

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

TIMOTHY CAREY, MARTHA
CHAMBERS, SCOTT LUBER,
MICHAEL REECE,

Plaintiffs,

v.

WISCONSIN ELECTIONS
COMMISSION, MEAGAN WOLFE, in
her official capacity as Administrator of
WEC

Defendants.

No. 3:22-cv-00402

Judge _____

DECLARATION OF WISCONSIN VOTER SCOTT LUBER

I, SCOTT LUBER, hereby declare as follows:

1. I am a 62-year-old man who lives in Mequon, Wisconsin.
2. I am a registered voter.
3. I vote in nearly every major election.
4. I was born with muscular dystrophy. Muscular dystrophy is a degenerative muscle disease. I began experiencing symptoms starting at around seven years old. I began to lose my balance and noticed difficulty standing up. My symptoms progressed over time. I have not been able to walk since I was thirteen years old, when I began to use a manual wheelchair. I switched to a power chair during my freshman year of high school. I have used a power chair since that time.

5. I was once able to write, feed myself, and type on computer, among other things. No longer. Today, due to my muscular dystrophy, I am largely unable to move any part of my body, although I can wiggle my fingers a little bit.

6. I am still able to feel everything.

7. Today, I am dependent on a ventilator. In combination with a tracheostomy tube, the ventilator allows me to breathe. I require care from a third-party attendant at all times.

8. Historically, I have encountered alarming accessibility problems at my polling place. Although the location claimed to be accessible, I found this not to be the case. It was very frightening for me to enter or leave the polling place because of the location of the ramp at the building's entry way. Its proximity to the stairs did not leave enough room for me to safely turn as I entered or exited the building.

9. The precarious nature of the polling place caused me to vote absentee.

10. I am unable to fill out an absentee ballot by myself. Because of my muscular dystrophy, I cannot use my hands, so I require assistance filling out the ballot. I ask my assistant to help me by filling out the ballot with my preferred candidates. I then review the selections for accuracy to ensure my preferred candidates have been properly voted.

11. Once the ballot is filled out and sealed, I cannot cast my vote without assistance. Because of my muscular dystrophy, I am not able to hold the ballot in my hand or open doors to deliver it to a mail carrier, place it in a mailbox, or hand it directly to the municipal clerk.

12. After marking the ballot, I instruct my attendant to return the ballot on my behalf.

13. My attendant has helped me mark and return my absentee ballot in past elections. One time my attendant dropped my absentee ballot off at city hall by taking it in and handing it to the clerk, another time he put it in the mail.

14. I intend to vote absentee in the November 2022 general election.

15. I intend to follow the process described above to cast my absentee ballot.

16. However, if I am unable to use the assistance of a third party to return my absentee ballot, I will not be able to vote absentee.

I, SCOTT LUBER, hereby declare under penalty of perjury that the foregoing is true and correct. Executed this 27th day of July, 2022 at Mequon, Wisconsin.

/s/ Scott Luber
Scott Luber