VENDORS

- C. Police Chief's Report
- D. Fire Chief Report
- E. Administrator Report

7. CONSENT AGENDA - DISCUSSION AND POSSIBLE ACTION

- F. June 22, 2026 Village Board Meeting Minutes

8. NEW BUSINESS - DISCUSSION AND POSSIBLE ACTION

- G. Proposed Revisions to Chapter 41 Elections (CLIPP)
- H. Kronenwetter Ballot Drop Box Installation
- I. Chapter 389 Oak Wilt
- J. Municipal Center Garage

9. CLOSED SESSION

Consideration of motion to convene into closed session pursuant to Wis. Stat. § 19.85(1)(b) for consideration of dismissal, demotion, discipline, or investigation of charges against a public employee and/or and Wis. Stat. § 19.85(1)(f) Considering financial, medical, social or personal histories or disciplinary data of specific persons, preliminary consideration of specific personnel problems or the investigation of charges against specific persons except where par. (b) applies which, if discussed in public, would be likely to have a substantial adverse effect upon the reputation of any person referred to in such histories or data, or involved in such problems or investigations.: Discussion and possible action regarding any final further redactions to the investigation record before release pursuant to the Wisconsin Public Records Law.

10. RECONVENE OPEN SESSION

Consideration of motion to reconvene into open session.

11. ACTION AFTER CLOSED SESSION

12. CONSIDERATION OF ITEMS FOR FUTURE AGENDA

13. ADJOURNMENT

NOTE: Upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information or to request service, contact the clerk's office, 1582 Kronenwetter Drive, WI 54455 (715)-692-1728

Posted: 07/08/2026 Kronenwetter Municipal Center and www.kronenwetter.gov

Faxed: WAOW, WSAU, City Pages, Mosinee Times | Emailed: Wausau Daily Herald, WSAW, WAOW, Mosinee Times, Wausau Pilot and Review, City Pages, The Wausonian

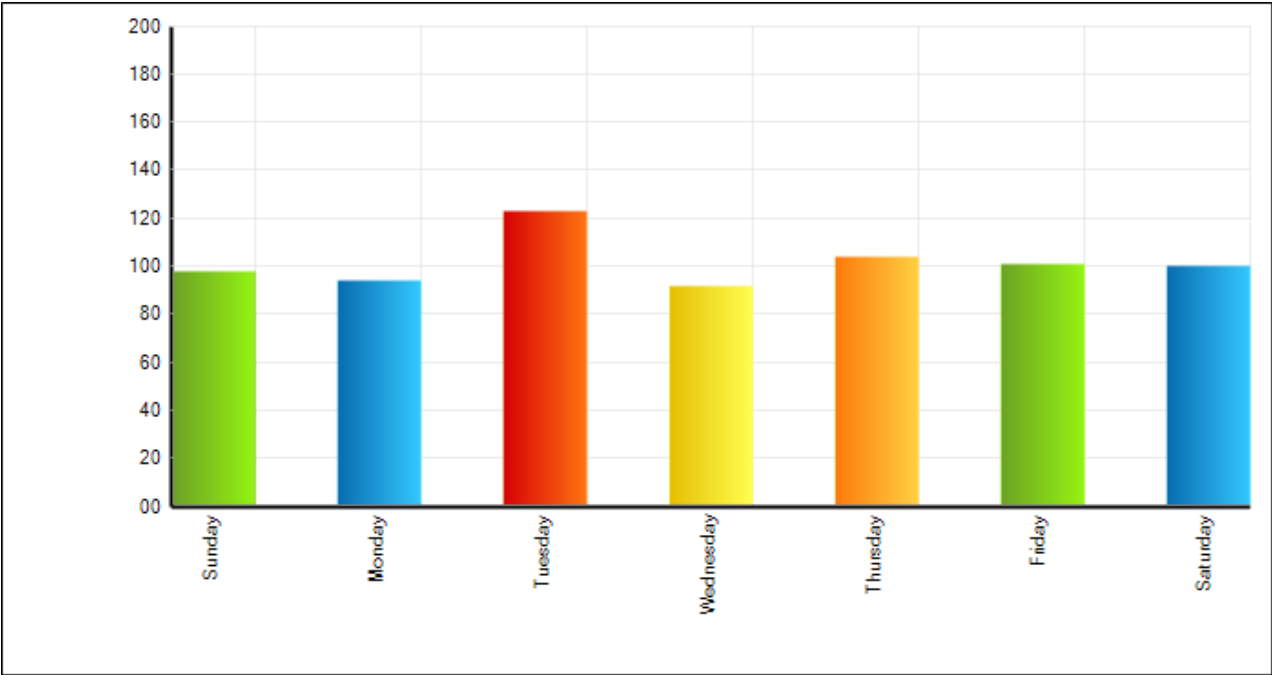
June 2026 Calls for Service Info

EVENTS BY NATURE CODE BY AGENCY

KP	911 HANG UP	14
	ALARMS	1
	ANIMAL COMPLAINT	8
	BUSINESS SECURITY CHECK	54
	CIVIL COMPLAINT	5
	CRIMINAL DAMAGE TO PROPERTY	1
	CRIMINAL MISCELLANEOUS	22
	CRIMINAL THEFT	1
	DISABLED VEHICLE	14
	DNR VIOLATION	1
	EXTRA PATROL	98
	FAMILY DISTURBANCE	2
	FIELD INTERVIEW	10
	FINGERPRINTING	10
	FOLLOW-UP INVESTIGATION	63
	FRAUD COMPLAINT	2
	JUVENILE ATL	5
	LOST AND FOUND	6
	MENTAL SUBJECT	5
	NOISE COMPLAINT	1
	PARKING MISCELLANEOUS	4
	PROBATION/PAROLE	2
	SCHOOL WALK THROUGH	3
	SERVICE MISCELLANEOUS	90
	SUSPICIOUS ACTIVITY	19
	TRAFFIC HAZARD	11
	TRAFFIC MISCELLANEOUS	10
	TRAFFIC STOP	162
	VEHICLE LOCKOUT	4
	WARRANT SERVICE	2
	WELFARE CHECK	9
	CAR/DEER VOLUNTARY	3
	HIT & RUN CRASH	2
	TRAFFIC CRASH - INJURY	3
	TRAFFIC CRASH PDO	4
	CO ALARM	1
	UTILITY FIRE CALL	1
	DEAD ANIMAL	3
	COMMUNITY RELATIONS ACT	5
	TELEPHONE MESSAGE	18
	VEHICLE ATL	10
	MEDICAL EMERGENCY	23

June 2026 Calls for Service Info

Calls by Day of the Week

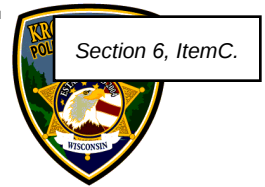


Summons/Citations Charge Summary	
Agency: KRONENWETTER PD, Date Range: 06/01/2026 00:00:00 - 06/01/2026 23:59:59	
Charges	Count
DISORDERLY CONDUCT - MUNICIPAL	1
EXCEEDING SPEED ZONES, ETC. (1-10 MPH)	4
EXCEEDING SPEED ZONES, ETC. (11-15 MPH)	5
EXCEEDING SPEED ZONES, ETC. (16-19 MPH)	2
EXCEEDING SPEED ZONES, ETC. (20-24 MPH)	1
EXCEEDING SPEED ZONES/POSTED LIMITS	2
FAIL/STOP AT STOP SIGN	2
IID TAMPERING/FAIL TO INSTALL/VIOULATE	1
INATTENTIVE DRIVING	1
JUVENILE CURFEW VIOLATION - 2ND	1
NON-REGISTRATION OF AUTO, ETC	2
OPERATE AFTER REV/SUSP OF	1
OPERATE MOTOR VEH. W/O ADEQUATE	1
OPERATE MOTOR VEHICLE W/O INSURANCE	6
OPERATE MOTORCYCLE W/O VALID	1
OPERATE W/O VALID LICENSE B/C	1
OPERATING A MOTOR VEHICLE W/O	2
OPERATING WHILE REVOKED (FORFEITURE)	1
OPERATING WHILE REVOKED (REV DUE TO	1
OPERATING WHILE SUSPENDED	2
OPERATING WHILE UNDER THE INFLUENCE	1
OPERATING WHILE UNDER THE	2
POSSESSION OF CONTROLLED SUBSTANCE	2
POSSESSION OF THC	3
PURCHASE/POSSESSION OF TOBACCO BY	1
SPEEDING IN 55 MPH ZONE (11-15 MPH)	1
SPEEDING ON CITY HIGHWAY (16-19 MPH)	1
UNREASONABLE AND IMPRUDENT SPEED	1
UNSAFE BACKING OF VEHICLE	1
Total:	51



KRONENWETTER POLICE DEPARTMENT

Office of the Chief of Police Executive Summary for July 2026 Village Board



TO: VILLAGE BOARD MEMBERS

DEPARTMENT ACTIVITY SUMMARY – In June, we handled 760 total calls for service. Some highlights included the following:

- A disturbance in which a subject was cited for disorderly conduct after publicly urinating in front of residents and causing a disturbance in the neighborhood.
- A subject was arrested for felony bail jumping after continuously having contact with the victim while he was in jail.
- A sextortion case with an adult victim, who fortunately did not take the bait.
- A case of ID theft where the suspect(s) opened multiple credit card accounts in the victim's name. Luckily, the bank caught these in time to keep the victim from being out any money.
- Three OWI arrests:
 - One from a single vehicle crash with a third offense OWI offender.
 - An extremely disorderly, combative, and belligerent individual was arrested for third offense OWI after officers had to force entry into his vehicle due to his non-compliance. This subject was so disorderly that once secured inside the squad car, he was kicking the door so hard he was literally rocking the SUV. We ended up calling MBPD, who had a full body restraint system to control him. I'm exploring the cost of one of these restraint systems for the 2026 budget. Prior to the restraint system, he kept hitting his head on the inside of the cage and knocking off the protective helmet we put on his head to protect him. I was still around that evening when they brought him to the PD to work on the OWI blood draw warrant, and he was quite a handful. Lastly, he had a couple of pending OWI arrests that had not yet resulted in convictions, so then our case does end up going through, it will end up being a felony OWI.
 - A first offense arrest from a traffic stop.
- A welfare check on a possible long-term victim of DV. This was sent to the DA for review.
- An assist to Mosinee PD for a combative and resistive subject who fought with officers.
- Three theft complaints:
 - We had another theft of a propane tank from Camping World. That is still under investigation.
 - We referred a case to the DA after two subjects cashed fraudulent savings bonds at a local bank. This also happened in Mosinee and Wausau banks as well.
 - A victim had a small utility trailer stolen from their yard overnight.
- Criminal damage to property at an apartment complex that was tagged (spray painted).
- Two drug cases resulting in the arrest of five people:
 - Three people were arrested for possession of THC, mushrooms, and drug paraphernalia.
 - Two people were arrested for possession of methamphetamine, maintaining a drug trafficking place, and felony bail jumping.

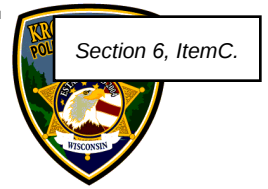
DEPARTMENT PERSONNEL ISSUES & STATUS – Officer Dan Dunst has resigned from the KPD, effective July 4, 2026. He is beginning a new career in the civilian world in sales, and we thank him for his 13-years of service to the Village and community. Officer Dunst will leave an indelible mark on the department because he started our Peer Support Team (PST). This team is a relatively new effort by law enforcement across the county to better care for us and each other through health and wellness initiatives (physically, emotionally, and mentally). The PST has been a very successful program, and I speak for everyone when I say we are thankful that Officer Dunst spearheaded this program. We wish him the best in his new career!

Officer Mariah Guyer will be taking over the role of CIB (Crime Information Bureau) Officer, and she attends a couple of schools in mid-July to prepare herself for this new assignment. The officer in this role works with the



KRONENWETTER POLICE DEPARTMENT

Office of the Chief of Police Executive Summary for July 2026 Village Board



DOJ to perform audits, tracks and assigns officers to yearly training in this field and certifies that items we have entered as stolen property are still missing.

Officer Austin Wadzinski has finished field training early due to his prior law enforcement experience. He is scheduled to attend a free defensive tactics instructor course hosted by ASP that focuses on tactical baton, restraint, and flashlight use. In addition, Officer Wadzinski is also attending the ASP OC (“pepper spray”) Instructor School. This is a free, four-day school that is physically intensive and hands-on. I’ve included the link to the training below. Lastly, participants receive \$300 worth of ASP equipment for free. I’m very excited to add an instructor in this discipline to our team.

[ASP Training Programs | Instructor Certification Courses](#)

We are moving through the background investigation into the hiring of the second new full-time officer and once that is completed, we just have the medical and psychological steps left. We also have an open hiring process open due to the vacancy created by Officer Dunst’s resignation. We are accepting applications until the end of the month.

CURRENT GRANTS AND EQUIPMENT – We had a vehicle-versus-deer crash involving our 2023 Dodge Charger. The vehicle, which has 70,000 miles, struck the deer head-on and is currently at 51 Auto Body awaiting an insurance estimate.

KRONENWETTER FIRE DEPARTMENT MAY 2026

Fire Training:

This month's fire training included:

- Final utilization of the structures on Old Hwy 51 for search and rescue
- Annual Hose testing

EMS Training:

- Communication
- Vitals and Assessments

Incident Response Summary

Fire Calls

The department responded to 8 fire-related incidents, including:

- 4 weather-related incidents
- 1 CO/gas/fire alarm within Kronenwetter
- 1 Vehicle accident
- 1 structure fire dispatches mutual aid for Riverside Fire
- 1 structure fire dispatches mutual aid for Mosinee

EMS Calls

The department handled 32 EMS calls.

Vehicle/Equipment Updates:

- Monthly apparatus and equipment maintenance completed.
- Annual pump testing completed – minor issues identified by Red Power Diesel – will be repaired as time allows.
- Annual oil changes/DOT inspections initiated.
- Annual Hose testing started – 3 sections of 1 ½" failed testing.

Personnel Development

The department continues to invest in member training and certification:

- 3 members completed Firefighter I/Hazmat Operations – passed state certification.
- 1 member completed Fire Inspector I – State Certification
- 3 members completed Fire and Emergency Services Instructor
- 2 members passed EMTB - National Registry

Recent & Upcoming Events:

- Planning for 10/11/2026 Open House started – fundraising efforts underway.

Grant Funding & Upcoming Applications:

The department is actively pursuing external funding opportunities to support equipment, training enhancements, and operational readiness. Current and upcoming grant initiatives include:

- Wisconsin DNR Fire Fighter Protection (FFP) grant – Targeting wildland fire equipment and communication equipment upgrades.
- Firehouse Subs Grant – Seeking funding for water and ice rescue equipment to enhance technical rescue capabilities.
- WPS Rewarding Responders Grant – Application submitted - for the purchase of a thermal imaging camera.

These grant efforts aim to reduce budget impact while ensuring the department maintains modern, reliable equipment and continues to support high-quality training for personnel.

KRONENWETTER FIRE DEPARTMENT					
MAY 2026					
TOTAL FIRE EMERGENCY CALLS ENDING 05/31/2026					
	Village	Guenther	Mutual Aid	Monthly Total	Year To Date
Vehicle Accidents	1			1	2
Chimney Fire				0	0
Grass/Brush Fire				0	3
Structure Fire			2	2	17
Weather	4			4	9
CO/Gas/Alarms	1			1	22
Vehicle Fire				0	1
Other				0	1
Cancelled calls				0	1
Total Calls	6	0	2	8	56
Mutual Aid Received				0	7
Mutual Aid Given/Dispatched				2	14
				Monthly	Year To Date
Engine 1				5	32
Truck 1				0	18
Tanker 2				1	5
Rescue 6				2	13
Brush 1				0	4
Car 2				0	6
UTV				0	1

KRONENWETTER FIRE DEPARTMENT				
MAY 2026				
TOTAL MEDICAL EMERGENCY CALLS ENDING 05/31/2026				
	Monthly Total	Med Cancelled	Refused	Year To Date Total Calls
Breathing Problems	5			28
Pain (Acute, Abdominal, Back, Hip)	3			12
Alcohol/Substance Use	0			0
Chest Pain	1			12
Sick Person	5			33
Allergic Reaction/Stings	0			1
Altered Mental Status	0			6
Cardiac Arrest/Death	0			3
Diabetic Problem	1			2
Falls	7	2	1	35
Fire Standby	0			11
Lift Assist-Mutual Aid	0			0
Medical Alarm	4	3	1	15
Overdose	0			0
Psychiatric Problem/Abnormal Behavior/Suicide Attempt	1			3
Seizure	0			4
Stab/Gunshot Wound/Penetrating Trauma	0			0
Stroke/CVA	1			6
Unknown Problem/Person Down	1			4
Traffic Crash	0			0
Traumatic Injury	0			2
Other	1			21
Unconscious Person/Fainting/Near-Fainting	2			9
TOTAL CALLS	32			207



MEMORANDUM

To: Village of Kronenwetter Board
From: James A. Davel
RE: Administrator's Report – 6-10 July

LIST OF ACTIVITES FOR WEEK OF 6-10 July 2026

Staff Meeting

Nathan Sandwick = Start date 6 August.

Budget Calendar – John and I are working the budget calendar and will have it on the next APC agenda then present to the board the last meeting in July.

CLIP Meeting – The nuisance ordinance will be on the board agenda for consideration currently the attorney is reviewing it. Stop Signs at XX and Terrobonne were discussed by the committee at the request of the county. The County plans to have this on the August 6 Infrastructure meeting agenda provided the traffic study can be completed in time. We will get copies out when it is complete. Once the committee has the information they will make a formal recommendation to the Village Board. Rothchild did not want any change since they just wanted to keep a 2-way stop. Rothchild understands it is a county decision.

Parks Committee Tour – The committee toured 5 parks on Thursday due to the Wednesday's weather. Items discussed where infrastructure, playground equipment, priorities, and future use.

Marathon County Parks Grant – We were awarded a \$5,000.00 grant that the Village must match. We will get that on the next Parks agenda for final approval with the board.

Staff Meeting –

Police Union – The Union Contract has opened on 1 July for the next contract negotiations. I met the union reps who will send over their requests which I will forward to you. John and I will look at it and let you know our thoughts as well.

Jim



VILLAGE BOARD MEETING MINUTES

June 22, 2026 at 6:00 PM

Kronenwetter Municipal Center - 1582 Kronenwetter Drive Board Room (Lower Level)

1. CALL MEETING TO ORDER

President Dan Joling called the June 22, 2026 Village Board Meeting to order at 6 p.m.

A. Pledge of Allegiance

Those in attendance were invited to stand and recite the Pledge of Allegiance.

B. Roll Call

PRESENT: *President Dan Joling; Trustee Aaron Myszka; Trustee Craig Mortensen; Trustee Jessica Stowell; Trustee Dan Lesniak; Trustee Kelly Coyle; Trustee Mary Solheim*

ABSENT:

STAFF: *Finance Director John Jacobs; Public Works Director Greg Ulman; Clerk Jennifer Poyer, Police Chief Terry McHugh*

2. MOTION TO MOVE AGENDA ITEMS

No agenda items were moved.

3. CHAIRPERSON COMMENTS

President Joling said Administrator Davel is in Denmark.

4. ANNOUNCEMENT OF CLOSED SESSION

President Joling announced there will be a closed session during the meeting.

5. PUBLIC COMMENT

No public comment was given.

6. REPORTS FROM STAFF AND VENDORS

C. Public Works Director Report

Public Works Director Greg Ulman presented his report. He mentioned planning for a new subdivision; ditches being grated; and Lift Station 8 is progress. He answered questions from board members.

7. CONSENT AGENDA - DISCUSSION AND POSSIBLE ACTION

D. Operator "Bartender" License - Tracy L. Rucinski

E. Operator "Bartender" License - Christine S. Beck

F. June 8, 2026 Village Board Meeting Minutes

G. June 9, 2026 Special Village Board Meeting Minutes

H. May 2026 Check Register, ACH Register, and Credit Card Transactions Activity

Motion by Myszka/Coyle to approve the Consent Agenda. Motion carried by roll call vote. 7:0.

8. NEW BUSINESS - DISCUSSION AND POSSIBLE ACTION

I. Resolution 2026-008 Approving the Village's 2025 Compliance Maintenance Annual Report (CMAR)

Motion by Mortensen/Myszka to approve the CMAR Report. Motion carried by roll call vote. 7:0.

Public Works Director Ulman presented this agenda item. He said this report must be completed each year.

J. Resolution 2026-009 Creating a Special Parks Committee

Motion by Lesniak/Coyle to accept the Resolution 2026-009 Creating a Special Parks Committee. Motion carried by voice vote. 7:0.

K. Resolution 2026-010 Appointing Citizen Members and Trustees to Various Committees, Commissions and Boards

Motion by Myszka/Stowell to approve Resolution 2026-010. Motion carried by voice vote. 7:0. Trustee Lesniak thanked everyone who agreed to fill the roles.

L. Assessment/Revaluation Services Agreement Through 2031(5½ years)(APC)

Motion by Lesniak/Myszka to accept the proposal from Associated Appraisal for \$355,000. Motion carried by roll call vote. 7:0.

Finance Director Jacobs presented this agenda item. He said the staff recommends Associated Appraisal for the contract. He talked of past actions by the Village regarding the changing of appraisers. He answered a question regarding properties discussed during the recent Board of the Review meeting.

M. 2026 Budget Amendment #1 – Financing for 2026 DPW Truck Purchase (APC)

Motion by Coyle/Solheim to approve Budget Amendment #1 regarding the financing for the 2026 DPW truck purchase, adjustment to Capital Projects Fund 410 and Capital Equipment Replacement Fund number 750 to finance the emergency purchase of a new DPW truck. Motion carried by roll call vote. 7:0.

Finance Director Jacobs presented this agenda item. He presented his plan to pay for the truck needed.

N. 2026 Budget Amendment #2- Provide for 2026 Budget for Newly Created Special Parks Committee (APC)

Motion by Stowell/Myszka to approve of the budget adjustments from the General Fund from APC meetings as well as the zoning Board of Appeals for the newly created committee of the parks totaling \$1,077. Motion carried by roll call vote. 7:0.

Finance Director Jacobs presented this agenda item. He presented his plan to pay for the Parks Committee members' attendance. He said there will be no increase in the General Fund Budget.

O. Soli Sax Quartet Musician Contract for National Night Out (APC)

Motion by Solheim/Coyle to approve the contract as submitted, cost covered by TDS corporation. Motion carried by roll call vote. 7:0.

