

FILED  
09-30-2024  
Anna Maria Hodges  
Clerk of Circuit Court  
2024CV007822  
Honorable Thomas J.  
McAdams-07  
Branch 7

**STATE OF WISCONSIN CIRCUIT COURT MILWAUKEE COUNTY**

DENNIS EUCKE  
3239 N. Cramer St  
Milwaukee, WI 53211,

JUSTIN GAVERY,  
730 N. Plankington Ave, 7D  
Milwaukee, WI 53203  
and

JOE NOLAN,  
2909 S. 52nd Street  
Milwaukee, WI 53219

Plaintiffs,

v.

WISCONSIN ELECTIONS COMMISSION,  
212 East Washington Avenue,  
Third Floor,  
Madison, WI 53703

and

CITY OF MILWAUKEE ELECTION COMMISSION  
Milwaukee City Hall  
200 E Wells Street  
Room 501.  
Milwaukee, WI 53202,

Defendants.

Class: 30952

Case No. \_\_\_\_\_

**COMPLAINT FOR EXPEDITED DECLARATORY AND INJUNCTIVE RELIEF  
OR, IN THE ALTERNATIVE, FOR EXPEDITED WRIT OF MANDAMUS**

Plaintiffs Dennis Eucke, Justin Gavery, and Joe Nolan bring this action for emergency declaratory and injunctive relief—or, in the alternative, for expedited alternative writ of mandamus—against the Wisconsin Elections Commission and the City of Milwaukee Election

Commission in time for the requested relief to be completed prior to the November 5, 2024 election. In support thereof, Plaintiffs state as follows:

**NATURE OF THE CASE**

1. This is a lawsuit to enforce Wisconsin's laws that protect the right to vote from dilution. Wisconsin's current voter rolls have almost 150,000 voter registrations that appear to be invalid, e.g., because the voter in question permanently moved out of state and is no longer a citizen of Wisconsin.

2. Despite having had years to fix these issues, including notice provided to the City of Milwaukee Election Commission in June of 2024, both the Wisconsin Elections Commission and the City of Milwaukee Election Commission have indicated that they will not look into these registrations or take action to confirm their validity as required by law, and certainly will not do so prior to the 2024 election.

3. To be clear, Plaintiffs do not ask that these registrations be canceled out of hand. Instead, Plaintiffs simply ask that Defendants follow the statutory procedures to confirm whether these registrations are valid.

4. The requested relief not only serves to protect Wisconsin's voters from vote dilution, but also serves to protect the people listed in the anomalous registrations. For example, if a voter permanently moved out of state, and another individual uses that voter's information to cast an illegal ballot, this could result in the former Wisconsinite being wrongfully accused of having cast the illegal vote. Properly maintaining the voter rolls would protect against such identity theft. Any voters who are active despite anomalies in their registrations can easily confirm their status, either by responding to the requests for confirmation or, if they fail to make this confirmation, by simply reactivating their voter status.



### THE PARTIES

5. Plaintiff Dennis Eucke is a resident, taxpayer, elector, and registered voter in the City of Milwaukee, Wisconsin.

6. Plaintiff Justin Gavery is a resident, taxpayer, elector, and registered voter in the City of Milwaukee, Wisconsin.

7. Plaintiff Joe Nolan is a resident, taxpayer, elector, and registered voter in the City of Milwaukee, Wisconsin.

8. Defendant Wisconsin Elections Commission (“WEC”) is a commission of the state of Wisconsin established to administer and enforce election laws in the state.

9. Defendant City of Milwaukee Election Commission (“Milwaukee Commission”) is the municipal board of election commissioners for the City of Milwaukee, and was established to enforce election laws at the municipal level for the City of Milwaukee. *See* Wis. Stat. § 7.20(1) (“A municipal board of election commissioners shall be established in every city over 500,000 population.”).

