

KENNETH BROWN,
Plaintiff,

v.

WISCONSIN ELECTIONS
COMMISSION,

and

TARA McMENAMIN,
Defendants.

Case No. 2022CV1324
Case Code: 30703
Hon. Mark F. Nielsen

**MEMORANDUM IN SUPPORT OF WISCONSIN ALLIANCE FOR
RETIRED AMERICANS' MOTION TO INTERVENE**

INTRODUCTION

Proposed Intervenor-Defendant the Wisconsin Alliance for Retired Americans (the "Alliance") submits this memorandum in support of its motion to intervene under Wis. Stat. § 803.09(1)–(2). Plaintiff Kenneth Brown's suit seeks to significantly curb the availability of in-person absentee voting in Racine, and if Brown's legal theory is accepted, it will significantly reduce in-person absentee voting locations statewide. Hundreds of thousands of Wisconsinites use in-person absentee voting each election cycle. The Alliance, which has more than 1,700 members in Racine and tens of thousands of members in Wisconsin, has an interest in opposing Brown's attempt to further restrict voting opportunities in Wisconsin, where voting has already been made significantly more difficult in recent years.

Proposed Intervenor the Alliance is a 501(c)(4) organization comprised of public and private sector retirees all across Wisconsin, including in Racine. The Alliance is committed to

ensuring that its members—almost all of whom are seniors, and some of whom are disabled—can effectively vote. Brown’s requested relief, if granted, will restrict voting opportunities for the Alliance’s members and require the Alliance to further assist its members in navigating the voting process.

For these reasons and those set forth below, the Alliance is entitled to intervene in this case as a matter of right under Wis. Stat. § 803.09(1). Such intervention is needed to protect the Alliance’s substantial and distinct legal interests, which will otherwise be inadequately represented in this litigation. Wisconsin courts routinely find such interests sufficient for intervention as of right, including in similar election-administration cases. In the alternative, the Court should allow the Alliance to intervene permissively pursuant to Wis. Stat. § 803.09(2). As required by Wis. Stat. § 803.09(3), a responsive pleading setting forth the defenses for which intervention is sought accompanies Proposed Intervenor’s motion.

BACKGROUND

I. Statutory Framework and Voting in Wisconsin

Wisconsin voters can vote in three main ways: in person on election day, Wis. Stat. § 6.78, absentee by mailing a ballot to the municipal clerk, Wis. Stat. § 6.87, or absentee in-person in the weeks leading up to an election, Wis. Stat. §§ 6.87, 6.855. Municipalities may use the clerk’s office for in-person absentee voting, or they may designate alternate sites. Wis. Stat. § 6.855. If a municipality designates alternate sites, it “may designate more than one alternate site.” Wis. Stat. § 6.855(5). Notably, the provision granting municipalities the authority to designate more than one alternate site was enacted years after the rest of Section 6.855, by 2017 Act 369. *See* 2017 Act 369 § 1JS. Before Act 369’s enactment, Section 6.855 had been understood to limit municipalities to a single alternate site. But in 2016, the U.S. District Court for the Western District of Wisconsin held that the single-site requirement violated the First and Fourteenth Amendments of the U.S.

Constitution and Section 2 of the Voting Rights Act. *One Wisconsin Institute, Inc. v. Thomsen*, 198 F. Supp. 3d 896, 963 (W.D. Wis. 2016). The legislature then enacted Act 369, to expressly allow multiple sites. As a result of that enactment, the Seventh Circuit vacated as moot the portion of the *One Wisconsin* order enjoining that requirement on the understanding that it was “unlikely that Wisconsin would return to a single-site requirement if allowed to do so.” *Luft v. Evers*, 963 F.3d 665, 674 (7th Cir. 2020).

Since the enactment of Act 369, municipalities across Wisconsin—including the City of Racine—have offered in-person absentee voting at locations citywide. Brown alleges that the City of Racine offered in-person absentee voting at 21 locations during the August 2022 primary and the November 2022 general election. Compl. ¶¶ 13, 30. Beyond Racine, in the ongoing 2023 spring primary election, the City of Madison is offering 28 in-person absentee locations across the city and the City of Milwaukee is offering 7 locations. *See* Ex. 1. In both of these cities, as in Racine, in-person absentee voting sites are located in wards other than the ward in which the city clerk’s office is located, and many are open for only part of the in-person absentee voting period—likely to maximize the number of locations at which absentee voting can be offered. *See* Ex. 1.

In-person absentee voting is extremely popular among voters. Beyond its convenience, it may also be necessary to access the franchise for voters who cannot vote in-person on election day, or voters who lack sufficient time to mail their ballot for it to be received and accepted by election day. In the 2022 general election, more than 300,000 Wisconsin voters cast their ballots using in-person absentee voting.¹ In the 2020 general election, more than 650,000 Wisconsin

¹ *See* Absentee Ballot Report - November 8, 2022 General Election, Wis. Elections Comm’n (Nov. 8, 2022), available at: <https://elections.wi.gov/resources/statistics/absentee-ballot-report-november-8-2022-general-election-20>.

voters did so.² In the City of Racine, 32 percent of voters who cast absentee ballots in 2022, and 46 percent of those who did so in 2020, did so in person.³ And in the ongoing 2023 spring primary, more than 20 percent of Racine absentee voters have already taken advantage of in-person ballot return—a percentage that will no doubt rise as election day approaches.⁴

