

2. Answering Paragraph 2 of the Complaint, BLOC denies.

3. Answering Paragraph 3 of the Complaint, BLOC admits that Brown filed a complaint with the Wisconsin Elections Commission (“WEC”). BLOC affirmatively alleges that WEC properly adjudicated that complaint. Part of this paragraph asserts a legal conclusion to which no answer is required. BLOC denies all remaining allegations in that paragraph.

PARTIES

4. Answering Paragraph 2 of the Complaint, BLOC lacks knowledge or information sufficient to form a belief as to the truth of the allegation and therefore denies. Part of this paragraph asserts a legal conclusion to which no answer is required. BLOC denies all remaining allegations in that paragraph.

5. Answering Paragraph 5 of the Complaint, BLOC admits that WEC is a governmental agency charged with the administration of Chapters 5 through 10 and 12 of the Wisconsin statutes. BLOC further admits that WEC has its offices and principal place of business at 201 West Washington Avenue, Second Floor, Madison WI 53703. Part of this paragraph asserts a legal conclusion to which no answer is required. BLOC denies all remaining allegations in that paragraph.

6. Answering Paragraph 6 of the Complaint, BLOC admits that Defendant Tara McMenamain (“Clerk”) is the City Clerk for the City of Racine and served in this role during the timeframe applicable to the Plaintiff’s complaint. Part of this paragraph asserts a legal conclusion to which no answer is required. BLOC denies all remaining allegations in that paragraph.

JURISDICTION AND VENUE

7. Answering Paragraph 7 of the Complaint, this paragraph asserts a legal conclusion to which no answer is required. BLOC denies all remaining allegations in this paragraph.

8. Answering Paragraph 8 of the Complaint, this paragraph asserts a legal conclusion to which no answer is required. BLOC denies all remaining allegations in this paragraph.

FACTUAL BACKGROUND

Governing Law on Alternate Absentee Voting Sites

9. Answering Paragraph 9 of the Complaint, this paragraph asserts a legal conclusion to which no answer is required. BLOC denies all remaining allegations in this paragraph.

10. Answering Paragraph 10 of the Complaint, this paragraph asserts a legal conclusion to which no answer is required. BLOC denies all remaining allegations in this paragraph. BLOC affirmatively alleges that the governing body of the municipality “may elect to designate a site other than the office of the municipal clerk or board of election commissioners” as an alternate absentee ballot site under this section.

11. Answering Paragraph 11 of the Complaint, this paragraph asserts a legal conclusion to which no answer is required. BLOC denies all remaining allegations in this paragraph.

12. Answering Paragraph 12 of the Complaint, BLOC denies.

13. Answering Paragraph 13 of the Complaint, BLOC denies. BLOC affirmatively alleges that the governing body of the municipality “may elect to designate a site other than the office of the municipal clerk or board of election commissioners” under this section.

14. Answering Paragraph 14 of the Complaint, BLOC denies.

15. Answering Paragraph 15 of the Complaint, BLOC admits.

16. Answering Paragraph 16 of the Complaint, BLOC lacks knowledge or information sufficient to form a belief as to the truth of the allegation contained in that paragraph and, therefore, denies. BLOC affirmatively alleges that the content on the Clerks’ website speaks for itself.

17. Answering Paragraph 17 of the Complaint, BLOC lacks knowledge or information sufficient to form a belief as to the truth of the allegation contained in that paragraph and, therefore, denies. BLOC affirmatively alleges that the content on the Clerks’ website speaks for itself.

18. Answering Paragraph 18 of the Complaint, BLOC lacks knowledge or information sufficient to form a belief as to the truth of the allegation contained in that paragraph and, therefore, denies. BLOC affirmatively alleges that the content on the Clerks’ website speaks for itself.

19. Answering Paragraph 19 of the Complaint, BLOC denies.

20. Answering Paragraph 20 of the Complaint, BLOC denies. BLOC affirmatively alleges that the content on the Clerks’ website speaks for itself.

21. Answering Paragraph 21 of the Complaint, BLOC admits in part and denies in part. BLOC denies that “absentee voting was not actually conducted inside any of the buildings identified on the website.” BLOC admits that the City of Racine conducted certain in-person absentee voting activities outside of buildings and in properly designated locations. BLOC lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in this paragraph and, therefore, denies.

22. Answering Paragraph 22 of the Complaint, BLOC admits in part and denies in part. BLOC denies that all in-person absentee voting was accomplished by use of an “election van.” BLOC admits that the City of Racine conducted certain in-person absentee voting activities outside of buildings and in properly designated locations. BLOC lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in this paragraph and, therefore, denies.

