

**STATE OF WISCONSIN  
BEFORE THE ELECTIONS COMMISSION**

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Glen Hogan  
2740 Englewood Rd.  
Green Bay, WI 54311,

Joanne Lensing  
2140 King James Dr.  
Green Bay, WI 54304,

and

David A. VanderLeest  
146 Alpine Dr.  
Green Bay, WI 54302

*Complainants,*

v.

Celestine Jeffreys,  
Clerk for the City of Green Bay  
100 N. Jefferson St.  
Room 106  
Green Bay, WI 54301

*Respondent.*

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**VERIFIED COMPLAINT**

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The Complainants alleges the following:

1. Complainants are registered Wisconsin voters, and each qualifies as an “elector” within the meaning of Chapters 5 and 6 of the Wisconsin Statutes. Complainants reside in the City of Green Bay, Wisconsin.

2. Respondent, Celestine Jeffreys, is the City Clerk for the City of Green Bay. Clerk Jeffreys is an “election official” within the meaning of Chapters 5 and 6 of the Wisconsin Statutes and is sued in that capacity. Clerk Jeffreys was appointed to the office by Mayor Eric Genrich in

January 2021. <https://www.greenbaypressgazette.com/story/news/2021/01/13/green-bay-mayor-eric-genrich-appoints-celestine-jeffreys-city-clerk/6641714002/>.

### **JURISDICTION**

3. This Complaint is brought against Clerk Jeffreys under Wisconsin Statute § 5.06, which provides:

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

### **COMPLAINT**

4. Wisconsin allows residents to register and vote on Election Day at their polling place. *See* Wis. Stat. § 6.55(2)(a) (“Election Day Registration”).

5. Residents using Election Day Registration must provide documentary proof of residence, Wis. Stat. § 6.55(2)(b), and must affirm in writing that they have resided at their residence “for at least 28 consecutive days immediately preceding this election,” Wis. Stat. § 6.55(2)(a).

6. Wisconsin requires a post-election “audit” of all electors who registered to vote using Election Day Registration. Wis. Stat. § 6.56(3).

7. The audit’s requirements are provided in Wis. Stat. 6.56(3) and are the following:

The audit shall be made by 1st class postcard. The postcard shall be marked in accordance with postal regulations to ensure that it will be returned to the clerk, board of election commissioners, or elections commission if the elector does not reside at the address given on the postcard. If any postcard is returned undelivered, or if the clerk, board of election commissioners, or elections commission is informed of a different address than the one specified by the elector which was apparently improper on the day of the election, the clerk, board of election commissioners, or elections commission shall change the status of the elector from eligible to ineligible on the registration list, mail the elector a notice of the change in status, and provide the name of the elector to the district attorney for the county where the polling place is located and the elections commission.

Wis. Stat. § 6.56(3).

8. The “postcard” described in Wis. Stat. § 6.56(3) is mailed by the Wisconsin Election Commission (“WEC”).

9. If the “postcard” is undeliverable as addressed, it is returned to the clerk’s office in the jurisdiction where the elector registered to vote. *See, e.g.,* <https://elections.wi.gov/resources/newsletters/wec-newsletter-volume-iii-issue-viii> (last accessed April 5, 2024) (“As clerks enter their Election Day Registrations from the 2023 Spring Election, the WEC sends postcards to these voters informing them of their district information and their polling place. If the postal service is unable to deliver these postcards they are returned to the clerk’s mailing address that the WEC has on file for that jurisdiction.”).

10. The duty to “change the status of the elector from eligible to ineligible on the registration list, mail the elector a notice of the change in status, and provide the name of the elector to the district attorney for the county where the polling place is located and the elections

commission” is performed by the clerk of each jurisdiction. Wis. Stat. § 6.56(3). This duty is mandatory (“shall”). *See* Wis. Stat. § 6.56(3).

11. On February 9, 2023, WEC issued “updated guidance regarding the handling and processing of Election Day Registration postcards returned to a clerk’s office after an election.”

<https://elections.wi.gov/sites/default/files/documents/Updated%20EDR%20Postcard%20Guidance%20clerk%20memo.pdf> (clerk memo);

<https://elections.wi.gov/sites/default/files/documents/EDR%20Postcard%20Instructions%20Final%20Revision.pdf> (instructions) (together, “EDR Guidance”) (last accessed April 5, 2024).

