

**State of Wisconsin
Before the Wisconsin Elections Commission**

The Verified Complaint of

Martin Prujansky
1635 College Ave
Racine WI 53403

Mary Imhof Prujansky
1635 College Ave
Racine WI 53403

Kenneth Brown
217 Gaslight Circle
Racine WI 53403
Mailing address:
341 Main Street #8
Racine WI 53408

Brooke Hesse
3920 16th Street
Racine WI 53405

Dale Giles
2218 Jerome Blvd.
Racine WI 53403

Against Complaint Respondents

Administrator Meagan Wolfe
Wisconsin Elections Commission
212 East Washington Avenue, Third Floor
P.O. Box 7984
Madison, Wisconsin 53707-7984

Hon. Cory Mason
Mayor
City of Racine
730 Washington Ave
Racine, WI 53403

Tara Coolidge
City Clerk
730 Washington Ave
Room 103
Racine, WI 53403

This complaint is made under Wisconsin Statutes § 5.06.

We, the complainants Martin Prujansky, Mary Imhof Prujansky, Kenneth Brown, Brooke Hesse and Dale Giles allege, based on personal knowledge or upon information and belief, that:

Introduction

The Wisconsin Legislature expressly assigned to the Wisconsin Elections Commission “the responsibility for the administration of ... laws relating to elections,” Wisconsin Statutes § 5.05(1). *Trump v. Wisconsin Elections Commission*, 983 F.3d 919, 927 (7th Cir. 2020). The Commission’s Administrator, Meagan Wolfe, even as recently as March 31, 2020, before the General Assembly’s Campaigns and Elections Committee, publicly supported Wisconsin cities adopting private corporate conditions on state and federal elections without the Commission’s prior determination of the legality of imposing private corporate entity conditions upon existing state and federal election laws.¹

In the November 2020 general election, the City of Racine adopted private corporation conditions on the election process affecting state and federal elections. In this case, Racine involved private corporations and their employees in the City’s state and federal

¹ Wisconsin Assembly Committee on Campaigns and Elections, “Informational Hearing on General Election Review.” Meagan Wolfe. Mar. 31, 2021. <https://wiseye.org/2021/03/31/assembly-committee-on-campaigns-and-elections-14/> accessed Apr. 6, 2021.

election administration. By doing so, Racine failed to comply with state laws, including obtaining from the Commission a prior determination of the legality of the private corporate conditions in the election process, and failed to comply with the U.S. Constitution's Elections and Electors Clauses which guarantee the state Legislature the exclusive role in approving Wisconsin's legal conditions relating to federal elections.

In March of 2021, Wisconsin Open Records Act (Wisconsin Statutes §19.31, et seq.) requests relating to Wisconsin election administration and Wisconsin legislative hearing testimony relating to election administration, revealed to the Complainants that Racine officials, responsible for the election process and procedures, adopted and implemented private corporate conditions, including direct corporate and corporate employee engagement in the administration of the general election.² Moreover, Complainants found that Racine Mayor Cory Mason, in his official capacity as Mayor, recruited four other cities—Milwaukee, Madison, Kenosha and Green Bay—to place the same corporate conditions on their election administration. The five cities and the private corporations began to refer to themselves as the “Wisconsin Five.”

The State Legislature never gave municipalities the authority to adopt or accept private corporate conditions affecting existing state election laws. The Commission, as the responsible entity in the administration of election laws, never opined on the legality of

²App. 1-482. Subsequent page references are to the appendix unless otherwise noted. The appendix has been provided because virtually all of the complaint's allegations are based on information found in government documents produced by Racine and other Wisconsin municipalities. For the purposes of the complaint, the complainants have presumed the government's documents are authentic. The complaint's inferences from the emails are based upon information and belief.

private corporate conditions affecting existing election laws. The Complainants allege that the Administrator's and Racine's actions violate state law and the U.S. Constitution's Elections and the Electors Clauses because they diverted constitutional authority of the State Legislature and the Commission to private corporations and the approving municipality of Racine. Further, the Complainants allege that Racine and certain Racine officials may have violated state and federal laws when they accepted and adopted private corporate conditions and when they approved Racine's engagement of private corporations and their employees into Racine's election administration. The Commission must act to correct and restrain the Administrator and Racine from the Administrator's legal position that the Commission has no role when a municipality's actions could or do directly modify the conditions of the municipality's state and federal elections.

