

FILED
09-01-2022
Clerk of Circuit Court
Racine County
2022CF001223
Honorable Robert S.
Repischak
Branch 9

STATE OF WISCONSIN CIRCUIT COURT RACINE COUNTY

STATE OF WISCONSIN,

Plaintiff,

v.

Case No. 22CF _____

HARRY E. WAIT
4353 Shianne Street
Union Grove, WI 53182
Dob: 05/22/1954
Sex/Race: M/W
Eye: _____ Hair: _____,

Defendant.

CRIMINAL COMPLAINT

I, Special Agent Andrew Schoeneck, Wisconsin Department of Justice – Division of Criminal Investigation, being first duly sworn on oath, state the following upon my information and belief:

COUNT 1: UNAUTHORIZED USE OF AN INDIVIDUAL’S PERSONAL IDENTIFYING INFORMATION

On or about July 26, 2022, in the town of Union Grove, Racine County, Wisconsin, the defendant did, for the purpose of obtaining a thing of value or benefit, intentionally use the personal identifying information of INDIVIDUAL 1 without the authorization of INDIVIDUAL 1 and by representing that he was INDIVIDUAL 1 or acting with the authorization of INDIVIDUAL 1, in violation of Wis. Stat. § 943.201(2)(a).

Upon conviction of this offense, a Class H Felony, the defendant may be fined not more than \$10,000 or imprisoned not more than 6 years, or both.

COUNT 2: ELECTION FRAUD

On or about July 26, 2022, in the town of Union Grove, Racine County, Wisconsin, the defendant did intentionally make a false statement, which he knew was false, for the purpose of obtaining an absentee ballot, to wit: that he was INDIVIDUAL 1 and that all statements in INDIVIDUAL 1's absentee ballot request form were true and correct, in violation of Wis. Stat. § 12.13(3)(i).

Upon conviction of this offense, a misdemeanor, the defendant may be fined not more than \$1,000 or imprisoned not more than 6 months, or both.

COUNT 3: UNAUTHORIZED USE OF AN INDIVIDUAL'S PERSONAL IDENTIFYING INFORMATION

On or about July 26, 2022, in the town of Union Grove, Racine County, Wisconsin, the defendant did, for the purpose of obtaining a thing of value or benefit, intentionally use the personal identifying information of INDIVIDUAL 2 without the authorization of INDIVIDUAL 2 and by representing that he was INDIVIDUAL 2 or acting with the authorization of INDIVIDUAL 2, in violation of Wis. Stat. § 943.201(2)(a).

Upon conviction of this offense, a Class H Felony, the defendant may be fined not more than \$10,000 or imprisoned not more than 6 years, or both.

COUNT 4: ELECTION FRAUD

On or about July 26, 2022, in the town of Union Grove, Racine County, Wisconsin, the defendant did intentionally make a false statement, which he knew was false, for the purpose of obtaining an absentee ballot, to wit: that he was INDIVIDUAL 2 and that all statements in INDIVIDUAL 2's absentee ballot request form were true and correct, in violation of Wis. Stat. § 12.13(3)(i).

Upon conviction of this offense, a misdemeanor, the defendant may be fined not more than \$1,000 or imprisoned not more than 6 months, or both.

FACTUAL BASIS:

I am a sworn law enforcement officer employed as a Special Agent with the Wisconsin Department of Justice – Division of Criminal Investigation (DCI). I make this complaint upon my information and belief based upon my own investigation, my training and experience, and information provided to me by other law enforcement officers and citizen witnesses, as follows:

On Thursday, July 28, 2022, the Wisconsin Elections Commission (WEC) notified DCI that a “Freedom Fighters of Wisconsin” Facebook post contained a message of a claim of someone requesting absentee ballots in other people’s names. I reviewed screenshots of the post, which had a signature line claiming to be from “Harry Wait” with a provided address of “4353 Shianne Street, Union Grove, Racine County Wisconsin” and phone number “262-770-9796.” In the post, Wait admitted that he had requested absentee ballots for Individual 1 and Individual 2 on the MyVote.wi.gov website to be sent to his address. In this same post, Wait also admitted to requesting additional absentee ballots for others, claiming to have done so with their permission, and also have them sent to his address. Wait further stated that he stood “ready to be charged” for his actions.

