

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WISCONSIN**

---

Jill Swenson, Melody McCurtis, Maria Nelson, Black Leaders Organizing For Communities, *and* Disability Rights Wisconsin,

Plaintiffs,

v.

Marge Bostelmann, Julie M. Glancy, Ann S. Jacobs, Dean Knudson, Robert F. Spindell, Jr., *and* Mark L. Thomsen, Commissioners of the Wisconsin Elections Commission; Meagan Wolfe, Administrator of the Wisconsin Elections Commission,

Defendants,

and

Wisconsin Legislature, Republican National Committee, *and* Republican Party Of Wisconsin,

Intervenor-Defendants.

---

No. 3:20-cv-459-wmc  
(consolidated with  
Nos. 3:20-cv-249-wmc,  
3:20-cv-278-wmc, 3:20-  
cv-284-wmc, 3:20-cv-  
340-wmc)

**JOINT RESPONSE OF INTERVENOR-DEFENDANTS TO SWENSON  
PLAINTIFFS' STATEMENT OF PROPOSED FACTS IN SUPPORT OF  
PLAINTIFFS' MOTION FOR A PRELIMINARY INJUNCTION**

---

Under this Court's "Procedures to Be Followed on Motions for Injunctive Relief" Intervenor-Defendants, the Wisconsin Legislature, the Republican National Committee, and the Republican Party of Wisconsin (collectively, "Intervenor-Defendants") submit the following joint response to the *Swenson* Plaintiffs' Statement of Facts in Support of Plaintiffs' Motion for Preliminary Injunction. Dkt. 42.

1. This paragraph references information from a website that speaks for itself. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the other statements in this paragraph. To the extent

the paragraph expresses an opinion, Intervenor-Defendants take no position on that opinion.

2. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph, and add that the materials cited in this paragraph speak for themselves. To the extent the paragraph expresses an opinion, Intervenor-Defendants take no position on that opinion.

3. This paragraph references information from a website that speaks for itself.

4. This paragraph references information from a website that speaks for itself.

5. This paragraph references information from a website that speaks for itself.

6. Intervenor-Defendants note that projections regarding the state of the COVID-19 pandemic in the Fall are unsupported by any non-conjectural evidence. *See* Dkt. 43-49. By way of further answer, Intervenor-Defendants state that the Institute for Health Metrics and Evaluation (IHME) model that the *Swenson* Plaintiffs rely upon, Dkt. 42 ¶ 216, predicts that infection rates in Wisconsin for November will be substantially less than they were in April. Declaration of Misha Tseytlin (“Tseytlin Decl.”) Ex. 43. To the extent the paragraph expresses an opinion, Intervenor-Defendants dispute that opinion.

7. Intervenor-Defendants dispute the statements in this paragraph as unsupported by any non-conjectural evidence. By way of further answer, Intervenor-

Defendants state that voting in person on Election Day can be accomplished safely with minimal effort. *See* Tseytlin Decl. Ex. 19; *see also* Tseytlin Decl. Ex. 18. Intervenor-Defendants further note that the April Election was not associated with an increase in COVID-19 Infection Rates. *See* Tseytlin Decl. Ex. 19; *see also* Tseytlin Decl. Ex. 18. Intervenor-Defendants also note that projections regarding the state of the COVID-19 pandemic in the Fall are unsupported by any non-conjectural evidence. *See* Dkt. 43-49. By way of further answer, Intervenor-Defendants state that the IHME model that the *Swenson* Plaintiffs rely upon, Dkt. 42 ¶ 216, predicts that infection rates in Wisconsin for November will be substantially less than they were in April. Tseytlin Decl. Ex. 43. Intervenor-Defendants further note that the circumstances surrounding Wisconsin’s November Election will be materially different than the April Election, when the COVID-19 pandemic was still very new and unexpected, and that the Wisconsin Elections Commission (“WEC” or “Commission”) has already taken numerous steps to enhance the State’s readiness for the upcoming November 2020 Election. *See generally* DNC Dkt. 227 at 2–14 (hereinafter “WEC Defendants’ Status Report”) (listing 15 detailed actions)); DNC Dkt. 247, Deposition of Meagan Wolfe 103:17–111:14, 121:2–122:20 (hereinafter “Wolfe Dep.”). For example, the Commission has elected to mail absentee-ballot applications and informational material to “all voters without an active absentee request on file,” making it even easier for voters to vote via absentee ballot for the November 2020 Election. Tseytlin Decl. Ex. 28; Tseytlin Decl. Ex. 29; WEC Defendants’ Status Report at 3–4; Wolfe Dep. 26:16–27:7. The Commission plans to

implement “intelligent mail barcodes into the existing [absentee-ballot-envelope] design” for the November 2020 Election, which will facilitate more detailed absentee-ballot tracking. Tseytlin Decl. Ex. 28; WEC Defendants’ Status Report at 6; Wolfe Dep. 54:11–60:12 (noting that the Commission expects most clerks to use the intelligent barcodes for the November 2020 Election), 99:8–17, 105:11–15 (expressly stating that the Commission approved use of intelligent barcode system). The Commission will spend up to \$4.1 million on “a CARES Act sub-grant to local election officials,” Tseytlin Decl. Ex. 28, “to help pay for increased election costs due to the COVID-19 pandemic.” WEC Defendants’ Status Report at 5; Tseytlin Decl. Ex. 29; Wolfe Dep. 75:3–16; *accord* Wolfe Dep. 68:10–69:6 (explaining that the Commission has begun securing supplies for the November 2020 Election and has not encountered shortages). And the Commission has made, and will continue to make, numerous upgrades to the MyVote Website and WisVote system, including “to meet the needs of clerks experiencing a large increase in the demand for absentee ballots.” WEC Defendants’ Status Report at 8–9; Wolfe Dep. 70:9–73:14, 128:15–129:18; *see generally* WEC Defendants’ Status Report at 2–14 (discussing other efforts, like poll-worker-recruitment efforts); Wolfe Dep. 75:17–78:4 (similar). More specifically, both Milwaukee and Green Bay have already taken efforts to avoid the long lines that occurred in April, after those municipalities inexplicably closed many polling places. Milwaukee has already begun to recruit more poll workers for November, utilizing the “more time” that it has until November, and “officials hope to be able to open all 180 polling sites in November’s presidential election.” Tseytlin Decl. Ex. 30.

Milwaukee also has approved “16 in-person early voting locations for the August and November elections,” which is “a sharp increase from prior years.” Tseytlin Decl. Ex. 31. And Milwaukee will have help from volunteers recruited by the *DNC* Plaintiffs. *See* Tseytlin Decl. Ex. 32 (requesting that its supporters “[v]olunteer for the Voter Protection team to make sure our elections are safe & fair this fall,” and specifically mentioning that “voting locations were closed in April”). Green Bay also has begun significant poll-worker recruitment efforts, and it will have at least 13 polling locations open for November—up from the two locations the city had in April. *Id.* Ex. 33.

8. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph. To the extent the paragraph expresses an opinion, Intervenor-Defendants take no position on that opinion.

9. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph. Intervenor-Defendants note that the April Election was not associated with an increase in COVID-19 Infection Rates. *See* Tseytlin Decl. Ex. 18; Tseytlin Decl. Ex. 19. Intervenor-Defendants state that voting in person on Election Day can be accomplished safely with minimal effort. *See* Tseytlin Decl. Ex. 18; Tseytlin Decl. Ex. 19. Intervenor-Defendants also note that the circumstances surrounding Wisconsin’s November Election will be materially different than the April Election, when the COVID-19 pandemic was still very new and unexpected. Intervenor-Defendants

further note that the Commission has already taken numerous steps to enhance the State's readiness for the upcoming November 2020 Election. *See supra* ¶ 7.

10. Intervenor-Defendants dispute the statements in this paragraph as unsupported by any non-conjectural evidence, and note that the April Election was not associated with an increase in COVID-19 Infection Rates. Intervenor-Defendants state that voting in person on Election Day can be accomplished safely with minimal effort. *See supra* ¶ 7. Intervenor-Defendants also note that the circumstances surrounding Wisconsin's November Election will be materially different than the April Election, when the COVID-19 pandemic was still very new and unexpected. Intervenor-Defendants further note that the Commission has already taken numerous steps to enhance the State's readiness for the upcoming November 2020 Election. *See id.*

11. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph, and add that the materials cited in this paragraph speak for themselves.

12. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph, and add that the materials cited in this paragraph speak for themselves.

13. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph, and add that the materials cited in this paragraph speak for themselves.

14. This paragraph references information from a website that speaks for itself.

15. This paragraph references information from a website that speaks for itself.

16. This paragraph references information from a website that speaks for itself.

17. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph, and add that the materials cited in this paragraph speak for themselves.

18. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph, and add that the materials cited in this paragraph speak for themselves.

19. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph, and add that the materials cited in this paragraph speak for themselves.

20. The Commission's memorandum speaks for itself.

21. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph, and add that the materials cited in this paragraph speak for themselves.

22. Intervenor-Defendants admit that Emergency Order #12 was issued on March 24, 2020. Intervenor-Defendants are without knowledge or information

sufficient to form a belief as to the truth of the other statements in this paragraph, and add that the materials cited in this paragraph speak for themselves.

23. Emergency Order #12 speaks for itself.

24. The materials cited in this paragraph speak for themselves.

25. Intervenor-Defendants admit that the referenced lawsuits were filed by the several plaintiffs but dispute the characterization that those plaintiffs' suits "seek[] to ensure that all Wisconsinites could safely and effectively cast a ballot." The court filings referenced in this paragraph speak for themselves.

