

FILED
09-17-2024
CIRCUIT COURT
DANE COUNTY, WI
2022CV002446

DATE SIGNED: September 16, 2024

Electronically signed by Ryan D. Nilsestuen
Circuit Court Judge

STATE OF WISCONSIN CIRCUIT COURT DANE COUNTY
 BRANCH 10

RISE, INC.,

JASON RIVERA,

Plaintiffs,

v.

WISCONSIN ELECTIONS COMMISSION,

MARIBETH WITZEL-BEHL,
in her official capacity as City Clerk for the
City of Madison, Wisconsin,

TARA McMENAMIN,
in her official capacity as City Clerk for the
City of Racine, Wisconsin,

CELESTINE JEFFREYS,
in her official capacity as City Clerk for the
City of Green Bay, Wisconsin,

Defendants,

WISCONSIN STATE LEGISLATURE,

Intervenor.

Declaratory Judgment
Case No. 2022CV2446
Case Code: 30701

Hon. Ryan D. Nilsestuen

**AMENDED DECLARATORY JUDGMENT AND PERMANENT
INJUNCTION**

For the reasons given in the Court's January 2, 2024, Decision and Order, Dkt. 223, and as directed by the Court of Appeals' mandate in its July 11, 2024, decision, the Court hereby:

1. **DECLARES** that, with respect to a witness's address on an absentee ballot certificate, the term "address" in Wis. Stat. § 6.87(2) and (6d) means "a place where the witness may be communicated with";
2. **DECLARES** that Wis. Stat. § 6.87's requirement that the witness's address be included on the absentee ballot certificate does not require that any particular components or information be included, but only that the face of the certificate contains sufficient information to enable a municipal clerk to reasonably identify a place where the witness may be communicated with;
3. **DECLARES** that an absentee ballot certificate is not "improperly completed" under Wis. Stat. § 6.87(9), based on a witness's address, so long as the face of the certificate contains sufficient information to enable a municipal clerk to reasonably identify a place where the witness may be communicated with;
4. **DECLARES** that Wis. Stat. § 6.87 does not authorize the rejection of, return for cure of, or refusal to count an absentee ballot on based on a witness's address, if the face of the certificate contains sufficient information to enable a municipal clerk to reasonably identify a place where the witness may be communicated with;
5. **DECLARES** that the Wisconsin Elections Commission's September 14, 2022, Memorandum entitled "Temporary Injunction on WEC Guidance re Missing Absentee Witness Address," Dkt. 38 Ex. 8, is invalid and contrary to law to the extent that it adopts a different definition of "address" for purposes of the witness address requirement than the definition adopted in this Order;

6. **ORDERS** Defendant the Wisconsin Elections Commission to promptly rescind or revise and reissue any Commission guidance documents or other publications that are inconsistent with this Order;
7. **ORDERS** Defendant the Wisconsin Elections Commission to promptly advise all municipal and county election officials of this Order;
8. **ENJOINS** Defendant the Wisconsin Elections Commission from promulgating rules, guidance documents, or other materials inconsistent with this Order, or from otherwise taking any action inconsistent with this Order; and
9. **ENJOINS** Defendants Maribeth Witzel-Behl, Tara McMenamin, and Celestine Jeffreys from rejecting or returning for cure any absentee ballot based on a witness's address, if the face of the certificate contains sufficient information to enable a municipal clerk to reasonably identify a place where the witness may be communicated with.
10. Provided, however, that nothing in this Order shall require Defendant the Wisconsin Elections Commission to modify the printed text of the absentee ballot certificate as the Wisconsin Elections Commission approved it at its December 19, 2023, meeting, so long as Defendant the Wisconsin Elections Commission advises municipal and county election officials of this Court's Order and of their obligation not to reject, return for cure, or refuse to count any absentee ballot based on a witness's address, if the face of the certificate contains sufficient information to enable a municipal clerk to reasonably identify a place where the witness may be communicated with.

SO ORDERED this 16th day of September, 2024

This order is final for purposes of appeal.