FILED
07-23-2026
CIRCUIT COURT
DANE COUNTY, WI
2026CV002404
Honorable Rhonda L. Lanford
Branch 16

STATE OF WISCONSIN CIRCUIT COURT DANE COUNTY
BRANCH __

LEAGUE OF WOMEN VOTERS OF WISCONSIN,
612 W. Main St., Ste. 200
Madison, WI 53703,

BARBARA FEENEY
460 Windmill Rd.
Brooklyn, WI 53521,

Case No. _____
Case Code: 30701
Declaratory Judgment

Plaintiffs,

v.

WISCONSIN ELECTIONS COMMISSION; DON M. MILLIS, ANN S. JACOBS, MARK L. THOMSEN, CARRIE RIEPL, ROBERT F. SPINDELL, JR., MARGE BOSTELMANN, in their official capacities as Commissioners; and MEAGAN WOLFE, in her official capacity as Administrator of the Wisconsin Elections Commission,
201 W. Washington Ave., Second Floor
Madison, WI 53703,

Defendants.

SUMMONS

THE STATE OF WISCONSIN,

To each person named above as a Defendant:

You are hereby notified that the Plaintiffs named above have filed a lawsuit or other legal action against you. The Complaint, which is attached, states the nature and basis of the legal action.

Within 45 days of receiving this Summons, you must respond with a written Answer, as that term is used in Chapter 802 of the Wisconsin Statutes, to the

Complaint. The Court may reject or disregard an answer that does not follow the requirements of the statutes. The Answer must be sent or delivered to the Court, whose address is Clerk of Circuit Court, Dane County Circuit Court, 215 S. Hamilton Street, Madison, WI 53703, to Fair Elections Center, 1629 K St. NW, Suite 300, Washington, DC 20006, and to Law Forward, Inc., 222 W. Washington Ave, Suite 680, Madison, WI 53703. You may have an attorney help or represent you.

If you do not provide a proper Answer within 45 days, the Court may grant Judgment against you for the award of money or other legal action requested in the Complaint, and you may lose your right to object to anything that is or may be incorrect in the Complaint. A Judgment may be enforced as provided by law. A Judgment awarding money may become a lien against any real estate you own now or in the future, and may also be enforced by garnishment or seizure of property.

Dated: July 23, 2026

Respectfully submitted,



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201 W. Washington Ave., Second Floor
Madison, WI 53703,

Defendants.

COMPLAINT

1. Plaintiffs League of Women Voters of Wisconsin ("LWVWI") and Barbara Feeney (collectively, "Plaintiffs") seek declaratory and injunctive relief and allege as follows:

NATURE OF ACTION

2. "Without question, the right to vote is a fundamental right[.]" *Milwaukee Branch of NAACP v. Walker*, 2014 WI 98, ¶ 23, 357 Wis. 2d 469, 851 N.W.2d 262 (citing *State ex rel. Frederick v. Zimmerman*, 254 Wis. 600, 37 N.W.2d 473, 480 (1949)).

3. For this reason, the right to vote "may not under our Constitution and laws be destroyed or even unreasonably restricted." *State v. Cir. Ct. for Marathon Cnty.*, 178 Wis. 468, 190 N.W. 563, 565 (1922).

4. Wisconsin voters may exercise their right to vote by voting in person on Election Day or by voting absentee.

5. Wisconsin's absentee voters can return their absentee ballots to their municipal clerk's office through the mail.

6. In election after election, hundreds of thousands of Wisconsinites exercise their right to vote by returning their absentee ballots through the mail.

7. When mailed absentee ballots are delayed and will not arrive in time to be counted, Defendants *forbid* Wisconsinites from exercising their right to vote in person on Election Day.

8. In other words, Wisconsin voters who have reason to believe that their mailed absentee ballots will not arrive in time to be counted ("Impacted Voters") are prohibited by Defendants from remedying this issue by going to the polls to exercise their fundamental right to vote. This rule risks denying Impacted Voters their right to vote—the right most preservative of all others. See *Walker*, 2014 WI 98, ¶ 23.

9. By failing to provide any option for Impacted Voters to vote in person on Election Day, Defendants unreasonably deny Wisconsinites' right to vote.

10. To uphold the right to vote, and to prevent such a deprivation, Plaintiffs seek declaratory and injunctive relief as described herein.

JURISDICTION AND VENUE

11. This Court has jurisdiction over the subject matter of this dispute pursuant to Article VII, Section 8 of the Wisconsin Constitution and Wis. Stat. § 753.03, which provide for subject matter jurisdiction over all civil matters within this State.

