

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 24-CV-0664

TOWN OF THORNAPPLE, WISCONSIN;
ANGELA JOHNSON, RALPH C. KENYON,
TOM ZELM, AND JACK ZUPAN, IN THEIR
OFFICIAL CAPACITIES AS TOWN CLERK
AND TOWN BOARD SUPERVISORS OF
THE TOWN OF THORNAPPLE; TOWN OF
LAWRENCE, WISCONSIN; CHARIDY
LUDESCHER, BOB NAWROCKI, STACY
ZIMMER, AND DUANE BILLER, IN THEIR
OFFICIAL CAPACITIES AS TOWN CLERK
AND TOWN BOARD SUPERVISORS OF
THE TOWN OF LAWRENCE; and STATE
OF WISCONSIN,

Defendants.

ANSWER OF DEFENDANT STATE OF WISCONSIN

Defendant State of Wisconsin hereby answers the Complaint filed by Plaintiff United States of America, and raises defenses, as follows:

INTRODUCTION

1. Defendant State of Wisconsin (“Defendant”) admits that the United States filed this action for declaratory and injunctive relief to enforce Section 301 of the Help America Vote Act of 2002 (“Section 301” and “HAVA”),

52 U.S.C. § 21081. As to the allegations regarding the Town of Thornapple and the Town of Lawrence, Defendant lacks knowledge or information sufficient to form a belief concerning their accuracy, and therefore denies them. The remaining allegations in paragraph 1 are legal conclusions to which no response is required. To the extent that these remaining allegations misstate the law or contain factual allegations, they are denied.

JURISDICTION AND VENUE

2. The allegations in paragraph 2 are legal conclusions to which no response is required. To the extent that they misstate the law, they are denied.

3. Defendant admits that both the Town of Thornapple (“Thornapple”) and the Town of Lawrence (“Lawrence”) are located within the Western District of Wisconsin. The remaining allegations in paragraph 3 are legal conclusions to which no response is required. To the extent that these remaining allegations misstate the law, they are denied.

PARTIES

4. The allegations in paragraph 4 are legal conclusions to which no response is required. To the extent that they misstate the law, they are denied.

5. Defendant admits that Thornapple is a municipality in Rusk County within the Western District of Wisconsin and that it is governed by a Town Board. The remaining allegations in paragraph 5 are legal conclusions

to which no response is required. To the extent that these remaining allegations misstate the law or contain factual allegations, they are denied.

6. Defendant lacks knowledge or information sufficient to form a belief as to the first sentence of paragraph 6, and therefore denies it. The remaining allegations in paragraph 6 are legal conclusions to which no response is required. To the extent that these remaining allegations misstate the law or contain factual allegations, they are denied.

7. Defendant lacks knowledge or information sufficient to form a belief as to paragraph 7, and therefore denies it.

8. Defendant lacks knowledge or information sufficient to form a belief as to paragraph 8, and therefore denies it.

9. Defendant lacks knowledge or information sufficient to form a belief as to paragraph 9, and therefore denies it.

10. Defendant admits that Lawrence is a municipality in Rusk County within the Western District of Wisconsin and that it is governed by a Town Board. The remaining allegations in paragraph 10 are legal conclusions to which no response is required. To the extent that these remaining allegations misstate the law or contain factual allegations, they are denied

11. Defendant lacks knowledge or information sufficient to form a belief as to paragraph 11, and therefore denies it.

12. Defendant lacks knowledge or information sufficient to form a belief as to paragraph 12, and therefore denies it.

13. Defendant lacks knowledge or information sufficient to form a belief as to paragraph 13, and therefore denies it.

14. Defendant lacks knowledge or information sufficient to form a belief as to paragraph 14, and therefore denies it.

15. Defendant admits the allegations in paragraph 15.

ALLEGATIONS

HAVA Section 301

16. The allegations in paragraph 16 are legal conclusions to which no response is required. To the extent that they misstate the law or contain factual allegations, they are denied.

17. The allegations in paragraph 17 are legal conclusions to which no response is required. To the extent that they misstate the law or contain factual allegations, they are denied.

18. The allegations in paragraph 18 are legal conclusions to which no response is required. To the extent that they misstate the law or contain factual allegations, they are denied.

19. The allegations in paragraph 19 are legal conclusions to which no response is required. To the extent that they misstate the law or contain factual allegations, they are denied.

20. The allegations in paragraph 20 are legal conclusions to which no response is required. To the extent that they misstate the law or contain factual allegations, they are denied.

21. The allegations in paragraph 21 are legal conclusions to which no response is required. To the extent that they misstate the law or contain factual allegations, they are denied.

22. The allegations in paragraph 22 are legal conclusions to which no response is required. To the extent that they misstate the law or contain factual allegations, they are denied.

Accessible Voting in Wisconsin

23. Defendant lacks knowledge or information sufficient to form a belief as to the allegations in paragraph 23, and therefore denies them.

24. Defendant admits that, on June 14, 2024, the Wisconsin Elections Commission released a document regarding the use of electronic voting equipment in Wisconsin. Defendant affirmatively alleges that this document speaks for itself and denies the remaining allegations in paragraph 24 to the extent if at all, they are inconsistent with that document.