First, the Commission should declare that the Commission indeed *has* a role in the administration of election laws whenever a municipality seeks to adopt as policy or enter into an agreement of any kind with a private corporate entity that imposes conditions in exchange for moneys involving the election process and administration.

Second, the Commission should reiterate that the Administrator may not render a decision without the approval of the Commission related to the legality of any agreement between private corporate entities and municipalities related to imposing private corporate conditions on the administration of election laws.

Third, the Commission should investigate the circumstances and factual allegations asserted in this Complaint regarding the legality of Racine's acts and actions juxtaposed against state and federal election laws to ascertain whether those election laws were violated.

Fourth, the Commission should consider any further prosecutorial investigation be directed to the proper local or state authorities.

Finally, if the Commission determines that election laws were violated or that the law is unclear to provide the Commission itself with the ability to determine the legalities of private corporate conditions directly or indirectly affecting the election process and administration, the Commission should make recommendations to the State Legislature for changes to state election laws to ensure the future integrity of the election process.

Complainants

1. Martin Prufansky is a Wisconsin elector residing at 1635 College Avenue, Racine, Wisconsin 53403.
2. Mary Imhof Prufansky is a Wisconsin elector residing at 1635 College Avenue, Racine, Wisconsin 53403.
3. Kenneth Brown is a Wisconsin elector residing at 217 Gaslight Circle, Racine, Wisconsin 53404 with a mailing address of 341 Main Street #8, Racine WI 53408.
4. Brooke Hesse is a Wisconsin elector residing at 3920 16th Street, Racine, Wisconsin 55405.
5. Dale Giles is a Wisconsin elector residing at 2218 Jerome Blvd., Racine, Wisconsin 53403.

Respondents

6. Meagan Wolfe is the Administrator of the Commission.
7. Respondent Cory Mason is the Mayor of the City of Racine.
8. Respondent Tara Coolidge is the Racine City Clerk.

Statement of Facts

9. The Wisconsin Legislature expressly assigned to the Commission “the responsibility for the administration of ... laws relating to elections,” Wisconsin Statutes § 5.05(1). *Trump v. Wisconsin Elections Commission*, 983 F.3d 919, 927 (7th Cir. 2020).

10. Under Wisconsin Statutes § 7.15(1), the municipal clerk has “charge and supervision” of federal elections within a municipality:

(1) SUPERVISE REGISTRATION AND ELECTIONS. Each municipal clerk has charge and supervision of elections and registration in the municipality...

11. The Commission and its municipal clerks, in administering elections in Wisconsin’s municipalities, are constitutionally obligated to follow the legal conditions set by the state legislature. Wis. Stat. §§ 5.05(1), 7.15(1).

12. The Elections Clause of the U.S. Constitution states that the state legislatures and Congress set the conditions for Congressional elections:

The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of choosing Senators.

U.S. Const., Art. I, § 4, cl. 1.

13. The Electors Clause of the U.S. Constitution states that the state legislatures exclusively set the conditions for choosing Presidential Electors:

Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress.

U.S. Const., Art. II, § 1, cl. 2.

14. The Elections Clause and the Electors Clause provide no power to municipal governments to adopt private corporate conditions on federal elections or to introduce private corporations and their employees into federal election administration. U.S. Const., Art. I, § 4, cl. 1 and Art. II, § 1, cl. 2.

15. The City of Racine is incorporated under Wisconsin Statutes chapter 62.

16. Wisconsin cities are created by state statute and cannot exercise any power unless specifically provided for by statute:

The legislative power in this state is lodged in the legislature. When it exerts that power, it exerts it on behalf of and in the name of the people of the State of Wisconsin.” *Van Gilder v. City of Madison*, 222 Wis. 58, 67, 267 N.W. 25 (1936). Conversely, “cities are creatures of the state legislature [that] have no inherent right of self-government beyond the powers expressly granted to them.”

Black v. City of Milwaukee, 882 N.W.2d 333, 342–43 (Wis. 2016).

17. The Center for Tech and Civic Life (CTCL) is a private non-profit organization providing federal election grants to local governments, headquartered in Chicago, Illinois. (001-002)

18. For the 2020 federal election, CTCL was funded by private donations of more than \$300 million that were in turn used as conditional private grants to local governments.³

19. Nationally, CTCL funded local governments, cities and counties, with conditional private grants that were used for the 2020 general election. (001-002)

³“Mark Zuckerberg and Priscilla Chan are donating \$300 million to voting efforts.” Alexis Benveniste. Sept. 1, 2020. <https://www.cnn.com/2020/09/01/business/zuckerberg-300-million-voting/index.html> / accessed Apr. 6, 2021.