Trustee Stowell presented information on this agenda item.

9. CLOSED SESSION

Motion by Myszka/Mortensen to convene into closed session pursuant to Wis. Stat. § 19.85(1)(b) for consideration of dismissal, demotion, discipline, or investigation of charges against a public employee and/or and Wis. Stat. § 19.85(1)(f) Considering financial, medical, social or personal histories or disciplinary data of specific persons, preliminary consideration of specific personnel problems or the investigation of charges against specific persons except where par. (b) applies which, if discussed in public, would be likely to have a substantial adverse effect upon the reputation of any person referred to in such histories or data, or involved in such problems or investigations.: Discussion and possible action regarding any final further redactions to the investigation record before release pursuant to the Wisconsin Public Records Law. Motion carried by roll call vote. 7:0.

TIME INTO CLOSED SESSION: 6:29 p.m.

PRESENT IN CLOSED SESSION: President Dan Joling; Trustee Aaron Myszka; Trustee Craig Mortensen; Trustee Jessica Stowell; Trustee Dan Lesniak; Trustee Kelly Coyle; Trustee Mary Solheim

10. RECONVENE OPEN SESSION

Motion by Mortensen/Myszka to reconvene into open session.

Motion carried by roll call vote. 7:0.

TIME INTO OPEN SESSION: 8:16 p.m.

11. ACTION AFTER CLOSED SESSION

Motion by Solheim/Stowell to release, of the investigative report, we release the Executive Summary in unredacted form and that a full analysis of the investigative report will be available for release in a redacted form with further final redactions to include personal identifiable information of witnesses. Motion carried by roll call vote. 7:0.

12. CONSIDERATION OF ITEMS FOR FUTURE AGENDA

No items were considered.

13. ADJOURNMENT

Motion by Mortensen/Stowell to adjourn. Motion carried by voice vote. 7:0.

Meeting adjourned at 8:18 p.m.

DRAFT



REPORT TO VILLAGE BOARD

ITEM NAME:	Proposed Revisions to Chapter 41 Elections
MEETING DATE:	July 13, 2026
PRESENTING COMMITTEE:	CLIPP Committee
COMMITTEE CONTACT:	Trustee Aaron Myszka
STAFF CONTACT:	Jennifer Poyer
PREPARED BY:	Jennifer Poyer

ISSUE: Between March 2024 and November 2024, five complaints were filed with the Wisconsin Elections Commission (WEC) alleging that the Village's administration of election-inspector appointments, scheduling and the public test of voting equipment violated Wis. Stat. Ch. 5–7 (EL 24-26, EL 24-68, EL 24-89, EL 24-110, and EL 24-126). On February 16, 2026, the WEC issued a consolidated decision resolving four of those complaints. The Commission found probable cause of a violation or abuse of discretion in three of the four (EL 24-26, EL 24-89, and EL 24-126), dismissed the fourth (EL 24-68), and issued four specific corrective orders directing the Village Clerk to change certain practices going forward.

The Village's current election ordinance, Chapter 41, is three sections long and simply incorporates Wis. Stat. § 7.30 by reference; it does not independently address the practices the WEC's orders identify. In response, the CLIPP Committee spent its 2025–2026 meetings drafting a substantially expanded Chapter 41 intended to add local clarity and help prevent recurrence of these issues. Village Attorney Remzy Bitar and Attorney Lucas Logic reviewed the CLIPP draft (letter dated May 26, 2026) and recommend against adopting it in its current form, identifying numerous places where the draft's language conflicts with, narrows, or inconsistently restates the governing statutes.

- OBJECTIVES:**
- Bring the Village's election administration practices into compliance with the four corrective orders in the WEC's February 16, 2026 decision.
 - Determine whether, and in what form, Chapter 41 should be amended to add local clarity, consistent with the Village Attorney's legal review.
 - Avoid ordinance language that conflicts with, or imposes a stricter standard than, Wis. Stat. Ch. 5–7, which could expose the Village to further WEC complaints or to a legal challenge over rejected ballots.

ISSUE BACKGROUND/PREVIOUS ACTIONS:

CLIPP set out to review the WEC complaints and any other election issues raised in committee, and to draft a revision to Chapter 41 that would clarify procedures and remove ambiguity. The committee reviewed each complaint and, over its 2025 and 2026 meetings, developed the attached proposed ordinance language. The CLIPP Committee voted to recommend that language to the Village Board. The language was sent to Village Attorney Remzy Bitar; he and his associate reviewed it and responded with the attached letter dated May 26, 2026. Attorney Bitar does not support moving forward with the language as drafted and instead recommends the Village continue to rely primarily on incorporation of the state election statutes, as the current Chapter 41 already does.

WEC Decision on Pending Complaints (February 16, 2026)

The Commission's consolidated decision addressed four complaints against former Clerk Bob LaBarge (and, in one complaint, several Village Board members) and made the following findings and orders, which now bind the current Village Clerk's office under Wis. Stat. § 5.06(6):

- EL 24-26 (Charneski): Abuse of discretion found. Order - the Clerk must ensure all appointed partisan election inspectors are at least considered/contacted for staffing at each election, and that as many partisan inspectors serve as the number of available slots and inspector availability allow. Order. The Clerk must publicly disclose which nominees were submitted by each political party when presenting appointments to the Village Board, rather than presenting an undifferentiated list.
- EL 24-68 (Baker, et al.): Dismissed. The Commission found the Village's existing ordinance and resolutions adequately support the use of a combined polling place, multiple voting machines, additional inspectors, and clerk-set working hours, and found no violation in the partisan balance actually achieved.
- EL 24-89 (Buchberger): Probable cause found. Order - whenever a temporary or permanent election-inspector vacancy arises, the Clerk must first attempt to fill it from the applicable political party's list (including supplemental names) before appointing an unaffiliated individual, as long as doing so would not disturb the required partisan balance.
- EL 24-126 (Kindelberger): Probable cause found. Order – the Clerk must administer the public test of voting equipment under Wis. Stat. § 5.84 without applying the election-observer restrictions of Wis. Stat. § 7.41 (which do not apply to the public test); members of the public, including Mr. Joling, must be permitted to record the proceeding.
- The Commission separately cautioned, outside of any formal order, that it is improper for a clerk to spoil, or to allow a voter to spoil, an absentee ballot that has already been validly returned in order to let the voter revote in person; that practice should be discontinued.

Village Attorney's Review of the CLIPP Draft Ordinance (May 26, 2026)

Counsel's letter recommends against adopting the CLIPP draft in its current form and identifies the following principal concerns:

- The draft goes well beyond the approach used by neighboring Marathon County municipalities and by the Village's own current ordinance, which simply incorporates Wis. Stat. § 7.30 rather than restating its provisions. Restating creates a risk of inconsistency with the statute.
- The draft is not in final ordinance form and lacks a preamble, recitals, and other standard ordinance provisions.
- The draft refers specifically to the “Republican” and “Democrat” parties, when the statute actually refers to whichever two parties received the largest number of votes for president or governor – a different party could technically qualify.
- The 35-worker cap and Village Board authority to raise or lower that number, and to waive Wis. Stat. § 7.33(2) requirements, may conflict with the statutory formula for the number of inspectors and misassigns to the Village Board an exemption authority that § 7.33(2) gives to the municipal clerk.
- The appointment provisions omit part of Wis. Stat. § 7.30(4)(a) (the special-meeting appointment option) and improperly give the Village President, rather than the Village Board, authority to appoint unaffiliated applicants.
- The residency qualification in the draft is stricter than the statute, which requires only the chief inspector to be a Village elector; other inspectors need only be electors of the county.
- Several sections (tabulators, chief inspectors, special voting deputies, training, removal, and filling vacancies) restate or summarize statutory standards inexactly, which counsel recommends replacing with direct incorporation of the applicable statute (e.g., Wis. Stat. §§ 6.875, 7.30(6)(c), 7.37(5)).
- Proposed §41.4 (equipment testing) requires 72 hours' public notice, which is stricter than the 48-hour requirement in Wis. Stat. § 5.84(1) and would create a higher, self-imposed standard the Village would have to meet.
- Proposed §41.5 (absentee voting) restates Wis. Stat. §§ 6.84–6.89 (which apply automatically) and states that ballots cast in contravention of specified procedures “may not be counted,” broader than the statutory rejection standards and a potential source of ballot-rejection challenges.

Side note: In contrast to Attorney Bitar's recommendation to rely primarily on the state statutes, the Clerk Poyer was able to speak with a Wisconsin Elections Commission attorney during a training session, who expressed general support for municipalities adopting local ordinances to clarify election procedures, rather than relying on state statute alone.

PROPOSAL:

Staff and CLIPP present the Board with three options:

- Option A – Adopt the CLIPP draft ordinance largely as presented. Not recommended by Attorney Bitar.
- Option B – Do not adopt a comprehensive rewrite. Retain the current Chapter 41 approach of incorporating Wis. Stat. § 7.30 by reference, and address the WEC's four orders through written internal Clerk's office procedures rather than an ordinance amendment.
After the WEC's decision was released, Clerk Poyer began implementing corrective actions to bring past practices that were not in line with election law into compliance.
- Option C – Direct staff and the Attorney Bitar to prepare a narrower ordinance amendment that (1) incorporates statutory cross-references rather than restating statutory text, (2) removes party-name-specific language, (3) corrects the specific conflicts identified in counsel's May 26, 2026 letter, and (4) codifies the procedural fixes the WEC ordered, for consideration at a future Board meeting.

ADVANTAGES:

- Directly addressing the WEC's four orders reduces the Village's exposure to further complaints and Commission scrutiny.
- A narrower amendment built on statutory cross-reference, rather than restatement, lowers the risk of the internal ordinance/statute conflicts counsel identified throughout the CLIPP draft.
- Removing party-specific language keeps the ordinance accurate regardless of which two parties qualify as the dominant parties under Wis. Stat. § 8.17 in a given cycle.
- Written internal procedures for inspector scheduling, party-list vacancy-filling, and public-test administration give the Clerk's office (and future clerks) a consistent reference and a documented paper trail if another complaint is filed.

DISADVANTAGES:

- The CLIPP draft as written is not in final ordinance form and, per counsel, contains provisions that conflict with Wis. Stat. § 7.30, including inspector-count and waiver-authority conflicts, misassigned appointment authority, and stricter-than-statutory residency qualifications.
- Proposed §41.5 could expose the Village to a ballot-rejection challenge by stating ballots “may not be counted” in circumstances broader than the statute allows.
- Proposed §41.4's 72-hour notice requirement is stricter than the statutory 48-hour standard; failing to meet the Village's own higher bar would itself violate the ordinance even where the statute was satisfied.
- Preparing a narrower replacement ordinance (Option C) will require additional attorney time and will delay adoption of any new ordinance language beyond this meeting.

ITEMIZE ALL ANTICIPATED COSTS (Direct or Indirect, Start-Up/One-Time, Capital, Ongoing & Annual, Debt Service, etc.):

Village attorney fees have already been incurred for the May 26, 2026 review letter. Additional attorney fees would be incurred if the Board directs preparation of a narrower ordinance amendment (Option C); amount to be confirmed with the attorney. No additional cost is anticipated for Option B (internal procedures only) beyond existing Clerk's-office staff time.

RECOMMENDED ACTION: Approve one of the three options provided.

OTHER OPTIONS CONSIDERED:

TIMING REQUIREMENTS/CONSTRAINTS:

FUNDING SOURCE(s) – Must include Account Number/Description/Budgeted Amt CFY/% Used

CFY/\$ Remaining CFY

Account Number:

Description:

Budgeted Amount:

Spent to Date:

Percentage Used:

Remaining:

ATTACHMENTS (describe briefly):

- Current Village Code Chapter 41 – Elections
- CLIPP Committee proposed Chapter 41 ordinance draft (including proposed §41.5 Absentee Voting redline)
- Village Attorney letter re: Elections Ordinance Review, dated May 26, 2026
- CLIPP Report to Committee, “Review and Revision of Chapter 41 Elections,” June 2, 2025
- Wisconsin Elections Commission Decision Letter, EL 24-26 / EL 24-68 / EL 24-89 / EL 24-126, dated February 16, 2026

Chapter 41 - ELECTIONS

Section 8, ItemG.

Footnotes:

--- (1) ---

Cross reference— *Officers and employees, ch. 115; village board, ch. 180.*

§ 41-1. - Election officials.

Election officials shall be appointed as prescribed by Wis. Stats. § 7.30.

(Ord. of 4-12-2004)

§ 41-2. - Hours for voting.

The polls on each election day shall remain open for voting from 7:00 a.m. until 8:00 p.m.

(Ord. of 4-12-2004)

§ 41-3. - Alternates.

The village clerk may appoint alternate election inspectors, as needed, to work at elections held in the village. This includes wards one through eight.

(Ord. of 4-12-2004)

Current Ordinance:

§ 41-1. - Election officials.

Election officials shall be appointed as prescribed by Wis. Stats. § 7.30.

(Ord. of 4-12-2004)

- § 41-2. - Hours for voting.

The polls on each election day shall remain open for voting from 7:00 a.m. until 8:00 p.m.

(Ord. of 4-12-2004)

- § 41-3. - Alternates.

The village clerk may appoint alternate election inspectors, as needed, to work at elections held in the village. This includes wards one through eight.

(Ord. of 4-12-2004)

Proposed new ordinance draft.

Chapter 41

The Village Board of Kronenwetter do ordain as follows:

It is determined that a free and open representative form of government can only be valid if the representatives of the People are chosen in fair and honest elections. To that end, this Chapter has been adopted into the Kronenwetter Village Code of Ordinances and construed liberally to favor honesty, transparency, and the elimination of public doubt in the election process.

41.01 Definitions

Party imbalance - Inspectors affiliated with one of the 2 recognized political parties receiving the largest numbers of votes for president, or for governor in non-presidential general election years, in the municipality or polling place, as the case may be.

Inspectors shall to the extent possible, appointed or assigned in an equal number of each, except that the party whose candidate received the largest number of votes in the municipality or polling place is entitled to one more inspector than the party whose candidate received the next largest number of votes in the municipality.

Election Worker - Those individuals appointed by the Village Board to perform duties needed to carry out elections. They are also referred to interchangeably as election inspectors.

41.1 Election Worker Nomination and Approval

1. Election Workers

A. The Village Clerk has determined that a maximum of 35 election workers are needed to conduct efficient elections. Additionally, 3 standby alternates are needed to serve in accordance with §7.315 (1) (b) (2) as alternates in the event of vacancies.

This number includes an allowance for splitting some positions into two shifts and must in all cases maintain party imbalance, and are subject to §7.33 (2).

The number of election workers may be raised or lowered by Village Board resolution.

The requirements of §7.33 (2) may be waived for the upcoming term, by Village Board resolution.

B. Acquiring Nominees

(1) No later than July 1st in all odd numbered years, the Village Clerk shall begin posting notices to the public of the opportunity to serve as election workers in the upcoming two year term.

(2) An application shall be provided to those interested, which will require Name, address, phone, email, and political party affiliation or designation as unaffiliated. Additional information such as motivation and/or previous election experience, etc. may be requested, but not required.

(3) Notice shall be included on the application, that those with a party affiliation will be referred to the respective parties for nomination, and if nominated, will be among the first choices for the positions available. Unaffiliated applicants will be considered after all party-nominated persons have been selected.

(4) Notice will also include that of the obligation for approved election workers to be available for all election events during the two year term.

(5) The Village Clerk shall forward applications with a party affiliation to their respective parties as soon as practicable.

(6) No unaffiliated applications received after November 30 will be considered for the initial nomination process, but may be held for later consideration by the Village Board if any need for replacements was to arise later in the term.

(7) No later than July 1st in all odd numbered years, the Village Clerk shall determine the party imbalance number of nominees required from both the Republican and Democrat parties according to §8.17 and to notify each party as a reminder of their obligation according to §7.30 (4) (b) to provide lists of election worker nominees to the Village by November 30.

Approved application form , and public notice attached.

C. Appointment

(1) Party lists meeting the qualifications directed in § 7.30 (4) (b) and received by the Clerk by November 30th shall immediately be forwarded to the Village President, along with all individual applications of unaffiliated status.

(2) In compliance with §7.30 and no later than the last regular Village Board meeting of an odd numbered year, the Village President shall appoint all election workers and alternates, while maintaining the correct imbalance of political party affiliation, subject to the approval of the Village Board.

(a) For the purposes of this chapter, §7.30, and §5.02 (4e) the Village Board shall be considered to be "election officials" charged with the duty of properly appointing all election workers in compliance with party imbalance requirements.

(b) The Village President may appoint unaffiliated applicants only in the absence of a sufficient number of party-affiliated nominees to fill the positions.

D. Qualifications

The qualifications of applicants and nominees, along with the procedure, shall comply with §7.30 (2) (a).

The following requirements shall apply:

(a) All election workers and chief inspectors shall be qualified electors of the Village of Kronenwetter, or of Marathon County if there are insufficient numbers of applicants from the Village.

(b) All election workers must be nominated by the two major political parties, or through individual application by the Village Board.

(c) All nominees and applicants must agree to be available for election service for a two year term.

- (d) All election workers must be approved by the Village Board.
- (e) All election workers must be capable of performing the job duties as enumerated in §7.37 (1-13), be able to read, write, and have a good comprehension of the English language.
- (f) All election workers must attend required training.
- (g) No election worker may be a candidate in the election in which they serve as an election worker.
- (h) Student election worker applicants must be separately qualified under the requirements of §7.30 (2) (am).
- (i) Greeters may be assigned without regard to party affiliation.

E. Tabulators

(1) Tabulators of absentee ballots shall be assigned by the Village Clerk from among the approved election workers, if the Village Board has by resolution provided authorization to do so not less than 30 days prior to the election.

(2) Alternately, the Village Board may approve tabulators other than current election workers, subject to statutory party imbalance.

In any case there shall be no less than three tabulators, each party-affiliated and assigned with the party imbalance directed in §7.52 (1) (b)

F. Split Shifts

The Village Clerk may schedule Election day split shifts for any positions, as necessary, while maintaining the statutory party imbalance at each polling place and to the extent possible for each assigned task.

2. Chief Election Inspectors

(a) In accordance with §7.30 (6) (b) the Village Clerk shall appoint 2 chief election inspectors from among the approved election workers. One chief inspector is required to be on duty at each polling place. Others trained for the position may be on duty as backup in the event that a vacancy occurs, subject to party imbalance.

(b) All Chief Inspectors shall attend training and be certified by the WEC according to §7.31 before serving in that position at any election.

3. Special Voting Deputies

In the event that special voting deputies are needed, the Village President shall appoint and the Village Board will approve, two qualified election workers for this purpose, one from each the Republican and Democrat parties, who shall only perform these duties while working together.

Appointment and duties shall be performed in accordance with Wisconsin §6.875.

4. Training

All approved election workers shall

- (a) submit an Oath of Office according to §7.30 (5),
- (b) attend training in accordance with §7.30 (6), and
- (c) serve for a period of 2 years.

5. Removal

The Village Clerk may not remove any election worker except as determined under the following conditions:

- (a) The worker is incapable of reliably performing the required duties.
- (b) The worker is not adequately proficient in reading, writing, or comprehending the English

language.

- (c) The worker refuses to attend required training.
- (d) Improper conduct in the performance of their duties, as defined in §7.37
- (e) For any other reason that WEC approves as good cause prior to removal.

6. Filling Vacancies

The Village Clerk shall have the authority to fill any vacancy in election worker positions by appointment from the approved alternate/reserve worker list.

The Village Clerk may, as needed, ask the Democrat or Republican parties to nominate more workers due to, or in anticipation of possible open positions.

Under no circumstances will it be construed that the Village Clerk has authority to hire anyone other than those approved by the Village Board to hold positions as election workers in the Village of Kronenwetter.

§ 41-2. - Hours for Voting.

The polls on each election day shall remain open for voting from 7:00 a.m. until 8:00 p.m.

(Ord. of 4-12-2004)

§ 41-3. - Alternates. Deleted

The village clerk may appoint alternate election inspectors, as needed, to work at elections held in the village. This includes wards one through eight.

(Ord. of 4-12-2004)

§ 41-4 Automatic Vote Tabulating Equipment Testing and Use

The proper use and security of voting equipment is integral to ensuring accuracy and maintaining voter confidence in the electoral process. Voting equipment accuracy and security has long been an issue of extreme importance for both election officials and voters. Elector confidence in the equipment used to count votes is an aspect of elections administration which continues to grow in significance. Careful execution and documentation of the procedures detailed in this section will alleviate many concerns, ensuring that the voting equipment used in our municipality is reliable and accurate.

1. Testing The ballot counting machines shall be tested in accordance with Wisconsin §5.84 no more than 10 days prior to the election day on which the equipment is to be utilized.

2. Open to the Public This testing shall be open to the public, allowing for effective public viewing and relevant questions. These testing events shall for all purposes be considered public events, with photography and video recording by the public allowed as a matter of right. As with any public meeting, disruptive behavior will not be allowed.

3. Public Notice The Village Clerk shall, no less than 72 hours prior to the testing, post a public notice of the date, time, and place of testing. Publication shall be as a class 1 notice under ch. 985 in one or more newspapers published of general circulation within the municipality, as well as on the Village website home page, Village bulletin boards, and on social media sites where the Village normally posts other notices.

4. Testing Procedure

(a) The test shall be conducted by processing a pre-audited group of ballots so marked as to record a predetermined number of valid votes for each candidate and on each referendum. Members of the observing public shall be informed of what those totals are expected to be, before the count, and shall be allowed to view the counts on the print-out.

(b) Upon a successful tabulation of the test ballots that matches the pre-audited totals, any member or members

of the observing public may randomly select a total of 3-5 ballots to be removed from the test group, and the remaining ballots shall be tabulated. The new total must reflect the original total, minus the amounts that are on the withheld ballots.

(c) The test shall include for each office one or more ballots which have votes in excess of the number allowed by law and, for a partisan primary election, one or more ballots which have votes cast for candidates of more than one recognized political party, in order to test the ability of the automatic tabulating equipment to reject such votes.

(d) A sample ballot shall be tri-folded the way it would be mailed, with the folded creases inspected to ensure they do not run through any voter mark.

(e) If any errors are detected, the municipal clerk shall ascertain the cause and correct the error. The clerk shall make an errorless count before the automatic tabulating equipment is approved by the clerk for use in the election.

