

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WISCONSIN

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

*Plaintiffs,*

v.

WISCONSIN ELECTIONS COMMISSION;  
DON M. MILLIS, ROBERT F. SPINDELL,  
MARGE BOSTELMANN, ANN S. JACOBS,  
MARK L. THOMSEN, *and* JOSEPH J.  
CZARNEZKI, *in their official capacities as*  
*commissioners of the Wisconsin*  
*Elections Commission; Meagan Wolfe,*  
*in her official capacity as administrator*  
*of the Wisconsin Elections Commission;*  
MICHELLE LUEDTKE, *in her official*  
*capacity as city clerk for the City of*  
*Brookfield; MARIBETH WITZEL-BEHL, in*  
*her official capacity as city clerk for the*  
*City of Madison; and LORENA RAE*  
*STOTTLER, in her official capacity as city*  
*clerk for the City of Janesville,*

Case No. 3:23-cv-00672-jdp

*Defendants.*

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THE WISCONSIN STATE LEGISLATURE'S  
RESPONSE TO THE COMMISSION DEFENDANTS' PROPOSED  
FINDINGS OF FACT

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1. The Wisconsin Elections Commission (the “Commission”) prepares and publishes the Wisconsin Election Administration Manual, which serves as a reference for municipal clerks in performing their election duties. Portions of the February 2024 Wisconsin Election Administration Manual relating to the general procedures for absentee voting is attached to the Kehoe Declaration as Exhibit 501. (Kehoe Decl. ¶ 3, Ex. 501.)

**Response:** Not disputed.

2. The Commission provides uniform instructions for municipalities to provide to absentee electors. The uniform instructions for by-mail absentee voters (Form EL-128) is attached to the Kehoe Declaration as Exhibit 502. (Kehoe Decl. ¶ 4, Ex. 502.)

**Response:** Not disputed.

3. The Commission provides standard absentee ballot certificates for municipalities to provide with absentee ballots (Form EL-122). The standard absentee ballot certificate is attached to the Kehoe Declaration as Exhibit 503. (Kehoe Decl. ¶ 5, Ex. 503.)

**Response:** Not disputed.

4. The Amended Summon and Second Amended Complaint for Declaratory and Injunctive Relief with exhibits 1 and 2 filed on December 23, 2022, in *League of*

*Women Voters of Wisconsin v. Wisconsin Elections Commission*, No.22-CV-2472 (Wis. Cir. Ct. Dane Cnty.) (“*League*”), is attached to the Kilpatrick Declaration as Exhibit 504. (Kilpatrick Decl. ¶ 5, Ex. 504.)

**Response:** Not disputed.

5. The Combined Brief of Defendants in Opposition to Plaintiff’s Motion for Summary Judgment and in Support of Defendants’ Cross-Motion for Summary Judgment filed on September 21, 2023, in *League* is attached to the Kilpatrick Declaration as Exhibit 505. (Kilpatrick Decl. ¶ 6, Ex. 505.)

**Response:** Not disputed.

6. The Decision and Order on Summary Judgment issued on January 2, 2024, in *League* is attached to the Kilpatrick Declaration as Exhibit 506. (Kilpatrick Decl. ¶ 7, Ex. 506.)

**Response:** Not disputed.

7. The Declaratory Judgment and Permanent Injunction issued on January 30, 2024, in *League* is attached to the Kilpatrick Declaration as Exhibit 507. (Kilpatrick Decl. ¶ 8, Ex. 507.)

**Response:** Not disputed.

8. The Summons and Complaint filed on July 20, 2023, in *Priorities USA v. Wisconsin Elections Commission*, No. 23-CV-1900 (Wis. Cir. Ct. Dane Cnty.) (“*Priorities*”), is attached to the Kilpatrick Declaration as Exhibit 508. (Kilpatrick Decl. ¶ 9, Ex. 508.)

**Response:** Not disputed.

9. The Decision and Order on Motions to Dismiss issued on January 24, 2024, in *Priorities* is attached to the Kilpatrick Declaration as Exhibit 509. (Kilpatrick Decl. ¶ 10, Ex. 509.)

**Response:** Not disputed.

10. The Order issued on January 29, 2024, in *Priorities* is attached to the Kilpatrick Declaration as Exhibit 510. (Kilpatrick Decl. ¶ 11, Ex. 510.)

**Response:** Not disputed.

11. Attached as Exhibit 511 is a true and correct copy of the Petition to Bypass filed on February 9, 2024, in *Priorities USA v. Wisconsin Elections Commission*, No. 2024AP164 (Wis. Ct. App.), is attached to the Kilpatrick Declaration as Exhibit 511. (Kilpatrick Decl. ¶ 12, Ex. 511.)

**Response:** Not disputed.

12. Attached as Exhibit 512 is a true and correct copy of the Consent Judgment and Decree issued on June 20, 2018, in *United States v. State of Wisconsin*, No. 18-CV-471 (W.D. Wis.), is attached to the Kilpatrick Declaration as Exhibit 512. (Kilpatrick Decl. ¶ 13, Ex. 512.)

**Response:** Not disputed.

Dated: March 8, 2024.

Respectfully submitted,

/s/Misha Tseytlin

MISHA TSEYTLIN

*Counsel of Record*

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**CERTIFICATE OF SERVICE**

I hereby certify that on March 8, 2024, a true and accurate copy of the foregoing was served via the Court's CM/ECF system upon all counsel of record.

/s/Misha Tseytlin

MISHA TSEYTLIN

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