20. Certain urban local governments receiving CTCL grants agreed to the conditions of the grant in exchange for receiving CTCL moneys. (017-018; 393-394; 419-420)

21. These grants are contracts between each local government and CTCL. (017-018; 393-394; 419-420)

22. These conditional grants to the local government required reporting back to the private non-profit corporation, CTCL, regarding the moneys used for the 2020 general election. (018; 393; 419)

23. These conditional grants to the local government included claw-back provisions, requiring the local government to return the moneys to the private non-profit corporation, CTCL, if the private non-profit corporation disagreed how those moneys were spent in the conduct of the 2020 election. (018; 393; 419)

24. Upon information and belief, Racine Mayor Cory Mason communicated with CTCL about Racine and other Wisconsin cities accepting private corporate conditions on state and federal elections. (393-394)

25. Upon information and belief, Racine Mayor Cory Mason coordinated on accepting private corporate conditions on state and federal elections with Green Bay Mayor Genrich, Kenosha Mayor John Antaramian, Madison Mayor Satya Rhodes-Conway and Milwaukee Mayor Tom Barrett by having virtual meetings on the following days: May 16, 2020; June 13, 2020; and August 14, 2020. (464-482)

26. After the Wisconsin Five mayors began meeting, in early July 2020, CTCL issued a \$100,000 grant to the City of Racine to recruit other Wisconsin cities to join what the other four recruited cities and Racine would refer to as the “Wisconsin Safe Voting Plan.” (393-394)

27. Upon information and belief, Racine Mayor Cory Mason communicated with Mayors of other Wisconsin cities, including Green Bay, Madison, Milwaukee and Kenosha, about the \$100,000 grants and accepting private corporate conditions on state and federal elections. (393-394)

28. CTCL authorized the City of Racine to distribute from the \$100,000 grant, \$10,000 to each of the four recruited cities (keeping \$60,000 for itself), as an incentive for the Wisconsin Five Cities to participate in the CTCL conditional grants. (393-394).

29. The four cities Racine and its Mayor successfully recruited were Green Bay, Madison, Milwaukee, and Kenosha. (393-394; 395-415)

30. The so-called “Wisconsin Safe Voting Plan” was a grant application designed for the recruited five cities, Green Bay, Racine, Madison, Milwaukee, and Kenosha to request CTCL grant funding to support election administration activities during the COVID-19 pandemic. (395-415).

31. The “Safe Voting Plan” was developed “in the midst of the COVID-19 Pandemic” to ensure voting could be “done in accordance with prevailing public health requirements” to “reduce the risk of exposure to coronavirus.” Further, it was intended to assist with “a scramble to procure enough PPE to keep polling locations clean and disinfected.” (395-415).

32. The Cities of Madison, Green Bay, Racine, Kenosha and Milwaukee entered into the conditional grant agreements with CTCL. (395-415)

33. CTCL referred to the Cities of Madison, Green Bay, Racine, Kenosha and Milwaukee as the “WI-5” or the “Wisconsin Five” cities. (139-141).

34. However, it is the Commission that can provide “aid” to cities and counties for the administration of elections. Wis. Stat. §5.05(11).

35. Specifically, under Wisconsin Statutes §5.05(10), the Commission may render assistance to municipalities and counties via the state election administration plan that meets the requirements of the Help America Vote Act (Public Law 107–252) to enable participation by Wisconsin in federal assistance programs relating to elections.

36. As previously stated, with respect to elections, the Wisconsin State Legislature under Wisconsin Statutes § 5.05(1) delegated general authority to the Commission for the responsibility of administration of Wisconsin elections.

37. Whether moneys are received from other sources directly or indirectly related to the administration of elections, specifically wherein those moneys are conditional affecting existing election laws, the general authority and the jurisdiction of the Commission is engaged.

38. For instance, under Section 3 of the HAVA state administration plan, the Commission is “required to conduct regular training and administer examinations to ensure that individuals who are certified are knowledgeable concerning their authority and responsibilities.”

