

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN**

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Sylvia Gear, et al.,

*Plaintiffs,*

v.

Marge Bostelmann, et al.,

*Defendants,*

Republican National Committee and  
Republican Party of Wisconsin,

*Intervenor-Defendants.*

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

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**JOINT RESPONSE OF INTERVENOR-DEFENDANTS TO *GEAR*  
PLAINTIFFS' PROPOSED FINDINGS OF FACT IN SUPPORT OF  
PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION**

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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 *Gear* Plaintiffs' Proposed Findings of Fact. Dkt. 422.<sup>1</sup>

1. Intervenor-Defendants do not agree with all of the *Gear* Plaintiffs' characterizations, but do not dispute that COVID-19 infections present health issues worldwide.

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<sup>1</sup> All citations to the "Dkt." refer to the docket in *Democratic National Committee, et al. v. Bostelmann, et al.*, No. 3:20-cv-249-wmc, unless otherwise noted.

2. 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* Declaration of Misha Tseytlin (“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 id.* 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 Swenson* 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, 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* Dkt. 227 at 2-14 (hereinafter “WEC Defendants’ Status Report”) (listing 15 detailed actions); 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. 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 provide up to \$4.1 million of a “CARES Act sub-grant to local election officials,” Tseytlin Decl. 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.

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. 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.

6. 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.

7. 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.

8. 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.

9. 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.

10. 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.

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. 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.

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

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

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 do not dispute that Dr. Redfield made the statements in this paragraph, but dispute the statements in this paragraph as unsupported by any non-conjectural evidence.

20. 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.

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

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

24. 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.

25. Intervenor-Defendants dispute the statements in this paragraph as unsupported by any non-conjectural evidence. Intervenor-Defendants also note that the election was not associated with an increase in COVID-19 Infection Rates. *See supra* ¶ 2.

26. Intervenor-Defendants dispute the claim that the election was associated with an increase in COVID-19 Infection Rates. *See supra* ¶ 2.

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

28. Intervenor-Defendants note that voter 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.* Intervenor-Defendants also note that the April 7 election was not associated with an increase in COVID-19 Infection Rates. *See supra* ¶ 2. 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 Commission or the Legislature. Dkt. 198-1 ¶ 36; *Swenson* Dkt. 37 ¶ 3; Dkt. 413, Deposition of Robert Spindell 138:17–140:10 (hereinafter “Spindell Dep.”); Dkt. 227-1 (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).

29. 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.

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



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

32. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the statement regarding the number of voters that did not timely receive their requested ballots, but note that “the final election data conclusively indicate[d] that the election did not produce an unusual number [of] unreturned or rejected [absentee] ballots.” WEC Absentee Voting Report at 24.

33. Intervenor-Defendants dispute that there was a catastrophic and systemic failure of Wisconsin’s absentee-voting process and note that “the final election data conclusively indicate[d] that the election did not produce an unusual number [of] unreturned or rejected [absentee] ballots.” WEC Absentee Voting Report at 24.

34. 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 v. Evers*, \_\_\_ F.3d \_\_\_, No. 16-3003, 2020 WL 3496860, at \*3 (7th Cir. June 29, 2020) (holding that “Wisconsin has lots of rules that make voting easier” than the process “in many other states”). 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* ¶ 2. 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. Wolfe Dep. 36:5–9; *see Wolfe*

Memo at 2. 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.” WEC Absentee Voting Report at 24.

35. 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.

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

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

38. Intervenor-Defendants dispute the characterization that these individuals were forced “to play Russian roulette with their health at the polls or lose their right to vote.” By way of further answer, Intervenor-Defendants note that the April Election was not associated with an increase in COVID-19 Infection Rates. *See supra* ¶ 2. Intervenor-Defendants further state that voting in person on Election Day can be accomplished safely with minimal effort. *See id.*