I obtained information and records from the WEC. These records, which included “audit history” logs and web server logs, were provided to me by the WEC Elections Security Lead. I learned that WEC discovered eight possibly fraudulent absentee ballot requests made through the MyVote Wisconsin system, as grouped by contemporaneous requests and/or multiple requests for the same identified individual. After reviewing webserver Internet Information Services (ISS) logs, I observed that User-Agent strings were included in the records. I know that User-Agent strings

are associated with an Internet browser application and could identify which browser, including the browser version, and which operating system were being used on the computer making the request to the web server. I also know that User-Agent strings can be used as a general fingerprint to identify and track a user's computer system activity when making multiple web server requests.

I reviewed the Audit History logs and the request logs and summarized the records together, documenting the name associated with the voter record, the globally unique identifier (GUID) assigned to each voter record, voter home address, absentee address, timestamp of request for absentee ballot, timestamp of the corresponding log entry, source IP address, and the User-Agent string.

A. Voter: Individual 1

1. GUID: 147cd53f-1db0-e511-80ea-0050568c2fc0
2. Home Address: [Individual 1's Address], Burlington, WI 53105
3. Absentee Address: "4353 Shianne St., Union Grove, WI 53182"
4. Request Timestamp: 07/26/2022 6:49:16 PM (CDT)
5. IIS Log Entry Timestamp: 07/26/2022 23:49:17 (UTC)
6. Source IP address: 174.192.64.188
7. User-Agent String: Mozilla/5.0+(Windows+NT+6.1;+Win64;+x64)
+AppleWebKit/537.36+(KHTML,+like+Gecko)+Chrome/103.0.0.0+S
afari/537.36

B. Voter: Individual 2

1. GUID: 917b3fe7-15b0-e511-80ea-0050568c2fc0
2. Home Address: [Individual 2's Address], Racine, WI 53402
3. Absentee Address: "4353 Shianne Street, Union Grove, WI 53182"

4. Request Timestamp: 07/26/2022 6:58:12 PM (CDT)
5. IIS Log Entry Timestamp: 07/26/2022 23:58:16 (UTC)
6. Source IP address: [missing XFF field]
7. User-Agent String: Mozilla/5.0+(Windows+NT+6.1;+Win64;+x64)
+AppleWebKit/537.36+(KHTML,+like+Gecko)+Chrome/103.0.0.0+Safari/537.36

C. Voter: Individual 3

1. GUID: a16eb596-c5b0-e511-80ea-0050568c2fc0
2. Home Address: [Individual 3's Address], Antigo, WI 54409
3. Absentee Address: "4353 shianne st, union grove, WI 53182"
4. Request Timestamp: 07/26/2022 7:16:27 PM (CDT)
5. IIS Log Entry Timestamp: 07/27/2022 00:16:29 (UTC)
6. Source IP address: 174.192.64.188
7. User-Agent String: Mozilla/5.0+(Windows+NT+6.1;+Win64;+x64)
+AppleWebKit/537.36+(KHTML,+like+Gecko)+Chrome/103.0.0.0+Safari/537.36

D. Voter: Individual 4

1. GUID: 5647c535-1e58-ea11-a97e-00505684bc8c
2. Home Address: [Individual 4's Address], Pearson, WI 54462
3. Absentee Address: "4353 shianne Street, union Grove, WI 53182"
4. Request Timestamp: 07/26/2022 7:23:46 PM (CDT)
5. IIS Log Entry Timestamp: 07/27/2022 00:23:47 (UTC)
6. Source IP address: 174.192.64.188

7. User-Agent String: Mozilla/5.0+(Windows+NT+6.1;+Win64;+x64)
+AppleWebKit/537.36+(KHTML,+like+Gecko)+Chrome/103.0.0.0+S
afari/537.36

E. Voter: Individual 5

1. GUID: 59c6f5e7-57b0-e511-80ea-0050568c2fc0
2. Home Address: [Individual 5's Address], Oconto, WI 54153
3. Absentee Address: "4353 Shianne Street, Union Grove, WI 53182"
4. Request Timestamp: 07/26/2022 7:30:00 PM (CDT)
5. IIS Log Entry Timestamp: 07/27/2022 00:30:01 (UTC)
6. Source IP address: 174.192.64.188
7. User-Agent String: Mozilla/5.0+(Windows+NT+6.1;+Win64;+x64)
+AppleWebKit/537.36+(KHTML,+like+Gecko)+Chrome/103.0.0.0+S
afari/537.36

