

Wednesday October 2, 2024

Department of Justice
Timothy O'Shea
United States Attorney's Office
Western District of Wisconsin
222 West Washington Ave, Suite 700
Madison, WI 53703

RE: Investigation into Potentially Illegal Conduct of Mayor of Wausau, WI

Dear U.S. Attorney O'Shea:

We, citizens of Wausau, Wisconsin, and SEIU Wisconsin, on behalf of workers we represent who live in and around Wausau, write to request that your office initiate an investigation into the conduct of Mayor Doug Diny, including but not limited to his removal of a legally installed drop box outside City Hall in Wausau, Wisconsin.

As you may know, Mr. Diny removed the drop box that the city clerk's office put in place in accordance with the clerk's authority under Wisconsin law. Mr. Diny did not have authority to remove the drop box, as it is unequivocally the city clerk's legal responsibility to authorize, maintain, and secure drop boxes. Even after being confronted for his potentially illegal conduct, Mr. Diny has refused to return the drop box.

We believe that Mr. Diny may have broken federal law by using his official position to interfere with citizens' right to vote. The drop box was set to be secured and ready for use by Monday, September 23, which Mr. Diny has now prevented. Citizens prepared to use this drop box for voting are now deprived of their right to do so. Acting under the color of law or using official authority to prevent people from voting or to interfere with a federal election is a crime. 18 U.S.C. § 242; 18 U.S.C. § 595; 52 U.S.C. § 10307 (a).

Mr. Diny falsely suggested that the drop box was "unsecured" and not "safe," even though the drop box was not active at the time and was set to be secured in the coming days. This, we believe, could amount to unlawful voter intimidation, as it suggests that people's personal information and voting choices might not be secure. *See Natl. Coalition on Black Civic Participation v. Wohl*, 498 F. Supp. 3d 457, 482 (S.D.N.Y. 2020) (Intimidation can include "warnings of the dissemination of personal information."). Such conduct may violate 18 U.S.C. § 241, 52 U.S.C. § 10307(b) and/or 52 U.S.C. § 20511 (1)(c).

We, as voters and as workers represented by SEIU who live in and around Wausau, are concerned that Mr. Diny's conduct violates federal voting rights laws, intimidates voters from using secure drop boxes, and undermines the security of those same drop boxes. If an elected

official is willing to tamper with a secure drop box once, we cannot be confident that he would not do so again.

Given the above, we ask that you investigate the conduct of Mr. Diny and that you act to ensure that no further conduct occurs which could violate federal voting rights laws or which could interfere with voters' ability to fairly and freely cast their ballots in the upcoming presidential election.

Respectfully,

Signed by:

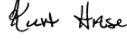
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Randy Radtke
City of Wausau Resident
rkradtke@gmail.com

DocuSigned by:

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Jay Coldwell
City of Wausau Resident
jaycoldwell108@gmail.com

Signed by:

821263FA94FF448...

Kurt Hase
City of Wausau Resident
kdh777@gmail.com

DocuSigned by:

8E2CD19BAD34E4...

Kay Palmer
City of Wausau Resident
kaypalmer@42llc.com