12. This Court has jurisdiction to grant declaratory relief pursuant to Wis. Stat. §§ 227.40 and 806.04.

13. This Court has personal jurisdiction over Defendant Wisconsin Elections Commission ("WEC"); over Defendants Commissioners Don M. Millis, Ann S. Jacobs, Mark L. Thomsen, Carrie Riepl, Robert F. Spindell, Jr., and Marge Bostelmann, in their official capacities as members of the Wisconsin Elections Commission; and over Defendant Meagan Wolfe, in her official capacity as Administrator of the Wisconsin Elections Commission. This Complaint refers to these Defendants collectively as "Defendants."

14. Venue is appropriate in Dane County, under Wis. Stat. § 801.50, because Defendants are located in and conduct their official business in Dane County.

PARTIES

15. Plaintiff LWVWI was founded in 1920 by the suffragists who fought to win the right to vote for women through the Nineteenth Amendment. LWVWI is a nonpartisan, nonprofit, non-stock corporation organized under the laws of the State of Wisconsin with its principal office located at 612 West Main St., Suite 200, in the City of Madison, Dane County, Wisconsin. LWVWI has grassroots support from 21 local Leagues[1] and approximately 2,700 members statewide.

16. LWVWI is an affiliate of League of Women Voters of the United States, which has 800 state and local Leagues in all 50 states, the District of Columbia, and the Virgin Islands. LWVWI works to expand informed, active participation in state and local government, giving a voice to all Wisconsinites.

17. LWVWI is dedicated to encouraging its members and the people of Wisconsin to exercise their fundamental right to vote. LWVWI's mission is to empower voters and defend democracy. LWVWI does this by promoting political responsibility through informed and active participation in government and acting on selected governmental issues. LWVWI seeks to maximize eligible voter participation through its voter registration, education, and outreach efforts and to encourage civic engagement through registration and voting. To that end, LWVWI

[1] LWVWI has local Leagues in Appleton-Fox Cities, Ashland/Bayfield County, City of Beloit, Dane County, Door County, Douglas County, Greater Chippewa Valley, Greater Green Bay, City of Janesville, the La Crosse Area, Marathon County, Manitowoc County, Milwaukee County, Northwoods, Ozaukee-Washington Counties, the Ripon Area, Sheboygan County, St. Croix Valley, the Whitewater Area, Winnebago County, and the Wisconsin Rapids Area.

proactively encourages absentee voting, including returning absentee ballots through the mail.

18. Any threat to the ability of Wisconsinites to cast a ballot is a threat to LWVWI's mission, longstanding work, and public statements encouraging absentee voters to return their ballots through the mail. Just this year, LWVWI has engaged in a wide range of activities to educate and assist absentee voters who return their ballots through the mail.

19. By disenfranchising Impacted Voters, Defendants deprive qualified voters of their right to vote under the Wisconsin Constitution. In so doing, Defendants harm the LWVWI's reputation as a trusted resource and community partner, because voters who rely on and cast their absentee ballots in accordance with LWVWI's information and guidance may blame LWVWI for their disenfranchisement.

20. For example, LWVWI informs its members and the public that USPS recommends absentee voters mail back their ballot at least one week before Election Day to ensure timely delivery:

Returning Your Ballot

DO NOT DELAY! Return your ballot as soon as possible to ensure your vote is counted. Below is a schedule to keep in mind when returning your ballot.

- Returning by mail: **The U.S. Postal Service recommends absentee ballots be mailed one week before Election Day** to arrive in time.
- Return/drop-off in-person: Keep in mind that your completed absentee ballot must be delivered to a drop box,* your municipal clerk's office or your polling place no later than **8:00 p.m. on Election Day.** Voters in municipalities that use central count, should return their ballots to their central count location rather than their polling place on Election Day.

**Visit MyVote.Wi.Gov or contact your clerk if you are unsure if your community is using drop boxes.*

In so doing, LWVWI invests in a significant multimedia public education campaign (*i.e.*, via in-person and virtual programming, online via LWVWI's website and Vote411, and via social media) to teach voters about every step in the mail-in absentee voting process—namely, by preparing and publishing step-by-step guides on how to request an absentee ballot, cast an absentee ballot, and return an absentee ballot, including recommended timing for mailing an absentee ballot and checking the status of an absentee ballot.[2]

21. LWVWI's public education campaigns help mitigate the risk that an absentee voter's ballot will arrive too late to be counted. For example, in 2025, LWVWI created an Ambassador Toolkit for Election Education Resources that included information on proof of residence, voter registration, absentee and early voting, and Election Day voting.[3] These materials—consistent with WEC's recommendations—encouraged voters to return their ballots at least one week before Election Day.

