

**State of Wisconsin  
Before the Elections Commission**

---

Complaint of

Case No. \_\_\_\_\_

Matt Roeser  
419 E. LeCapitaine Circle  
Green Bay WI 54302

Complainant,

against

Celestine Jeffreys  
City Clerk of Green Bay  
100 N. Jefferson St.  
Green Bay WI 54301

Respondent.

---

This complaint is made under Wisconsin Statutes § 5.06.

I, as the above-named complainant, allege, upon information and belief, that probable cause exists to believe that absentee ballot harvesting legal violations in the April 5, 2022 Green Bay election occurred because Respondent Celestine Jeffreys approved it in violation of Wisconsin Statutes § 6.87(4)(b)(1).

**Parties**

1. Complainant Matt Roeser is an elector residing at 100 N. Jefferson St., Green Bay, Wisconsin 54301.
2. Respondent Celestine Jeffreys is Clerk of City of Green Bay.

**It is illegal absentee ballot harvesting for a municipal clerk to receive multiple ballots from an individual voter in the clerk's office because the only legally authorized methods of delivery of absentee ballots are personally delivering your absentee ballot to the clerk or personally mailing it—unless there is a statutory exception.**

3. Under Wisconsin law, it is illegal absentee ballot harvesting for a municipal clerk to receive multiple ballots from an individual voter in the clerk's office.

4. Absentee ballot harvesting others' voters ballots, outside of narrow statutory exceptions, is illegal in Wisconsin.

5. The only legally authorized methods of delivery of absentee ballots are personally delivering your absentee ballot to the clerk or personally mailing it—unless there is a statutory exception.

6. Wisconsin Statutes § 6.87(4)(b)(1) states that the only legally authorized methods of delivery of absentee ballots are personally delivering your absentee ballot to the clerk or personally mailing it (unless there is a statutory exception):

Except as otherwise provided in s. 6.875, an elector voting absentee, other than a military elector or an overseas elector, shall make and subscribe to the certification before one witness who is an adult U.S. citizen. A military elector or an overseas elector voting absentee, regardless of whether the elector qualifies as a resident of this state under s. 6.10, shall make and subscribe to the certification before one witness who is an adult but who need not be a U.S. citizen. The absent elector, in the presence of the witness, shall mark the ballot in a manner that will not disclose how the elector's vote is cast. The elector shall then, still in the presence of the witness, fold the ballots so each is separate and so that the elector conceals the markings thereon and deposit them in the proper envelope. If a consolidated ballot under s. 5.655 is used, the elector shall fold the ballot so that the elector conceals the markings thereon and deposit the ballot in the proper envelope. If proof of residence under s. 6.34 is required and the document enclosed by the elector under this subdivision does not constitute proof of residence under s. 6.34, the elector shall also enclose proof of residence under s. 6.34 in the envelope. Except as provided in s. 6.34 (2m), proof of residence is required if the elector is not a

military elector or an overseas elector and the elector registered by mail or by electronic application and has not voted in an election in this state. If the elector requested a ballot by means of facsimile transmission or electronic mail under s. 6.86 (1) (ac), the elector shall enclose in the envelope a copy of the request which bears an original signature of the elector. The elector may receive assistance under sub. (5). The return envelope shall then be sealed. The witness may not be a candidate. The envelope shall be mailed by the elector, or delivered in person, to the municipal clerk issuing the ballot or ballots. If the envelope is mailed from a location outside the United States, the elector shall affix sufficient postage unless the ballot qualifies for delivery free of postage under federal law. Failure to return an unused ballot in a primary does not invalidate the ballot on which the elector's votes are cast. Return of more than one marked ballot in a primary or return of a ballot prepared under s. 5.655 or a ballot used with an electronic voting system in a primary which is marked for candidates of more than one party invalidates all votes cast by the elector for candidates in the primary.

(Emphasis added).

7. In a case in the Wisconsin Circuit Court for Waukesha County, the plaintiffs sued the WEC to challenge 2020 guidance memos that the WEC issued to municipal clerks regarding unmanned absentee drop boxes. Complaint, *Teigen v. Wisconsin Elections Commission*, No. 21-CV-958 (Wis. Cir. Ct. for Waukesha Cnty. June 28, 2021) (under review by Wisconsin Supreme Court). In particular, multiple individuals challenged a memorandum that purported to authorize delivery in violation of Wisconsin Statutes § 6.87(4)(b)(1):

Despite this requirement in the statutes [i.e., the requirement that an absentee ballot either be returned by mail or be returned by the voter “in person, to the municipal clerk.” Wis. Stat. § 6.87(4)(b)(1)], WEC Commissioners sent a memo to municipal clerks dated August 19, 2020, (the “August 2020 WEC Memo”) stating that absentee ballots do not need to be mailed by the voter or delivered by the voter, in person, to the municipal clerk but instead could be dropped into a drop box and that the ballot drop boxes could be unstaffed, temporary, or permanent. (A true and correct copy of the August 2020 WEC Memo is attached hereto as Exhibit B.)

