

STATE OF WISCONSIN    CIRCUIT COURT    WAUKESHA COUNTY  
BRANCH 1

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RICHARD TEIGEN and RICHARD THOM,

Plaintiffs,

v.

Case No. 2021CV0958

Code: 30701

WISCONSIN ELECTIONS COMMISSION,

Defendant.

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**NOTICE OF MOTION AND MOTION TO INTERVENE OF WISCONSIN FAITH  
VOICES FOR JUSTICE, LEAGUE OF WOMEN VOTERS OF WISCONSIN, AND  
DISABILITY RIGHTS WISCONSIN**

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**NOTICE OF MOTION**

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PLEASE TAKE NOTICE that proposed Intervenor-Defendants, Disability Rights Wisconsin (“DRW”), Wisconsin Faith Voices for Justice (“Faith Voices”), and the League of Women Voters of Wisconsin (“LWVWI”) (collectively, “Intervenors”), will appear before the Honorable Michael O. Bohren, Circuit Court Judge, Branch 1, in his usual courtroom in the Waukesha County Courthouse, Courtroom C278, Waukesha, WI 53188, at 3:00 PM on October

12, 2021, or at such other time and on such other date as shall be set by the Court, and shall then and there present the following Motion to Intervene. In accordance with Wis. Stat. § 803.09(3), Intervenors attach to this Motion their Answer to Plaintiffs' Complaint.

### MOTION

Intervenors hereby move the Court in accordance with Wis. Stat. § 803.09 to intervene in this action as Defendants. In support of this Motion, and as explained in detail in the accompanying Brief in support of this Motion, Intervenors state as follows:

1. On June 28, 2021, Plaintiffs initiated this action by filing their Complaint.
2. Plaintiffs ask this Court to narrowly interpret Wis. Stat. §§ 6.855, 6.87(4)(b), 7.30, and 12.13 and thereby, to invalidate widely distributed and relied upon guidance from the Wisconsin Elections Commission regarding voting by absentee ballot.
3. Plaintiffs named the Wisconsin Elections Commission as a Defendant, but did not join Intervenors as Defendants. Intervenors now move to intervene in this action as Defendants.
4. The Court should grant the Motion because, as is explained in further detail in the accompanying Brief, Intervenors satisfy the requirements for intervention by right under Wis. Stat. § 803.09(1):
  - a. *First*, Intervenors' Motion to Intervene is timely filed. Intervenors filed within the time for the named Defendant to answer the Complaint; no substantive issue has yet come before this Court for decision; no discovery has yet commenced; and the Court has scheduled another motion to intervene, by a separate proposed intervenor, for hearing at 3:00 PM on October 12, 2021, the same date as Intervenors have noticed their Motion to be heard.
  - b. *Second*, Intervenors' interests are directly related to the subject of this action. As nonprofit organizations that engage in extensive and sustained efforts to promote voter awareness, education, and participation, and to encourage civic engagement, Intervenors invest time and resources in educating their members, constituencies, and the public about elections and how and when to cast a ballot, and provide resources to assist their members, constituents, and other Wisconsin voters to exercise their right to vote. This case threatens to burden, if not deny, access to voting for disabled or

otherwise disadvantaged Wisconsin citizens whose interests Intervenors represent or serve, and if the relief Plaintiffs seek is granted, it will require a significant expenditure of time, resources, and money for Intervenors to revise their educational materials and programs, re-train volunteers, and re-educate their members, constituencies, and the public.

- c. *Third*, the current Defendant cannot adequately represent Intervenors' interests. While the Wisconsin Elections Commission has an interest in defending its own conduct and past advice, it is a government entity with an interest in upholding the law in its current state, whatever form that may take. It is not positioned to zealously advocate for Intervenors' interests, or those of their members and constituents, in civic engagement and access to voting by secure yet convenient methods.
- d. *Fourth*, the relief sought by Plaintiffs would, if granted, impair Intervenors' ability to protect its own interests and those of its members and constituents in this litigation. Were Plaintiffs to prevail here, access to voting for Intervenors' members and constituents, as well as Wisconsin voters generally, would be severely restricted, and Intervenors' interests in promoting Wisconsin voters' ability to vote, encouraging them to exercise their right to vote, and advocating for accessible, secure, and convenient methods to vote would be directly and significantly impaired. Intervenors financial interests and investments in voter education programs and training would also be impacted.

Weighing these factors compels the conclusion that Wisconsin law requires that Intervenors be granted intervention as a matter of right. *Armada Broadcasting, Inc. v. Stirn*, 183 Wis. 2d 463, 471, 516 N.W.2d 357 (1994).

5. Alternatively, Intervenors should be granted permissive intervention under Wis. Stat. § 803.09(2) because their intervention would not unduly delay or prejudice the adjudication of the original rights of the parties, and their argument and the main action share a common question of law. As discussed above, this Motion is filed within the time for the Defendant to file its answer, and the motion to intervene filed by another proposed intervenor is scheduled to be heard on October 12. In the meantime, no further proceedings have occurred, and no discovery has commenced, so Intervenors' Motion, if granted, would not cause delay, nor would it prejudice the original parties. Interpretation of Wis. Stat. §§ 6.855, 6.87(4)(b), 7.30, and 12.13 regarding how

absentee ballots may be delivered, by whom, to whom, and where is both the subject of the Complaint and the very issue that Intervenor seek to address.

6. On August 11, 2021, counsel for Intervenor contacted counsel for Defendant to inquire whether Defendant would oppose this Motion. Counsel for Defendant responded on August 12th that Defendants would not oppose the Motion. On August 12th, counsel for Intervenor contacted counsel for Plaintiffs to inquire whether Plaintiffs would oppose this Motion. Plaintiffs' counsel responded on August 13, 2021, that they could not provide an answer, but would review the Motion and decide whether to oppose it after it was filed.

7. Pending before the Court, and scheduled to be heard at 3:00 PM on October 12, 2021, is the Motion to Intervene filed by proposed intervenor DSCC on July 13, 2021. Intervenor have noticed this Motion to be heard at the same time on the same date.

WHEREFORE, Proposed Intervenor-Defendants Disability Rights Wisconsin, Wisconsin Faith Voices for Justice, and the League of Women Voters of Wisconsin respectfully request that this Court: (a) set this Motion to Intervene for hearing at or before any further proceedings; and (b) grant this Motion to Intervene and enter an order joining Intervenor to this action as additional Defendants.

Dated this 13<sup>th</sup> day of August, 2021.

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## STATEMENT OF INTERESTS

DRW, Faith Voices, and LWVWI (collectively “Intervenors”) are Wisconsin nonprofit organizations and members of the Wisconsin Voting Rights Coalition. They work individually and collectively to encourage civic engagement and to provide the public with nonpartisan information about elections and voting (including absentee voting), educate voters on available methods and timing of voting, and train volunteers to educate voters. Intervenors invest time and resources in educating their members, constituencies, and the public at large about elections and how and when to cast a ballot.

DRW’s mission is to address the issues facing, and to ensure the rights of, all people with disabilities in the state. DRW is designated by the Governor the State of Wisconsin to act as the congressionally mandated protection and advocacy agency for Wisconsin citizens with mental illness, developmental disabilities, and other physical impairments, pursuant to Wis. Stat. § 51.62, 29 U.S.C. § 794e, 42 U.S.C. §§ 15041 *et. seq.*, and 42 U.S.C. §§ 10801 *et. seq.* Affidavit of Barbara Beckert (“Beckert Aff.”), ¶¶3, 6. Through the years, DRW has had direct experience promoting the legal rights around voting issues in Wisconsin. This includes advocacy to ensure that people with disabilities have equal access to the polls; educating people with disabilities, service providers, and families about voting laws; working with election officials on both the state and local levels to ensure that people with disabilities have access to the polls; and, working one-on-one with clients to resolve individual problems with the voting process. *Id.*, ¶9. DRW educates its constituents and the public about voting issues and regularly engages in policy and legal advocacy to advance civil rights and election access for people with disabilities. *Id.*, ¶¶4, 9-11. Most recently, DRW was allowed by the Wisconsin Supreme Court to intervene in *Jefferson v. Dane County*, 2020 WI 90, 394 Wis. 2d 602, 951 N.W.2d 556, to protect the rights of Wisconsinites casting absentee ballots as indefinitely confined voters. *Id.* ¶16. DRW has also engaged in other litigation

to protect voting rights, including *Gear, et al. v. Bostelmann, et al.*, No. 20-cv-278-wmc and; *City of Green Bay v. Bostelmann*, No. 20-cv-479, 2020 WL 1492975 (E.D. Wis. Mar. 27, 2020); *Fabick v. Wisconsin Elections Commission*, No. 2021AP428-OA (Wis. June 25, 2021); and *Swenson v. Bostelmann* 20-cv-459-wmc, 488 F. Supp. 3d 776 (W.D. Wis. Sep. 21, 2020), *stay denied sub nom. Democratic National Committee v. Bostelmann*, No. 20-2835 & 20-2844, 2020 WL 5807297 (7th Cir. Sept. 27, 2020), *question certified on reconsideration*, 973 F.3d 764 (7th Cir. Sept. 29, 2020), *certified question answered*, 2020 WI 80, 394 Wis. 2d 33, 949 N.W.2d 423, *stay granted after certified answer*, 977 F.3d 639 (7th Cir. Oct. 8, 2020), *motion to vacate denied*, 141 S. Ct. 644 (U.S. Oct. 26, 2020). *Id.*

