

STATE OF WISCONSIN CIRCUIT COURT WAUKESHA COUNTY
BRANCH 9

MICHAEL WHITE, EVA WHITE, EDWARD
WINIECKE, and REPUBLICAN PARTY OF
WAUKESHA COUNTY,

Plaintiffs,

Case No. 2022CV1008

v.

WISCONSIN ELECTIONS COMMISSION,

Defendant.

**PROPOSED-INTERVENOR PLAINTIFF THE WISCONSIN STATE
LEGISLATURE'S NOTICE OF MOTION AND MOTION TO INTERVENE**

TO: Michael White
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1701 Pearl Street, Suite #5
Waukesha, WI 53186

Wisconsin Elections Commission
201 West Washington Ave., Second Floor
Madison, WI 53707

PLEASE TAKE NOTICE that Proposed-Intervenor Plaintiff the Wisconsin State Legislature (“Legislature”), by its undersigned attorneys at Troutman Pepper Hamilton Sanders LLP, hereby moves the Court for leave to intervene as Plaintiff in order to assert the claims set forth in its Complaint of Proposed-Intervenor Plaintiff. Proposed-Intervenor Plaintiff moves to intervene both as of right under Wis. Stat. § 803.09(2m) and Wis. Stat. § 803.09(1) and, and permissively under Wis. Stat. § 803.09(2).

The grounds for this Motion are as follows, and explained in more detail in the accompanying Memorandum:

1. The Legislature is entitled to intervene as a matter of right under Wis. Stat. § 803.09(2m), which grants the Legislature the right to intervene when a party “challenges the construction or validity” of a state law, because this case requires the Court to interpret Wis. Stat. § 6.87(6d), (9), among others.

2. The Legislature is entitled to intervene as a matter of right under Wis. Stat. § 803.09(1), because the Legislature has filed a timely motion seeking to protect its interests in the enforcement of its statutes, its constitutional duty to oversee agency action, and the integrity of upcoming elections, which interests are unique to the Legislature and directly threatened by WEC’s conduct.

3. Alternatively, the Legislature should be permitted to intervene as a matter of the Court’s discretion under Wis. Stat. § 803.09(2) because the Legislature shares Plaintiffs’ claim that WEC’s conduct is unlawful—a claim that directly

implicates the Legislature's unique interests—and because the Legislature's timely involvement would not prejudice the existing parties.

PLEASE TAKE FURTHER NOTICE that Proposed-Intervenor Plaintiff has, consistent with the requirements of Wis. Stat. § 803.09(3), simultaneously filed with this Motion, (1) a Memorandum In Support of Motion to Intervene, (2) a proposed Order Granting Motion To Intervene, (3) a proposed Complaint, (4) a proposed Motion For A Temporary Injunction Or, Alternatively, For A Writ Of Mandamus, (5) a proposed Memorandum In Support Of Motion For A Temporary Injunction Or, Alternatively, For A Writ Of Mandamus, and (6) a proposed Order Granting Motion For A Temporary Injunction Or, Alternatively, For A Writ Of Mandamus. Proposed-Intervenor Plaintiff requests that this Court align the schedule for responsive briefing to this Motion with the motion-for-temporary-injunction briefing schedule the parties have stipulated to, such that all pending motions can be decided together.

Dated: August 11, 2022

Respectfully submitted,

Electronically signed by Misha Tseytlin

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