39. Upon information and belief, in May and June, 2020, the Cities of Racine, Madison, Green Bay, Milwaukee and Kenosha entered into a conditional grant agreement with CTCL for \$6,324,527. (017-018; 393-394; 419-420)

40. Under the terms of the CTCL conditional grant agreement, the five cities adopting the conditions would be required to remit back to CTCL the entire \$6,324,527 if CTCL, at its sole discretion, determined these cities had not complied with CTCL's terms. (017-018; 393-394; 419-420)

41. The CTCL Agreement provides that the purpose of the funds CTCL provided to the cities was to "be used exclusively for the public purpose of planning safe and secure election administration in the City of Racine in 2020, and coordinating such planning with other cities in Wisconsin." (017, 393, 419). The CTCL Agreement required these cities to develop a plan for their elections pursuant to the agreement by June 15, 2020. (017-018; 393-394; 419-420)

42. Wisconsin and federal election laws establish the manner in which elections are to be conducted. The administration of those laws is within the jurisdiction of the Commission; however, the administration must also be consistent with legislative or Congressional enactments.

43. On June 15, 2020, the Wisconsin Five cities presented their plan to CTCL. Among other things, these cities entered into agreements with CTCL to use the moneys to:

- Hire additional personnel for elections;
- Increase existing salaries for staff;
- Encourage and Increase Absentee Voting (by mail and early, in-person)

- Provide assistance to help voters comply with absentee ballot requests & certification requirements;
- Utilize secure drop-boxes to facilitate return of absentee ballots
- Deploy additional staff and/or technology improvements to expedite & improve accuracy of absentee ballot processing;
- Expand In-Person Early Voting (Including Curbside Voting); and
- Commit “to conducting the necessary voter outreach and education to promote absentee voting and encourage higher percentages of our electors to vote absentee.”

(395-415).

44. These provisions contained in the “Wisconsin Safe Voting Report,” which the Cities were required to adhere to, cannot be at or under direction of CTCL, in which case would be contrary to, or in-place of, or in addition to Wisconsin or federal election laws.

45. The “Wisconsin Safe Voting Report” (400-411) specifically provided that these Cities would be “promoting” and “encouraging higher percentages of our electors to vote absentee” which violates Wisconsin Statutes 6.84 (1) in which the State Legislature states:

The legislature finds that the privilege of voting by absentee ballot must be carefully regulated to prevent the potential for fraud or abuse; to prevent *overzealous solicitation of absent electors who may prefer not to participate in an election.*⁴

(emphasis added).

⁴ The reason for Wisconsin’s policy against voting by mail or by absentee ballot is that they are widely recognized to be occasions for voter fraud. For example, the 2005 Commission on Federal Election Reform chaired by former President Jimmy Carter and former Secretary of State James Baker III concluded: ‘Absentee ballots remain the largest source of potential voter fraud,’ and “vote by mail . . . increases the risk of fraud.”

46. First, not all Wisconsin cities adopted and received conditional grant moneys to administer their respective 2020 general election.

47. Second, those cities that did adopt and receive conditional grant moneys from CTCL, that is the Wisconsin Five, imposed conditions on the administration of elections from a private corporate entity when other cities had no such conditions. Hence, with the added private conditions on Racine's election process, the Racine Complainants were within a jurisdictional boundary that affected them as a demographic group.

48. Similarly, by the Wisconsin Five cities contracting with CTCL and allied private corporations, the Wisconsin Five cities chose to favor the Wisconsin Five's demographic groups of urban voters over all other voters in the State of Wisconsin. By these actions, the "Wisconsin Five" cities favored its urban demographic group over other non-urban Wisconsin voters in federal elections, putting the integrity of the election process in jeopardy—and violating Complainants' rights to lawful and equal elections.

49. Whitney May, Director of Government Services at CTCL, wrote to Racine City Clerk Tara Coolidge and representatives of the other Wisconsin Five cities on August 18, 2020, stating, "You are the famous WI-5...excited to see November be an even bigger success for you and your teams." (139-141).

