

STATE OF WISCONSIN
EX REL. ARDIS CERNY,

Petitioner,

v.

WISCONSIN ELECTIONS COMMISSION,

ANN S. JACOBS, DON M. MILLIS,
CARRIE RIEPL, ROBERT F. SPINDELL,
JR., MARK L. THOMSEN, in their official
capacities as Commissioners,

MEAGAN WOLFE, in her official capacity
as Administrator of the Wisconsin Elections
Commission,

WISCONSIN DEPARTMENT OF
TRANSPORTATION,

and

CRAIG THOMPSON, in his official
capacity as Secretary of the Wisconsin
Department of Transportation,

Respondents.

Case No. 2024CV1353

Case Code: 30952

Hon. Paul Bugenhagen, Jr.

**[PROPOSED] ANSWER OF INTERVENOR-RESPONDENTS FORWARD
LATINO AND VOCES DE LA FRONTERA**

Proposed Intervenor-Respondents Forward Latino and Voces de la Frontera, by and
through their attorneys, submit the following answer to Ardis Cerny's petition.

1) Proposed Intervenor-Respondents lack sufficient knowledge to form a belief as to the truth of the allegations in the first two sentences of this paragraph and therefore deny them. The remaining allegations of this paragraph are legal conclusions to which no response is required; to the extent a response is required the allegations are denied.

2) Admit.

3) Admit.

4) Admit.

5) Admit.

6) Admit.

7) Admit.

8) This paragraph contains legal conclusions to which no response is required; to the extent a response is required, the allegations are denied.

9) Deny.

10) Proposed Intervenor-Respondents admit that Petitioner Cerny makes these allegations in the petition. Otherwise, this paragraph contains legal conclusions to which no response is required; to the extent a response is required, the allegations are denied.

11) Proposed Intervenor-Respondents admit that Petitioner Cerny makes these allegations in the petition. Otherwise, this paragraph contains legal conclusions to which no response is required; to the extent a response is required, the allegations are denied.

12) Deny.

13) Proposed Intervenor-Respondents respond to each part as follows:

- a. Proposed Intervenor-Respondents admit that only U.S. citizens are eligible to vote in federal elections.

- b. Proposed Intervenor-Respondents admit that WEC Form EL-131 and the online registration form require a certification of citizenship. The remaining allegations of this paragraph are legal conclusions to which no response is required; to the extent a response is required the allegations are denied.
- c. Proposed Intervenor-Respondents admit that under Wisconsin law, voters need to present identification to vote, that certain forms of identification are authorized by Wisconsin law, and that the DMV has established an ID Petition Process. The remaining allegations of this paragraph are legal conclusions to which no response is required; to the extent a response is required the allegations are denied.

14) Proposed Intervenor-Respondents admit that this paragraph quotes a portion of the cited statute. This paragraph otherwise contains legal conclusions to which no response is required; to the extent a response is required, the allegations are denied.

15) Proposed Intervenor-Respondents admit that this paragraph quotes an incomplete portion of the cited statute. This paragraph otherwise contains legal conclusions to which no response is required; to the extent a response is required, the allegations are denied.

16) This paragraph contains legal conclusions to which no response is required; to the extent a response is required, the allegations are denied.

17) Deny.

18) Deny.

19) Deny.

20) Deny.

21) Deny.

- 22) Admit.
- 23) Admit.
- 24) Admit.
- 25) Admit.
- 26) Admit.
- 27) Admit.
- 28) Admit.
- 29) Proposed Intervenor-Respondents admit that Petitioner Cerny is seeking a writ and declaration but denies that Petitioner is entitled to relief.
- 30) Admit.
- 31) This paragraph is a statement of opinion, to which no response is required.
- 32) Deny.
- 33) Proposed Intervenor-Respondents admit that this paragraph quotes an incomplete portion of the cited case.
- 34) This paragraph is a statement of opinion, to which no response is required.
- 35) Proposed Intervenor-Respondents admit that this paragraph quotes an incomplete portion of the cited cases but deny that those cases concern an issue analogous to the present lawsuit.
- 36) Proposed Intervenor-Respondents admit that this paragraph quotes an incomplete portion of the cited case. This paragraph otherwise contains legal conclusions to which no response is required; to the extent a response is required, the allegations are denied.
- 37) Admit.
- 38) Admit.

- 39) Deny.
- 40) Deny.
- 41) Admit.
- 42) Proposed Intervenor-Respondents lack sufficient knowledge to form a belief as to the truth of the allegations in this paragraph and therefore deny them.
- 43) Deny.
- 44) Proposed Intervenor-Respondents lack sufficient knowledge to form a belief as to the truth of the allegations in this paragraph and therefore deny them.
- 45) Proposed Intervenor-Respondents admit that this was Reichert's testimony but otherwise lack sufficient knowledge to form a belief as to the truth of the allegations in this paragraph and therefore deny them.
- 46) Proposed Intervenor-Respondents admit that this paragraph quotes an incomplete portion of the cited statute but otherwise lack sufficient knowledge to form a belief as to the truth of the allegations in this paragraph and therefore deny them.
- 47) Proposed Intervenor-Respondents admit that this was Boardman's testimony but otherwise lack sufficient knowledge to form a belief as to the truth of the allegations in this paragraph and therefore deny them.
- 48) Proposed Intervenor-Respondents admit that this was Boardman's testimony but otherwise lack sufficient knowledge to form a belief as to the truth of the allegations in this paragraph and therefore deny them.
- 49) Proposed Intervenor-Respondents admit that IDPP was created by administrative rule in 2014 and that it is codified in the sections listed in this paragraph but otherwise lack

sufficient knowledge to form a belief as to the truth of the allegations in this paragraph and therefore deny them.