### JURISDICTION AND VENUE

10. This Court has jurisdiction over this matter pursuant to Wis. Stat. § 753.03.

11. Venue is proper in this Court pursuant to Wis. Stat. § 801.50(2)(a), (2)(c), and (3)(a), as this is the county where the claim arose and where the Milwaukee Commission resides and, moreover, the defendants are commissions in their official capacities and this is the county designated by Plaintiffs.

## FACTUAL BACKGROUND

### **A. Election Law Background**

12. In Wisconsin, any United States citizen resident is generally able to vote in the municipality in which they reside, including by absentee ballot. Wis. Stat. §§ 6.20, 6.85.

13. When a person moves to a new address in a different county within Wisconsin, or in a different state, they are generally not allowed to vote in the former municipality, unless the move occurred within 28 days of the election. Wis. Stat. § 6.10(10).

14. To uphold the integrity of elections, to prevent voter fraud, and to protect our citizens' trust in the election process, the federal government has enacted multiple laws requiring states to maintain their lists of voters and designate as inactive those registrations that are no longer active.

15. This is particularly important in the context of absentee voting, where a person could potentially vote multiple times, or third parties could submit votes without the person's knowledge.

16. The Help America Vote Act requires each state to implement "a single, uniform, official, centralized, interactive computerized statewide voter registration list defined, maintained, and administered at the State level." 52 U.S.C. § 21083(a)(1)(A); *see* Wis. Stat. §§ 5.061 *et seq.*

17. Thus, Wisconsin is required to "remove the names of ineligible voters from the computerized list in accordance with State law." 52 U.S.C. § 21083(a)(2)(A)(iii); *see* Wis. Stat. §§ 5.061 *et seq.*

18. Like many states, Wisconsin splits the responsibility for this task into two groups: a statewide commission—the WEC—and local municipal authorities—like the Milwaukee Commission.



19. Unlike many states, Wisconsin places the primary obligation for list maintenance upon the local authorities instead of the WEC. Wis. Stat. § 6.50; *see State ex rel. Zignego v. Wis. Elections Comm'n.*, 396 Wis. 2d 391, 392 (2021) (“Unlike many places around the country, Wisconsin has a highly decentralized system for election administration.”).

20. However, the WEC is still ultimately responsible for the administration of the lists and ensuring that the municipalities are fulfilling their obligations to ensure that the voter rolls are properly maintained. Wis. Stat. § 5.05(15) (“The commission is responsible for the design and maintenance of the official registration list under s. 6.36.”); Wis. Stat. § 6.36 (setting forth the WEC’s duties with respect to this list); *see also* Wis. Stat. § 5.05(1), (2w) (requiring the WEC to administer and enforce Wisconsin’s elections statutes); *Jefferson v. Dane Cty.*, 394 Wis. 2d 602, 617 (2020) (“It is the WEC that is responsible for guidance in the administration and enforcement of Wisconsin’s election laws, not the county clerks.”).

21. These are critical tasks to our democracy. As the United States Supreme Court has held, “the right of suffrage can be denied by a debasement or dilution of the weight of a citizen’s vote just as effectively as by wholly prohibiting the free exercise of the franchise.” *Reynolds v. Sims*, 377 U.S. 533, 555 (1964); *accord Anderson v. United States*, 417 U.S. 211, 227 (1974) (holding that the right to vote includes the right “to have [one]’s vote fairly counted, without its being distorted by fraudulently cast votes”).

***B. Plaintiffs’ Data Set Showing Defendants’ Failure to Fulfill Obligations***

22. In late May 2024, the WEC provided a new list of active registrations in the City of Milwaukee.

23. 271,962 active registrations were then run through an automated system to screen for any registration issues and to confirm that Defendants were fulfilling their statutory obligations.

24. When this screening discovered a number of issues, each name and address was submitted through the United States Postal Services (“USPS”) Coding Accuracy Support System (“CASS”) evaluation system to determine whether or not they were still resident at their address of registration.