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25. Defendant lacks knowledge or information sufficient to form a belief as to the allegations in paragraph 25, and therefore denies them.

26. Defendant lacks knowledge or information sufficient to form a belief as to the allegations in paragraph 26, and therefore denies them

27. Defendant lacks knowledge or information sufficient to form a belief as to the allegations in paragraph 27, and therefore denies them.

28. Defendant lacks knowledge or information sufficient to form a belief as to the allegations in paragraph 28, and therefore denies them.

29. Defendant admits the allegations in paragraph 29.

Town of Thornapple

30. Defendant lacks knowledge or information sufficient to form a belief as to the allegations in paragraph 30, and therefore denies them. Defendant affirmatively alleges that this matter is currently before the Wisconsin Elections Commission (the “Commission”) by virtue of a Wis. Stat. § 5.06 complaint.

31. Defendant lacks knowledge or information sufficient to form a belief as to the allegations in paragraph 31, and therefore denies them. Defendant affirmatively alleges that this matter is currently before the Commission by virtue of a Wis. Stat. § 5.06 complaint.

32. Defendant lacks knowledge or information sufficient to form a belief as to the allegations in paragraph 32, and therefore denies them. Defendant affirmatively alleges that this matter is currently before the Commission by virtue of a Wis. Stat. § 5.06 complaint.

33. Defendant lacks knowledge or information sufficient to form a belief as to the allegations in paragraph 33, and therefore denies them. Defendant affirmatively alleges that this matter is currently before the Commission by virtue of a Wis. Stat. § 5.06 complaint.

34. The allegations in paragraph 34 are legal conclusions to which no response is required. To the extent that they misstate the law or contain factual allegations, they are denied.

35. Defendant lacks knowledge or information sufficient to form a belief as to the allegations in paragraph 35, and therefore denies them. Defendant affirmatively alleges that this matter is currently before the Commission by virtue of a Wis. Stat. § 5.06 complaint.

36. Defendant lacks knowledge or information sufficient to form a belief as to the allegations in paragraph 36, and therefore denies them. Defendant affirmatively alleges that this matter is currently before the Commission by virtue of a Wis. Stat. § 5.06 complaint.

37. Defendant lacks knowledge or information sufficient to form a belief as to the allegations in paragraph 37, and therefore denies them. Defendant affirmatively alleges that this matter is currently before the Commission by virtue of a Wis. Stat. § 5.06 complaint.

38. The allegations in paragraph 38 are legal conclusions to which no response is required. To the extent that they misstate the law or contain factual allegations, they are denied.

39. Defendant lacks knowledge or information sufficient to form a belief as to the allegations in paragraph 39, and therefore denies them. Defendant affirmatively alleges that this matter is currently before the Commission by virtue of a Wis. Stat. § 5.06 complaint.

Town of Lawrence

40. Defendant lacks knowledge or information sufficient to form a belief as to the allegations in paragraph 40, and therefore denies them.

41. Defendant lacks knowledge or information sufficient to form a belief as to the allegations in paragraph 41, and therefore denies them.

42. Defendant lacks knowledge or information sufficient to form a belief as to the allegations in paragraph 42, and therefore denies them.

43. Defendant lacks knowledge or information sufficient to form a belief as to the allegations in paragraph 43, and therefore denies them.

44. Defendant lacks knowledge or information sufficient to form a belief as to the allegations in paragraph 44, and therefore denies them.

45. The allegations in paragraph 45 are legal conclusions to which no response is required. To the extent that they misstate the law or contain factual allegations, they are denied.

CAUSE OF ACTION

46. Defendant realleges and incorporates by reference the allegations set forth in all prior paragraphs of this Complaint.

47. The allegations in paragraph 47 are legal conclusions to which no response is required. To the extent that they misstate the law or contain factual allegations, they are denied.

48. The allegations in paragraph 48 are legal conclusions to which no response is required. To the extent that they misstate the law or contain factual allegations, they are denied.

PRAYER FOR RELIEF

Defendant State of Wisconsin denies that the United States is entitled to the relief requested.

DEFENSES

1. The United States fails to state a claim against Defendant State of Wisconsin upon which relief may be granted.

2. Defendant State of Wisconsin reserves the right to name additional defenses as they may become known through further discovery or otherwise in this action.

WHEREFORE, Defendant State of Wisconsin demands judgment dismissing the United States' claim against it and an order awarding such

other and further relief as the Court deems appropriate under the circumstances.

Dated this 19th day of November 2024.

Respectfully submitted,

JOSHUA L. KAUL
Attorney General of Wisconsin

s/ Charlotte Gibson
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Assistant Attorney General
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CERTIFICATE OF SERVICE

I certify that on November 19, 2024, I electronically filed the foregoing *Answer of Defendant State of Wisconsin* with the clerk of court using the CM/ECF system, which will accomplish electronic notice and service for all participants who are registered CM/ECF users.

Dated this 19th day of November 2024.

s/ Charlotte Gibson
CHARLOTTE GIBSON
Assistant Attorney General

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