

Joanne Bungert

Subject: FW: Records Request-Mangen

Importance: High

Dear Mr. Mangen,

Re: Open Records Request – October 6, 2020 (see below)

This email is in response to your open records request received on October 6, 2020 (see below). Pursuant to a review of our records, it has been determined that there are no such records responsive to your request.

Please note that under Open Records law the City is not obligated to answer questions or provide information but provide access to and copies of records. However, as a courtesy the Clerk's Office is able to provide the following clarifications: has provided answers to many of your questions (below).

- 1: The omission was made in error made by staff labeling and assembling the ballots. The City does not maintain records regarding such infrequently occurring errors. The corrective action entails cancellation of the ballot and issuance of a new ballot. The WEC has provided guidance that if initials are missing voter intent still exists and accordingly the ballot should be counted.

The determination not to release certain records is subject to review by mandamus under Wis. Stat. § 19.37(1) or upon application to the Attorney General or District Attorney. If you have any questions, please contact the Green Bay City Attorney's Office at 920-448-3080.

Thank you for your cooperation in this matter.

Deanna K. DeBruler
Legal Assistant
City of Green Bay
100 North Jefferson Street, Room 200
Green Bay, WI 54301
Phone: (920) 448-3122
Fax: (920) 448-3081
Deanna.Debruler@greenbaywi.gov

LEGAL DISCLAIMER: This message and all attachments may be confidential or protected by privilege. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or use of the information contained in or attached to this message is strictly prohibited. Please notify the sender of the delivery error by replying to this message, and then delete it from your system. Thank you.

From: smangen@gmail.com
Date: October 6, 2020, 7:42 AM CDT
Subject: Freedom of Information Request

To: clerkinquiries@greenbaywi.gov

Cc: celestineje@greenbaywi.gov

Kris Teske, Clerk - City of Green Bay:

RE: This is freedom of information request dated: **October 6th 2020**

In September of 2020 the Green Bay Clerk's office mailed out Absentee Ballots for the November 3rd General Election to voters without the required initials of the clerk or deputy as clearly mandated by Wisconsin Statutes chapter 5.54 et seq.

So this is a request for the following information - and your answers need to be truthful and accurate; so please be honest in your reply if you do not know the answer:

1. How many Absentee Ballots were sent out by the Clerk's office without initials as required by Wisconsin Statutes Chapter?

(yesterday on the phone to the Clerk's office Kim lied to me about this number and told me it was 1 (one) ballot sent out without initials - when I pressed her about that coincidence she admitted it was more than one. So, be truthful here: what was the number of ballots sent out without initials?)

2. How did it happen that your office was in violation of Wisconsin Statutes Ch. 5.54? Please tell me what happened to cause this mistake in ballot handling: how were the ballots mishandled and what have you done to correct your problematic system of mis-handling ballots so this does not happen again?

3. Who were the voters that received improper Ballots? You will redact names as needed: I want a list of all the voters who received ballots in violation of Wisconsin Statutes because the ballot they received was blank with no initials on it. (such a ballot should never be mailed to anyone - and it is a violation of the law to do so)

4. How many voters have written, emailed or called to complain about their ballot not being initialed by the Clerk of Green Bay.

5. Wisconsin Statute chapter 5 subsection 54 requires notice that the ballot may be invalid if not initialed by the clerk - what statute allow you to determine voter intent based on a mistake by the clerk's office in properly handling ballots.

The Clerk Kris Teske should consider resigning if she is unable to follow state law in issuing absentee ballots (the number of ballots sent out to voters is no excuse for mishandling ballots and violating state law)

Sincerely,
Samuel Mangen