39. The referenced voting report speaks for itself.

40. The referenced voting report speaks for itself.

41. The referenced voting report speaks for itself.

42. The referenced voting report speaks for itself.

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

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

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

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

47. Intervenor-Defendants dispute Plaintiffs' characterization of the referenced report from the WEC, which speaks for itself. Intervenor-Defendants dispute the remaining statements in this paragraph as unsupported by any non-conjectural evidence. By way of further answer, the United States Postal Service ("USPS") released a report from its Inspector General investigating the "Timeliness of Ballot Mail in the Milwaukee Processing & Distribution Center (P&DC) Service Area" relating to the April 7 Election. Dkt. 433-1. The report concluded that "tubs" of ballots from Appleton and Oshkosh were not delivered because those municipalities dropped the ballots off at USPS at the end of the day on April 7, 2020—*i.e.*, Election Day itself. *Id.* at 4. A low absentee-ballot return rate for certain ballots in Milwaukee resulted from a computer glitch identified by "Milwaukee election Office staff" and was exasperated by the lack of "Intelligent Mail Barcodes," which "would have enabled both the Postal Service and election offices to track ballots." *Id.* at 4; *see also* Wolfe Dep. at 128:15–129:18 (explaining that this glitch has been solved). A single mail carrier's negligence caused the delivery issues in Fox Point, the failure to properly log political mailings, per USPS policy, and flaws in the

address labels. Dkt. 433-1 at 4–5. The report issued several recommendations, which USPS staff agreed to implement: “communicate with the Wisconsin Election Commission and associated election offices” about deadlines for timely delivery, the use of barcodes, and proper address labels; “ensure” relevant USPS staff and facilities are using the “political mail log to record ballot mail”; and “coordinate” with local “election offices” on “proper ballot mailing processes.” *Id.* at 5–6, 8.

48. Intervenor-Defendants dispute Plaintiffs’ characterization of the referenced report from the WEC, which speaks for itself. Intervenor-Defendants dispute the remaining statements in this paragraph as unsupported by any non-conjectural evidence. By way of further answer, USPS released a report from its Inspector General investigating the “Timeliness of Ballot Mail in the Milwaukee Processing & Distribution Center (P&DC) Service Area” relating to the April 7 Election. Dkt. 433-1. The report concluded that “tubs” of ballots from Appleton and Oshkosh were not delivered because those municipalities dropped the ballots off at USPS at the end of the day on April 7, 2020—*i.e.*, Election Day itself. *Id.* at 4. Intervenor-Defendants also note that “the final election data conclusively indicate[d] that the election did not produce an unusual number [of] unreturned or rejected [absentee] ballots.” WEC Absentee Voting Report at 24.

49. Intervenor-Defendants dispute the statements in this paragraph as unsupported by any non-conjectural evidence. By way of further answer, USPS released a report from its Inspector General investigating the “Timeliness of Ballot Mail in the Milwaukee Processing & Distribution Center (P&DC) Service Area”

relating to the April 7 Election. Dkt. 433-1. The report concluded that a single mail carrier's negligence caused the delivery issues in Fox Point. *Id.* at 4–5. Intervenor-Defendants also note that “the final election data conclusively indicate[d] that the election did not produce an unusual number [of] unreturned or rejected [absentee] ballots.” WEC Absentee Voting Report at 24.

50. The materials cited in this paragraph speak for themselves. 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.” WEC Absentee Voting Report at 24.

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

52. Intervenor-Defendants dispute the statements in this paragraph as unsupported by any non-conjectural evidence. By way of further answer, USPS released a report from its Inspector General investigating the “Timeliness of Ballot Mail in the Milwaukee Processing & Distribution Center (P&DC) Service Area” relating to the April 7 Election. Dkt. 433-1. The report concluded that a single mail carrier's negligence caused the delivery issues in Fox Point. *Id.* at 4–5.