50) Proposed Intervenor-Respondents admit that this was Boardman's testimony but otherwise lack sufficient knowledge to form a belief as to the truth of the allegations in this paragraph and therefore deny them.

51) Proposed Intervenor-Respondents admit that this was Boardman's testimony but otherwise lack sufficient knowledge to form a belief as to the truth of the allegations in this paragraph and therefore deny them.

52) Proposed Intervenor-Respondents admit that this was Boardman's testimony but otherwise lack sufficient knowledge to form a belief as to the truth of the allegations in this paragraph and therefore deny them.

53) Proposed Intervenor-Respondents admit that this was Boardman's testimony but otherwise lack sufficient knowledge to form a belief as to the truth of the allegations in this paragraph and therefore deny them.

54) Proposed Intervenor-Respondents admit that this was Boardman's testimony but otherwise lack sufficient knowledge to form a belief as to the truth of the allegations in this paragraph and therefore deny them.

55) Proposed Intervenor-Respondents admit that this was Boardman's testimony but otherwise lack sufficient knowledge to form a belief as to the truth of the allegations in this paragraph and therefore deny them.

56) Proposed Intervenor-Respondents lack sufficient knowledge to form a belief as to the truth of the allegations in this paragraph and therefore deny them.

57) Proposed Intervenor-Respondents admit that this paragraph quotes a portion of the cited case. The paragraph otherwise contains legal conclusions to which no response is required; to the extent a response is required, the allegations are denied.

58) Proposed Intervenor-Respondents admit that this paragraph quotes a portion of the cited case. The paragraph otherwise contains legal conclusions to which no response is required; to the extent a response is required, the allegations are denied.

59) Proposed Intervenor-Respondents admit that this paragraph quotes a portion of the cited case. The paragraph otherwise contains legal conclusions to which no response is required; to the extent a response is required, the allegations are denied.

60) This paragraph contains legal conclusions to which no response is required; to the extent a response is required, the allegations are denied.

61) Deny.

62) Proposed Intervenor-Respondents admit the allegations in the first sentence of this paragraph. Proposed Intervenor-Respondents lack sufficient knowledge to form a belief as to the truth of the allegations in this paragraph and therefore deny them.

63) This paragraph does not contain any factual allegations, so no response is required. To the extent a response is required, it is denied.

64) This paragraph contains legal conclusions to which no response is required; to the extent a response is required, it is denied.

65) Proposed Intervenor-Respondents lack sufficient knowledge to form a belief as to the truth of the allegations in this paragraph and therefore deny them.

66) Deny.

67) Proposed Intervenor-Respondents admits that Boardman made the statements quoted in this paragraph. The paragraph otherwise contains legal conclusions to which no response is required; to the extent a response is required, the allegations are denied.

68) This paragraph contains legal conclusions to which no response is required; to the extent a response is required, the allegations are denied.

69) Deny.

70) Deny.

71) Proposed Intervenor-Respondents lack sufficient knowledge to form a belief as to the truth of the allegations in this paragraph and therefore deny them.

72) Deny.

73) Deny.

74) Proposed Intervenor-Respondents admit that this paragraph quotes an incomplete portion of the certification on Form EL-131.

75) Proposed Intervenor-Respondents lack sufficient knowledge to form a belief as to the truth of the allegations in this paragraph and therefore deny them.

76) Proposed Intervenor-Respondents admit that applicants do not need to provide documentary proof of citizenship at the time of registration in Wisconsin. The paragraph otherwise contains legal conclusions to which no response is required; to the extent a response is required, the allegations are denied.

77) This paragraph contains legal conclusions to which no response is required; to the extent a response is required, the allegations are denied.

78) Deny.

79) Proposed Intervenor-Respondents admit that this paragraph quotes an incomplete portion of the cited statute.

80) Proposed Intervenor-Respondents admit that this paragraph quotes an incomplete portion of the cited statute.

81) Proposed Intervenor-Respondents admit that this paragraph quotes an incomplete portion of the cited statute.

82) Proposed Intervenor-Respondents admit that this paragraph quotes a portion of the cited statute. The paragraph otherwise contains legal conclusions to which no response is required; to the extent a response is required, the allegations are denied.

83) Admit.

84) Admit.

85) Proposed Intervenor-Respondents admit that this paragraph quotes an incomplete portion of the cited statute.

86) Deny.

87) Deny

88) Deny.

89) Deny.

90) Proposed Intervenor-Respondents lack sufficient knowledge to form a belief as to the truth of the allegations in this paragraph and therefore deny them.

