

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN**

SUSAN LIEBERT; ANNA HAAS; ANNA
POI; and ANASTASIA FERIN KNIGHT,

Plaintiffs,

v.

WISCONSIN ELECTIONS COMMISSION,
et al.,

Defendants,

WISCONSIN STATE LEGISLATURE,

Intervenor-Defendant.

Civil Action No. 3:23-cv-00672-JDP

PLAINTIFFS' ADDITIONAL PROPOSED FINDINGS OF FACT

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PLAINTIFFS' ADDITIONAL PROPOSED FINDINGS OF FACT

1. Michelle Luedtke, in her official capacity as city clerk for the City of Brookfield; Lorena Rae Stottler, in her official capacity as city clerk for the City of Janesville; and Maribeth Witzel-Behl, in her official capacity as city clerk for the City of Madison (collectively, the “Clerk Defendants”) provide the uniform instructions prescribed by the Commission to absentee voters. Second Decl. of Uzoma N. Nkwonta (“Nkwonta Decl.”), Ex. B (Discovery Responses of the Clerk for the City of Brookfield, RFA No. 1); Nkwonta Decl., Ex. C (Discovery Responses of the Clerk of the City of Janesville, RFA No. 1); Nkwonta Decl., Ex. D (Discovery Responses of the Clerk for the City of Madison, RFA No. 1).

2. The Clerk Defendants include with absentee ballots the absentee ballot certificate prescribed by the Commission. Nkwonta Decl., Ex. B (Brookfield RFA No. 2); Nkwonta Decl., Ex. C (Janesville RFA No. 2); Nkwonta Decl., Ex. D (Madison RFA No. 2); Nkwonta Decl., Ex. A (Commission RFA No. 8).

3. The Clerk Defendants deem absentee ballot certificates that lack a witness name, address, or signature to be “improperly completed” for purposes of Wis. Stat. § 6.87(9). Nkwonta Decl., Ex. B (Brookfield RFA No. 9); Nkwonta Decl., Ex. C (Janesville RFA No. 9); Nkwonta Decl., Ex. D (Madison RFA No. 9).

4. The Clerk Defendants deem absentee ballots that lack a completed certificate to have “no certificate” for purposes of Wis. Stat. § 6.87(9). Nkwonta Decl., Ex. B (Brookfield RFA No. 10); Nkwonta Decl., Ex. C (Janesville RFA No. 10); Nkwonta Decl., Ex. D (Madison RFA No. 10).

5. If the Clerk Defendants determine that an absentee ballot does not comply with the witness requirement, they either (1) return the ballot to the voter for correction, time permitting, or (2) set aside the ballot for rejection. Nkwonta Decl., Ex. B (Brookfield RFA No. 15); Nkwonta

Decl., Ex. C (Janesville RFA No. 15); Nkwonta Decl., Ex. D (Madison RFA No. 15); *see also* Nkwonta Decl., Ex. A (Commission RFA No. 8); ECF No. 61-1 at 88–91.

6. Plaintiff Haas is engaged to be married to a noncitizen and must vote by absentee ballot whenever her travel overseas to visit his family overlaps with an election. ECF No. 70 (Haas Decl.) ¶ 7.

7. Though he is often the most convenient witness available to her, Plaintiff Haas’s fiancé is not eligible to serve as her absentee ballot witness because he is not a citizen. *Id.* ¶ 10.

8. When Plaintiff Haas travels outside the United States to visit her family, she does not have reliable access to an adult U.S. citizen to serve as her absentee ballot witness. *Id.* ¶¶ 9, 11.

Respectfully submitted this 8th day of March, 2024.

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served this 8th day of March, 2024, with a copy of this document via the Court's CM/ECF system.

/s/ Uzoma N. Nkwonta
Uzoma N. Nkwonta

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