

FILED
10-03-2022
Clerk of Circuit Court
Waukesha County
2022CV001008

DATE SIGNED: October 3, 2022

Electronically signed by Michael J. Aprahamian
Circuit Court Judge

STATE OF WISCONSIN CIRCUIT COURT WAUKESHA COUNTY
BRANCH 9

MICHAEL WHITE, EVA WHITE, EDWARD
WINIECKE, *and* REPUBLICAN PARTY OF
WAUKESHA COUNTY,

Plaintiffs,

Case No. 2022CV1008

THE WISCONSIN STATE LEGISLATURE,

Intervenor-Plaintiff,

v.

WISCONSIN ELECTIONS COMMISSION,

Defendant,

WAUKESHA COUNTY DEMOCRATIC PARTY,
and LEAGUE OF WOMEN VOTERS OF
WISCONSIN,

Intervenor-Defendants.

**ORDER GRANTING FINAL JUDGMENT TO PLAINTIFFS AND INTERVENOR
PLAINTIFF THE WISCONSIN STATE LEGISLATURE**

After considering the parties' briefing, arguments, and all other record evidence presented in this case, it is hereby **ORDERED** that Plaintiffs and Intervenor Plaintiff are entitled to final judgment on their claims for declaratory and permanent injunctive relief, *see* Wis. Stat. § 806.01(1)(c);

Defendant the Wisconsin Election Commission (“WEC”) is **PERMANENTLY PROHIBITED** and **ENJOINED** from publicly displaying or disseminating any document, communication, guidance, or memoranda that municipal clerks or election officials can add information to absentee ballot witness certifications in any form including, but not limited to, the October 18, 2016, memorandum entitled “AMENDED: Missing or Insufficient Witness Address on Absentee Certificate Envelopes,” and the memorandum dated October 19, 2020, entitled “Spoiling Absentee Ballot Guidance”;

WEC is **PERMANENTLY PROHIBITED** and **ENJOINED** from advising, guiding, instructing, publishing, or otherwise communicating information to Wisconsin municipal clerks and local elections officials that is contrary to Wis. Stat. § 6.87(9), which provides that if a municipal clerk receives an absentee ballot with an improperly completed certificate or with no certificate, the clerk may return the ballot to the elector, inside the sealed envelope when an envelope is received, together with a new envelope if necessary, whenever time permits the elector to correct the defect and return the ballot by the applicable deadline;

WEC is **PERMANENTLY PROHIBITED** and **ENJOINED** from advising, guiding, instructing, publishing, or otherwise communicating information to Wisconsin municipal clerks and local elections officials that clerks or local election officials have the duty or ability to modify or add information to incomplete absentee ballot certifications;

The Court's final judgment applies to portions of the WEC memoranda of October 18, 2016 and October 19, 2020, now withdrawn, and any other memoranda, communication, guidance, or publication of WEC that contains or indicates that municipal clerks or local election officials can modify or add information to absentee ballot certifications;

Nothing herein is intended, nor shall be construed, to enjoin WEC from issuing or distributing its guidance regarding the definition of "address" as used in Wis. Stat. § 6.87;

Thus, the Court now enters final judgment in favor of Plaintiffs and Intervenor-Plaintiff, consistent with the above. This final judgment resolves all claims pending in this case, and is final for purposes of appeal.

SO ORDERED.