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DISTRICT IV

FILED
02-09-2024
CLERK OF WISCONSIN
COURT OF APPEALS

February 9, 2024

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Circuit Court Judge
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You are hereby notified that the Court has entered the following order:

2024AP165

Rise, Inc. v. Wisconsin Elections Commission
(L.C. # 2022CV2446)

Before Kloppenburg, P.J., Blanchard, and Taylor, JJ.

On February 7, 2024, we set February 13, 2024, as the date for respondents Rise, Inc., and Jason Rivera to file a response to the motion for relief pending appeal filed by the appellant Wisconsin State Legislature. We stated that we may issue a further order directing the respondents to include certain topics among those addressed in their response. We now do so.

The circuit court's January 30, 2024 judgment declared that the word "address" as used in WIS. STAT. § 6.87(2) "does not require that any particular components or information be included," and therefore the current guidance from the Wisconsin Elections Commission is erroneous because it requires the presence of a street name, street number, and municipality. Based on that conclusion, the court determined that § 6.87(2) is satisfied and an absentee ballot is to be counted under § 6.87(6d) "if the face of the certificate contains sufficient information to allow a reasonable person in the community to identify a location where the witness may be communicated with."

In relation to the factor of likelihood of success on the merits of the appeal, please include in your response answers to the following questions:

(1) Is it your position that the meaning of "address" in § 6.87(2) is ambiguous with respect to the issue of whether it requires particular components, such as street number, street, and municipality, or instead does not require any such components?

(2) Are you able to cite any case law or persuasive authority interpreting the term "address" in any Wisconsin statute in a manner similar to the circuit court's definition?

(3) Is the circuit court's definition of "address" limited to residences of witnesses, as opposed to non-residential locations where the witnesses may be communicated with?

(4) Do the word "address" and the phrase "information to allow a reasonable person in the community to identify a location where the witness may be communicated with" have the same meaning?

IT IS ORDERED that the response to the appellant's motion for relief pending appeal shall include the above topics.

Samuel A. Christensen
Clerk of Court of Appeals

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