

Commission, 2022 WI 64; the election-day cure deadline, Wis. Stat. § 6.87(6); and the constitutionality of Wis. Stat. § 6.84(2). With respect to the prohibition on drop boxes, Plaintiffs asked in the alternative for the Supreme Court to revisit its decision in Teigen that Wis. Stat. § 6.87(4)(b)1 precluded the use of drop boxes.

Defendants moved to dismiss. On January 24, 2024, the Court granted the motions to dismiss Plaintiffs' facial constitutional challenges but denied motions to dismiss a hybrid constitutional challenge to the witness requirement and the constitutionality of Wis. Stat. § 6.84(2). The Court also noted that it lacked authority to revisit Teigen's statutory holding. On January 26, 2024, Plaintiffs informed the Court that they did not wish to pursue the surviving claims, and this Court subsequently issued a final order dismissing all claims with prejudice.

Plaintiffs appealed to the Court of Appeals and petitioned the Wisconsin Supreme Court for bypass. On March 12, 2024, the Supreme Court granted bypass on a single issue: "Whether to overrule the Court's holding in Teigen v. Wisconsin Elections Commission, 2022 WI 64 . . . that Wis. Stat. § 6.87 precludes the use of secure drop boxes for the return of absentee ballots to municipal clerks." All other issues were held in abeyance.

On July 7, 2024, the Supreme Court issued an order and opinion overruling Teigen's holding that Wis. Stat. § 6.87 precludes the use of drop boxes and reversing and remanding this Court's order regarding Plaintiffs' drop-box claim. Priorities USA v. Wisconsin Elections Commission, 2024 WI 32. On August 8, 2024, the Supreme Court remanded the cause back to this Court.

The Supreme Court's order and opinion do not address or affect Plaintiffs' constitutional challenges to the witness-certification requirement, the election-day cure deadline, or Wis. Stat. § 6.84. This Court therefore reissues its prior dismissal of those claims with prejudice.

The Supreme Court's order and opinion reversed this Court's dismissal of Plaintiffs' drop-box claims. For the reasons given in the Supreme Court's opinion, the Court issues a declaratory judgment that Wis. Stat. § 6.87(4)(b)1 allows the use of drop boxes to return absentee ballots, resolving Plaintiffs' constitutional challenge relating to drop boxes.

THIS IS A FINAL ORDER FOR PURPOSES OF APPEAL.

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