F. Voter: Individual 6

1. GUID: 730ea244-2ab0-e511-80ea-0050568c2fc0
2. Home Address: [Individual 6's Address], Eau Claire, WI 54703
3. Absentee Address: "4353 shianne street, Union Grove, WI 53182"
4. Request Timestamp: 07/26/2022 7:36:12 PM (CDT)
5. IIS Log Entry Timestamp: 07/27/2022 00:36:13 (UTC)
6. Source IP address: 174.192.64.188
7. User-Agent String: Mozilla/5.0+(Windows+NT+6.1;+Win64;+x64)
+AppleWebKit/537.36+(KHTML,+like+Gecko)+Chrome/103.0.0.0+S
afari/537.36

G. Voter: Individual 7

1. GUID: a3ee3e19-6015-eb11-a993-00505684b12f
2. Home Address: [Individual 7's Address], Plover, WI 54467
3. Absentee Address: "4353 Shianne Street, union Grove, WI 53182"
4. Request Timestamp: 07/26/2022 8:58:23 PM (CDT)
5. IIS Log Entry Timestamp: 07/27/2022 01:58:24 (UTC)
6. Source IP address: [missing XFF field]
7. User-Agent String: Mozilla/5.0+(Windows+NT+6.1;+Win64;+x64)
+AppleWebKit/537.36+(KHTML,+like+Gecko)+Chrome/103.0.0.0+S
afari/537.36

H. Voter: Individual 1

1. GUID: 147cd53f-1db0-e511-80ea-0050568c2fc0
2. Home Address: [Individual 1's Address], Burlington, WI 53105
3. Absentee Address: "Novinarska 1254, Ostrava 70900, Czech Republic"
4. Request Timestamp: 07/28/2022 8:23:49 AM (CDT)
5. IIS Log Entry Timestamp: 07/28/2022 13:23:49 (UTC)
6. Source IP address: [missing XFF field]
7. User-Agent String: Mozilla/5.0+(Macintosh;+Intel+Mac+OS+X+
10_15_7)+AppleWebKit/537.36+(KHTML,+like+Gecko)+Chrome/10
3.0.5060.53+Safari/537.36

I used online resources to parse the User-Agent strings listed in the above log summaries and learned that the first seven matching User-Agent strings were associated with a computer running the Windows 7 operating system and using a Google Chrome version 103 web browser.

The last User-Agent string was associated with a computer running macOS (Catalina) and a Google Chrome version 103 web browser. I also observed that for all the requests made on July 26, 2022, where source IP address information was available, the source IP address was 174.192.64.188.

I conducted open source intelligence searches and identified, documented, and examined publicly available postings to the “H.O.T. Government” Telegram feed that contained information and links to Rumble video uploads and news stories pertaining to absentee ballots, the MyVote Wisconsin website, and related posts about the WEC. I observed and documented H.O.T. Government Telegram posts, with dates between July 27, 2022, at 5:38 p.m. and August 5, 2022, at 5:36 a.m. I identified and summarized the following posts of investigatory significance:

1. July 27, 2022 at 5:38 p.m. – “Harry Wait” posted a message forwarded by Individual 8 containing an apparent post from the Racine County Sheriff’s Office (RCSO). The RCSO had been contacted related to complainants reporting “apparent vulnerabilities” to fraudulent voting within the website MyVote Wisconsin. One complainant had tested this vulnerability by having a second party request the complainant’s ballot through the system, which resulted in successfully receiving the complainant’s ballot. A second complainant requested the ballot of two prominent government officials and numerous individuals from around the state and was successful in ordering them to be sent to the second complainant’s address because “he knew these individuals’ dates of birth.”

2. July 27, 2022 at 6:17 p.m. – “Harry Wait” posted that he hoped “[Individual I] voted for Adam Steen on his absentee ballot.”

3. July 27, 2022 at 7:26 p.m. – A user posted a copy of a letter that Harry Wait sent to “WI Officials.” This letter described that “yesterday evening...[Wait] went online and successfully

ordered absentee ballots in [Individual 2] and [Individual 1]'s name to be shipped to [his] address." Wait also claimed to have obtained permission to order absentee ballots from numerous individuals from around the state and successfully ordered their absentee ballots to be shipped to his address without their assistance. Wait further stated that "I stand ready to be charged for exposing these voting vulnerabilities when I ordered [Individual 2]'s and [Individual 1]'s absentee ballot online."