22. Unfortunately, growing evidence suggests that even if voters mail back their absentee ballots one week before Election Day, those ballots *still* might not

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[2] *See, e.g.*, League of Women Voters of Wis., *Absentee and Early Voting*, https://my.lwv.org/wisconsin/voter-information/absentee-and-early-voting (last visited July 21, 2026); *see also, e.g.*, *Voting in My State – Wisconsin*, Vote411, https://www.vote411.org/wisconsin (last visited July 21, 2026); League of Women Voters of Wis., *8 Things Every Voter Should Know About Absentee and Early Voting in Wisconsin*, https://my.lwv.org/wisconsin/article/8-things-every-voter-should-know-about-absentee-and-early-voting-wisconsin (last visited July 21, 2026).

[3] League of Women Voters of Wis., *2025 Voter Education Ambassador Toolkit, Election Education Resources*, https://docs.google.com/document/d/1jDlXvA8G09IYL99WkAeGL2zrryH1b6Ugxpb NNlEUIvw/edit?tab=t.0 (last visited July 21, 2026).

arrive in time to be counted. Accordingly, in light of concerns regarding USPS delays, in 2026, LWVWI updated its Ambassador Toolkit to recommend that, if voters decide to cast an absentee ballot after the start of in-person absentee voting (two weeks before Election Day), they cast an in-person absentee ballot instead of relying on the mail.[4]

23. On every Election Day, hundreds of LWVWI members serve as poll workers or volunteer election observers. To be able to fulfill these duties, members often cast absentee ballots so that they can be sure they will be available to help throughout Election Day. Following the election held on April 7, 2026, LWVWI conducted a survey to understand the voting patterns of their members. Of the 718 members who responded, 163 members returned their absentee ballots by mail. Their votes were jeopardized because WEC forbids Impacted Voters from voting on Election Day once their absentee ballot is in the mail. LWVWI members' voting rights are thus compromised because, even though they have done everything right, their ballots may arrive late, resulting in rejection.

24. At least one LWVWI member has been an Impacted Voter in prior elections.

[4] League of Women Voters of Wis., *2026 Voter Education Ambassador Toolkit, Election Education Resources*, https://docs.google.com/document/d/1cj5ZYGMOYBdNTclwnJ15UaYYwqzI7dL4L_UhZv3U55AY/edit?tab=t.0 (last visited July 21, 2026).

25. Plaintiff Barbara Feeney ("Feeney") is an adult resident of the State of Wisconsin. Her address is 460 Windmill Road, Town of Rutland, Brooklyn, Wisconsin, 53521.

26. Feeney is a member of LWVWI and a qualified Wisconsin voter.

27. Feeney is a regular voter. She frequently votes by absentee ballot.

28. Feeney intends to vote by absentee ballot in the future, including by returning her absentee ballot through the mail.

29. Feeney is concerned that if she returns her absentee ballot through the mail, it will not arrive in time to be counted.

30. There are no absentee ballot dropboxes in the Town of Rutland.

31. Moreover, there are no regular hours for in-person absentee voting in the Town of Rutland. Rather, voters who desire to vote by absentee ballot in person must schedule an appointment with the Town of Rutland clerk.

32. Defendant WEC is a bipartisan state agency charged with "responsibility for the administration of chs. 5 to 10 and 12 [of the Wisconsin statutes] and other laws relating to elections and election campaigns." Wis. Stat. § 5.05(1).

33. WEC provides instructions and guidance to municipal clerks and other election officials for election administration, including through the preparation and publication of election manuals such as the recently published combined Election Law & Administration in Wisconsin Manual ("Manual").[5] Wis. Stat. §§ 7.08(3), 7.08(4), 5.05(7), 5.05(12).

[5] The Manual, published in June 2026, is *available at:* https://elections.wi.gov/elaw.

34. WEC's office, where it primarily conducts business, is located at 201 West Washington Avenue, Second Floor, Madison, Wisconsin 53703.

35. Defendant Don M. Millis is the Chairperson of WEC. He is named here in his official capacity.

36. Defendants Don M. Millis, Ann S. Jacobs, Robert F. Spindell, Jr., Mark L. Thomsen, Carrie Riepl, and Marge Bostelmann are WEC Commissioners. They are named here in their official capacities.

37. Defendant Meagan Wolfe, WEC's Administrator, is "the chief election officer of this state." Wis. Stat. § 5.05(3g). She is named here in her official capacity.

38. WEC is authorized to review decisions by local municipal clerks, investigate violations of election laws, and order compliance therewith. Wis. Stat. §§ 5.05, 5.06.

FACTUAL AND LEGAL BACKGROUND

A. The mechanics of returning an absentee ballot

39. Qualified Wisconsin voters obtain absentee ballots in a variety of ways, including by submitting a mail-in application, an electronic application, or an in-person application at the municipal clerk's office. In-person applicants may only cast their ballots at the in-person absentee voting location.