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

54. Intervenor-Defendants dispute the characterization that voters were disenfranchised but are without knowledge or information sufficient to form a belief as to the truth of the remaining statements in this paragraph. Intervenor-Defendants note that the April Election was not associated with an increase in COVID-19 Infection Rates. *See supra* ¶ 2. Intervenor-Defendants further state that voting in person on Election Day can be accomplished safely with minimal effort. *See id.* Intervenor-Defendants further dispute Plaintiffs' characterization of the referenced report from the WEC, which speaks for itself. Intervenor-Defendants dispute the remaining statements in this paragraph as unsupported by any non-conjectural evidence. By way of further answer, USPS released a report from its Inspector General investigating the "Timeliness of Ballot Mail in the Milwaukee Processing & Distribution Center (P&DC) Service Area" relating to the April 7 Election. Dkt. 433-1. The report concluded that a low absentee-ballot return rate for certain ballots in Milwaukee resulted from a computer glitch identified by "Milwaukee election Office staff" and was exasperated by the lack of "Intelligent Mail Barcodes," which "would have enabled both the Postal Service and election offices to track ballots." *Id.* at 4; *see also* Wolfe Dep. at 128:15–129:18 (explaining that this glitch has been solved). Intervenor-Defendants also note that "the final election data conclusively indicate[d] that the election did not produce an unusual number [of] unreturned or rejected [absentee] ballots." WEC Absentee Voting Report at 24.

55. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the statement regarding the number of voters that did not timely receive their requested ballots, but note that “the final election data conclusively indicate[d] that the election did not produce an unusual number [of] unreturned or rejected [absentee] ballots.” WEC Absentee Voting Report at 24.

56. Intervenor-Defendants do not dispute the number of voters that turned out in the April 7 election but dispute the implication that the turnout was low. *See supra* ¶ 28.

57. Intervenor-Defendants admit this paragraph.

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

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

61. Intervenor-Defendants dispute Plaintiffs’ characterization of the referenced documents from the WEC, which speak for themselves.

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

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

64. Intervenor-Defendants dispute the statements in this paragraph as unsupported by any non-conjectural evidence. By way of further answer, Intervenor-Defendants add that they are without knowledge or information sufficient to form a belief as to the statement regarding the number of voters that did not timely receive their requested ballots, but note that “the final election data conclusively indicate[d] that the election did not produce an unusual number [of] unreturned or rejected [absentee] ballots.” WEC Absentee Voting Report at 24.

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

66. The referenced report from the WEC speaks for itself.

67. Intervenor-Defendants do not dispute that Witzel-Behl made the statement 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 Madison did not unreasonably close polling locations and so did not experience exceptional Election Day difficulties. *See Wolfe Memo* at 8; *Tseytlin Decl. Ex. 22*; *Swenson Dkt. 37* ¶ 122.

68. Intervenor-Defendants do not dispute that Witzel-Behl made the statement 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 Madison did not unreasonably close polling locations and so did not experience exceptional Election Day difficulties. *See Wolfe Memo at 8; Tseytlin Decl. Ex. 22; Swenson Dkt. 37 ¶ 122.*

69. Intervenor-Defendants do not dispute that Witzel-Behl made the statement 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 Madison did not unreasonably close polling locations and so did not experience exceptional Election Day difficulties. *See Wolfe Memo at 8; City of Madison, Tseytlin Decl. Ex. 22; Swenson Dkt. 37 ¶ 122.*

70. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the statement regarding the number of voters that did not timely receive their requested ballots, but note that “the final election data conclusively indicate[d] that the election did not produce an unusual number [of] unreturned or rejected [absentee] ballots.” WEC Absentee Voting Report at 24.

71. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the statement regarding the number of voters that did not timely receive their requested ballots, but note that “the final election data conclusively indicate[d] that the election did not produce an unusual number [of] unreturned or rejected [absentee] ballots.” WEC Absentee Voting Report at 24.

72. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the statement regarding the number of voters that did not timely

receive their requested ballots, but note that “the final election data conclusively indicate[d] that the election did not produce an unusual number [of] unreturned or rejected [absentee] ballots.” WEC Absentee Voting Report at 24.

73. The referenced report from the WEC speaks for itself.

74. The materials cited in this paragraph speak for themselves. 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. 104:1–111:14, 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 provide up to \$4.1 million of 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).

75. Intervenor-Defendants dispute the implication that only a few of the proposed reforms can have any impact on the administration of the election and that “none of Defendant’s proposals . . . can cure this shortfall.” 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 provide up to \$4.1 million of

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).

76. The referenced documents speak for themselves.

77. The referenced transcript speaks for itself. Intervenor-Defendants 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. Dkt. 433-1.

78. Intervenor-Defendants dispute the characterization that there will be a “coming onslaught,” which is speculative and unsupported by reliable evidence. By way of further answer, Intervenor-Defendants note 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 provide up to \$4.1 million of 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).

