

STATE OF WISCONSIN CIRCUIT COURT
MILWAUKEE COUNTY

Peter Bernegger


SUMMONS

Case Class: Petition For Writ Of Mandamus

Case Code: 30952

Case No. 21-CV-_____

v

Executive Director of the City of
Milwaukee Election Commission Claire
Woodall-Vogg, City Hall, Room 501
200 E. Wells Street, Milwaukee, WI 53202

Michael Lawrence
City Hall, Room 501
200 E. Wells Street, Milwaukee, WI 53202

Doe
City Hall, Room 501
200 E. Wells Street, Milwaukee, WI 53202

Respondents.

THE STATE OF WISCONSIN To each person named above as a Respondent: You are hereby notified that the Petitioner named above has filed a lawsuit or other legal action against you. The Petition, which is attached, states the nature and basis of the legal action. Within 45 days of receiving this Summons, you must respond with a written answer, as that term is used in Chapter 802 of the Wisconsin Statutes, to the Petition. To each paragraph, of all sections. The court may reject or disregard an answer that does not follow the requirements of the statutes. You file your response with the Clerk of Circuit Court Milwaukee County, located in the Milwaukee County Safety Building, 901 N Street, Milwaukee, WI 53233. And, to Peter Bernegger whose address is 1806 Brynwood Trace, New London, WI 54961; 1-920-716-6150. You may have an attorney help or represent you. If you do not provide a proper answer within 45 days, the court may grant judgment against you for the award of money or other legal action requested in the Petition, and you may lose your right to object to anything that is or may be incorrect in the Petition. A judgment may be enforced as provided by law. A judgment awarding money may become a lien against any real estate you own now or in the future, and may also be enforced by garnishment or seizure of property.

Respectfully Submitted,

December 15, 2021

Peter Bernegger
Petitioner

STATE OF WISCONSIN CIRCUIT COURT
MILWAUKEE COUNTY

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Petitioner,

PETITION

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Milwaukee, WI 53202

Respondents.

PETITION FOR WRIT OF MANDAMUS

A. This is an action seeking to enforce the right to obtain, inspect, public records pursuant to Wisconsin's Open Records Law, Wisconsin Statutes § 19.31 et seq. Petitioner is a citizen of Wisconsin, a Wisconsin elector, who has requested public records from Respondent(s). They are the record custodians with the authority and an obligation to produce governmental records.

B. Complainant's public records requests have not been answered, fully answered or have been denied without cause or just cause. These records are subject to timely production under the Wisconsin Open Records Law, and the Respondents continue to stall in their production or outright

withhold the requested public records without lawful justification. This Court's intervention and the sanction of an award of costs, fees, penalties and statutory awards are therefore required.

C. There is no requirement to provide a reason why public records are requested. However, in this situation it will be helpful to the Court to give some of the reasons Bernegger sought the requested records. Claire Woodall-Vogg ("Vogg"), Michael Lawrence ("Lawrence"), Neil Albrecht ("Albrecht") and John Doe (collectively termed "the sect" here) planned, conspired and implemented a massive election fraud upon Bernegger, the public, the City of Milwaukee Canvassing Board, the Milwaukee County Canvassing Board, the State of Wisconsin and our great country during the November 3, 2020 election.

- i) This included using fake names and/or addresses on the voter registrations, on the applications. Utilizing fake names and/or addresses on the absentee envelopes, on the applications. Utilizing real names in getting ballots cast but without those people being aware of it. With Vogg declaring to the sect, to her employees, (paraphrasing) "no way in hell are we going to give them the applications" at the President Trump recount in the late fall of 2020. The sect rolled out the applications at the recount, but hoodwinked the Trump attorneys claiming they could/would not unseal the bags.
- ii) Vogg switched the real memory stick(s) with the fake one(s) loaded with numerous illegally cast ballots. She did this at approximately 3am in the morning of November 4, 2020. Where there were witnesses to this nefarious act including one of the police officer escorts. Vogg lied to the press, to the public, as to which tabulator the "lost or misplaced" memory stick had ballots from.
- iii) Where the sect allowed a CTCL operative in the "the pit" where the 11 tabulators were located of the central count. Where the operative was not a city employee. Where the operative inserted and removed memory sticks in said computerized machines; had access to the tabulators.
- iv) Where the sect printed ballots for Biden in a back conference room. See Exhibit 1 map of Room 501. They used Ballot On Demand computerized machines by ES&S. See Exhibit 2 five pages of

those computerized machines, or very similar to them. Where the sect had persons operating those computerized machines who were not city employees.