26. This Court's order and the statutory provision referenced in this paragraph speak for themselves.

27. This paragraph references court orders that speak for themselves.

28. Intervenor-Defendants admit this paragraph, and add that the materials cited in this paragraph speak for themselves.

29. Intervenor-Defendants admit this paragraph, and add that the materials cited in this paragraph speak for themselves.

30. This paragraph quotes the Court's April 2, 2020 ruling that speaks for itself. By way of further answer, as the Court recognized, the choice to have an election belonged to the State of Wisconsin in its considered judgment. *See Democratic Nat'l Comm. v. Bostelmann*, 2020 WL 1638374, at \*1 (W.D. Wis. Apr. 2, 2020) (recognizing the respective roles of the Wisconsin State Legislature and Governor with respect to the administration of the April Election and the federal district court). Intervenor-Defendants further note both that turnout was



exceptionally high, with 1,555,263 votes cast, and that the election was not associated with an increase in COVID-19 Infection Rates. *See* Tseytlin Decl. Ex. 16; *see also* Tseytlin Decl. Ex. 18; Tseytlin Decl. 19.

31. Intervenor-Defendants admit this paragraph, and add that the materials cited in this paragraph speak for themselves.

32. This paragraph references a court ruling that speaks for itself.

33. This paragraph references a court ruling that speaks for itself.

34. This paragraph references a court ruling that speaks for itself.

35. This paragraph references information from a website that speaks for itself. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the other statements in this paragraph.

36. Intervenor-Defendants dispute the characterization of the April 7 Spring Election in-person voters as “fac[ing] . . . unsafe conditions.” Intervenor-Defendants note that the April Election was not associated with an increase in COVID-19 Infection Rates. *See supra* ¶ 7. Intervenor-Defendants further state that voting in person on Election Day can be accomplished safely with minimal effort. *See id.* Intervenor-Defendants also note that the circumstances surrounding Wisconsin’s November Election will be materially different than the April Election, when the COVID-19 pandemic was still very new and unexpected, and that the Commission has already taken numerous steps to enhance the State’s readiness for the upcoming November 2020 Election. *See id.* Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the other statements in this

paragraph, and add that the materials cited in this paragraph speak for themselves. By way of further answer, Intervenor-Defendants state that decisions regarding the number of polling sites were attributable to high-ranking local officials—who are not named as defendants here—not from the Wisconsin Election Commission or the Legislature. Dkt. 37 ¶ 3; *DNC* Dkt. 198-1 ¶ 36; *see DNC* Dkt. 413, Deposition of Robert Spindell 138:17–140:10 (hereinafter “Spindell Dep.”); Dkt. 227-1 at 7–8 (hereinafter “Wolfe Memo”); Tseytlin Decl. Ex. 21 (noting “[d]iscussion of Milwaukee . . . Polling Place Consolidation” on agenda); *see also* Second Deposition of Meagan Wolfe 176:8-15 (hereinafter “Wolfe Dep. II”) (noting municipalities are responsible for their own consolidation decisions about polling places, including for April 7 election). For example, Milwaukee drastically cut and consolidated its polling locations on Election Day for no sufficient reason. *Id.* In contrast, other major municipalities in Wisconsin, like Madison, did not unreasonably close polling locations and so did not experience these Election Day difficulties. *See Wolfe Memo* at 7–8; Tseytlin Decl. Ex. 22; Dkt. 37 ¶ 122.

37. This paragraph references information from a website that speaks for itself. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the other statements in this paragraph.

38. This paragraph references information from a website that speaks for itself. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the other statements in this paragraph.

39. This paragraph references information from a website that speaks for itself. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the other statements in this paragraph.

40. This paragraph references information from a website that speaks for itself. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the other statements in this paragraph.

41. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph, and add that the materials cited in this paragraph speak for themselves.

42. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph, and add that the materials cited in this paragraph speak for themselves.

43. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph, and add that the materials cited in this paragraph speak for themselves.

44. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph, and add that the materials cited in this paragraph speak for themselves.

45. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph, and add that the materials cited in this paragraph speak for themselves.

46. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph, and add that the materials cited in this paragraph speak for themselves.

47. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph, and add that the materials cited in this paragraph speak for themselves.

48. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph, and add that the materials cited in this paragraph speak for themselves.

49. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph, and add that the materials cited in this paragraph speak for themselves.

50. Intervenor-Defendants dispute the characterization of what “Defendants acknowledge” with respect to “resource issues.” Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the remaining statements in this paragraph, and add that the materials cited in this paragraph speak for themselves.

51. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

52. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

53. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph, and add that the materials cited in this paragraph speak for themselves.

54. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph, and add that the materials cited in this paragraph speak for themselves.

55. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph, and add that the materials cited in this paragraph speak for themselves. By way of further answer, for the November 2020 Election, the Commission has elected to mail absentee-ballot applications and informational material to “all voters without an active absentee request on file,” making it even easier for voters to vote via absentee ballot. Tseytlin Decl. Ex. 28; Tseytlin Decl. Ex. 29; WEC Defendants’ Status Report at 3–4; Wolfe Dep. 26:16–27:7.

56. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph, and add that the materials cited in this paragraph speak for themselves.

57. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph, and add that the materials cited in this paragraph speak for themselves.

58. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph, and add that the materials cited in this paragraph speak for themselves.

59. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph. To the extent the paragraph expresses an opinion, Intervenor-Defendants dispute that opinion.

60. This paragraph references a statutory provision that speaks for itself.

61. This paragraph references a court order that speaks for itself.

62. Intervenor-Defendants dispute the statements in this paragraph as unsupported by any non-conjectural evidence, and note that voting in person on Election Day can be accomplished safely with minimal effort. *See supra* ¶ 7. Intervenor-Defendants further note that the April Election was not associated with an increase in COVID-19 Infection Rates. *See id.* Wisconsin voters have multiple independent, safe paths to vote with reasonable effort. *See Luft v. Evers*, No. 16-3003, 2020 WL 3496860, at \*3 (7th Cir. June 29, 2020).

63. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph, and add that the materials cited in this paragraph speak for themselves.

64. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph, and add that the materials cited in this paragraph speak for themselves.

65. This paragraph references information from a website that speaks for itself. By way of further answer, Intervenor-Defendants state that difficulties experienced in Green Bay were attributable to the ill-advised decisions from high-ranking local officials, including the decision to drastically cut and consolidate its polling locations on Election Day for no sufficient reason. *See* Dkt. 37 ¶ 3; *DNC* Dkt. 198-1 ¶ 36; Spindell Dep. 138:17–140:10; Wolfe Memo at 7–8; *see also* Wolfe Dep. II 176:8-15 (noting municipalities are responsible for their own consolidation decisions about polling places, including for April 7 election).

66. This paragraph references information from a website that speaks for itself. By way of further answer, Intervenor-Defendants state that difficulties experienced in Milwaukee were attributable to the ill-advised decisions from high-ranking local officials, including the decision to drastically cut and consolidate its polling locations on Election Day for no sufficient reason. Dkt. 37 ¶ 3; *DNC* Dkt. 198-1 ¶ 36; Spindell Dep. 138:17–140:10; Wolfe Memo at 7–8; Tseytlin Decl. Ex. 21 (noting “[d]iscussion of Milwaukee . . . Polling Place Consolidation” on agenda); *see also* Wolfe Dep. II 176:8-15 (noting municipalities are responsible for their own consolidation decisions about polling places, including for April 7 election). In contrast, other major municipalities in Wisconsin, like Madison, did not unreasonably close polling locations and so did not experience these Election Day difficulties. *See* Wolfe Memo at 7–8; Tseytlin Decl. Ex. 22; Dkt. 37 ¶ 122.

67. Intervenor-Defendants cannot respond as the phrase “resulted in unp ballots being counted” is unintelligible, and add that the materials cited in this paragraph speak for themselves.

68. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph, and add that the materials cited in this paragraph speak for themselves.

69. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph, and add that the materials cited in this paragraph speak for themselves.

70. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph, and add that the materials cited in this paragraph speak for themselves.

71. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph, and add that the materials cited in this paragraph speak for themselves.

72. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph, and add that the materials cited in this paragraph speak for themselves. Intervenor-Defendants dispute the characterization that “[s]ome voters timely requested absentee ballots but did not receive their ballot in time to vote.” Those who received late absentee ballots had the right to vote in person on Election Day, which can be accomplished safely



with minimal effort. *See supra* ¶ 7. Intervenor-Defendants note that the election was not associated with an increase in COVID-19 Infection Rates. *See id.*

73. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph, and add that the materials cited in this paragraph speak for themselves.

74. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph, and add that the materials cited in this paragraph speak for themselves.

75. This paragraph references a statutory provision that speaks for itself.

76. Intervenor-Defendants dispute the characterization that “satisfying this [witness] requirement meant coming into contact with others and putting their lives in danger.” Intervenor-Defendants further state that every voter can comply with the witness signature requirement safely. Indeed, those voters had weeks to find a witness, whether in-person, through a window, or over FaceTime or Skype. Wolfe Dep. 36:5–9; *see* Tseytlin Decl. Ex. 45.

77. Intervenor-Defendants dispute the characterization that, “[f]or voters that live alone, satisfying the witness requirement while maintaining social distancing is problematic.” Intervenor-Defendants further state that every voter can comply with the witness signature requirement safely. Indeed, those voters will have weeks to find a witness, whether in-person, through a window, or over FaceTime or Skype. *See supra* ¶ 76.

78. Intervenor-Defendants dispute that any immunocompromised voter “was disenfranchised,” because every voter can comply with the witness signature requirement safely. Indeed, those voters had weeks to find a witness, whether in-person, through a window, or over FaceTime or Skype. *See supra* ¶ 76. By way of further answer, Intervenor-Defendants state that Wisconsin voters have multiple independent, safe paths to vote with reasonable effort. *See Luft*, 2020 WL 3496860, at \*3. And, of course, all voters have the opportunity to vote in person on Election Day, which can be accomplished safely with minimal effort. *See supra* ¶ 7.