40. In general, qualified Wisconsin voters may request absentee ballots up until "5:00 p.m. on the 5th day immediately preceding the election." Wis. Stat. § 6.86(1)(b).

41. Those same voters may return their absentee ballots in a variety of ways, including but not limited to: returning them in person at a municipal clerk's office, using an absentee ballot dropbox (if their municipality has such boxes), and mailing the ballot back to the municipal clerk's office. Wis. Stat. § 6.87(4)(b)1.; Manual at 7-117 (Sec. 7.9.2); Wis. Elections Comm'n, *Form EL-128, Uniform Instructions for Wisconsin Absentee Voters* (rev. August 2023).[6]

42. In the Manual, WEC explains that "[a]bsentee voters can return their ballots by mail by placing it in a USPS mailbox or taking it to a post office." Manual at 7-117 (Sec. 7.9.3).

43. "[I]f the municipal clerk receives an absentee ballot on election day, the clerk shall secure the ballot and cause the ballot to be delivered to the polling place serving the elector's residence before 8 p.m." Wis. Stat. § 6.87(6).

44. In general, an absentee ballot "shall be returned so it is delivered to the polling place no later than 8 p.m. on election day." *Id*. As such, mailed absentee ballots that arrive via USPS at a municipal clerk's office just one day *after* Election Day will not count.

45. Voters consistently rely on the mail to return their absentee ballots.

[6] Form EL-128 is *available at:* https://elections.wi.gov/sites/default/files/documents/EL-128%20Uniform%20Instructions%20Standard_1.pdf.

46. WEC reports[7] that Wisconsinites cast:

a. approximately 218,000 mailed absentee ballots for the 2026 spring election (roughly 14 percent of the more than 1.5 million total ballots cast);

b. more than 335,000 mailed absentee ballots for the 2025 spring election (approximately 14 percent of the more than 2.3 million total ballots cast);

c. more than 600,000 mailed absentee ballots for the 2024 general election (nearly 18 percent of the more than 3.4 million total ballots cast);

d. more than 283,000 mailed absentee ballots for the 2023 spring election (approximately 15 percent of the more than 1.8 million total ballots cast); and

[7] *See* Wis. Elections Comm'n, *2026 Spring Election Statistics Report* (July 1, 2026), https://elections.wi.gov/resources/statistics/2026-spring-election-voting-and-registration-statistics-report; Wis. Elections Comm'n, *2025 Spring Election Statistics Report* (Oct. 2, 2025), https://elections.wi.gov/resources/statistics/2025-spring-election-voting-and-registration-statistics-report; Wis. Elections Comm'n, *2024 General Election Statistics Report* (June 2, 2025), https://elections.wi.gov/resources/statistics/2024-general-election-voting-and-registration-statistics-report; Wis. Elections Comm'n, *2023 Spring Election Statistics Report* (Oct. 2, 2023), https://elections.wi.gov/resources/statistics/2023-spring-election-voting-and-registration-statistics-report; Wis. Elections Comm'n, *2022 General Election Statistics Report* (June 1, 2023), https://elections.wi.gov/resources/statistics/2022-general-election-voting-and-registration-statistics-report.

e. more than 447,000 mailed absentee ballots for the 2022 general election (nearly 17 percent of the more than 2.6 million total ballots cast).

47. Yet, sometimes, even when qualified Wisconsin voters place their absentee ballots in the mail well in advance of Election Day, those ballots will be delivered too late to be counted.

48. As a result, such qualified Wisconsin voters are disenfranchised.

49. Defendants are aware of this problem.

B. Hundreds of Wisconsin voters were disenfranchised when their mailed absentee ballots arrived after Election Day for the April 7, 2026 spring election.

50. In the weeks surrounding the April 7, 2026 spring election, WEC staff received reports from Wisconsin clerks and voters expressing concerns over unusual delivery delays of mailed absentee ballots.

51. To thoroughly analyze complaints concerning these delays, WEC surveyed Wisconsin county and municipal clerks regarding the timely delivery of mailed absentee ballots during the spring election. *See* Wisconsin Elections Commission USPS Memo and Survey, dated May 7, 2026 (the "WEC USPS Memo and Survey").[8]

52. The WEC USPS Memo and Survey included responses from 906 Wisconsin county and municipal clerks, "an exceptionally high response rate

[8] A copy of the WEC USPS Memo and Survey is *available at:* https://elections.wi.gov/sites/default/files/documents/Wisconsin%20Elections%20Commission%20USPS%20Memo%20and%20Survey%20May%207%2C%202026.pdf.

compared to past WEC online surveys" which "suggest[ed] a high degree of clerk interest in the topic." WEC USPS Memo and Survey at 1.

