

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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COMMON CAUSE, COMMON CAUSE  
WISCONSIN, BENJAMIN R.  
QUINTERO,

Plaintiffs,

v.

Case No. 19-CV-323

MARK L. THOMSEN, ANN S. JACOBS,  
BEVERLY GILL, JULIE M. GLANCEY,  
JODI JENSEN, and DEAN KNUDSON,  
in their official capacities as  
Commissioners of the Wisconsin  
Elections Commission, MEAGAN  
WOLFE, in her official capacity as the  
Interim Administrator of the Wisconsin  
Elections Commission ,

Defendants.

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**DEFENDANTS' ANSWER AND DEFENSES**

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Defendants, in their official capacities as Commissioners of the Wisconsin Elections Commission (“the Commission”) and as the Administrator of the Commission, by their attorneys, answer Plaintiffs’ Complaint for Declaratory and Injunctive Relief (“Complaint”) (Dkt. 1).

Defendants ALLEGE that the Complaint violates Federal Rule of Civil Procedure 8(d)(1), requiring simple, concise, and direct allegations. The Complaint improperly contains verbose paragraphs—some spanning an entire

page—with large portions of legal argument, block quotes from legal authorities, citations to attached exhibits, and 23 footnotes. Notwithstanding and without waiving any objection under Fed. R. Civ. P. 8(d)(1), Defendants answer the Complaint as follows:

Defendants DENY that the Plaintiffs are entitled to the declaratory or injunctive relief they seek in the first unnumbered paragraph of the Complaint.

### **NATURE OF ACTION**

1. Defendants DENY the allegations contained in this paragraph.
2. Defendants DENY the allegation contained in this paragraph.
3. Defendants ADMIT that the state has an important interest in ensuring that voters in Wisconsin live in Wisconsin; DENY the remaining allegations contained in this paragraph; and ALLEGE that Wis. Stat. § 5.02(6m)(f) sets forth the requirements for a university or college ID to be considered a valid voter ID.

4. Defendants lack knowledge sufficient to form a belief as to the truth of the allegation that “a number of forms of valid, accepted voter ID, such as Veterans Health Identification Cards (“VHICs”) issued by the U.S. Department of Veterans Affairs and some tribal ID cards, do not even contain signatures”; ADMIT that the voter ID law was enacted in 2011 and that the voter ID law does not require election officials and poll workers to verify that

any signature on the ID matches the voter's signature on the poll book or the voter's signature on the voter registration form; and DENY the remaining allegations contained in this paragraph.

5. Defendants lack knowledge sufficient to form a belief as to the truth of the allegations in this paragraph and Footnote 1.

6. Defendants lack knowledge sufficient to form a belief as to the truth of the allegations in the first, second, third, and fourth sentences in this paragraph, Exhibits A and B, and Footnotes 2, 3, and 4; and DENY the remaining allegations in this paragraph.

7. Defendants ADMIT that Plaintiffs bring this action under 42 U.S.C. § 1983; and DENY the remaining allegations contained in this paragraph.

### **JURISDICTION & VENUE**

8. Defendants DENY the allegation contained in this paragraph.

9. Defendants DENY the allegation contained in this paragraph.

10. Defendants DENY the allegation contained in this paragraph.

11. Defendants ADMIT that Mark Thomsen, Ann Jacobs, Julie Glancey, Jodi Jensen, and Dean Knudson are Commissioners on the Commission, that Defendants are sued in their official capacities, that they are state officials who reside in Wisconsin; and that Meagan Wolfe works in Madison, Wisconsin; DENY the remaining allegations contained in this

paragraph; and ALLEGE that Meagan Wolfe is the Administrator of the Commission, and that Beverly Gill's term as a Commissioner ended on April 30, 2019, and she did not seek reappointment.

12. Defendants ADMIT that venue is appropriate in the Western District of Wisconsin; that Thomsen, Jacobs, Glancy, Jensen, Knudson, and Wolfe are state officials, and that Wolfe works in Madison, Wisconsin; DENY the remaining allegations in this paragraph; and ALLEGE that Gill's term as a Commissioner ended on April 30, 2019, and she did not seek reappointment.