79. Intervenor-Defendants do not dispute that Witzel-Behl made the statement in this paragraph but note that the Commission will provide up to \$4.1 million of 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).

80. Intervenor-Defendants do not dispute that Witzel-Behl made the statement in this paragraph but note that 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). 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).

81. Intervenor-Defendants dispute the statements in this paragraph as unsupported by any non-conjectural evidence and note that “the final election data conclusively indicate[d] that the election did not produce an unusual number [of] unreturned or rejected [absentee] ballots.” WEC Absentee Voting Report at 24.

82. Intervenor-Defendants dispute the statements in this paragraph as unsupported by any non-conjectural evidence and dispute that the referenced voters “run the risk of disenfranchisement,” because there remains the option to vote safely in person. *See supra* ¶ 2.

83. Intervenor-Defendants dispute the statements in this paragraph as unsupported by any non-conjectural evidence and dispute that there was an unconstitutional failure by noting that “the final election data conclusively indicate[d] that the election did not produce an unusual number [of] unreturned or rejected [absentee] ballots.” WEC Absentee Voting Report at 24.

84. Intervenor-Defendants dispute the statements in this paragraph as unsupported by any non-conjectural evidence. 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. Tseytlin Decl. Ex. 28; Tseytlin Decl. Ex. 29. Indeed, all Wisconsin voters can easily apply right now to vote absentee in November, for no reason, four months in advance of Election Day. *See* Wis. Stat. § 7.15(1)(cm); Tseytlin Decl. Ex. 4. And Plaintiffs will receive these absentee ballots well over a month in advance of the election. Wis. Stat. § 7.15(1)(cm); Tseytlin Decl. Ex. 4, with improved “intelligent mail barcodes” to facilitate ballot tracking and avoid any mail problems that occurred in the past, Tseytlin Decl. Ex. 28; WEC Defendants’ Status Report at 6; Wolfe Dep. 54:14–60:12. And, upon receiving their absentee ballot, Plaintiffs will have weeks to find a witness, whether in person, through a window, or over FaceTime or

Skype. Wolfe Dep. 36:5–9; *see* Wolfe Memo at 2. And the League of Women Voters is actively assisting isolated voters with completing their witness-signature requirements for absentee ballots. *See* Cronmiller Decl. ¶ 6.

85. Intervenor-Defendants dispute the statements in this paragraph as unsupported by any non-conjectural evidence and dispute that the referenced voter “was forced to risk exposure,” because there remained the option to vote safely in person. *See supra* ¶ 2.

86. Intervenor-Defendants dispute the statements in this paragraph as unsupported by any non-conjectural evidence and note that there remains the option to vote safely in person. *See supra* ¶ 2.

87. Intervenor-Defendants dispute the statements in this paragraph as unsupported by any non-conjectural evidence and note that the election was not associated with an increase in COVID-19 Infection Rates. *See supra* ¶ 2.

88. Intervenor-Defendants dispute the statements in this paragraph as unsupported by any non-conjectural evidence and note that the election was not associated with an increase in COVID-19 Infection Rates. *See supra* ¶ 2.

89. Intervenor-Defendants dispute the statements in this paragraph as unsupported by any non-conjectural evidence and note that the election was not associated with an increase in COVID-19 Infection Rates. *See supra* ¶ 2.

90. Intervenor-Defendants do not dispute the statements in this paragraph.

91. Intervenor-Defendants do not agree with all of Plaintiffs’ characterizations about Wisconsin law, which speaks for itself.



92. Intervenor-Defendants do not agree with all of Plaintiffs' characterizations about Wisconsin law, which speaks for itself.

93. Intervenor-Defendants do not agree with all of Plaintiffs' characterizations about Wisconsin law, which speaks for itself.

94. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the last sentence in this paragraph, but for purposes of this motion only do not dispute the statements in this paragraph.

95. Intervenor-Defendants do not agree with all of Plaintiffs' characterizations about Wisconsin law, which speaks for itself.

96. Intervenor-Defendants do not dispute that Sherman made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to their truth.

97. Intervenor-Defendants do not agree with all of Plaintiffs' characterizations about Wisconsin law, which speaks for itself.