v) Where the sect had, allowed, permitted, granted a tall black man with shorter hair from Illinois access to one or more computers in their office Room 501. Where this man was seen uploading, downloading, making changes to, one or more computers in Room 501. In particular as one example: Michael Lawrence's computer. Where this man, and believed to be one other, would sleep in the hidden room during day hours. Exhibit 1. They were moving election data around, including but not limited to voter information. They accessed the computer(s) illegally as they had not authority to use taxpayer equipment, information.

vi) Where the sect provided City of Milwaukee letterhead to various citizens to use to vote without having a photo ID. An illegal act. This was in the manual printed for the November 3, 2020 election.

vii) Where the sect approved, implemented, used or permitted an interactive website, or app, to harvest ballots from the various city of Milwaukee wards. The sect did this by race. They watched, counted, harvested, collected ballots by race: White, Black, Hispanic. Their election partners who came in and participated in running the election with the sect – CTCL, National Vote At Home, Mark Spitzer Rubenstein, Hillary Hall, Quickbase, Wisconsin Voices, Inc., and others – participated in running the election in part based on race. Even designing and implementing an interactive map based on race, to watch the ballots collected by race.

viii) The sect gave approval, or at least knew, private people were using the VoteWisconsin app by Wisconsin Voices, Inc. to register people. The sect gave or knew Wisconsin Voices, Inc. was given direct access, an API as they are known to be called, to access MyVote. Where by statute, by Justice Hagerdorn's January 2021 opinion, the municipal clerks are in charge of registering people to vote. The sect also illegally "partnered" with CTCL, National Vote At Home Institute, permitting those organizations, their employees and agents, to run, or at least directly participate, the November 3, 2020 election. They entered into an agreement with conditions set by CTCL, National Vote At Home,

Mark Zuckerberg, for money. That is illegal. With Respondents telling city employees to do what CTCL, National Vote At Home Institute and their employees/agents directed, told or showed them what to do.

ix) Where Respondents allowed, permitted, gave WisVote data freely to these said groups and/or their employees, agents. WisVote data is to be purchased by such groups, where the sect gave it to them for free, many times over weeks before the November 3, 2020 election. Where one or more of these groups (or their employees/agents/partners) gained access to the WisVote, to the MyVote, databases. Databases which are supposed to be secure authorized government only access.

x) Where the sect entered into a secret agreement with the Milwaukee Journal Sentinel or its agent to have exclusive information from the sect, its CTCL/National Vote at Home partners in the election, to publish in their news outlets. Where the Milwaukee Journal Sentinel hid this secret agreement from its subscribers, hide it from the the public.

PARTIES

1. Petitioner Peter Bernegger is a Wisconsin citizen, a Wisconsin elector. He is the “requester” as defined in Wisconsin Statutes § 19.32(3) and used in Wisconsin Statutes § 19.31 et seq..

2. Respondent Claire Woodall-Vogg is the Executive Director of the City of Milwaukee Election Commission. She is an “authority” under Wisconsin Statutes § 19.32. She is also an employee under 19.31(1)(bg). And, she is the legal custodian of the records requested. 19.33(1),(4),(5) respectively. Referenced here as “The Clerk”.

3. Michael Lawrence is an employee of the City of Milwaukee, of the City’s Election Commission. City Hall, 200 E. Wells Street, Room 501 Milwaukee, WI 53202. He is an “authority” under Wisconsin Statutes § 19.32. He is also an employee under 19.31(1)(bg). And, he is the legal custodian of the records requested. 19.33(1),(4),(5) respectively. Referenced here as “Lawrence”.

4. Doe is a city of Milwaukee employee. City Hall, 200 E. Wells Street, Milwaukee, WI 53202. He or she is an “authority” under Wisconsin Statutes § 19.32. He or she is also an employee under 19.31(1)(bg). And, he or she is the legal custodian of the records requested. 19.33(1),(4),(5) respectively. Referenced here as “Doe”.
Collectively the three as “Respondents”.