5. Election Day Procedure - Before beginning the ballot count at each polling place or at the central counting location, the election officials shall witness a test of the automatic tabulating equipment by engaging the printing mechanism and securing a printed result showing a zero count for every candidate and referendum. After the completion of the count, the ballots and programs used shall be sealed and retained under the custody of the municipal clerk in a secure location.

41.5 Voting Absentee

1. Construction.

The Kronenwetter Village Board finds that voting is a constitutional right for legal citizens of Wisconsin, and that the vigorous exercise of which should be strongly encouraged.

In contrast, voting by absentee ballot is a privilege exercised wholly outside the traditional safeguards of the polling place. The Village Board hereby incorporates into this ordinance the provisions and regulations of Wisconsin statutes 6.84 to 6.89, and finds that the privilege of voting by absentee ballot must be carefully regulated, and that such regulations must be meticulously observed by the Village Clerk and/or the Clerk's subordinates.

The matters relating to the absentee ballot process as described in the above statutes and in this Section shall be construed as mandatory. Ballots cast in contravention of the procedures specified in those provisions may not be counted. Ballots counted in contravention of the procedures specified in those provisions may not be included in the certified result of any election.

2. Absent elector; definition.

- (a) An absent elector is any otherwise qualified elector who for any reason is unable or unwilling to appear at the polling place in his or her ward or election district.
- (b) Any otherwise qualified elector who changes residence within this state by moving to a different ward or municipality later than 28 days prior to an election may vote an absentee ballot in the ward or municipality where he or she was qualified to vote before moving.
- (c) An elector qualifying under this section may vote by absentee ballot under ss. [6.86](#) to [6.89](#).

3. Absentee ballot site.

The Village Board designates the office of the ~~municipal Village Clerk~~ as the location from which electors of the municipality may request and vote absentee ballots and to which voted absentee ballots shall be returned by electors for any election.

The location for returning absentee ballots shall include the front desk and/or lobby area of the Municipal Center.

In-person absentee ballots shall be filled out in the designated area of the Municipal Center. In-person absentee electors shall only place their ballots in a locked ballot box provided by the Village Clerk. ~~or filling out in-person absentee ballots shall include the front desk and/or lobby area of the Village Hall, only if a locked ballot box is provided for the voter to directly put their completed ballot into.~~

The locked ballot box may be opened only in the Clerk's office, whereupon ballots shall be recorded and processed in accordance with Wisconsin Statute 6.88, and secured in a way that they are not accessible to anyone not authorized by the Clerk.

Absentee ballots received by mail shall be brought to the Clerk's office, recorded, processed, and secured as soon as practicable.

In no case may completed ballots be allowed to remain in areas readily accessible to unauthorized persons.

4. Obtaining and returning an absentee ballot.

The method of obtaining and returning an absentee ballot shall be in accordance with Wisconsin statute 6.86, 6.865, 6.869 and 6.87.

5. Voting and recording the absentee ballot.

Voting and recording of absentee ballots shall be done in accordance with Wisconsin Statute 6.88

6. Absent electors list public. The ~~Village municipal~~Clerk shall keep a list of all electors who make application for an absent elector's ballot and who have voted under the absent elector provisions giving the name, address and date of application. The list shall be open to public inspection.

Municipal LAW

& L I T I G A T I O N G R O U P

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STEPHEN J. CENTINARIO, JR.

May 26, 2026

Jennifer Poyer, Village Clerk
Village of Kronenwetter
1582 Kronenwetter Drive
Kronenwetter, WI 54455

Re: Elections Ordinance Review

Dear Ms. Poyer:

This letter provides our review and comments on the elections ordinance proposed for the Village of Kronenwetter. On balance, we do not recommend proceeding with this ordinance.

At the outset, we want to note that this ordinance goes beyond the terms of similar ordinances that are commonly found in other neighboring communities. Many other local municipalities simply include provisions stating their municipality adopts and will abide by the applicable state statutes for elections, rather than repeat all of the provisions or attempt to incorporate additional provisions. It is also worth noting that the current Village of Kronenwetter election ordinance (Village Code Chapter 41) does this and generally proceeds in the same manner as many of the other local municipalities.

At certain points, the ordinance references “Republicans” and “Democrats” when referring to the two predominant political parties. While it may be generally true that those political parties are the typically dominant parties that the provisions of Chapter 7 of the Wisconsin Statutes apply to, the statutes themselves do not apply necessarily to those specific parties, but rather the “the 2 recognized political parties which received the largest number of votes for president, or governor in nonpresidential general election years.” As such, we recommend against referring specifically to the “Republican” and “Democrat” parties in the ordinance, as another party could technically fill one of those political party provisions as contemplated in the statutes.

Currently, the ordinance is not in final format. If the Village wants to proceed with the same, it will need to be put into final form with a preamble, recitals and other standard ordinance provisions.

The Ordinance

The current Village Code (Chapter 41) states that election officials shall be appointed pursuant to Wis. Stat. §7.30. This is what many of the other Marathon County communities do. The proposed ordinance gets rid of that general incorporation and instead references various provisions of Wis. Stat. §7.30. It may be simpler to just incorporate and abide by Wis. Stat. §7.30

rather than incorporate numerous provisions separately, which would also decrease the risk of inconsistency with the statutes.

Section 41.1 Election Worker Nomination and Approval

Election Workers

Section 41.1(1) (A) states the Village Clerk has determined a maximum of 35 election workers are needed to conduct efficient elections. This term may create conflict with Wis. Stat. §7.30(1), which specifically addresses the number of election officials that serve. Wis. Stat. §7.30(1)(a) specifically states, in relevant part:

Except as authorized under par. (b), there shall be 7 inspectors for each polling place at each election. . . 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). . . Alternate officials shall also be appointed in a number sufficient to maintain adequate staffing of polling places.

It is our understanding that the Village only has one polling place, such that this creates a potential inconsistency in the actual number of election officials required by statute or as authorized by ordinance. We also have concern where the ordinance states the “number of election workers may be raised or lowered” by Village Board resolution, as reduction to less than 7 per polling place may only be done under specific statutorily authorized circumstances.

Section 41.1(1)(a) also states "The requirements of the §7.33 (2) may be waived for the upcoming term, by Village Board resolution." However, this is inconsistent with the provisions of Wis. Stat. §7.33(2) which state that "municipal clerks" may grant exemptions from service, not the Village Board.

Acquiring Nominees

Section 41.1(1)(b)(2) requires the creation of an election inspector application that contains specific information, stating that additional information may be requested but is not required. We have some general concerns that this may lead to unequal treatment and requests for information for certain applicants but not others. This, along with the other provisions of this ordinance, creates many affirmative obligations on the Village Clerk. Nothing in Chapter 7 addresses application procedure for nominees who wish to serve as election officials or inspectors, and the language of Section 41.1(1)(b) creates obligations and procedures that are not common in Marathon County or other local municipalities.

Appointment

Section 41.1(1)(C)(2) references Wis. Stat. §7.30(4)(a). However, it does not include are apply all relevant provisions, creating potential conflict where Wis. Stat. §7.30(4)(a) allows for appointments to occur at a special meeting if there is no regularly scheduled December meeting for an odd-numbered year. Again, it may be simpler and more accurate to incorporate statutory provisions than to paraphrase/restate them.

Section 41.1(1)(C)(2)(b) also states the Village President shall have the authority to appoint “unaffiliated applicants” under certain circumstances. This conflicts with Wis. Stat. §7.30(4), because appointments are made by the Village Board. The Village President may only make nominations for consideration by the Village Board. Additionally, this provision creates

conflict with Wis. Stat. §7.30(1)(b) which allows for a municipality to appoint an unaffiliated election official under specific circumstances, which would otherwise be prohibited by the ordinance. Accordingly, these sections should be revised if the ordinance is adopted.

Qualifications

Section 41.1(1)(D) addresses the qualifications of election officials and conflicts with Wis. Stat. §7.30, where the ordinance seeks to prohibit non-Kronenwetter residents from serving as election officials. Wis. Stat. §7.30(2)(a) only requires the chief inspector to be a qualified elector where they serve. Other election officials need only to be “a qualified elector of a county in which the municipality where the official serves is located. . .”

The language of Section 41.1(1)(D)(b) is also unclear and does not accurately reflect the appointment process and procedures for election officials where it states “All election workers must be nominated by the two major political parties, or through individual application by the Village Board.” The statutes do not contemplate any “application” by the Village Board, rather there are specific procedures and circumstances in Chapter 7 addressing the circumstances where the Village President may nominate individuals who are unaffiliated with any political party. (See Wis. Stat. §7.30(1)(b) and (4)(c)).

Section 41.1(1)(D)(c) states that all election officials must be available for a two year term as an election official. However, Wis. Stat. §7.30(6)(a) also specifically states that they shall hold office for not only 2 years, but until their successors are appointed and qualified, and that they must serve at every election held in their ward during that time.

Section 41.1(1)(D)(e) does not include all of the required qualifications and abilities of election officials as stated in Wis. Stat. §7.30(2)(a)

Tabulators

This section will require careful review if adopted, as many of the provisions proposed only apply where a community has adopted a specific absentee ballot canvassing procedure pursuant to Wis. Stat. §7.52.

Chief Inspectors

As to the appointment of 2 chief inspectors, as proposed in the ordinance, the Village will need to confirm that it meets the criteria for the appointment of an additional inspector pursuant to Wis. Stat. §7.30(6)(b) which only authorizes the additional appointment where there are combined wards for elections pursuant to Wis. Stat. §5.15(6)(b).

Special Voting Deputies

Section 41.1(4), refers to the appointment process and qualifications of special voting deputies but then states the same shall be done in accordance with Wis. Stat. §6.875. We recommend the ordinance merely reference/incorporate Wis. Stat. §6.875 to avoid any inconsistency between the ordinance and statute.

Training

We recommend the reference to the term of service be removed from this section, as it is addressed elsewhere in the ordinance and does not specifically relate to “training.”

Removal.

Section 41.1(5) provides summarizes some of the reasons by which an election official may be removed but does not use the exact language of the relevant statutes, Wis. Stat. §7.30(6)(c) and 7.37(5). We recommend those statutory sections be referenced and incorporated, to avoid any inconsistency between the statutes and ordinance.

Filling Vacancies

The process of filling vacancies is specifically outlined for the different election official positions in Chapter 7 of the Wisconsin Statutes. Accordingly, we recommend that rather than restate those requirements, as currently done in Section 41.1(6) of the ordinance, that the Village simply refers to and incorporates the applicable statutory procedures or state that the filling of vacancies will be done in accordance with the applicable statutory provisions of Chapter 7.

Section 41.2 Hours for Voting

This Section has remained unchanged, and we have no comment on the same.

Section 41.3 Alternates

The ordinance proposes deleting this section. If that is the case, the numbering will need to be adjusted to account for this, or the title of this section should be amended to read “RESERVED” and the text of the section removed from the Village Code.

Section 41.4 Automatic Vote Tabulating Equipment Testing and Use

It is not common for municipalities to adopt an ordinance addressing the specific procedures for “Automatic Vote Tabulating Equipment.”

Sections 41.4(1)-(5) generally summarize the statutory provisions and requirements of Wis. Stat. §5.84, which specifically addresses the requirements for the testing of electronic voting systems throughout the state. It is not necessary for the Village to restate these provisions and doing so may convey inconsistent information or create conflict between the ordinance and statutes. For example, the ordinance states that the Village Clerk must provide notice of testing procedures no less than 72 hours prior to testing, however, Wis. Stat. §5.84(1) only requires 48 hour notice. Such a provision would require the Village to go above and beyond the requirements of the Wisconsin statutes. There are numerous provisions in these sections, particularly Section 41.4(1)(4), that require the Village Clerk to go beyond the statutorily mandated duties with regard to testing and which are not otherwise required by statute.

Section 41.5 Absentee Voting

The proposed language of Section 41.5(1) contains statements about the nature of absentee ballot voting and the propriety of the same, that the Village Board should consider and review as a policy matter.

The Wisconsin statutes on absentee ballot voting automatically apply to the Village, such that the Village does not need to expressly declare the same. Where the ordinance does expressly incorporate the provisions of Wis. Stat. §6.84 through §6.89, it may be redundant to then summarize or specifically address those provisions again in the ordinance. As noted above, this may create ambiguities or conflicts between the two.

We have particular concern where the ordinance includes language specifically stating that ballots cast in contravention of the applicable statutes and ordinance “may not be counted.” There are specific circumstances identified in the Wisconsin statutes where absentee ballots may not be counted and very specific procedures for the same. Thus, the Village may expose itself to a challenge or risk if a ballot is rejected for reasons specified in the ordinance. We recommend removal of such language and abiding solely by the Wisconsin statutes as it relates to absentee voting. These concerns are amplified by the shifting and publicized landscapes surrounding absentee ballot voting. If the Village wishes to keep this ordinance language, it will require very careful review.

Please do not hesitate to contact me if you have any questions.

Very truly yours,

MUNICIPAL LAW & LITIGATION GROUP, S.C.

s/ Remzy D. Bitar

s/ Lucas Logic

Remzy D. Bitar
Lucas Logic



Report to CLIPP

Agenda Item: Review and Revision of Chapter 41 Elections

Meeting Date: June 2, 2025

Referring Body: Village Board

Committee Contact: Ken Charneski

Staff Contact: Jennifer Poyer

Report Prepared by: Ken Charneski

AGENDA ITEM: Review and Revision of Chapter 41 Elections

OBJECTIVE(S): To review problems/violations associated with Kronenwetter Elections, and create an ordinance that will clarify the correct procedures to prevent the same problems in the future.

HISTORY/BACKGROUND:

A number of complaints have been filed with the Wisconsin Elections Commission against the (former) Village clerk and in one case several Village Board members (Vedvik, Voll, Coyle, and Eiden) regarding questionable election practices in Kronenwetter.

This in turn resulted in many thousands of dollars in Village attorney fees authorized by ex-president Voll to defend that clerk against complaints that Village Attorney Turonie later said basically had no penalty associated with them, and that the WEC's response would only be instructional in nature.

The latest election has also had problems which resulted in ex-president Voll authorizing another \$4000.00 in Village attorney costs to create an after-the-fact report (attached) on the matter expressing his dissatisfaction with how the matter was handled, and to present his verbal opinion at the April 14, 2025 Village Board meeting.

The report had little information of a constructive nature, but instead seemed to merely complain about the fact that the issue was effectively dealt with between the Village and County clerks with assistance from Marathon County attorney(s), and at no cost to the Village. The written opinion appears at its core to solicit legal services with a list of 10 items that the Village "might follow up with", while his verbal report gave the impression to some people of inviting further complaints from the public.

All of the above is to say that most if not all of the ongoing problems, expense, and bad publicity **were unnecessary**, being caused by a perceived lack of clarity in the rules, exploited in some cases by personalities apparently unwilling to follow those rules.

The Village Board has assigned CLIPP to review the above issues, and any others that come forth in the Committee's discussions, and to create an effective revision to Village Ordinance Chapter 41 that will clarify policies and procedures for elections which will remove any ambiguity real or contrived from the Wisconsin Statutes on the matter.

This process will likely take a number of meetings to effectively complete. The Election Administration Manual for Wisconsin Municipal Clerks is a good start for reference.

<https://elections.wi.gov/sites/default/files/documents/EA%20Manual-August%202024.pdf>

The Election Day Manual for Wisconsin Municipal Clerks is also valuable

<https://www.wistatedocuments.org/digital/collection/p267601coll4/id/34940/rec/1>

Both manuals refer to the appropriate statutes for reference.

Aside from the attached attorney report, we will go through the WEC complaints to see what problems are all about, as well as any other issues that committee members, the staff, or the public feel a need to be addressed.

A review of other complaints to WEC may be informative to see what problems have arisen elsewhere so that we might establish rules to pre-empt such situations that might happen here in the future.

The 5 complaints to WEC each deal with different issues and each refers to violations of the manuals or the statutes. These complaints should provide good examples of what could or has gone wrong in our elections. Since these are obvious problem areas, we would want to make sure to address and clarify the procedures referred to in these; the oldest of which is 15 months.

<https://elections.wi.gov/resources/complaints/el-24-26-charneski-v-birk-labarge>

<https://elections.wi.gov/resources/complaints/el-24-68-baker-v-birk-labarge>

<https://elections.wi.gov/resources/complaints/el-24-89-buchberger-v-birk-labarge>

<https://elections.wi.gov/resources/complaints/el-24-126-kindelberger-v-birk-labarge>

<https://elections.wi.gov/resources/complaints/el-24-110-doverspike-v-birk-labarge-et-al>

Perhaps the best way to approach this is to first start a list of problems that we have run into. Then, put together an ordinance of rules in a way that will clarify the procedures and hopefully prevent such issues from reoccurring in the future.

To start with, I think we might want to review the events of the most recent election, and the attorney's comments, to see whether or not there is anything in his opinion, or election day events that we want to start our list with, and then add to that list as we go along.

PROPOSAL: Discussion by CLIPP, and revision of Chapter 41.

RECOMMENDED ACTION: "Knuckle down, buckle down, do it, do it, do it". We have our work cut out for us, as this is a very important responsibility.

FINANCIAL

Financial Consideration/Action:

FUNDING SOURCE: N/A

Account Number/Title:	#
Current Adopted Budget:	\$
Spent to Date:	\$
Remaining Budget:	\$
Requested Amount:	\$
Remainder of Budgeted Amount, if approved:	

ATTACHMENTS: Turonie Election Report



Wisconsin Elections Commission

201 West Washington Avenue | Second Floor | P.O. Box 7984 | Madison, WI 53707-7984
(608) 266-8005 | elections@wi.gov | elections.wi.gov

February 16, 2026

Ken Charneski
2604 16th Road
Kronenwetter, WI 54455

Bobbi Birk-LaBarge
1582 Kronenwetter Dr.
Kronenwetter, WI 54455

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

Chris Voll
1582 Kronenwetter Dr.
Kronenwetter, WI 54455

Kelly Coyle
1582 Kronenwetter Dr.
Kronenwetter, WI 54455

Chris Eiden
1582 Kronenwetter Dr.
Kronenwetter, WI 54455

Alex Vedvik
1582 Kronenwetter Dr.
Kronenwetter, WI 54455

Faye Buchberger
824 W. Nelson Rd.
Kronenwetter, WI 54455

Daniel M. Kindelberger
1905 Deerwood Trail
Kronenwetter, WI 54455

Sent via email to: screenmaster@pcpros.net; bbirklabarge@kronenwetter.org;
buchbergerfaye@hotmail.com; david.baker@marathoncountyspotlight.com;
cvoll@kronenwetter.org; kellycoyle@kronenwetter.org; ceiden@kronenwetter.org;
avedvik@kronenwetter.org; Dancindan1985@yahoo.com; jpayer@kronenwetter.org;
bjbl1975@gmail.com; LDT@dempseylaw.com

Re: **Ken Charneski v. Bobbi Birk-LaBarge (EL 24-26)**
David M. Baker v. Bobbi Birk-LaBarge et al. (EL 24-68)
Faye Buchberger v. Bobbi Birk-LaBarge (EL 24-89)
Daniel Kindelberger v. Bobbi Jo Birk-LaBarge (EL 24-126)

Dear Mr. Charneski, Mr. Baker, Ms. Buchberger, Mr. Kindelberger, Clerk Birk-LaBarge, President Voll, Trustee Coyle, Trustee Eiden, and Trustee Vedvik:

This letter constitutes the decision of the Wisconsin Elections Commission (“the Commission”) for four interrelated complaints brought pursuant to Wis. Stat. § 5.06 regarding the Village of Kronenwetter (Marathon County). The complaints focus on the policies and decisions of Clerk

Commissioners

Ann S. Jacobs, chair | Marge Bostelmann | Don M. Millis | Carrie Riepl | Robert Spindell | Mark L. Thomsen

Administrator
Meagan Wolfe

Birk-LaBarge¹ with respect to the appointment, selection, and scheduling of partisan election inspectors in Kronenwetter.

Given that these complaints are brought primarily against the same election official and concern related allegations of actions that are contrary to law or an abuse of discretion, the Commission is addressing each complaint in one decision letter and issuing one order that addresses each finding of a violation or abuse of discretion. The complaints are addressed below in the order in which they were received, followed by a single order section that addresses each finding of probable cause within the four complaints.

The Commission finds that the complaints of Ken Charneski, Faye Buchberger, and Daniel Kindelberger establish probable cause that clerk Birk-LaBarge violated election procedures, and accordingly orders the Village of Kronenwetter clerk to conform future conduct to the law.

Commission Authority and Role in Resolving Complaints Filed Under Wis. Stat. § 5.06

Under Wis. Stat. §§ 5.05(1)(e) and 5.06(6), the Commission is provided with the authority to consider the submissions of the parties to a complaint and to issue findings. The Commission may summarily issue a decision and provide that decision to the affected parties. This letter serves as the Commission's final decision regarding the issues raised in these complaints.

The Commission's role in resolving verified complaints filed under Wis. Stat. § 5.06, which challenge the decisions or actions of local election officials, is to determine whether a local official acted contrary to applicable election laws or abused their discretion in administering applicable election laws.

Complaints "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." Wis. Stat. § 5.06(1). Probable cause is defined in Wis. Admin. Code § EL 20.02(4) to mean "the facts and reasonable inferences that together are sufficient to justify a reasonable, prudent person, acting with caution, to believe that the matter asserted is probably true."

EL 24-26 – Ken Charneski v. Bobbi Birk-LaBarge

Complaint

On March 25, 2024, the Commission received a sworn complaint from Complainant Charneski pursuant to Wis. Stat. § 5.06 alleging that Respondent Birk-LaBarge violated Wis. Stat. §§ 7.15(1) and 7.30 by failing to carry out her election related duties over multiple election cycles as well as improperly appointing election inspectors.

Complainant Charneski alleges that Respondent Clerk Birk-LaBarge took actions which were contrary to law with respect to appointing, removing, and scheduling election inspectors for Kronenwetter elections. Regarding Wis. Stat. § 7.30 he alleges that Respondent Birk-LaBarge:

¹ As of November 23, 2024, Bobbi Birk-LaBarge is no longer the municipal clerk for the Village of Kronenwetter. The Commission's order applies to the office, and the current clerk must comply with it under Wis. Stat. § 5.06(6).