4. July 28, 2022 at 7:25 a.m. – A user shared a link to a video posted on the platform Rumble video. I reviewed the video and briefly described it as follows:

a. The video was approximately 5 minutes and 18 seconds in length. It described the process taken to request an absentee ballot from the Wisconsin MyVote system, including specific requests for the absentee ballots of Individual 1 and Individual 2. The requests were for the ballots to be sent to a different address than that belonging to the elector. The absentee ballot requests were reported in the video as being successful.

b. The original video appeared to have been made using a handheld recording device, consistent with a cell phone. A computer screen was visible and depicted a computer running the Windows operating system. The icons on the computer screen were consistent with the Windows 7 operating system and a Chrome web browser. The date of the Windows system was visible at times during the video, and it indicated the date of "July 26, 2022." The Chrome web browser had several webpage bookmarks visible, including "CCAP Simple Case Search," "The Journal Times," "RACINE COUNTY," "advanced," "craigslist Kenosha," and "Milwaukee County." The background in the video behind the computer screen was dark.

c. The Chrome browser was used to display the MyVote Wisconsin website, [myvote\[.\]wi\[.\]gov/en-us/Request-An-Absentee-Ballot](https://myvote.wi.gov/en-us/Request-An-Absentee-Ballot). Between 00:38 and 02:23 of the

video, the video depicted the steps made by the creator of the video to request an absentee ballot for Individual 1 (DOB: [Individual 1's DOB]), with current address [Individual 1's Address], Burlington, WI 53105. The user clicked on the "Request Absentee Ballot" button and proceeded in the request process. The user checked the "The above address and name are mine and correct" box, checked the "I want my ballot mailed to a different address" box, provided the address of "4353 Shianne St., Union Grove, WI 53182", and checked the "I am indefinitely confined due to age, illness, infirmity, or disability and request ballots be sent to me for every election until I am no longer confined or fail to return a ballot" box. After clicking continue, the user checked the "I hereby certify, to the best of my knowledge, that I am a qualified elector, a U.S. citizen, at least 18 years old at the time of the next election, having resided at the above address for at least 28 consecutive days preceding this election, with no present intent to move. I am not currently serving a sentence including probation or parole for a felony conviction, and am not otherwise disqualified from voting. I certify that all statements on this form are true and correct. If I have provided false information I may be subject to fine or imprisonment under State and Federal laws.*" box. Finally, the user clicked the "Request Ballot" button and the MyVote Wisconsin system displayed absentee tracking information that an absentee ballot request was received "July 26, 2022."

d. The Chrome browser was used to display the MyVote Wisconsin website, [myvote\[.\]wi\[.\]gov/en-us/Request-An-Absentee-Ballot](http://myvote[.]wi[.]gov/en-us/Request-An-Absentee-Ballot). Between 02:34 and 05:18 of the video, the video depicted the steps made by the creator of the video to request an absentee ballot for Individual 2 (DOB: [Individual 2's DOB]), with current address [Individual 2's Address], Racine, WI 53402. The user clicked on the "Request Absentee Ballot" button

and proceeded in the request process. The user checked the “The above address and name are mine and correct” box, checked the “I want my ballot mailed to a different address” box, provided the address of “4353 Shianne Street, Union Grove, WI 53182”, and checked the “I am indefinitely confined due to age, illness, infirmity, or disability and request ballots be sent to me for every election until I am no longer confined or fail to return a ballot” box. After clicking continue, the user checked the “I hereby certify, to the best of my knowledge, that I am a qualified elector, a U.S. citizen, at least 18 years old at the time of the next election, having resided at the above address for at least 28 consecutive days preceding this election, with no present intent to move. I am not currently serving a sentence including probation or parole for a felony conviction, and am not otherwise disqualified from voting. I certify that all statements on this form are true and correct. If I have provided false information I may be subject to fine or imprisonment under State and Federal laws.*” box. Finally, the user clicked the “Request Ballot” button and the MyVote Wisconsin system displayed absentee tracking information that an absentee ballot request was received “July 26, 2022.”