II. Plaintiff's Lawsuit

Brown's suit alleges that the City of Racine violated Section 6.855, which permits a municipality to designate locations other than the clerk's office for in-person absentee voting, by using a mobile voting van to offer in-person absentee voting at locations across the City. Among other things, Brown seeks a declaratory judgment cabining Section 6.855 and a permanent injunction prohibiting the Racine Clerk from providing in-person absentee voting as currently offered. *See* Compl. ¶ 21. And some of Brown's legal theories are extraordinarily broad: if, as Brown contends, Section 6.855 prohibits absentee voting locations that are not literally as close as possible to the clerk's office, then it would imply that each municipality may only offer a single such location, notwithstanding the statute's express allowance for "more than one alternate site," Section 6.855(5). Brown's suit, if successful, would harm voters across Wisconsin whose municipalities currently offer in-person absentee voting at multiple locations, as several of Wisconsin's largest cities do.

Brown's suit is still in its infancy. It was filed in December 2022, and although the WEC and Clerk McMenamin have filed their first responsive pleadings, no hearings have been held and no trial schedule has been set.

² *See* Absentee Ballot Report – November 3, 2020 General Election, Wis. Elections Comm'n (Nov. 6, 2020), available at: <https://elections.wi.gov/resources/statistics/absentee-ballot-report-november-3-2020-general-election-61>.

³ *See* sources cited *supra* in notes 1 and 2.

⁴ *See* Absentee Ballot Report – February 21, 2023 Spring Primary, Wis. Elections Comm'n (Feb. 14, 2023), available at: <https://elections.wi.gov/resources/statistics/absentee-ballot-report-february-21-2023-spring-primary-3>.

III. Proposed Intervenor

The Wisconsin Alliance for Retired Americans is a 501(c)(4) nonprofit social welfare organization. *See* Ex. 2, Affidavit of Alexander Brower (“Brower Aff.”) ¶ 2. The Alliance has tens of thousands of members in Wisconsin, including over 1,700 members in the City of Racine. *Id.* ¶ 3. Most of the Alliance’s members are between 60 and 85 years of age, and many are retirees from public and private sector unions. *Id.* ¶¶ 3-4. The Alliance has a particularly substantial presence in the City of Racine because of the city’s significant number of manufacturing and union jobs. *Id.* ¶ 3.

As a chartered state affiliate of the National Alliance for Retired Americans, the Alliance’s mission is to ensure social and economic justice and the full civil rights that retirees have earned after a lifetime of work. *Id.* ¶ 5. The Alliance accomplishes this mission by actively promoting legislation and public policies that are in the best interest of current and future retired Wisconsinites, and by ensuring that its members are able to meaningfully and actively participate in and vote in Wisconsin’s elections. *Id.* The Alliance objects to efforts to make voting more difficult in Wisconsin, which has already seen severe cutbacks in voting accessibility in recent years, including a ban on absentee drop boxes.

Because many of the Alliance’s members vote absentee in-person, Brown’s suit threatens Alliance members’ ability to vote in Racine and throughout Wisconsin. *Id.* ¶¶ 7, 9. Were Brown’s suit successful, the Alliance would need to divert resources to ensuring its members who use in-person absentee voting can find alternative methods to vote, which may include arranging transportation for members who no longer have an in-person absentee voting site they can reach on their own. *Id.* ¶¶ 10-11.

LEGAL STANDARD

A court must grant a motion to intervene as of right if the motion is timely; the movant claims an interest sufficiently related to the subject of the action; the movant shows that that the disposition of the action may, as a practical matter, impair or impede its ability to protect that interest; and the movant shows that the existing parties do not adequately represent its interest. *Helgeland v. Wisconsin Muns.*, 2008 WI 9, ¶ 38, 307 Wis. 2d 1, 745 N.W.2d 1; Wis. Stat. § 803.09(1); *see also Armada Broad., Inc. v. Stirn*, 183 Wis. 2d 463, 471, 516 N.W.2d 357, 360 (1994). The four criteria are not to be “analyzed in isolation from one another”; rather, a “strong showing” on one “may contribute to the movant’s ability to meet other requirements.” *Helgeland*, 2008 WI 9, ¶ 39. Although precedent is informative, the analysis ultimately is “holistic, flexible, and highly fact-specific.” *Id.* ¶ 40. Courts balance two interests: allowing the original parties “to conduct and conclude their own lawsuit” and encouraging “the speedy and economical resolution of controversies” by permitting interested parties to join the suit. *Id.* And because Section 809.09(1) “is based on Rule 24(a)(2) of the Federal Rules of Civil Procedure” the interpretation and application of the federal rule may “provide guidance” about the Wisconsin rule’s interpretation and application. *Helgeland*, 2008 WI 9, ¶ 37.

The Court has discretion to grant permissive intervention “[u]pon timely motion” if “a movant’s claim or defense and the main action have a question of law or fact in common.” Wis. Stat. § 803.09(2).

ARGUMENT

I. The Alliance is entitled to intervene as a matter of right.

The Alliance satisfies all the requirements to intervene as of right: (A) its motion is timely; (B) it has a significant interest in this litigation; (C) disposition of the case could practically impair that interest; and (D) no existing party adequately represents its interest.