23. Answering Paragraph 23 of the Complaint, BLOC denies. BLOC affirmatively alleges that the content on the Clerks’ website speaks for itself.

24. Answering Paragraph 24 of the Complaint, BLOC lacks knowledge or information sufficient to form a belief as to the truth of the allegation and therefore denies.

25. Answering Paragraph 25 of the Complaint, BLOC lacks knowledge or information sufficient to form a belief as to the truth of the allegation and therefore denies.

26. Answering Paragraph 26 of the Complaint, this paragraph asserts a legal conclusion to which no answer is required. BLOC denies all remaining allegations in this paragraph.

The November 8, 2022 General Election

27. Answering Paragraph 27 of the Complaint, BLOC denies.

28. Answering Paragraph 28 of the Complaint, BLOC lacks knowledge or information sufficient to form a belief as to the truth of the allegation and therefore denies.

29. Answering Paragraph 29 of the Complaint, BLOC denies.

30. Answering Paragraph 30 of the Complaint, BLOC lacks knowledge or information sufficient to form a belief as to the truth of the allegation and therefore denies. BLOC affirmatively alleges that the content on the Clerks' website speaks for itself.

31. Answering Paragraph 31 of the Complaint, BLOC lacks knowledge or information sufficient to form a belief as to the truth of the allegation and therefore denies. BLOC affirmatively alleges that the content on the Clerks' website speaks for itself.

32. Answering Paragraph 32 of the Complaint, BLOC lacks knowledge or information sufficient to form a belief as to the truth of the allegation and therefore denies. BLOC affirmatively alleges that the content on the Clerks' website speaks for itself.

33. Answering Paragraph 33 of the Complaint, this paragraph asserts a legal conclusion to which no answer is required. BLOC denies all remaining allegations in this paragraph.

PROCEDURAL BACKGROUND

34. Answering Paragraph 34 of the Complaint, BLOC admits in part and denies in part. BLOC admits that the Plaintiff filed a complaint with WEC. BLOC further admits that the Plaintiff's WEC Complaint requested an order that would have applied to the November 2022 General Election. BLOC denies all remaining allegations in this paragraph.

35. Answering Paragraph 35 of the Complaint, BLOC admits.

36. Answering Paragraph 36 of the Complaint, BLOC lacks knowledge or information sufficient to form a belief as to the truth of the allegation and therefore denies.

37. Answering Paragraph 37 of the Complaint, BLOC lacks knowledge or information sufficient to form a belief as to the truth of the allegation and therefore denies.

38. Answering Paragraph 38 of the Complaint, BLOC admits that WEC issued its decision on November 4, 2022. BLOC lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegation contained in that paragraph and, therefore, denies.

39. Answering Paragraph 39 of the Complaint, BLOC admits WEC concluded there was “no probable cause to believe that a violation of law or abuse of discretion occurred.” BLOC affirmatively alleges that the decision speaks for itself.

40. Answering Paragraph 40 of the Complaint, BLOC denies.

41. Answering Paragraph 41 of the Complaint, BLOC denies.

CAUSES OF ACTION

CLAIM I – Review under Wis. Stat. § 5.06(8)

42. Answering Paragraph 42 of the Complaint, BLOC incorporates by reference its responses to all preceding paragraphs in the Complaint.

43. Answering Paragraph 43 of the Complaint, BLOC denies.

44. Answering Paragraph 44 of the Complaint, this paragraph asserts a legal conclusion to which no answer is required. BLOC affirmatively alleges that the statute speaks for itself. BLOC denies all remaining allegations in this paragraph.

45. Answering Paragraph 45 of the Complaint, BLOC denies.

46. Answering Paragraph 46 of the Complaint, BLOC lacks knowledge or information sufficient to form a belief as to the truth of the allegation and therefore denies. BLOC affirmatively alleges that the content on the Clerks’ website speaks for itself.

47. Answering Paragraph 47 of the Complaint, BLOC lacks knowledge or information sufficient to form a belief as to the truth of the allegation and therefore denies. BLOC affirmatively alleges that the content on the Clerks’ website speaks for itself.

48. Answering Paragraph 48 of the Complaint, BLOC lacks knowledge or information sufficient to form a belief as to the truth of the allegation and therefore denies. BLOC affirmatively alleges that the content on the Clerks' website speaks for itself.

49. Answering Paragraph 49 of the Complaint, this paragraph asserts a legal conclusion to which no answer is required. BLOC denies all remaining allegations in this paragraph.