50. Upon information and belief, on about May 28, 2020, the Council approved the CTCL conditional grant in the amount of \$100,000 to recruit the other Wisconsin Five cities and to prepare the joint Wisconsin Safe Voting Plan 2020 submitted to Center for Tech and Civic Life on June 15, 2020. (393-394)

51. Upon information and belief, on about June 15 , 2020, the Council approved the Wisconsin Safe Voting Plan. (395-415)

52. Upon information and belief, on about August 31, 2020, the Council approved the Wisconsin Safe Voting Plan and adopted the CTCL conditional grant in the amount of \$657,000. (419-420)

53. Upon information and belief, the CTCL conditions in the August 31, 2020 CTCL grant agreed to by Racine included:

- “The grant funds must be used exclusively for the public purpose of planning and operationalizing safe and secure election administration in the City of Racine in accordance with the Wisconsin Safe Voting Plan 2020.” (419)
- Each city or county receiving the funds was required to report back to CTCL by January 31, 2021 regarding the moneys used to conduct federal elections; (420)
- “The City of Racine shall not reduce or otherwise modify planned municipal spending on 2020 elections, including the budget of the City Clerk of Racine (“the Clerk”) or fail to appropriate or provide previously budgeted funds to the Clerk for the term of this grant. Any amount reduced or not provided in contravention of this paragraph shall be repaid to CTCL up to the total amount of this grant.” (420)
- The City of Racine “shall not use any part of this grant to give a grant to another organization unless CTCL agrees to the specific sub-recipient in advance, in writing.” (419)
- “CTCL may discontinue, modify, withhold part of, or ask for the return of all or part of the grant funds if it determines, in its sole judgement, that (a) any of the above conditions have not been met or (b) it must do so to comply with applicable laws or regulations.” (420)

54. Upon information and belief, despite the stated purpose of helping to assist with a COVID-19 safe election, CTCL’s early communications with the Wisconsin cities

such as Green Bay focused on other, apparently parallel purposes referencing other “resources” to help with: “outgoing and return absentee envelopes,” a “Communications Toolkit” from National Vote at Home Institute, and identifying “voters of color” and “determin[ing] voter sentiment in regards to vote by mail.” ((017-018, 037)

55. Upon information and belief, even though the stated purpose of the CTCL grant was only for the “Safe Voting Plan” and “for no other purpose,” CTCL, when working with the Wisconsin Five, had other conditions that had nothing to do with COVID prevention, such as:

- Employing “voter navigators” to help voters “complete their ballots”; (030-031)
- The “voter navigators” would later be “trained and utilized as election inspectors”; (031)
- ”Utilize paid social media” and “print and radio advertising” to direct voters “to request and complete absentee ballots”; (030)
- “enter new voter registrations and assist with all election certification tasks”; (030)
- “reach voters and potential voters through a multi-prong strategy utilizing ‘every door direct mail,’ targeted mail, geo-fencing, billboards radio, television, and streaming-service PSAs, digital advertising, and automated calls and texts,” and direct mail to “eligible but not registered voters”; (032)
- Assist new voters to “obtain required documents” to get valid state ID needed for voting, targeting African immigrants, LatinX residents, and African Americans; (032) and
- “facilitate Election day Registrations and verification of photo ID.” (032)

56. Upon information and belief, based on CTCL’s agenda, most of the action items had nothing to do with bringing about safe, COVID-19 free voting.

57. Upon information and belief, rather than working toward a COVID-19 safe election, the “projects” that CTCL proposed to the Wisconsin Five were to get the urban vote out. For example, in Green Bay:

- a. Adding satellite locations to “streamline onboarding process for new EIPAV [early in person absentee voting] staff [to be conducted by CTCL’s partner [The (Elections Group)]];”
- b. Adding drop boxes;
- c. Printing materials for mail ballots;
- d. Targeting communities with election information through National Vote at Home Institute’s “communication toolkit” to “support outreach around absentee voting” and to “share research insights about how to engage people who might not trust the vote by mail process...”; and
- e. Explaining this “targeting” of communications, Celestine Jeffreys wrote to Whitney May of CTCL on August 27, 2020 that “There are probably 5 organizations that are focused on working with disadvantaged populations and/or with voters directly.” (034, 042)

58. Upon information and belief, Racine was offered by the CTCL the same projects to engage in and did.

59. Upon information and belief, CTCL’s “partners” introduced to the Wisconsin Five included other private entities. For example, in Green Bay, the following CTCL partners were introduced:

- The National Vote At Home Institute (“VoteAtHome” or “NVAHI”) who was represented as a “technical assistance partner” who could consult about among other things, “support outreach around absentee voting,” voting machines and “curing absentee ballots,” and to even take that duty (curing absentee ballots) off of the City of Racine’s hands. (036-049; 051-067) The NVAHI also offered advice and guidance on accepting ballots and streaming central count during election night and on the day of the count. (068-075)
- The Elections Group and Ryan Chew were represented to be able to provide “technical assistance partners to support your office” and “will be connecting with you in the coming days regarding drop

boxes” and technical assistance to “support your office,” and worked on “voter outreach.” (076-078, 205, 079-081) Elections Group Guide to Ballot Boxes. (082-0121)

