



REPORT TO CLIPP

ITEM NAME:	Election Equipment Public Test Observer Rules and Meeting Notice Publication
MEETING DATE:	September 4, 2025
PRESENTING COMMITTEE:	
COMMITTEE CONTACT:	Ken Charneski/Patty Tikalsky
STAFF CONTACT:	Jennifer Poyer
PREPARED BY:	Jennifer Poyer

ISSUE: The Wisconsin Election Commission has received multiple election complaints regarding elections in the Village of Kronenwetter. The Village's ordinances contain very little guidance and information related to the local election process. CLIPP committee members would like to create local election ordinances for clarification of the process and to address the issues behind the complaints.

OBJECTIVES: In July, the CLIPP Committee addressed issues regarding the selection of election inspectors; balance between affiliated and unaffiliated election inspectors; and election inspectors working split shifts. These issues were also the topic of two more complaints. The fourth complaint focuses on the observer allowances during the election equipment public testing process. The committee will address and make recommendations to clarify the observer rules during the election equipment public testing.

ISSUE BACKGROUND/PREVIOUS ACTIONS: The full complaint can be viewed here:
<https://elections.wi.gov/resources/complaints/el-24-126-kindelberger-v-birk-labarge>

In the complaint, Daniel Kindelberger states the village clerk did not allow election equipment public test observer Dan Joling to take video of the election equipment test, citing information on page 83 of the Election Day Manual for Wisconsin Election Officials and Wis. Stat. 7/41(1). The information from these sources applies to taking photos and videos in a polling place, not during election equipment public testing.

The public test for election equipment is considered a public meeting. In Wis. Stat. 19.90, it states, "Whenever a governmental body holds a meeting in open session, the body shall make a reasonable effort to accommodate any person desiring to record, film or photograph the meeting. This section does not permit recording, filming or photographing such a meeting in a manner that interferes with the conduct of the meeting or the rights of the participants."

Misinformation surrounding the election equipment public test seems to be the cause of this complaint. In the future, information and rules for observers can be displayed, published and shared with observers in attendance and those performing the public test.

The complaint also notes the public test was not noticed to the public correctly. Wis. Stat. 5.84(1) states, "Public notice of the time and place of the test shall be given by the clerk 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."

A Class 1 Notice under ch. 985 states “**(1)** CLASS 1 NOTICES. All notices designated as class 1 notices require one insertion.”

For each election, the Marathon county clerk publishes a public test notice for all the county municipalities in the Wausau Daily Herald, Marshfield News Herald, Mosinee Times, Record Review and Tribune Phono. The county clerk also provides a large “poster” for the municipal clerks to fill in their testing times and post in their municipal buildings.

The Village clerk publishes a notice on www.kronenwetter.gov and on the bulletin board in front of the Municipal Center. Posts on social media sites are also published.

These posting actions meet the notice requirements. As long as these actions are taken, there should be no future complaints regarding this issue.

PROPOSAL:

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): Wis. Stats. 19.90 and 5.84; Notices of election equipment testing