79. Intervenor-Defendants dispute that Plaintiff Swenson could not “safely” satisfy the witness requirement, and note that Plaintiff Swenson had weeks to find a witness, whether in-person, through a window, or over FaceTime or Skype. *See supra* ¶ 76. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the remaining statements in this paragraph.

80. This paragraph references information from a memorandum by the Commission, which was incorporated into the Expert Report of Dr. Patrick Remington (Dkt. 44), and which speaks for itself. *See Tseytlin Decl. Ex. 45 at 2.*

81. Intervenor-Defendants dispute the statements in this paragraph as unsupported by any non-conjectural evidence.

82. This Court’s order referenced in this paragraph speaks for itself.

83. This paragraph references court orders, a statutory provision, and other cited materials that speak for themselves. Intervenor-Defendants dispute that certain voters, including Plaintiff Swenson, were “deprived . . . of the ability to cast

an effective absentee ballot.” Intervenor-Defendants note that every voter can comply with the witness signature requirement safely. Indeed, those voters had weeks to find a witness, whether in-person, through a window, or over FaceTime or Skype. *See supra* ¶ 76. Intervenor-Defendants further state that all Wisconsin voters had the right to vote in person on Election Day, which could be accomplished safely with minimal effort. *See supra* ¶ 7. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the remaining statements in this paragraph.

84. This paragraph references information from a website that speaks for itself.

85. This paragraph references information from a website that speaks for itself.

86. This paragraph references information from a website that speaks for itself.

87. This paragraph references a statutory provision that speaks for itself.

88. This paragraph references statutory provisions and other cited materials that speak for themselves.

89. This paragraph references statutory provisions that speak for themselves.

90. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph, and add that the materials cited in this paragraph speak for themselves.

91. This paragraph references statutory provisions that speak for themselves.

92. This paragraph references a statutory provision that speaks for itself. By way of further answer, Intervenor-Defendants note that Wisconsin law already provides procedures for absentee voters to correct errors with their absentee ballots. *See* Wis. Stat. §§ 6.86(5), 6.869, 6.87(9); Tseytlin Decl. Ex. 8. Clerks are permitted to return improperly completed ballots “to the elector . . . whenever time permits the elector to correct the defect and return the ballot,” Wis. Stat. § 6.87(9); Tseytlin Decl. Ex. 4, and any voter who believes that they made an error in completing their ballot may request a new one, Tseytlin Decl. Ex. 8 at 2; Wis. Stat. § 6.86(5), which the clerk may send by fax or email, Tseytlin Decl. Ex. 8.

93. Intervenor-Defendants dispute the statement that “many voters with disabilities . . . were unable to vote at all” as unsupported by any non-conjectural evidence. Intervenor-Defendants note that every voter can comply with the witness signature requirement safely. Indeed, those voters had weeks to find a witness, whether in-person, through a window, or over FaceTime or Skype. *See supra* ¶ 76. Intervenor-Defendants further state that all Wisconsin voters had the right to vote in person on Election Day, which could be accomplished safely with minimal effort. *See supra* ¶ 7. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the remaining statements in this paragraph.

94. Intervenor-Defendants dispute that voters who are immunocompromised or at high risk from COVID-19, or who have COVID-19, are “not able to vote in person” as unsupported by any non-conjectural evidence. Intervenor-Defendants further state that all Wisconsin voters had the right to vote in person on Election Day, which could be accomplished safely with minimal effort. *See supra* ¶ 7. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the remaining statements in this paragraph.

95. Intervenor-Defendants dispute that voters who are immunocompromised or at high risk from COVID-19, or who have COVID-19, “face particular challenges in obtaining a witness for their mail-in absentee ballot” as unsupported by any non-conjectural evidence. Intervenor-Defendants note that every voter can comply with the witness signature requirement safely. Indeed, those voters had weeks to find a witness, whether in-person, through a window, or over FaceTime or Skype. *See supra* ¶ 76.

96. Intervenor-Defendants dispute the characterization that a disabled voter “was unable to safely vote in person during the pandemic and lacked a private and independent at-home voting option” as unsupported by any non-conjectural evidence. Intervenor-Defendants note that every voter can comply with the witness signature requirement safely. Indeed, those voters had weeks to find a witness, whether in-person, through a window, or over FaceTime or Skype. *See supra* ¶ 76.

97. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

98. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph, and add that the materials cited in this paragraph speak for themselves.

99. This paragraph references information from a website that speaks for itself. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the other statements in this paragraph.

100. The Commission's memorandum speaks for itself.

101. This paragraph references a statutory provision that speaks for itself.

102. This paragraph references information from a website that speaks for itself. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the other statements in this paragraph.

103. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph, and add that the materials cited in this paragraph speak for themselves. By way of further answer, Intervenor-Defendants state that difficulties experienced in Milwaukee were attributable to the ill-advised decisions from high-ranking local officials, including the decision to drastically cut and consolidate its polling locations on Election Day for no sufficient reason. Dkt. 37 ¶ 3; DNC Dkt. 198-1 ¶ 36; Spindell Dep. 138:17–140:10; Wolfe Memo at 7–8; Tseytlin Decl. Ex. 21 (noting “[d]iscussion of Milwaukee . . . Polling Place Consolidation” on agenda); *see also* Wolfe Dep. II 176:8-15 (noting

municipalities are responsible for their own consolidation decisions about polling places, including for April 7 election). In contrast, other major municipalities in Wisconsin, like Madison, did not unreasonably close polling locations and so did not experience these Election Day difficulties. *See Wolfe Memo* at 7–8; *Tseytlin Decl. Ex. 22*; *Dkt. 37* ¶ 122.

104. This paragraph references information from a website that speaks for itself.

105. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph, and add that the materials cited in this paragraph speak for themselves. By way of further answer, Intervenor-Defendants state that difficulties experienced in Milwaukee were attributable to the ill-advised decisions from high-ranking local officials, including the decision to drastically cut and consolidate its polling locations on Election Day for no sufficient reason. *See supra* ¶ 103.

106. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph, and add that the materials cited in this paragraph speak for themselves. By way of further answer, Intervenor-Defendants note that Milwaukee did not request the help of National Guard members to work as election inspectors. *Wolfe Dep. 172*: 13–17 (stating that she “d[id] not believe” that Milwaukee requested “National Guard” members to “staff [its] polling locations”).

107. This paragraph references information from a website that speaks for itself. Intervenor-Defendants dispute the remaining statements in this paragraph as unsupported by any non-conjectural evidence. By way of further answer, Intervenor-Defendants state that difficulties experienced in Milwaukee were attributable to the ill-advised decisions from high-ranking local officials, including the decision to drastically cut and consolidate its polling locations on Election Day for no sufficient reason. *See supra* ¶ 103; *see also* Wolfe Dep. II 176:8-15 (noting municipalities are responsible for their own consolidation decisions about polling places, including for April 7 election).

108. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph, and add that the materials cited in this paragraph speak for themselves. By way of further answer, Intervenor-Defendants state that difficulties experienced in Green Bay were attributable to the ill-advised decisions from high-ranking local officials, including the decision to drastically cut and consolidate its polling locations on Election Day for no sufficient reason. *See supra* ¶ 65.

109. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph, and add that the materials cited in this paragraph speak for themselves. By way of further answer, Intervenor-Defendants state that difficulties experienced in Green Bay were attributable to the ill-advised decisions from high-ranking local officials, including



the decision to drastically cut and consolidate its polling locations on Election Day for no sufficient reason. *See supra* ¶ 65.

110. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph, and add that the materials cited in this paragraph speak for themselves.

111. Intervenor-Defendants admit this paragraph, and add that the materials cited in this paragraph speak for themselves. By way of further answer, Intervenor-Defendants state that Madison did not unreasonably close polling locations and so did not experience Election Day difficulties similar to those experienced by Milwaukee and Green Bay. *See Wolfe Memo* at 7–8; *Tseytlin Decl. Ex. 22; Dkt. 37* ¶ 122.

112. This paragraph references information from a website that speaks for itself. By way of further answer, Intervenor-Defendants state that Madison did not unreasonably close polling locations and so did not experience Election Day difficulties similar to those experienced by Milwaukee and Green Bay. *See supra* ¶ 111.

113. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph, and add that the materials cited in this paragraph speak for themselves. By way of further answer, Intervenor-Defendants state that decisions regarding the number of polling sites were attributable to high-ranking local officials—who are not named as defendants here—not from the Wisconsin Election Commission or the Legislature. *Dkt. 37* ¶ 3;

*DNC Dkt. 198-1 ¶ 36; see Spindell Dep. 138:17–140:10; Wolfe Memo at 7–8; Tseytlin Decl. Ex. 21* (noting “[d]iscussion of Milwaukee . . . Polling Place Consolidation” on agenda); *see also Wolfe Dep. II 176:8-15* (noting municipalities are responsible for their own consolidation decisions about polling places, including for April 7 election). For example, Milwaukee drastically cut and consolidated its polling locations on Election Day for no sufficient reason. *Id.* In contrast, other major municipalities in Wisconsin, like Madison, did not unreasonably close polling locations and so did not experience these Election Day difficulties. *See Wolfe Memo at 7–8; Tseytlin Decl. Ex. 22; Dkt. 37 ¶ 122.*

114. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph, and add that the materials cited in this paragraph speak for themselves. By way of further answer, Intervenor-Defendants state that decisions regarding the number of polling sites were attributable to high-ranking local officials—who are not named as defendants here—not from the Wisconsin Election Commission or the Legislature. *Dkt. 37 ¶ 3; DNC Dkt. 198-1 ¶ 36; see Spindell Dep. 138:17–140:10; Wolfe Memo at 7–8; Tseytlin Decl. Ex. 21* (noting “[d]iscussion of Milwaukee . . . Polling Place Consolidation” on agenda); *see also Wolfe Dep. II 176:8-15* (noting municipalities are responsible for their own consolidation decisions about polling places, including for April 7 election). For example, Milwaukee drastically cut and consolidated its polling locations on Election Day for no sufficient reason. *Id.* In contrast, other major municipalities in Wisconsin, like Madison, did not unreasonably close polling locations and so did not

experience these Election Day difficulties. *See Wolfe Memo at 7–8; Tseytlin Decl. Ex. 22; Dkt. 37 ¶ 122.*

115. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph, and add that the materials cited in this paragraph speak for themselves. Intervenor-Defendants note that the April Election was not associated with an increase in COVID-19 Infection Rates. *See supra ¶ 7.* Intervenor-Defendants state that voting in person on Election Day can be accomplished safely with minimal effort. *See id.*

116. This paragraph references information from a website that speaks for itself. Intervenor-Defendants dispute the remaining statements in this paragraph as unsupported by any non-conjectural evidence. By way of further answer, Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph, and add that the materials cited in this paragraph speak for themselves.