- Ideas42 was represented by CTCL as using “behavioral science insights” to help with communications. (392)
- Power the Polls was represented by CTCL to help recruit poll workers (122) and discuss ballot curing. (123-124)
- The Mikva Challenge was recommended to recruit high school age poll workers (125-126, 404) and then to have the poll workers to “serve as ballot couriers,” and for “ballot drop-off/voter registrations.” (125-127)
- US Digital Response was suggested to help with and then take over “absentee ballot curing,” and to “help streamline the hiring, onboarding, and management” of Racine’s poll workers. (128-136)
- Center for Civic Design to design absentee ballots and the absentee voting instructions, including working directly with the Commission to develop a “new envelope design” and to create “an advertising/targeting campaign.” (137-0155; 190-0201)
- Eric Ming, the Communications Director for CSME, to serve as a “communications consultant to review your [City of Racine] advertising plan for November.” (156-157)
- The Brennan Center which focuses on “election integrity” including “post-election audits and cybersecurity.” (158-160)
- HVS Productions to add “voter navigator” FAQs and Election Countdown Copy for the city of Racine. (161-166)
- Modern Selections to address Spanish language. (167-169)

60. Upon information and belief, Racine was offered by the CTCL the same projects to engage in and did.

61. Upon information and belief, CTCL’s private corporate “partners” assumed aspects of administration of Wisconsin Five’s election processes. For example, in Green

Bay, the private corporations and their employees engaged in the following aspects of election administration.

- a. Vote at Home volunteered to take curing of ballots off of a municipality's plate; (179-181);
- b. Offered to "lend a hand" to Central Count stations; (182) Elections Group offer; (183)
- c. Offered to connect a municipality to "partners like Power the Polls" to recruit poll workers; to partner with CTCL to send out e-mails to recruit poll workers; (184)
- d. Advised the City as to using DS200 voting machines; (185-188)
- e. Provided a "voter navigator" job description; (189)
- f. Advised a municipality regarding moving the "Central Count" from City Hall to a different location, which was wired to provide election results directly to private corporate employees; (270)
- g. The Center for Civic Design offered a municipality to design the absentee voting instructions and the absentee envelopes; (190-203)
- h. The Elections Group issued a Guide to Ballot Drop Boxes, a report on Planning Drop Boxes, Voter Outreach, and Communication; (204-238)
- i. Provided advice about procedures for challenging an elector's ballot; (239-243) and
- j. Conservation Voices and curing. (244-247)

62. Upon information and belief, Racine was offered by the CTCL the same projects to engage in and did.

63. Upon information and belief, Racine purchased with CTCL funds a "mobile voting precinct" which is legally unauthorized.

64. Upon information and belief, Racine officials began reporting to CTCL of the City's efforts regarding:

- a. Voter outreach/education;
- b. Drop boxes;
- c. Poll books;
- d. Community groups; and
- e. Badger books

(261-264)

65. WEC Administrator Meagan Wolfe, regarding the Wisconsin Five’s conduct alleged here, has supported the Wisconsin Five cities’ claimed prerogative to adopt private corporate conditions on federal elections without approval by Congress, the state legislature and the Commission.⁵ She most recently stated this legal position on March 31, 2021 before the General Assembly’s Campaigns and Elections Committee.⁶

66. The Complainants believe the legal position of WEC Administrator Meagan Wolfe and the rest of the Respondents is incorrect. Only Congress and the state legislature have legal authority to place conditions on federal elections in Wisconsin and to approve private corporations and their employees to engage in federal election administration.

Claim

The Respondents Violated and Will Continue to Violate State Law and the Elections and Electors Clauses

67. The Wisconsin State Legislature under Wisconsin Statutes § 5.05(1) delegated general authority to the Commission for the responsibility of administration of Wisconsin elections.

68. The Wisconsin State Legislature delegates federal election authority to municipal clerks to implement Wisconsin election laws within the respective clerk’s municipality. Wis. Stat. § 7.15(1).