25. The USPS CASS evaluation is run against several progressively deeper-leveled databases, such as by state, city, five-digit zip code, a check on those three columns together, then a check against the street name with in them, then a street number range check, then a check against the actual street number in the “Zip\_4” database, and then a check on the apartment unit at that specific building, then a check if that address is unoccupied, as well as other specialty checks.

26. The WEC accepts and uses this same USPS filtering from the Electronic Registration Information Center organization to maintain the voter registration list.

27. These checks confirmed that tens of thousands of errors were present in the voter registration lists.

28. The WEC has claimed that all voter maintenance until 2027 was complete as of August 1, 2023. *See Wis. Elections Comm’n, 2023 Four-Year Voter Record Maintenance Complete*, <https://elections.wi.gov/memo/2023-four-year-voter-record-maintenance-complete>. Thus, both the Milwaukee Commission and the WEC apparently failed to detect the tens of thousands of errors in the voter list.

29. The Milwaukee Commission failed to properly maintain its voter list, and the WEC failed to fulfil its obligations to maintain the official registration list or oversee the Milwaukee Commission. Moreover, neither the Milwaukee Commission nor the WEC have the intention of taking any further actions.



**C. Plaintiffs' Request to the Milwaukee Commission**

30. On June 7, 2024, Plaintiffs submitted a request via email directly to the Milwaukee Commission describing the issue and asking that the Milwaukee Commission update the voter rolls to ensure the integrity of the state's elections. A copy of this request is attached hereto as **Exhibit A**.

31. Plaintiffs' request to the Milwaukee Commission included a complete excel spreadsheet data with detailed information on over fifty thousand active voter registrations in Milwaukee that contain errors, not counting the errors in active voter registrations outside Milwaukee.

32. Specifically, Plaintiffs provided the Milwaukee Commission with the following sheets:

- a. In the first tab, Plaintiffs listed 2,250 active voter registrations tied to a commercial address instead of residential;
- b. In the second tab, Plaintiffs listed 24 active voter registrations tied to incomplete addresses, where a secondary number is missing;
- c. In the third tab, Plaintiffs listed 32 active voter registrations tied to addresses where the door was not accessible to the USPS;
- d. In the fourth tab, Plaintiffs listed 606 active voter registrations tied to invalid addresses, which are not in the USPS database;
- e. In the fifth tab, Plaintiffs listed 13 active voter registrations tied to a physical address of a USPS office, instead of a residential address;
- f. In the sixth tab, Plaintiffs listed 5,080 active voter registrations, where in each case, the voter did not live at the address they used to register;

- g. In the seventh tab, Plaintiffs listed 6,187 active voter registrations, where in each case, the voter submitted a form to the USPS stating that they would be permanently moving out of state;
- h. In the eighth tab, Plaintiffs listed 4,907 active voter registrations, where in each case, the voter submitted a form to the USPS stating that they would be permanently moving out of the county;
- i. In the ninth tab, Plaintiffs listed 1,528 active voter registrations, where in each case, the voter submitted a form to the USPS stating that they would be permanently moving, but not listing a new address; and
- j. In the tenth tab, Plaintiffs listed 35,699 active voter registrations, which included all moves of voters, inclusive of tabs seven through nine, that submitted a form to the USPS stating that they would be permanently moving.

33. The Milwaukee Commission did not respond to this request.

34. Plaintiffs later received updated voter registration information from August 19, 2024 that had been run through CASS. This information showed that 42,043 voters labeled “active” had permanently moved out of Wisconsin and 56,457 voters labeled “active” had permanently moved to a different county within Wisconsin. Coupled with the 45,242 Milwaukee registrations from the May 2024 data that had issues other than the voter permanently moving out of the county or state, at least 143,742 active registrations in the August 19, 2024 voter roll appear to be invalid (“Anomalous Registrations”).

35. 56,336 of the Anomalous Registrations were in Milwaukee.



36. To date, neither the WEC nor the Milwaukee Commission has done anything to remedy these tens of thousands of irregularities in the voter rolls. And neither has given any response indicating that it has made any investigation of this matter whatsoever.