53. As detailed in the WEC USPS Memo and Survey, clerks across the State experienced a litany of USPS-related problems.

54. Approximately 67 percent of clerks reported "observing problems with mail travel times." WEC USPS Memo and Survey at 1–2. Nearly 40 percent of respondents described mail performance as "somewhat worse" or "much worse" than in prior elections. *Id.* at 2. A "substantial number of respondents indicated the perception" that mailed ballots took seven or more days to arrive. *Id.* at 3. Approximately 25 percent of respondents "felt that the number of late-arriving ballots was greater than in past elections." *Id.* at 4.

55. In addition to the general survey responses, more than 300 clerks from 69 of Wisconsin's 72 counties submitted separate written comments with their survey responses. *Id.* at 4–5; *see also id.* at Appendix A.

56. Two-thirds of the comments expressed "negative sentiments," *id.* at 5, including multiple incidents of USPS delays and untimely delivered mailed ballots at rates never-before seen by some of Wisconsin's most experienced clerks:

a. Clerk in Fond du Lac County: "So far, I have had to mark 40 ballots returned after deadline. I don't ever recall having this many."

b. Clerk in Columbia County: "We saw a record number of absentee ballots mailed on March 14th not returned. 16% did not come back or get received by voter. We are still seeing absentees come in. It has gotten

worse on delivery. Please pull it together. As a clerk for 23 years, this is the worst we have seen."

c. Clerk in Waukesha County: "City of Pewaukee has experienced gross mishandling and delivery of absentee ballots for many years. The worst mail delivery day of the week is Tuesday (unfortunately for elections!) and our office jokingly but sadly refers to it as 'no mail Tuesday.' . . . Seems very suspicious that on Election Day, we'd received little or no absentee ballots in the mail. . . . Ballots are extremely delayed in their delivery, and on average, it takes over TWO WEEKS for delivery to an out of state address. For local ballot delivery, we've seen it take as long as a week, if the ballot is even delivered at all. At this point, we've actually started begging our voters to not use the mail and to drop their ballots off in person if able, because the mail delivery is that bad! It is high time that the Post Office be investigated for their inept ability to deliver election related mail, and most importantly, absentee ballots!"

d. Clerk in Dodge County: "I received two ballots in the mail after election day (4/9/26). One of the ballots was postmarked March 27!"

e. Clerk in Milwaukee County: "I had an absentee ballot postmarked in Milwaukee on March 24 at 4pm that did not make it to the Village Mailbox until APRIL 8th."

f. Clerk in Marathon County: "I am getting calls from residents that ballots were severely delayed[.] I have one example of a ballot

postmarked from the clerk on 3/17 and stamped by USPS at the Green Bay facility on 4/7. Unacceptable. It doesn't seem as though USPS is prioritizing delivery of ballots like they have in the past."

g. Clerk in Dane County: "For the past two elections – April and Feb[ruary] – we did not get any mail on election day. We checked our mailbox multiple times throughout the day and again at poll close, nothing. The next day, we had ballots and other mail in the box. We rarely go a day without ANY mail, and it seems really suspicious that two of the no-mail days were election days."

h. Clerk in Ozaukee County: "Some people did not even receive their ballot from us while others mailed on March 28th and we did not receive it until April 13th."

Id., Appendix A at cmt. 5, 23, 41, 53, 58, 216, 227.

57. At least two dozen municipal clerks specifically complained that mailed absentee ballots postmarked well in advance—sometimes weeks—before Election Day arrived too late to be counted. *See, e.g.*, *id.* at cmt. 1, 13, 21, 22, 24, 30, 41, 53, 74, 76, 102, 161, 177, 186, 227, 233, 241, 250, 294, 296, 300, 306, 308, and 309; *see also id.* at cmt. 18, 54, 58, 144, 157, 174, 200 (clerks complaining of mail delays when sending requested absentee ballots to voters); *see also id.* at cmt. 210 ("We had 2 voters who said they mailed their ballots back a week prior to the election but we never received them.").

58. In Milwaukee, 336 absentee ballots arrived on April 8, 2026—the day after the spring election. All 336 ballots had to be rejected.