117. This paragraph references information from a website that speaks for itself. Intervenor-Defendants dispute the statement that “Defendants took no action to require voters or poll workers to employ those supplies or take other precautions to maintain safety at polling places” as unsupported by any non-conjectural evidence. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the remaining statements in this paragraph. By way of further answer, Intervenor-Defendants state that the WEC had no authority under

the laws of Wisconsin “to require” voters or poll workers to employ any safety precautions at polling places.

118. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph, and add that the materials cited in this paragraph speak for themselves.

119. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph, and add that the materials cited in this paragraph speak for themselves. By way of further answer, Intervenor-Defendants state that decisions regarding the number of polling sites were attributable to high-ranking local officials—who are not named as defendants here—not from the Wisconsin Election Commission or the Legislature. Dkt. 37 ¶ 3; *DNC Dkt. 198-1* ¶ 36; *see Spindell Dep. 138:17–140:10; Wolfe Memo at 7–8; Tseytlin Decl. Ex. 21* (noting “[d]iscussion of Milwaukee . . . Polling Place Consolidation” on agenda); *see also Wolfe Dep. II 176:8-15* (noting municipalities are responsible for their own consolidation decisions about polling places, including for April 7 election). Milwaukee drastically cut and consolidated its polling locations on Election Day for no sufficient reason. *Id.*

120. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph. By way of further answer, Intervenor-Defendants state that decisions regarding the number of polling sites were attributable to high-ranking local officials—who are not named as defendants here—not from the Wisconsin Election Commission or the Legislature.

Dkt. 37 ¶ 3; *DNC* Dkt. 198-1 ¶ 36; *see* Spindell Dep. 138:17–140:10; Wolfe Memo at 7–8; Tseytlin Decl. Ex. 21 (noting “[d]iscussion of Milwaukee . . . Polling Place Consolidation” on agenda); *see also* Wolfe Dep. II 176:8-15 (noting municipalities are responsible for their own consolidation decisions about polling places, including for April 7 election). Milwaukee drastically cut and consolidated its polling locations on Election Day for no sufficient reason. *Id.*

121. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

122. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph, and add that the materials cited in this paragraph speak for themselves.

123. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph, and add that the materials cited in this paragraph speak for themselves.

124. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph, and add that the materials cited in this paragraph speak for themselves.

125. Intervenor-Defendants dispute the statements in this paragraph as unsupported by any non-conjectural evidence.

126. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph, and add that the materials cited in this paragraph speak for themselves.

127. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph, and add that the materials cited in this paragraph speak for themselves.

128. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph, and add that the materials cited in this paragraph speak for themselves.

129. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph, and add that the materials cited in this paragraph speak for themselves.

130. Intervenor-Defendants dispute the characterization that Wisconsin's regulation of election "systematically harmed" Wisconsin voters, including those that had not previously voted absentee, those in urban areas, or those in economically depressed communities, and note that turnout was exceptionally high, with 1,555,263 votes cast, and that the election was not associated with an increase in COVID-19 Infection Rates. *See* Tseytlin Decl. Ex. 16; Tseytlin Decl. Ex. 18; Tseytlin Decl. Ex. 19. By way of further answer, Intervenor-Defendants note that "the final election data conclusively indicate[d] that the election did not produce an unusual number [of] unreturned or rejected [absentee] ballots." *DNC Dkt. 227-2* at 24 (hereinafter "WEC Absentee Voting Report").

131. Intervenor-Defendants dispute the statements in this paragraph as unsupported by any non-conjectural evidence. Intervenor-Defendants note that the April Election was not associated with an increase in COVID-19 Infection Rates. *See*

*supra* ¶ 7. Intervenor-Defendants state that voting in person on Election Day can be accomplished safely with minimal effort. *See id.*

132. Intervenor-Defendants dispute the statements in this paragraph as unsupported by any non-conjectural evidence. Intervenor-Defendants note that the April Election was not associated with an increase in COVID-19 Infection Rates. *See supra* ¶ 7. Intervenor-Defendants state that voting in person on Election Day can be accomplished safely with minimal effort. *See id.*

133. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

134. Intervenor-Defendants dispute the statements in this paragraph as unsupported by any non-conjectural evidence.

135. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

136. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph, and add that the materials cited in this paragraph speak for themselves.

137. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

138. Intervenor-Defendants dispute the statement that, of the voters included in Dr. Fowler's sample, "approximately 36,000 were deterred from voting in person" as unsupported by any non-conjectural evidence. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the

remaining statements in this paragraph, and add that the materials cited in this paragraph speak for themselves.

139. Intervenor-Defendants dispute the statements in this paragraph as unsupported by any non-conjectural evidence.

140. Intervenor-Defendants dispute the statements in this paragraph as unsupported by any non-conjectural evidence. By way of further answer, Intervenor-Defendants note that turnout was exceptionally high, with 1,555,263 votes cast, *see* Tseytlin Decl. Ex. 16, representing 34.3% of eligible voters, *see* Tseytlin Decl. Ex. 17 (providing Wisconsin's estimated voting-age population as 4,524,066). In comparison, the turnout for previous Spring Elections was 27.2% (2019), 22.3% (2018), 15.9% (2017), 47.4% (2016), 26.1% (2012), and 34.9% (2008). *Id.*

141. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph, and add that the materials cited in this paragraph speak for themselves. By way of further answer, Intervenor-Defendants note that turnout was exceptionally high, with 1,555,263 votes cast, representing 34.3% of eligible voters. *See supra* ¶ 140. In comparison, the turnout for previous Spring Elections was 27.2% (2019), 22.3% (2018), 15.9% (2017), 47.4% (2016), 26.1% (2012), and 34.9% (2008). *Id.*

142. Intervenor-Defendants dispute the statements in this paragraph as unsupported by any non-conjectural evidence.

143. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.



144. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

145. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

146. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph, and add that the materials cited in this paragraph speak for themselves.

147. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph, and add that the materials cited in this paragraph speak for themselves.

148. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph, and add that the materials cited in this paragraph speak for themselves.

149. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph. To the extent the paragraph expresses an opinion, Intervenor-Defendants take no position on that opinion.

150. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

151. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

152. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

153. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

154. Intervenor-Defendants dispute the characterization that Plaintiff Swenson “was unable to find an in-person witness for the absentee ballot she received in the mail.” Intervenor-Defendants further state that every voter can comply with the witness signature requirement safely. Indeed, those voters will have weeks to find a witness, whether in-person, through a window, or over FaceTime or Skype. *See supra* ¶ 76. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the remaining statements in this paragraph.

155. Intervenor-Defendants dispute the characterization that Plaintiff Swenson spent weeks “unsuccessfully searching for a safe way to have her ballot witnessed,” because every voter can comply with the witness signature requirement safely. Indeed, those voters had weeks to find a witness, whether in-person, through a window, or over FaceTime or Skype. *See supra* ¶ 76. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the remaining statements in this paragraph.

156. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

157. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

158. Intervenor-Defendants dispute that Plaintiff Swenson “was disenfranchised.” Intervenor-Defendants note that every voter can comply with the witness signature requirement safely. Indeed, those voters had weeks to find a witness, whether in-person, through a window, or over FaceTime or Skype. *See supra* ¶ 76. Intervenor-Defendants further state that all Wisconsin voters had the right to vote in person on Election Day, which could be accomplished safely with minimal effort. *See supra* ¶ 7. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the remaining statements in this paragraph.

159. Intervenor-Defendants dispute the statements in this paragraph as unsupported by any non-conjectural evidence. Plaintiff Swenson, like other Wisconsin voters, has multiple independent, safe paths to vote with reasonable effort. *See Luft*, 2020 WL 3496860, at \*3.

160. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

161. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

162. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

163. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

164. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

165. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

166. Intervenor-Defendants do not dispute that Plaintiff McCurtis made the statement referenced in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph. By way of further answer, Intervenor-Defendants note that the election was not associated with an increase in COVID-19 Infection Rates. *See supra* ¶ 7. Wisconsin voters have multiple independent, safe paths to vote with reasonable effort. *See Luft*, 2020 WL 3496860, at \*3. Intervenor-Defendants further state that voting in person on Election Day can be accomplished safely with minimal effort. *See supra* ¶ 7.

167. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

168. Intervenor-Defendants dispute the characterization of the April Election moving forward as scheduled as a showing of a “lack of respect” to Plaintiff McCurtis’ community. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the remaining statements in this paragraph.