#### **PARTIES**

13. Defendants DENY the allegations about the voter ID laws' legality; and lack knowledge sufficient to form a belief as to the truth of the remaining allegations in this paragraph.

14. Defendants DENY that voter ID requirements are unconstitutional; and lack knowledge sufficient to form a belief as to the truth of the remaining allegations in this paragraph.

15. Defendants DENY that voter ID requirements are unconstitutional; and lack knowledge sufficient to form a belief as to the truth of the remaining allegations in this paragraph.

16. Defendants lack knowledge sufficient to form a belief as to the truth of the allegations in this paragraph.

17. Defendants DENY that Beverly Gill is a member of the Commission; ALLEGE that Gill's term as a Commissioner ended on April 30, 2019, and she did not seek reappointment; and ADMIT the remaining allegations in this paragraph.

18. Defendants ADMIT that Meagan Wolfe is sued in her official capacity; DENY the remaining allegations contained in this paragraph; and ALLEGE that Wolfe is the Administrator of the Commission.

### FACTUAL ALLEGATIONS

#### **A. Wisconsin's Voter ID Requirement and Its Requirements for College and University Student Photo ID Cards**

19. Defendants DENY the characterization that Wisconsin's voter ID law is "strict"; and ADMIT the remaining allegations contained in this paragraph.

20. Defendants ADMIT the allegations contained in this paragraph and Footnotes 5, 6, 7 and 8.

21. Defendants lack knowledge sufficient to form a belief as to the truth of the allegations in the second and third sentences of this paragraph; ADMIT the fourth and fifth sentences of this paragraph; DENY the remaining allegation contained in this paragraph; and ALLEGE that Wis. Stat. 5.02(6m) sets forth the criteria for acceptable forms of voting ID.

22. Defendants lack knowledge sufficient to form a belief as to the truth of the allegations in this paragraph.

23. Defendants lack knowledge sufficient to form a belief as to the truth of the allegations in this paragraph and Footnotes 9 and 10.

24. Defendants lack knowledge sufficient to form a belief as to the truth of the allegations in this paragraph and Footnote 11.

25. Defendants lack knowledge sufficient to form a belief as to the truth of the allegations in this paragraph.

26. Defendants lack knowledge sufficient to form a belief as to the truth of the allegations in this paragraph.

**B. Prior Litigation Regarding the Student ID Issuance Date and Expiration Date Requirements.**

27. Defendants ADMIT that in 2016, this Court issued a decision in *One Wisconsin Institute v. Thomsen*, 198 F. Supp. 3d 896 (W.D. Wis. 2016); ALLEGE that the decision in the case speaks for itself; and DENY the remaining allegations contained in this paragraph.

28. Defendants ADMIT that cross appeals of the decision in *One Wisconsin Institute v. Thomsen*, 198 F. Supp. 3d 896 (W.D. Wis. 2016) are still pending before the U.S. Court of Appeals for the Seventh Circuit, and that oral argument before the panel was held over two years ago on February 24, 2017;

DENY the remaining allegations contained in this paragraph; and ALLEGE that the decision in the case speaks for itself.

29. Defendants DENY the allegation contained in this paragraph.

**C. In-Person and Mail-in Voting Procedures**

- i. The objective of voter ID verification is identity verification, and it is redundant, unnecessary, and irrational to use issuance and expiration dates on student IDs as a proxy for confirming Wisconsin residency.**

Defendants DENY the allegations contained in Paragraph C(i).

30. Defendants ADMIT the first, second, third and fifth sentences contained in this paragraph, along with Footnotes 12, 13 and 14; lack knowledge sufficient to form a belief as to the truth of the allegations in the fourth sentence of this paragraph; and DENY the remaining allegation contained in this paragraph.

31. Defendants ADMIT the first, third, fourth and fifth sentences contained in this paragraph, along with Footnotes 15, 16 and 17; DENY the remaining allegations contained in this paragraph; and ALLEGE that election officials shall also verify that the name and address stated by the elector conform to the elector's name and address on the poll list.

32. Defendants ADMIT the second, third and fourth sentences contained in this paragraph; DENY the remaining allegations contained in this paragraph; and ALLEGE that temporary overseas electors are required to

submit proof of identification with an absentee ballot application, but that individuals that are indefinitely confined do not.