37. Plaintiffs cannot file an administrative complaint with the WEC against the Milwaukee Commission because the statute only allows such complaints to be filed against human individuals. See Wis. Stat. § 5.06(1) (providing that such a complaint can be brought against “an election official”); Wis. Stat. § 5.02(4e) (“‘Election official’ means an *individual who is charged with any duties relating to the conduct of an election.*” (emphasis added)).

38. Meanwhile, filing an administrative complaint with the WEC about the WEC itself would be futile. That is because such a complaint would be heard by the WEC, and the WEC has taken the position that it cannot hear complaints against itself. See *Teigen v. Wis. Elections Comm'n*, 403 Wis. 2d 607, 642 (2022) (noting that “the remedies WEC can impose under Wis. Stat. § 5.06(6) would be senseless if they were applied by WEC against itself”), *abrogated other grounds by Priorities USA v. Wis. Elections Comm'n*, 412 Wis. 2d 594, 611, 8 N.W.3d 429, 437 (2024); *Wis. Voter All. v. Millis*, \_\_\_ F. Supp. 3d \_\_\_, No. 23-C-1416, 2024 U.S. Dist. LEXIS 44025, \*15 (E.D. Wis. Mar. 13, 2024) (noting that “the WEC claims it has a conflict of interest and is therefore required to recuse itself from addressing . . . complaints” against itself).

#### ***D. Defendants' Omissions Violate Wisconsin Law***

39. The above-referenced failures by the Milwaukee Commission have violated the requirements of Wis. Stat. §§ 6.32(1)–(2), 6.325, 6.50(3), 7.15(g), 7.21(1). For example, and without limitation, the Milwaukee Commission has failed to ensure the correctness of all registrations, Wis. Stat. §§ 6.32(1)–(2), 7.21(1), including confirming any addresses that appear to



be incorrect or outdated, Wis. Stat. §§ 6.325, 6.50(3).<sup>\*</sup> *See also Voter Integrity Project NC, Inc. v. Wake Cty. Bd. of Elections*, 301 F. Supp. 3d 612, 620 (E.D.N.C. 2017) (holding that “a reasonable inference can be drawn that [a county board of elections] is not making a reasonable effort to conduct a voter list maintenance program in accordance with the NVRA” where a plaintiff has made an allegation, “supported by reliable data,” that the county is failing to remove ineligible voters and the county board failed to use available information to remove such ineligible voters).

40. Likewise, these failures by the WEC have violated the requirements of Wis. Stat. §§ 5.05(1), (2w), (15), 6.32(1)–(2), 6.36(1)(a)(1). For example, and without limitation, the WEC is “responsible for the . . . maintenance of the official registration list,” Wis. Stat. § 5.05(15), which “shall contain” the correct “name and address of each registered elector in the state,” Wis. Stat. § 6.36(1)(a)(1). To that end, the WEC is required to oversee the local election officials in ensuring that their voter lists comply with all state requirements, including the requirements that they state the electors’ correct addresses and designate voters who are no longer active in their locales as inactive. *See* Wis. Stat. §§ 5.05(1), (2w). By failing to take such actions, the WEC has refused to perform its duties under these statutes.

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<sup>\*</sup> *See* Wis. Stat. § 6.325 (“If it appears that the challenged elector is registered at a residence in this state other than the one where the elector now resides, the municipal clerk or board of election commissioners shall, before permitting the elector to vote, require the elector to properly register and shall notify the municipal clerk or board of election commissioners at the former residence.”); Wis. Stat. § 6.50(3) (“Upon receipt of reliable information that a registered elector has changed his or her residence to a location outside of the municipality, the municipal clerk or board of election commissioners shall notify the elector by mailing a notice by 1st class mail to the elector’s registration address stating the source of the information. . . . If the elector no longer resides in the municipality or fails to apply for continuation of registration within 30 days of the date the notice is mailed, the clerk or board of election commissioners shall change the elector’s registration from eligible to ineligible status. Upon receipt of reliable information that a registered elector has changed his or her residence within the municipality, the municipal clerk or board of election commissioners shall change the elector’s registration and mail the elector a notice of the change.”).