169. Intervenor-Defendants do not dispute that Plaintiff McCurtis made the statement referenced in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph. By way

of further answer, Intervenor-Defendants note that the election was not associated with an increase in COVID-19 Infection Rates. *See supra* ¶ 7. Wisconsin voters have multiple independent, safe paths to vote with reasonable effort. *See Luft*, 2020 WL 3496860, at \*3. Intervenor-Defendants further state that voting in person on Election Day can be accomplished safely with minimal effort. *See supra* ¶ 7. Intervenor-Defendants also note that projections regarding the state of the COVID-19 pandemic in the Fall are unsupported by any non-conjectural evidence. *See Dkt. 43-49*. Intervenor-Defendants further state that the IHME model that the *Swenson* Plaintiffs rely upon, Dkt. 42 ¶ 216, predicts that infection rates in Wisconsin for November will be substantially less than they were in April. Tseytlin Decl. Ex. 43. Intervenor-Defendants further note that the circumstances surrounding Wisconsin's November Election will be materially different than the April Election, when the COVID-19 pandemic was still very new and unexpected. Indeed, the Commission has already taken numerous steps to enhance the State's readiness for the upcoming November 2020 Election. *See supra* ¶ 7.

170. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

171. Intervenor-Defendants do not dispute that Plaintiff McCurtis made the statement referenced in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph. By way of further answer, Intervenor-Defendants note that the election was not associated with an increase in COVID-19 Infection Rates. *See supra* ¶ 9. Wisconsin voters have

multiple independent, safe paths to vote with reasonable effort. *See Luft*, 2020 WL 3496860, at \*3. Intervenor-Defendants further state that voting in person on Election Day can be accomplished safely with minimal effort. *See supra* ¶ 7. Intervenor-Defendants also note that projections regarding the state of the COVID-19 pandemic in the Fall are unsupported by any non-conjectural evidence. *See Dkt. 43-49*. Intervenor-Defendants further state that the IHME model that the *Swenson* Plaintiffs rely upon, Dkt. 42 ¶ 216, predicts that infection rates in Wisconsin for November will be substantially less than they were in April. Tseytlin Decl. Ex. 43. Intervenor-Defendants further note that the circumstances surrounding Wisconsin's November Election will be materially different than the April Election, when the COVID-19 pandemic was still very new and unexpected. Indeed, the Commission has already taken numerous steps to enhance the State's readiness for the upcoming November 2020 Election. *See supra* ¶ 7.

172. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

173. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

174. Intervenor-Defendants do not dispute that Plaintiff Nelson made the statement referenced in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph. By way of further answer, Intervenor-Defendants note that the election was not associated with an increase in COVID-19 Infection Rates. *See supra* ¶ 9. Wisconsin voters have

multiple independent, safe paths to vote with reasonable effort. *See Luft*, 2020 WL 3496860, at \*3. Intervenor-Defendants further state that voting in person on Election Day can be accomplished safely with minimal effort. *See supra* ¶ 7.

175. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

176. Intervenor-Defendants do not dispute that Plaintiff Nelson made the statement referenced in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph. By way of further answer, Intervenor-Defendants note that the election was not associated with an increase in COVID-19 Infection Rates. *See supra* ¶ 9. Wisconsin voters have multiple independent, safe paths to vote with reasonable effort. *See Luft*, 2020 WL 3496860, at \*3. Intervenor-Defendants further state that voting in person on Election Day can be accomplished safely with minimal effort. *See supra* ¶ 7.

177. Intervenor-Defendants dispute that Plaintiff Nelson “was disenfranchised and was not able to cast a ballot,” because there remained the option to safely vote in person. *See Tseytlin Decl. Ex. 18; Tseytlin Decl. Ex. 19.* Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the remaining statements in this paragraph.

178. Intervenor-Defendants do not dispute that Plaintiff Nelson made the statement referenced in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph. By way of further answer, Intervenor-Defendants note that the election was not associated

with an increase in COVID-19 Infection Rates. *See supra* ¶ 9. Wisconsin voters have multiple independent, safe paths to vote with reasonable effort. *See Luft*, 2020 WL 3496860, at \*3. Intervenor-Defendants further state that voting in person on Election Day can be accomplished safely with minimal effort. *See supra* ¶ 7.

179. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

180. Intervenor-Defendants do not dispute that Plaintiff Nelson made the statement referenced in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph. By way of further answer, Intervenor-Defendants note that the election was not associated with an increase in COVID-19 Infection Rates. *See supra* ¶ 9. Wisconsin voters have multiple independent, safe paths to vote with reasonable effort. *See Luft*, 2020 WL 3496860, at \*3. Intervenor-Defendants further state that voting in person on Election Day can be accomplished safely with minimal effort. *See supra* ¶ 7. Intervenor-Defendants also note that projections regarding the state of the COVID-19 pandemic in the Fall are unsupported by any non-conjectural evidence. *See Dkt. 43-49*. Intervenor-Defendants further state that the IHME model that the *Swenson* Plaintiffs rely upon, Dkt. 42 ¶ 216, predicts that infection rates in Wisconsin for November will be substantially less than they were in April. Tseytlin Decl. Ex. 43. Intervenor-Defendants further note that the circumstances surrounding Wisconsin's November Election will be materially different than the April Election, when the COVID-19 pandemic was still very new and unexpected. Indeed, the Commission has



already taken numerous steps to enhance the State's readiness for the upcoming November 2020 Election. *See supra* ¶ 7.

181. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

182. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

183. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

184. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

185. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

186. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

187. Intervenor-Defendants dispute the characterization that "Defendants' policies and deadlines rapidly shifted." Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the remaining statements in this paragraph.

188. Intervenor-Defendants dispute the characterization of the Commission's rules as "rapidly changing." Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the remaining statements in this paragraph.

189. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

190. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

191. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

192. Intervenor-Defendants dispute the characterization of “Defendants’ failures administering the April 7 election.” Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the remaining statements in this paragraph.

193. Intervenor-Defendants dispute the characterization of “how the state treated voters generally and BLOC’s constituents specifically.” Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the remaining statements in this paragraph.

194. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

195. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

196. Intervenor-Defendants dispute the statement that BLOC’s claimed diversion of resources “will continue through the fall if statewide changes are not implemented” as unsupported by any non-conjectural evidence. Intervenor-

Defendants are without knowledge or information sufficient to form a belief as to the truth of the remaining statements in this paragraph.

197. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

198. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

199. This paragraph references statutory provisions that speak for themselves. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the remaining statements in this paragraph.

200. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

201. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

202. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

203. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

204. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

205. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

206. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

207. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

208. Intervenor-Defendants dispute the statements in this paragraph as unsupported by any non-conjectural evidence.

209. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

210. Intervenor-Defendants dispute the statement that “Defendants’ failures ensured that voters with disabilities struggled to, and in some cases could not, vote on April 7” as unsupported by any non-conjectural evidence. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the remaining statements in this paragraph.

211. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

212. Intervenor-Defendants dispute the statements in this paragraph as unsupported by any non-conjectural evidence. Wisconsin voters have multiple independent, safe paths to vote with reasonable effort. *See Luft*, 2020 WL 3496860, at \*3.

213. Intervenor-Defendants dispute the statement that DRW’s claimed diversion of resources “will continue through the fall if statewide changes are not implemented” as unsupported by any non-conjectural evidence. Intervenor-

Defendants are without knowledge or information sufficient to form a belief as to the truth of the remaining statements in this paragraph.

214. This paragraph references information from a website that speaks for itself. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the other statements in this paragraph. To the extent the paragraph expresses an opinion, Intervenor-Defendants take no position on that opinion.

215. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph. To the extent the paragraph expresses an opinion, Intervenor-Defendants take no position on that opinion.

216. This paragraph references information from a website that speaks for itself. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the other statements in this paragraph. By way of further answer, Intervenor-Defendants state that the IHME model that the *Swenson* Plaintiffs rely upon, Dkt. 42 ¶ 216, predicts that infection rates in Wisconsin for November will be substantially less than they were in April. *See* Dkt. 43-49; Tseytlin Decl. Ex. 43.

217. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph, and add that the materials cited in this paragraph speak for themselves. Intervenor-Defendants further note that projections regarding the state of the COVID-19 pandemic in the

Fall are unsupported by any non-conjectural evidence. *See* Dkt. 43-49. By way of further answer, Intervenor-Defendants state that the IHME model that the *Swenson* Plaintiffs rely upon, Dkt. 42 ¶ 216, predicts that infection rates in Wisconsin for November will be substantially less than they were in April. *See* Dkt. 43-49; Tseytlin Decl. Ex. 43.

218. This paragraph references information from a website that speaks for itself. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the other statements in this paragraph.

219. This paragraph references information from a website that speaks for itself. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the other statements in this paragraph.

220. This paragraph references a court ruling and other cited materials that speak for themselves.

221. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph. Intervenor-Defendants further note that projections regarding the state of the COVID-19 pandemic in the Fall are unsupported by any non-conjectural evidence. *See* Dkt. 43-49. By way of further answer, Intervenor-Defendants state that the IHME model that the *Swenson* Plaintiffs rely upon, Dkt. 42 ¶ 216, predicts that infection rates in Wisconsin for November will be substantially less than they were in April. *See* Dkt. 43-49; Tseytlin Decl. Ex. 43. To the extent the paragraph expresses an opinion, Intervenor-Defendants take no position on that opinion.

222. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph. Intervenor-Defendants further note that projections regarding the state of the COVID-19 pandemic in the Fall are unsupported by any non-conjectural evidence. *See* Dkt. 43-49. By way of further answer, Intervenor-Defendants state that the IHME model that the *Swenson* Plaintiffs rely upon, Dkt. 42 ¶ 216, predicts that infection rates in Wisconsin for November will be substantially less than they were in April. *See* Dkt. 43-49; Tseytlin Decl. Ex. 43. To the extent the paragraph expresses an opinion, Intervenor-Defendants take no position on that opinion.

223. This paragraph references information from a website that speaks for itself. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the other statements in this paragraph. Intervenor-Defendants further note that projections regarding the state of the COVID-19 pandemic in the Fall are unsupported by any non-conjectural evidence. *See* Dkt. 43-49. To the extent the paragraph expresses an opinion, Intervenor-Defendants take no position on that opinion.

224. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph. Intervenor-Defendants further note that projections regarding the state of the COVID-19 pandemic in the Fall are unsupported by any non-conjectural evidence. *See* Dkt. 43-49. To the extent the paragraph expresses an opinion, Intervenor-Defendants take no position on that opinion.

225. Intervenor-Defendants dispute the statements in this paragraph as unsupported by any non-conjectural evidence, and note that the April Election was not associated with an increase in COVID-19 Infection Rates. *See supra* ¶ 7. Intervenor-Defendants also note that projections regarding the state of the COVID-19 pandemic in the Fall are unsupported by any non-conjectural evidence. *See* Dkt. 43-49. By way of further answer, Intervenor-Defendants state that the IHME model that the *Swenson* Plaintiffs rely upon, Dkt. 42 ¶ 216, predicts that infection rates in Wisconsin for November will be substantially less than they were in April. Tseytlin Decl. Ex. 43. Intervenor-Defendants further note that the Commission has already taken numerous steps to enhance the State’s readiness for the upcoming November 2020 Election. *See generally* WEC Defendants’ Status Report at 2–14 (listing 15 detailed actions); Wolfe Dep. 103:17–111:14, 121:2–122:20. For example, the Commission has elected to mail absentee-ballot applications and informational material to “all voters without an active absentee request on file,” making it even easier for voters to vote via absentee ballot for the November 2020 Election. Tseytlin Decl. Ex. 28; Tseytlin Decl. Ex. 29; WEC Defendants’ Status Report at 3–4; Wolfe Dep. 26:16–27:7. The Commission plans to implement “intelligent mail barcodes into the existing [absentee-ballot-envelope] design” for the November 2020 Election, which will facilitate more detailed absentee-ballot tracking. Tseytlin Decl. Ex. 28; WEC Defendants’ Status Report at 6; Wolfe Dep. 54:14–60:12 (noting that the Commission expects most clerks to use the intelligent barcodes for the November 2020 Election), 99:8–17, 105:11–15 (expressly stating that the Commission approved



use of intelligent barcode system). The Commission will spend up to \$4.1 million on a “CARES Act sub-grant to local election officials,” Tseytlin Decl. Ex. 28, “to help pay for increased election costs due to the COVID-19 pandemic.” WEC Defendants’ Status Report at 5; Tseytlin Decl. Ex. 29; Wolfe Dep. 75:3–16; *accord* Wolfe Dep. 68:10–69:6 (explaining that the Commission has begun securing supplies for the November 2020 Election and has not encountered shortages). And the Commission has made, and will continue to make, numerous upgrades to the MyVote Website and WisVote system, including “to meet the needs of clerks experiencing a large increase in the demand for absentee ballots.” WEC Defendants’ Status Report at 8–9; Wolfe Dep. 70:9–73:14, 128:15–129:18; *see generally* WEC Defendants’ Status Report at 2–14 (discussing other efforts, like poll-worker-recruitment efforts); Wolfe Dep. 75:17–78:4 (similar). Intervenor-Defendants also note that the circumstances surrounding Wisconsin’s November Election will be materially different than the April Election, when the COVID-19 pandemic was still very new and unexpected.

226. Intervenor-Defendants dispute the statements in this paragraph as unsupported by any non-conjectural evidence. Wisconsin voters have multiple independent, safe paths to vote with reasonable effort.

227. Intervenor-Defendants dispute the statements in this paragraph as unsupported by any non-conjectural evidence, and note that the April Election was not associated with an increase in COVID-19 Infection Rates. *See supra* ¶ 7. Intervenor-Defendants also note that projections regarding the state of the COVID-19 pandemic in the Fall are unsupported by any non-conjectural evidence. *See*

Dkt. 43-49. By way of further answer, Intervenor-Defendants state that the IHME model that the *Swenson* Plaintiffs rely upon, Dkt. 42 ¶ 216, predicts that infection rates in Wisconsin for November will be substantially less than they were in April. *See* Dkt. 43-49; Tseytlin Decl. Ex. 43. Intervenor-Defendants further note that the circumstances surrounding Wisconsin’s November Election will be materially different than the April Election, when the COVID-19 pandemic was still very new and unexpected. Intervenor-Defendants further note that the Commission has already taken numerous steps to enhance the State’s readiness for the upcoming November 2020 Election. *See generally* WEC Defendants’ Status Report at 2–14 (listing 15 detailed actions); Wolfe Dep. 103:17–111:14, 121:2–122:20. For example, the Commission has elected to mail absentee-ballot applications and informational material to “all voters without an active absentee request on file,” making it even easier for voters to vote via absentee ballot for the November 2020 Election. Tseytlin Decl. Ex. 28; Tseytlin Decl. Ex. 29; WEC Defendants’ Status Report at 3–4; Wolfe Dep. 26:16–27:7. The Commission plans to implement “intelligent mail barcodes into the existing [absentee-ballot-envelope] design” for the November 2020 Election, which will facilitate more detailed absentee-ballot tracking. Tseytlin Decl. Ex. 28; WEC Defendants’ Status Report at 6; Wolfe Dep. 54:11–60:12 (noting that the Commission expects most clerks to use the intelligent barcodes for the November 2020 Election), 99:8–17, 105:11–15 (expressly stating that the Commission approved use of intelligent barcode system). The Commission will spend up to \$4.1 million on a “CARES Act sub-grant to local election officials,” Tseytlin Decl. Ex. 28, “to help pay

for increased election costs due to the COVID-19 pandemic.” WEC Defendants’ Status Report at 5; Tseytlin Decl. Ex. 29; Wolfe Dep. 75:3–16; *accord* Wolfe Dep. 68:10–69:6 (explaining that the Commission has begun securing supplies for the November 2020 Election and has not encountered shortages). And the Commission has made, and will continue to make, numerous upgrades to the MyVote Website and WisVote system, including “to meet the needs of clerks experiencing a large increase in the demand for absentee ballots.” WEC Defendants’ Status Report at 8–9; Wolfe Dep. 70:9–73:14, 128:15–129:18; *see generally* WEC Defendants’ Status Report at 2–14 (discussing other efforts, like poll-worker-recruitment efforts); Wolfe Dep. 75:17–78:4 (similar). More specifically, both Milwaukee and Green Bay have already taken efforts to avoid the long lines that occurred in April, after those municipalities inexplicably closed many polling places. Milwaukee has already begun to recruit more poll workers for November, utilizing the “more time” that it has until November, and “officials hope to be able to open all 180 polling sites in November’s presidential election.” Tseytlin Decl. Ex. 30. Milwaukee also has approved “16 in-person early voting locations for the August and November elections,” which is “a sharp increase from prior years.” Tseytlin Decl. Ex. 31. And Milwaukee will have help from volunteers recruited by the *DNC* Plaintiffs. *See* Tseytlin Decl. Ex. 32 (requesting that its supporters “[v]olunteer for the Voter Protection team to make sure our elections are safe & fair this fall,” and specifically mentioning that “voting locations were closed in April”). Green Bay also has begun significant poll-worker recruitment efforts, and

it will have at least 13 polling locations open for November—up from the two locations the city had in April. Tseytlin Decl. Ex. 33.

228. This paragraph references information from a website that speaks for itself. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the other statements in this paragraph.

229. Intervenor-Defendants dispute the statements in this paragraph as unsupported by any non-conjectural evidence, and note that the April Election was not associated with an increase in COVID-19 Infection Rates. *See supra* ¶ 7. Intervenor-Defendants also note that projections regarding the state of the COVID-19 pandemic in the Fall are unsupported by any non-conjectural evidence. *See* Dkt. 43-49. Intervenor-Defendants further note that the circumstances surrounding Wisconsin’s November Election will be materially different than the April Election, when the COVID-19 pandemic was still very new and unexpected. Intervenor-Defendants further note that the Commission has already taken numerous steps to enhance the State’s readiness for the upcoming November 2020 Election. *See generally* WEC Defendants’ Status Report at 2–14 (listing 15 detailed actions); Wolfe Dep. 103:17–111:14, 121:2–122:20. For example, the Commission has elected to mail absentee-ballot applications and informational material to “all voters without an active absentee request on file,” making it even easier for voters to vote via absentee ballot for the November 2020 Election. Tseytlin Ex. 28; Tseytlin Decl. Ex. 29; WEC Defendants’ Status Report at 3–4; Wolfe Dep. 26:16–27:7. The Commission plans to implement “intelligent mail barcodes into the existing [absentee-ballot-envelope]

design” for the November 2020 Election, which will facilitate more detailed absentee-ballot tracking. Tseytlin Decl. Ex. 28; WEC Defendants’ Status Report at 6; Wolfe Dep. 54:11–60:12 (noting that the Commission expects most clerks to use the intelligent barcodes for the November 2020 Election), 99:8–17, 105:11–15 (expressly stating that the Commission approved use of intelligent barcode system). The Commission will spend up to \$4.1 million on a “CARES Act sub-grant to local election officials,” Tseytlin Decl. Ex. 28, “to help pay for increased election costs due to the COVID-19 pandemic.” WEC Defendants’ Status Report at 5; Tseytlin Decl. Ex. 29; Wolfe Dep. 75:3–16; *accord* Wolfe Dep. 68:10–69:6 (explaining that the Commission has begun securing supplies for the November 2020 Election and has not encountered shortages). And the Commission has made, and will continue to make, numerous upgrades to the MyVote Website and WisVote system, including “to meet the needs of clerks experiencing a large increase in the demand for absentee ballots.” WEC Defendants’ Status Report at 8–9; Wolfe Dep. 70:9–73:14, 128:15–129:18; *see generally* WEC Defendants’ Status Report at 2–14 (discussing other efforts, like poll-worker-recruitment efforts); Wolfe Dep. 75:17–78:4 (similar). More specifically, both Milwaukee and Green Bay have already taken efforts to avoid the long lines that occurred in April, after those municipalities inexplicably closed many polling places. Milwaukee has already begun to recruit more poll workers for November, utilizing the “more time” that it has until November, and “officials hope to be able to open all 180 polling sites in November’s presidential election.” Tseytlin Decl. Ex. 30. Milwaukee also has approved “16 in-person early voting locations for the August and

November elections,” which is “a sharp increase from prior years.” Tseytlin Decl. Ex. 31. And Milwaukee will have help from volunteers recruited by the *DNC* Plaintiffs. *See* Tseytlin Decl. Ex. 32 (requesting that its supporters “[v]olunteer for the Voter Protection team to make sure our elections are safe & fair this fall,” and specifically mentioning that “voting locations were closed in April”). Green Bay also has begun significant poll-worker recruitment efforts, and it will have at least 13 polling locations open for November—up from the two locations the city had in April. Tseytlin Decl. Ex. 33.