A. The motion is timely.

The Alliance's motion to intervene, which comes just two and a half months after the Complaint was filed and before any dispositive motions have been heard or resolved, is timely. Though "[t]here is no precise formula to determine whether a motion to intervene is timely," courts consider two factors. *State ex rel. Bilder v. Township of Delavan*, 112 Wis. 2d 539, 550, 334 N.W.2d 252, 258 (1983). The "critical factor" is whether the proposed intervenor "acted promptly," *id.*, which turns on "when the proposed intervenor discovered its interest was at risk and how far litigation has proceeded." *Olivarez v. Unitrin Prop. & Cas. Ins. Co.*, 2006 WI App 189, ¶ 15, 296 Wis. 2d 337, 723 N.W.2d 131. The second factor is whether intervention "will prejudice" the original parties to the suit. *Bilder*, 112 Wis. 2d at 550. The Alliance discovered that its interests were at risk in this litigation only recently, and the litigation is still in its early stages. WEC answered the complaint less than a month ago, and the Court will hear the first dispositive motion—Defendant McMenamain's motion to dismiss—in two weeks. The Alliance is thus moving to join the litigation before any material progress has been made toward resolving the claims in the case—a crucial marker dividing timely from untimely motions to intervene. *See id.* (holding that intervention was timely where "the circuit court had not yet considered" the substance of the case). The Alliance attaches its proposed Answer to its motion to intervene, and it will proceed according to any schedule the Court sets, so intervention at this stage will not prejudice any party. The motion to intervene thus satisfies the timeliness requirement.

B. The Alliance has a significant interest in this litigation.

The Alliance has a significant interest in this case both on behalf of its members, who are Racine voters, and in its own right, as an organization that conducts get-out-the-vote (GOTV) efforts in Racine. Courts interpret the interest requirement of § 803.09(1) "with the same

flexibility” that they “bring to the statute as a whole.” *Helgeland*, 2008 WI 9, ¶ 44. “No precise test exists” to determine whether an interest is sufficient to warrant intervention as of right; rather, the related-interest requirement has “generated a spectrum of approaches.” *Id.* ¶ 43. The Wisconsin Supreme Court favors a “broader, pragmatic approach,” which “measures the sufficiency of the interest by focusing on the facts and circumstances of the particular case before it as well as the stated interest in intervention.” *Bilder*, 112 Wis. 2d at 548. Under that approach, “there must be some sense in which the interest is of such direct and immediate character that the intervenor will either gain or lose by the direct operation of the judgment.” *Helgeland*, 2008 WI 9, ¶ 45 (internal quotation marks omitted). The Alliance’s significant stake in this case easily satisfies these standards.

First, the Alliance’s 1,700 members in Racine have a significant, direct stake in this case. The Alliance’s Racine members have voted using Racine’s mobile absentee voting sites in the past and plan to do so again in the future. Judgment for Brown would make it harder for those voters to exercise their most fundamental right. In particular, many of the Alliance’s Racine members choose to avoid election-day voting—which often entails waiting in long lines or packed congregate spaces—because of their age, health, or disabilities. *Brower Aff.* ¶ 7.

The relief Brown seeks would unquestionably make it more difficult for those Alliance members to vote. Brown’s principal objection is that Racine has made alternate ballot-return sites available throughout the City, not just near the clerk’s office, so if that objection succeeds, such sites will necessarily be further away from many of the Alliance’s Racine members. Worse yet, Brown’s theories might prevent Racine from operating more than one or two alternate absentee voting sites in total. That outcome would introduce many of the challenges of election-day voting, such as long lines, to in-person absentee voting. These risks give the Alliance’s members, and by

extension the Alliance itself, a substantial interest in this case. In fact, they would suffice to give the Alliance *standing*, which requires a higher showing than intervention as of right. See *Wisconsin's Env'tl. Decade, Inc. v. Public Serv. Comm'n of Wis.*, 69 Wis. 2d 1, 19–20, 230 N.W.2d 243, 252–53 (1975) (recognizing the doctrine of member-based associational standing in Wisconsin), *overruled in part on other grounds by Friends of Black River Forest v. Kohler Co.*, 2022 WI 52, ¶ 11; see also *Metro. Builders Ass'n of Greater Milwaukee v. Village of Germantown*, 2005 WI App 103, ¶¶ 14–15 (applying the doctrine).

Second, the Alliance also has a significant organizational stake in this case's outcome. Brown's requested relief would force the Alliance to divert mission-critical resources to ensure that its members can access the franchise. The Alliance has designed its GOTV strategy for the ongoing election, as well as future Wisconsin elections, on the assumption that mobile absentee voting sites in Racine—and in-person absentee voting around the State—will continue to operate as they have recently. Granting Brown's relief during the ongoing Supreme Court election would force Alliance organizers to contact voters who have already developed their voting plans. Organizers would need to explain to voters who had planned to take advantage of mobile voting sites that their ballots will instead need to be returned to fixed-location absentee balloting sites. And granting Brown relief for any future election would divert the Alliance's resources away from its other mission-critical programs, because the Alliance would need to reevaluate its GOTV strategy and materials to account for the new, much more limited ballot-return options available to Racine voters. Compounding matters, while Brown's claims are limited to Racine, his legal theory is not. A holding that alternate sites must be in the same ward as the clerk's office, for instance, could cast substantial doubt on the alternate sites established by municipalities around Wisconsin. A court order endorsing Brown's extreme theories, even in part, would thus compel

the Alliance to divert substantial resources to respond. Brower Aff. ¶¶ 10-11. The threatened diversion of the Alliance’s resources gives it a second, independent interest sufficient for intervention as of right.⁵

C. The litigation threatens to impair the Alliance’s interests.

The Alliance also satisfies its minimal burden to show that this case threatens practically to impair its interests. The practical-impairment requirement, like the interest requirement just discussed, “is flexible, and its application depends on a pragmatic analysis of the circumstances of a given case.” *Helgeland*, 2008 WI 9, ¶ 79 n.70 (quoting Moore’s Federal Practice § 24.03[3][a]). The requirement “is satisfied whenever disposition of the present action would put the movant at a practical disadvantage in protecting its interest.” Charles Wright & Arthur Miller, Federal Practice and Procedure § 1908.2 (3d ed., April 2022 update). Such a disadvantage often will be found when an “adverse holding” will apply “to the movant’s particular circumstances,” *Helgeland*, 2008 WI 9, ¶ 80, or when the case will result in “a novel holding of law” that will affect the movant in future litigation, *id.* ¶ 81.