Faith Voices is a collection of clergy, religious leaders, and people of faith from many faith traditions across the state of Wisconsin. Affidavit of Bonnie Margulis (“Margulis Aff.”), ¶2. Faith Voices actively promotes a social and economic just agenda, educating its members and their communities about important issues in Wisconsin, including voting rights and civic engagement, because their faith traditions teach a shared duty to see to the needs of all people and work toward a more equitable society. *Id.*, ¶¶3-4. Faith Voices has invested significant financial resources in its voter engagement work, including by jointly establishing and operating the Wisconsin Voter Engagement Campaign in collaboration with the Wisconsin Council of Churches. *Id.* ¶6. Faith Voices has also been actively engaged in litigation to assert its interests. *Id.*, ¶11. For example, Faith Voices filed amicus briefs in *Wis. Legislature v. Palm, et al.*, 2020 WI 42, 391 Wis. 2d 497, 942 N.W.2d 900; *Fabick v. Palm, et al.*, No. 2020AP828-OA (Wis. May 27, 2020); *James v. Heinrich*, 2021 WI 58, 960 N.W.2d 350; and *Fabick v. Wisconsin Elections Commission, supra. Id.*

LWVWI works to promote political responsibility through informed and active participation in government. Affidavit of Eileen Newcomer (“Newcomer Aff.”), ¶2. Its mission is to empower voters and defend democracy. *Id.*, ¶3. LWVWI began as an organization focused on the needs of women voters, but has evolved into an organization concerned with educating, advocating for, and empowering all Wisconsin voters. *Id.* LWVWI works with and through twenty local Leagues around Wisconsin to expand informed, active participation in state and local government, giving a voice to all Wisconsin voters. *Id.* LWVWI has engaged in litigation to protect the ability of Wisconsin voters to cast absentee ballots, including the federal court actions *Gear v. Bostelmann, supra*, and *Lewis, et al. v. Bostelmann, et al.*, No. 20-cv-284-wmc, which resulted in a ruling extending the mail-in absentee ballot return deadline for the April 7, 2020 election. *Id.*, ¶5. See *Gear v. Bostelmann, supra*, and *Lewis, et al. v. Bostelmann, et al.*, No. 20-cv-284-wmc, preliminary injunction granted in part sub. nom. *Democratic National Committee v. Bostelmann*, 451 F.Supp.3d 952 (W.D. Wis. April 2, 2020), *aff’d in part and stay granted in part*, No. 20-1538, 20-1546, 20-1539 & 20-1545, 2020 WL 3619499 (7th Cir. Apr. 3, 2020), *aff’d as modified*, 140 S. Ct. 1205 (U.S. Apr. 6, 2020).

### LEGAL STANDARD FOR INTERVENTION

Wisconsin Statute Section 803.09 outlines this Court’s authority to permit DRW, Faith Voices, and LWVWI to intervene in this action based on their showing that they meet certain criteria. The statute provides two avenues for intervention: meeting the standard for mandatory intervention under subdivision (1) or the standard for permissive intervention under subdivision (2).

To intervene as a matter of right under Section 803.09(1), Intervenors must show that:

- (A) their motion to intervene is timely;
- (B) they claim an interest sufficiently related to the subject of this action;

(C) disposition of this action may as a practical matter impair or impede their ability to protect that interest; and

(D) the existing parties do not adequately represent their interest.

*See Helgeland v. Wis. Municipalities*, 2008 WI 9, ¶38, 307 Wis. 2d 1, 745 N.W.2d 1. Courts take a “flexible and pragmatic approach to intervention as of right.” *Id.*, ¶40 n.30. “[T]here is interplay between the requirements,” which “must be blended and balanced to determine whether [Intervenors] have a right to intervene.” *Id.*, ¶39 (footnote omitted). “The analysis is holistic, flexible, and highly fact-specific.” *Id.*, ¶40.

The test for permissive intervention is even more flexible. A court may grant permissive intervention to anyone who would be a proper party. *See, e.g., City of Madison v. Wis. Emp’t Relations Comm’n*, 2000 WI 39, ¶11 n.11, 234 Wis. 2d 550, 610 N.W.2d 94. Under Section 803.09(2), the court “shall consider whether the intervention will unduly delay or prejudice the adjudication of the rights of the original parties.” *Id.* Section 803.09(2) makes clear that allowing Intervenors to intervene here is within the Court’s discretion as long as Intervenors’ position and the main action share a common question of law or fact. *Helgeland*, 2008 WI 9, ¶120.

## ARGUMENT

Intervenors meet the criteria for both mandatory and permissive intervention. Regardless of which avenue the Court follows, intervention is appropriate here. Accordingly, this Motion should be granted.

### I. INTERVENORS SATISFY THE CRITERIA FOR MANDATORY INTERVENTION.

Intervenors meet all four requirements for mandatory intervention. That fact, combined with Wisconsin courts’ favorable view of intervention as a tool for “disposing of lawsuits by involving as many apparently concerned persons as is compatible with efficiency and due process,” *Helgeland*, 2008 WI 9, ¶44 (quoting *State ex rel. Bilder v. Delavan Twp.*, 112 Wis. 2d

539, 548-49, 334 N.W.2d 252 (1983)), militates strongly in favor of intervention here. The four requirements must be “blended and balanced to determine whether [a party has] the right to intervene.” *Id.*, ¶39 (footnote omitted). The “holistic, flexible” analysis that the Wisconsin Supreme Court has prescribed, *id.* ¶40 (footnote omitted), makes clear that this Motion satisfies the legal standard and must be granted.

**A. This Motion for Intervention is Timely.**

There is “no precise formula to determine whether a motion to intervene is timely,” but the critical factor is whether the proposed intervenor acted “promptly.” *Bilder*, 112 Wis. 2d at 550. Whether an intervenor acted promptly is determined by “when the proposed intervenor discovered its interest was at risk and how far litigation has proceeded.” *Clivarez v. Unitrin*, 296 Wis. 2d 337, 348, 723 N.W.2d 131 (Ct. App. 2006) (citing *Roth v. LaFarge Sch. Dist. Bd. of Canvassers*, 247 Wis. 2d 708, 634 N.W.2d 882 (Ct. App. 2001)). The Court also should consider whether intervention will prejudice the original parties, *Bilder*, 112 Wis. 2d at 550.

Here, Intervenors acted promptly. The Complaint was filed on June 28, 2021 and served on June 29, 2021. *See* Affidavit of Service, filed July 6, 2021. Intervenors became aware of the Complaint and their own interests in the litigation shortly thereafter. Beckert Aff., ¶17; Margulis Aff., ¶12; Newcomer Aff., ¶13. Pursuant to Wis. Stat. § 802.06(1), Defendant’s response to the Complaint is due on August 13, 2021, the date of this Motion. By filing this Motion within the same time frame that Defendant’s answer is due, Intervenors acted promptly.

Moreover, this case is still in a preliminary phase. Beyond the filing of the Complaint, the sole substantive filing is a motion to intervene filed by the Democratic Senatorial Campaign Committee (“DSCC”), to which Plaintiffs have not yet responded. The Court has scheduled DSCC’s motion for hearing on October 12, 2021, and could hear Intervenors’ Motion at the same

time. Nor would intervention unduly complicate or delay matters, as Intervenors are not introducing a new legal claim or set of facts. Rather, Intervenors are submitting an answer that offers direct rebuttal to the pure questions of statutory interpretation alleged in the Complaint. Intervenors do not intend to raise new disputes of fact requiring adjudication. Thus, consideration of this Motion would cause no delay, and impose no prejudice on the parties.

**B. Intervenors' Interests Are Sufficiently Related to the Statutory Issues Raised by Plaintiffs.**

No specific test exists for determining whether interests are sufficient to warrant intervention. Instead, a court is tasked with analyzing the facts and circumstances in light of the "policies underlying the intervention statute." *Helgeland*, 2008 WI 9, ¶¶43-44 (footnotes omitted). A proposed intervenor's interest must be of "direct and immediate character" such that "the intervenor will either gain or lose by the direct operation of the judgment." *Id.*, ¶45 (quoting *City of Madison*, 2000 WI 39, ¶11 n.9). An interest "too remote and speculative" will not "support a right of intervention." *Id.*, ¶53.

Intervenors have direct and immediate interests at stake, namely their interests in (1) educating, informing, and motivating eligible Wisconsinites, including their own members and the general public, to cast a ballot; and (2) ensuring that the methods of voting available to eligible voters are as convenient and accommodating as possible. DRW's mission is to empower all persons with disabilities to exercise and enjoy the full extent of their rights and to pursue the greatest possible quality of life. *Beckert Aff.*, ¶3. In pursuit of this mission, DRW works to educate individuals with disabilities, their family members, caregivers, and service providers about their voting rights, and also educates election officials, volunteers, and poll workers regarding the voting rights of people with disabilities, accessibility needs, accommodations, and best practices. *Id.*, ¶9. DRW recognizes that the option to vote by absentee ballot that may be witnessed by and returned

to a drop box or to a municipal clerk's office or a polling place by a trusted third party is critically important to ensure that individuals with disabilities remain active voters with a voice in the democratic process. *Id.*, ¶¶17-18.

Faith Voices recognizes the sacred nature of voting and the moral obligation of people of faith to ensure that all eligible Wisconsinites, especially those from low-voter-turnout populations and otherwise less able individuals, are able to fully engage in the electoral process. Margulis Aff., ¶¶4-5, 12. Faith Voices also believes that it is the duty and responsibility of people of faith to make voting as accessible to every eligible voter as possible and to increase and diversify participation in democracy and, thereby, build a more just and equitable society. *Id.*, ¶4.

LWVWI encourages informed and active participation in government. Newcomer Aff., ¶2. In support of this mission, LWVWI's work includes efforts to increase access to the polls, including by the expansion of early voting for all Wisconsin voters, especially by the return of absentee ballots to drop boxes. *See Id.*, ¶¶5, 13-14.

Collectively, Intervenor maintain extensive voter registration and engagement programs and devote significant staff and volunteer time and monetary resources to educating members, constituents, and the general public about voting and to working with the state and local government, partner organizations, and election officials across the state to ensure that all Wisconsinites are able to cast ballots for the candidates of each voter's choice by secure yet convenient methods. Beckert Aff., ¶¶9-12; Margulis Aff., ¶¶6-7; Newcomer Aff., ¶¶4-5. For example, DRW has spent tens of thousands of dollars to ensure full participation in the electoral process for individuals with disabilities, including by educating individuals with disabilities, their caregivers, and service providers, about the voting process and by educating election officials, volunteers, and poll workers regarding the rights of individuals with disabilities and best practices.