98. Intervenor-Defendants do not agree with all of Plaintiffs' characterizations about Wisconsin law, which speaks for itself.

99. Intervenor-Defendants do not agree with all of Plaintiffs' characterizations about Wisconsin law, which speaks for itself.

100. Intervenor-Defendants do not agree with all of Plaintiffs' characterizations about Wisconsin law, which speaks for itself.

101. Intervenor-Defendants do not agree with all of Plaintiffs' characterizations about Wisconsin law, which speaks for itself.

102. Intervenor-Defendants do not dispute that Sherman made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to their truth.

103. Intervenor-Defendants do not dispute that Wolfe made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to their truth.

104. Intervenor-Defendants do not dispute that Wolfe made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to their truth.

105. Intervenor-Defendants do not dispute that Wolfe made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to their truth.

106. Intervenor-Defendants do not dispute that Wolfe made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to their truth.

107. Intervenor-Defendants do not dispute that Witzel-Behl made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to their truth.

108. Intervenor-Defendants do not dispute that Witzel-Behl made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to their truth.

109. Intervenor-Defendants do not dispute that Coolidge made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to their truth.

110. Intervenor-Defendants do not dispute that Sherman and Witzel-Behl made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to their truth.

111. Intervenor-Defendants do not dispute that Coolidge made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to their truth.

112. Intervenor-Defendants do not dispute that Salas made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to their truth.

113. Intervenor-Defendants do not dispute that Wolfe made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

114. Intervenor-Defendants do not dispute that Plaintiffs accurately describe their own requested relief.

115. Intervenor-Defendants do not dispute that Wolfe made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

116. Intervenor-Defendants do not dispute that Bernhard made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

117. Intervenor-Defendants do not dispute that Bernhard made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

118. Intervenor-Defendants do not dispute that Bernhard made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of statements in this paragraph.

119. Intervenor-Defendants do not dispute that Wolfe made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

120. Intervenor-Defendants do not dispute that Sherman made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

121. Intervenor-Defendants do not dispute that Bernhard made the statement in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

122. Intervenor-Defendants do not dispute that Bernhard made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

123. Intervenor-Defendants do not dispute that Bernhard made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

124. Intervenor-Defendants do not dispute that Wolfe made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph. To the extent that the statements in this paragraph state an opinion, Intervenor-Defendants dispute that opinion.

125. Intervenor-Defendants do not dispute that Coolidge made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

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

127. Intervenor-Defendants do not dispute that Coolidge and Witzel-Behl made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the remaining statements in this paragraph.

128. Intervenor-Defendants do not dispute that Witzel-Behl and Coolidge made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the remaining statements in this paragraph.

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

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

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

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

133. Intervenor-Defendants do not dispute that Salas made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the remaining statements in this paragraph.

134. Intervenor-Defendants do not dispute that the absentee ballot must be returned properly completed in time to be counted. The materials cited in this paragraph speak for themselves.

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

136. Intervenor-Defendants do not dispute that the absentee ballot must be returned properly completed in time to be counted. 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 and note that the

materials cited in this paragraph speak for themselves. Intervenor-Defendants also 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. Dkt. 433-1.

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

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

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

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

142. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph. Moreover, Intervenor-Defendants note that the *Gear* Plaintiffs' factual propositions in this paragraph fail to "cite with precision to the source of that proposition, such as pleadings, affidavits, exhibits, deposition transcripts or a detailed proffer of testimony that will be presented at an evidentiary hearing" and, instead,

impermissibly rely “upon information and belief,” in contravention of the “Procedure To Be Followed On Motions For Injunctive Relief” in the Western District of Wisconsin.

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 do not agree with all of Plaintiffs’ characterizations about Wisconsin law, which speaks for itself.

145. Intervenor-Defendants do not agree with all of Plaintiffs’ characterizations of the federal and Wisconsin laws, which speak for themselves.

146. Intervenor-Defendants do not agree with all of Plaintiffs’ characterizations of the federal and Wisconsin laws, which speak for themselves.

147. Intervenor-Defendants do not agree with all of Plaintiffs’ characterizations of the federal and Wisconsin laws, which speak for themselves.