JURISDICTION & VENUE

5. Jurisdiction and venue are proper under Wisconsin Statutes §§ 801.50(2)(a) and 801.50(3), § 19.37(1).

FACTUAL ALLEGATIONS

6. Bernegger incorporates every paragraph in this Writ into each and every other paragraph.

7. In October, November and December of 2021 pursuant to the Wisconsin Open Records Law, Wisconsin Statutes § 19.31 et seq., the Petitioner made written requests for records to the Respondents.

8. The requests were made for records from, of, during, after the November 3, 2020 election, unless otherwise noted in the request.

9. Respondents have the records requested in their possession and/or control.

10. Bernegger is due these public records, and promptly. Wis. Stats. 19.31 et al, 19.35(1),(4), 19.36(4).

11. October 17, 2021 he sent a written request to Respondents to inspect the (1) absentee envelopes, (2) the paper ballots, (3) absentee ballot applications, (4) mirror images of the hard drives of all data which went in, and came out, from all electronic voting systems, machines, ballot marking devices, tabulators, servers, the city used in the election to count and/or process the paper ballots. From the time period of November 1 to the 15th of 2020. (5) True and accurate copies of all the memory sticks used to count

and/or process the paper ballots. (6) All ballots cast, created, or printed from or using the ballot marking device machines during the time frame of September 1, 2020 through midnight November 4; known as the units disabled people typically use. (7) The name of each person who worked at the Central County location for the City of Milwaukee who was paid for that work, or was a city employee, or a contractor/consultant for the city any day of November 1 through November 5, 2020. [numbers used as to correspond with the Commissions reply dated November 29, 2021].

12. (1) thru (7) in no.9 above are in the possession and/or control of Respondents.

13. Respondents denied him Items (1), (2), (3), (4), (5) and (6). They only supplied a partial list of the names requested in no.(7), withholding unknown names.

14. On November 30, 2021 he modified his original no.(6) written request to Respondents as:

I request to inspect and copy the following:

Any and all actual ballots cast, created, printed, (or blank paper or ballots inserted into, produced out of) Ballot on Demand or similar machines which were at your office, and/ or your office building, and/ or central count, and/ or at another city owned/ leased/ rented location. For the November 2020 election with a time frame of August 1, 2020 through November 30th, 2020. Please provide a date and time for this inspection of these created, actual, paper ballots.

15. Respondents denied the request.

16. The paper ballots cited in ¶14 above had candidates voted for by the ballot on demand machine(s) (“BOD”). The BOD filled in some, many, of the oval circles casting a ballot for various candidates.

Many, or a large percentage, if not all, were votes for Joe Biden.

17. Respondents committed election fraud by printing ballots for Joe Biden. They carried out this fraud in their office building; in Room 501; in a back conference room. Respondents printed the fraudulent ballots for Joe Biden using one or more BOD machines.

18. Respondents withheld names in their possession or control, from Bernegger’s request no. (7).

19. On October 26, 2021 Bernegger made a written public records request to Respondents:

I request true and accurate copies of the following public records be sent to me via email; then public records inspection(s) further below. Time frame: 1 year before, during, after 60 days after the November 3, 2020 election. Unless otherwise specified below. Used around or during that election.

1. Any and all letters, memos or notices Michael Lawrence and/ or Neil Albrect either created, printed or copied and/ or sent out distributed on city letterhead, or not on letterhead, conveying the message people could obtain a ballot or vote without showing an ID. Or record used to obtain a ballot by people. Not sure if the two names are spelt correctly, but think so.

2. Any and all purchase orders, invoices, bills of lading or shipping documents of/ from ES&S or their agent, for ballot on demand machines. Whether a purchase, lease, rental or borrowing of such machines. This time period back 2 years from today's date.

3. The machine tape printouts, the data output via memory cards/ sticks or similar memory device, coming out of the machines described in no. 4 and 5 below.

Public Records Inspection Request In Person:

4. All data/ information which went into, and came out of the computers whether laptops or PC's, etc. connected to the ballot on demand machines. To mirror the harddrives of them.

5. All data/ information which went into the ballot on demand machines, and came out. In particular, but not limited to, the two used in the conference room. The room near Jonathan or Jonaton Zuinga (spelling?). Also, any paper ballots which came out of these machines.