41. These improperly maintained voter rolls undermine Plaintiffs' confidence in the electoral process, burden Plaintiffs' right to vote via vote dilution, and constitute an actionable injury in fact. *See, e.g., Green v. Bell*, No. 3:21-cv-00493-RJC-DCK, 2023 U.S. Dist. LEXIS 45989, \*9, 2023 WL 2572210 (W.D.N.C. Mar. 19, 2023) (holding that such harm constitutes an injury in fact); *Judicial Watch, Inc. v. King*, 993 F. Supp. 2d 919, 924 (S.D. Ind. 2012) (same); *Judicial Watch, Inc. v. Griswold*, No. 20-cv-02992-PAB-KMT, 2022 U.S. Dist. LEXIS 153290, \*5-6, 2022 WL 3681986 (D. Colo. Aug. 25, 2022) (same); *see also Wis. Voter All. v. Millis*, \_\_\_ F. Supp. 3d \_\_\_, No. 23-C-1416, 2024 U.S. Dist. LEXIS 44025, \*12 (E.D. Wis. Mar. 13, 2024) (“[V]oter disenfranchisement through dilution caused by illegal votes might constitute the kind of harm required [to seek judicial review.]”).

42. Accordingly, Plaintiffs ask that the Milwaukee Commission be ordered to promptly mail a notice pursuant to Wisconsin Statute § 6.50 to each of the individuals associated with the Anomalous Registrations in Milwaukee and, 30 days after mailing such notices, change any registrations for which no response has been received from active to inactive status, as required by Wis. Stat. § 6.50. *See also* Wis. Stat. § 6.325 (“If it appears that the challenged elector is registered at a residence in this state other than the one where the elector now resides, the municipal clerk or board of election commissioners shall, before permitting the elector to vote, require the elector to properly register and shall notify the municipal clerk or board of election commissioners at the former residence.”).

43. Plaintiffs also ask that the WEC be ordered to instruct all municipal clerks and boards of election officers in Wisconsin to (1) promptly mail a notice pursuant to Wisconsin Statute § 6.50 to each of the individuals associated with the Anomalous Registrations in their jurisdictions and, (2) 30 days after mailing such notices, change any registrations for which no response has

been received from active to inactive status, as required by Wis. Stat. § 6.50. *See* Wis. Stat. §§ 5.05(15), 6.36(1)(a)(1). Plaintiffs further ask that the WEC be ordered to take any and all actions in its power to enforce these instructions, as well as the laws the WEC is charged with administering. *See, e.g.*, Wis. Stat. § 5.05(1)(d).

44. In light of the above-referenced statutes, Defendants' duties to perform the requested tasks are clear and unequivocal.

45. Importantly, such relief would not harm any active voters. That is because active voter associated with the Anomalous Registrations can simply respond to the notices from Defendants, and even those who fail to respond can readily contact the election authorities to reactivate their registrations. Moreover, all voters can vote in person at the Milwaukee Commission's office up to two weeks before the election or at the polling place on election day. As such, nobody would be disenfranchised by this action.

46. Instead, this relief will help protect former Wisconsin residents from having their identities stolen and used to vote illegally in their names. Moreover, this relief would protect Plaintiffs' and all Wisconsin voters' right to vote by safeguarding them from improper vote dilution. *E.g., Reynolds*, 377 U.S. at 555.