*Id.* ¶ 10.

8. The Waukesha County Circuit Court granted the plaintiffs summary judgment and declared the use of unmanned ballot drop boxes, outside of statutory exceptions, to be inconsistent with Wisconsin Statutes § 6.87(4)(b)(1) because “the only lawful methods for casting an absentee ballot pursuant to Wis. Stat. § 6.87(4)(b)(1) are for the elector to place the envelope containing the ballot in the mail or for the elector to deliver the ballot in person to the municipal clerk”:

For the reasons set forth by the Court on the record at the January 13, 2022 hearing, the Court hereby declares that WEC’s interpretation of state statutes in the Memos is inconsistent with state law, to the extent they conflict with the following: (1) an elector must personally mail or deliver his or her own absentee ballot, except where the law explicitly authorizes an agent to act on an elector’s behalf, (2) the only lawful methods for casting an absentee ballot pursuant to Wis. Stat. § 6.87(4)(b)(1) are for the elector to place the envelope containing the ballot in the mail or for the elector to deliver the ballot in person to the municipal clerk, (3) the use of drop boxes, as described in the Memos, is not permitted under Wisconsin law unless the drop box is staffed by the clerk and located at the office of the clerk or a properly designated alternate site under Wis. Stat. § 6.855.

Order Granting Summary Judgment for Plaintiffs, *Teigen v. Wisconsin Elections Commission*, No. 21-CV-958 (Wis. Cir. Ct. for Waukesha Cnty. January 20, 2020) (emphasis added).

9. Similarly, under Wisconsin law, it is illegal absentee ballot harvesting for a municipal clerk to receive multiple ballots from an individual voter in the clerk’s office because the only legally authorized methods of delivery of absentee ballots are personally delivering your absentee ballot to the clerk or personally mailing it—unless there is a statutory exception.

**Respondent Celestine Jeffreys based on a claimed “discretion” accepted multiple absentee ballots for the April 5, 2022 election from an individual voter in violation of Wisconsin Statutes § 6.87(4)(b)(1).**

10. Respondent Celestine Jeffreys, many times, based on a claimed “discretion” accepted multiple absentee ballots for the April 5, 2022 election from an individual voter without a statutory exception applying—in violation of Wisconsin Statutes § 6.87(4)(b)(1).

11. Janet Angus, Victoria J Linssen and I were at the Clerk’s office, Room 106, at 100 N. Jefferson Street, Green Bay, Wisconsin, on election day April 5, 2022.

12. On April 5, 2022, Janet Angus, Victoria J. Linssen and I witnessed in the Clerk’s office Respondent Celestine Jeffreys and her assistant accept, many times, multiple absentee ballots from an individual voter.

13. On April 5, 2022, I saw in the Clerk’s office the Respondents’ assistant take multiple ballots from an individual voter once.

14. On April 5, 2022, Janet Angus, a witness, saw the Respondent Celestine Jeffreys accept multiple absentee ballots from an individual voter three times.

15. On April 5, 2022, Victoria J. Linssen, a witness, saw the Respondent Celestine Jeffreys accept multiple absentee ballots from an individual voter once.

16. On April 5, 2022, in the Clerk’s office, in response to an objection from Janet Angus, Victoria J. Linssen and I heard Respondent Celestine Jeffreys defend her decision to accept multiple absentee ballots from an individual voter in the clerk’s office.

17. Specifically, Janet Angus made a formal objection to Respondent Celestine Jeffreys accepting more than one absentee ballot from an individual.

18. Janet Angus said several times to Respondent Celestine Jeffreys, “Clerk Jeffreys, are you taking multiple ballots?”

19. Respondent Celestine Jeffreys then responded, “It’s my discretion on whether I take the ballots.”

20. Janet Angus stated, “You don’t have the discretion. The law doesn’t allow multiple ballots.”

21. Respondent Celestine Jeffreys then responded, “I have determined that I can take both ballots.”

22. Then, Respondent Celestine Jeffreys kept the absentee ballots.

23. On April 5, 2022, Janet Angus asked Green Bay Deputy City Attorney Joanne Bungert about Respondent Celestine Jeffreys’ acceptance of multiple absentee ballots from an individual voter. The Green Bay Deputy City Attorney Joanne Bungert responded that it was a gray area and that the City Clerk had the discretion to accept multiple absentee ballots from an individual voter.

24. Based on this witness testimony, on April 5, 2022, in the Clerk’s office, Respondent Celestine Jeffreys, many times, accepted multiple absentee ballots from an individual voter in the clerk’s office—in violation of Wisconsin Statutes § 6.87(4)(b)(1).

25. The April 5, 2022, election results in Green Bay City Council District 3 and District 6 elections were razor thin, won by a margin of 2.2% and 1.8% respectively.