The Alliance and its members would be directly harmed by a judgment for Brown. The Alliance, as already explained, presumes that its members and other GOTV targets in Racine will

⁵ Courts routinely hold that diversion of organizational resources suffices to confer Article III standing—a far more demanding standard than that required for intervention. *See, e.g., Crawford v. Marion Cnty. Election Bd.*, 472 F.3d 949, 951 (7th Cir. 2007) (finding Article III standing where the challenged law injured the intervening organization by compelling it to divert resources), *aff’d*, 553 U.S. 181 (2008) (plurality op.); *Common Cause Ind. v. Lawson*, 937 F.3d 944, 952 (7th Cir. 2019) (affirming finding that organizations had standing where they would “be required to increase the time or funds (or both) spent on certain activities to alleviate potentially harmful effects of” challenged law); *League of United Latin Am. Citizens (LULAC) of Wis. v. Deininger*, No. 12-C-0185, 2013 WL 5230795, at *1 (E.D. Wis. Sept. 17, 2013) (holding that organizations had standing to challenge recently adopted voter identification laws based on get-out-the-vote expenditures); *see also Bilder*, 112 Wis. 2d at 547–48 (looking to federal cases for guidance in interpreting Section 803.09 and holding that the Wisconsin standard for intervention is more liberal than the standard for Article III standing).

have many options to return absentee ballots, including at mobile absentee voting sites. And its members have come to rely on that option. An adverse holding would apply to the Alliance's and its members' particular circumstances because it would directly prevent Alliance members' use of mobile absentee voting sites in Racine and, depending on the scope of the Court's reasoning, could cast doubt on in-person absentee voting sites statewide. Nothing more is required to warrant intervention as of right. This is not a case, like *Helgeland*, where the potential effect on the Alliance depends on "remote and speculative" future events or is limited to *stare decisis*. *Helgeland*, 2008 WI 9, ¶ 53. Rather, a judgment for Brown would itself immediately and directly restrict how Alliance members in Racine may vote. And Brown's novel construction of Section 6.855 would, if adopted by this Court, constitute "a novel holding of law" with potential implications for the use of absentee ballots not only in Racine but across Wisconsin.

D. No existing party adequately represents the Alliance's interest.

The Alliance will not be adequately represented in this litigation absent a grant of intervention. In most cases, "the showing required for proving inadequate representation should be treated as minimal." *Helgeland*, 2008 WI 9, ¶ 85 (cleaned up). Because the course of litigation is difficult to predict, the relevant question is whether representation *may* be inadequate, not whether it *will* be inadequate. See *Wolff v. Town of Jamestown*, 229 Wis. 2d 738, 747, 601 N.W. 2d 301, 306 (Ct. App. 1999). That standard is met if the proposed intervenor "may be in a position" to litigate "more vigorously" than the relevant existing party, or if the intervenor has "more at stake" than the existing party. *Wolff*, 229 Wis. 2d at 749–50. This is so even when the intervenor may offer "similar arguments" to the existing party. *Id.* The Wisconsin Supreme Court has recognized just two narrow exceptions to these otherwise-minimal standards: if "a movant's interest is *identical* to that of one of the parties, or if a party is *charged by law* with representing

the movant’s interest,” then a more “compelling showing” of inadequacy may be required. *Helgeland*, 2008 WI 9, ¶ 86 (emphasis added).

Applying these standards, no existing party adequately represents the Alliance’s interest in this litigation. Defendants WEC and Clerk McMenammin lack the Alliance’s direct stake in where and how Racine voters vote. Neither WEC nor Clerk McMenammin will have their enfranchisement threatened by Brown’s proposed relief. But the Alliance’s members, as active Wisconsin voters who substantially rely on absentee balloting, will suffer such direct harm. While WEC no doubt aims to serve the voters of this state, its legal duty is at bottom to administer the election laws, not to maximize the ease with which Racine’s voters may return their absentee ballots. *See* Wis. Stat. §§ 5.05, 7.08. Similarly, Clerk McMenammin’s duty is to supervise elections in Racine in accordance with law. *See* Wis. Stat. § 7.15. Only the Alliance is able to fully represent its members’ interests in this litigation. And that difference in motivation means that Intervenor has “more at stake” and more incentive to litigate “vigorously” than the existing Defendants, *see Wolff*, 229 Wis. 2d at 748–49. These differences more than suffice to satisfy Intervenor’s minimal burden as to this requirement.⁶

Neither of *Helgeland*’s exception to that minimal burden applies. As to the first exception, neither WEC’s nor Clerk McMenammin’s interests are “identical” to the Alliance’s, because neither aims to protect the Alliance’s members’ enfranchisement. As to the second, neither existing Defendant is charged by law with representing the Alliance, its members, or retired Americans in

⁶ Proposed Intervenor the DNC is not relevant to the adequate-representation analysis because it is not yet an “existing” party. *See* Wis. Stat. § 803.09(1). In any case, the DNC is a partisan committee, and its claimed right to intervene springs directly from that partisan status. *See Brief in Support of Proposed Intervenor-Defendant Democratic National Committee’s Motion to Intervene* at 10–12. The DNC thus would not adequately represent the Alliance, a nonpartisan nonprofit and its members, even if its motion to intervene had already been granted.

general in this litigation. *See* Wis. Stat. §§ 5.05, 7.08, 7.15. So, although WEC, Clerk McMEnamin, and the Alliance likely share some litigation objectives, that alone does not render the Alliance's representation by existing parties adequate.