59. Likewise, in Fond du Lac, more than 100 ballots arrived after April 7, 2026, and were not counted.[9] According to the Fond du Lac County Clerk, "April [2026] was the worst ever in my years of being part of elections, the 28 years I've been part of elections with the county clerk for Fond du Lac County. The amount of ballots that came in after the April 7 election day was astounding. That's something I've never seen before. A lot of these ballots were postmarked in March, even mid-March, and were not returned to the municipal clerks' box until after that election."[10]

60. With a unanimous vote of WEC's Commissioners, on May 27, 2026, Defendants sent a letter to Postmaster General and Chief Executive Officer of the United States Postal Service, David Steiner, to express concerns over mail-in ballot delivery delays during the spring election (the "WEC Letter").[11]

61. Specifically, WEC reported to the Postmaster General that "two-thirds of clerks [who responded to WEC's survey] reported problems with the mail. More than half of the clerks reported receiving complaints and concerns from their voters." WEC Letter at 1. WEC further communicated that "a concerning number [of clerks]

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[9] Rich Kremer, *Wisconsin Elections Commission asks postal service to speed up deliveries of absentee ballots*, Wis. Pub. Radio (May 28, 2026), https://www.wpr.org/news/wisconsin-elections-commission-postal-absentee-ballots.

[10] *Id.*

[11] A copy of WEC's May 27, 2026 letter is *available at*: https://elections.wi.gov/sites/default/files/documents/Wisconsin%20Elections%20Commission%20Letter%20to%20USPS%20May%2027%2C%202026.pdf.

reported election mail took 7-10 (or more) days to reach its destination" and "many of the clerks described infrequent mail deliveries when compared to past elections." *Id.*

62. WEC rightly underscored to the Postmaster General "that any delay in election mail can potentially deprive citizens of their fundamental right to vote," and urged him to employ "extraordinary measures" to speed up the delivery of mail-in absentee ballots for all future elections in Wisconsin "to help ensure our citizens are heard." *Id.* at 2.

C. Absent relief, WEC's guidance will disenfranchise voters with late-arriving absentee ballots.

63. On June 9, 2026, Defendants published the Manual.

64. The next day, Defendants issued a clerk communication to inform clerks and other election officials of the Manual's publication.

65. In that communication, Defendants described that publishing the Manual was "an ambitious undertaking to review and consolidate eleven of the Commission's substantive procedures manuals into one, highly organized, expanded, and thoroughly reviewed resource. . . . [T]he Commission has reviewed over 130 chapters of the new manual over the course of almost a dozen public meetings. The finished resource is the First Edition of Election Law and Administration in Wisconsin."[12]

[12] *See* Letter from Wis. Elections Comm'n to Wis. Mun. Clerks, et al. at 1 (June 10, 2026), https://elections.wi.gov/media/39466/download.

66. In the Manual, WEC admits: "Because the process involves the postal system, there may be delays in both receiving and returning ballots." Manual at 7-114 (Sec. 7.8.1).

67. At the bottom of the Manual's section on returning ballots by mail, WEC recommends:

> that voters mail their absentee ballots back as soon as possible *but no later than 10 business days before Election Day*. This ensures the greatest likelihood that the ballot will be returned to the municipal clerk by 8 p.m. on Election Day.

Id. at 7-117 (Sec. 7.9.3) (emphasis added).

68. WEC also publishes "Uniform Instructions for Wisconsin Absentee Voters." *See supra* ¶ 41 and note 6.

69. Unlike WEC's language in the Manual, in the Uniform Instructions, WEC advises voters to mail their ballots back "at least **one week**" in advance of Election Day. Uniform Instructions at 1.

70. The inconsistency (one week versus ten business days) between WEC's Manual and Uniform Instructions has not been explained.

71. Defendants know that even when voters return their absentee ballots through the mail according to WEC's (inconsistent) guidance, a number of absentee ballots still arrive too late to be counted.

72. If voters have reason to believe their ballot might not be delivered to the municipal clerk's office before the deadline, they may request that their ballot be spoiled and ask that a replacement ballot be *mailed* to them or re-issued at an in-person absentee voting location.

