

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN

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.

**THE WISCONSIN STATE LEGISLATURE'S RESPONSE TO 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).

Response: Not disputed.

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).

Response: Not disputed.

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).

Response: Not disputed for purposes of this litigation.

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).

Response: Not disputed for purposes of this litigation.

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.

Response: Not disputed for purposes of this litigation.

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.

Response: Not disputed for purposes of this litigation.

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.

Response: Not disputed for purposes of this litigation.

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.

Response: Not disputed for purposes of this litigation.

Dated: March 22, 2024.

Respectfully submitted,

/s/Misha Tseytlin

MISHA TSEYTLIN

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CERTIFICATE OF SERVICE

I hereby certify that on March 22, 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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