II. Alternatively, the Alliance should be granted permissive intervention.

As an alternative to intervention as of right, the Alliance qualifies for permissive intervention under Wis. Stat. § 803.09(2). This Court has broad discretion to permit a party to intervene where the “movant’s claim or defense and the main action have a question of law or fact in common,” intervention will not “unduly delay or prejudice the adjudication of the rights of the original parties,” and the motion is timely. Wis. Stat. § 803.09(2); *see also Helgeland*, 2008 WI 9, ¶ 120.

The Alliance easily satisfies these criteria. The motion to intervene is timely and, given that this litigation is in its early stages, intervention will cause no undue delay or prejudice to any party. The Alliance will raise common questions of law and fact, including the core issue of whether, when, and under what conditions the City of Racine may provide for mobile absentee voting sites. Where that threshold requirement is satisfied, courts routinely exercise their discretion to grant interested organizations permissive intervention in election-law cases. *See, e.g., Public Int. Legal Found., Inc. v. Winfrey*, 463 F. Supp. 3d 795, 800–02 (E.D. Mich. 2020) (granting permissive intervention to the League of Women Voters); *Martin v. Crittenden*, 347 F. Supp. 3d 1302, 1307 (granting permissive intervention to a campaign); *Campaign Legal Ctr. v. Fed. Election Comm’n*, 334 F.R.D. 1 (D.D.C. 2019) (granting permissive intervention to two political action committees). As the only party, present or proposed, that speaks for actual Racine voters, the Alliance’s full participation in this lawsuit warrants a favorable exercise of the Court’s

discretion. And the Alliance is prepared to proceed in accordance with any schedule this Court sets, ensuring that its intervention assists in this Court's efficient resolution of this case.

CONCLUSION

For the reasons stated above, the Court should grant the Alliance's motion to intervene as a matter of right. In the alternative, the Court should exercise its discretion to grant permissive intervention.

DATED this 15th day of February, 2023.

Electronically signed by Diane M. Welsh

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*Motion for admission *pro hac vice*
forthcoming

EXHIBIT 1


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MADISON LOCATIONS

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In-Person Absentee Voting Hours and Locations

For the February 21, 2023, Spring Primary, we will offer In-Person Absentee Voting **February 7 - 19**. There will be no voter registration on February 18 or 19, per state law. The first day to vote absentee in person will be Tuesday, February 7.

Looking for a sample ballot? The offices and candidates on the ballot for your address are listed at [My Vote WI](https://MyVote.wi.gov)  (<https://MyVote.wi.gov>).

You will need to present [ID \(/clerk/elections-voting/voting/voter-id\)](/clerk/elections-voting/voting/voter-id) to receive an absentee ballot. If you are not already registered to vote at your current address, you may register to vote, with [proof of residence \(/clerk/elections-voting/voter-registration/proof-of-residence\)](/clerk/elections-voting/voter-registration/proof-of-residence), at any absentee voting location through Friday, February 17.

In-person absentee voting times and locations:

Central Library, 201 W Mifflin St

9:30 a.m. – 5:00 p.m. weekdays, February 7 - 17

10 a.m. – 4 p.m. Saturdays, February 11 & 18

2 – 4 p.m. Sundays, February 12 & 19

Warner Park Community Recreation Center, 1625 Northport Dr

***closed Thursday, Feb. 9 due to inclement weather**

9 a.m. – 7:00 p.m. weekdays, February 7 - 17

9 a.m. – 5 p.m. Saturdays, February 11 & 18

Noon – 5 p.m. Sundays, February 12 & 19

Olbrich Gardens, 3330 Atwood Ave

10 a.m. – 4 p.m. weekdays, February 7 - 17

East Madison Community Center, 8 Straubel Court

11 a.m. – 4 p.m. weekdays, February 13-17

Edgewood College – Wingra Commons, 1000 Edgewood College Dr

11 a.m. – 3 p.m. weekdays, February 13-17

UW– Madison Memorial Union, 800 Langdon St

11 a.m. – 5 p.m. weekdays, February 13-17

UW– Madison Union South, 1308 W Dayton St

11 a.m. – 5 p.m. weekdays, February 13-17

Madison College Truax Campus, 1701 Wright St

11 a.m. – 3:30 p.m. weekdays, February 13-17

Madison College Goodman South Madison Campus, 2429 Perry St

11 a.m. – 3:30 p.m. weekdays, February 13-17

Alicia Ashman Library, 733 N High Point Rd

11 a.m. – 5 p.m. weekdays, February 7 - 17

10 a.m. – 4 p.m. Saturdays, February 11 & 18

Goodman South Madison Library, 2222 S Park St

11 a.m. – 7 p.m. weekdays, February 7 - 17

10 a.m. – 4 p.m. Saturdays, February 11 & 18

2 – 4 p.m. Sundays, February 12 & 19

Hawthorne Library, 2707 E Washington Ave

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11 a.m. – 7 p.m. weekdays, February 7 - 17
10 a.m. – 4 p.m. Saturdays, February 11 & 18