Beckert Aff., ¶¶9-12. In 2020-2021 alone, Faith Voices has spent more than \$80,000 on voter engagement activities. Margulis Aff., ¶¶6, 8. Likewise, LWVWI's voter engagement activities were so expansive that they spent hundreds of thousands of dollars and made millions of contacts with Wisconsin residents regarding the voting process and received over 100,000 visits to its Vote411 website, where it provides the public with general information about how to register to vote, how to vote, and how to determine what is on the ballot for a particular election. Newcomer Aff., ¶¶6-8. These efforts include activities conducted in Waukesha County, specifically, where this case was filed. Beckert Aff., ¶15; Margulis Aff., ¶9; Newcomer Aff., ¶¶11-12. Wisconsin residents rely upon Intervenor's support and advocacy, particularly those who have come to rely upon the convenience, reliability, accessibility, and security of drop boxes to return their absentee ballots, and are, thereby, most directly impacted by the interpretation of Wis. Stat. §§ 6.855, 6.87(4)(b)1., 7.30 and 12.13—the provisions that Plaintiffs claim are at issue in this case. *See* Compl. ¶¶ 1, 42-43.

These interests are directly related to the underlying case, in which Plaintiffs ask this Court to adopt an extremely narrow interpretation of state law, the consequences of which would include severely restricting access to voting by absentee ballot, directly impacting Intervenor's members and constituents. Although the legal doctrine of standing is not necessary for Intervenor to demonstrate here because they seek intervention as defendants, not as plaintiffs, Intervenor has interests at stake that indisputably would be sufficient to demonstrate associational standing in this case, thus demonstrating the significance of their interests. *See* Wis. Stat. §184.07; Beckert Aff., ¶18; Margulis Aff., ¶13; Newcomer Aff., ¶14; *see also, e.g., Ind. Prot. & Advocacy Servs. Comm'n v. Comm'r, Ind. Dep't of Corr.*, 642 F. Supp. 2d 872, 877-78 (S.D. Ind. 2009) (Hamilton, C.J.) (collecting cases finding that federally mandated protection and advocacy agencies, like DRW,

have associational standing to participate in litigation that would affect those they exist to protect); *Wisconsin's Env'tl. Decade, Inc. v. Pub. Serv. Comm'n of Wis.*, 69 Wis. 2d 1, 20, 230 N.W.2d 243 (1975) (an organization has standing to sue on behalf of its members if a member of the organization would have standing to bring the action). But, even in the absence of associational standing, Intervenor would have standing in their own right, as they would be required to devote significant resources to modifying their informational materials and training programs to educate their members, constituents, and the general public about the impact of this Court's decision should it change current voting practices. *See* Beckert Aff., ¶19; Margulis Aff., ¶14; Newcomer Aff., ¶15; *Common Cause Ind. v. Lawson*, 937 F.3d 944, 952-53 (7th Cir. 2019) (collecting cases finding that the potential drain on voter advocacy organizations' resources to address the impacts of election laws was sufficient injury in fact to support standing). Again, although Intervenor are not required to demonstrate standing, it is instructive to the question of intervention that their interests in this action are so strong that they would supply standing were it necessary.

Intervenor's interests in ensuring broad access to secure, convenient, and accessible voting, including by absentee ballot returned to drop boxes, for all Wisconsinites, including those who are disabled or otherwise disadvantaged, are sufficient to trigger mandatory intervention. Protecting this interest clearly outweighs any interest the original parties may have in conducting and concluding their own lawsuit, especially given the fact that, as described above, granting permission to intervene at this early stage in the proceedings will in no way unduly complicate or delay the litigation. Allowing intervention now strikes the appropriate balance between the original parties' interests and "allowing persons to join a lawsuit in the interest of the speedy economical resolution of controversies without rendering the lawsuit fruitlessly complex or unending."

*Helgeland*, 2008 WI 9, ¶44. Granting this Motion will thus uphold, rather than contravene, the policies underlying Wis. Stat. § 803.09.

**C. The Disposition of this Case May Impair Intervenors' Ability to Protect Their Interests.**

The outcome of this litigation “may, as a practical matter, impair or impede [the] ability to protect interests that may be related to the subject of [the] action.” *Helgeland*, 2008 WI 9, ¶75 (footnote omitted). Just as a court should “approach intervention as of right generally,” this inquiry is taken under a “pragmatic approach ... focus[ed] on the facts of each case and the policies underlying the intervention statute.” *Id.*, ¶79.

Plaintiffs ask this Court to both read words into state law that do not exist, thus requiring an elector to personally deliver an absentee ballot to a municipal clerk, *and* to so narrowly interpret state law as to eliminate the use of absentee ballot drop boxes. If Plaintiffs were to prevail, access to voting by absentee ballot would be severely restricted, and Intervenors' interests in encouraging Wisconsin voters of all ability levels and socio-economic situations to exercise their constitutional right to vote by secure and convenient means would be directly and significantly impaired. *Beckert Aff.*, ¶18; *Margulis Aff.*, ¶13; *Newcomer Aff.*, ¶14. Moreover, as discussed above, Intervenors' financial interests, including the significant investments they have already made in developing resources and providing educational experiences for members, volunteers, constituents, and the general public, will be directly affected. *Becker Aff.*, ¶19; *Margulis Aff.*, ¶14; *Newcomer Aff.*, ¶15. In effect, their prior investments will be lost, and Intervenors will be required to make substantial additional investments in modifying their websites, social media postings, and printed educational materials and in re-educating all of their members and volunteers who, in turn, would then be required to re-educate the public about the process for returning absentee ballots by methods other than by drop box or trusted third party. *Id.*

**D. The Wisconsin Elections Commission Does Not Adequately Represent Intervenor's Interests.**

“[T]he showing required for providing inadequate representation ‘should be treated as minimal.’” *Id.*, ¶85 (quoting *Armada Broad., Inc. v. Stirn*, 183 Wis. 2d 463, 476, 516 N.W.2d 357 (1994) (quoting in turn *Trbovich v. United Mine Workers*, 404 U.S. 528, 538 n.10 (1972))). “If the interest of the proposed intervenor is not represented at all, or if all existing parties are adverse to the proposed intervenor, the proposed intervenor is not adequately represented.” Jay E. Grenig, 3 Wis. Prac., Civil Procedure (4th ed.) § 309.2.

The Wisconsin Elections Commission (“WEC”) does not share and has no duty to represent Intervenor's interests. While the WEC and Intervenor may ultimately seek the same result in this case and may make similar arguments, such similarities do not preclude intervention, nor do they compel the conclusion that Intervenor's interests are already adequately represented. Indeed, it is sufficient that Intervenor show that “representation of [their] interest ‘may be’ inadequate.” *Wolff v. Town of Jamestown*, 229 Wis. 2d 738, 747, 601 N.W.2d 301 (Ct. App. 1999) (quoting *Trbovich*, 404 U.S. at 538 n.10).

The Wisconsin Legislature has charged the WEC with administering elections in accordance with state law in its current iteration, whatever form that may take. While it certainly has an interest in defending its own conduct and past advice, the WEC's ultimate interest in the outcome of this suit is a determination of what Wis. Stat. §§ 6.855, 6.87(4)(b), 7.30, and 12.13 mean and what they require of election officials—not the potential impact of a decision on Intervenor's and their members' and constituencies' shared interests in broad civic engagement and expansive access to convenient, secure, and accessible methods of voting.

Indeed, Intervenor's interests differ so fundamentally from Defendant's that Intervenor have previously sued Defendant and its commissioners and administrator (in their respective

official capacities only) on multiple occasions because they did not protect the voting interests of Intervenor or their members and constituencies. *See Gear v. Bostelmann, supra, Lewis v. Bostelmann, supra,* and *Swenson v. Bostelmann* 20-cv-459-wmc, 488 F. Supp. 3d 776 (W.D. Wis. Sep. 21, 2020), *stay denied sub nom. Democratic National Committee v. Bostelmann*, No. 20-2835 & 20-2844, 2020 WL 5807297 (7th Cir. Sept. 27, 2020), *question certified on reconsideration*, 973 F.3d 764 (7th Cir. Sept. 29, 2020), *certified question answered*, 2020 WI 80, 394 Wis. 2d 33, 949 N.W.2d 423, *stay granted after certified answer*, 977 F.3d 639 (7th Cir. Oct. 8, 2020), *motion to vacate denied*, 141 S. Ct. 644 (U.S. Oct. 26, 2020).

## II. INTERVENORS MEET THE CRITERIA FOR PERMISSIVE INTERVENTION.

Alternatively, Intervenor should be permitted to intervene with this Court's permission. A court may grant permissive intervention to anyone who would be a proper party. *See, e.g., City of Madison*, 2000 WI 39, ¶11 n.11. In considering a request for permissive intervention, the court shall "consider whether the intervention will unduly delay or prejudice the adjudication of the rights of the original parties." Wis. Stat. § 803.09(2). Absent prejudice, intervention is within the court's discretion, as long as the movant's claim or defense and the main action share a common question of law or fact. *Helgeland*, 2008 WI 9, ¶120.

In this case, Plaintiffs argue that, when read together, Wis. Stat. §§ 6.855, 6.87(4)(b), 7.30 and 12.13 prohibit the use of drop boxes for delivery of absentee ballots and require the voter to personally deliver an absentee ballot to a municipal clerk or an election official appointed under § 7.30. Compl., ¶¶4-7, 9, 11, 42-43. The core legal questions here are whether these statutory provisions: (1) prohibit Wisconsin voters from returning absentee ballots by drop box, or instead permit the use of drop boxes for this purpose, and (2) require a voter to personally return his or her absentee ballot instead of authorizing a trusted third party to return the ballot on his or her behalf.