1. Either removed or disregarded appointed election inspectors and instead hired workers whose names did not appear on a submitted political party list and who were not approved by the Village of Kronenwetter Board.
2. Did not provide for the proper balance between Republican and unaffiliated election inspectors for any election.
3. Split shifts for election inspectors without a village ordinance authorizing this act.
4. Admitted to removing at least one election inspector, Mr. Dan Joling, without cause, documentation, or notification.
5. Effectively removed Republican inspectors, namely Mr. James Wysocki and Mr. Dan Joling, on the submitted list, because they have never been asked to work an election while Clerk Birk-LaBarge has been in charge of conducting elections.
6. Did not break down the lists of potential election inspectors by party affiliation when submitted to the Village Board for approval, and stated that other nearby municipalities removed party information despite a lack of evidence in support of the claim. The Complainant alleges that the Respondent's reasoning for not breaking the list down was to "protect the privacy of the political party of these folks so they are not persuaded in any way."
7. Submitted lists of political party nominated election inspectors to the Village Board that were missing names, and thus failed to immediately forward the list under Wis. Stat. § 7.30(4)(b)2.a. and b.
8. Appointed a non-approved election worker, Cindy Aucutt, and also appointed someone who is not a resident of Kronenwetter, Cindy Falkowski, when other residents were available. He added an amendment saying that Ms. Aucutt was identified as an alternate chief inspector by the village board and was not approved as a regular election inspector.

The Complainant also included multiple exhibits.

- Exhibit A is the list of election inspectors approved by the Village Board in December of 2021 showing the inspectors as either Republican nominees, Democratic nominees, or non-affiliated.
- Exhibit B is an election inspector schedule for the August 9, 2022, primary, allegedly including two people who were not appointed as inspectors, Patty Tikalsky and Lucene Udulutch.
- Exhibit C is the same as exhibit A with highlighted names of the inspectors who worked the August 9, 2022, primary according to the list in exhibit B.
- Exhibit D is an election inspector schedule for the November 8, 2022, election, allegedly including 6 individuals who were not approved, Cindi Falkowski, Faye Buchberger, William Gau, Abby Wallis, Dennis Mueller, and Carol Howard.
- Exhibit E is the same as exhibit A with highlighted names of the inspectors who worked during the November 8, 2022, election.
- Exhibit F shows an election inspector schedule for the February 21, 2023, primary, allegedly including five individuals who were not appointed: William Gau, Cindy Falkowski, Carter Coyle, Dennis Meuller, and Lucene Udulutch.
- Exhibit G is the same as exhibit A with highlighted names of the inspectors who worked during the February 21, 2023, election.
- Exhibit H shows an election inspector schedule for the April 4, 2023, Spring Election, allegedly including nine individuals who were not appointed, Patty Tikalsky, Audrey Gray, Geraldine Kowalski, Abbi Wallis, Kay Palmer, Faye Buchberger, Cindy Falkowski, Dennis Meuller, and Lucene Udulutch.

- Exhibit I is the same as exhibit A with highlighted names of the inspectors who worked during the April 4, 2023, Spring Election.
- Exhibits J and K are email threads between the Complainant and Respondent concerning the removals of election officials, including a statement by the Respondent that “If he was taken off, it was most likely for a good reason. I, myself, removed Dan Joling in the best interest of the elections. That's the clerk's choice.” The email also shows that Respondent Birk-LaBarge was not the village clerk during the 2021 and 2022 elections. An email from Respondent La-Barge also states that Mr. Joling “never got a **formal** letter. I just never called him. If I ever DO need him, I will email him for assistance.”
- Exhibit L is an email thread between the Complainant, the Respondent, and Jim and Elaine Wysocki. The Wysocki’s email states that he was not called in to work as an election inspector after the 2022 Spring Primary, that he had been removed from the list, and that someone from the WEC explained to him that if he was removed he should have received a formal letter explaining why he was formally removed under Wis. Stat. § 7.30. The Respondent states that she had earlier “failed to rotate Republican/Democratic parties due to me not knowing.” She offers to include him on the list for 2023 elections.
- Exhibit M is an email thread between the Complainant and the Respondent concerning hiring poll workers and includes an email exchange with WEC staff stating that a clerk can appoint to fill vacancies.
- Exhibit N is another exchange between the Complainant, Respondent, and an Administrator for Kronenwetter concerning hiring election inspectors, and also includes Exhibit M.
- Exhibit O contains the list of nominated poll workers and the resolution appointing them for the 2024 to 2025 election cycle. It includes a list of names not broken down by party affiliation. It also includes a statement that three individuals notified the clerk that they did not wish to be included in the list - Daniel Joling, Cheryl A. Kempe, and Mark Hoffman - and the names do not appear on the appointed list. It also includes a statement that inspectors can be removed by the clerk under Wis. Stat. § 7.15(1)(e) and the vacancy can be filled by the clerk. It also provides that the clerk can schedule working hours for election inspectors and chief inspectors.
- Exhibit P is a letter sent to the Respondent by the Chairman of the Republican Party of Marathon County concerning political party lists of inspectors and lists of unaffiliated inspectors. It asks that all nominated individuals be appointed to inspector positions. It also includes the certified list of nominations.
- Exhibit Q is an email exchange between the Complainant and Respondent concerning the appointment of unaffiliated election inspectors and the scheduling of inspectors for an election.
- Exhibit R shows an election inspector schedule for the 2024 Spring Primary.
- Exhibit S is a letter from the Respondent to the Village Board describing the actions of the Complainant and stating that they were harassing in nature.
- Exhibit T is a version of Exhibit S that has been annotated with the Complainant’s responses to the Respondent’s letter disputing many of the points raised.

Response

On May 7, 2024, Respondent Birk-LaBarge submitted her verified response and argued against the allegations by responding to each individually:

1. The Respondent asserts she was not employed as the Village of Kronenwetter Clerk for any election or primary prior to July 18, 2022, and was therefore not responsible for the appointment or scheduling of election inspectors prior to that date. She states she did not receive on the job training regarding elections from any previous clerk, and had to complete training, and learn how to conduct an election, including staffing election inspectors, during the three weeks before the August 9, 2022, Partisan Primary. She also alleges that she was not aware that there was a list of appointed election inspectors, and that she instead operated off of an email from the previous clerk containing a list of election inspectors. She alleges that all election inspectors received training and took their oath of office.

Regarding Dan Joling, the Respondent alleges that she had various email conversations with Mr. Joling, and that he declined to serve as an inspector during the August 9, 2022, Partisan Primary, and again declined to serve during the November 6, 2022, General Election due to the use of plexiglass at the polling place, which made it difficult for him to hear. She states that she did not contact him again for the 2023 Spring Primary and Election because she was still using plexiglass at the polling place. She states that she received an email in December 2023 from Mr. Joling declining to serve as an election inspector for the 2024-25 election cycle due to scheduling conflicts.

Regarding James Wysocki, the Respondent alleges his name was not on the email that she used to choose election officials and alleges that the word “no” was written next to his name for the 2022 Spring Election, which she understood to mean he was not able to serve during that election. Clerk Birk-LaBarge maintains that she did not know Mr. Wysocki should have been included in the pool of election inspectors until the Complainant brought it to her attention. Clerk Birk-LaBarge contacted Mr. Wysocki about being an election inspector, and while he declined to serve in 2023, he has since been added to the approved list of 2024-25 inspectors and worked both the 2024 Spring Primary and Spring Election.

2. The Respondent alleges that she did not provide schedules for the November 3, 2020, General Election or the April 5, 2022, Spring Election because she was not the clerk at the time and was not able to find any responsive records for the election official schedules.
3. Regarding the allegation that she did not attempt to achieve the statutory balance of election officials, the Respondent states that she disagrees with the allegation and that it is “the personal opinion” of the Complainant.
4. Regarding the allegation that she split shift without a village ordinance authorizing that action, she alleges that there are ordinances, §§ 41-1, 41-2, and 41-3, governing this action and refers to other materials provided by the village attorney. The village attorney provided copies of ordinances along with an explanation.
5. The respondent refers to her response in part 1 regarding the allegation that she removed at least one election inspector without cause.
6. Regarding the allegation that she effectively removed Republican nominees from the list of approved election inspectors by not scheduling them, she states that she disagrees and again says that the claim is the Complainant’s “personal opinion.”

7. Regarding the claim that she did not break the list of partisan and unaffiliated election inspector nominees down by affiliation, she states that “the list of party nominees does not necessarily need to be broken down when they are submitted to the village board.” She does state that the lists previously had been provided in a manner that showed party affiliation.
8. Regarding the allegation that she removed names from the list submitted by the Republican Party before forwarding them to the Village Board, she alleges that she never removed any names from the lists submitted by the Republican Party. Three individuals were removed from the list because they declined to serve or not consent to their inclusion on the list, but this was shown on the list and within the minutes. She states that the minutes from the December 11, 2023, show that the names were presented but that political affiliations were not shown “due to the impact it could have on their impartiality during elections.”
9. Regarding the allegation of choosing an election inspector who is not a resident of the municipality, the Respondent states that she assumes the Complainant is referring to Cindy Falkowski. The Respondent alleges that Ms. Falkowski is a resident of Marathon County and is a qualified elector. To be a poll worker, Clerk Birk-LaBarge asserts, a person must be a qualified elector of the county in which the municipality is located. Ms. Falkowski is a previous clerk for the Village of Kronenwetter for 10 years. The Respondent alleges that Ms. Falkowski attended all required training and was sworn in as an election inspector after being approved by the Village board on December 11, 2023.
10. Regarding the allegation that she had her favorite, previously illegal poll workers on the list approved by the Village Board, the Respondent states that she does not have “favorites” and that her poll workers were not “illegal.”
11. Regarding the allegation that she brought in Cindy Aucutt who was not an approved poll worker, for the February 20, 2024 primary, the Respondent alleges that Ms. Aucutt had been a chief inspector for many years prior to the Respondent becoming village clerk and that she is “a known and approved worker” who has “attended training fulfilling her . . . training hour requirements.” She states that Ms. Aucutt was sworn in as Chief Election Inspector and approved by the village board on December 11, 2023. She states that Ms. Aucutt “was sworn in and approved by me as the clerk to work the February 20, 2024, election.
12. Regarding the allegation that she did not immediately send the Republican Party list to the Village President and instead contacted the individuals and removed three of them from the list, the Respondent alleges that the attached list was also sent to the Village President, but that three individuals declined to serve. The individuals are Mark Hoffman, who stated that he did not want to be an inspector for the cycle, Dan Joling, who had scheduling conflicts, and Cheryl Kempe, who declined to serve.
13. Concerning exhibit C and the allegation that two individuals who were not appointed served during the primary, the Respondent alleges that both Patty Tikalsky and Lucene Udulutch received training and were sworn in and appointed by her.
14. Regarding exhibit E and the allegation that six individuals who served who were not appointed by the Village Board on December 21, 2021, all received training from the Respondent, took their oath, and were all appointed by her.

15. Regarding exhibit G and the allegation that five people served who were not appointed by the Village Board on December 21, 2021, the Respondent alleges that all received training from the Respondent, took their oath, and were all appointed by her.
16. Regarding exhibit I and the allegation that nine people served who were not appointed by the Village Board on December 21, 2021, the Respondent alleges that all received training from the Respondent, took their oath, and were all appointed by her.
17. Regarding the allegation that some election inspectors were scheduled several times, others never used, and that inspectors were arbitrarily brought in by the Respondent, the Respondent alleges that no one was displaced and that an email was sent before each election asking for availability, and that the available names are given to the Chief Inspectors to develop schedules for election day, meaning that the schedules are based on the availability of the inspectors.

The Respondent also included several exhibits:

- The first shows the village ordinances governing elections:
 - “§ 41-1 - Election Officials. Election officials shall be appointed as prescribed by Wis. Stats. § 7.30. (Ord. of 4-12-2004).”
 - “§ 41-2. – Hours for voting. The polls on each election day shall remain open for voting from 7:00 a.m. until 8:00 p.m. (Ord. of 4-12-2004).”
 - “§ 41-3. – Alternates. The village clerk may appoint alternate election inspectors, as needed, to work at elections held in the village. This includes wards one through 8. (Ord. of 4-12-2004).”
- The second is resolution 2021-026 creating election wards.
- The third is resolution 2023-016 appointing the 2024-2025 election inspectors. The resolution shows that the names of Daniel Joling, Cheryl Kempe, and Mark Hoffman were removed from the list because they notified the clerk that they did not wish to be included. It also shows that Marie Traska and Mary Ventzke were designated as Chief Inspectors with Cynthia Aucutt as an alternate, and that they will hold the position unless removed by the clerk or ceasing to be certified as a chief inspector. The resolution also notes that any inspector could be removed under § 7.15(1)(e). It also shows that the clerk is directed to schedule working hours for inspectors and chief inspectors.
- The fourth shows the election inspector schedule from February 24, 2024, Spring Primary. It shows three Democratic Inspectors, eight Republican Inspectors, and eight non-affiliated inspectors.
- The fifth shows the election inspector schedule from the April 2, 2024, Spring Election. It shows four Democratic Inspectors, twelve Republican Inspectors, and nine non-affiliated inspectors.
- The sixth shows an email, with a date of November 28, 2023, from the Respondent reaching out to the Democratic nominees and asking them if they are willing to work all elections in the 2024-2025 election cycle, listing the scheduled elections, stating that there is required training for each election, and asking them to verify their commitment to serving by December 6.
- The seventh shows the Democratic list of nominees sent to the Respondent and the Village President and received on November 27, 2023. It certifies that all nominees have been contacted and agreed to serve. The list appears to have five people on it. Another attachment shows a digital copy being sent on November 16, 2023, and an acknowledgement on December 1.
- The eighth is an email from the Democratic Party from February 29, 2024, asking to add Faye Buchberger as an election inspector.

- The ninth is an email, with a date of November 28, 2023, from the Respondent reaching out to the Republican nominees and asking them if they are willing to work all elections in the 2024-2025 election cycle, listing the scheduled elections, stating that there is required training for each election, and asking them to verify their commitment to serving by December 6.
- The tenth is a letter from the Republican Party requesting that all individuals nominated as election inspectors in a prior communication be appointed to the office by the governing body. The list containing 21 names certified by the Republican Party is also attached.
- The eleventh is an email from Mark Hoffman, who appears on the Republican Party list, stating that he did not intend to serve as a poll worker for the coming cycle.
- The twelfth is an email from Dan Joling, whose name appears on the Republican Party list, stating that he needed to decline serving as an inspector due to scheduling conflicts.
- The thirteenth is an email from Cheryl Kempe, who appeared on the Republican Party list, stating that she would not be able to serve as an election inspector.
- The fourteenth is an email exchange between the Respondent and WEC staff concerning individuals appearing on the Republican Party list that did not wish to serve as inspectors.
- Fifteenth is an email exchange between the Respondent and the Chair of the Republican Party of Marathon County, which includes a prior exchange between the Complainant and the Respondent. It asks the chair why a separate list was provided to the Complainant that contained additional names than the one provided to the Respondent and nominating individuals to serve as inspectors. There is also a response provided from the vice-chair, Deb Hadley. Ms. Hadley appears to confirm that the list of 21 names referenced by the Respondent was correct, and that the list sent to the Complainant was an earlier list. The email notes that all 21 agreed to work at the time they were contacted. The email states that the Republican Party was not notified that individuals on the list told the Respondent they would not be able to work. It also states that individuals can only be removed from the list with WEC authorization. She states that people who have indicated that they do not wish to serve are not included on the lists. The email also states that an additional name was provided on March 26, 2024.
- Sixteenth is training certificate for Cynthia Aucutt dated October 26, 2023, for chief inspector training conducted by Trent Miner as well as an oath of office document sworn before the Respondent and dated February 13, 2024. An oath of office for Cindra Falkowski is also provided.
- Seventeenth is a population and voting age population provided by the Wisconsin Department of Administration.

Response from Dempsey Law – On Behalf of Clerk Birk-LaBarge

On May 7, 2024, Attorney Lee D. Turonie of Dempsey Law submitted a letter to the Wisconsin Elections Commission to accompany the response from Clerk Birk-LaBarge. The letter specifically addressed paragraph number 4 of the Complaint related to Clerk Birk-LaBarge's ability to split shifts when there is not an authorizing Village ordinance to do so. Attorney Turonie contends that Complainant Charneski could have sought to enact an ordinance relating to the issues he raises regarding elections and that the existing ordinances seem "to contradict much of the Charneski complaint." Attorney Turonie further notes the Village has a combined polling place for all 11 wards and uses multiple voting machines during each election and argues that under Wis. Stat. 7.30(1)(a), this allows the municipality to provide for the appointment of additional inspectors. The municipality, under this statute, may also provide by ordinance for the election of alternate officials or two or more sets of officials to work at different times on Election Day, and that alternate officials shall be appointed in a number sufficient to maintain adequate staffing.

Attorney Turonie states that there is no required structure for election administration ordinances, and that the Village's should be sufficient.

Reply

In his reply, the complainant points out that the Response, while notarized, does not contain the sworn statement under Wis. Admin. Code § EL 20.03.

The Complainant asserts that while it may be true that Clerk Birk-LaBarge lacked training in election administration initially, she still should have availed herself of resources and information, including her village administrator, experienced election inspectors, the League of Wisconsin Municipalities, and the Election Administration Manual to understand her responsibilities as municipal clerk.

The Complainant alleges that the plexiglass mentioned as the reason Mr. Joling did not serve as an election inspector was removed during one of the elections. He alleges that Mr. Joling could have served in another position, and that Mr. Joling declined to serve for the 2024-2025 cycle in part due to his perception that the Respondent was discriminating against him. He alleges that in the Response, the Respondent states that Mr. Joling was never removed from the list, but that he was only told that after the last election within the cycle. He states that this claim contradicts statements made by the Respondent in Exhibit K that Mr. Joling was removed from the list. He states that this was a removal and was not compliant with Wis. Stat. § 7.30(6).

With respect to James Wysocki, the Complainant states that Mr. Wysocki declined to work due to the Respondent's "attitude and tone" toward him and that the email exchange provided in the response took place after the last election in the cycle was over. He also states that Mr. Wysocki was improperly excluded as an election official based on the word "no" simply appearing next to his name.

The Complainant alleges that Clerk Birk-LaBarge had an imbalance in partisan election inspectors and alleges that she instead preferred to use "unaffiliated" inspectors. The Complainant states that his exhibits C, E, G, and I show "a 2 to 1 imbalance of workers" and that the Respondent "shows no effort to contact the Democratic party to obtain more worker names."

The Complainant also mentions that he believes the Respondent did not provide the email containing the list of election inspectors from the prior clerk that the Respondent alleges to have used to schedule election officials.

The Complainant reasserts his position that the Village has not passed an ordinance pursuant to Wis. Stat. § 7.30(1)(a) to permit partial shifts, and that Clerk Birk-LaBarge did so impermissibly of her own discretion.

The complainant reiterates that his exhibits C, E, G, and I show that at least seven individuals were never called in to work an election.

The Complainant also argues that while it may not be a legal requirement for the list of election inspectors to be broken down by party affiliation, it is a practical necessity for the public to identify whether or not there is an ideological balance of election inspectors who are conducting an

election. He also alleges that five of the six surrounding municipalities do include party affiliation, which he states contradicts the Respondent's statements to the Village Board in December 2023. He notes that the Election Administration Manual says that the clerk should identify any election inspectors appointed by one of the two political parties. He also states that she did not immediately forward the list of nominations to the Village President. He also notes that the Respondent did not communicate with the Republican Party concerning the list until January after the nominations were made. He also states that the WEC would have needed to approve those removals under Wis. Stat. § 7.30(4)(e).

With respect to Cindra Falkowski, the Complainant alleges that since she is not a resident of the Village of Kronenwetter, she should not have been hired as an election inspector under Wis. Stat. § 7.30(4)(c) if there were others in the Village who were able and ready to serve. He states that Ms. Falkowski served illegally in those elections because she was not nominated by the board. He states that "there is no shortage of workers who are residents of this Village" and asks the WEC to remove her as an election inspector.

The Complainant reiterates that it is unclear how the Respondent located and approved the individuals who were not appointed by the Village Board. He states that he has not argued that they were not trained or did not take the oath, but that they were not appointed by the governing body. He notes that vacancies must be filled from any remaining names on the political party lists under Wis. Stat. § 7.30(2)(b). He alleges that the Respondent cannot appoint any election worker that has not been approved by the governing body.

The Complainant argues that the Respondent only alleges to have asked for election inspector availability for elections rather than directing them to serve at the appointed times, as they agreed to when they were nominated and appointed. He states that "[t]here is no indication that any of those people refused to work, only that they failed to volunteer." He states that "when not enough people stepped forward, LaBarge used that as a reason to bring in her own people to fill the positions under the assumed premise of 'not enough workers.'" He states that the "alleged 'shortage' seems to be of LaBarge's own making, since there were seven people that somehow never got called in to work, nor is there documentation that anyone actually refused to work, nor were they removed from the list as Dan Joling was.

Discussion

The allegations raised by the Complainant involve many subsections within Wis. Stat. § 7.30, which concerns nominating, appointing, and staffing election inspectors. The Commission provides the relevant statutory language in full below in this complaint and will refer to sections as necessary throughout this decision letter.

Election Inspector Appointment Statute:

Wisconsin Statute § 7.30(1)(a) concerns the required numbers and party balance of election inspectors, and states in full that:

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.

Regarding qualifications, Wis. Stat. § 7.30(2)(a) states in relevant part that:

. . . each election official shall be a qualified elector of a county in which the municipality where the official serves is located, and each chief inspector shall be a qualified elector of the municipality in which the chief inspector serves. . . . 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. . .

Regarding vacancies, Wis. Stat. § 7.30(2)(b) states in relevant part that:

When a vacancy occurs in an office under this section, the vacancy shall be filled by appointment of the municipal clerk. Unless the vacancy occurs in the position of an inspector appointed under sub. (1) (b), the vacancy shall be filled from the remaining names on the lists submitted under sub. (4) or from additional names submitted by the chairperson of the county party committee of the appropriate party under sub. (4) whenever names are submitted under sub. (4) (d). If the vacancy is due to candidacy, sickness or any other temporary cause, the appointment shall be a temporary appointment and effective only for the election at which the temporary vacancy occurs. The same qualifications that applied to original appointees shall be required of persons who fill vacancies

Regarding appointment by the governing body, Wis. Stat. § 7.30(4)(a) states in relevant part that:

Except in cities where there is a board of election commissioners, the mayor, president or board chairperson of each municipality shall nominate to the governing body no later than their last regular meeting in December of each odd-numbered year the necessary election officials for each polling place and any election officials required under s. 7.52 (1) (b).