230. Intervenor-Defendants dispute the statements in this paragraph as unsupported by any non-conjectural evidence. By way of further answer, Intervenor-Defendants note that, among other steps taken to enhance the State’s readiness for the upcoming November 2020 Election, the Commission has made, and will continue to make, numerous upgrades to the MyVote Website and WisVote system, including “to meet the needs of clerks experiencing a large increase in the demand for absentee ballots.” WEC Defendants’ Status Report at 8–9; Wolfe Dep. 70:9–73:14, 128:15–129:18; *see generally* WEC Defendants’ Status Report at 2–14 (discussing other efforts, like poll-worker-recruitment efforts); Wolfe Dep. 75:17–78:4 (similar).

231. Intervenor-Defendants dispute the statements in this paragraph as unsupported by any non-conjectural evidence, and note that the circumstances surrounding Wisconsin’s November Election will be materially different than the April Election, when the COVID-19 pandemic was still very new and unexpected. Intervenor-Defendants further note that the Commission has already taken

numerous steps to enhance the State's readiness for the upcoming November 2020 Election. *See generally* WEC Defendants' Status Report at 2–14 (listing 15 detailed actions); Wolfe Dep. 103:14–111:14, 121:2–122:20. For example, the Commission has elected to mail absentee-ballot applications and informational material to “all voters without an active absentee request on file,” making it even easier for voters to vote via absentee ballot for the November 2020 Election. Tseytlin Decl. Ex. 28; Tseytlin Decl. Ex. 29; WEC Defendants' Status Report at 3–4; Wolfe Dep. 26:16–27:7. The Commission plans to implement “intelligent mail barcodes into the existing [absentee-ballot-envelope] design” for the November 2020 Election, which will facilitate more detailed absentee-ballot tracking. Tseytlin Decl. Ex. 28; WEC Defendants' Status Report at 6; Wolfe Dep. 54:14–60:12 (noting that the Commission expects most clerks to use the intelligent barcodes for the November 2020 Election), 99:8–17, 105:11–15 (expressly stating that the Commission approved use of intelligent barcode system). The Commission will spend up to \$4.1 million on a “CARES Act sub-grant to local election officials,” Tseytlin Decl. Ex. 28, “to help pay for increased election costs due to the COVID-19 pandemic.” WEC Defendants' Status Report at 5; Tseytlin Decl. Ex. 29; Wolfe Dep. 75:3–16; *accord* Wolfe Dep. 68:10–69:6 (explaining that the Commission has begun securing supplies for the November 2020 Election and has not encountered shortages). And the Commission has made, and will continue to make, numerous upgrades to the MyVote Website and WisVote system, including “to meet the needs of clerks experiencing a large increase in the demand for absentee ballots.” WEC Defendants' Status Report at 8–9; Wolfe

Dep. 70:9–73:14, 128:15–129:18; *see generally* WEC Defendants’ Status Report at 2–14 (discussing other efforts, like poll-worker-recruitment efforts); Wolfe Dep. 75:17–78:4 (similar). More specifically, both Milwaukee and Green Bay have already taken efforts to avoid the long lines that occurred in April, after those municipalities inexplicably closed many polling places. Milwaukee has already begun to recruit more poll workers for November, utilizing the “more time” that it has until November, and “officials hope to be able to open all 180 polling sites in November’s presidential election.” Tseytlin Decl. Ex. 30. Milwaukee also has approved “16 in-person early voting locations for the August and November elections,” which is “a sharp increase from prior years.” Tseytlin Decl. Ex. 31. And Milwaukee will have help from volunteers recruited by the *DNC* Plaintiffs. *See* Tseytlin Decl. Ex. 32 (requesting that its supporters “[v]olunteer for the Voter Protection team to make sure our elections are safe & fair this fall,” and specifically mentioning that “voting locations were closed in April”). Green Bay also has begun significant poll-worker recruitment efforts, and it will have at least 13 polling locations open for November—up from the two locations the city had in April. Tseytlin Decl. Ex. 33.

232. This paragraph references a statutory provision that speaks for itself.

233. Intervenor-Defendants do not dispute the statement in this paragraph.

234. Intervenor-Defendants dispute the statements in this paragraph as unsupported by any non-conjectural evidence. By way of further answer, Intervenor-Defendants dispute the statements suggesting limitations on the future performance of the United States Postal Service (“USPS”), and note that the Inspector General for



the USPS has issued a report examining reports of untimely ballots and implementing numerous recommendations for the upcoming election, which postal officials agreed to follow. *DNC Dkt.* 433-1. With months to go before Wisconsin's November Election, every registered voter in Wisconsin has either already applied to vote absentee or will receive an absentee-ballot application directly from the Commission. *See* Tseytlin Ex. 28; Tseytlin Decl. Ex. 29.

235. Intervenor-Defendants dispute the statements in this paragraph as unsupported by any non-conjectural evidence.

236. This paragraph quotes the Court's April 2, 2020 ruling that speaks for itself. The April 2 order pertains to election-related, statutory requirements at a time when the April 7 election was "rapidly approaching." *Democratic Nat'l Comm.*, 2020 WL 1638374, at \*1. At that time, the Court held that "the evidence presented by the parties and amici demonstrates that even the most diligent voter may be unable to return his or her ballot in time to be counted," citing the specific backlog of absentee ballot applications in light of deadlines. *Id.* at \*17. By way of further answer, Intervenor-Defendants state that the statement in this paragraph, which is included under the heading "COVID-19's Impact on the November Election," is not applicable to the November 2020 Election. Intervenor-Defendants further state that the circumstances surrounding Wisconsin's November Election will be materially different than the April Election, when the COVID-19 pandemic was still very new and unexpected. Notably, the November Election is months away, which means all voters have ample time to prepare, including by requesting absentee ballots

immediately if they so choose. *See* Wis. Stat. § 7.15(1)(cm); Tseytlin Decl. Ex. 4 (indicating voters may request an absentee ballot for the November Election immediately, and municipal clerks will start delivering such ballots by mail once the ballots have been prepared, which will be well over a month in advance of the election). Additionally, the Commission has already taken numerous, significant steps to enhance the State’s readiness for the upcoming November 2020 Election. *See supra* ¶ 7.

237. This paragraph references information from a website that speaks for itself. Intervenor-Defendants note that projections regarding the state of the COVID-19 pandemic in the Fall are unsupported by any non-conjectural evidence. *See* Dkt. 43-49. Intervenor-Defendants further note that the Commission has already taken numerous steps to enhance the State’s readiness for the upcoming November 2020 Election. For example, both Milwaukee and Green Bay have already taken efforts to avoid the long lines that occurred in April, after those municipalities inexplicably closed many polling places. Milwaukee has already begun to recruit more poll workers for November, utilizing the “more time” that it has until November, and “officials hope to be able to open all 180 polling sites in November’s presidential election.” Tseytlin Decl. Ex. 30. Milwaukee also has approved “16 in-person early voting locations for the August and November elections,” which is “a sharp increase from prior years.” Tseytlin Decl. Ex. 31. And Milwaukee will have help from volunteers recruited by the *DNC* Plaintiffs. *See* Tseytlin Decl. Ex. 32 (requesting that its supporters “[v]olunteer for the Voter Protection team to make sure our elections

are safe & fair this fall,” and specifically mentioning that “voting locations were closed in April”). Green Bay also has begun significant poll-worker recruitment efforts, and it will have at least 13 polling locations open for November—up from the two locations the city had in April. Tseytlin Decl. Ex. 33.

238. The materials cited in this paragraph speak for themselves. Intervenor-Defendants dispute the remaining statements in this paragraph as unsupported by any non-conjectural evidence. Intervenor-Defendants further note that the Commission has already taken numerous steps to enhance the State’s readiness for the upcoming November 2020 Election. *See generally* WEC Defendants’ Status Report at 2–14 (listing 15 detailed actions); Wolfe Dep. 103:17–111:14, 121:2–122:20. For example, the Commission has elected to mail absentee-ballot applications and informational material to “all voters without an active absentee request on file,” making it even easier for voters to vote via absentee ballot for the November 2020 Election. Tseytlin Decl. Ex. 28; Tseytlin Decl. Ex. 29; WEC Defendants’ Status Report at 3–4; Wolfe Dep. 26:16–27:7. The Commission plans to implement “intelligent mail barcodes into the existing [absentee-ballot-envelope] design” for the November 2020 Election, which will facilitate more detailed absentee-ballot tracking. Tseytlin Decl. Ex. 28; WEC Defendants’ Status Report at 6; Wolfe Dep. 54:11–60:12 (noting that the Commission expects most clerks to use the intelligent barcodes for the November 2020 Election), 99:8–17, 105:11–15 (expressly stating that the Commission approved use of intelligent barcode system). The Commission will spend up to \$4.1 million on a “CARES Act sub-grant to local election officials,” Tseytlin Decl. Ex. 28, “to help pay