73. In the Manual, WEC explained:

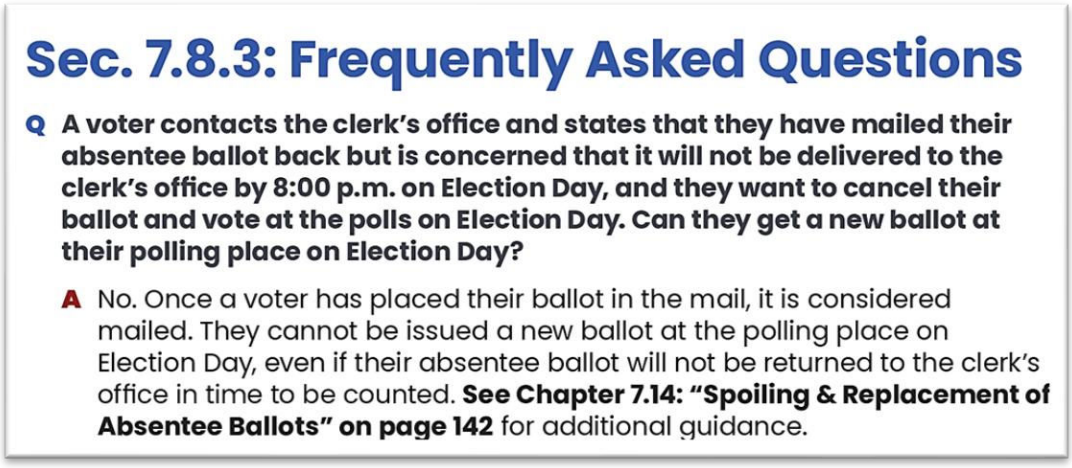
> If a clerk has not received the ballot, and the ballot is lost in transit, the clerk may cancel that ballot and issue a new absentee ballot to the voter as the ballot has not been returned. . . .
>
> If a ballot that has not yet been received by the clerk is cancelled by the clerk due to being lost in the mail, the clerk must issue a replacement ballot either by mail or during [in-person absentee voting ("IPAV")].

Manual at 7-114 (Sec. 7.8.1).

74. Regular by-mail absentee voters and overseas voters may request a replacement ballot by no later than 5:00 p.m. on the Thursday before Election Day. *Id*. at 7-143 (Sec. 7.14.4). Additionally, indefinitely confined absentee voters, absentee voters making a calendar year request, and military voters who are not away from home due to service or who have requested a ballot for an election not including any federal offices may request a replacement by no later than 5:00 p.m. on the Friday before Election Day. *Id*. By the time these deadlines arrive though, voters have insufficient time to receive and return a replacement absentee ballot per WEC's own guidance. Only IPAV remains, and even that ends, at the latest, on the Sunday prior to Election Day (and even earlier in many municipalities). Impacted Voters are thus prevented from exercising their right to vote.

75. WEC's instructions to municipal clerks results in the disenfranchisement of Impacted Voters.

76. Indeed, WEC forbids Impacted Voters from receiving a ballot they can cast on Election Day:



Sec. 7.8.3: Frequently Asked Questions

Q A voter contacts the clerk's office and states that they have mailed their absentee ballot back but is concerned that it will not be delivered to the clerk's office by 8:00 p.m. on Election Day, and they want to cancel their ballot and vote at the polls on Election Day. Can they get a new ballot at their polling place on Election Day?

A No. Once a voter has placed their ballot in the mail, it is considered mailed. They cannot be issued a new ballot at the polling place on Election Day, even if their absentee ballot will not be returned to the clerk's office in time to be counted. **See Chapter 7.14: "Spoiling & Replacement of Absentee Ballots" on page 142** for additional guidance.

Manual at 7-115 (Sec. 7.8.3).

77. "[O]nce the voter has placed the absentee ballot in the mail (or returned it by drop box or to the clerk's office), the option of voting in person at the polls is closed to them *for that specific ballot*, even if the ballot has not yet been received by the clerk." *Id.* at 7-114 (Sec. 7.8.1) (citing Wis. Stat. § 6.86(6)).

78. Wis. Stat. § 6.86(6) states "[a]n elector who mails or personally delivers an absentee ballot to the municipal clerk at an election is not permitted to vote in person at the same election on election day." WEC reads this guidance narrowly, and its underlying statutory provision, to cut off the possibility of voting in person upon the mere *mailing* of the absentee ballot, regardless of whether the ballot *actually arrives* at the clerk's office in a timely manner. *See* Manual at 7-115 (Sec. 7.8.3) ("Once a voter has placed their ballot in the mail, it is considered mailed. They cannot be issued a new ballot at the polling place on Election Day, even if their absentee ballot will not be returned to the clerk's office in time to be counted.").

79. Accordingly, Defendants prohibit Impacted Voters from casting a ballot in person on Election Day, even if Impacted Voters know (or have reason to believe) that on Election Day, their mailed absentee ballot is delayed or lost in the mail.

80. By prohibiting in-person remedies to address delays and disruptions in the mail, Defendants unlawfully deprive Impacted Voters of their right to vote.

D. Provisional voting as a remedy

81. Providing a provisional ballot to Impacted Voters on Election Day would prevent their disenfranchisement.

82. Provisional ballots would allow an Impacted Voter to ensure their right to vote is upheld on Election Day, notwithstanding any delay in the mail.

83. Provisional ballots are already provided to some qualified voters on Election Day. *See* Wis. Stat. § 6.97.

84. Provisional ballots, which operate as fail-safes, are sealed in envelopes, segregated, and not automatically tabulated like regular ballots cast in person.