Regarding party lists nominating election inspectors for municipalities outside of counties with populations over 750,000, Wis. Stat. § 7.30(4)(b) states in relevant part that:

The 2 dominant parties, under sub. (2), are each responsible for submitting a list of names from which all appointees to inspector positions, other than appointees to inspector positions authorized under sub. (1) (b), shall be chosen. Each person submitting the name of one or more nominees shall certify on his or her list of nominations that the person has contacted each nominee whose name appears on the list and that each nominee has agreed to serve as an election official. The nominations shall be submitted as follows:

. . . 2.a. [the parties] shall submit a list containing the names of nominees from that party. The chairperson of each of the 2 committees shall submit the list to the mayor, president, chairperson, or clerk of the municipality, or to his or her agent, or shall deliver or mail the list to the office of the municipality. If the chairperson submits the list to the municipal clerk or his or her agent, the clerk shall immediately forward the list to the mayor, president, or chairperson of the municipality. . . . Except as provided in par. (c), only those persons submitted by the chairperson of each committee under s. 8.17 may act as election officials. The chairperson of each committee under s. 8.17 may designate any individual whose name is submitted as a first choice nominee.

. . . c. 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.

Regarding the appointing process, Wis. Stat. § 7.30(4)(c) states in full that:

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.

Regarding first choice nominees, Wis. Stat. § 7.30(4)(e) states that:

If an appointing authority believes that, for good cause, it should not appoint an individual whose name is submitted as a first choice nominee under par. (b), it may request the commission to authorize nonappointment. The commission may permit nonappointment of an individual for cause demonstrated by an appointing authority.

Regarding service as an election inspector, Wis. Stat. § 7.30(6)(a) states in relevant part that the inspectors “shall serve at every election held in their ward during their term of office.” However, despite service being mandatory, “[m]unicipal clerks may grant exceptions from service at any time.” Wis. Stat. § 7.33(3).

Regarding the appointment of chief inspectors, Wis. Stat. § 7.30(6)(b) states in relevant part that:

Prior to the first election following the appointment of the inspectors, the municipal clerk shall appoint one of the inspectors at each polling place, other than an inspector who is appointed under sub. (1) (b), to serve as chief inspector.

Regarding the dismissal of election inspectors, Wis. Stat. § 7.30(6)(c) states that:

If any election official appointed under this section lacks the qualifications set forth in this section, fails to attend training sessions required under s. 7.15 (1) (e) unless excused therefrom, is guilty of neglecting his or her official duties or commits official misconduct, the municipal clerk or board of election commissioners shall summarily remove the official from office and the vacancy shall be filled under sub. (2) (b).

Allegation of Improper Dismissal or Staffing of Election Inspectors:

The Complainant alleges that the Respondent either improperly dismissed, or simply disregarded, election inspectors appointed by the municipality, and instead hired additional election inspectors. He discusses two specific examples, Dan Joling and James Wysocki, as well as mentioning others in the provided exhibits. The exhibits show schedules in which not all inspectors who were appointed serve in the election and several people who were not appointed by the governing body serve in the election. The Complainant refers to the individuals who were not appointed by the governing body as illegal or improper inspectors.

Beginning with the specific examples of Mr. Joling and Mr. Wysocki, the Commission finds an abuse of discretion regarding the Respondent’s scheduling practices for these individuals. The

email exchange between the Respondent and Complainant concerning Mr. Joling at first appears to show a violation of Wis. Stat. § 7.30(6)(c) for an improper dismissal of an election official. The Complainant provided evidence of the Respondent stating that “I, myself, removed Don Joling in the best interest of the elections. That’s the clerk’s choice.” A removal “in the best interest of elections” does not meet the statutory dismissal standards without a more significant explanation. However, Respondent also stated that “Mr. Joling never got a formal letter. I just never called him. If I ever DO need him, I will email him for assistance” indicating that he was not dismissed, meaning that no permanent vacancy was created for his position. The Respondent provides additional details concerning the interactions with Mr. Joling, and shows evidence that Mr. Joling declined multiple times to serve as an inspector due to plexiglass used at the polling places making it difficult for him to hear. However, she also states that after these declinations to serve, she did not contact him again in 2023 to serve.

The emails concerning Mr. Wysocki also show that he was not contacted to serve at an election despite having been nominated by the Republican Party and appointed by the Village Board in 2021. The Respondent admits that she was not aware of the list of election inspectors appointed by the governing body and instead used an email from the previous clerk containing inspector names. Regarding Mr. Wysocki, the Respondent alleges that his name was not on the email from the previous clerk, that the word “no” was written next to his name on the 2022 Spring Election schedule, and that she did not know Mr. Wysocki should have been included as an election inspector until the Complainant notified her. She further alleges that Mr. Wysocki declined to serve during 2023 after being contacted, but that he was approved as an inspector for the 2024–2025 election cycle.

The Commission finds an abuse of discretion due to Mr. Joling and Mr. Wysocki, individuals appointed from party lists, simply not being contacted to serve during elections. While not scheduling these individuals did not result in an improper partisan balance of inspectors, it appears to go against the Respondent’s stated procedure of asking all election inspectors whether or not they can serve during an election and then making a schedule using those available. While the neglect of Mr. Wysocki appears unintentional, and while she may have believed the Mr. Joling would have simply declined again to serve at subsequent elections, the Commission finds that under Wis. Stat. § 7.30(2)(a) the Republican Party was entitled to half plus one of the inspectors working in the Village of Kronenwetter’s polling place, and that to meet this requirement under the Respondent’s staffing procedure, she needed to ascertain which inspectors would have been able to serve during each election. For at least Mr. Joling and Mr. Wysocki, this did not occur. Due to different numbers of inspectors needed at different elections, different working hours, and different availability, it is very likely that not all appointed inspectors from either party would need to be scheduled or be able to serve, but without an attempt to gather this information for all partisan inspectors, the Respondent did not provide herself with all of the information she needed to make selections, and improperly left these two individuals out of the process.

Order Regarding Improper Election Inspector Staffing Procedures:

The Commission orders the Village of Kronenwetter clerk to ensure that all partisan nominated and appointed election inspectors are at least considered for staffing polling places at each election,

and that there be as many partisan inspectors serving as allowed at the location given the total number of slots available and the availability of the inspectors. Unless significantly larger lists of inspectors are nominated by both political parties, the Commission would expect that many unaffiliated inspectors would still be needed to adequately staff polling places at the village's elections.

Allegation of Unappointed Inspectors Serving at Elections:

Next, the Commission considers the exhibits showing individuals who were not appointed by the governing body serving as inspectors during an election. In most instances highlighted by the Complainant, with Mr. Joling and Mr. Wysocki being exceptions, the Commission does not have enough information to determine if the Respondent contacted all party nominated and appointed election inspectors to serve at each election. Even though the Complainant has shown that seven appointed inspectors did not serve at any elections, there is no information showing that they were never contacted to serve. The Complainant states in the reply that the Respondent "bring[s] in her own people" when appointed inspectors do not affirmatively state their availability to serve, but he has not shown that this is an insufficient reason to fill a temporary vacancy under Wis. Stat. § 7.30(2)(b). While service is mandatory at each election, a municipal clerk may grant exceptions from service at any time, and the Respondent has shown that she creates schedules based on inspector availability for each election, which the Commission accepts as granting exceptions for service. *See*, Wis. Stat. § 7.33(2). While it might be possible to dismiss election inspectors for failure to serve under Wis. Stat. § 7.30(6)(c), the Commission would not recommend taking that action.

As long as the Respondent determines, considering first all appointed partisan inspectors and second all appointed unaffiliated inspectors, that she does not have enough election inspectors ready and able to serve at a given election, she may make a temporary appointment to fill that position at that election under Wis. Stat. § 7.30(2)(b). The Complainant has shown a large number of temporary appointments, and has also shown a large number of inspectors who did not serve, or did not serve consistently, but without showing that appointed individuals were ready to serve and simply ignored, the Commission cannot find an abuse of discretion or violation of law regarding these instances. Therefore, Commission does not find probable cause that the Respondent improperly made temporary appointments of individuals to serve as inspectors.

However, the Commission does remind the Village of Kronenwetter clerk to ensure that all appointed partisan inspectors who would be able to serve at a polling place given the number of officials needed, and second all inspectors appointed without regard to party, are ruled out as being unavailable before any temporary appointments may be made.

The Commission notes that the Respondent's claim that each inspector received training and completed an oath was conceded in the Complainant's reply, and the Commission has no reason to find that anyone served at an election without being appointed or trained. It appears to the Commission that the clerk made temporary appointments as needed to staff polling places, and that each person appointed received the required training under Wis. Stat § 7.31(2) prior to serving.

Allegation of Improper Party Balances of Election Inspectors:

Regarding the allegation that the Respondent did not provide the proper balance between Republican and unaffiliated election inspectors, the Commission does not find probable cause of a violation because the Republican Party always appears to have had at least one more election inspector serving at a given time than the Democratic Party. The Commission notes that the Respondent not contacting Mr. Joling and Mr. Wysocki about serving at certain elections may have resulted in fewer appointed individuals serving. However, the order above addresses this issue, and the Commission does not need to issue a second order based on this allegation. While the Complainant argues in the reply that the Respondent should have reached out to the Democratic Party to correct the overall imbalance of partisan inspectors, due to the comparatively low number of Democratic nominees, the Commission finds that while the parties have the right to submit additional names for the purpose of filling vacancies under Wis. Stat. § 7.30(4)(d), a clerk does not have a duty to solicit names from them and may proceed with filling a permanent or temporary vacancy immediately as the need arises, turning to remaining names or supplemental names on lists if any are available.

Allegation of Splitting Election Inspector Shifts without an Ordinance:

The complainant alleges that the Respondent split shifts without a village ordinance authorizing that action. While this argument is developed more fully in EL 24-68 and addressed more thoroughly in that discussion, the Commission finds that the Village of Kronenwetter does have ordinances providing for alternate inspectors, and that the Village Board provided the Respondent with the authority to set the hours of her election inspectors. It also finds that the Village of Kronenwetter uses multiple voting machines and has a combined polling place and is therefore able to appoint additional inspectors.

Allegation of Removing Election Inspector Nominees from Party Lists:

The Complainant alleges that the Respondent improperly removed three names from the Republican Party list before forwarding it to the governing body, under Wis. Stat. § 7.30(4)(b)2.a. The Respondent alleges and provides evidence that she received contacts from each of the three inspectors stating that they declined to serve during the 2024–2025 election cycle. She states that she did not remove any names from the lists as they were submitted, but brought them to the Village Board with the explanation that they declined to serve. She also alleges that the Village Board President received an original copy of the list from the Republican Party.

The Commission finds that the three individuals were presented to the Village Board, and that the board agreed with the Respondent's presentation that they declined to serve, and subsequently declined to appoint them under Wis. Stat. § 7.30(4)(b)2.c. and (c). While the Complainant argues that approval from the Commission was needed regarding the nonappointment of these individuals, none of them were listed as first choice nominees, and thus the Commission was not required to authorize nonappointment under Wis. Stat. § 7.30(4)(e). Considering the specific language within Resolution 2023-16 addressing this issue, the Commission concludes that the Village Board was aware that these names were nominated on the Republican Party list, and determined not to appoint them due to the individual's not being willing to serve. The Commission does not find a violation of law or an abuse of discretion concerning this series of actions.

Allegation of Removing Party Identifications from Lists of Inspector Nominees:

The Complainant alleges that the Respondent did not break down the lists of potential election inspectors by party affiliation when the Village Board appointed election inspectors under Wis. Stat. § 7.30(4)(b) and (c). The Complainant provides evidence that the names of poll workers previously had been broken down by party affiliation, and the Respondent admits that was a prior practice. Regarding the presentation of the inspectors nominated by the Republican and Democratic Parties, the Commission finds an abuse of discretion in the Respondent's process when considering the reasons given in documents provided by the Complainant and not rebutted by the Respondent. There is no reason to withhold the information concerning which party submitted which names, and that information might be critical to a governing body appointing the right balance of election inspectors.

In this instance, there was no harm, because the Village Board appointed every individual whose name was provided by the Republican and Democratic parties with the exception of those it specifically declined to appoint due to refusals to serve, and more Republicans than Democrats were appointed. But the lack of harm does not mean that this was a proper exercise of discretion. Had the facts been different, the Village Board could have unknowingly appointed unaffiliated inspectors *instead of* qualified partisan inspectors rather than merely in addition to all partisan nominees as needed.

Order Regarding Party and Unaffiliated Identifications for Election Inspector Nominees:

Because the lack of clarity regarding which party nominated which individuals, the confusion it apparently caused during the December 11, 2023, Board Meeting, and the lack of apparent safeguards to prevent improper appointments, the Commission orders the Village of Kronenwetter to publicly disclose the nominations of partisan election inspectors to the governing body so that the governing body may proceed with nominating and appointing inspectors as it chooses.

Allegations of Improper Election Inspector Appointments:

The Complainant alleges that the Respondent appointed an election inspector, Cindy Aucutt, who was only approved as an alternate chief inspector by the board rather than a regular election inspector. The Respondent alleges that Ms. Aucutt, a prior chief inspector, had completed training and was appointed by the governing body on December 11, 2023, and that she was sworn in for the February 20, 2024, Spring Primary. While Ms. Aucutt was appointed as an alternate chief inspector, the Commission notes that the designation of chief inspectors is a duty assigned to the municipal clerk rather than the governing body under Wis. Stat. § 7.30(6)(b) and that anyone serving as a chief inspector must first be an inspector. Given the ordinance allowing the clerk to appoint alternate inspectors as needed, and given the intent of the governing body to appoint Ms. Aucutt as an alternate chief inspector, the Commission finds that Ms. Aucutt was appointed as an election inspector by the governing body, and that the clerk was not required to select her as a chief inspector, and was permitted to select her as an alternate to serve at an election as needed.

The Complainant also alleges that the Respondent appointed at least one inspector, Cindy Falkowski, who was not a resident or Kronenwetter when residents were available to serve. The Commission does not have enough information to conclude that residents of Kronenwetter were ready and able to serve when the Respondent needed temporary appointments but neglected them in favor of individuals residing outside of the municipality. The Respondent alleges that Ms. Falkowski, a prior clerk for the Village, is an elector of Marathon County and that she attended training, and that she was subsequently appointed by the governing body as an inspector. While the requirement to choose individuals of the municipality carries over to vacancy appointments due to Wis. Stat. § 7.30(2)(b) stating that the same qualifications apply to appointees to vacant positions, there is no required procedure to solicit individuals from a municipality to serve, and without concrete evidence that there were individuals from the municipality who were in contact with the clerk and ready to serve, the Commission cannot find probable cause that this statutory preference for local inspectors was violated.

While the Commission's orders should bring some uniformity to staffing polling places and appointing inspectors to fill temporary vacancies, the Village could also expand its election ordinances to specify procedures for staffing and filling vacancies, as long as those ordinances do not contradict the governing statutes.

EL 24-68 – David Baker v. Bobbi Birk-LaBarge et al.

Complaint

The complaint by David Baker was noticed to the Respondents on June 18, 2024. In addition to Respondent Birk-LaBarge, the complaint also names Village President Chris Voll, and Trustees Kelly Coyle, Chris Eiden, and Alex Vedvik as respondents.

The Complaint includes the Village President and Trustees as election officials due to their duty under Wis. Stat. § 7.30 to appoint election officials for the municipality. The complaint alleges that Respondent Birk-LaBarge is the Village Clerk and was appointed to the position on July 25, 2022, by President Voll and confirmed by the Village Board.

The Complainant alleges that:

1. The Respondents failed to follow Wis. Stat. § 7.30 in the appointment of election officials for the municipality. He alleges that the Village Board respondents all voted yes to pass Resolution 2023-16, which appointed election inspectors for the 2024-2025 election cycle.
2. The Village of Kronenwetter had 19 election inspectors serve during the February 20, 2024, Spring Primary, but did not have a resolution or ordinance under Wis. Stat. § 7.30(1)(a) allowing the appointment of additional inspectors. He alleges that alternate officials are not identified as such in Resolution 2023-16. He alleges that 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.
3. The party imbalance was not met during the February 20, 2024, Spring Primary because the Republican Party was entitled under Wis. Stat. § 7.30(2) to one more election inspector than the Democratic Party. He alleges that there were 19 total election inspectors and only 8 affiliated with the Republican Party instead of the required 10, and that excluding greeters

there were 17 inspectors, with seven affiliated with the Republican Party instead of the required nine.

4. Wisconsin Statute § 7.30(2) requires that “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.” He alleges that “At the February 20, 2024, Spring Primary, 3 Election Inspectors affiliated with the Republican Party and 0 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 Table 2. 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.”
5. That Village President Respondent Voll did not nominate individuals based on party affiliation under Wis. Stat. § 7.30(4)(b)2.c., and that the board did not know the number of necessary election officials from each party and thus failed to appoint the proper number from each party.

The Complainant asks the Commission to require the Respondents to adopt a resolution that specifies the required number of Republican and Democratic election inspectors, and to communicate to the parties that Resolution 2023-16 did not properly appoint inspectors and that the parties would have a chance to submit new names to be appointed during an August 26, 2024 Village Board meeting.

The Complainant submitted a transcript of the December 11, 2023, board meeting during which Resolution 2023-16 was passed. He notes that multiple speakers at one time made transcription difficult. He also submitted Resolution 2023-16 concerning the 2024-2025 election inspectors. Finally, he included election results from the General Elections in 2020 and 2022, which show that the Republican Party would be due one more poll worker in the Kronenwetter polling place for both the 2022-2023 and 2024-2025 election cycles.

Response

Respondent Birk-LaBarge, responding on behalf of all Respondents, states that the Village of Kronenwetter uses a combined polling place and more than one voting machine. She states that in addition to ordinances 41-1, 41-2, and 41-3, there are two resolutions governing elections, 2021-026 and 2023-016.

She states that she used the lists from the Democratic and Republican Parties nominating individuals to serve as election inspectors, and that neither list identified any individual as a first-choice nominee. She alleges that each person whose name appeared on a list was appointed except for those who indicated that they did not wish to serve in that role. Of the 21 individuals nominated

by the Republican Party, three declined to serve, and all of the five individuals nominated by the Democratic Party agreed to serve, leading to 23 total partisan inspectors who were appointed by the Village Board. In addition, the board appointed nine unaffiliated individuals, for a total of 32 election inspectors. She alleges that though Resolution 2023-016 did not list party affiliation, that information was available as a public record.

She alleges that out of the 32 election inspectors, only some are available to serve at a given election, as determined by emailing the inspectors, and that all inspectors who agree to work are scheduled to work.

She alleges that the Democratic Party supplemented their list with Faye Buchberger in February 2024, and that her name was thus not part of Resolution 2023-16, which was adopted on December 11, 2023. The Respondent alleges that there have not been any resignations to create permanent vacancies

She states that she has “appointed additional unaffiliated election inspectors from time to time and within my legal capacity. Since no inspectors have resigned, these are temporary vacancy appointments. She states that these names do not appear in Resolution 2023-016 because the temporary vacancies occurred after the resolution was passed.

She states that all inspectors are trained and qualified to serve.

She states that the Republican Party is the dominant political party at the polling place, and alleges that the 2024 Spring Primary had eight Republicans, three Democrats, and eight unaffiliated inspectors for a total of 19, and that the 2024 Spring Election had twelve Republicans four Democrats, and nine unaffiliated election inspectors for a total of 25.

The Respondent attached the same documents that had been provided as exhibits to complaint EL 24–26, Ken Charneski v. Bobbie Birk-LaBarge.

Response of Attorney Turonie

The response from Attorney Turonie addresses several legal arguments as part of the Response for all Respondents. Attorney Turonie’s letter states that this complaint concerns the same subject matter as EL 24–26, Ken Charneski v. Bobbie Birk-LaBarge.

First, Attorney Turonie’s letter argues that the Village Board members named in the complaint are not election officials and notes that the WEC Election Administration Manual does not identify municipal governing body members as election officials. Attorney Turonie argues that Village Board members do not conduct elections and are not trained to perform election duties. He also argues that OAG-01-24 concludes that the meaning of “election official” in the Wisconsin Constitution is the same as the definition within Chapter 5 of the Wisconsin Statutes, and that the work required “to be performed by election officials is work in directing or leading the administration of an election.”

Attorney Turonie argues that Kronenwetter has more than one voting machine and has a polling place that combines multiple wards and is thus able to have “an unspecified number of ‘additional inspectors’” under Wis. Stat. § 7.30(1)(a). He also argues that under Wis. Stat. § 7.30(4)(c) a

municipality can appoint more names than it receives on party lists. He argues that the list of 23 affiliated and nine unaffiliated election inspectors, supplemented with temporary appointments by the clerk as needed, is allowed by statute and the Kronenwetter Village Ordinances. He alleges that the clerk may appoint individuals to serve in temporarily vacant positions under Wis. Stat. § 7.30(2)(b), and that she has done so. As in EL 24–26, he provides the village ordinances governing elections and argues that the Complainant’s statement that the Village has no ordinances governing the appointment of additional inspectors is incorrect. He notes also that Resolution 2023-016 states that the clerk is directed to schedule working hours for Election Inspectors and Chief Election Inspectors. He argues that Wis. Stat. § 7.30 and Wisconsin’s Home Rule authority allows local government units to account for relevant local facts and provide for “the flexible use of adequate officials” and that the Village has accomplished this in its ordinances and resolutions. He also notes that the clerk cannot control how many names are submitted by the parties or how many officials are able to serve on an election day.

Attorney Turonie argues that the predominant party is entitled to one more official than the other party, and that unaffiliated inspectors “do not figure into that math.” He notes that at each election, the Republican Party had more than just one additional inspector.

Attorney Turonie argues that the chief inspector only needs to assign inspectors of both parties when two or more inspectors are required to perform a specific function “insofar as practicable” rather than an absolute requirement. He argues that where election inspectors were stationed throughout the day fluctuates, and the process cannot be micromanaged.

He also attaches an article on appointing partisan election officials and OAG-01-24 as exhibits.

Reply

The Complainant alleges that because the board member Respondents did not file their own individual responses that they have not contested their status as election officials under Wis. Stat. § 5.06 or their alleged violations under Wis. Stat. § 7.30. He also argues that these respondents should be considered election officials under Wis. Stat. § 5.06 and notes that the Commission has previously adjudicated complaints against governing body members when those members are performing duties related to the conduct of an election. The Complainant also argues that many aspects of the response are not relevant to the allegations of the complaint.

Discussion

While this complaint resembles EL 24–26 and contains similar allegations, the Commission does not find probable cause of any of the specific violations alleged in this complaint and therefore dismisses the complaint.

