

FILED
02-09-2024
Clerk of Circuit Court
Racine County
2022CV001324

STATE OF WISCONSIN, CIRCUIT COURT, RACINE COUNTY

Kenneth Brown)
 _____)
)
 (party designation) Plaintiff)
)
 -vs-)
)
Wisconsin Elections Commission, et al.)
 _____)
)
 (party designation) Defendants)

Notice of Appeal

Case No. 22CV1324

Notice is hereby given that (Name of party filing appeal) Defendant City of Racine appeals to the Court of Appeals, District II, from [Choose one] the whole a part of the final judgment or order, entered on (Date) January 10, 2024 in the circuit court for Racine County, the Honorable (Name of Judge) Eugene A. Gasiorkiewicz, presiding, in favor of (Name of party opposing appeal) Kenneth Brown, and against (Name of party filing appeal) Defendant City of Racine, wherein the court (Describe judgment or order) in a decision and order dated January 10, 2024, reversed the decision of the Wisconsin Elections Commission (WEC). This decision reversed the WEC and found that the City of Racine's designation of absentee ballot locations impermissibly advantaged those with Democratic Party leanings in violation of the prohibition on affording an advantage to a political party found in Wis. Stat. § 6.855, and found, without citation, that the City of Racine's use of a mobile election unit was not authorized by Wis. Stat. § 6.855 or any other statute. The court affirmed the decision of the WEC as to the fixed and continuous use requirement, City of Racine's simultaneous use of a City Hall conference room and alternate absentee ballot sites, as well as affirming that the "one-location" rule was no longer in existence, however, due to the ultimate finding of the mobile election unit being not authorized by Wis. Stat. § 6.855, the decision of the WEC was reversed. This Notice of Appeal is for the determination made by the court to reverse the decision of the WEC.

- NOTE:** If this is an appeal under §809.30 or §809.32, also include the following [see §809.10(1)]:
- If a postconviction motion was not filed, state the date of service of the last transcript or service of a copy of the circuit court case record.
 If a postconviction motion was filed, state the date of the order deciding the postconviction motion(s).
 - If the Court of Appeals established any other filing deadline, state it.

If counsel is appointed under ch. 977, a copy of the order appointing counsel should be attached to the notice of appeal.

This [Choose one] is is not an appeal within Wisconsin Statutes §752.31(2).
 This [Choose one] is is not an appeal to be given preference in the circuit court or court of appeals pursuant to statute.

Date: 2/8/2024

Signature of Filing Attorney or Party <u>Electronically signed by Ian R. Pomplin</u>	Telephone Number <u>262-636-9115</u>	State Bar Number (if applicable) <u>1105355</u>
Name Printed or Typed <u>Ian R. Pomplin</u>	Email Address (if any) <u>ian.pomplin@cityofracine.org</u>	

Address

800 Center St., Suite 122, Racine, WI 53403

This completed form must be *filed* with the clerk of the circuit court in which the judgment or order appealed from was entered. In addition, copies of this completed form must be served upon the following:

1. Opposing counsel; and
2. any other party.

The clerk of circuit court shall forward this form to the Court of Appeals.

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