

STATE OF WISCONSIN CIRCUIT COURT WAUKESHA COUNTY
BRANCH 8

Richard Braun,

Plaintiff,

v.

Wisconsin Elections Commission,

Defendant.

Case No. 2022CV001336

Case Code: 30701

Declaratory Judgment

VOTE.ORG'S NOTICE OF MOTION AND MOTION TO INTERVENE

NOTICE OF MOTION

TO: Richard Braun
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PLEASE TAKE NOTICE that Proposed Intervenor-Defendant Vote.org will appear before the Honorable Michael P. Maxwell, Circuit Court Judge, Branch 8, in his usual courtroom in the Waukesha County Courthouse, Courtroom C267, Waukesha, WI 53188, at _____, and shall then and there present the following motion to intervene. In compliance with Wis. Stat. § 803.09(3), Vote.org has filed herewith its Proposed Answer to the Plaintiff's Complaint.

MOTION TO INTERVENE

Proposed Intervenor-Defendant Vote.org hereby moves the Court pursuant to Wis. Stat. § 803.09 to intervene in this action as a Defendant. In support of its motion to intervene, and as explained in the accompanying memorandum in support of the motion, Vote.org states as follows:

1. Plaintiff filed his complaint on September 15, 2022, alleging that the Wisconsin Election Commission's ("WEC") acceptance of the National Mail Voter Registration Form ("the National Form") violates Wisconsin law. Plaintiff named WEC as the Defendant.

2. Vote.org, which uses the National Form to register voters in Wisconsin, has a significant interest in the litigation, which threatens to upend its current operations in Wisconsin and impede its future voter registration efforts in Wisconsin and beyond. Vote.org therefore moves to intervene in this action as a Defendant.

3. The Court should grant the motion because, as further explained in the accompanying brief, Vote.org satisfies the requirements for intervention as of right under Wis. Stat. § 803.09(1):

- a. *First*, the motion is timely filed. This litigation is in its earliest stages; WEC has not yet filed an answer or substantive response, and no other proceedings have yet taken place.
- b. *Second*, Vote.org's interests are directly related to the subject of this action. The lawsuit asks this Court to declare WEC's use and approval of the National Form unlawful and to enjoin WEC from accepting the National Form in Wisconsin. Because Vote.org currently provides the National Form to the Wisconsin voters it helps register to vote via paper application, as it does for voters from all 50 states, a ruling in Plaintiff's favor would disrupt one of Vote.org's usual processes for

voter registration and require Vote.org to divert significant financial and logistical resources to develop new processes for operating in Wisconsin. The relief sought by Plaintiff would also impair Vote.org's ability to fulfill its core mission to simplify political engagement and increase voter turnout.

- c. *Third*, a ruling in Plaintiff's favor would impede Vote.org's efforts to reach Wisconsin voters and force Vote.org to divert resources to maintain its present level of voter registration activity in Wisconsin.
- d. *Fourth*, WEC, whose interests as the Defendant in this litigation are defined by statute and confined to conducting elections and administering Wisconsin's election laws, does not adequately represent Vote.org's interests, whose direct operations would be impeded by a declaratory judgment finding the National Form unlawful. Vote.org also has a significant and distinct interest in maximizing voter turnout and reaching historically underserved voters of color and underrepresented young voters that the WEC does not necessarily share.

4. Alternatively, Vote.org should be granted permissive intervention under Wis. Stat. § 803.09(2). The motion is timely, and intervention at this early stage will not unduly delay or prejudice the adjudication of the original parties' rights. Moreover, Vote.org will inevitably raise common questions of law and fact, including the core issue of whether the use of the National Form in Wisconsin is lawful. Vote.org is also prepared to proceed in accordance with the schedule this Court sets, and its intervention will only serve to efficiently resolve the factual and legal issues before the Court.

5. Counsel for Vote.org conferred with counsel for Plaintiff on this motion. Plaintiff's counsel indicated that Plaintiff will take a position on this motion after reviewing all filings.

6. Counsel for Vote.org conferred with counsel for WEC, which takes no position on this motion.

WHEREFORE, Proposed Intervenor-Defendant Vote.org respectfully requests that this Court set its motion for hearing and grant it intervention as a Defendant in this action.

Dated: September 28, 2022

Electronically signed by Diane M. Welsh

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*Motion for admission *pro hac vice*
forthcoming