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

149. The federal law cited in this paragraph speaks for itself.

150. Intervenor-Defendants do not dispute that Witzel-Behl and Salas made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.



151. Intervenor-Defendants do not dispute that Salas made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

152. Intervenor-Defendants do not dispute that Salas made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

153. Intervenor-Defendants dispute the implication of unconstitutionality as a purely legal and conjectural conclusion, but are without knowledge or information sufficient to form a belief as to the truth of the remaining statements in this paragraph.

154. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the statements in the first sentence of this paragraph. The Wisconsin statute speaks for itself.

155. Intervenor-Defendants do not dispute that Witzel-Behl made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

156. Intervenor-Defendants do not dispute that Coolidge made the statements in this paragraph but 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 are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

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

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. Intervenor-Defendants note that the April Election was not associated with an increase in COVID-19 Infection Rates. *See supra* ¶ 2. Intervenor-Defendants further state that voting in person on Election Day can be accomplished safely with minimal effort. *See id.*

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 Fergot made the statements in this paragraph but 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 supra* ¶ 2. Intervenor-Defendants further state that voting in person on Election Day can be accomplished safely with minimal effort. *See id.*

167. Intervenor-Defendants do not dispute that Plaintiff Fergot made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

168. Intervenor-Defendants do not dispute that Plaintiff Fergot made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

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

170. Intervenor-Defendants do not dispute that Plaintiff Fergot made the statements in this paragraph but 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 Fergot made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

172. Intervenor-Defendants do not dispute that Plaintiff Fergot made the statements in this paragraph but 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 Fergot made the statements in this paragraph but 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 supra* ¶ 2. Intervenor-Defendants further state that voting in person on Election Day can be accomplished safely with minimal effort. *See id.*

175. Intervenor-Defendants do not dispute that Plaintiff Fergot made the statements in this paragraph but 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 supra* ¶ 2. Intervenor-Defendants further state that voting in person on Election Day can be accomplished safely with minimal effort. *See id.*

176. Intervenor-Defendants do not dispute that Plaintiff Fergot made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

177. Intervenor-Defendants do not dispute that Plaintiff Fergot made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

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

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

181. Intervenor-Defendants do not dispute that Plaintiff Fergot made the statements in this paragraph but 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 supra* ¶ 2. 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.*

182. Intervenor-Defendants do not dispute that Plaintiff Fergot made the statements in this paragraph but 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 supra* ¶ 2. 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.*

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 dispute the implication that Plaintiff Fergot's right to vote is left to chance but are without knowledge or information sufficient to form a belief as to the truth of the remaining statements in this paragraph. Intervenor-Defendants dispute the characterization that her right to vote could be "left to chance." Intervenor-Defendants note that USPS has agreed to implement a number of measures to ensure timely delivery of ballots for the upcoming election, including "communicate with the Wisconsin Election Commission and associated election offices" about deadlines for timely delivery, the use of barcodes, and proper address labels; "ensure" relevant USPS staff and facilities are using the "political

mail log to record ballot mail”; and “coordinate” with local “election offices” on “proper ballot mailing processes.” *See* Dkt. 433-1 at 5–6, 8. Intervenor-Defendants also note that 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). Moreover, the right to vote safely in person remains. *See supra* ¶ 2.

186. Intervenor-Defendants dispute the implication that Plaintiff Fergot will not be able to vote but are without knowledge or information sufficient to form a belief as to the truth of the remaining statements in this paragraph. Intervenor-Defendants note that the April Election was not associated with an increase in COVID-19 Infection Rates. *See supra* ¶ 2. 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.*

187. Intervenor-Defendants dispute the implication that Plaintiff Fergot was disenfranchised but are without knowledge or information sufficient to form a belief as to the truth of the remaining statements in this paragraph. Intervenor-Defendants note that the April Election was not associated with an increase in COVID-19 Infection Rates. *See supra* ¶ 2. Intervenor-Defendants further state that voting in person on Election Day can be accomplished safely with minimal effort. *See id.*

188. Intervenor-Defendants dispute the implication that the election was “insane” but are without knowledge or information sufficient to form a belief as to the truth of the remaining statements in this paragraph.