Lakeview Library, 2845 N Sherman Ave
10 a.m. – 4 p.m. Saturdays, February 11 & 18
2 – 4 p.m. Sundays, February 12 & 19

Meadowridge Library, 5726 Raymond Rd
11 a.m. – 7 p.m. weekdays, February 7 - 17
10 a.m. – 4 p.m. Saturdays, February 11 & 18

Pinney Library, 516 Cottage Grove Rd
11 a.m. – 7 p.m. weekdays, February 7 - 17
10 a.m. – 4 p.m. Saturdays, February 11 & 18

Sequoia Library, 4340 Tokay Blvd
11 a.m. – 7 p.m. weekdays, February 7 - 17
10 a.m. – 4 p.m. Saturdays, February 11 & 18

Hmong Institute, 4402 Femrite Dr
***closed Thursday, Feb. 9 due to inclement weather**
11 a.m. – 3:30 p.m. Tuesdays, February 7 & 14
11 a.m. – 3:30 p.m. Thursdays, February 9 & 16
10 a.m. – 3:30 p.m. Fridays, February 10 & 17

Global Market & Food Hall, 2161 Zeier Rd
11 a.m. – 7 p.m. weekdays, February 7 – 17
10 a.m. – 4 p.m. Saturdays, February 11 & 18
10 a.m. – 1 p.m. Sundays, February 12 & 19

Lussier Community Education Center, 55 S Gammon Rd
6– 8 p.m. Wednesdays, February 8 & 15
10 a.m. – noon Saturdays, February 11 & 18

Urban League Southwest Employment Center, 1233 McKenna Blvd
11 a.m. – 5 p.m. Wednesdays, February 8 & 15
11 a.m. – 5 p.m. Fridays, February 10 & 17
11 a.m. – 5 p.m. Monday, February 13

Boys & Girls Club – Allied, 4619 Jenewein Rd
***closed Thursday, Feb. 9 due to inclement weather**
10:30 a.m. – 5:30 p.m. weekdays, February 7 – 17

Catholic Multicultural Center, 1862 Beld St
***closed Thursday, Feb. 9 due to inclement weather**
1– 5 p.m. Tuesdays, February 7 & 14
1– 5 p.m. Thursdays, February 9 & 16

Eagle Heights Community Center, 611 Eagle Heights Dr
10 a.m. – 5 p.m. Thursdays, Feb 9 & 16

Bridge – Lake Point – Waunona Neighborhood Center, 1917 Lake Point Dr
9 a.m. – 5 p.m. Thursdays, February 9 & 16
9 a.m. – 3 p.m. Fridays, February 10 & 17

Rebalanced – Life Wellness Association Men's Health & Education Center, 588 Grand Canyon Dr
9:30 a.m. – 4:30 p.m. Tuesdays, February 7 & 14
9:30 a.m. – 4:30 p.m. Wednesdays, February 8 & 15

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9:30 a.m. – 4:30 p.m. Fridays, February 10 & 17
9:30 a.m. – 4:30 p.m. Saturdays, February 11 & 18

Wisconsin Youth Company, 1201 McKenna Blvd
***closed Thursday, Feb. 9 due to inclement weather**
11 a.m. – 2 p.m. Tuesdays, February 7 & 14
10 a.m.– 5 p.m. Thursdays, February 9 & 16

Christ the Solid Rock Baptist Church/Lake Edge United Church of Christ, 4200 Buckeye Rd
9 a.m. – 2 p.m. Sundays, February 12 & 19

Fountain of Life Church, 633 W Badger Rd
9 a.m. – 2 p.m. Sundays, February 12 & 19

In-Person Absentee Procedure

1. The absentee clerk provides an absentee envelope on which the voter writes their name, address, and date of birth.
2. The absentee clerk checks the voter's ID. Rather than handling the ID, they ask the voter to hold up the ID for them to see.
3. The absentee clerk uses the state's voter registration system to verify that the voter is registered, and to process the absentee request. The absentee clerk generates a label that they affix to the absentee envelope. They ask the voter to verify that their name and address are listed correctly on the label.
4. The absentee clerk stamps Absentee on a ballot card, and writes the ward number and City Clerk's initials on the card. They activate the ballot card for the voter's ward using the ExpressVote accessible voting device. This device offers a touchscreen with large print and high contrast, a Braille keypad, compatibility with Sip & Puff devices, and Spanish translation. Using this device for in-person absentee voting also eliminates the need to keep each site stocked with dozens of ballot styles.
5. The absentee clerk steps back to give the voter privacy, and the voter follows the ExpressVote prompts to select the candidates of their choice.
6. The voter reviews and approves their selections before the ExpressVote prints the voter's selections on the ballot card. Once the ballot card is printed, the voter may feed the card back into the ExpressVote to review their selections again. They may also read the selections printed on the ballot card.
7. The voter folds their ballot card in half and seals it in their absentee envelope.
8. The voter signs their envelope in the presence of the absentee clerk. The absentee clerk signs as the voter's witness.
9. At the end of the voting shift for the day, the absentee ballot is delivered to the City Clerk's Office in a courier bag with a tamper-evident seal. The absentee clerk and the courier both verify the number of absentees and the tamper-evident seal number. They document the unique serial number on the tamper-evident seal, and the number of absentees in the courier bag.
10. City Clerk's Office personnel verify the serial number on the tamper-evident seal, and the number of absentee envelopes sealed inside the courier bag.
11. Absentee ballots remain sealed in their certificate envelope and secured by the Clerk's Office until delivered to the voter's polling place to be processed on Election Day.
12. On Election Day, poll workers at the voter's polling location verify that the certificate on the absentee envelope is complete, check the voter into the poll book, assign a voter number, and insert the ballot into the tabulator to be counted. Poll workers process absentee ballots in groups of at least three, to protect the secrecy of each ballot.