On behalf of themselves and the members, constituencies, and voters they represent, Intervenor have a significant stake in the answer and are at risk of harm should this Court adopt Plaintiffs' interpretation of state law. Thus, with this Motion Intervenor have filed an answer in defense of their position, in direct rebuttal to Plaintiffs' claims.

As discussed above, Plaintiffs' claims implicate and, if sustained, would injure interests that Intervenor have in Waukesha County and throughout Wisconsin. All three organizations have invested significant financial, staff, and volunteer resources in their voter engagement activities, both on a statewide basis and in Waukesha County, specifically. With respect to Waukesha County, for example, in 2020-2021 LWVWI, through its Waukesha County league, engaged in a variety of voter service activities in Waukesha County, including sending out postcards with absentee voting information, contacting voters about absentee voting via a texting campaign, providing information about drop box locations within Waukesha County via its Vote411 voter guide, and providing volunteer election observers. Newcomer Aff., ¶¶11-12. Likewise, DRW and Faith Voices are actively engaged in voter engagement activities within Waukesha County. Beckert Aff., ¶15; Margulis Aff., ¶9. This case directly threatens these interests and investments. It follows that Intervenor are proper parties. As discussed above, granting this Motion to Intervene would not unduly delay or complicate the proceedings, nor would it prejudice either Plaintiffs or Defendant. Should the Court find that they do not meet the standards for intervention as of right, Intervenor respectfully request that it grant permissive intervention.

### CONCLUSION

For the foregoing reasons, Proposed Intervenor-Defendants Disability Rights Wisconsin, Wisconsin Faith Voices for Justice, and the League of Women Voters of Wisconsin respectfully request that this Court grant this Motion to Intervene.

Dated this 13<sup>th</sup> day of August, 2021.

By: Electronically signed by Douglas M. Poland

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STATE OF WISCONSIN    CIRCUIT COURT    WAUKESHA COUNTY  
BRANCH I

---

RICHARD TEIGEN and RICHARD THOM,

Plaintiffs,

v.

Case No. 2021CV0958

Code: 30701

WISCONSIN ELECTIONS COMMISSION,

Defendant.

---

**ANSWER AND AFFIRMATIVE DEFENSES OF PROPOSED INTERVENOR-  
DEFENDANTS DISABILITY RIGHTS WISCONSIN, WISCONSIN FAITH  
VOICES FOR JUSTICE, AND THE LEAGUE OF WOMEN VOTERS OF  
WISCONSIN**

---

In accordance with the Waukesha County Civil Court Division Local Court Rules and Wis. Stat. § 803.09(3), proposed Intervenor-Defendants Wisconsin Faith Voices for Justice (“Faith Voices”), the League of Women Voters of Wisconsin (“LWVWI”), and Disability Rights Wisconsin (“DRW”) (collectively, “Intervenors”) submit this Answer and Affirmative Defenses (“Answer”) to the Complaint filed by the Plaintiffs in this action.

1. Intervenors admit that Plaintiffs bring this action against the Wisconsin Elections Commission (“WEC”) and seek a declaratory judgment under the statutes identified in Paragraph 1 of the Complaint, but deny that the declaratory judgment Plaintiffs seek is necessary or appropriate under Wisconsin law, and further deny that Plaintiffs are entitled the relief requested.

2. Intervenors admit that Paragraph 2 accurately quotes from a portion of Wis. Stat. § 6.84(1), and further state that the language of Wis. Stat. § 6.84(1) speaks for itself.

Answering further, Intervenor state that Paragraph 2 asserts a legal conclusion to which no answer is required. Intervenor deny all remaining allegations in Paragraph 2.

3. Intervenor admit that Paragraph 3 accurately quotes from a portion of Wis. Stat. § 6.87(4)(b)1, and further state that the language of Wis. Stat. § 6.87(4)(b)1 speaks for itself. Answering further, Intervenor state that Paragraph 3 asserts a legal conclusion to which no answer is required. Intervenor deny all remaining allegations in Paragraph 3.

4. Denied.

5. Intervenor admit that Paragraph 5 accurately quotes from a portion of Wis. Stat. § 12.13(3)(n), and further state that the language of Wis. Stat. § 12.13(3)(n) speaks for itself. Answering further, Intervenor state that Paragraph 5 asserts a legal conclusion to which no answer is required. Intervenor deny all remaining allegations in Paragraph 5.

6. Denied.

7. Intervenor admit that Paragraph 7 accurately quotes from a portion of Wis. Stat. § 6.855, and further state that the language of Wis. Stat. § 6.855 speaks for itself. Answering further, Intervenor state that Paragraph 7 asserts a legal conclusion to which no answer is required. Intervenor deny all remaining allegations in Paragraph 7.

8. Intervenor admit that the document attached to Plaintiffs' Complaint as Exhibit A purports to be a memorandum from the Wisconsin Elections Commission ("WEC") to municipal clerks dated March 31, 2020 but are without knowledge or information sufficient to form a belief as to the truth of the allegation that WEC authored and sent Exhibit A to municipal clerks. Answering further, Intervenor state that Paragraph 8 accurately quotes from a portion of Exhibit A. Intervenor deny all remaining allegations in Paragraph 8.

9. Intervenor admits that Paragraph 9 accurately quotes from a portion of Wis. Stat. § 6.87(4)(b)1, and further states that the language of Wis. Stat. § 6.87(4)(b)1 speaks for itself. Answering further, Intervenor states that Paragraph 9 asserts a legal conclusion to which no answer is required. Intervenor denies all remaining allegations in Paragraph 9.

10. Intervenor admits that the document attached to Plaintiffs' Complaint as Exhibit B purports to be a memorandum from WEC Commissioners to municipal clerks dated August 19, 2020 but is without knowledge or information sufficient to form a belief as to the truth of the allegation that WEC Commissioners authored and sent Exhibit B to municipal clerks. Answering further, Intervenor denies that Paragraph 10 accurately summarizes the contents of Exhibit B, and denies all remaining allegations in Paragraph 10.

11. Intervenor admits that a drop box is an "inanimate object." Intervenor denies all remaining allegations in Paragraph 11.

12. Denied.

13. Intervenor is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 13.

14. Denied.

15. Intervenor admits that Plaintiffs disagree with the WEC's interpretation of the statutes identified in the Complaint, and further admits that Plaintiffs' Complaint seeks a declaration by the Court of the meaning of those statutes, but denies that Plaintiffs are entitled to a declaration adopting their reading of the relevant statutes or to any other relief. Intervenor denies all remaining allegations in Paragraph 15.

16. Intervenor denies that the first sentence of Paragraph 16, including footnote 1, states an allegation or identifies a legal issue that can be adjudicated or determined by this Court.

Answering further, Intervenor state that to the extent Paragraph 16 constitutes an allegation that WEC is not appropriately enforcing the statues identified in the Complaint, or that Plaintiffs are entitled to relief from this Court based on the questions identified in Paragraph 16, Intervenor deny such allegation. Intervenor deny all remaining allegations in Paragraph 16.

#### **THE PARTIES**

17. Intervenor are without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 17.

18. Intervenor are without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 18.

19. Admitted.

#### **JURISDICTION AND VENUE**

20. Intervenor admit this Court has jurisdiction pursuant to Wis. Stat. § 806.04. Intervenor deny all remaining allegations in Paragraph 20.

21. Intervenor admit that Paragraph 21 accurately quotes from a portion of Wis. Stat. § 806.04, and further state that the language of Wis. Stat. § 806.04 speaks for itself.

22. Intervenor admit that Plaintiffs seek to have this Court construe the meaning of statues identified in the Complaint. Intervenor deny that Plaintiffs are entitled to that or any other relief, and deny all remaining allegations in Paragraph 22.

23. The first sentence of Paragraph 23 paraphrases Wisconsin statutory language that speaks for itself and states a legal conclusion to which no answer is required. The second sentence of Paragraph 23 states a hypothetical, conditional allegation of Plaintiffs' intent, to which no answer is required. To the extent that an answer is required to Paragraph 23,

Intervenors deny, or are without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 23.

24. Admitted.

#### **CAUSE OF ACTION FOR A DECLARATORY JUDGMENT**

25. Intervenors admit that Paragraph 25 accurately quotes from a portion of Wis. Stat. § 6.84(1), and further state that the language of Wis. Stat. § 6.84(1) speaks for itself. Answering further, Intervenors state that Paragraph 25 asserts a legal conclusion to which no answer is required. Intervenors deny all remaining allegations in Paragraph 25.

26. Intervenors admit that Paragraph 26 accurately quotes from a portion of Wis. Stat. § 6.84(2), and further state that the language of Wis. Stat. § 6.84(2) speaks for itself. Answering further, Intervenors state that Paragraph 26 asserts a legal conclusion to which no answer is required. Intervenors deny all remaining allegations in Paragraph 26.

27. Intervenors admit that Paragraph 27 accurately quotes from a portion of the Wisconsin Supreme Court's opinion in *Jefferson v. Dane Cty.*, 2020 WI 90, ¶16, 394 Wis. 2d 602, 951 N.W.2d 556, and further state that the language of that opinion speaks for itself. Answering further, Intervenors state that Paragraph 27 asserts a legal conclusion to which no answer is required. Intervenors deny all remaining allegations in Paragraph 27.

28. Intervenors admit that Paragraph 28 accurately quotes from a portion of Wis. Stat. § 6.87(4)(b)1, and further state that the language of Wis. Stat. § 6.87(4)(b)1 speaks for itself. Answering further, Intervenors state that Paragraph 28 asserts a legal conclusion to which no answer is required. Intervenors deny all remaining allegations in Paragraph 28.

29. Denied.

30. Intervenor admits that WEC did not promulgate guidance with respect to the statutes identified in Plaintiffs' Complaint pursuant to Wisconsin Statutes Chapter 227 but deny that WEC was required to promulgate its guidance pursuant to Chapter 227, and deny all remaining allegations in Paragraph 30.

31. Denied.

32. Paragraph 32 states legal conclusions to which no answer is required. To the extent an answer is required, Intervenor denies all allegations in Paragraph 32.