**COUNT I - DECLARATORY JUDGMENT CONCERNING  
COMPLIANCE AND VIOLATIONS OF WIS. STATS. §§ 5.05(1), (2w), (15),  
6.32(1)–(2), 6.325, 6.36(1)(a)(1), 6.50(3), 7.15(g), AND 7.21(1)**

47. All of the foregoing paragraphs are incorporated as though restated herein.

48. Plaintiffs have a right to have the WEC and the Milwaukee Commission properly maintain the voter rolls as provided in Wis. Stat. §§ 5.05(1), (2w), (15), 6.32(1)–(2), 6.36(1)(a)(1) and Wis. Stat. §§ 6.32(1)–(2), 6.325, 6.50(3), 7.15(g), 7.21(1), respectively.



49. This right stems not just from the statutes themselves, but from Plaintiffs' constitutional right to vote. *See Reynolds v. Sims*, 377 U.S. 533, 555 (1964) (holding that allowing vote dilution is a denial of the right to vote).

50. Defendants' choice to accept the Anomalous Registrations without further investigation violates this right.

51. As a direct and proximate consequence of Defendants' aforementioned failures, Plaintiffs' confidence in the electoral process has been, is being, and will continue to be undermined and Plaintiffs' right to vote has been, is being, and will continue to be burdened, unless this Court requires Defendants to remedy these issues by granting the relief requested herein.

52. Specifically, the Milwaukee Commission must timely confirm the status of the individuals associated with the Anomalous Registrations in Milwaukee by sending notices to those individuals pursuant to Wis. Stat. § 6.50, and must switch to inactive status any registrations for which no response is received within 30 days, as required by Wis. Stat. § 6.50. *See also* Wis. Stat. §§ 6.32(2), 6.325, 7.21(1).

53. Likewise, the WEC must instruct *all* municipal clerks and boards of election officers in the state of Wisconsin to (1) promptly mail a notice pursuant to Wisconsin Statute § 6.50 to each of the individuals associated with the Anomalous Registrations in their jurisdictions and, (2) 30 days after mailing such notices, change any registrations for which no response has been received from active to inactive status, as required by Wis. Stat. § 6.50. *See* Wis. Stat. §§ 5.05(15), 6.36(1)(a)(1). The WEC must further take any and all actions in its power to enforce these instructions. *See, e.g.*, Wis. Stat. § 5.05(1)(d).

54. Accordingly, Plaintiffs ask the Court to declare that Defendants must take such actions pursuant to the statutes.

**COUNT II - INJUNCTIVE RELIEF ORDERING**  
**COMPLIANCE WITH WIS. STATS. §§ 5.05(1), (2w), (15),**  
**6.32(1)–(2), 6.325, 6.36(1)(a)(1), 6.50(3), 7.15(g), AND 7.21(1)**

55. All of the foregoing paragraphs are incorporated as though restated herein.

56. Plaintiffs are also entitled to injunctive relief requiring the Milwaukee Commission to maintain the voter rolls pursuant to Wis. Stat. §§ 5.05(1), (2w), (15), 6.32(1)–(2), 6.36(1)(a)(1) and requiring the WEC to oversee the maintenance of the voter rolls pursuant to Wis. Stat. §§ 6.32(1)–(2), 6.325, 6.50(3), 7.15(g), 7.21(1).

57. Absent an injunction, Defendants will continue to fail to perform these duties, thereby violating Plaintiffs' right to vote and injuring Plaintiffs by depriving them of this right. *See Reynolds v. Sims*, 377 U.S. 533, 555 (1964) (holding that allowing vote dilution is a denial of the right to vote).

58. As a direct and proximate consequence of Defendants' aforementioned failures, Plaintiffs' confidence in the electoral process has been, is being, and will continue to be undermined and Plaintiffs' right to vote has been, is being, and will continue to be burdened, unless this Court requires Defendants to remedy these issues by granting the relief requested herein.

59. Moreover, money damages cannot compensate for the loss of the right to vote free from vote dilution or the loss of confidence in the electoral process.