Proper Respondents:

Regarding the argument that only the Village Clerk is a proper respondent, the Commission finds that the board members are also proper respondent election officials under Wis. Stat. § 5.06 because they are required by law to carry out a limited range of election administration tasks within Chapters 5 to 10 and 12 of the Wisconsin Statutes. While they may not be election officials generally, and do not perform tasks in the conduct of elections, they are election officials in the

context of appointing election inspectors and several other limited tasks, such as choosing polling places. In this case, the allegations against them relate to their duties under Wis. Stat. § 7.30, and they are properly brought in as parties to the complaint. Despite being proper parties, not all of the allegations are applicable to their duties, and in any case the Commission does not find probable cause that they violated any of the election administration processes required of them.

Complaint Allegations:

The Respondents rebutted the allegations that they improperly approved Resolution 2023-16 containing additional election inspectors, failed to identify which officials were the alternate election inspectors, and failed to maintain the proper party imbalance. The Commission agrees that Wis. Stat. § 7.30 provides considerable flexibility to a municipality regarding the appointment and staffing of election inspectors, provided that certain conditions are met. In this case, they appear to be met.

Allegations of Improper Additional Election Inspector Appointments:

First, regarding the appointment of additional inspectors, the Respondents have provided evidence, which was not disputed, that the Village of Kronenwetter uses more than one polling place and has combined multiple wards within a polling place. Either of these conditions alone would allow the governing body to provide for the appointment of additional inspectors, and there is no requirement that this be done by ordinance. *See*, Wis. Stat. § 7.30(1)(a). It appears that the governing body has acted under this provision, along with many other local governments across the state, to appoint more than the default number of seven election inspectors per polling place.

Second, the Village of Kronenwetter's Ordinance § 41-3 provides that "[t]he village clerk may appoint alternate election inspectors, as needed, to work at elections held in the village." Regardless of an ordinance, a governing body also may permit the municipal clerk to establish different working hours for different officials assigned to the same polling place. Wis. Stat. § 7.30(1)(a). Resolution 2023-16 expressly authorizes the clerk to schedule the working hours for election inspectors. While it does not appear that the governing body has provided by ordinance for fully separate sets of election inspectors to work at different times on election day, it seems that the clerk individually determines the hours of each official based on the needs of the polling place and the availability of the election inspectors.

Finally, excluding greeters – though the governing body does not appear to have specified any inspectors as greeters under Wis. Stat. § 7.30(1)(b) – and individuals appointed without regard to party affiliation, it appears that more inspectors were properly appointed from the Republican Party than the Democratic Party given the results of the 2022 General Election in the municipality. Further, at each election referenced by the Complainant, the Republican Party had at least one additional election inspector serving at the polling place at any given time. The Complainant reads Wis. Stat. § 7.30(1)(a) and (2)(a) to require that the total number of officials appointed and the number serving at each polling place contain exactly one more person from the predominant party.

The Commission has never interpreted these statutes to require an exact number, but rather to require that the predominant party for each polling is entitled to at least one more election inspector than the other party. Applying a strict interpretation would lead to absurd results, including in the

Village of Kronenwetter. Under such an interpretation, the Village would only have been able to appoint the five Democratic nominees, six out of the total 21 Republican nominees, and could only staff the same numbers at the polling place, leaving the rest to be filled in by unaffiliated inspectors. Instead of this interpretation, the Commission understands Wis. Stat. § 7.30(1)(a) and (2)(a) to divide an odd number of election inspectors serving at each polling place into a larger group and a smaller group. Given sufficient party lists and appointments, the clerk would fill each group so that the predominant party would have one additional inspector per polling place. However, absent sufficient party lists and appointments, which is a common occurrence, a clerk must staff as many of the proper partisan inspectors as possible into each group, filling the remainder of the needed positions with unaffiliated inspectors and ensuring that the predominant party is always represented by at least one additional inspector. It appears that the board member Respondents appointed and the clerk Respondent staffed election inspectors in compliance with this interpretation.

Allegation of Improper Assignment of Election Inspector Tasks:

The argument that individual election tasks were not properly assigned to election inspectors representing both parties contains several flaws. First, Wis. Stat. § 7.30(2)(a) places the assignment of tasks on the chief inspector, rather than on the clerk, and no chief inspector is a named Respondent.

Second, the statute refers to situations specifically requiring two or more election inspectors to perform them, and most of the examples provided by the Respondent of uneven distribution of partisan inspectors do not require any specific number of inspectors to perform. For example, though many clerks will staff more than one person, Badger Books only require one election inspector to operate under Wis. Stat. § 6.79(1m). While absentee ballot processing is discussed in the plural in terms of election inspectors under Wis. Stat. § 6.88(3), only the statement concerning rejected ballots is required to be signed by inspectors from both parties, when available, and the Complainant does not allege that this failed to occur, merely that the assigned inspectors for processing absentees were all Republican nominees.

Regarding the ballot tables, this likely is an area to assign to one inspector from each party due to the requirement for two officials to initial the ballot, however, Wis. Stat. § 7.30(2)(a) states that such assignments shall be made “insofar as practicable” rather than imposing an absolute requirement. In any case, the Complainant has not shown that it would have been practicable to assign one of each official to each task that he has specified.

Allegation of Improper Election Inspector Appointments:

The Complainant also alleges that under Wis. Stat. § 7.30(4)(b)2.c. and (c), the Respondents failed to appoint individuals based on party affiliation and did not know the number of necessary election officials from each party. While this allegation does have some merit, the Commission does not find that there was a violation of this subsection as described by the Complainant. While the lack of specificity regarding who was nominated by what party is a problem that should be corrected going forward, it does not appear that this issue led to any individuals who should have been appointed failing to be appointed. Instead, it appears that, though at least some governing body members were not made aware of the party lists, all party nominees were appointed with the

exception of three names from the Republican Party list. However, in this case, the names are specified as being on the Republican Party list, and the governing body made a specific statement that those individuals did not wish to serve as election inspectors.

Given that a governing body may appoint at its discretion the decision not to appoint individuals who have given notice that they do not wish to serve appears reasonable and was not an abuse of discretion. Overall, the governing body could not have failed to appoint the necessary number of officials from each party because it appointed all available individuals from each party.

Because the Commission does not find probable cause that any of the cited statutes were violated as alleged by Complainant Baker, the Commission hereby dismisses the complaint.

EL 24–89 Faye Buchberger v. Bobbie Birk-LaBarge

Complaint

The complaint was filed on September 5, 2024, and the Complainant, Faye Buchberger, alleges that anyone whose name is nominated on a political party list must be given the opportunity to serve as an election inspector before anyone else is selected for the role. She alleges that the Respondent hired seven new people for the 2024 Partisan Primary but that she was excluded even though her name appeared on the Democratic Party’s list of nominations. She states that she had previously worked as an election inspector for several elections during the 2022–2023 election cycle, and that she emailed the Democratic Party, with the Respondent copied, about being a nominated election inspector in October of 2023. However, she was not included on the list the Democratic Party sent to the Respondent in November of 2024. In February 2024, the Democratic Party updated the list and sent it to the Respondent. The Complainant states that despite being added, she was not asked to serve as an inspector for the 2024 Spring Election or Partisan Primary.

The Complainant includes as attachments the schedules for the three elections in 2024 at the time of her filing the complaint. She also notes several previous attachments in EL 24–26 and EL 24–68, including the appointment of the 2024–2025 election inspectors and an email change discussing adding her to the Democratic list.

Response

The Respondent submitted a response on September 25, 2024, and notes that EL 24–26 and EL 24–68 also contain information relevant to this complaint. She alleges that she sent an election worker recruitment email to encourage nominations and participation, and she attached a copy as an exhibit. She also states that she used the party lists that were sent to her, which did not include any first-choice nominees. She alleges that the list sent by the Democratic Party on November 9, 2023, included five individuals but not the Complainant, and that the Village Board thus did not appoint the Complainant as an election inspector during its meeting on December 11, 2023. The Respondent agrees with the Complainant that the Democratic Party later added the Complainant’s name to the Democratic list.

The Respondent alleges that “none of the already Village Board-appointed Democratic party nominees have permanently resigned.” She states that because there is no permanent vacancy

concerning the appointed Democratic party nominees, that she cannot appoint a supplemental person to one of those positions.

Reply

The Complainant alleges in her final reply on October 16, 2024, that she followed the Respondent's instructions for reaching out to the Complainant's political party for inclusion on the party's list of nominees and also copying the Respondent on that communication. She alleges that the Respondent should have been aware that the Complainant's name was missing and should have corrected the issue before the December meeting.

The Complainant argues that Wis. Stat. § 7.30(2)(b), which concerns appointing election inspectors when vacancies occur, does not indicate that a vacancy is dependent upon a nominating party or that it must be permanent, and notes that vacancies shall be filled from the remaining names on the political party lists or from additional names that were submitted by the parties. She also states that the WEC guidance provided by the Respondent states that even vacancies of inspectors who were not appointed from a political party list should be filled from the remaining names or supplemental names on those lists if that will maintain the partisan imbalance. The Complainant argues that she could have been added as an election inspector because there was only one election and one polling location that would have resulted in an even party balance had she been appointed. In all other cases there would have remained at least one more Republican-nominated inspector.

The Complainant also notes that in EL 24-26, it appears the Respondent had added an additional individual whose name was provided by the Republican Party after the initial appointments had concluded. She alleges that eight people were appointed after the initial appointments by the governing body and provides a photo of an advertisement for election inspectors, arguing that the Respondent must have believed that there were vacant positions to be filled. She also includes a spreadsheet that she alleges shows all of the election inspectors and the elections in which they served.

Discussion

In this discussion, the Commission considers the narrow question of whether Complainant Buchberger should have been offered the opportunity to serve as an election inspector, and finds probable cause that the Respondent did not select her name from the Democratic Party list to fill a temporary vacancy under Wis. Stat. § 7.30(2)(b) and instead selected individuals without regard to party.

Allegation of Improper Exclusion from a Party List of Election Inspector Nominees

First, the Commission does not find probable cause of a violation or an abuse of discretion regarding the initial nomination and appointment under Wis. Stat. § 7.30(4). The Respondent appears to have sent an email asking individuals to copy her if they reach out to a political party about being added to a list, stating "[t]hat way, if I get a list that doesn't include you, I'll have proof that you requested to be added before our board needs to do the official appointment in December."

While this email arguably implies that the Respondent would follow up if an expected name did not appear on a party list, it does not fundamentally change the process. The political parties on their own determine who to nominate as election inspectors, and a clerk does not have any power to alter the names that are included. *See*, Wis. Stat. § 7.30(4)(b). Had the Respondent, or, for that matter, the Complainant, reached out to the Democratic party prior to the December 11, 2023, meeting, it is possible that an error might have been corrected, and that she would have been added to the initial list of nominations. That did not occur, but the Respondent is not responsible for selecting names on partisan lists or double checking that each name the party intended to submit is present on the list. The Respondent did not violate a statutory duty by accepting the list as it was received and sending it to the governing body.

Allegation of Neglecting Party Lists for Election Inspector Vacancy Appointments

Second, though the Respondent did not have a statutory role in ensuring that any names appeared on the political party lists, she did have a duty to turn to those lists, including later additions, whenever any vacancy arose.

Under Wis. Stat. § 7.30(4)(d), the political parties “may submit additional names for inclusion in its list of nominations under this section at any time for the purpose of filling vacancies that occur during a term of office.” Both parties agreed that the Democratic Party provided Complainant Buchberger’s name, and that action complied with this statute.

Wisconsin Statute § 7.30(2)(b) provides in relevant part that:

When a vacancy occurs in an office under this section, the vacancy shall be filled by appointment of the municipal clerk. Unless the vacancy occurs in the position of an inspector appointed under sub. (1) (b), the vacancy shall be filled from the remaining names on the lists submitted under sub. (4) or from additional names submitted by the chairperson of the county party committee of the appropriate party under sub. (4) whenever names are submitted under sub. (4) (d). If the vacancy is due to candidacy, sickness or any other temporary cause, the appointment shall be a temporary appointment and effective only for the election at which the temporary vacancy occurs.

The Respondent made two errors under this section, resulting in a violation. The first is the Respondent’s assertion that the number of partisan nominated election inspectors is fixed at the amount initially nominated by the governing body. In any municipality, all inspector positions can be filled from partisan nominated lists, and the only limitations are that the total number, and the total number working at each polling place, must be odd, and the party receiving the most votes for governor or president at the last General Election is entitled to at least one more official. Wis. Stat. § 7.30(1)(a) and (2)(a). In this instance, as long as the Republican party always had one more inspector total, and one more inspector at each polling place, than the Democratic Party, an individual could have been appointed from the Democratic Party list even if there were no vacancies of Democratic party nominated individuals.

The second error is the Respondent’s belief that only a permanent vacancy in a partisan position can be filled by a new individual selected from a political party list. The statute requires that party lists be used to fill all vacancies, and merely states that a temporary vacancy be filled with a

temporary appointment and a permanent vacancy be filled with a permanent appointment. The method of appointment from the appropriate party lists does not change.

It is not entirely clear from the submitted materials whether there were any permanent vacancies created following the initial appointment of inspectors on December 11. However, it is clear that there were temporary vacancies and temporary appointments occurring after the Complainant's name had been added to the supplemental party list, but that the Complainant was not selected due to the misunderstanding of how party lists must be used to fill vacancies. Instead of properly turning first to party lists to fill vacancies, the Respondent appears to have appointed unaffiliated individuals to fill temporary vacancies, in particular during the 2024 Partisan Primary. The names of these unaffiliated poll workers who were not appointed in December 2023 can be seen on the election inspector schedules that were provided with the Complaint, and which were not rebutted in any way by the Respondent.

Order Regarding the Use of Party Lists for Election Inspector Vacancy Appointments

For this reason, the Commission finds probable cause of a violation under Wis. Stat. § 7.30(2)(b) and orders that, whenever there is a temporary or permanent vacancy, the Village of Kronenwetter clerk must first attempt to fill the vacancy using any names – original or supplemental – provided on a political party list as long as such an appointment would not disturb the required partisan balance of inspectors. However, an appointment should never be delayed because of the lack of availability of party nominees, and if the parties have not provided the names of individuals who are available to work during a given election, an unaffiliated individual may be appointed instead.

EL 24–126 Daniel Kindelberger v. Bobbie Birk-LaBarge

Complaint

The Complaint, which was received on November 7, 2024, alleges that on October 28, 2024, the Respondent violated Wis. Stat. § 5.84 by preventing Dan Joling from filming the public test of the voting equipment for the 2024 General Election. The Complainant alleges that the Respondent admitted in an email to preventing Mr. Joling from filming under Wis. Stat. § 7.41(1), and alleges that this statute does not cover the public test under § 5.84. He alleges that the public test does not occur on Election Day and that it was not at a polling place, and therefore that Wis. Stat. § 7.41 does not apply, and that the Respondent's references to the Election Administration Manual concerning election observers are not relevant. The Complainant alleges that under Wis. Stat. § 19.90 an individual is allowed to record a public meeting such as the public test under § 5.84.

The Complainant also alleges that the public test was not properly noticed under § 5.84(1) because the notice was only posted on the village's Facebook page and on the village bulletin board, rather than in the newspaper.

The Complainant includes several emails between the Respondent and Mr. Joling. The emails show the Respondent stating that Wis. Stat. § 7.41(1) prohibits filming the public voting equipment test, as well as referencing the Election Administration Manual. An email from the Respondent from October 28, 2024, states in part that Mr. Joling's "consistent challenge of direction and questioning of the Chief Election Inspectors' direction became a distraction and interfered with our

orderly process of public testing of our voting equipment,” but also notes that after receiving a warning Mr. Joling discontinued his actions and allowed the test to continue. An earlier email shows the Respondent inviting Mr. Joling to observe the public test of the voting equipment.

Response

The Respondent provides background information and alleges that Mr. Joling voted during the in-person absentee voting period of October 23, 2024, and that Mr. Joling had concerns about whether folding the ballot would cause it to be counted improperly. The Respondent states that she offered Mr. Joling the option “to spoil the ballot that he cast on October 23rd and to come in on Election Day, re-vote, and place his unfolded ballot into the tabulator.” She states that she also offered that Mr. Joling could attend the public test of the voting equipment on October 28, 2024.

The Respondent noted that Mr. Joling attended the public test and was recorded as an observer, but that Mr. Joling disagreed about being required to sign the observer log. She alleges that Mr. Joling questioned the need to sign in as an observer and follow observation rules and that his questions “interfered with our testing process.” She alleges that she requested the current Chief of Police for the Village to remain nearby in case Mr. Joling (a previous Chief of Police) needed to be removed from the location, and also that she warned Mr. Joling that he would be removed from the location if his behavior continued.

The Respondent alleges that during the public test, Mr. Joling asked if he could record the test ballots being fed into the tabulator, and states that she contacted the county clerk’s office for guidance and was told that only media could record the public test, and to refer him to Wis. Stat. § 7.41. She alleges that she wrote down the interaction and sent a report of it to the police chief, village president, and county clerk’s office.

The Respondent states that she later spoke to an attorney from the Commission who informed her that filming the public test was not covered by any statute and that it should be treated like a public meeting in which filming is allowed.

The Respondent states that because the public test is not a meeting of the governmental body that Wis. Stat. § 19.90 is likely not relevant, and that notices for the public test were placed on social media and were published in the newspaper by the county clerk in addition to being placed on the bulletin board. She also explains that notices under Wis. Stat. Ch. 985 are not necessarily required to be published in a newspaper and that the Village of Kronenwetter does not have a newspaper. She also states that there is no prohibition against documenting the individuals who observe the public test.

The Respondent alleges that the Complainant was not present during any events concerning the complaint, and that the complaint was based on “second and third hand conversations with others” and that he is not an aggrieved party. She alleges that the documents presented came from Mr. Charneski. She also disputes many of the claims made about her by Mr. Joling in an email exchange she provides as an attachment. Finally, she alleges that the Complainant has engaged in harassing behavior against her and includes several emails that she states show this behavior.

The Respondent includes many of the same emails provided with the complaint. An additional email from the Respondent to Mr. Charneski states that a notice of the public test was published

in the weekly papers for Marathon County on October 20, and that it was published in the Marshfield Herald on Tuesday, October 22. In another email, County Clerk Kim Trueblood states to Mr. Charneski that the notice was published in multiple county papers, including the Wausau Daily Herald. A document containing the notice was also provided as an attachment, which states that the test would occur on Monday, October 28, “from 8:30 a.m. to 5:00 p.m.” at the municipal clerk’s office and to contact the municipal clerk for the scheduled time. Other emails show the physical posting in the Village bulletin board and include a link to the notice on the Village’s website. The Respondent attached the description of the events from Mr. Joling, which she disagreed with, as an attachment. A cease-and-desist letter from the Respondent’s attorney to Mr. Charneski is also attached. Finally, the Respondent attached a post from the Complainant criticizing and swearing at the Respondent.

Reply

The reply was received on December 18, 2024, which was after the filing deadline of December 11, which was 13 business days after the response was transmitted to the Complainant. The late reply includes statements from the Complainant as well as Mr. Charneski and Mr. Joling. The Complainant states that the Complaint was based not on secondhand sources but on public emails that were included in both the Complaint and in the Response. The Complainant also alleges that the notices published by the County Clerk did not state the specific time of the public test. In Mr. Charneski’s statement, he alleges that he did not provide the Complainant with documents and disputes some of the Respondent’s characterizations concerning him. The statement by Mr. Joling also disputes characterizations of him by the Respondent.

Discussion

Proper Complainant:

First, even if the Complainant himself is not an aggrieved party and did not witness any of the events firsthand, he has still complied with the standing threshold required by Wis. Stat. § 5.06(1). He has alleged that he is an elector served by the Respondent election official, included allegations concerning election administration, set forth facts within his knowledge – namely a series of emails between other parties – and has sworn to the truth of the complaint. Therefore, the Commission has no reason to dismiss the complaint due to standing.

Spoiling Absentee Ballots:

Before discussing the merits of the complaint, the Commission notes that the offer from the Respondent to Mr. Joling to spoil the ballot and allow him to vote on Election Day was improper under Wis. Stat. § 6.86(6), which states that unless a ballot is spoiled or damaged, or the certificate envelope is improperly completed or missing, the clerk cannot return a ballot to a voter, and that “[a]n elector who mails or personally delivers an absentee ballot to the municipal clerk at an election is not permitted to vote in person at the same election on election day.”² While it does not appear that Mr. Joling accepted this offer, the Commission stresses that it is improper for a clerk to spoil, or allow a voter to spoil, an undamaged and unspoiled ballot that has been returned to the municipal clerk, and that any such practices should be discontinued.

² See also the injunction in *Kormanik v. Wisconsin Elections Commission*, 22-CV-1395.

Complaint Allegations:

The Complainant makes two main allegations against the respondent. He alleges that she improperly administered the public test of the voting equipment under Wis. Stat. § 5.84 by applying the standards for election observation under Wis. Stat. § 7.41 to this separate process, and by not properly providing notice of the test.

Allegations of Improper Public Test Notice:

Regarding notice, the Commission does not find probable cause that the Respondent failed to properly provide notice of the public test. Under Wis. Stat. § 5.84(1) a clerk must provide:

Public notice of the time and place of the test . . . at least 48 hours prior to the test by publication of a class 1 notice under ch. 985 in one or more newspapers published within the municipality if a newspaper is published therein, otherwise in a newspaper of general circulation therein.

While this statute describes newspaper publication, Chapter 985 provides alternative methods for providing notice. Under Wis. Stat. § 985.05, the governing body of a municipality not required to have an official newspaper may instead provide for other forms of publication or posting. None of the exceptions to alternative methods of publication or posting apply to a Village's notice of the public test. *See*, Wis. Stat. § 985.05(1). One of the alternative methods of legal notice is a physical posting "in at least one public place likely to give notice to persons affected" and a posting "electronically on an Internet site maintained by the municipality." Wis. Stat. § 985.02(2)(a).

Regardless of the adequacy of the general notice provided in newspapers by the county for local public tests, the Complainant alleges that there was a bulletin board posting as well as a Facebook posting, and the Respondent agrees concerning the physical posting and provides evidence of a posting on the municipal website. While the image is very difficult to read, the Complainant does not appear to argue that the physical posting was inadequate and does not rebut the Respondent's evidence of online posting. The Complainant also has not made an argument that the Village is required under Ch. 985 to post in a newspaper or that the governing body has not provided for a substitute to newspaper posting, and the Commission therefore has no basis to conclude that the posting under the Wis. Stat. § 985.05(2)(a) was invalid.