5. July 29, 2022 at 5:38 a.m. – A user shared a link to a Rumble video. I reviewed and captured a portion of the full video of a podcast that included an interview with Harry Wait and Individual 8, and describe it as follows:

a. The captured portion of the video podcast on July 28, 2022, was approximately 36 minutes and 54 seconds in length and began at approximately the 1:03:41 mark of the podcast. The video interview was recorded while Wait and Individual 8 were at the Racine County Fair.

b. Wait appeared on video from his computer while at the Fair and was trying

to get the computer working for the interview.

c. The podcast hosts introduced that Individual 8 had told what he/she had done to Wait and Wait said that they “set up a couple of computers,” got onto MyVote, and requested the ballots of Individual 2 and Individual 1.

d. Wait admitted that he was the one that ordered the ballot for Individual 2 and Individual 1 to be sent to Wait’s address. Wait acknowledged that he committed crimes by doing so.

e. Wait further stated that he contacted other people and asked them if he could order their absentee ballots and have them sent to Wait’s address. Wait specifically mentioned Individual 4 and the first name of Individual 3. Wait said they agreed, and he ordered their ballots. At the time of the recording of the interview, Wait said he was expecting ballots from these additional requests to arrive at his address.

f. Wait said following the request for absentee ballots, he sent emails to the people he had requested ballots for to notify them of what he did.

g. Wait claimed that ballots were worth \$10–\$80 per ballot.

h. Wait was expecting to be arrested for his actions and said he did not intend to actually use the ballots.

i. Wait called for others to request absentee ballots in others’ names and have them sent to state officials.

j. Individual 8 claimed that because of statements made by Individual 1, they wanted to see if it was possible to obtain an absentee ballot without providing a photo ID.

k. Individual 8 described that he/she had a friend request his/her absentee ballot and send it to the friend’s home address. The podcast hosts showed photographs of

the ballot envelope and the opened ballot.

1. The video also included screenshots from the video recording of Wait requesting the ballots of Individual 1 and Individual 2.

6. July 29, 2022 at 7:11 p.m. – A user posted that “[Individual 2]’s ballot is in the house.... More to come.”

7. July 29, 2022 at 8:00 p.m. – A user posted a picture of Individual 2’s absentee ballot envelope on top of a yellow “HOT Government” sign.

8. July 30, 2022 at 5:10 a.m. – A user shared a link to a Rumble video. I captured the contents of the video, reviewed it, and describe it as follows:

a. The video was approximately 1 minute and 26 seconds in length.

b. It began with Harry Wait introducing himself as the president of H.O.T. Government and claiming to have conducted “sting operations” in various places in the state. Specifically, Wait claimed to have conducted one such operation on Tuesday to prove that it was possible to “harvest ballots” on the Internet “without any ID or any IP addresses being used.” I know July 26, 2022, was a Tuesday.

c. Wait said he received three absentee ballots related to the Tuesday night requests and held them up for view on camera. Wait claimed the three ballots he held up were in the names of Individual 3 (Wait held a ballot with the name of “[Individual 3]” and address of “4353 Shianne St, Union Grove, WI” visible on the label), Individual 7 (Wait held a ballot with the name of “[Individual 7]” and address of “4353 Shianne Street, Union Grove, WI” visible on the label), and Individual 2 (Wait held a ballot with the name of “[Individual 2]” and address of “4353 Shianne Street, Union Grove, WI” visible on the label).

d. Wait claimed that Individual 3 and Individual 7 had agreed to participate in the operation by giving permission to request their ballots.

e. Wait also said that the “featured operations” related to requesting absentee ballots for Individual 1 and Individual 2, but Wait said he hadn’t received the ballot for Individual 1.

9. August 1, 2022 at 6:14 p.m. – “Harry Wait” posted a picture of a Racine County Deputy Sheriff holding an absentee ballot. In the post, Wait said “Sheriff deputy Rodney Collins takes possession of [Individual 5]’s absentee ballot.”

I reviewed an interview report written by SA Neil McGrath who interviewed Individual 2. Individual 2 stated he/she did not request an absentee ballot for the primary election, and he/she did not give permission for anyone to request an absentee ballot for him/her. Individual 2 confirmed that he/she currently resides at [Individual 2’s Address], Racine, WI, and has lived there since February of 2018.

