

STATE OF WISCONSIN CIRCUIT COURT WAUKESHA COUNTY BRANCH 10		
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.

**FORWARD LATINO AND VOCES DE LA FRONTERA’S NOTICE OF MOTION
AND MOTION TO INTERVENE**

NOTICE OF MOTION

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PLEASE TAKE NOTICE that Proposed Intervenor-Respondents Forward Latino and Voces de la Frontera (“Voces”) will appear before the Hon. Paul Bugenhagen, Jr., Circuit Court Judge, Branch 10, in his usual courtroom in the Waukesha County Courthouse, Courtroom C-278, Waukesha, WI 53188, at such date and time as shall be determined by the Court, and shall then and there present the following motion to intervene. In compliance with Wis. Stat. § 803.09(3), Forward Latino and Voces have filed herewith their Proposed Answer to the Petition along with a Motion to Dismiss.

MOTION TO INTERVENE

Proposed Intervenor-Respondents Forward Latino and Voces hereby moves the Court pursuant to Wis. Stat. § 803.09 to intervene in this action as Respondents. In support of their motion to intervene, and as explained in the accompanying memorandum in support of the motion, Forward Latino and Voces state as follows:

1. Petitioner Ardis Cerny filed her petition on August 16, 2024, alleging that Wisconsin law requires Respondents to purge voters from the registration rolls based on Department of Transportation records of their citizenship.

2. Forward Latino and Voces have a significant interest in the litigation, which threatens to upend their current operations in Wisconsin and impede their future efforts in Wisconsin and beyond, and to make it difficult or impossible for many of their members and constituents—particularly those who are naturalized citizens—to register and vote. Forward Latino and Voces therefore move to intervene in this action as Respondents.

3. The Court should grant the motion because, as further explained in the accompanying brief, Forward Latino and Voces satisfy the requirements for intervention as of right under Wis. Stat. § 803.09(1):

- a. *First*, the motion is timely filed. This litigation is in its earliest stages; Respondents have not yet filed an answer or substantive response, and no other proceedings have yet taken place.
- b. *Second*, Forward Latino's and Voces's interests are directly related to the subject of this action. If Cerny receives her requested relief, Forward Latino's and Voces's members may be removed or rejected from the voter rolls. Forward Latino and Voces will also be forced to divert resources away from their other advocacy and community programming to assist their constituencies with maintaining their voter registration. The lawsuit will directly impact Forward Latino's and Voces's demonstrated interest in Latino civic engagement.
- c. *Finally*, Respondents' interests in this litigation are defined by statute and confined to conducting elections and administering Wisconsin's election and motor vehicle laws. Respondents therefore do not adequately represent Forward Latino's and Voces's interests, including their significant and distinct interest in helping naturalized citizens vote.

4. Alternatively, Forward Latino and Voces should be granted permissive intervention under Wis. Stat. § 803.09(2). The motion is timely, and intervention at this early stage will not unduly delay or prejudice the adjudication of the original parties' rights. Moreover, Forward Latino and Voces will inevitably raise common questions of law and fact, including the core issue of whether Respondents have a duty to rely upon citizenship status data from the Department of Transportation. Forward Latino and Voces are also prepared to proceed in accordance with the schedule this Court sets, and their intervention will only serve to efficiently resolve the factual and legal issues before the Court.

5. Counsel for Forward Latino and Voces contacted counsel for Cerny about this motion and did not hear back by the time of filing.

6. Counsel for Forward Latino and Voces conferred with counsel for Respondent the Commission, which took no position on this motion, and with counsel for Respondent Department of Transportation, which was unable to provide its position at the time of filing.

WHEREFORE, Proposed Intervenor-Respondents Forward Latino and Voces respectfully requests that this Court set their motion for hearing and grant them intervention as Respondents in this action.

Dated: September 3, 2024

Respectfully submitted,

PINES BACH LLP

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