Allegation of Improper Public Test Administration and Commission Order

Regarding the administration of the public test of voting equipment under Wis. Stat. § 5.84(1), the Commission does find probable cause of a violation due to the improper application of Wis. Stat. § 7.41 to this process and orders the Village of Kronenwetter Clerk to correctly administer the public test in future elections.

Under Wis. Stat. § 5.84(1): "[t]he test shall be open to the public." There are no specific restrictions placed on attendance, and the Commission has interpreted the public access to this process to be identical to the access to a general public meeting of municipal governing body or to a municipal canvass meeting under Wis. Stat. § 7.53. The provisions of Wis. Stat. § 7.41 impose stronger regulations on election observers but only apply to specific election sites when election activities are occurring. The public test of the voting equipment under Wis. Stat. § 5.84(1) is simply not one

of these sites or activities, and the regulations imposed on observers cannot be applied to those attending the public test. To apply Wis. Stat. § 7.41 to Wis. Stat. § 5.84(1) was a violation and should not occur in the future.

The Respondent alleges that Mr. Joling disrupted the public test due to questioning the application of Wis. Stat. § 7.41. The Commission cannot fault Mr. Joling for questioning a process that it has found to be improper, and had he simply been allowed to film the proceeding there likely would not have been an issue, but the Commission also does not condone disruptions to election processes. Mr. Joling should have been permitted to film the public test, but, in general, just as a governing body or a canvass may maintain order during a meeting, a municipal clerk may maintain order during a public test. The lack of the application of Wis. Stat. § 7.41 to the public test does not mean that a clerk has no authority to regulate public behavior, it only means that the processes under Wis. Stat. § 7.41 are not a means available to do so.

Commission's Findings

The Commission has reviewed four separate complaints within this decision letter, and has found probable cause of violations or abuses of discretion for three complaints. The Commission will summarize each finding and order below.

EL 24-26 – Ken Charneski v. Bobbi Birk-LaBarge: The Commission found abuses of discretion regarding the Respondent's process for scheduling election inspectors and in presenting the list of appointed names to the governing body. The Commission orders the Village of Kronenwetter clerk to determine how many appointed election inspectors are available to work during each election, and to ensure that there are as many partisan inspectors serving as allowed at the location given the total number of slots available and the availability of the inspectors. The Commission orders the Village of Kronenwetter clerk to disclose the names associated with each political party's list of election inspectors so that the governing body may consider this information when appointing inspectors.

EL 24-68 – David Baker v. Bobbi Birk-LaBarge et al.: The Commission did not find probable cause of a violation and dismissed the complaint.

EL 24-89 – Faye Buchberger v. Bobbie Birk-LaBarge: The Commission found probable cause that Ms. Buchberger was not offered the opportunity to be appointed to fill a vacancy under Wis. Stat. § 7.30(2)(b) due to her name being included on a supplemental list provided by the Democratic Party. The Commission orders that whenever there is a temporary or permanent vacancy, the Village of Kronenwetter clerk must first attempt to fill the vacancy using any names – original or supplemental – provided on a political party list as long as such an appointment would not disturb the required partisan balance of inspectors.

EL 24-126 – Daniel Kindelberger v. Bobbie Birk-LaBarge: The Commission found probable cause of a violation of the public test of the voting equipment under Wis. Stat. § 5.84(1) due to the improper application of regulations applicable only to election observers under Wis. Stat. § 7.41, and orders the Village of Kronenwetter Municipal Clerk to administer future public tests without applying the regulations of Wis. Stat. § 7.41.

Right to Appeal – Circuit Court

This letter constitutes the Commission’s resolution of these complaints. Wis. Stat. § 5.06(2). Pursuant to Wis. Stat. § 5.06(8), any aggrieved party may appeal this decision to circuit court no later than 30 days after the issuance of this decision. If any of the parties should have questions about this letter or the Commission’s decision, please feel free to contact the Commission at 608-266-8005 or elections@wi.gov.

Sincerely,

WISCONSIN ELECTIONS COMMISSION



REPORT TO VILLAGE BOARD

ITEM NAME:	Kronenwetter Ballot Drop Box Installation
MEETING DATE:	July 13, 2026
PRESENTING COMMITTEE:	
COMMITTEE CONTACT:	President Dan Joling
STAFF CONTACT:	Clerk Jennifer Poyer
PREPARED BY:	Clerk Jennifer Poyer

ISSUE:
Whether the Village should reinstall a secure absentee ballot drop box for the August 11, 2026 Partisan Primary and November 3, 2026 General Election, in light of mail-delivery uncertainty and a request from the Marathon County Clerk that municipalities consider offering this option.

OBJECTIVES:
Give voters a secure, convenient, no-cost option to return absentee ballots that does not depend on U.S. Postal Service delivery timelines.

Respond to the Marathon County Clerk's July 7, 2026 request that municipalities indicate whether they will offer a drop box, for inclusion on the county's public list of participating communities.

Make use of equipment the Village already owns, minimizing cost to taxpayers.

ISSUE BACKGROUND/PREVIOUS ACTIONS:
The Village operated a ballot drop box during the 2020 and 2021 COVID-era elections. It was mounted outside the Municipal Center; was promoted to residents through a Village Facebook post; and was used without any reported security incidents (see attached photos).

In 2022, the Wisconsin Supreme Court (Teigen v. WEC) ruled that unstaffed ballot drop boxes were not authorized under state law, and the Village's box was taken out of service.

On July 5, 2024, the Wisconsin Supreme Court reversed course in Priorities USA v. WEC, holding that state law permits municipal clerks, in their discretion, to use secure drop boxes as a valid method of absentee ballot return. Use of a drop box remains optional and is not mandated by any statute.

The Wisconsin Elections Commission (WEC) has issued non-binding best-practice guidance (consistent with U.S. Election Assistance Commission and CISA recommendations) recommending that any drop box be securely affixed to the ground or a building, weatherproof, equipped with a unique lock or seal, placed in a well-lit and visible location, and emptied on a documented schedule with a chain-of-custody log.

A bill currently before the Legislature, 2025 Assembly Bill 560 / Senate Bill 554, would ban absentee ballot drop boxes statewide. As of this writing the bill remains in committee and has not been enacted; existing law continues to allow drop boxes at clerk discretion.

On June 24, 2026, Postmaster General David Steiner testified to the Senate Homeland Security Committee that, under a rule USPS has proposed, the Postal Service would not deliver absentee ballots in states that decline to share their absentee-voter lists with the federal government. Wisconsin has not turned over this data, and the proposed rule has not been finalized; a federal executive order tied to the proposal is also being challenged in court. Marathon County Clerk Kim Trueblood cited this uncertainty, along with recent slow mail service, in a July 7, 2026 email to municipal clerks encouraging

early return of absentee ballots and asking municipalities to consider offering a drop box this fall (email attached).

PROPOSAL:

Reinstall the Village's existing drop box (previously used in 2020–2021) in front of the Municipal Center, mounted and secured per WEC best-practice guidance, with updated signage clearly identifying it as an official ballot drop box.

Establish a documented retrieval schedule and chain-of-custody log (date, time, number of ballots, and staff present) for each collection, consistent with WEC/EAC/CISA recommendations.

Have the box operational in time for the August 11, 2026 Partisan Primary and again for the November 3, 2026 General Election.

Notify the Marathon County Clerk's office so the Village is included on the county's published list of municipalities offering a drop box.

ADVANTAGES:

Gives residents an additional secure return option that does not depend on USPS delivery timing, which is a live concern given the Postmaster General's June 2026 testimony and recent slow mail service.

Reuses equipment the Village already owns; the primary cost is staff time, not a new purchase.

The Village previously operated this box without a reported security incident.

Supports accessibility for voters who have difficulty getting to the polls or clerk's office during business hours, including some voters with disabilities.

Aligns the Village with the county-wide effort the Clerk's office is coordinating this fall.

DISADVANTAGES:

Drop boxes remain a politically contested topic in Wisconsin, and some residents may raise concerns or objections regardless of the security measures used.

Pending state legislation (AB 560/SB 554) could ban drop boxes in the future; if enacted, the Village's investment of staff time would need to be discontinued.

No Wisconsin statute defines drop box specifications, so the Village bears responsibility for determining and documenting that its security measures are adequate.

Requires ongoing staff time for retrieval, logging, and monitoring, particularly in the final weeks before each election.

Any perceived tampering or damage to the box, even if unfounded, could generate public concern that requires a response from the Village.

ITEMIZE ALL ANTICIPATED COSTS (Direct or Indirect, Start-Up/One-Time, Capital, Ongoing & Annual, Debt Service, etc.)

Direct/one-time: Staff labor to remount, secure, and re-sign the Village's existing drop box (no new equipment purchase anticipated).

Direct/one-time (optional): Updated signage/labeling identifying the box as an official ballot drop box, estimated low cost (materials only).

Ongoing: Staff time to empty, log, and transport ballots on a documented schedule during each absentee voting period.

Optional/at Board discretion: Security camera or additional lighting if not already present at the proposed location.

No new capital expenditure is anticipated if the Village's existing box is reused; costs are primarily staff time within the current elections budget.

RECOMMENDED ACTION:

Staff recommends that the Village Board authorize reinstallation of the Village's existing secure ballot drop box in front of the Municipal Center, in accordance with WEC best-practice guidance, in time for the August 11, 2026 Partisan Primary, and that staff notify the Marathon County Clerk's office for inclusion on the county's list of participating municipalities.

OTHER OPTIONS CONSIDERED:

TIMING REQUIREMENTS/CONSTRAINTS:

To be useful to voters, the box should be reinstalled and operational before absentee ballots are mailed out for the August 11, 2026 Partisan Primary, and remain in service through the November 3, 2026 General Election.

FUNDING SOURCE(s) – Must include Account Number/Description/Budgeted Amt CFY/% Used CFY/\$ Remaining CFY

Account Number:

Description:

Budgeted Amount:

Spent to Date:

Percentage Used:

Remaining:

ATTACHMENTS (describe briefly):

Photographs of the Village's ballot drop box and the Village's 2020/2021 Facebook post announcing its availability.







Village of Kronenwetter, WI
Published by Jarod Kivela · October 1, 2020 ·

The Village of Kronenwetter now has a Ballot Drop Box! The Ballot Drop Box is in the front parking lot of the Village of Kronenwetter Municipal Center (1582 Kronenwetter Drive, Kronenwetter WI 54455). You can drop off your ABSENTEE BALLOTS for the November 3rd Election here.

This Ballot Drop Box is a secure box and is located right outside of the Kronenwetter Police Department. The Box will be emptied 1 to 2 times a day.

THIS BALLOT DROP BOX WILL NOT BE AVAILABLE ON ELECTION DAY. PLEASE DO NOT PLACE ANY BALLOTS IN THIS BOX ON ELECTION DAY!!!!!!!

Please note – You must be a resident of the municipality in order to use our municipalities drop box. Village of Kronenwetter drop box is only for Village of Kronenwetter residents, City of Wausau drop box is only for City of Wausau residents, City of Mosinee is only for City of Mosinee residents, etc. See less



 56  2  13



REPORT TO VILLAGE BOARD

ITEM NAME:	Chapter 389 Oak Wilt
MEETING DATE:	July 13, 2026
PRESENTING COMMITTEE:	
COMMITTEE CONTACT:	Trustee Dan Lesniak
STAFF CONTACT:	Administrator James Davel
PREPARED BY:	Clerk Jennifer Poyer

ISSUE:

Trustee Dan Lesniak has asked the Village Board to discuss Chapter 389 of the Village Code (the Oak Wilt Ordinance) because the Village no longer has a contracted, officially designated tree inspector, a role the ordinance assumes exists and depends on to function.

OBJECTIVES:

Give the Board accurate background on oak wilt, the Village's ordinance, and the current status of the tree inspector role so trustees can decide how, if at all, to proceed.

Identify the practical gap between what Chapter 389 requires and the staffing currently in place to carry it out.

ISSUE BACKGROUND/PREVIOUS ACTIONS:

Oak wilt is a fungal disease (*Bretziella fagacearum*, formerly *Ceratocystis fagacearum*) that kills oak trees, spreading both underground through grafted root systems and above ground when sap-feeding beetles carry spores to fresh wounds. Trees in the red oak group (red, pin, and black oak) die the fastest and are most susceptible; white and bur oak are also affected. The Wisconsin DNR reports the disease is widespread in central and southern Wisconsin and kills thousands of oaks statewide each year.

In 2013, the Village contracted with Land Management Solutions, LLC, funded in part by a Wisconsin DNR Urban Forestry grant, to inventory oak wilt in Kronenwetter. That survey found 578 trees actively dying and 1,236 already dead from the disease, concentrated most heavily on the west side of I-39, and led directly to creation of the Village's Urban Forestry Program.

The Village Board adopted the Oak Wilt Ordinance (Ord. No. 14-01) on January 28, 2014, and amended it in its entirety on December 13, 2016 (Ord. No. 16-25). It designates oak wilt infestations as public nuisances, restricts pruning/wounding of oaks from April 15 to August 15, regulates transport and disposal of infected wood, and requires an on-site inspection before construction on wooded lots.

The ordinance's inspection, enforcement, and notice provisions (§ 389-3 through § 389-7) all run through a "tree inspector" designated by the Village Board. Historically, this function was carried out by the Village's contracted urban forester, Land Management Solutions, LLC.

According to the Village's website, the Village has not had a contracted urban forester since January 1, 2022, and the associated Oak Wilt cost-share program (which reimbursed property owners 50%, up to \$350 per parcel, for professional management plans) has been suspended and remains on hold. This is the gap Trustee Lesniak's email identifies: the ordinance presumes an actively functioning tree inspector, but the Village currently has no one formally holding that designation.

PROPOSAL:

Trustee Lesniak is asking the Board to discuss the topic and provide direction on how it would like to proceed.

ADVANTAGES:

DISADVANTAGES:

ITEMIZE ALL ANTICIPATED COSTS (Direct or Indirect, Start-Up/One-Time, Capital, Ongoing & Annual, Debt Service, etc.)

RECOMMENDED ACTION:

OTHER OPTIONS CONSIDERED:

TIMING REQUIREMENTS/CONSTRAINTS:

FUNDING SOURCE(s) – Must include Account Number/Description/Budgeted Amt CFY/% Used

CFY/\$ Remaining CFY

Account Number:

Description:

Budgeted Amount:

Spent to Date:

Percentage Used:

Remaining:

ATTACHMENTS (describe briefly):

Chapter 389 of the Village Code (Oak Wilt Ordinance)

Chapter 389 OAK WILT

§ 389-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

Oak wilt fungus. *Ceratocystis fagacearum* is a disease of oak trees carried by way of grafted root systems between infected and healthy trees or by insects carrying spores.

(Ord. No. 14-01, 1-28-2014; Ord. No. 16-25, 12-13-2016)

§ 389-2. Nuisances declared.

The following are declared to be public nuisances whenever and wherever they may be found within the designated oak wilt control areas:

- A. Any living or standing tree or part thereof in the red oak group, such as red oak, pin oak, and black oak, infected to any degree with the oak wilt fungus, *Ceratocystis fagacearum*.
- B. Any living or standing tree in the white oak group, such as white oak and bur oak, infected to any degree with the oak wilt fungus, *Ceratocystis fagacearum*.
- C. Any parts of infected oaks that do not have bark removed, including logs, branches, stumps and firewood.

(Ord. No. 14-01, 1-28-2014; Ord. No. 16-25, 12-13-2016)

§ 389-3. Inspection procedures.

- A. Annual inspection. The tree inspector or his/her duly appointed agents shall survey the designated oak wilt control areas of the village to determine whether any conditions described in the "nuisances declared" section of this chapter exist. The tree inspector shall, in addition, conduct emergency inspections, whenever deemed necessary, and take action as authorized in this chapter.
- B. Entry upon private premises. The tree inspector, so designated by the village board, or his/her duly appointed agents, will provide 24-hour notice to the landowner of the need to inspect the property. If access is denied, the agent may enter upon private premises at any reasonable time for the purpose of carrying out the duties assigned to him/her in this chapter.
- C. Diagnosis. The tree inspector shall, whenever possible, upon finding indications of oak wilt, make a diagnosis based upon accepted field symptoms and, if deemed necessary, will deliver appropriate samples or specimens for laboratory analysis. The cost of the sample analysis will be the responsibility of the landowner upon whose lands the diseased trees are located.
- D. It is unlawful for any person to prevent, delay or interfere with the village tree inspector or his/her agents in the performance of duties imposed by this chapter.
- E. If the tree inspector finds evidence of oak wilt infection or the potential for infection of other trees, he/she shall notify, by certified mail, the owner of the property on which the nuisance is found. Said notice shall contain the survey information with respect to the subject trees on the property. Such notice shall describe the nuisance and recommend procedures for its abatement within a period of time specified by the

inspector. The notice shall further state that unless the owner abates the nuisance in the manner specified or appears at a hearing to show such a nuisance does not exist or does not endanger the health of other trees, the inspector may cause the abatement thereof at the expense of the property served. The tree inspector reserves the right to extend abatement procedures under difficult circumstances of compliance. If the owner cannot be found, such notice shall be given publication in a newspaper of general circulation in the village. After the expiration of the time limited by such notice, the tree inspector may proceed to abate the nuisance as herein provided. The cost of such abatement shall be assessed against the owner of the property involved or against the property itself.

- F. Any owner of real estate in the control area, who receives any notice as provided herein, may request that the tree inspector obtain a laboratory test of such trees. Such a request shall be made to the tree inspector within five days after the date of such notice with the costs of such test being the responsibility of the landowner.

(Ord. No. 14-01, 1-28-2014; Ord. No. 16-25, 12-13-2016)

§ 389-4. Responsibility for abatement.

- A. *Private landowner.* An owner of the existence of oak wilt on his/her property or a nuisance as described in this chapter shall abate or direct the abatement of the nuisance within the specified time on this notice. The abatement of nuisances and disposal of all associated materials shall be done in a manner satisfactory with the tree inspector, so as to ensure the elimination of the nuisance.
- B. *Jurisdictional abatement.* If the homeowner does not initiate abatement procedures in the allotted time, the tree inspector may then proceed to contract for the prescribed abatement procedure as soon as possible and shall report to the village clerk all charges resulting from the abatement procedures. The clerk shall list all such charges along with additional administrative costs as determined in this chapter against each separate lot or parcel as a special assessment to be collected commencing with the following year's taxes.

(Ord. No. 14-01, 1-28-2014; Ord. No. 16-25, 12-13-2016)

§ 389-5. Controlling spread of oak wilt.

- A. Oak wilt is a community problem, and because oak wilt control may benefit an entire neighborhood, the tree inspector shall recommend and encourage neighborhood participation and cooperation, including cost sharing, in root graft disruption and other control efforts, especially where oak wilt is in danger of spreading across property boundaries.
- B. To control overland spread of oak wilt, pruning, cutting or other wounding of oaks is prohibited from April 15 until August 15, without a written approval from the village. During this period (April 15 until August 15), if wounding occurs or pruning is necessary in response to an emergency (storm, equipment damage), a tree wound dressing shall be applied immediately or as soon as possible, within 12 hours, to each wound. The cut surface of stumps from living noninfected oaks shall be immediately painted with a tree wound dressing.
- C. Any diseased material (died within the past 12 months) to be used as fuel wood or to be salvaged for other purposes must be debarked or completely covered and wrapped with heavy plastic (minimum of four mil) for a period of time from April 15 until August 15. At any time, stumps of infected trees (died within the past 12 months) shall be removed or debarked to ground line to eliminate all possibilities of formation of fungal mats and overland spread by insects. At any time, any branch (from a tree that died within the past 12 months) greater than two-inch diameter shall be disposed of by burning, chipping, or removal to an authorized dump site.

(Ord. No. 14-01, 1-28-2014; Ord. No. 16-25, 12-13-2016)

§ 389-6. Transporting wood prohibitions.

It is unlawful for any person to transport, into, within or through the control area, any diseased wood that has been determined to be a nuisance as described in the previous sections, without having obtained a permit from the tree inspector. Such permits shall only be granted when the purposes of this chapter will be served thereby.

(Ord. No. 14-01, 1-28-2014; Ord. No. 16-25, 12-13-2016)

§ 389-7. Permit procedure.

- A. Any person seeking a permit to trim, cut, prune or otherwise wound (e.g., cabling) any oak tree(s) in the control area between April 15 and August 15 or transport diseased trees or parts thereof shall request a permit from the tree inspector. Transported wood permits shall describe the origin and final disposition of the wood and state protective measures that must be followed to ensure against the spread of oak wilt within the control area. Permits shall not be written for more than a ten-day period.
- B. Permits for trimming of oaks shall not be given except in emergency situations. The person doing the cutting, pruning, trimming or transporting shall have a copy of the permit in his/her possession at all times while doing the activity.

(Ord. No. 14-01, 1-28-2014; Ord. No. 16-25, 12-13-2016)

§ 389-8. Tree and woodland preservation.

Individuals/developers/realtors proposing sale or construction in areas containing oaks are required to schedule an on-site inspection, with the tree inspector, to develop a plan to protect oaks from infection. This written plan must be on file with the village before any brushing, surveying, testing, or construction activities take place. The existence of the plan must be communicated to any prospective buyers.

(Ord. No. 14-01, 1-28-2014; Ord. No. 16-25, 12-13-2016)

§ 389-9. Transfer of property.

At the time of sale or transfer of real property, the grantor(s) or his/her agent bears the affirmative obligation to disclose the terms of this chapter regulation to the grantee(s). In the event that a nuisance has been declared against the grantor(s) through this chapter, full disclosure shall be made, including the ramifications of noncompliance.

(Ord. No. 14-01, 1-28-2014; Ord. No. 16-25, 12-13-2016)

§ 389-10. Violations and penalties.

- A. Any person violating any of the provisions of this chapter shall be subject to the general penalty in chapter 1, General Provisions, section 1-2, General penalty, of the Code of the Village of Kronenwetter. Each day a violation exists shall constitute a separate offense.
- B. Compliance with the provisions of this chapter may also be enforced by injunction in any court with jurisdiction. It shall not be necessary to prosecute for forfeiture or a cease-and-desist order before resorting to in-junctional proceedings.