12. The EDR Guidance confirmed that the Wis. Stat. § 6.56(3)’s requirements are mandatory and are performed by municipal clerks. *See* EDR Guidance ¶ 3 (“If an EDR audit postcard is returned as undeliverable, Wisconsin Statute § 6.56(3) requires municipal clerks to inactivate the voter record, mail the voter a notice of change of status, and notify the District Attorney and the Elections Commission.”).

13. The EDR Guidance further explained that Wis. Stat. 6.56(3) incorporates the standard found in Wis. Stat. § 6.325, which “requires a ‘beyond a reasonable doubt’ standard to be met that ‘the person does not qualify as an elector or is not properly registered’ before the person can be disqualified as an elector.” EDR Guidance ¶ 3 (quoting Wis. Stat. § 6.325).

14. The EDR Guidance provides ways for clerks to comply with Wis. Stat. 6.56(3)’s requirements.

15. First, the EDR Guidance instructs clerks to “[r]eview the address on the undeliverable audit postcard for any missing information or other obvious error of an election official or the post office.” EDR Guidance ¶ 1 (hereafter “Address Review”).

16. Second, if the Address Review reveals no errors, the EDR Guidance instructs clerks to “investigate if the elector deliberately gave an invalid address, or if some other circumstances apply, such as the elector moving between Election Day and when the postcard was delivered, the elector being homeless, the elector making a minor error when filling out the registration, or another circumstance leading to a legitimate address being undeliverable.” EDR Guidance ¶ 3 (“Investigation”).

17. If the Investigation provides “reason to believe that an elector moved between Election Day and when the postcard was delivered,” the EDR Guidance instructs clerks to “mail the voter a 30-day notice letter under Wis. Stat. § 6.50(3) to confirm the registration or update the registration if the elector moved within the municipality.” EDR Guidance ¶ 3 (“Address Confirmation”).

18. If the Investigation causes “belie[f] beyond a reasonable doubt that that the individual does not qualify as an elector or is not properly registered, the postcard and any other materials related to the clerk’s investigation should be forwarded to the District Attorney” and the record’s inactivation should be recorded in WisVote. EDR Guidance ¶ 3 (“DA Referral”).

19. Wis. Stat. § 6.275(1)(f) requires municipal clerks to submit to WEC a report of actions taken pursuant to Wis. Stat. § 6.56(3) no later than ninety (90) days after each election. *See also, e.g.,* <https://elections.wi.gov/event/deadline-clerks-submit-election-day-registration-postcard-data> (providing deadline for clerk’s to submit EDR postcard data for the 2023 Spring Primary) (last accessed April 5, 2024).

20. Wis. Stat. § 6.275(2) requires WEC to publish and update the EDR postcard data received from municipal clerks under Wis. Stat. § 6.275(1)(f) (hereafter, “WEC EDR Report”).

21. According to the most recent WEC EDR Report for the 2020 Partisan Primary Election (dated August 13, 2021), the City of Green Bay reported 153 Election Day Registrations.

<https://elections.wi.gov/resources/statistics/2020-partisan-primary-election-voting-and-registrations-statistics-report> (last accessed April 5, 2024).

22. Of the postcards WEC mailed to those 153 electors pursuant to Wis. Stat. § 6.56(3), fourteen (14) were returned “undeliverable” to the City of Green Bay Clerk’s office. *See id.*

23. According to the WEC EDR Report, the City of Green Bay Clerk’s office inactivated zero registrants and referred zero registrants to the district attorney. *See id.*

24. According to the most recent WEC EDR Report for the 2020 General Election (dated January 24, 2022), the City of Green Bay reported 3,497 Election Day Registrations.

<https://elections.wi.gov/resources/statistics/2020-general-election-voting-and-registration-statistics-report-formerly-el> (last accessed April 5, 2024).

25. Of the postcards WEC mailed to those 3,497 electors pursuant to Wis. Stat. § 6.56(3), one-hundred and seventy (170) were returned “undeliverable” to the City of Green Bay Clerk’s office. *See id.*

26. According to the WEC EDR Report, the City of Green Bay Clerk’s office inactivated zero registrants and referred zero registrants to the district attorney. *See id.*

27. According to the most recent WEC EDR Report for the 2021 Spring Primary (dated February 24, 2022), the City of Green Bay reported 22 Election Day Registrations.