50. Answering Paragraph 50 of the Complaint, BLOC this paragraph asserts a legal conclusion to which no answer is required. BLOC denies all remaining allegations in this paragraph.

51. Answering Paragraph 51 of the Complaint, this paragraph asserts a legal conclusion to which no answer is required. BLOC affirmatively alleges that the statute speaks for itself. BLOC denies all remaining allegations in this paragraph.

52. Answering Paragraph 52 of the Complaint, BLOC denies.

53. Answering Paragraph 53 of the Complaint, BLOC denies.

54. Answering Paragraph 54 of the Complaint, this paragraph asserts a legal conclusion to which no answer is required. BLOC affirmatively alleges that the statute speaks for itself. BLOC denies all remaining allegations in this paragraph.

55. Answering Paragraph 55 of the Complaint, BLOC denies.

56. Answering Paragraph 56 of the Complaint, BLOC denies.

57. Answering Paragraph 57 of the Complaint, BLOC denies.

58. Answering Paragraph 58 of the Complaint, BLOC denies.

59. Answering Paragraph 59 of the Complaint, this paragraph asserts a legal conclusion to which no answer is required. BLOC affirmatively alleges that the statute speaks for itself. BLOC denies all remaining allegations in this paragraph.

60. Answering Paragraph 60 of the Complaint, this paragraph asserts a legal conclusion to which no answer is required. BLOC affirmatively alleges that the statute speaks for itself. BLOC denies all remaining allegations in this paragraph.

61. Answering Paragraph 61 of the Complaint, this paragraph asserts a legal conclusion to which no answer is required. BLOC denies all remaining allegations in this paragraph.

62. Answering Paragraph 62 of the Complaint, this paragraph asserts a legal conclusion to which no answer is required. BLOC affirmatively alleges that the statute speaks for itself. BLOC denies all remaining allegations in this paragraph.

63. Answering Paragraph 63 of the Complaint, this paragraph asserts a legal conclusion to which no answer is required. BLOC affirmatively alleges that the statute speaks for itself. BLOC denies all remaining allegations in this paragraph.

64. Answering Paragraph 64 of the Complaint, this paragraph asserts a legal conclusion to which no answer is required. BLOC affirmatively alleges that the statute speaks for itself. BLOC denies all remaining allegations in this paragraph.

65. Answering Paragraph 65 of the Complaint, this paragraph asserts a legal conclusion to which no answer is required. BLOC affirmatively alleges that the statute speaks for itself. BLOC denies all remaining allegations in this paragraph.

66. Answering Paragraph 66 of the Complaint, this paragraph asserts a legal conclusion to which no answer is required. BLOC denies all remaining allegations in this paragraph.

67. Answering Paragraph 67 of the Complaint, this paragraph asserts a legal conclusion to which no answer is required. BLOC affirmatively alleges that the statute speaks for itself. BLOC denies all remaining allegations in this paragraph.

68. Answering Paragraph 68 of the Complaint, this paragraph asserts a legal conclusion to which no answer is required. BLOC affirmatively alleges that the statute speaks for itself. BLOC denies all remaining allegations in this paragraph.

69. Answering Paragraph 69 of the Complaint, BLOC lacks knowledge or information sufficient to form a belief as to the truth of the allegation and therefore denies.

70. Answering Paragraph 70 of the Complaint, this paragraph asserts a legal conclusion to which no answer is required. BLOC denies all remaining allegations in this paragraph.

71. Answering Paragraph 71 of the Complaint, this paragraph asserts a legal conclusion to which no answer is required. BLOC denies all remaining allegations in this paragraph.

72. Answering Paragraph 72 of the Complaint, this paragraph asserts a legal conclusion to which no answer is required. BLOC denies all remaining allegations in this paragraph.

73. Answering Paragraph 73 of the Complaint, this paragraph asserts a legal conclusion to which no answer is required. BLOC denies all remaining allegations in this paragraph.

74. Answering Paragraph 74 of the Complaint, this paragraph asserts a legal conclusion to which no answer is required. BLOC denies all remaining allegations in this paragraph.

**CLAIM II – Review under Wis. Stat. §§ 5.06(8) and/or 227.40
Violation of Wis. Stat. §§ 5.05(1e) and 5.06**

75. Answering Paragraph 75 of the Complaint, BLOC incorporates by reference its responses to all preceding paragraphs in the Complaint.