Individual 2 indicated he/she received an email from Harry Wait at the email address “harry.wait922@gmail.com” with timestamp July 27, 2022, at 3:13 a.m. I reviewed a PDF copy of this email and saw that it was addressed to multiple people including law enforcement officers and Wisconsin politicians. Individual 1 and Individual 2 were in the “cc:” line of the email. In the email, Wait wrote that on the evening of July 26, 2022, he went online and successfully ordered absentee ballots in Individual 1 and Individual 2’s names to be shipped to Wait’s address. Wait also wrote, “I stand ready to be charged for exposing these voting vulnerabilities when I ordered [Individual 2]’s and [Individual 1]’s absentee ballot online, all without providing a photo I.D. or identifying myself.” The signature of the email contained Harry Wait’s name, address of 4353 Shianne St., Union Grove, WI 53182, and phone number 262-770-9796.

I reviewed an interview report written by DCI SA Shannon Jones who interviewed Individual 1. Individual 1 stated he/she did not request an absentee ballot for the primary election, and he/she did not give permission or authorization to anyone to request an absentee ballot in his/her name. Individual 1 said he/she received an email correspondence from Harry Wait on July 27, 2022. In that email, Wait claimed responsibility for requesting the absentee ballots in the names of Individual 1 and Individual 2.

I reviewed a report written by Oconto County Sheriff's Office Investigator J. Plotkin, in which Investigator Plotkin documented meeting with Individual 5. Individual 5 reported that he had received a phone call on July 31, 2022, from the phone number 262-770-9796. The male caller identified himself as with "HOT Government" and being in the possession of Individual 5's absentee ballot. Individual 5 spoke with a Wisconsin State Assembly member and learned that the Assembly member had provided "Harry" of "HOT Government" with Individual 5's contact information. Individual 5 stated that he did not request nor give permission nor consent for anyone to request an absentee ballot in his name. Investigator Plotkin confirmed with the Oconto County Clerk that an absentee ballot request was made in the name of Individual 5. The request was processed and the absentee ballot was sent to Union Grove, WI.

On August 24, 2022, DCI SA Jones and I interviewed the defendant, Harry Wait. During that interview, Wait admitted to me that he requested the absentee ballots for Individual 1 and Individual 2 on July 26, 2022, while he was at the H.O.T. Government booth at the Racine County Fair. Wait admitted he was the one who manipulated the computer and checked the button on the MyVote website to request the ballots. Wait admitted to using the Racine County Fair public WiFi, and said his computer was running the Windows 7 operating system and a Chrome browser. Wait said he requested "five or six ballots, maybe seven," and he said he requested that they be mailed

to his residential address on Shianne Street in Racine County. Wait said he contacted some of the people to get their permission to request their ballots, but he further stated he did not get permission from Individual 1 nor Individual 2 to use their information nor request their ballots. Wait admitted that in doing so, and in checking the certification boxes on the website, he knew he was committing a crime. He further stated he would do it again.

I am aware that the 2022 Racine County Fair was open to the public from July 27, 2022, through July 31, 2022, and was held at 19805 Durand Avenue, Union Grove, Racine County, Wisconsin. I believe, based upon law enforcement records, public statements by the defendant, and the interview of the defendant, that the defendant's principal place of operation is at 4353 Shianne Street, Union Grove, Racine County, Wisconsin.

I believe the information provided to me by the WEC to be truthful and reliable because the information was generated by computer systems in the ordinary course of the WEC's business.

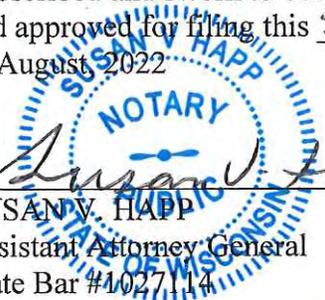
I believe the information provided to me by Oconto Sheriff Investigator J. Plotkin, DCI SA Neil McGrath, and DCI SA Shannon Jones to be truthful and reliable because the information was provided in the ordinary course of their business as law enforcement officers.

The information in this complaint is not an exhaustive recitation of all the facts known to me, but rather is to establish probable cause. Based on the foregoing, I believe this complaint to be true and correct.



Andrew Schoeneck
Wisconsin Department of Justice
Division of Criminal Investigation
Complainant

Subscribed and sworn to before me and approved for filing this 31 day of August, 2022



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