<https://elections.wi.gov/resources/statistics/2021-spring-primary-voting-and-registration-statistics-report-formerly-el> (last accessed April 5, 2024).

28. Of the postcards WEC mailed to those 22 electors pursuant to Wis. Stat. § 6.56(3), one (1) was returned “undeliverable” to Clerk Jeffrey’s office. *See id.*

29. According to the WEC EDR Report, Clerk Jeffreys inactivated zero registrants and referred zero registrants to the district attorney. *See id.*

30. According to the most recent WEC EDR Report for the 2021 Spring Election (dated February 24, 2022), the City of Green Bay reported 89 Election Day Registrations. <https://elections.wi.gov/resources/statistics/2021-spring-election-voting-and-registration-statistics-report-formerly-el> (last accessed April 5, 2024).

31. Of the postcards WEC mailed to those 89 electors pursuant to Wis. Stat. § 6.56(3), one (1) was returned “undeliverable” to Clerk Jeffreys’ office. *See id.*

32. According to the WEC EDR Report, Clerk Jeffreys inactivated zero registrants and referred zero registrants to the district attorney. *See id.*

33. According to the most recent WEC EDR Report for the 2022 Spring Election (dated March 27, 2023), the City of Green Bay reported 329 Election Day Registrations. <https://elections.wi.gov/resources/statistics/2022-spring-election-voting-and-registration-statistics-report-0> (last accessed April 5, 2024).

34. Of the postcards WEC mailed to those 329 electors pursuant to Wis. Stat. § 6.56(3), five (5) were returned “undeliverable” to Clerk Jeffreys’ office. *See id.*

35. According to the WEC EDR Report, Clerk Jeffreys inactivated two (2) registrants and referred zero registrants to the district attorney. *See id.*

36. According to the most recent WEC EDR Report for the 2022 Partisan Primary (dated August 2, 2023), the City of Green Bay reported 477 Election Day Registrations. <https://elections.wi.gov/resources/statistics/2022-partisan-primary-voting-and-registration-statistics-report> (last accessed April 5, 2024).

37. Of the postcards WEC mailed to those 477 electors pursuant to Wis. Stat. § 6.56(3), five (5) were returned “undeliverable” to Clerk Jeffreys’ office. *See id.*

38. According to the WEC EDR Report, Clerk Jeffreys inactivated zero registrants and referred zero registrants to the district attorney. *See id.*

39. According to the most recent WEC EDR Report for the 2022 General Election (dated January 2, 2024), the City of Green Bay reported 3,433 Election Day Registrations. <https://elections.wi.gov/resources/statistics/2022-general-election-voting-and-registration-statistics-report> (last accessed April 5, 2024).

40. Of the postcards WEC mailed to those 3,433 electors pursuant to Wis. Stat. § 6.56(3), forty-nine (49) were returned “undeliverable” to Clerk Jeffreys’ office. *See id.*

41. According to records produced by Clerk Jeffreys, the number of undeliverable EDR postcards is seventy-six (76). *See* Affidavit of Logan Churchwell ¶¶ 25-27.

42. According to the WEC EDR Report, Clerk Jeffreys inactivated zero registrants and referred zero registrants to the district attorney. *See id.*

43. According to the most recent WEC EDR Report for the 2023 Spring Primary Election (dated April 1, 2024), the City of Green Bay reported 146 Election Day Registrations. <https://elections.wi.gov/resources/statistics/2023-spring-primary-election-voting-and-registration-statistics-report> (last accessed April 5, 2024).

44. Of the postcards WEC mailed to those 146 electors pursuant to Wis. Stat. § 6.56(3), one (1) was returned “undeliverable” to Clerk Jeffreys’ office. *See id.*

45. According to the WEC EDR Report, Clerk Jeffreys inactivated zero registrants and referred zero registrants to the district attorney. *See id.*



46. According to the most recent WEC EDR Report for the 2023 Spring Election (dated April 1, 2024), the City of Green Bay reported 672 Election Day Registrations. <https://elections.wi.gov/resources/statistics/2023-spring-election-voting-and-registration-statistics-report> (last accessed April 5, 2024).

47. Of the postcards WEC mailed to those 672 electors pursuant to Wis. Stat. § 6.56(3), twenty-four (24) were returned “undeliverable” to Clerk Jeffreys’ office. *See id.*

48. According to records produced by Clerk Jeffreys, the number of undeliverable EDR postcards is five (5). *See* Affidavit of Logan Churchwell ¶¶ 25-26, 28, Exhibit 5.