76. Answering Paragraph 76 of the Complaint, BLOC denies.

77. Answering Paragraph 77 of the Complaint, BLOC denies. BLOC affirmatively alleges that the document speaks for itself.

78. Answering Paragraph 78 of the Complaint, BLOC denies.

79. Answering Paragraph 79 of the Complaint, BLOC denies.

80. Answering Paragraph 80 of the Complaint, this paragraph asserts a legal conclusion to which no answer is required. BLOC denies all remaining allegations in this paragraph.

81. Answering Paragraph 81 of the Complaint, BLOC denies.

82. Answering Paragraph 82 of the Complaint, BLOC denies.

83. Answering Paragraph 83 of the Complaint, BLOC admits that Exhibit I contains the quoted language. BLOC affirmatively alleges that the document speaks for itself. BLOC denies all remaining allegations in this paragraph.

84. Answering Paragraph 84 of the Complaint, BLOC admits that Exhibit I contains the quoted language. BLOC affirmatively alleges that the document speaks for itself. BLOC denies all remaining allegations in this paragraph.

85. Answering Paragraph 85 of the Complaint, BLOC admits that Exhibit I contains the quoted language. BLOC affirmatively alleges that the document speaks for itself. BLOC denies all remaining allegations in this paragraph.

86. Answering Paragraph 86 of the Complaint, BLOC denies.

87. Answering Paragraph 87 of the Complaint, BLOC denies.

88. Answering Paragraph 88 of the Complaint, BLOC denies.

89. Answering Paragraph 89 of the Complaint, BLOC denies.

90. Answering Paragraph 90 of the Complaint, this paragraph asserts a legal conclusion to which no answer is required. BLOC affirmatively alleges that the statute speaks for itself. BLOC denies all remaining allegations in this paragraph.

91. Answering Paragraph 91 of the Complaint, this paragraph asserts a legal conclusion to which no answer is required. BLOC affirmatively alleges that the statute speaks for itself. BLOC denies all remaining allegations in this paragraph.

92. Answering Paragraph 92 of the Complaint, this paragraph asserts a legal conclusion to which no answer is required. BLOC affirmatively alleges that the statute speaks for itself. BLOC denies all remaining allegations in this paragraph.

93. Answering Paragraph 93 of the Complaint, this paragraph asserts a legal conclusion to which no answer is required. BLOC affirmatively alleges that the statute speaks for itself. BLOC denies all remaining allegations in this paragraph.

94. Answering Paragraph 94 of the Complaint, this paragraph asserts a legal conclusion to which no answer is required. BLOC denies all remaining allegations in this paragraph.

95. Answering Paragraph 95 of the Complaint, this paragraph asserts a legal conclusion to which no answer is required. BLOC denies all remaining allegations in this paragraph.

96. Answering Paragraph 96 of the Complaint, BLOC lacks knowledge or information sufficient to form a belief as to the truth of the allegation contained in that paragraph and therefore denies.

97. Answering Paragraph 97 of the Complaint, BLOC lacks knowledge or information sufficient to form a belief as to the truth of the allegation contained in that paragraph and, therefore, denies.

98. Answering Paragraph 98 of the Complaint, BLOC denies.

99. Answering Paragraph 99 of the Complaint, BLOC denies.

AFFIRMATIVE DEFENSES

BLOC further responds to the Complaint by alleging the following Affirmative Defenses. BLOC reserves all rights to supplement these defenses and does not accept the burden of proof as to any defense except as required by law.

100. BLOC incorporates by reference its responses to all preceding paragraphs in the Complaint.

101. Plaintiff's claims are barred by the doctrine of laches.

102. Plaintiff's claims do not present a justiciable controversy, and this Court therefore lacks competency to adjudicate Plaintiffs' claims.

103. Plaintiff's Complaint fails to state a claim upon which relief can be granted.

104. Plaintiff lacks standing to bring their claims.

105. Plaintiff's requested relief is not authorized by Wisconsin law.

106. Plaintiffs' claims and requested relief exceed the scope of judicial review of administrative decisions pursuant to Wisconsin law. Wis. Stat. §§ 5.06(9) and 227.57.

WHEREFORE, Proposed Intervenor-Defendant Black Leaders Organizing for Communities requests relief as follows:

- A. Dismiss the Complaint in full and with prejudice;
- B. Enter judgment in favor of BLOC and against Plaintiffs on all claims;
- C. Award BLOC their costs and fees as allowed by law;
- D. Grant such other relief as the Court deems appropriate.

Dated this 1st day of March, 2023.

By: /s/Daniel S. Lenz
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