33. Intervenor admits that WEC "has the statutory authority to enforce and administer the election laws set forth in Chapters 5 through 10 and Chapter 12 of the statutes." Intervenor is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 33.

34. Intervenor is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 34.

35. Intervenor admits that Paragraph 35 accurately quotes from a portion of Wis. Stat. § 5.02(10), and further states that the language of Wis. Stat. § 5.02(10) speaks for itself.

36. Denied.

37. Intervenor admits that Paragraph 37 accurately quotes from a portion of Wis. Stat. § 6.87(4)(b)1, and further states that the language of Wis. Stat. § 6.87(4)(b)1 speaks for itself. Answering further, Intervenor states that Paragraph 37 asserts a legal conclusion to which no answer is required. Intervenor further denies that a municipal clerk may not designate a drop box as an appropriate method to return a voted ballot to the clerk, and deny all remaining allegations in Paragraph 37.

38. Denied.

39. Denied.

40. Intervenors admit that Paragraph 40 accurately quotes from a portion of Wis. Stat. § 12.13, and further state that the language of Wis. Stat. § 12.13 speaks for itself. Answering further, Intervenors state that Paragraph 40 asserts a legal conclusion to which no answer is required. Intervenors deny all remaining allegations in Paragraph 40.

41. Intervenors admit that Paragraph 41 accurately quotes from a portion of Wis. Stat. § 5.02(4e), and further state that the language of Wis. Stat. § 5.02(4e) speaks for itself.

42. Intervenors admit that Paragraph 42 accurately quotes from a portion of Wis. Stat. § 7.30(2)(a), and further state that the language of Wis. Stat. § 7.30(2)(a) speaks for itself.

43. Paragraph 43 asserts a legal conclusion to which no answer is required. To the extent an answer is required, Intervenors deny the allegations in Paragraph 43.

44. Denied.

45. Intervenors admit that Paragraph 45 accurately quotes from a portion of Wis. Stat. § 6.855, and further state that the language of Wis. Stat. § 6.855 speaks for itself. Answering further, Intervenors state that Paragraph 45 asserts a legal conclusion to which no answer is required. Intervenors deny all remaining allegations in Paragraph 45.

46. Intervenors admit that Paragraph 46 accurately quotes from a portion of Wis. Stat. § 6.855, and further state that the language of Wis. Stat. § 6.855 speaks for itself. Answering further, Intervenors state that Paragraph 46 asserts a legal conclusion to which no answer is required. Intervenors deny all remaining allegations in Paragraph 46.

47. Intervenors admit that Paragraph 47 accurately quotes from a portion of Wis. Stat. § 6.855, and further state that the language of Wis. Stat. § 6.855 speaks for itself.

Answering further, Intervenor's state that Paragraph 47 asserts a legal conclusion to which no answer is required. Intervenor's deny all remaining allegations in Paragraph 47.

48. Denied.

49. Denied.

50. Intervenor's deny that Plaintiffs' reading or interpretation of the referenced statutes as set forth in the Complaint is "the established policy of the State of Wisconsin as mandated by the Legislature."

51. Intervenor's deny that WEC has "set aside the policy decisions of the Wisconsin Legislature..." Answering further, Intervenor's state that the Wisconsin Legislature has delegated to the WEC authority to issue guidance on the interpretation and application of Wisconsin statutes governing elections administration, including the statutes identified in the Complaint.

52. Intervenor's deny the allegations in Paragraph 52, deny that Plaintiffs have been harmed or have suffered any cognizable legal injury, and deny that Plaintiffs are entitled to the relief sought in the Complaint.

53. Intervenor's admit that only "legally cast votes should count," and deny all remaining allegations in Paragraph 53.

54. Intervenor's admit that all Wisconsinites, including Plaintiffs, are entitled to have the elections in which they participate administered properly under the law. Intervenor's deny all remaining allegations in Paragraph 54.

55. Intervenor's are without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 55 regarding the resources expended, or to be expended, by WEC. Intervenor's deny all remaining allegations in Paragraph 55.

56. Denied.

57. Paragraph 57 states a legal conclusion to which no answer is required. To the extent an answer is required, Intervenor deny that the allegations of Paragraph 57 accurately state the law, and deny all remaining allegations in Paragraph 57.

58. Paragraph 58 states a legal conclusion to which no answer is required. To the extent an answer is required, Intervenor deny that the allegations of Paragraph 58 accurately state the law, and deny all remaining allegations in Paragraph 58.

59. Paragraph 59 states a legal conclusion to which no answer is required. To the extent an answer is required, Intervenor deny that the allegations of Paragraph 59 accurately state the law, and deny all remaining allegations in Paragraph 59.

60. Paragraph 60 states a legal conclusion to which no answer is required. To the extent an answer is required, Intervenor deny that the allegations of Paragraph 60 accurately state the law, and deny all remaining allegations in Paragraph 60.

61. Intervenor deny that Plaintiffs' action is necessary or appropriately timed: Plaintiffs' Complaint seeks to rehash claims related to the 2020 general election rejected by multiple courts, and is speculative with regard to future actions by the WEC, is not ripe for adjudication, does not present a justiciable controversy, and asks this Court to issue an advisory opinion in contravention of Wisconsin law.

#### **AFFIRMATIVE DEFENSES**

Intervenor further respond to the Complaint by alleging the following Affirmative Defenses. Intervenor reserve their rights to supplement these defenses as the case proceeds, and do not accept the burden of proof as to any defense other than as required by law.

62. Intervenor's incorporate Paragraphs 1-61 above by reference.

63. Plaintiffs' claims are barred by the doctrine of laches. *See, e.g., Trump v. Biden*, 2020 WI 91, ¶10, 394 Wis. 2d 629, 951 N.W.2d 568, *cert. denied*, 141 S. Ct. 1387, 209 L. Ed. 2d 128 (2021).

64. Plaintiffs' claims are not ripe, do not present a justiciable controversy, and this Court therefore lacks competency to adjudicate Plaintiffs' claims.

65. Plaintiffs' Complaint fails to state a claim upon which relief can be granted.

64. Plaintiffs failed to comply with Wis. Stat. § 5.06(2), which bars individual voters from commencing an action without first filing a complaint with the WEC under Wis. Stat. § 5.06(1), and precludes an action in this Court "prior to disposition of the complaint by the commission."

65. Plaintiffs lack standing to bring their claims.

#### **PRAYER FOR RELIEF**

Intervenor's deny that Plaintiffs are requested to any relief set forth in Paragraphs A-C on pages 11-12 of their Complaint, or that Plaintiffs are entitled to any other relief, and request that this Court dismiss Plaintiffs' Complaint in full, deny Plaintiffs' request for a permanent injunction and declaration of the law, enter judgment in favor of Intervenor's and against Plaintiffs on all claims alleged in the Complaint, award Intervenor's their costs of suit, and grant such other relief as the Court deems appropriate.

Dated this 13<sup>th</sup> day of August, 2021.

By: Electronically signed by Douglas M. Poland

Douglas M. Poland, SBN 1055189

Jeffrey A. Mandell, SBN 1100406

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**Affidavit of Bonnie Margulis v.2.pdf**

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**E-Signature 1: Bonnie Margulis (BM)**

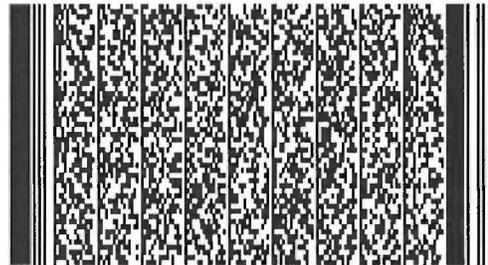
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rabbibonnie@charter.net (Principal) (ID Verified)

**E-Signature Notary: Alex M. Becker (AMB)**

August 11, 2021 14:56:43 -6:00 [05AE971D2D7F] [208.66.133.94]  
abecker@staffordlaw.com

I, Alex M. Becker, did witness the participants named above electronically sign this document.

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STATE OF WISCONSIN CIRCUIT COURT WAUKESHA COUNTY  
BRANCH 1

RICHARD TEIGEN and RICHARD THOM,

Plaintiffs,

v.

Case No. 2021CV0958  
Code: 30701

WISCONSIN ELECTIONS COMMISSION,

Defendant.

**AFFIDAVIT OF BONNIE MARGULIS**

STATE OF WISCONSIN )  
 )  
COUNTY OF DANE )

I, Bonnie Margulis, being first duly sworn on oath, depose and state as follows:

1. I am the Executive Director of Wisconsin Faith Voices for Justice (“Faith Voices”), and I serve as a poll worker in Dane County, Wisconsin. I have personal knowledge and belief as to the matters set forth below.

2. Faith Voices is a collection of clergy, religious leaders, and people of faith from many faith traditions across the state of Wisconsin organized as a charitable organization under the laws of the State of Wisconsin and recognized as a 501(c)(3) organization under the Internal Revenue Code.

3. Faith Voices is active in promoting a social and economic justice agenda that includes a focus on supporting voting rights and civic engagement. Faith Voices provides clergy and congregants with the tools and resources they need to be actively engaged in



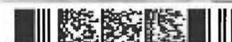
the public sphere, including training in how to write effective letters regarding and lobbying elected officials for policy change.

4. Faith Voices believes that the right to vote is a sacred right, that everyone should have a say in who governs them, and that making sure that every eligible vote counts is a way of honoring the inherent worth and dignity of human beings. Faith Voices also believes that it is the duty and responsibility of people of faith to make voting as accessible to every eligible voter as possible so as to increase and diversify participation in democracy and, thereby, build a more just and equitable society.

5. Because Faith Voices and its member congregations believe in the sacred nature of voting, many congregations offer voter registration drives on Sunday mornings or otherwise in connection with worship services. Notably, they view it as an obligation of their faith to ensure that less able members and the general public, including the elderly who sometimes struggle to navigate the technology now used in connection with absentee voting, are able to actively participate in democracy by voting. Thus, it is imperative to make voting opportunities as easy and widely accessible as possible.