69. In general elections held in Racine, the election authority of Congress, the Wisconsin state legislature, the Commission and Racine City Clerk was and will continue to

⁵ Wisconsin Assembly Committee on Campaigns and Elections, “Informational Hearing on General Election Review.” Meagan Wolfe. Mar. 31, 2021.

<https://wiseye.org/2021/03/31/assembly-committee-on-campaigns-and-elections-14/> accessed Apr. 6, 2021.

⁶ *Id.*

be illegally and unconstitutionally diverted by the Respondents to entities and persons including Racine’s Common Council, Mayor and private corporations and their employees.

70. Without Commission intervention, Racine’s illegal and unconstitutional diversion of election authority will continue.

71. Notably, on December 24, 2020, the U.S. Court of Appeals for the Seventh Circuit, in rejecting the Trump campaign’s Electors Clause arguments in a Wisconsin case, suggested that the Electors Clause may apply when Wisconsin public officials usurp federal election administrative powers contrary to state law:

The Wisconsin Legislature expressly assigned to the Commission “the responsibility for the administration of ... laws relating to elections,” WIS. STAT. § 5.05(1), just as Florida’s Legislature had delegated a similar responsibility to its Secretary of State. See *Bush*, 531 U.S. at 116, 121 S.Ct. 525 (Rehnquist, C.J., concurring). Florida’s legislative scheme included this “statutorily provided apportionment of responsibility,” *id.* at 114, 121 S.Ct. 525, and three Justices found a departure from that scheme when the Florida Supreme Court rejected the Secretary’s interpretation of state law. See *id.* at 119, 123, 121 S.Ct. 525. And it was the Minnesota Secretary of State’s lack of a similar responsibility that prompted two judges of the Eighth Circuit to conclude that he likely violated the Electors Clause by adding a week to the deadline for receipt of absentee ballots. See *Carson*, 978 F.3d at 1060.

Trump v. Wisconsin Elections Commission, 983 F.3d 919, 927 (7th Cir. 2020). To be sure, in that case, the Trump campaign’s 2020 Electors Clause claims regarding “indefinitely confined” voters, endorsing the use of absentee ballot drop boxes, and best practices for correcting a witness’s address on an absentee ballot certificate were dismissed by the federal courts.

72. The claims in this matter relating to the City of Racine are distinguishable from those facts in the *Trump* case because these legal claims relate to the Commission’s and Racine’s diversion of the election law authority of Congress, the Wisconsin State Legislature,

the Commission, and the Racine City Clerk. In this way, the complainants' Elections Clause and Electors Clause claims are similar to the claim considered by the three Supreme Court justices finding a "departure from that scheme" in the Florida case and the claim considered by the two Eighth Circuit judges to be a "likely" violation of the Electors Clause in the Minnesota case. *Wisconsin Elections Commission*, 983 F.3d at 927.

73. The Respondents' past and continuing diversion of election authority violated and continues to violate state and federal law.

Prayer for relief

WHEREFORE, Complainants respectfully request the Commission

- To investigate the circumstances and factual allegations asserted in this Complaint regarding the legality of Racine's acts and actions juxtaposed against state and federal election laws to ascertain whether election laws were violated.
- The investigation should employ all of the Commission's authority by compelling document production, depositions, and testimony of the Respondents, Racine elected officials, Racine election officials, Racine employees, Tiana Epps-Johnson and her employer Center for Tech and Civic Life, Michael Spitzer-Rubenstein and his employer National Vote at Home Institute, Ryan Chew and his employer The Elections Group, Ideas42, Power the Polls, Mikva Challenge, US Digital Response, Center for Civic Design, Eric Ming and his employer CSME, Brennan Center, HVS Productions, and Modern Selections and others involved.

- The Commission should prohibit Respondent Meagan Wolf from any investigatory role because of a conflict of interest due to her being a Respondent.
- The Commission issue an order requiring the Administrator, City of Racine and its City Clerk to conform their conduct to Wisconsin Statutes and the Election and Electors Clauses, restrain themselves from taking any action inconsistent with Wisconsin Statutes and the Election and Electors Clauses and require them to correct their actions and decisions inconsistent with Wisconsin Statutes and the Election and Electors Clauses—including prohibiting the placement of private corporate conditions on state and federal elections and the involvement of private corporation and their employees in election administration.
- The Commission should issue an order declaring that Racine’s private conditions on federal elections and engagement of private corporations and their employees in election administration violated state law and federal law.
- The Commission should also grant any other relief it deems proper, necessary, or just, consistent with the law and under the circumstances of this case.