6. The payroll paychecks paid to any and all people who ran those two ballot on demand machines at any time during the November 3rd, 2020 election timeframe. Specifically 1 month prior, to 1 month after.

Please provide a date I can come in for the in person inspections, with volunteers to help to speed it up for all of us. Next week some day is acceptable.

20. Respondents denied public records requested (1), (3), (4), (5), (6) in ¶19 above.

21. Respondents are in possession and/or control of these records. Some of the absentee ballot envelopes they printed. Exhibit 1.

22. The records are public and Bernegger are due these records, promptly. Wis. Stats. 19.31 et al, 19.35(1),(4), 19.36(4).

23. December 1, 2021 Bernegger sent a written public records request to Respondents:

This is a public records request, time frame is from January 1st 2019 through today.

I ask for:

1. Any and all invoices you, or your office, sent to CTCL, to National Vote At Home, to Quickbase, to include any of those employees or partners of those two organizations, for MyVote data, for WisVote data.

2. Any and all checks/payments you, or your office, received from CTCL, from National Vote At Home, from Quickbase, to include any of those employees or partners of those two organizations, for providing them MyVote data, providing them WisVote data.

Please send the records to me via email.

24. They denied this request stating “The Election Commission has no records that are responsive to this request.

25. State law requires people/entities who are given or obtain WisVote, MyVote, data to pay money for it.

26. Respondents gave or provided Mark Spitzer Rubenstein, National Vote At Home, CTCL, Quickbase company, (including any of those employees or partners thereof) with WisVote data in 2020. The same for MyVote data. They gave or provided this information in fairly large quantities, over several days, even over weeks at a time.

27. Respondents have invoices, checks/payments, in their possession or control from one or more of these people or organizations directly pertaining to, related to, the data given, transferred or provided.

28. Bernegger was due the true and accurate copies of all these records, or inspections where asked for, and promptly. Wis. Stats. 19.31 et al, 19.35(1),(4), 19.36(4).

29. Bernegger, and the public, has been harmed and injured by the Respondents not providing him public records he is entitled to by law. He has been denied his right to view the operations of the Respondents carrying out their duties.

30. There was misconduct in public office by the Clerk.

31. Bernegger wrote to the City of Milwaukee Corporation Counsel asking for their office to bring a mandamus to produce the records he requested. There has been no response.

**Claim: Violation of Wisconsin Public Records
Act Law, Wisconsin Statutes § 19.31 et seq.**

32. Petitioner incorporates herein all allegations set forth in the preceding paragraphs.

33. The Wisconsin Open Records Law declares a strong public interest in favor of disclosure: “it is declared to be the public policy of this state that all persons are entitled to the greatest possible information regarding the affairs of government” Wis. Stat. § 19.31. The law “shall be construed in every instance with a presumption of complete public access”. *Id.*

34. Wisconsin Election Commission Administrator is on video from a TV interview conducted on or about November 4, 2020 stated all election records are available to the public.

35. Under Wis. Stat. § 19.35, “any requester has a right to inspect any record” and “to make or receive a copy of a record.”

36. Once it has received a request, an authority must respond “as soon as practicable and without delay” pursuant to Wis. Stat. § 19.35(4)(a).

37. Case law makes clear that the public records law is designed to make existing records available to the public unless withholding such documents is specifically authorized by law. *Journal Times v. Police & Fire Com'rs Bd.*, 866 N.W.2d 563, 362 Wis.2d 577 (2015).

38. Absent a clear statutory exception, a limitation under the common law, or an overriding public interest in keeping a public record confidential, the Open Records Law shall be construed in every instance with a presumption of complete public access. *Hagen v Board of Regents of University of Wisconsin System*, 916 N.W.2d 198, 200, 383 Wis.2d 567 (Wis. Ct. App. 2018).

39. The Open Records Law serves one of the basic tenets of state's democratic system by

providing an opportunity for public oversight of the workings of government. *Voces De La Frontera, Inc. v. Clarke*, 891 N.W.2d 803, 808, 373 Wis. 2d 348 (2017).