for increased election costs due to the COVID-19 pandemic.” WEC Defendants’ Status Report at 5; Tseytlin Decl. Ex. 29; Wolfe Dep. 75:3–16; *accord* Wolfe Dep. 68:10–69:6 (explaining that the Commission has begun securing supplies for the November 2020 Election and has not encountered shortages). And the Commission has made, and will continue to make, numerous upgrades to the MyVote Website and WisVote system, including “to meet the needs of clerks experiencing a large increase in the demand for absentee ballots.” WEC Defendants’ Status Report at 8–9; Wolfe Dep. 70:9–73:14, 128:15–129:18; *see generally* WEC Defendants’ Status Report at 2–14 (discussing other efforts, like poll-worker-recruitment efforts); Wolfe Dep. 75:17–78:4 (similar). More specifically, both Milwaukee and Green Bay have already taken efforts to avoid the long lines that occurred in April, after those municipalities inexplicably closed many polling places. Milwaukee has already begun to recruit more poll workers for November, utilizing the “more time” that it has until November, and “officials hope to be able to open all 180 polling sites in November’s presidential election.” Tseytlin Decl. Ex. 30. Milwaukee also has approved “16 in-person early voting locations for the August and November elections,” which is “a sharp increase from prior years.” Tseytlin Decl. Ex. 31. And Milwaukee will have help from volunteers recruited by the *DNC* Plaintiffs. *See* Tseytlin Decl. Ex. 32 (requesting that its supporters “[v]olunteer for the Voter Protection team to make sure our elections are safe & fair this fall,” and specifically mentioning that “voting locations were closed in April”). Green Bay also has begun significant poll-worker recruitment efforts, and it will have at least 13 polling locations open for November—up from the two locations

the city had in April. Tseytlin Decl. Ex. 33. Intervenor-Defendants also note that the circumstances surrounding Wisconsin's November Election will be materially different than the April Election, when the COVID-19 pandemic was still very new and unexpected.

239. This paragraph references information from a website that speaks for itself.

240. This paragraph references information from a website that speaks for itself.

241. The Commission's memorandum speaks for itself.

242. The Commission's memorandum speaks for itself. Intervenor-Defendants dispute the characterization of "disenfranchised voters." Intervenor-Defendants state that Wisconsin voters have multiple independent, safe paths to vote with reasonable effort. *See Luft*, 2020 WL 3496860, at \*3. Intervenor-Defendants further state that all Wisconsin voters had the right to vote in person on Election Day, which could be accomplished safely with minimal effort. *See supra* ¶ 7. And, for those Wisconsin voters that chose to apply for an absentee ballot, every voter can comply with the witness signature requirement safely. Indeed, those voters had weeks to find a witness, whether in-person, through a window, or over FaceTime or Skype. *See supra* ¶ 76.

243. Intervenor-Defendants do not dispute the statement in this paragraph, and add that the materials cited in this paragraph speak for themselves.

244. Intervenor-Defendants dispute the statements in this paragraph as unsupported by non-conjectural evidence. Intervenor-Defendants note that the Commission has already taken numerous steps to enhance the State's readiness for the upcoming November 2020 Election and plans to take still more steps in the coming months. *See supra* ¶ 238.

245. This paragraph references a statutory provision that speaks for itself.

246. This paragraph references information from a website that speaks for itself. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the other statements in this paragraph. To the extent the paragraph expresses an opinion, Intervenor-Defendants take no position on that opinion.

247. This paragraph references statutory provisions and other materials that speak for themselves.

248. Intervenor-Defendants note that projections regarding the state of the COVID-19 pandemic in the Fall are unsupported by any non-conjectural evidence. *See* Dkt. 43-49. Intervenor-Defendants dispute the remaining statements in this paragraph as unsupported by any non-conjectural evidence. Intervenor-Defendants further note that the Commission has already taken numerous steps to enhance the State's readiness for the upcoming November 2020 Election. *See generally* WEC Defendants' Status Report at 2–14 (listing 15 detailed actions); Wolfe Dep. 103:17–111:14, 121:2–122:20. For example, the Commission has elected to mail absentee-ballot applications and informational material to “all voters without an active

absentee request on file,” making it even easier for voters to vote via absentee ballot for the November 2020 Election. Tseytlin Decl. Ex. 28; Tseytlin Decl. Ex. 29; WEC Defendants’ Status Report at 3–4; Wolfe Dep. 26:16–27:7. The Commission plans to implement “intelligent mail barcodes into the existing [absentee-ballot-envelope] design” for the November 2020 Election, which will facilitate more detailed absentee-ballot tracking. Tseytlin Decl. Ex. 28; WEC Defendants’ Status Report at 6; Wolfe Dep. 54:11–60:12 (noting that the Commission expects most clerks to use the intelligent barcodes for the November 2020 Election), 99:8–17, 105:11–15 (expressly stating that the Commission approved use of intelligent barcode system). The Commission will spend up to \$4.1 million on a “CARES Act sub-grant to local election officials,” Tseytlin Decl. Ex. 28, “to help pay for increased election costs due to the COVID-19 pandemic.” WEC Defendants’ Status Report at 5; Tseytlin Decl. Ex. 29; Wolfe Dep. 75:3–16; *accord* Wolfe Dep. 68:10–69:6 (explaining that the Commission has begun securing supplies for the November 2020 Election and has not encountered shortages). And the Commission has made, and will continue to make, numerous upgrades to the MyVote Website and WisVote system, including “to meet the needs of clerks experiencing a large increase in the demand for absentee ballots.” WEC Defendants’ Status Report at 8–9; Wolfe Dep. 70:9–73:14, 128:15–129:18; *see generally* WEC Defendants’ Status Report at 2–14 (discussing other efforts, like poll-worker-recruitment efforts); Wolfe Dep. 75:17–78:4 (similar). More specifically, both Milwaukee and Green Bay have already taken efforts to avoid the long lines that occurred in April, after those municipalities inexplicably closed many polling places.

Milwaukee has already begun to recruit more poll workers for November, utilizing the “more time” that it has until November, and “officials hope to be able to open all 180 polling sites in November’s presidential election.” Tseytlin Decl. Ex. 30. Milwaukee also has approved “16 in-person early voting locations for the August and November elections,” which is “a sharp increase from prior years.” Tseytlin Decl. Ex. 31. And Milwaukee will have help from volunteers recruited by the *DNC* Plaintiffs. *See* Tseytlin Decl. Ex. 32 (requesting that its supporters “[v]olunteer for the Voter Protection team to make sure our elections are safe & fair this fall,” and specifically mentioning that “voting locations were closed in April”). Green Bay also has begun significant poll-worker recruitment efforts, and it will have at least 13 polling locations open for November—up from the two locations the city had in April. Tseytlin Decl. Ex. 33. Intervenor-Defendants also note that the circumstances surrounding Wisconsin’s November Election will be materially different than the April Election, when the COVID-19 pandemic was still very new and unexpected.

249. Intervenor-Defendants dispute the statements in this paragraph as unsupported by non-conjectural evidence. Intervenor-Defendants note that the Commission has already taken numerous steps to enhance the State’s readiness for the upcoming November 2020 Election and plans to take still more steps in the coming months. *See supra* ¶ 238.

250. Intervenor-Defendants dispute the characterization that certain unspecified “specific measures” are necessary for voters to “enjoy substantially safer conditions when voting in November,” and note that the Commission has already



taken numerous steps to enhance the State's readiness for the upcoming November 2020 Election and plans to take still more steps in the coming months. *See supra* ¶ 238.

251. Intervenor-Defendants admit this paragraph.

252. Intervenor-Defendants admit this paragraph.

253. This paragraph references a statutory provision that speaks for itself.

254. This paragraph references information from a website that speaks for itself. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the other statements in this paragraph.

255. This paragraph references information from a website that speaks for itself. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the other statements in this paragraph.

Dated, July 20, 2020.

Respectfully submitted,

/s/ Patrick Strawbridge  
PATRICK STRAWBRIDGE  
CONSOVOY MCCARTHY PLLC  
Ten Post Office Square  
8th Floor South PMB #706  
Boston, MA 02109  
(703) 243-9423  
patrick@consovoymccarthy.com

JEFFREY M. HARRIS  
CAMERON T. NORRIS  
ALEXA R. BALTES  
CONSOVOY MCCARTHY PLLC  
1600 Wilson Blvd., Ste. 700

/s/ Misha Tseytlin  
MISHA TSEYTLIN  
*Counsel of Record*  
(State Bar No. 1102199)  
ROBERT E. BROWNE, JR.  
(State Bar No. 1029662)  
KEVIN M. LEROY  
(State Bar No. 1105053)  
SEAN T.H. DUTTON  
TROUTMAN PEPPER HAMILTON  
SANDERS LLP  
227 W. Monroe Street  
Suite 3900  
Chicago, IL 60606

Arlington, VA 22209

*Attorneys for Intervenor-Defendants  
Republican National Committee and  
Republican Party of Wisconsin*

(608) 999-1240  
(312) 759-1939 (fax)  
misha.tseytlin@troutman.com  
robert.browne@troutman.com  
kevin.leroy@troutman.com  
sean.dutton@troutman.com

KASIA HEBDA  
TROUTMAN PEPPER HAMILTON  
SANDERS LLP  
600 Peachtree Street NE,  
Suite 3000  
Atlanta, GA 30308  
(404) 885-3665  
kasia.hebda@troutman.com

*Attorneys for Intervenor-Defendant  
Wisconsin Legislature*

**CERTIFICATE OF SERVICE**

I hereby certify that on the 20th day of July, 2020, a true and accurate copy of the foregoing was served via the Court's CM/ECF system upon all counsel of record.

/s/ Misha Tseytlin

---

MISHA TSEYTLIN  
TROUTMAN PEPPER HAMILTON  
SANDERS LLP  
227 W. Monroe Street  
Suite 3900  
Chicago, IL 60606  
(608) 999-1240  
(312) 759-1939 (fax)  
misha.tseytlin@troutman.com