(Ord. No. 14-01, 1-28-2014; Ord. No. 16-25, 12-13-2016)



Report to Village Board

Agenda Item: Municipal Center Garage

Meeting Date: July 13, 2026

Referring Body: Village Board

Committee Contact:

Staff Contact: Greg Ulman

Report Prepared by: Greg Ulman

AGENDA ITEM: Municipal Center Garage

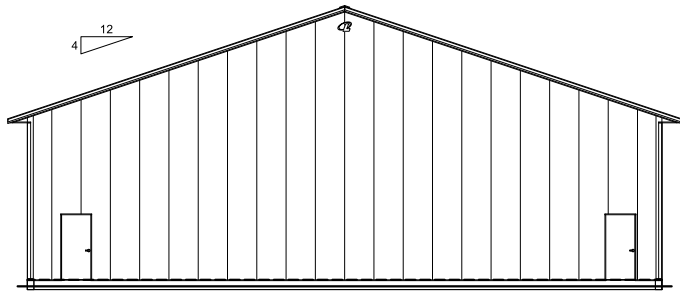
OBJECTIVE(S): To approve a bathroom on the Police side of the garage.

HISTORY/BACKGROUND: The selected contractor S.D. Ellenbecker for the building of a 6-bay garage for \$800,000 proposed the question of adding a bathroom which consists of a toilet, sink, and mop sink on the police side of the garage. After discussing as staff, we would like to see that installed. The benefits would be the officers wouldn't need to walk outside the building to come into the public works side of the garage, as we will have a fire wall separating the two areas. The building is suited for additions in the future if additional staff and vehicles are needed and we would be set up with a bathroom already installed without having to do a remodel to add a bathroom.

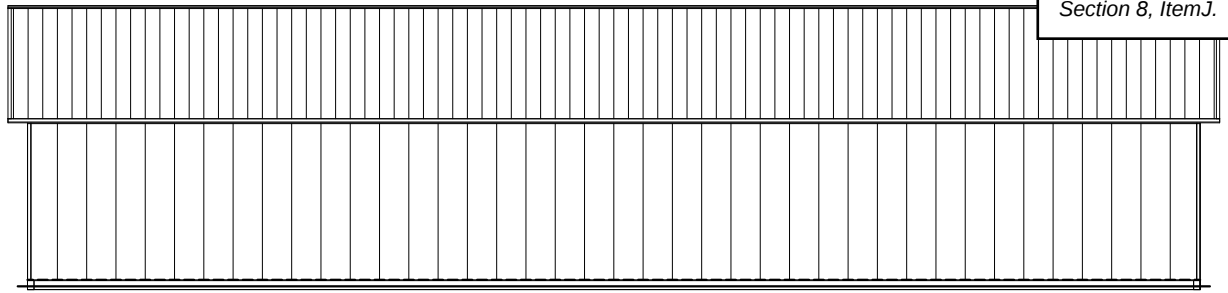
Adding the additional bathroom with fixtures, piping, and construction materials would be an additional \$14,815 to the project cost.

The total price of the building would now sit at \$814,815. With approval we can sign the contract and S.D. Ellenbecker can start the project in August, depending on state approval turnaround.

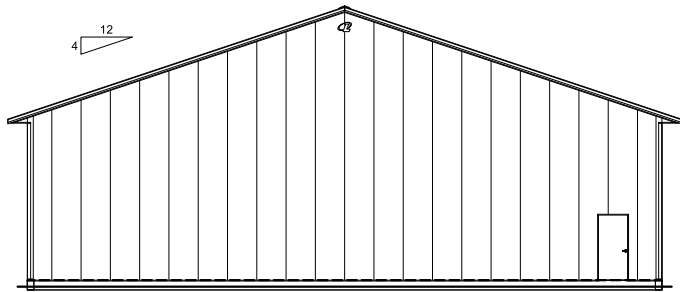
RECOMMENDED ACTION: To approve S.D. Ellenbecker to build the 6-Bay Equipment Garage for \$814,815.



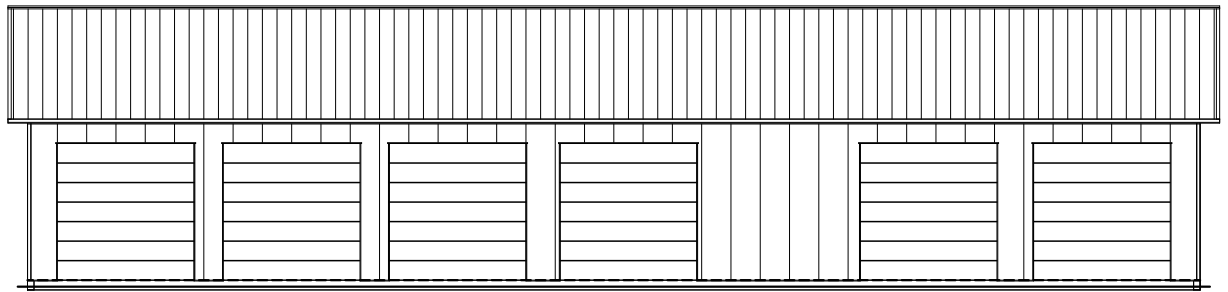
A2 ENDWALL 1 ELEVATION



B2 SIDEWALL 1 ELEVATION



C2 ENDWALL 2 ELEVATION



D2 SIDEWALL 2 ELEVATION

BUILDING COLORS

ROOF METAL	EVERGREEN	SLDG DR PANEL	---
SIDEWALL	PEWTER GRAY	SLDG DR JAMB TR	---
ENDWALL	PEWTER GRAY	SLDG DR TRACK	---
GABLES	---	SLDG DR VERTS	---
BASE	EVERGREEN	SLDG DR BTM GIRT	---
CORNER	EVERGREEN	OVHD DR PANEL	---
EAVE/FASCIA	EVERGREEN	OVHD DR TRIM	EVERGREEN
GABLE/RAKE	EVERGREEN	WALK DR	---
SOFFIT	EVERGREEN	WALK DR TRIM	VARIES
WAINSCOT	---	WINDOW	---
ACCENT PANEL	---	WINDOW TRIM	---
GABLE LOUVER	---	SHUTTERS	---
INSUL WL BATTEN	---	SIG DR FIELD	---
RIDGE CAP	EVERGREEN	SIG DR TRIM	---
RIDGE VENT	---	SIG DR JAMB TR	---
CUPOLA ROOF	---	SIG DR WINDOW	---
CUPOLA BODY	---	SIG DR TRACK	---
CUPOLA BASE	---	LARGE DOOR	---
GUTTER	---	LARGE DOOR TRIM	---
DOWNSPOUT	---	DUTCH DR FRAME	---
LEAN-TO ROOF	---	DUTCH DR INSERT	---
LEAN-TO CRWN/VBLK	---	DUTCH DR TRIM	---
LEAN-TO SOFT/CLG	---	SHINGLES	---
CLEAR OPNG COL CVR	---	MANSARD ROOF	---
CLEAR OPNG TR	---	MANSARD EAVE	---
CURTAIN OPNG TR	---	MANSARD SOFFIT	---
BOX STALL GRILLS	---	MODERRA	---



DEALER INFO.

S. D. Ellenbecker Inc
1222 Mount View Lane
Athens, WI 54411

CUSTOMER INFO.

village of kronenwetter municipal building
I-39 frontage rd
Mosinee, WI 54455

BUILDING DESCRIPTION

65'-0" x 120'-1" x 16'-0"
Uni-Frame Not Embedded
QP052826

Customer Approval

(Initials)

DATE:

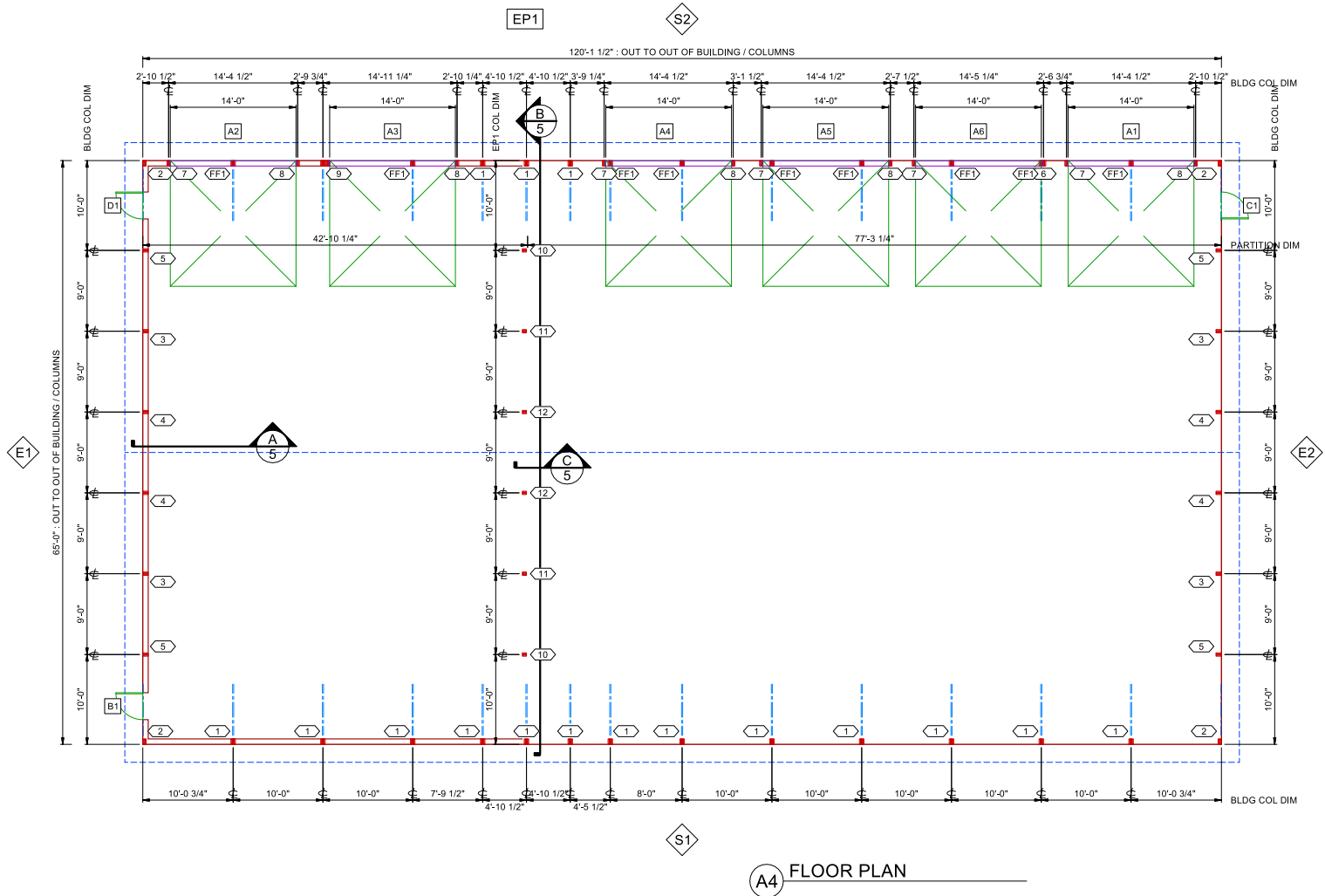
Bldg Direction



(Mark North)

PROJ: R13A-15743-01-02
PROPOSAL DRAWINGS ONLY
Not Intended for Construction Purposes

The information presented in this drawing is based on a preliminary design using the input of the customer. The final design is subject to Lester Engineering, Inc. review.
* NOT TO SCALE



A4 FLOOR PLAN

COLUMN SCHEDULE

COLUMN				FOOTING				ANCHOR			
ID	PART	SHAPE	LENGTH	BASE	SIZE	TYPE	YDSBSG	DET	TYPE	BRSBLS	DET
1	C003	F58888	17-02-08	-	-	-	-	FF244	(2) H/LD DWN	-	FF223
2	C004	F5888	18-00-00	-	-	-	-	FF244	(1) H/LD DWN	-	FF223
3	C005	F6888	24-00-00	-	-	-	-	FF244	(2) H/LD DWN	-	FF223
4	C006	F6888	28-00-00	-	-	-	-	FF244	(2) H/LD DWN	-	FF223
5	C007	F5888	22-00-00	-	-	-	-	FF244	(2) H/LD DWN	-	FF223
6	C008	F588888	17-02-15	-	-	-	-	FF244	(1) H/LD DWN	-	FF223
7	C009	JBP888	17-02-15	-	-	-	-	FF244	(1) H/LD DWN	-	FF223
8	C010	F5888	17-02-15	-	-	-	-	FF244	(1) H/LD DWN	-	FF223
9	C011	JBP88888888	17-02-00	-	-	-	-	FF244	(2) H/LD DWN	-	FF223
10	C012	F6666	22-00-00	-	-	-	-	FF244	(2) H/LD DWN	-	FF223
11	C013	F6666	24-00-00	-	-	-	-	FF244	(2) H/LD DWN	-	FF223
12	C014	F6666	26-00-00	-	-	-	-	FF244	(2) H/LD DWN	-	FF223
FF14	FLDFAB	F58888	18-10-00	185.5	-	HEADER	-	-	(2) H/LD DWN	-	F0354

OPENING SCHEDULE ☐

ID	MODEL	COLOR	NOMINAL	ROUGH	FRAME DET	FINISH DET
A1	OVERHEADDOOR - FBO		168"x168"		?	101675
A2	OVERHEADDOOR - FBO		168"x168"		?	101675
A3	OVERHEADDOOR - FBO		168"x168"		?	101675
A4	OVERHEADDOOR - FBO		168"x168"		?	101675
A5	OVERHEADDOOR - FBO		168"x168"		?	101675
A6	OVERHEADDOOR - FBO		168"x168"		?	101675
B1	WALKDOOR - FBO		36"x80"		KC441	102035
C1	WALKDOOR - FBO		36"x80"		KC441	102035
D1	WALKDOOR - FBO		36"x80"		KC441	102035

FBO CEILING / LINER

1) FBO LINER AND CEILING AND CONNECTIONS TO LESTER BUILDING BY OTHERS

DEALER INFO.

S. D. Ellenbecker Inc
1222 Mount View Lane
Athens, WI 54411

CUSTOMER INFO.

village of kronenwetter municipal building
I-39 frontage rd
Mosinee, WI 54455

BUILDING DESCRIPTION

65'-0" x 120'-1" x 16'-0"
Uni-Frame Not Embedded
QP052826

Customer Approval

(Initials)

DATE: _____

Bldg Direction



(Mark North)

PROJ: R13A-15743-01-02

PROPOSAL DRAWINGS ONLY
Not Intended for Construction Purposes

The information presented in this drawing is based on a preliminary design using the input [REDACTED] the final design is subject to Lester Eng [REDACTED] ew.

* NOT TO SCALE



	DEALER INFO.	CUSTOMER INFO.	BUILDING DESCRIPTION	Customer Approval _____ (Initials) DATE:	PROJ: R13A-15743-01-02 PROPOSAL DRAWINGS ONLY Not Intended for Construction Purposes The information presented in this drawing is based on a preliminary design using the input provided. The final design is subject to Lester Engineering, Inc. approval. * NOT TO SCALE *
	S. D. Ellenbecker Inc 1222 Mount View Lane Athens, WI 54411	village of kronenwetter municipal building I-39 frontage rd Mosinee, WI 54455	65'-0" x 120'-1" x 16'-0" Uni-Frame Not Embedded QP052826		



Proposal Submitted To: Village of Kronenwetter

Project to be completed at: Municipal Center Location - 1582 Kronenwetter drive Kronenwetter, WI 54455

We offer to provide all necessary labor and materials for the successful completion of: **65' x 120' x 16' tall new equipment garage.**

- Includes a state submitted Lester Building package.
- Includes concrete slab for building with a thickened grade beam around perimeter and required reinforcing. Includes 60' of trench drain inside building with 1 catch basin that ties into existing sewer system.
- Includes 3 hour drywall fire rated separation wall between the police bays and municipal bays.
- Includes 6 overhead doors and 3 exterior walk doors.
- Includes a liner panel finish in the interior of the building.
- Includes 2 ADA bathrooms with 1 toilet and 1 sink per bathroom.
- Includes 1 hot water heater, 2 hose bibs and 2 mop sinks.
- Includes all necessary electrical work including lights, power for OH doors, necessary outlets and a 200 amp service.
- Includes (2) gas powered unit heaters and necessary HVAC equipment per state code.
- Includes 6" gutters on overhead door side only.

- Excludes building excavation and any final restoration needed (by owner)

Total Estimated Cost: \$814,815.00

Notes:

- This quote does not provide for additional costs involved with heated concrete, cold weather protection for concrete or any other material involved with any cold weather protection. Any weather-related costs, variations to the work or changes in the Total Estimated Cost will be reflected in written change orders.
- Excludes supply and installation of anchor bolts that will be set into concrete foundation per plans (if applicable).
- Due to the volatility of the current economy and market, the prices provided in this proposal will only be valid for 15 days. If this proposal is not accepted and returned within 15 days from the date of this proposal or if the work is not completed by (2023), SDE Inc. Reserves the right to withdraw the proposal or modify the terms of the proposal/contract.
- SDE Inc. will not be held liable for any project delays due to Covid-19 or any other epidemics or pandemics.
- SDE will be closed from June 29th to July 5th, 2026. No work will be performed during this time.

PAYMENT TERMS: NET 15 DAYS / FINANCE CHARGE OF 1 ½% PER MONTH ON PAST DUE ACCOUNTS

All material is guaranteed to be as specified and the above work to be performed in accordance with the drawings and specifications submitted for above work and completed in a substantial workmanlike manner. **Any alteration or deviation from above specifications involving extra costs will be executed upon written or verbal orders and will become an extra charge over and above the estimate.** All agreements are contingent upon strikes, accidents or delays beyond our control. **Owners to carry fire, tornado and other necessary insurance for Project.** Public Liability Insurance and Worker's Compensation Insurance on the above work to be is taken out by S.D. Ellenbecker Inc.



Dear Contractor/Owner,

Effective immediately, as a result of dubious warranty claims, S.D. Ellenbecker will no longer warranty any concrete beyond Sixty (60) days from the date the concrete is placed. The Sixty (60) day warranty is void, if any traffic (human, machine, or any other form of traffic), crosses the concrete or affects the concrete in any way, prior to its designed cure time. Surface blemishes or structural failures caused by concrete mix designs, poor compaction, weather conditions, other contractors, homeowners, municipalities, or any exterior factors will not be replaced by S.D. Ellenbecker under warranty. The Sixty (60) day warranty is only applicable for concrete placed by S.D. Ellenbecker between the dates of May 1st to October 15th in any given year. All exterior concrete placed between October 16th to April 30th in any given year is not warrantied. S.D. Ellenbecker excludes any and all other express or implied warranty for fitness of purpose and all other warranties not set forth herein except as set forth above.

S.D. Ellenbecker, in recent history, has been asked to replace concrete damaged by plow trucks, paving companies, salt placement before adequate cure time, owner damages, etc.... S.D. Ellenbecker will no longer warranty defects not proven to be caused by poor workmanship by S.D. Ellenbecker. S.D. Ellenbecker only warranties work performed by S.D. Ellenbecker and its employees to the extent set forth above.

S.D. Ellenbecker understands that different municipalities and owners may require longer warranties. However, all future bids will not include any warranties other than these described in this letter. S.D. Ellenbecker will record their work at the end of each workday and keep a record of the conditions of pours. It is unfortunate that warranty claims have come to this, however S.D. Ellenbecker wants to ensure our warranties cover our flaws and workmanship, not that of others or unscrupulous claims.

If concrete is to be repaired within the 60-day warranty period, all restoration beyond the concrete work shall be completed by other persons/entities.

Thank you,

Dean Ellenbecker
President of SD Ellenbecker



S.D. Ellenbecker Inc.
GENERAL CONTRACTOR
ATHENS, WISCONSIN

Proposal/Work Order: 26
Date: 7/8/26

Section 8, ItemJ.

Respectfully submitted by Contractor:

*S.D. Ellenbecker, Inc.
1222 Mount View Lane
Athens, WI 54411*

By: Jared Diers

Dated: 7/8/26

Note: This Proposal may be withdrawn by us if not accepted as a Contract by Owner within 15 days of the date signed above.

Note: The parties hereby acknowledge that there is a page 2 of this Proposal/Contract, the terms and provisions of which are agreed upon.

ACCEPTANCE OF PROPOSAL AS CONTRACT: As consideration for the above prices, specifications and conditions, including any attachments or other related documents, provided by Contractor above, Owner hereby accepts this Proposal as a written Contract for the work to be performed. Contractor is authorized to do the work as specified. Payment will be made as outlined above.

ACCEPTED: _____ SIGNATURE: _____

COMPANY NAME: _____ ADDRESS: _____

DATE: _____ PRINT NAME & TITLE: _____

**** PLEASE SIGN AND RETURN A COPY OF THIS PROPOSAL IF IT IS ACCEPTED AS A CONTRACT TO PERFORM THE WORK SPECIFIED****

**** NO WORK WILL BE STARTED UNTIL THIS ACCEPTED PROPOSAL IS SIGNED AND RECEIVED****

****A "LETTER OF COMMITMENT" FROM YOUR BANKING FACILITY MAY ALSO BE REQUESTED AT THE DISCRETION OF CONTRACTOR BEFORE WE CAN BEGIN ANY WORK ON THIS PROJECT****

LIEN LAWS: As required by the Wisconsin Construction Lien Law, builder hereby notifies owner that persons or companies furnishing labor or materials for the construction on owner's land may have lien rights on owner's land and buildings if not paid. Those entitled to lien rights, in addition to the undersigned builder, are those who contract directly with the owner or who give the owner notice within 60 days after they first furnish labor or materials for the construction. Accordingly, owner probably will receive notices from those who furnish labor or materials for the construction and should give a copy of each notice received to his mortgage lender, if any. Builder agrees to cooperate with the owner and his lender, if any, to see that all potential lien claimants are duly paid.

MISCELLANEOUS:

Neither this Proposal/Contract nor any right, benefit or obligation of Owner arising hereunder for this work may be voluntarily or involuntarily sold, transferred or assigned. The Contractor may assign its rights and obligations under this Agreement without the consent of Owner.

All notices and other communications provided for in this Proposal/Contract shall be given in writing by registered or certified mail and shall be addressed to the Owner and Contractor at their respective addresses listed in this Proposal/Contract. Any notice given pursuant to this paragraph shall be deemed given as of three (3) business days after the date of mailing.

Contractor shall not have any liability to Owner whatsoever for any consequential, incidental, liquidated or special damages under or in connection with this Contract.

If Contractor deems it necessary to initiate legal means to collect sums owed by Owner arising out of or connected to this Proposal/Contract, Owner agrees to pay all costs of collection (including court costs) and reasonable attorney's fees thereby incurred by Contractor with respect to any collection or legal action initiated.

Page 2 approval of terms: _____ (Owner initials)

JD (Contractor initials)