

FILED
01-30-2024
CIRCUIT COURT
DANE COUNTY, WI
2022CV002446

BY THE COURT:

DATE SIGNED: January 30, 2024

Electronically signed by Ryan D. Nilsestuen
Circuit Court Judge

STATE OF WISCONSIN

CIRCUIT COURT

DANE COUNTY

BRANCH 10

RISE, INC. AND JASON RIVERA,
Plaintiffs

Declaratory Judgment and Permanent
Injunction

vs.

WISCONSIN ELECTIONS
COMMISSION et al.,
Defendants

Case No. 2022CV2446

For the reasons stated on the record and given in the Court’s January 2, 2024, Decision and Order (Dkt. 223), the Court hereby

1. **DECLARES** that, with respect to a witness’s address on an absentee ballot certificate, the term “address” in Wis. Stat. § 6.87(2) and (6d) means “a place where the witness may be communicated with”;
2. **DECLARES** that Wis. Stat. § 6.87’s requirement that the witness’s address be included on the absentee ballot certificate does not require that any particular components or information be included, but only that 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;

3. **DECLARES** that an absentee ballot certificate is not “improperly completed” under Wis. Stat. § 6.87(9), based on a witness’s address, so long as 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;
4. **DECLARES** that Wis. Stat. § 6.87 does not authorize the rejection of, return for cure of, or refusal to count an absentee ballot based on a witness’s address, 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;
5. **DECLARES** that the Wisconsin Elections Commission’s September 14, 2022, Memorandum entitled “Temporary Injunction on WEC Guidance re Missing Absentee Witness Address,” Dkt. 38 Ex. 8, is invalid and contrary to law to the extent that it adopts a different definition of “address” for purposes of the witness address requirement than the definition adopted in this Order;
6. **ORDERS** Defendant the Wisconsin Elections Commission, by February 9, 2024, to rescind the Memorandum entitled “Temporary Injunction on WEC Guidance re Missing Absentee Witness Address,” Dkt. 38 Ex. 8, or to revise and reissue the memorandum consistent with this Order;
7. **ORDERS** Defendant the Wisconsin Elections Commission, by February 9, 2024, to promptly advise all municipal and county election officials of this Court’s Order;
8. **ENJOINS** Defendant the Wisconsin Elections Commission from promulgating rules, guidance documents, or other materials inconsistent with this Order, or from otherwise taking any action inconsistent with this Order; and

9. **ENJOINS** Defendants Maribeth Witzel-Behl, Tara McMenammin, and Celestine Jeffreys from rejecting or returning for cure any absentee ballot based on a witness's address, 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.
10. Provided, however, that nothing in this Order shall require Defendant the Wisconsin Elections Commission to modify the printed text of the absentee ballot certificate as the Wisconsin Elections Commission approved it at its December 19, 2023, meeting, so long as Defendant the Wisconsin Elections Commission advises municipal and county election officials of this Court's Order and of their obligation not to reject, return for cure, or refuse to count any absentee ballot based on a witness's address, 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.

This order is final for purposes of appeal.