49. According to the WEC EDR Report, Clerk Jeffreys inactivated zero registrants and referred one registrant to the district attorney. *See id.*

50. When Clerk Jeffreys receives undeliverable Election Day Registration postcards, her current procedure is to record the postcards as undeliverable in WisVote and take no further action. *See also* Affidavit of Logan Churchwell ¶ 21-23.

51. When Clerk Jeffreys receives undeliverable Election Day Registration postcards, she currently does not comply with Wis. Stat. § 6.56(3)’s mandatory requirement to “change the status of the elector from eligible to ineligible on the registration list, mail the elector a notice of the change in status, and provide the name of the elector to the district attorney for the county where the polling place is located and the elections commission.” *See also* Affidavit of Logan Churchwell ¶ 21-23.

52. When Clerk Jeffreys receives undeliverable Election Day Registration postcards, Clerk Jeffreys currently does not perform Address Review, Investigation, Address Confirmation, or DA Referral, as instructed by WEC’s EDR Guidance, or take any other similar action. *See also* Affidavit of Logan Churchwell ¶ 21-23.

53. Clerk Jeffreys is thus currently failing to act in accordance with Wisconsin law.

**PRAYER FOR RELIEF**

WHEREFORE, the Complainants requests the following relief:

- A. That Clerk Jeffreys be directed to conform her conduct to the law as described in Wis. Stat. § 6.56(3) and the EDR Guidance.
- B. An award of all costs and fees incurred in bringing this matter.
- C. Such equitable or other relief as is just and appropriate.

For the Complainants:

Dated this 8th day of April, 2024.

CRAMER MULTHAUF LLP  
Attorneys for Complainants,

BY: Electronically signed by Matthew M. Fernholz  
MATTHEW M. FERNHOLZ  
(State Bar No. 1065765)

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PUBLIC INTEREST LEGAL FOUNDATION, INC.  
Attorneys for Complainants,

BY: Electronically signed by Noel H. Johnson  
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(State Bar No. 1068004)

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Tel. (703) 745-5870  
[njohnson@PublicInterestLegal.org](mailto:njohnson@PublicInterestLegal.org)

The Complainant, GLEN HOGAN, being first duly sworn, states that he has personally read the above complaint, and that the above allegations are based on information and belief and the complainant believes them to be true to the best of his knowledge.

Glen J Hogan  
Complainant

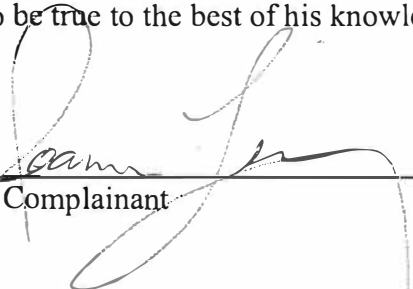
Subscribed and sworn to before me  
this 15<sup>th</sup> day of March, 2024.

Kelly J Samples  
Notary Public, State of Wisconsin  
My commission expires 12/12/2026



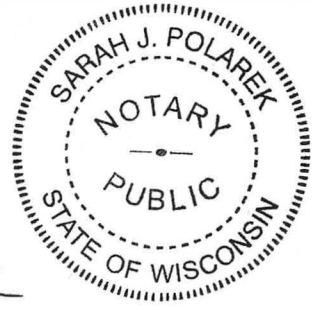
State of Wisconsin  
County of Brown  
My Commission Expires  
12/12/2026

The Complainant, Joanne Lensing, being first duly sworn, states that he has personally read the above complaint, and that the above allegations are based on information and belief and the complainant believes them to be true to the best of his knowledge.

  
Complainant

Subscribed and sworn to before me  
this 18<sup>th</sup> day of March, 2024.

  
Notary Public, State of Wisconsin



My commission expires 09/16/2027

The Complainant, David A. VanderLeest, being first duly sworn, states that he has personally read the above complaint, and that the above allegations are based on information and belief and the complainant believes them to be true to the best of his knowledge.

David VanderLeest  
Complainant

Subscribed and sworn to before me

this 15 day of March, 2024.

**MEENAKSHI AGARWAL**  
NOTARY PUBLIC  
STATE OF WISCONSIN

Meenakshi Agarwal  
Notary Public, State of Wisconsin

My commission expires 03-17-2025