91) Deny.

92) Deny.

93) Proposed Intervenor-Respondents admit that this paragraph quotes a portion of the cited statute. The paragraph otherwise contains legal conclusions to which no response is required; to the extent a response is required, the allegations are denied.

94) Proposed Intervenor-Respondents admit that this paragraph quotes a portion of the cited statute. The paragraph otherwise contains legal conclusions to which no response is required; to the extent a response is required, the allegations are denied.

95) Proposed Intervenor-Respondents admit that this paragraph quotes an incomplete portion of the cited statute.

96) Admit.

97) Admit.

98) Proposed Intervenor-Respondents admit that this paragraph quotes an incomplete portion of the cited report, but deny that the allegations in this paragraph accurately characterize the document.

99) Deny.

100) Proposed Intervenor-Respondents admit that this paragraph quotes an incomplete portion of the cited statute.

101) Deny.

102) Deny.

103) Deny.

104) This paragraph does not contain any factual allegations, so no response is required. To the extent a response is required, it is denied.

105) This paragraph contains legal conclusions to which no response is required; to the extent a response is required, the allegations are denied.

106) Deny.

107) Proposed Intervenor-Respondents admit that this paragraph quotes an incomplete portion of the cited statute.

108) Deny.

109) Deny.

110) Proposed Intervenor-Respondents admit that this paragraph quotes an incomplete portion of the cited statute.

111) Deny.

112) Deny.

113) Deny.

114) Deny.

115) Deny.

116) Proposed Intervenor-Respondents admit that this paragraph quotes an incomplete portion of the cited statute.

117) Proposed Intervenor-Respondents admit that this paragraph quotes an incomplete portion of the cited statute.

118) Proposed Intervenor-Respondents admit that this paragraph quotes a portion of the cited statute. The paragraph otherwise contains legal conclusions to which no response is required; to the extent a response is required, the allegations are denied.

119) Admit.

120) Proposed Intervenor-Respondents lack sufficient knowledge to form a belief as to the truth of the allegations in this paragraph and therefore deny them.

121) Proposed Intervenor-Respondents admit that this paragraph quotes an incomplete portion of the cited statute.

122) This paragraph contains legal conclusions to which no response is required; to the extent a response is required, the allegations are denied.

123) Proposed Intervenor-Respondents admit that this paragraph quotes an incomplete portion of the cited statute.

124) Proposed Intervenor-Respondents admit that this paragraph quotes an incomplete portion of the Election Administration Manual but deny that the allegations in this paragraph accurately characterize the document.

125) Proposed Intervenor-Respondents admit that this paragraph quotes an incomplete portion of the Election Administration Manual but deny that the allegations in this paragraph accurately characterize the document.

126) Deny.

127) Proposed Intervenor-Respondents lacks sufficient knowledge to form a belief as to the truth of the allegations in this paragraph and therefore deny them.

128) Deny.

129) Proposed Intervenor-Respondents admit that this paragraph quotes an incomplete portion of the cited statute.

130) This paragraph contains legal conclusions to which no response is required; to the extent a response is required, the allegations are denied.

131) Deny.

132) Deny.

133) Proposed Intervenor-Respondents incorporate the preceding responses.

134) Proposed Intervenor-Respondents admit that this paragraph quotes an incomplete portion of the cited statute.

135) Proposed Intervenor-Respondents admit that Petitioner Cerny requests a writ of mandamus but deny that Cerny is entitled to any relief.

136) Proposed Intervenor-Respondents incorporate the preceding responses.

137) Proposed Intervenor-Respondents admit that this paragraph quotes an incomplete portion of the cited statute.

138) This paragraph contains legal conclusions to which no response is required; to the extent a response is required, the allegations are denied.

139) Proposed Intervenor-Respondents admit that Section 85.61's caption is "Compliance with the federal Help America Vote Act." This paragraph otherwise contains legal conclusions to which no response is required; to the extent a response is required, the allegations are denied.

140) Deny.

141) Deny.

142) Proposed Intervenor-Respondents admit that Petitioner Cerny requests the judgment described in the paragraph but deny that Cerny is entitled to any relief.

PRAYER FOR RELIEF

Proposed Intervenor-Respondents deny that Cerny is entitled to any relief.

AFFIRMATIVE DEFENSES

Proposed Intervenor-Respondents assert the following affirmative defenses without accepting any burdens regarding them:

1. Cerny lacks standing to assert her claim.
2. Cerny's petition fails, in whole or in part, to state a claim upon which relief can be granted.
3. Cerny's petition is barred by laches.

Proposed Intervenor-Respondents reserve the right to assert any further defenses that may become evident during the pendency of this matter.

INTERVENOR-RESPONDENTS' REQUEST FOR RELIEF

Having answered Cerny's petition, Proposed Intervenor-Respondents request that the Court:

1. Deny Cerny any relief;
2. Dismiss Cerny's petition with prejudice; and
3. Grant such other further relief as the Court deems just and proper.

Dated: September 3, 2024

Electronically signed by Diane M. Welsh

Diane M. Welsh, SBN 1030940

Eduardo E. Castro, SBN 1117805

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