40. The court interprets the text of the Open Records Law in light of the Declaration of Policy, which is to foster transparent government, *Milwaukee Journal Sentinel v. City of Milwaukee*, 815 N.W.2d 367, 375, 341 Wis.2d 607 (2012), and to enable the citizenry to monitor and evaluate the performance of public officials and employees. *Journal / Sentinel, Inc. v. School Bd. Of School Dist. Of Shorewood*, 521 N.W.2d 165, 186 Wis. 2nd 443 (Wis. Ct. App. 1994), *review denied* 525 N.W.2d 733.

41. Even if there is an objection to part of a record requested, the non-objectionable part must be produced: “any portion of that record which contains public information is open to public inspection as provided in sub. (6).” Wis. Stat. § 19.36(1).

42. Denial of public access to public records is contrary to public interest and is to be allowed only in exceptional case and exceptions to general rule of disclosure must be narrowly construed. *Oshkosh Northwestern Co. v. Oshkosh Library Bd.*, 373 N.W.2d 459, 461, 125 Wis.2d 480 (Wis. Ct. App. 1985).

43. Requests for records under the open records law does not require a request to contain any “magic words.” *WIREData, Inc. v. Village of Sussex*, 729 N.W.2d 757, 764, 298 Wis.2d 743 (Wis. Ct. App. 2007), *review granted* 737 N.W.2d 431, 302 Wis.2d 104, *affirmed in part, reversed in part* 751 N.W.2d 736, 310 Wis.2d 397 (2008).

44. As set forth in the Facts section, Petitioner made Public Records requests to the Clerk which either have resulted in very little to no records produced, or with denials of no legal capacity.

45. Upon information and belief, the Clerk is refusing to produce the responsive documents in order to run out the clock on the case as November 3rd, 2020 election records can be destroyed in a matter of months. She is withholding documents that are clearly relevant and which likely will provide support for Petitioner’s claims of election fraud.

46. Under *Oshkosh Northwestern Co. v. Oshkosh Library Bd.*, 125 Wis. 2d 480 (Wis. Ct. App. 1985), an authority that denies a request must offer specific public policy reasons for the denial. The Clerk has violated the Wisconsin Open Records Law because it delayed granting access

to the requested records without a valid reason.

47. The Clerk's actions have caused and will continue to cause injury to Petitioner; her actions also continue to deprive him, the public, of its rights under the Wisconsin Open Records Law.

48. Election Clerks, the Respondents, are paid in part to maintain and provide upon request to the public the citizens' public records. The records requested are the citizens, not the governments.

RELIEF REQUESTED

WHEREFORE, Petitioner requests a Writ Of Mandamus pursuant to Wis. Stat. § 19.31 et seq.:

1. Compelling the Respondents to produce the requested records for the Petitioner without further delay, pursuant to Wis. Stat. § 19.37(1)(a);
2. Awarding Petitioner reasonable fees, actual costs and damages of not less than \$100, pursuant to Wis. Stat. § 19.37(2), and other full statutory awards;
3. Finding the Respondents acted arbitrarily and capriciously in denying the request and failing to respond to the request and awards Petitioner punitive damages, pursuant to Wis. Stat. § 19.37(3); \$1,000.
4. Ordering \$1 per record withheld without cause or good reason, and
5. Awarding such other relief as the Court deems just and equitable.

Respectfully Submitted,

December 15, 2021

Peter Bernegger - Petitioner

A large black rectangular redaction box covering the signature and name of the petitioner.

NUMBERINGS, ENOUGH COPIES get stamped.

I, Peter Bernegger, individually being first duly sworn on oath state that I personally read the above petition, and that the above allegations are true based on my personal knowledge and, as to those stated on information and belief, believe them to be true.

Peter Bernegger

STATE OF WISCONSIN)
)
County of _____)
)

Sworn to before _____ November, 2021

Signature _____

My commission expires _____

Notary Public: _____

Circuit Court Clerk - Civil Division

December 15, 2021

Milwaukee County Courthouse
901 N. 9th Street
Room 104
Milwaukee, WI 53233
Phone: (414) 278-5362

Please file the enclosed Writ of Mandamus action. Enclosed is a money order for \$168 and five originals. Please stamp all and send four back to me. One is not stapled for you to scan easier. A self-addressed stamped envelope is enclosed.

Peter Bernegger

[REDACTED]

[REDACTED]

[REDACTED]