Clerk's Office

City Clerk's Office
215 Martin Luther King Jr Blvd
Room 153, Madison Municipal Building
Madison, WI 53703

Mailing Address
210 Martin Luther King Jr Blvd
Room 103, City-County Building
Madison, WI 53703

Office Hours:
Monday – Friday, 8:00 am – 4:30 pm
Licensing available until 4:00 pm.

Phone: (608) 266-4601

Fax: (608) 266-4666

clerk@cityofmadison.com (<mailto:clerk@cityofmadison.com>)

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MILWAUKEE LOCATIONS

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Early Voting Schedule for the 2023 Spring Primary

Tuesday, February 7 - Saturday, February 18

(Voter Registration, including address changes, ends on Friday, February 17 at all locations)

Weekdays: 9:00am - 6:00pm

Saturdays : 10:00am - 3:00pm

Midtown Shopping Center, 5740 W Capitol Dr

Zeidler Municipal Building, 841 N Broadway

Zablocki Library, 3501 W Oklahoma Ave

Additional Locations

Tuesday, February 7 - Saturday, February 18

Weekdays: 12:00pm - 5:00pm

Saturdays: 10:00am - 3:00pm

Good Hope Library, 7715 W Good Hope Rd

Mitchell Street Library, 906 W Historic Mitchell St

Villard Square Library, 5190 N 35th St

Washington Park Library, 2121 N Sherman Blvd.

Scroll table to view all

2023 Spring Primary IPAV Statistics

	Zeidler	Midtown	Zablocki	Good Hope	Wash Park
Tue, Feb 7	115	124	76	33	16

Wed, Feb 8	113	123	92	24	11
Thu, Feb 9	57	70	40	15	closed
Fri, Feb 10	101	100	86	26	14
Sat, Feb 11	65	86	52	17	17
Mon, Feb 13	153	116	80	35	18
Tue, Feb 14					
Wed, Feb 15					
Thu, Feb 16					
Fri, Feb 17					
Sat, Feb 18					
Site Totals:	604	619	426	150	76



RACINE LOCATIONS

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Voting an absentee ballot in person

You may also request and vote an absentee ballot at any of the following dates, times, and locations listed below:

City Hall

730 Washington Ave, Room 207 A&B

All regular business days 8AM- 4:30PM

February 7, 2023 – February 17, 2023, 8AM – 4:30PM

Saturday, February 11 & Saturday February 18, 2023
, 9AM-12PM

No Sundays

[Map & Directions](#)

Martin Luther King Community Center

1134 Dr. Martin Luther King Dr, Racine, WI 53404

Tuesday, February 7, 2023 9AM-12PM

[Map & Directions](#)

SC Johnson School

2420 Kentucky St, Racine, WI 53405

[English](#) [Español](#)

Tuesday, February 7 2023 3PM-6PM

Caesar Chavez Community Center

2221 Douglas Ave, Racine, WI 53402

Wednesday, February 8, 2023 9AM-12PM

[Map & Directions](#)

Starbuck Middle School

1516 Ohio St, Racine, WI 53405

Wednesday, February 8, 2023 4PM-7PM

[Map & Directions](#)

PD- COP House

2437 Anthony Ln, Racine, WI 53404

Thursday, February 9, 2023 9AM-12PM

[Map & Directions](#)

Tyler Domer Community Center

English Español

2301 12th St, Racine, WI 53403

Thursday, February 9, 2023 3PM-6PM

[Map & Directions](#)

Racine Art Museum

441 Main St, Racine, WI 53403

Friday, February 10, 2023 9AM-12PM

[Map & Directions](#)

Knapp Elementary School

2701 17th St, Racine, WI 53405

Friday, February 10, 2023 3PM-6PM

[Map & Directions](#)

Wilson's Coffee & Tea

3306 Washington Ave, Racine, WI 53405

Saturday, February 11, 2023 9AM-12PM

[Map & Directions](#)

Lockwood Park

4300 Graceland Blvd, Racine, WI 53405

Tuesday, February 14, 2023 9AM-12PM

[Map & Directions](#)

Wustum Museum

2519 Northwestern Ave, Racine, WI 53404

Tuesday, February 14, 2023 3PM-6PM

[Map & Directions](#)

St. Paul the Apostle Parish

1120 Grand Ave, Racine, WI 53403

Wednesday, February 15, 2023 9AM-12PM

[Map & Directions](#)

Regency Mall

5538 Durand Ave, Racine, WI 53406

Wednesday, February 15, 2023 3PM-6PM

[Map & Directions](#)

Previous Lakeview Community Center

201 Goold St, Racine, WI 53402

Thursday, February 16, 2023 9AM-12PM

[Map & Directions](#)