6. Faith Voices has invested significant time and financial resources in voter engagement activities. In the fall of 2019 Faith Voices received a \$53,000 grant, jointly with the Wisconsin Council of Churches, which it used to establish the Wisconsin Interfaith Voter Engagement Campaign (“WIVEC”). This grant was available through the end of 2020.

7. WIVEC has about 420 volunteers around the state of Wisconsin, of which about 200 are located in the Madison area, 150 are located in the Milwaukee area, and



about 40 are located in and around Racine and Kenosha. In 2020 alone, WIVEC and its volunteers trained individuals in how to register others to vote, offered webinars on voting rights, absentee ballots and how to vote by absentee ballot, and the history of voting and racism. They also engaged in get-out-the-vote (“GOTV”) efforts by connecting their volunteers with partner organizations to do phone banking, sending out letters and text messages to low voter turnout populations encouraging them to vote, canvassing, and providing rides to the polls on Election Day. Finally, many volunteers served as poll workers and poll watchers, and clergy volunteered as chaplains at the polls. Based on volunteer self-reporting, which is likely understated, volunteers invested about 2,000 hours of time in voting and election-related activities in 2020.

8. In 2021, to date, WIVEC has expended about \$30,000 on staffing relating to its voter engagement work. This work includes promoting confidence in the results of the November 2020 election, funded in part by a grant from Common Cause, and educating the public about proposed election-related legislation, gerrymandering, and how to advocate for fair district maps.

9. Faith Voices runs an interfaith clergy council called Greater Milwaukee Faith Voices for Justice. Three active members of this group are clergy with congregations in Waukesha. They have been engaged in GOTV work over the past year.

10. Faith Voices is also a member of the Wisconsin Voting Rights Coalition, an informal collaboration of organizations that banded together to advocate for the preservation of voting rights and the protection of public health during the COVID-19 pandemic.



11. Faith Voices has been actively engaged in litigation to assert its interests. For example, Faith Voices filed amicus briefs in *Wis. Legislature v. Palm, et al.*, 2020 WI 42, 391 Wis. 2d 497, 942 N.W.2d 900; *Fabick v. Palm, et al.*, No. 2020AP828-OA (Wis. May 27, 2020); *James v. Heinrich*, 2021 WI 58, 960 N.W.2d 350; and *Fabick v. Wisconsin Elections Commission*, No. 2021AP428-OA (Wis. June 25, 2021).

12. I became aware that Faith Voices' interests will be affected by resolution of this case shortly after the case was filed in Waukesha County Circuit Court. It was immediately apparent to me that the Wisconsin Elections Commission will not defend the sacred nature of voting and civic engagement, nor will it advocate for an interpretation of voting laws for the purpose of preserving and building upon the work already done by Faith Voices to educate the public and to ensure the continued enfranchisement of low-voter turnout populations, particularly through the use of drop boxes to return absentee ballots.

13. If adopted, Plaintiffs' interpretation of state law will severely limit access to voting by absentee ballot and will, thereby, directly impair Faith Voices' mission of expanding access to voting and civic engagement. Of significant concern, such a decision will be detrimental to voters who rely upon delivery of absentee ballots to drop boxes pursuant to the Wisconsin Election Commission's guidance because getting to the polls is physically onerous or impossible and because they have lost faith in the United States Postal Service to deliver their ballots on time to be counted.

14. If adopted, Plaintiffs' interpretation of state law will also have a direct and significant financial impact on Faith Voices and its partners. At a minimum, Faith Voices and its community partners would be required to devote time and financial resources to



updating all websites, social media postings, and printed educational materials and to re-educating all volunteers who, in turn, would then be required to re-educate the public about the process for returning absentee ballots by methods other than by drop box.

15. Without intervention in this case, Faith Voices will be unable to protect its and its members' interests in the investments Faith Voices and its members have already made in educating the public about methods for returning absentee ballots and their interest in ensuring that the sacred right to vote is easily accessible for all eligible voters.

**Bonnie Margulis**  
Signed on 2021/08/11 14:58:43 -0500

Bonnie Margulis

Subscribed and sworn to before me  
this 08/11/2021.

**Alex M. Becker**  
Signed on 2021/08/11 14:58:43 -0500

Alex M. Becker  
Notary Public, State of Wisconsin  
My commission expires: July 24, 2024.

**Alex M. Becker**  
Notary Public - State of Wisconsin  
My Commission Expires Jul 24, 2024  
Notary State: 2021/08/11 12:58:43 PM EST 05AE97102D7F

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### Affidavit of Barbara Beckert DRW v.3.pdf

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#### E-Signature Summary

**E-Signature 1: Barbara Penner Beckert (BPB)**

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 Barbara.Beckert@drwi.org (Principal) (ID Verified)

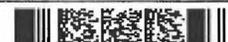
**E-Signature Notary: Alex M. Becker (AMB)**

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 abecker@staffordlaw.com

I, Alex M. Becker, did witness the participants named above electronically sign this document.



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STATE OF WISCONSIN    CIRCUIT COURT    WAUKESHA COUNTY  
BRANCH 1

---

RICHARD TEIGEN and RICHARD THOM,

Plaintiffs,

v.

Case No. 2021CV0958

Code: 30701

WISCONSIN ELECTIONS COMMISSION,

Defendant.

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**AFFIDAVIT OF BARBARA BECKERT**

---

STATE OF WISCONSIN                    )  
  )  
COUNTY OF MILWAUKEE                )

I, Barbara Beckert, being first duly sworn on oath, deposes and states as follows:

1. I am the director of external advocacy in southeastern Wisconsin at Disability Rights Wisconsin, Inc. (“DRW”), and I am the director of DRW’s Milwaukee office. I also serve as the coordinator for DRW’s PAVA program – Protection and Advocacy for Voting Access. I have personal knowledge and belief as to the matters set forth below.

2. DRW is a statewide, nonpartisan, nonprofit, non-stock corporation organized under the laws of the State of Wisconsin. DRW maintains offices across the state of Wisconsin, including in Madison, Menasha, Milwaukee, and Rice Lake, with its principal office located at 1502 West Broadway, Suite 201, Madison, Dane County, Wisconsin.

3. DRW’s mission is to empower all persons with disabilities to exercise and enjoy the full extent of their rights and to pursue the greatest possible quality of life. A

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primary aspect of this mission is to ensure that persons with disabilities have access to exercise their constitutional right to vote.

4. To effectuate this mission, DRW is regularly involved in policy and legal advocacy related to identified priority issues for people with disabilities, including concerns about community integration, inclusion, dignity, equal rights, access to voting, and access to public health services and benefits.

5. DRW has a multi-member board of directors and mental health advisory council, including among their members persons with disabilities, who have significant input into DRW's goals and objectives.

6. DRW is a member of the National Disability Rights Network and is designated by the Governor of the State of Wisconsin to act as the congressionally mandated protection and advocacy agency for Wisconsin citizens with mental illness, developmental disabilities, and other physical impairments, pursuant to Wis. Stat. § 51.62, 29 U.S.C. § 794e, 42 U.S.C. §§ 15041, *et. seq.*, and 42 U.S.C. §§ 10801, *et. seq.*

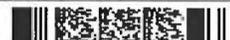
7. Pursuant to these laws, DRW has a state and federal mandate to protect and advocate for the rights of persons with disabilities in Wisconsin, including persons with developmental disabilities, mental illness, traumatic brain injury, and other persons with disabilities through the pursuit of administrative, legal, and other appropriate remedies.

8. As Wisconsin's protection and advocacy system for people with disabilities, DRW provides self-advocacy training, technical assistance, direct advocacy services, systemic policy advocacy, and other activities to implement its many priorities, which include assisting persons with disabilities to access vocational rehabilitation training and



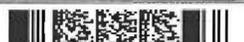
employment services; secure or regain gainful employment; assert their right to choose to live in the least restrictive, most inclusive setting possible; advocate for access to community services; pursue allegations of discrimination in housing; secure election access, including registering to vote, casting a vote, and accessing polling places; secure the right of children with disabilities to a free appropriate public education; investigate allegations of abuse or neglect; and, as appropriate, pursue legal remedies on behalf of DRW's constituents.

9. Pursuant to the Protection & Advocacy for Voting Accessibility (PAVA) program created by the Help America Vote Act (HAVA) of 2002, 42 U.S.C. § 15301 et seq., DRW and other P&As have a federal mandate “to ensure full participation in the electoral processes for individuals with disabilities,” including all aspects of registering to vote, casting a vote, and accessing polling places.” 52 U.S.C. § 21061. DRW is dedicated to ensuring that Wisconsinites with disabilities can fully participate in the electoral process. To help advance this goal, DRW works with the Wisconsin Elections Commission, election administrators, and, to a lesser extent, the Wisconsin Legislature. In particular, DRW has spent tens of thousands of dollars through its Protection and Advocacy for Voting Access program to provide advocacy assistance, training, and resources to support the participation of people with disabilities in the electoral process. Using these funds, DRW educates individuals with disabilities, as well as family members, guardians, and service providers, about their voting rights, and also educates election officials, volunteers, and poll workers regarding the voting rights of people with disabilities, accessibility needs, accommodations, and best practices.



10. DRW and the Wisconsin Board for People with Developmental Disabilities jointly coordinate the Wisconsin Disability Vote Coalition, a non-partisan group that works to ensure voters with disabilities have a full and fair opportunity to vote. DRW staffs the Coalition in partnership with BPDD. The Coalition includes representatives of numerous community agencies, including the Wisconsin Council of the Blind and Visually Impaired, People First Wisconsin, IndependenceFirst, Access to Independence, Vision Forward, the Wisconsin Association of the Deaf, and others. DRW and the Disability Vote Coalition were actively engaged in voter outreach and education efforts leading up to the November 2020 election. This work included the creation and dissemination of educational e-newsletters; the creation of training support videos for voters and service providers to help them understand voter registration and photo ID requirements, absentee voting, and how to vote in-person; webinars, meetings, and other educational virtual events. DRW and the Coalition also produced fact sheets on a wide range of topics including voting rights, and the absentee voting process, which explained how to request, complete, and return an absentee ballot. DRW and the Coalition also maintained a website and other social media to share voting resources. The DRW Voter Hotline was also available year round to answer questions from people with disabilities, family members, service providers, and others.

