

STATE OF WISCONSIN

CIRCUIT COURT

OZAUKEE COUNTY

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Timothy Zignego  
David W. Opitz  
Frederick G. Luehrs, III

Plaintiffs

Case No: 19-CV-449

vs.

Wisconsin Election Commission

Marge Bostelmann, Julie Glancey,  
Ann Jacobs, Dean Knudsen  
Mark Thomsen

Defendants.

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**PLAINTIFFS' NOTICE OF MOTION AND MOTION FOR A TEMPORARY  
INJUNCTION OR IN THE ALTERNATIVE FOR A WRIT OF MANDAMUS**

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TO: Wisconsin Election Commission  
Marge Bostelmann, Julie Glancey,  
Ann Jacobs, Dean Knudsen and  
Mark Thomsen

Please take Notice that on December 5, 2019, at 9:00 o'clock a.m., or as soon thereafter as the matter may be heard, Plaintiffs will appear before the Hon. Paul V. Malloy and, pursuant to Wis. Stat. § 813.02, request entry of a temporary injunction, or in the alternative a writ of mandamus; (a) requiring that the Defendants cease and desist from ignoring and failing to enforce Wis. Stat. § 6.50(3) and (b) requiring that WEC shall change the registration status from eligible

to ineligible for each voter to whom WEC sent a Movers notice in October 2019 notice and who did not respond to the notice within 30 days.

In support of this motion, the Plaintiffs state as follows:

1. This is an action against the Wisconsin Election Commission (“WEC”) and five of the Commissioners of the Wisconsin Election Commission (the “WEC Commissioners”), (collectively “the Defendants”), based upon the Defendants’ failure and refusal to comply with state law.

2. Wisconsin Statute § 6.50(3) requires that upon receipt of reliable information that a registered voter has moved, WEC shall notify the voter by mail of that information. The voter then has the ability to respond by informing WEC that the voter has not moved and to affirm that the voter remains at the address on their voter registration. A voter who actually has moved is, of course, required to register at their new address.

3. The Defendants sent out such notices to approximately 234,000 voters during the week of October 7-11, 2019. The issue in this case is what happens with respect to the voters who do not respond to the notice.

4. Wisconsin Statute § 6.50(3) is very clear as to WEC’s duty if the voter does not respond to the notice. **“If the elector ... 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.”** (Emphasis added)

5. Despite the mandatory language in the statute, the Defendants have decided that if voters do not respond to the notice, WEC will not change the voter’s registration from eligible to ineligible status until sometime after the Spring Primary in 2021, rather than in the 30 days as required by the statute.

6. By law, WEC should be taking the action required by Wis. Stat. § 6.50(3) at some time during the week of November 11, 2019 (which would be 30 days after the notices were sent during the week of October 7, 2019). If WEC followed the law that would mean that the voter registration rolls would be in compliance with the law well prior to the Spring Primary scheduled for February 18, 2020. But the Defendants are refusing to follow the law.

7. The Plaintiffs ask this Court to set this matter for a hearing, and to grant Plaintiffs motion for a temporary injunction, or in the alternative, for a writ of mandamus so that, if the Court agrees with the Plaintiffs, the parties will be in the same position as they would be in if WEC had complied with the law in the first instance – i.e., with up to date voter registration rolls prior to the next scheduled election as mandated by statute.

This motion is further supported by the Plaintiffs' Brief in support of the Motion for a Temporary Injunction or, in the alternative, for a Writ of Mandamus, and in the Affidavit filed herewith.

Respectfully submitted this 14th day of November, 2019.

WISCONSIN INSTITUTE FOR LAW & LIBERTY, Inc.  
Attorneys for Complainants

*S/signed electronically by Richard M. Esenberg*

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