

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

RISE, INC.'S NOTICE OF MOTION AND MOTION TO INTERVENE

NOTICE OF MOTION

TO: Nancy Kormanik
c/o Attorney Kurt A. Goehre
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Wisconsin Elections Commission
c/o Assistant Attorney General Steven C. Kilpatrick
Assistant Attorney General Brian P. Keenan
Wisconsin Department of Justice
17 West Main Street
Madison, WI 53707-7857

PLEASE TAKE NOTICE that Proposed Intervenor-Defendant Rise, Inc. will appear before the Honorable Brad D. Schimel, Circuit Court Judge, Branch 6, in his usual courtroom in the Waukesha County Courthouse, Courtroom C295, Waukesha, WI 53188, at _____, and shall then and there present the following motion to intervene. As required by Wis. Stat. § 803.09(3), Rise, Inc. has filed herewith its Proposed Answer to the Plaintiff's Complaint.

MOTION TO INTERVENE

Proposed Intervenor-Defendant Rise 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, Rise states as follows:

1. Plaintiff filed her complaint on September 23, 2022, alleging that the Wisconsin Elections Commission's ("WEC") guidance on spoiling absentee ballots ("the Spoiling Absentee Guidance") violates Wisconsin law. Plaintiff named WEC as the Defendant.

2. Rise, which engages and mobilizes voters in Wisconsin, has a significant interest in the litigation, which threatens to upend its current operations in Wisconsin and impede its current voter mobilization efforts in Wisconsin and beyond. Rise 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, Rise satisfies the requirements for intervention as of right under Wis. Stat. § 803.09(1):

- a. *First*, the motion is timely filed. Plaintiff filed her complaint just one week ago, and WEC has not yet filed an answer or substantive response.
- b. *Second*, Rise's interests are directly related to the subject of this action. Plaintiff seeks to limit the ways in which voters can cure absentee ballots in Wisconsin, making it more difficult for Rise to advance its mission to empower and mobilize college students as participants in the political process. This is more than sufficient to warrant intervention under Wisconsin law.

- c. *Third*, a ruling in Plaintiff's favor would impede Rise's efforts to reach Wisconsin voters and force Rise to divert resources to restructure its get-out-the-vote efforts in the state.
- d. *Fourth*, the WEC, whose interests as Defendant in this litigation are defined by statute and confined to conducting elections and administering Wisconsin's election laws, does not adequately represent Rise's interests, whose direct operations would be impeded by a declaratory judgment against the Spoiling Absentee Guidance.

4. Alternatively, Rise 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, Rise will inevitably raise common questions of law and fact, including the core issue of whether the Spoiling Absentee Guidance is lawful. Rise 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 Rise emailed counsel for Plaintiff on September 29 to request Plaintiff's position regarding this motion but received no response.

6. Counsel for Rise conferred with counsel for WEC on September 29. WEC takes no position on this motion.

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

Dated: September 29, 2022

Electronically signed by Diane M. Welsh

Diane M. Welsh, SBN 1030940
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Respectfully submitted,

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*Motion for admission *pro hac vice*
forthcoming

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