11. In addition to training voters with disabilities, DRW also provides voting resource materials and training to service providers who help to support people with disabilities. Our outreach to service providers increased during the pandemic as many people with disabilities were at high risk for COVID-19, and were home bound; often their primary contacts were with service providers. In addition, many were not able to access



online materials or trainings due to limited access to technology or ability. They needed support from service providers to participate in the electoral process, including registering to vote, requesting an absentee ballot, completing the ballot, and returning it. In fact, during the COVID-19 pandemic, DRW trained more service providers than voters because many voters with disabilities did not have access to DRW's virtual events, and resource materials. Instead, they relied upon service providers to help get them the information they needed in order to vote.

12. DRW is also a member of the Wisconsin Voting Rights Coalition, an informal collaboration of organizations that banded together to advocate for the preservation of voting rights and the protection of public health during the COVID-19 pandemic.

13. In 2020, DRW provided assistance to 326 contacts via its Voter Hotline. Many individuals who contacted the hotline were concerned about getting their absentee ballots completed and submitted on time. In some cases, DRW was able to enlist volunteers to serve as witnesses for individuals with disabilities who had no one else to serve as a witness. Those volunteers were also able to return the absentee ballots for those individuals, including to drop boxes.

14. DRW provides voting-related trainings to thousands of people annually. For example, between September and November 19, 2020, DRW offered thirty-three (33) virtual trainings, with a total attendance of just under 3,000 people.

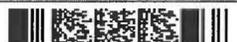
15. DRW actively provides assistance to individuals and service providers located in Waukesha County. By way of example, Waukesha County residents, including



voters with disabilities, their family members, and service providers used DRW's Voter Hotline. Voters with disabilities and service providers from Waukesha County also participated in DRW trainings prior to the November 2020 election, and received resource materials. Likewise, in October of 2020, DRW provided training on voting to the Adaptive Community Approach Program, located in Waukesha County, which was attended by individuals with disabilities. DRW also provided specific updates and materials relating to voting to Aging and Disability Resource Centers ("ARDC"), including the Waukesha ARDC, and gave a presentation about voting at a youth forum hosted by IndependenceFirst that included youth from Waukesha County.

16. DRW actively participates in litigation to protect its interests and the interests of those individuals it is federally mandated to protect. For example, DRW intervened in *Jefferson v. Dane County*, 2020 WI 90, 394 Wis. 2d 602, 951 N.W.2d 556, to protect the rights of Wisconsinites casting absentee ballots as indefinitely confined voters. DRW has also engaged in other litigation to protect voting rights, including *City of Green Bay v. Bostelmann*, No. 20-cv-479, 2020 WL 1492975 (E.D. Wis. Mar. 27, 2020); *Fabick v. Wisconsin Elections Commission*, No. 2021AP428-OA (Wis. June 25, 2021); *Gear, et al. v. Bostelmann, et al.*, No. 20-cv-278-wmc, 488 F. Supp. 3d 776 (W.D. Wis. Sept. 21, 2020); and *Swenson v. Bostelmann* 20-cv-459-wmc, 488 F. Supp. 3d 776 (W.D. Wis. Sep. 21, 2020).

17. I became aware that DRW's interests will be affected by resolution of this case shortly after it was filed in Waukesha County Circuit Court. The Wisconsin Elections Commission will not defend access to voting by absentee ballots returned to drop boxes by



individuals with disabilities nor returned by trusted third parties to either municipal clerks' offices or to drop boxes on behalf of individuals with disabilities. Instead, it will likely defend only its interpretation of state law, no matter its impact on the individuals protected by DRW. Thus, I determined that DRW should seek to intervene in order to advance both its interpretation of state law and its interest in ensuring access to voting by individuals with disabilities, particularly through return of absentee ballots to drop boxes by individuals with disabilities and by via third-party return of absentee ballots either to municipal clerks' offices or to drop boxes.

18. If adopted, Plaintiffs' interpretation of state law will severely limit access to voting by absentee ballot. This will directly, and negatively, impact individuals with disabilities who disproportionately rely upon voting by absentee ballot as compared to the general population. Of critical importance is that individuals with disabilities tend to rely upon an informal network of support for many life activities, including voting. Absentee voting is heavily utilized by people with disabilities because so many experience barriers to voting in person. Polling place accessibility issues, and/or disability related or health concerns may limit their ability to vote in person. In addition, many are non-drivers with very limited access to transportation, especially lift accessible transportation. Many individuals with disabilities ask for caregivers or service providers to assist them with voting by absentee ballot, including by serving as witnesses and by returning absentee ballots to municipal clerks' offices and to drop boxes or to their polling place. This has become especially important given the unreliable nature of the mail delivery through the United States Postal Service ("USPS"). As was made apparent during the most recent



elections, many individuals have lost confidence in the USPS to deliver ballots to them on time, let alone to return them to a municipal clerk's office in time to be counted. Thus, the option either for an individual with a disability to return an absentee ballot to a drop box or to request that a trusted third party, including a caregiver or service provider, return an absentee ballot for an individual with a disability, either to a drop box or to a municipal clerk's office, or a polling place, is essential to ensure that individuals with disabilities remain active voters with a voice in the democratic process.

19. If adopted, Plaintiff's interpretation of state law will also have a significant financial impact on DRW. For example, DRW would be required to devote significant time and financial resources to updating both the Disability Vote Coalition and DRW websites, social media postings, and its training and educational materials. It would also be required to re-educate all of its staff, coalition partners, and volunteers about the voting process, and those individuals would then be required to re-educate service providers, caregivers, individuals with disabilities, and the general public about the process for returning absentee ballots by methods other than by trusted third party or by drop box.

20. Without intervention in this case, DRW will be unable to protect its constituents' interests in voting by absentee ballots returned to drop boxes or by third parties either to municipal clerks' offices, polling places, or to drop boxes in the next and subsequent elections.

21. I am aware that DRW and the individuals it is federally mandated to protect on whose behalf it is required to advocate will suffer irreparable harm for the reasons stated above.



Barbara Penner Beckert  
Signed on 2021/08/12 15:47:29 -0000

Barbara Beckert

Subscribed and sworn to before me  
this 08/12/2021.

*Alex M. Becker*  
Signed on 2021/08/12 15:47:29 -0000

Alex M. Becker  
Notary Public, State of Wisconsin  
My commission expires: July 24, 2024.  
This notarial act involved the use of communication technology.

Alex M. Becker  
Notary Public - State of Wisconsin  
My Commission Expires Jul 24, 2024  
Notary Stamp 2021/08/12 13:47:29 PST

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3. LWVWI, a nonpartisan community-based organization, was formed in 1920, immediately after the enactment of the Nineteenth Amendment granting women's suffrage. The LWVWI is dedicated to encouraging its members and the people of Wisconsin to exercise their right to vote as protected by the Constitution and the Voting Rights Act of 1965. The mission of LWVWI is to empower voters and defend democracy. LWVWI does this by promoting political responsibility through informed and active participation in government and to act on selected governmental issues. The LWVWI impacts public policies, promotes citizen education, and makes democracy work by, among other things, removing unnecessary barriers to full participation in the electoral process. Currently, LWVWI has 20 local leagues and approximately 2,800 members, the vast majority of whom, I believe, are registered to vote in Wisconsin. LWVWI is affiliated with the League of Women Voters of the United States, which was also founded in 1920. LWVWI began as an organization focused on the needs of women and training women voters. It has evolved into an organization concerned about educating, advocating for, and empowering all Wisconsinites.

4. With members throughout the State, the LWVWI's local Leagues are engaged in numerous activities, including hosting public forums and open discussions on issues of importance to the community. Individual league members invest substantial time and effort in voter training and civic engagement activities, including voter registration and get-out-the-vote ("GOTV") efforts. LWVWI has developed the statewide Election Observation Program and the Vote411 voter guide. LWVWI also devotes substantial time and effort to ensuring that government at every level works as effectively

and fairly as possible. This work involves continual attention to and advocacy concerning issues of transparency, a strong and diverse judiciary, fair and equal nonpartisan redistricting, and appropriate government oversight.

5. LWVWI is a member of the Wisconsin Voting Rights Coalition, a collaboration of organizations that is banded together to advocate for the preservation of voting rights and access to the ballot. LWVWI also actively participates in litigation to protect its interests and the interests of its members and the general public. For example, LWVWI has engaged in litigation to protect the ability of Wisconsin voters to cast absentee ballots, including the federal court actions *Gear, et al. v. Bostelmann, et al.*, No. 20-cv-278-wmc and *Lewis, et al. v. Bostelmann, et al.*, No. 20-cv-284-wmc, which resulted in a ruling extending the mail-in absentee ballot return deadline for the April 7, 2020 election.

6. In the fall of 2020, leading up to the November 2020 general election, LWVWI made significant investments in voter outreach activities. LWVWI made over 1 million contacts regarding absentee voting via text banking, informational postcards, social media ads, including on Facebook and Google, its website, and, specifically, its webpage providing the public with the location of early voting and drop box locations. LWVWI estimates that it made over 6.5 million contacts via similar means regarding voter education in general.

7. LWVWI invested hundreds of thousands of dollars in its voter outreach activities relating to the fall 2020 and spring 2021 elections. Specifically, LWVWI paid for printed educational materials (\$67,021.76); voter education, voter protection, and GOTV

activities conducted by staff (\$57,187.46); radio advertising in both English and Spanish (\$26,745); and social media ads (\$80,097).

