

FILED
07-25-2024
Clerk of Circuit Court
Outagamie County
2024CV000774

DATE SIGNED: July 25, 2024

Electronically signed by Mark J. McGinnis
Circuit Court Judge

STATE OF WISCONSIN CIRCUIT COURT OUTAGAMIE COUNTY

CRYSTAL RECKER and
NANCY WHITE,

Plaintiffs,

Case No.: 24-CV-774

Code No.: 30704, 30701, 30952

v.

CITY CLERK FOR THE CITY OF APPLETON

Defendant.

FINAL ORDER

Pursuant to a Stipulation by the Plaintiffs and the Defendant, through their respective counsel;

IT IS HEREBY ORDERED as follows:

1. That Crystal Recker, Nancy White, Kathleen Burgert, Caroline Erickson, Donna Gehl, Michael Janke, Dave Kempen, Gricelda Kichefske, Greg Krummel, Robert Kramer, Kathy Mischka, Jennifer Ninivaggi, Tina Ray, Patrick Randerson, and Noreen Rose (collectively, the “GOP Special Voting Deputies”) were properly nominated by the Outagamie County Republican Party, and thereafter appointed by the City of Appleton Common Council on December 6, 2023, to serve as special voting deputies, and conduct absentee ballot voting at qualified retirement homes and/or residential care facilities, in the City of Appleton from 2024 through 2025.

2. That, pursuant to Wis. Stat. § 6.875 and § 7.30, the Defendant, City Clerk for the City of Appleton and her employees, representatives, agents, and designees (collectively, “Appleton Clerk”), is required to assign or otherwise schedule the GOP Special Voting Deputies in the City of Appleton for the August 13, 2024 Partisan Primary Election; the November 5, 2024 General Election; and any other election in 2024 through 2025, as long as such GOP Special Voting Deputies complete the required training. The Appleton Clerk shall expeditiously provide an opportunity for the GOP Special Voting Deputies to complete such training on Friday, July 26, 2024 at 2:00pm at City Hall, 6th Floor, Common Council Chambers (100 N. Appleton Street, Appleton, Wisconsin 54911). Additionally, the Appleton Clerk shall offer another such training on Tuesday, July 30, 2024 at 10:00 am at City Hall, 6th Floor, Common Council Chambers (100 N. Appleton Street, Appleton, Wisconsin 54911) in the event that (i) any of the GOP Special Voting Deputies inform the Appleton Clerk that they are unable to make the July 26, 2024 training, and (ii) the GOP Special Voting Deputy informs the Appleton Clerk that he or she is able to make the aforementioned July 30, 2024 training.

3. For any of the GOP Special Voting Deputies who are able to complete the required training to serve as special voting deputies, as set forth in paragraph 2., the Appleton Clerk shall schedule, or otherwise assign, such GOP Special Voting Deputies to conduct absentee ballot voting at qualified retirement homes and/or residential care facilities in the City of Appleton for the remaining period of absentee voting for the August 13, 2024 Partisan Primary Election.

4. The Appleton Clerk shall provide additional opportunities for all interested election inspectors, including GOP Special Voting Deputies, to complete the required training in-person on or before Monday, October 14, 2024.

5. In relation to paragraphs 2 through 4 of this Order, the Appleton Clerk shall attempt to contact the GOP Special Voting Deputies, using the e-mail and/or phone number information previously provided to the Appleton Clerk by the Outagamie County Republican Party when it nominated the GOP Special Voting Deputies (a redacted version of the same is marked as Doc. No. 2, Ex. A), for purposes of scheduling and providing them with required training, by noon on Thursday, July 25, 2024.

6. That, in accordance with Wis. Stat. § 6.875 and § 7.30, the Appleton Clerk shall not prevent, obstruct, or restrict the GOP Special Voting Deputies from acting as special voting deputies at qualified retirement homes and residential care facilities in the City of Appleton for the August 13, 2024 Partisan Primary or November 5, 2024 General Election in any manner that is contrary to applicable law.

7. The parties shall each bear their own attorneys' fees and costs incurred in this matter and with respect to this Order.

This is a final order, which shall resolve all claims pending in this action and shall be a final judgment.