

STATE OF WISCONSIN CIRCUIT COURT WAUKESHA COUNTY
BRANCH 6

NANCY KORMANIK,
Plaintiff,

v.

WISCONSIN ELECTIONS
COMMISSION,
Defendant.

Case No. 2022-CV-1395
Case Code: 30701
Declaratory Judgment

[PROPOSED] ANSWER OF INTERVENOR-DEFENDANT RISE, INC.

Proposed Intervenor-Defendant Rise, Inc. (“Rise” or “Proposed Intervenor”), through its counsel, hereby submits the following answer to Plaintiff Nancy Kormanik’s (“Plaintiff” or “Kormanik”) Complaint:

NATURE OF THIS ACTION

1. Paragraph 1 of the Complaint contains mere characterizations, legal conclusions, and opinions to which no response is required. To the extent a response is required, Rise denies the allegations in Paragraph 1.

PARTIES

2. Rise lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 2 of the Complaint.

3. Admit.

JURISDICTION AND VENUE

4. Paragraph 4 contains legal conclusions to which no response is required.

5. Paragraph 5 contains legal conclusions to which no response is required.

BACKGROUND FACTS

6. Rise admits that voting is a constitutional right, the vigorous exercise of which should be strongly encouraged, and that the quoted language appears in Wis. Stat. § 6.84(1). Rise otherwise denies the allegations in Paragraph 6 of the Complaint.

7. Rise admits that Wisconsin statutes provide for absentee voting. Rise otherwise denies the allegations in Paragraph 7 of the Complaint.

8. Rise admits that the quoted language appears in Wis. Stat. § 6.86(6). Paragraph 8 of the Complaint otherwise contains mere characterizations, legal conclusions, and opinions to which no response is required. To the extent a response is required, Rise denies the same.

9. Rise admits that the quoted language appears in Wis. Sta. § 6.86(5). Paragraph 9 of the Complaint otherwise contains mere characterizations, legal conclusions, and opinions to which no response is required. To the extent a response is required, Rise denies the same.

10. Paragraph 10 of the Complaint contains mere characterizations, legal conclusions, and opinions to which no response is required. To the extent a response is required, Rise denies the same.

11. Rise admits that the Wisconsin Elections Commission (“WEC”) published the memorandum attached as Exhibit A on August 1, 2022. Rise otherwise lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 11, and therefore denies the same.

12. Rise admits that the quoted language appears in Exhibit A to the Complaint. Paragraph 12 otherwise contains mere characterizations, legal conclusions, and opinions to which no response is required. To the extent a response is required, Rise denies the same.

13. Admit.

14. Rise admits that the quoted language appears in Exhibit B to the Complaint. Paragraph 14 otherwise contains mere characterizations, legal conclusions, and opinions to which no response is required. To the extent a response is required, Rise denies the same.

15. Paragraph 15 contains mere characterizations, legal conclusions, and opinions to which no response is required. To the extent a response is required, Rise denies the same.

16. Paragraph 16 contains mere characterizations, legal conclusions, and opinions to which no response is required. To the extent a response is required, Rise denies the same.

17. Rise admits that the quoted language appears in Wis. Stat. § 6.86(5). Paragraph 17 otherwise contains mere characterizations, legal conclusions, and opinions to which no response is required. To the extent a response is required, Rise denies same.

18. Deny.

19. Rise admits that the quoted numbers appear in Exhibit C to the Complaint. Rise otherwise lacks sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 19.

20. Deny.

21. Rise admits that the quoted language appears in Wis. Stat. § 6.84(1). Paragraph 21 otherwise contains mere characterizations, legal conclusions, and opinions to which no response is required. To the extent a response is required, Rise denies same.

22. Rise admits that Exhibit A and Exhibit B to the Complaint are available on WEC's public website. Rise lacks sufficient knowledge or information to form a belief as to the truth of the allegation that Exhibit A "was sent by WEC to 1,850 municipal clerks in the State of

Wisconsin.” Paragraph 22 otherwise contains mere characterizations, legal conclusions, and opinions to which no response is required. To the extent a response is required, Rise denies the same.

23. Paragraph 23 contains mere characterizations, legal conclusions, and opinions to which no response is required. To the extent a response is required, Rise denies the same.

24. Paragraph 24 contains mere characterizations, legal conclusions, and opinions to which no response is required. To the extent a response is required, Rise denies the same.

25. Paragraph 25 contains mere characterizations, legal conclusions, and opinions to which no response is required. To the extent a response is required, Rise denies the same.

26. Deny.

27. Paragraph 27 contains mere characterizations, legal conclusions, and opinions to which no response is required. To the extent a response is required, Rise denies the same.

28. Paragraph 28 contains mere characterizations, legal conclusions, and opinions to which no response is required. To the extent a response is required, Rise denies the same.

CLAIM FOR RELIEF: DECLARATORY RELIEF

29. Rise reincorporates by reference its response to the previously alleged paragraphs as if fully set forth herein.

30. Admit.

31. Paragraph 31 contains mere characterizations, legal conclusions, and opinions to which no response is required. To the extent a response is required, Rise denies the same.

32. Paragraph 32 contains mere characterizations, legal conclusions, and opinions to which no response is required. To the extent a response is required, Rise denies the same.

33. Paragraph 33 contains mere characterizations, legal conclusions, and opinions to which no response is required. To the extent a response is required, Rise denies the same.

34. Rise lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 34, and therefore denies the same.

35. Paragraph 35 contains mere characterizations, legal conclusions, and opinions to which no response is required. To the extent a response is required, Rise denies the same.

36. Paragraph 36 contains mere characterizations, legal conclusions, and opinions to which no response is required. To the extent a response is required, Rise denies the same.

37. Paragraph 37 contains mere characterizations, legal conclusions, and opinions to which no response is required. To the extent a response is required, Rise denies the same.

AFFIRMATIVE DEFENSES

Rise asserts the following affirmative defenses without accepting any burdens regarding them:

1. Plaintiff lacks standing to assert her claim.
2. Plaintiff's complaint fails, in whole or in part, to state a claim upon which relief can be granted.
3. Plaintiff's claim is barred by laches.

Rise reserves the right to assert any further defenses that may become evident during the pendency of this matter.

PROPOSED INTERVENOR'S REQUEST FOR RELIEF

Having answered Plaintiff's complaint, Proposed Intervenor requests that the Court:

1. Deny Plaintiff any relief;

2. Dismiss Plaintiff's complaint with prejudice;
3. Grant such other further relief as the Court deems just and proper.

Dated: September 29, 2022

Respectfully submitted,

Electronically signed by Diane M. Welsh

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*Motion for admission *pro hac vice*
forthcoming