Humble Park Community Center

2200 Blaine Ave, Racine, WI 53405

Thursday, February 16, 2023 3PM-6PM

[Map & Directions](#)

John Bryant Community Center

601 Caron Butler Drive, Racine, WI 53403

Thursday, February 16, 2023 3PM-6PM

[Map & Directions](#)

Belle City Square

2100 Northwestern Ave, Racine, WI 53404

Friday, February 17, 2023 3PM-6PM

[Map & Directions](#)

Racine North Beach

1501 Michigan Blvd, Racine, WI 53402

Saturday, February 18, 2023 9AM-12PM

[Map & Directions](#)

**The last day to vote an absentee ballot is:
Saturday, February 18, 2023**

The municipal clerk will deliver voted ballots returned on or before Election Day to the counting location before the polls

close on Tuesday, February 21, 2023, at 8:00 PM. Any ballots received after the polls close will not be counted.

Special Voting Deputy Schedule

The City of Racine will be conducting absentee voting for the residents who have requested an absentee ballot at the following locations:

Absentee Voting FAQs

Frequently Asked Questions

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EXHIBIT 2

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STATE OF WISCONSIN CIRCUIT COURT RACINE COUNTY
BRANCH 4

KENNETH BROWN,
Plaintiff,

v.

WISCONSIN ELECTIONS
COMMISSION,

and

TARA McMENAMIN,
Defendants.

Case No. 2022CV1324
Case Code: 30703
Hon. Mark F. Nielsen

**AFFIDAVIT OF ALEXANDER BROWER IN SUPPORT OF WISCONSIN
ALLIANCE FOR RETIRED AMERICANS' MOTION TO INTERVENE**

State of Wisconsin)

:ss

County of Milwaukee)

I, Alexander Brower, being first duly sworn on oath, deposes and states as follows:

1. I am the Executive Director of the Wisconsin Alliance for Retired Americans (the "Alliance"), the proposed Intervenor-Defendant in the captioned action. I make this Affidavit on personal knowledge of the facts and circumstances set forth herein.

2. The Alliance is incorporated in Wisconsin as a 501(c)(4) non-profit, social welfare organization. It is a chartered state affiliate of the National Alliance for Retired Americans.

3. The Alliance has tens of thousands members statewide in Wisconsin and over 1,700 members in the City of Racine. Most of our members are retirees of private and public sector unions. Others are retirees of community organizations or individual activists. The Alliance has a

particularly substantial presence in the City of Racine because of the city's significant number of manufacturing and union jobs.

4. Most of the Alliance's members are between 60 and 85 years of age. The Alliance also has members with disabilities.

5. The Alliance's mission is to ensure social and economic justice and full civil rights that retirees have earned after a lifetime of work. The Alliance accomplishes this mission by actively pursuing and promoting legislation and public policies that are in the best interest of current and future retired Wisconsinites. The Alliance also accomplishes its mission by ensuring that its members actively participate in and vote in Wisconsin's elections. Because a significant percentage of Wisconsin's elections are decided by close margins, it is essential that the Alliance's members are able to effectively exercise their right to vote.

6. To ensure that our members can make their voices heard in Wisconsin elections, the Alliance engages in get-out-the-vote (GOTV) efforts. These GOTV efforts traditionally consist of making phone calls to members and text-banking to encourage members to vote. When we contact our members in advance of an election, we encourage them to vote, and try to assist our members in navigating the voting process.

7. As it stands, many of our members, including those in Racine, vote in-person absentee. Sometimes, this is a method of convenience for our members, and other times, it is out of necessity. In particular, many of the Alliance's members choose to avoid election-day voting—which often entails waiting in long lines or packed congregate spaces—because of their age, health, or disabilities.

8. My understanding is that the Plaintiff in this case, Kenneth Brown, seeks to restrict the locations where the City of Racine may conduct in-person absentee voting and to prohibit the

City of Racine from using mobile voting locations for in-person absentee voting, and that his legal theory, if accepted, would limit the availability of in-person absentee voting across Wisconsin.

9. Because many of the Alliance’s members vote absentee in-person, Brown’s suit threatens the Alliance members’ ability to vote in the City of Racine and throughout Wisconsin.

10. Were Brown’s suit successful, the Alliance would need to divert resources to ensuring its members who use in-person absentee voting can find alternative methods to voting, which may include arranging transportation for members who no longer have an in-person absentee voting location they can reach on their own.

11. The Alliance does not have limitless resources. Our efforts to ensure our members can effectively vote notwithstanding a reduction in the availability of in-person absentee voting will reduce the time and resources we have to educate the Alliance’s members and Wisconsin legislators on public policy issues that affect the well being of senior citizens and their families. Our efforts to ensure our members can vote will also reduce the time and resources available to track and monitor legislation that threatens Wisconsin’s seniors—work that we view as critical to our organization.

Dated this 15th day of February, 2023.

Alexander John Brower

Alexander Brower

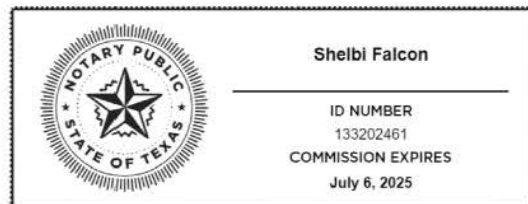
SUBSCRIBED and SWORN to before me this 15th day of February, 2023.

Shelbi Falcon

Notary Public, State of Texas

Notary Public
State of Texas County of: Waller

My commission expires: 07/06/2025



Notarized online using audio-video communication