8. In 2020, LWVWI also received 95,114 visits to its Vote411 website, vote411.org, where it provides the general public with information about how to register to vote, how to vote (including absentee and early voting options), and how to determine what is on the ballot for a particular election. Leading up to the November 2020 Election, LWVWI invested a significant amount of staff time to gather and publish early voting and drop box locations and hours in our voter guide on VOTE411.

9. In 2021, LWVWI has continued its work, focusing specifically on absentee voting outreach, making about 75,061 contacts with individuals via social media, its website, and text banking. LWVWI has also continued its general voter education outreach, making about 480,129 contacts in the spring of 2021 via social media, its website, and text banking. In the spring of 2021, LWVWI received 22,602 visitors to its Vote411 website.

10. LWVWI is the umbrella organization for 20 local Leagues across Wisconsin, including the Waukesha County Branch of LWV of Milwaukee County, and works with and through these 20 local Leagues. Members of the local Leagues are members of LWVWI, as well as the national League of Women Voters, and their efforts and work are part of local, state, and national operations done on behalf of the state and national Leagues. LWVWI offers guidance, resources, materials, trainings, and financing in support of the local Leagues and their activities, which include absentee voting outreach, voter registration drives and, as can be seen from the above information on expenditures, other voter outreach activities.

11. In 2020-2021, LWVWI engaged in a variety of voter service activities within Waukesha County, including: (1) sending out 1,688 GOTV postcards with absentee voting information to Waukesha County residents; (2) making 8,083 contacts sharing information about absentee voting via a texting campaign; (3) receiving 959 visits to its Vote411 voter guide, which included drop box locations within Waukesha County, leading up to the November 2020 election; and (4) volunteering as election observers. Ten League volunteers from Waukesha County served as election observers during the November 2020 election. Observers collectively monitored drop boxes, observed absentee ballot counting at central count locations throughout Waukesha County, and observed at polling places. In total, these volunteers invested about eighty (80) hours of their time.

12. In 2020-2021, the Waukesha County Branch of LWV Milwaukee County also engaged in a variety of voter education activities within Waukesha County, including: (1) Distributing 2,425 cards with information about how to register to vote and how to request an absentee ballot, (2) conducting a training for community members on the online voter registration process, and (3) engaged 11 volunteers who invested approximately fifty-four (54) hours of their time.

13. I became aware that LWVWI's interests will be affected by resolution of this case shortly after it was filed in Waukesha County Circuit Court. The Wisconsin Elections Commission is not positioned to advocate for expansive voting access, including by return of absentee ballots to drop boxes. Instead, it will likely focus its defense on its interpretation of state law, which could change based on the Court's decision here. Nor is the Wisconsin Elections Commission likely to attempt to defend or protect through its

defense of this action the significant time and resources, including financial resources, that LWVWI and its many local Leagues have invested in voter education to date. For these reasons, I determined that it is both appropriate and necessary to LWVWI's mission for LWVWI to seek intervention in this case.

14. If adopted, Plaintiff's interpretation of state law will significantly reduce access to voting by absentee ballot. This will directly impact the general public, especially the low-voter turnout populations with which LWVWI seeks to engage and thereby encourage and enable to vote. LWVWI has heard from Wisconsinites, via a voter experience survey that it conducted, that finding a witness to complete their absentee ballots can be a significant barrier for them to overcome when attempting to vote absentee. In fact, some individuals were told that postal service workers could not act as witnesses for absentee ballots. In some municipalities, drop boxes have helped alleviate that issue because they are staffed by election officials who can serve as witnesses. In addition, many Wisconsinites have discovered just how convenient it is to vote by returning an absentee ballot to a drop box. That, coupled with distrust of the postal system, has led to a change in the mindset of many voters in favor of drop boxes. LWVWI anticipates that, even after the COVID-19 pandemic has subsided, many voters will still wish to use drop boxes and the availability of drop boxes will increase voter participation.

15. If adopted, Plaintiff's interpretation of state law will also have a serious impact on LWVWI's financial and staff resources. All of its investments made to date in educating the public will be undercut, as staff will be required to overhaul the resources and training materials already created. For example, LWVWI's webpages will need to be

updated, as will all related social media postings and printed training and educational materials. Staff and volunteers will need to be re-educated and then significant resources will need to be devoted to public information campaigns in order to update the public about the process for returning absentee ballots by methods other than by drop box.

16. Without intervention in this case, LWVWI will be unable to protect its interests as well as those of the local Leagues and their members in the investments already made in educating the public about methods for returning absentee ballots. Likewise, LWVWI's ability to protect and encourage widespread voter participation via use of absentee ballots and return of absentee ballots to drop boxes will be impaired.

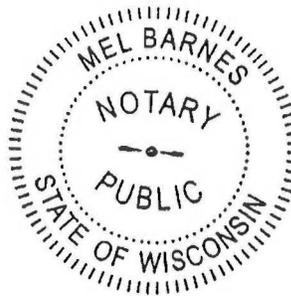


Eileen Newcomer

Subscribed and sworn to before me  
this 12 day of August, 2021.



Notary Public, State of Wisconsin  
My commission expires: \_\_\_\_\_



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STATE OF WISCONSIN    CIRCUIT COURT    WAUKESHA COUNTY  
BRANCH 1

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RICHARD TEIGEN and RICHARD THOM,

Plaintiffs,

v.

Case No. 2021CV0958

Code: 30701

WISCONSIN ELECTIONS COMMISSION,

Defendant.

---

**NOTICE OF RETAINER OF DOUGLAS M. POLAND**

---

PLEASE TAKE NOTICE that the undersigned has been retained by and appears for proposed Intervenor-Defendants, Disability Rights Wisconsin, Wisconsin Faith Voices for Justice, and League of Women Voters of Wisconsin (collectively, "Intervenors"), in the captioned action, and hereby demands notice of all proceedings and copies of all pleadings, subsequent to service of the summons and complaint, be served upon him at the address set forth below.

Dated this 13<sup>th</sup> day of August, 2021.

By: Electronically signed by Douglas M. Poland

Douglas M. Poland, SBN 1055189

Jeffrey A. Mandell, SBN 1100406

Rachel E. Snyder, SBN 1090427

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*Attorneys for Proposed Intervenor-Defendants*

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STATE OF WISCONSIN    CIRCUIT COURT    WAUKESHA COUNTY  
BRANCH 1

---

RICHARD TEIGEN and RICHARD THOM,

Plaintiffs,

v.

Case No. 2021CV0958

Code: 30701

WISCONSIN ELECTIONS COMMISSION,

Defendant.

---

**NOTICE OF RETAINER OF JEFFREY A. MANDELL**

---

PLEASE TAKE NOTICE that the undersigned has been retained by and appears for proposed Intervenor-Defendants, Disability Rights Wisconsin, Wisconsin Faith Voices for Justice, and League of Women Voters of Wisconsin (collectively, "Intervenors"), in the captioned action, and hereby demands notice of all proceedings and copies of all pleadings, subsequent to service of the summons and complaint, be served upon him at the address set forth below.

Dated this 13<sup>th</sup> day of August, 2021.

By: Electronically signed by Jeffrey A. Mandell

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Jeffrey A. Mandell, SBN 1100406

Rachel E. Snyder, SBN 1090427

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*Attorneys for Proposed Intervenor-Defendants*

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STATE OF WISCONSIN    CIRCUIT COURT    WAUKESHA COUNTY  
BRANCH 1

---

RICHARD TEIGEN and RICHARD THOM,

Plaintiffs,

v.

Case No. 2021CV0958

Code: 30701

WISCONSIN ELECTIONS COMMISSION,

Defendant.

---

**NOTICE OF RETAINER OF RACHEL E. SNYDER**

---

PLEASE TAKE NOTICE that the undersigned has been retained by and appears for proposed Intervenor-Defendants, Disability Rights Wisconsin, Wisconsin Faith Voices for Justice, and League of Women Voters of Wisconsin (collectively, "Intervenors"), in the captioned action, and hereby demands notice of all proceedings and copies of all pleadings, subsequent to service of the summons and complaint, be served upon her at the address set forth below.

Dated this 13<sup>th</sup> day of August, 2021.

By: Electronically signed by Rachel E. Snyder

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STATE OF WISCONSIN    CIRCUIT COURT    WAUKESHA COUNTY  
BRANCH I

---

RICHARD TEIGEN and RICHARD THOM,

Plaintiffs,

v.

Case No. 2021CV0958

Code: 30701

WISCONSIN ELECTIONS COMMISSION,

Defendant.

---

**NOTICE OF RETAINER OF MEL BARNES**

---

PLEASE TAKE NOTICE that the undersigned has been retained by and appears for proposed Intervenor-Defendants, Disability Rights Wisconsin, Wisconsin Faith Voices for Justice, and League of Women Voters of Wisconsin (collectively, "Intervenors"), in the captioned action, and hereby demands notice of all proceedings and copies of all pleadings, subsequent to service of the summons and complaint, be served upon her at the address set forth below.

Dated this 13<sup>th</sup> day of August, 2021.

By: Electronically signed by Mel Barnes

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*Attorneys for Defendant*

I further certify that, on August 13, 2021, I served true and correct copies of (1) Notice Of Motion And Motion To Intervene Of Wisconsin Faith Voices For Justice, League Of Women Voters Of Wisconsin, And Disability Rights Wisconsin, (2) Brief In Support Of Motion To Intervene, (3) Answer And Affirmative Defenses Of Proposed Intervenor-Defendants Disability Rights Wisconsin, Wisconsin Faith Voices For Justice, And League Of Women Voters Of Wisconsin, (4) Affidavit of Bonnie Margulis, (5) Affidavit of Barbara Beckert, (6) Affidavit of Eileen Newcomer, (7) Notices of Retainer (of Douglas Poland, Jeffrey A. Mandell, Rachel E. Snyder and Mel Barnes), and (8) Certificate of Service on the following by email and by First Class U.S. Mail, postage prepaid:

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*Attorneys for Proposed Intervenor-  
Defendant DSCC*

/s/ Vicki L. Evers  
Vicki L. Evers, Legal Assistant

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