The requested relief would include, but is not limited to:

- That the Commission reiterate that the Administrator may not render a decision without the approval of the Commission related to the legality of any agreement between private corporate entities and municipalities related to imposing private corporate conditions on its elections or related to private

corporations and their employees being engaged in the administration of election laws;

- That the Commission consider any further prosecutorial investigation be directed to the proper local or state authorities; and,
- Finally, if the Commission determines that election laws were violated or that the law is unclear to provide the Commission itself with the ability to determine the legalities of private corporate conditions directly or indirectly affecting the election process and administration, the Commission should make recommendations to the State Legislature for changes to state election laws to ensure the future integrity of the election process.

Dated: 4/21, 2021



Erick G. Kaardal, No. 1035141
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Attorneys for the Complainants

VERIFICATION

I, MARY IMHOFF-PRUJANSKY, being first duly sworn upon oath, state that I personally read the above verified complaint, and that the above allegations are true and correct based on my personal knowledge and, as to those stated on information and belief, I believe them to be true.

Dated: Apr 19, 2021

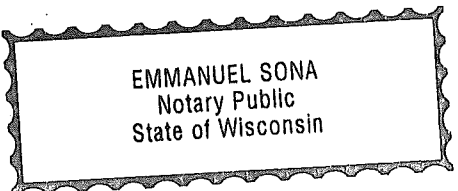
Mary Imhoff Prujansky

STATE OF WISCONSIN)
)ss.
COUNTY OF RACINE)

Signed and sworn before me this 04/19, 2021, by Mary Imhoff-Prujansky

(Seal, if any)

Emmanuel Sona
Signature of Notarial Officer



Notary Public
Title (and Rank)

My Commission expires: 09/20/24

VERIFICATION

I, Kenneth Brown being first duly sworn upon oath, state that I personally read the above verified complaint, and that the above allegations are true and correct based on my personal knowledge and, as to those stated on information and belief, I believe them to be true.

Dated: 19 April, 2021

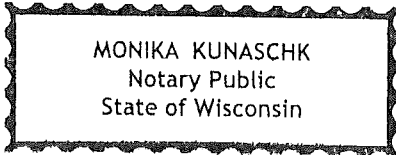
[Signature]

STATE OF WISCONSIN)
)ss.
COUNTY OF RACINE)

Signed and sworn before me this Apr. 19, 2021, by Kenneth Brown

(Seal, if any)

[Signature]
Signature of Notarial Officer



Notary
Title (and Rank)

My Commission expires: 11/20/2024

VERIFICATION

I, Brook Hesse, being first duly sworn upon oath, state that I personally read the above verified complaint, and that the above allegations are true and correct based on my personal knowledge and, as to those stated on information and belief, I believe them to be true.

Dated: 4/19, 2021

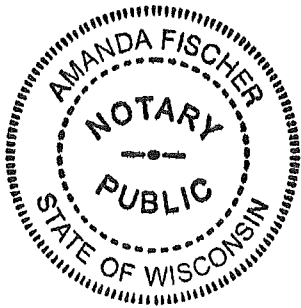
Brook Hesse

STATE OF WISCONSIN)
)ss.
COUNTY OF RACINE)

Signed and sworn before me this April 19, 2021, by Amanda Fischer

(Seal, if any)

Amanda Fischer
Signature of Notarial Officer



Notary
Title (and Rank)

My Commission expires: 08/09/2024

VERIFICATION

I, Dale Giles, being first duly sworn upon oath, state that I personally read the above verified complaint, and that the above allegations are true and correct based on my personal knowledge and, as to those stated on information and belief, I believe them to be true.

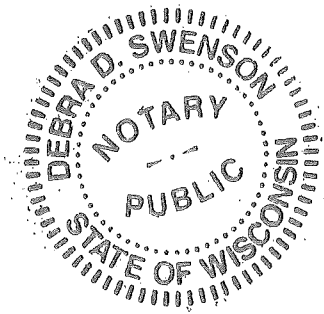
Dated: Apr 19, 2021

[Signature]

STATE OF WISCONSIN)
)
COUNTY OF RACINE)

Signed and sworn before me this April 19th, 2021, by Debra D. Swenson

(Seal, if any)



[Signature]
Signature of Notarial Officer

Title (and Rank)

My Commission expires: 8/14/24