60. Accordingly, Plaintiffs ask that this Court issue an emergency injunction enjoining Defendants and providing as follows:

- a. The Milwaukee Commission must promptly mail a notice pursuant to Wis. Stat. § 6.50 to each of the individuals associated with the Anomalous Registrations in Milwaukee; and



- b. 30 days after mailing such notices, the Milwaukee Commission must change any registrations for which no response has been received from active to inactive status, as required by Wis. Stat. § 6.50. *See also* Wis. Stat. §§ 6.32(2), 6.325, 7.21(1).
- c. The WEC must instruct all municipal clerks and boards of election officers in the state of Wisconsin to (1) promptly mail a notice pursuant to Wisconsin Statute § 6.50 to each of the individuals associated with the Anomalous Registrations in their jurisdictions and, (2) 30 days after mailing such notices, change any registrations for which no response has been received from active to inactive status, as required by Wis. Stat. § 6.50. *See* Wis. Stat. §§ 5.05(15), 6.36(1)(a)(1). The WEC must also take any and all actions in its power to enforce these instructions. *See, e.g.*, Wis. Stat. § 5.05(1)(d).

**IN THE ALTERNATIVE, REQUEST FOR EMERGENCY ALTERNATIVE  
WRIT OF MANDAMUS UNDER WIS. STAT. § 783.01 SEEKING  
PERFORMANCE OF DUTIES PRESCRIBED IN WIS. STATS. §§ 5.05(1), 5.061, (2w),  
(15), 6.32(1)–(2), 6.325, 6.36(1)(a)(1), 6.50(3), 7.15(g), AND 7.21(1), AND ALL OTHER  
RELEVANT FEDERAL AND CONSTITUTIONAL AUTHORITIES**

61. All of the foregoing paragraphs, excluding Counts I and II, are incorporated as though restated herein.
62. In the alternative to declaratory and injunctive relief, Plaintiffs seek a writ of mandamus ordering Defendants to perform their respective legal duties regarding voter roll maintenance.
63. Plaintiffs' right to have Defendants properly maintain the voter rolls as requested herein is clear, specific, and free from substantial doubt. *See Reynolds v. Sims*, 377 U.S. 533, 555 (1964) (holding that allowing vote dilution is a denial of the right to vote).



64. Likewise, the duties of the WEC and the Milwaukee Commission to maintain the voter rolls are positive and plain, stated expressly by Wis. Stat. §§ 5.05(1), (2w), (15), 6.32(1)–(2), 6.36(1)(a)(1) and Wis. Stat. §§ 6.32(1)–(2), 6.325, 6.50(3), 7.15(g), 7.21(1), respectively.

65. Substantial damage will result to Plaintiffs if these duties are not performed. *E.g.*, *Reynolds*, 377 U.S. at 555.

66. Specifically, as a direct and proximate consequence of Defendants' aforementioned failures, Plaintiffs' confidence in the electoral process has been, is being, and will continue to be undermined and Plaintiffs' right to vote has been, is being, and will continue to be burdened, unless this Court requires Defendants to remedy these issues by granting the relief requested herein.

67. No other adequate remedy exists at law, as money damages cannot compensate for the loss of the right to vote free from vote dilution or the loss of confidence in the electoral process.

68. Accordingly, Plaintiffs request that mandamus be issued to the Milwaukee Commission requiring it to promptly mail a notice pursuant to Wisconsin Statute § 6.50 to each of the individuals associated with the Anomalous Registrations in Milwaukee and, 30 days after mailing such notices, change any registrations for which no response has been received from active to inactive status, as required by Wis. Stat. § 6.50. *See also* Wis. Stat. §§ 6.32(2), 6.325, 7.21(1).

69. Plaintiffs also request that mandamus be issued to the WEC requiring it to instruct all municipal clerks and boards of election officers in the state of Wisconsin to (1) promptly mail a notice pursuant to Wisconsin Statute § 6.50 to each of the individuals associated with the Anomalous Registrations in their jurisdictions and, (2) 30 days after mailing such notices, change any registrations for which no response has been received from active to inactive status, as required by Wis. Stat. § 6.50. *See* Wis. Stat. §§ 5.05(15), 6.36(1)(a)(1). This mandamus should further



require the WEC to take any and all actions in its power to enforce these instructions. *See, e.g.*, Wis. Stat. § 5.05(1)(d).