26. Bill Morgan won in District 3 by 23 votes.

27. Steve Campbell won in District 6 won by 11 votes.

28. Such razor-thin, narrow victories are always a target for post-election challenges.

29. In the context of close elections, questionable, and in this case illegal, actions by election officials can tilt an election in favor of one candidate over the other candidate.

30. Nonetheless, the Respondent Celestine Jeffreys' illegal policy of accepting multiple absentee ballots from an individual voter was confirmed by Green Bay Deputy City Attorney Joanne Bungert.

### **Prayer for Relief**

WHEREFORE, Complainant respectfully requests the Commission to investigate this matter, including compelling document production, depositions and testimony of the Respondent and others involved, to conduct an evidentiary hearing and to summarily decide the claims before it.

The Complainant requests the Commission to issue an order requiring the Respondent to conform her conduct to Wisconsin Statutes, restrain herself from further violations of Wisconsin Statutes and to require her to correct her actions and decisions inconsistent with the prohibition of Wisconsin Statutes on absentee ballot harvesting.

The Complainant requests the Commission to issue an order that the Respondent's actions in accepting multiple absentee ballots from an individual voter in the clerk's office under a purported "discretion" were illegal under Wisconsin Statutes § 6.87(4)(b)(1), that restrains her from further such legal violations and to require her to correct her actions and her decisions inconsistent with the prohibitions of Wisconsin Statutes § 6.87(4)(b)(1).

The Complainant requests that the Commission issue an order granting any other relief it deems proper, necessary, or just, consistent with the law and under the circumstances of this case.

Dated: April 20, 2022.

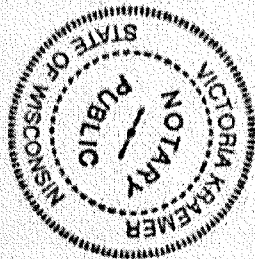



---

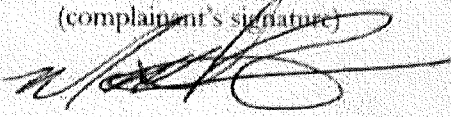
Erick G. Kaardal, No. 1035141  
Mohrman, Kaardal & Erickson, P.A.  
Special Counsel for Thomas More Society  
150 South Fifth Street, Suite 3100  
Minneapolis, MN 55402  
Telephone: (612) 341-1074  
Facsimile: (612) 341-1076  
Email: kaardal@mklaw.com  
Attorneys for the Complainant



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

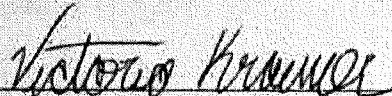


  
\_\_\_\_\_  
Matt Roeser  
(complainant's signature)

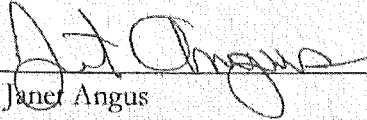
  
\_\_\_\_\_

STATE OF WISCONSIN )  
                                  ) ss.  
County of Brown )

Sworn to before me this 20 day of April, 2022.

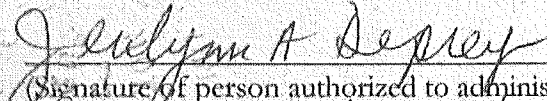
  
\_\_\_\_\_  
(Signature of person authorized to administer oaths)  
My commission expires 7/31/22, or is permanent  
Notary Public or \_\_\_\_\_ (official title if not notary)

I, Janet Angus, not a complainant, being first duly sworn on oath state that I personally read the above complaint, and that the above allegations are true based on my personal knowledge and, as to those stated on information and belief, I believe them to be true.

  
\_\_\_\_\_  
Janet Angus

STATE OF WISCONSIN )  
   ) ss.  
County of Brown       )

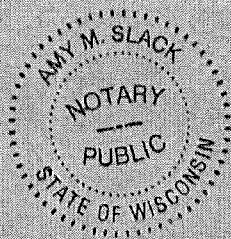
Sworn to before me this 20<sup>th</sup> day of April, 2022.

  
\_\_\_\_\_  
(Signature of person authorized to administer oaths)  
My commission expires 12-5-24, or is permanent  
Notary Public or \_\_\_\_\_ (official title if not notary)

I, Vickie Linssen, not a complainant, being first duly sworn on oath state that I personally read the above complaint, and that the above allegations are true based on my personal knowledge and, as to those stated on information and belief, I believe them to be true.

*Victoria J. Linssen*  
Victoria J. Linssen

STATE OF WISCONSIN )  
  ) ss.  
County of Brown )



Sworn to before me this 19<sup>th</sup> day of April, 2022.

*Amy m Slack*  
(Signature of person authorized to administer oaths)  
My commission expires 07/03/2024 or is permanent  
Notary Public or \_\_\_\_\_ (official title if not notary)