85. Prior to casting an in-person provisional ballot on Election Day, the election official would first confirm that the Impacted Voter's mailed absentee ballot had not yet been received. Upon confirmation, the Impacted Voter would be allowed to cast a provisional ballot.

86. Because provisional ballots are segregated and not tabulated immediately like a regular ballot, no Impacted Voter could ever have both a mailed ballot and a provisional ballot counted. In the event an Impacted Voter casts a provisional ballot on Election Day, and their original absentee ballot subsequently

arrives through the mail in time to be counted, the municipal clerk would simply reject the Impacted Voter's provisional ballot and only tabulate the votes from the original mailed absentee ballot.

Claim for Relief: Wis. Stat. §§ 227.40, 806.04

Declaratory and Injunctive Relief

87. All preceding allegations are incorporated herein.

88. Under the Wisconsin Constitution, the right to vote is a fundamental right that cannot be destroyed or unreasonably infringed upon by the state. *Cir. Ct. for Marathon Cnty.*, 190 N.W. at 565.

89. Wisconsin law permits electors, including LWVWI members and Feeney, to return their absentee ballots to their municipal clerks' offices by mail.

90. Voters who request, complete, and return their absentee ballots through the mail should have their vote counted.

91. Impacted Voters' mailed absentee ballots may be delayed, lost in the mail, or otherwise arrive too late to be counted.

92. At least one LWVWI member has been an Impacted Voter. Additionally, LWVWI members will be disenfranchised in any election in which they return their absentee ballot through the mail and become an Impacted Voter.

93. Feeney will be disenfranchised in any election in which she returns her absentee ballot through the mail and becomes an Impacted Voter.

94. Defendants' interpretation of Wisconsin election statutes, including Wis. Stat. § 6.86(6), as well as their guidance to clerks (in the Manual and elsewhere),

wrongfully disenfranchises Impacted Voters by forbidding them from casting any ballot in person on Election Day.

95. The right to vote, as protected by the Wisconsin Constitution, does not countenance disenfranchisement when the voter has complied with all the requirements for voting and returning a mailed absentee ballot.

96. Any WEC guidance, instructions, or publications to the contrary violate the right to vote as protected by the Wisconsin Constitution.

97. Unless enjoined, Defendants will continue to interpret the law to preclude Impacted Voters from voting any ballot—even a provisional ballot—in person on Election Day, thus causing irreparable harm to Plaintiff LWVWI's members, Feeney, and all Wisconsin voters.

98. Under Wis. Stat. §§ 227.40 and 806.04, the validity of Defendants' guidance documents, including the Manual, are subject to judicial review.

99. Under Wis. Stat. § 806.04, Plaintiffs are entitled to a declaration of law that affirms the right of Impacted Voters to vote in person on Election Day. Plaintiffs are also entitled to an injunction guaranteeing Impacted Voters' right to vote a provisional ballot, notwithstanding Wis. Stat. § 6.86(6) and the Manual's interpretation and application of that statute.

100. Absent relief, Impacted Voters will be wrongfully disenfranchised by the Defendants' conduct.

101. Because of the foregoing, Plaintiffs are entitled to declaratory and injunctive relief to uphold the right to vote in Wisconsin.

PRAYER FOR RELIEF

Plaintiffs respectfully request that this Court enter an order granting Plaintiffs the following relief:

(a) Declare that absentee voters who return their ballots through the mail are protected by the right to vote as guaranteed by the Wisconsin Constitution;

(b) Declare that Impacted Voters enjoy the right to vote in person on Election Day;

(c) Declare that any WEC guidance forbidding Impacted Voters from voting in person on Election Day as violative of the right to vote under the Wisconsin Constitution;

(d) Declare that Plaintiff LWVWI's members and Feeney have the right to vote in person on Election Day in any election in which they become Impacted Voters;

(e) Declare that Impacted Voters, including Plaintiff LWVWI's members and Feeney, must be afforded the opportunity to cast a provisional ballot in person on Election Day;

(f) Enjoin Defendants from continuing to publish any and all guidance, materials, and other communications or documents inconsistent with such declarations;

(g) Enjoin Defendants from taking any action inconsistent with such declarations;

(h) Order Defendants to issue updated guidance, including an updated Manual, consistent with such declarations;

(i) Order Defendants to issue updated guidance, including an updated Manual, that specifically requires that Impacted Voters be afforded an opportunity to cast provisional ballots in person on Election Day;

(j) Award Plaintiffs their costs, disbursements, and reasonable attorneys' fees incurred in bringing this action; and

(k) Award such other or further relief as this Court deems just and proper.

Dated: July 23, 2026

Respectfully submitted,



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* Motion for admission *pro hac vice* forthcoming