33. Defendants DENY the allegation contained in this paragraph.

**ii. By law, signatures on voter IDs, if any are even present, are not used for any signature comparison.**

Defendants DENY the allegations contained in Paragraph C(ii).

34. Defendants ADMIT the first, second, third and fourth sentences contained in this paragraph, along with Footnotes 18 and 19; and DENY the remaining allegations contained in this paragraph.

35. Defendants ADMIT the allegations contained in this paragraph, along with Footnotes 20.

36. Defendants DENY the last sentence contained in this paragraph; ADMIT the remaining allegations contained in this paragraph; but ALLEGE that the excerpt “Alternatively, a receipt or label can be generated with a line for the voter to sign in order to capture a ‘wet’ signature” from the 2014 GAB report does not apply to the current e-pollbook system that has been implemented.



## CLAIMS FOR RELIEF

### COUNT ONE

#### **(College or University ID Issuance Date and Expiration Date Requirements Violate First and Fourteenth Amendments to the U.S. Constitution, 42 U.S.C. § 1983) (All Plaintiffs)**

Defendants DENY the allegations contained in this unnumbered heading.

37. Defendants reallege and incorporate, as though fully set forth herein, each and every response above.

38. Defendants DENY the allegations contained in this paragraph; and ALLEGE that the legal authority cited in the paragraph speaks for itself.

39. Defendants ADMIT the first and second sentences contained in this paragraph; and DENY the remaining allegations contained in this paragraph.

40. Defendants DENY the allegations contained in this paragraph.

41. Defendants DENY the allegations contained in this paragraph.

42. Defendants DENY the allegations contained in this paragraph.

43. Defendants ADMIT the allegations contained in this paragraph, with the exception that Beverly Gill is no longer a member of the Commission—Gill's term as a Commissioner ended on April 30, 2019, and she did not seek reappointment.

44. Defendants ADMIT that Thomsen, Jacobs, Glancey, Jensen, Knudson, and Wolfe are acting under color of state law; and DENY the remaining allegation contained in this paragraph.

## COUNT TWO

### **(College or University ID Signature Requirement Violates First and Fourteenth Amendments to the U.S. Constitution, 42 U.S.C. § 1983) (All Plaintiffs)**

Defendants DENY the allegations contained in this unnumbered heading.

45. Defendants reallege and incorporate, as though fully set forth herein, each and every response above.

46. Defendants DENY the allegations contained in this paragraph; and ALLEGE that the legal authority cited in the paragraph speaks for itself.

47. Defendants ADMIT the allegations contained in this paragraph.

48. Defendants DENY the allegations contained in this paragraph.

49. Defendants DENY the allegations contained in this paragraph.

50. Defendants DENY the allegations contained in this paragraph.

51. Defendants ADMIT the allegations contained in this paragraph, with the exception that Beverly Gill is no longer a member of the Commission—Gill's term as a Commissioner ended on April 30, 2019, and she did not seek reappointment.

52. Defendants ADMIT that Thomsen, Jacobs, Glancy, Jensen, Knudson, and Wolfe are acting under color of state law; and DENY the remaining allegation contained in this paragraph.

### **PRAYER FOR RELIEF**

Defendants DENY the allegations in Paragraphs (a)–(d) and FURTHER DENY that Plaintiffs are entitled to any of the relief sought in these paragraphs.

### **DEFENSES**

1. All or portions of the Complaint fails to state a claim for which relief can be granted.

2. The action should be dismissed because one or more of the Plaintiffs lacks standing.

3. Plaintiffs have failed to join necessary parties, without whom the Court cannot accord complete relief.

4. To the extent Plaintiffs were to seek damages, the Defendants are entitled to sovereign immunity.

5. Defendants reserve the right to name additional defenses as they may become known through further discovery or otherwise in this action.

WHEREFORE, Defendants demand judgment in their favor and against Plaintiffs, dismissing Plaintiffs' Complaint, and an order awarding Defendants

attorney fees, as well as such other and further relief as the Court deems appropriate under the circumstances.

Dated this 3rd day of June, 2019.

Respectfully submitted,

ERIC WILSON  
Deputy Attorney General of Wisconsin

Electronically signed by:

s/ S. Michael Murphy  
S. MICHAEL MURPHY  
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State Bar #1078149

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