**PRAYER FOR RELIEF**

WHEREFORE Plaintiffs respectfully pray that this Court enter an emergency order and expedited schedule, *in sufficient time to allow compliance in full prior to the November 5, 2024 election*, ADJUDGING, ORDERING, and DECREERING:

- a. That declaratory judgment be issued that the Milwaukee Commission is required to timely confirm the status of the individuals associated with the Anomalous Registrations in Milwaukee by sending notices to those individuals pursuant to Wis. Stat. § 6.50, and to switch to inactive status any registrations for which no response is received within 30 days, as required by Wis. Stat. § 6.50, *see also* Wis. Stat. § 6.32(2), 6.325, 7.21(1), that the WEC must instruct all municipal clerks and boards of election officers in the state of Wisconsin to (1) promptly mail a notice pursuant to Wisconsin Statute § 6.50 to each of the individuals associated with the Anomalous Registrations in their jurisdictions and, (2) 30 days after mailing such notices, change any registrations for which no response has been received from active to inactive status, as required by Wis. Stat. § 6.50, *see* Wis. Stat. §§ 5.05(15), 6.36(1)(a)(1), and that the WEC must take any and all actions in its power to enforce these instructions, *see, e.g.*, Wis. Stat. § 5.05(1)(d);
- b. That Defendants be enjoined as follows:
  - A. The Milwaukee Commission shall promptly mail a notice pursuant to Wis. Stat. § 6.50 to each of the individuals associated with the Anomalous Registrations in Milwaukee;

- B. 30 days after mailing such notices, The Milwaukee Commission shall change any registrations for which no response has been received from active to inactive status, as required by Wis. Stat. § 6.50, *see also* Wis. Stat. §§ 6.32(2), 6.325, 7.21(1);
- C. The WEC shall instruct all municipal clerks and boards of election officers in the state of Wisconsin to (1) promptly mail a notice pursuant to Wisconsin Statute § 6.50 to each of the individuals associated with the Anomalous Registrations in their jurisdictions and, (2) 30 days after mailing such notices, change any registrations for which no response has been received from active to inactive status, as required by Wis. Stat. § 6.5, *see* Wis. Stat. §§ 5.05(15), 6.36(1)(a)(1); and
- D. The WEC shall take any and all actions in its power to enforce these instructions, *see, e.g.*, Wis. Stat. § 5.05(1)(d).
- c. In the alternative, that mandamus be issued to the Milwaukee Commission requiring it to promptly mail a notice pursuant to Wis. Stat. § 6.50 to each of the individuals associated with the Anomalous Registrations in Milwaukee and, 30 days after mailing such notices, change any registrations for which no response has been received from active to inactive status, as required by Wis. Stat. § 6.50, *see also* Wis. Stat. §§ 6.32(2), 6.325, 7.21(1), and that mandamus be issued to the WEC requiring it to instruct all municipal clerks and boards of election officers in the state of Wisconsin to (1) promptly mail a notice pursuant to Wisconsin Statute § 6.50 to each of the individuals associated with the Anomalous Registrations in their jurisdictions and, (2) 30 days after mailing such notices, change any registrations for which no response has been received



from active to inactive status, as required by Wis. Stat. § 6.50, *see* Wis. Stat. §§ 5.05(15), 6.36(1)(a)(1), and further requiring the WEC to take any and all actions in its power to enforce these instructions, *see, e.g.*, Wis. Stat. § 5.05(1)(d).

- d. That Plaintiffs be awarded such other and further relief as the Court deems just and proper, including without limitation their attorneys' fees and costs.

Dated at Mequon, Wisconsin this 26<sup>th</sup> day of September 2024.

Respectfully submitted,

Electronically signed by: /s/ Daniel J. Eastman

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