189. Intervenor-Defendants dispute the characterization that Plaintiff Fergot “los[t] her right to vote” but are without knowledge or information sufficient to form a belief as to the truth of the remaining statements in this paragraph. Intervenor-Defendants note that the April Election was not associated with an increase in COVID-19 Infection Rates. *See supra* ¶ 2. 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.*



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

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

194. Intervenor-Defendants do not dispute that Plaintiff Fergot made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

195. Intervenor-Defendants do not dispute that Plaintiff Fergot made the statements in this paragraph but 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 supra* ¶ 2. Intervenor-Defendants further state that voting in person on Election Day can be accomplished safely with minimal effort. *See id.*

196. Intervenor-Defendants do not dispute that Plaintiff Fergot made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

197. Intervenor-Defendants do not dispute that Plaintiff Fergot made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

198. Intervenor-Defendants do not dispute that Plaintiff Fergot made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

199. Intervenor-Defendants do not dispute that Plaintiff Fergot made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

200. Intervenor-Defendants do not dispute that Plaintiff Fergot made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

201. Intervenor-Defendants do not dispute that Plaintiff Fergot made the statements in this paragraph but 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 do not dispute that Plaintiff Fergot made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements. Intervenor-Defendants note that the

April Election was not associated with an increase in COVID-19 Infection Rates. *See supra* ¶ 2. Intervenor-Defendants further state that voting in person on Election Day can be accomplished safely with minimal effort. *See id.*

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 do not dispute that Plaintiff Fergot made the statements in this paragraph but 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 are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

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 do not dispute that Plaintiff Fergot made the statements in this paragraph but 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 supra* ¶ 2. 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.*

211. Intervenor-Defendants do not dispute that Plaintiff Fergot made the statements in this paragraph but 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 supra* ¶ 2. 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.*

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

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

214. Intervenor-Defendants dispute the implication that Plaintiff Fergot's right to vote is left to chance but are without knowledge or information sufficient to form a belief as to the truth of the remaining statements in this paragraph. Intervenor-Defendants note that USPS has agreed to implement a number of

measures to ensure timely delivery of ballots for the upcoming election, including “communicate with the Wisconsin Election Commission and associated election offices” about deadlines for timely delivery, the use of barcodes, and proper address labels; “ensure” relevant USPS staff and facilities are using the “political mail log to record ballot mail”; and “coordinate” with local “election offices” on “proper ballot mailing processes.” *See* Dkt. 433-1 at 5–6, 8. Intervenor-Defendants also note that 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). Moreover, the right to vote safely in person remains. *See supra* ¶ 2.

215. Intervenor-Defendants dispute the implication that Plaintiff Fergot will not be able to vote but are without knowledge or information sufficient to form a belief as to the truth of the remaining statements in this paragraph. Intervenor-Defendants note that the April Election was not associated with an increase in COVID-19 Infection Rates. *See supra* ¶ 2. 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.*

216. Intervenor-Defendants do not dispute that Plaintiff Fergot made the statements 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 April Election was not associated with an increase in COVID-19 Infection Rates. *See supra* ¶ 2. Intervenor-Defendants further state that voting in person on Election Day can be accomplished safely with minimal effort. *See id.*

217. Intervenor-Defendants dispute the implication that Plaintiff Fergot was unable to exercise his right to vote in the April 7th election but 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 note that the April Election was not associated with an increase in COVID-19 Infection Rates. *See supra* ¶ 2. Intervenor-Defendants further state that voting in person on Election Day can be accomplished safely with minimal effort. *See id.*

218. Intervenor-Defendants dispute the implication that Plaintiff Fergot was forced to choose between staying safe and being able to vote but are without knowledge or information sufficient to form a belief as to the truth of the remaining statements in this paragraph. Intervenor-Defendants note that the April Election was not associated with an increase in COVID-19 Infection Rates. *See supra* ¶ 2.

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.*

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

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

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

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

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

224. Intervenor-Defendants do not dispute that Plaintiff Jozwik made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

225. Intervenor-Defendants do not dispute that Plaintiff Jozwik made the statements in this paragraph but 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 supra* ¶ 2. Intervenor-Defendants further state that voting in person on Election Day can be accomplished safely with minimal effort. *See id.*

226. Intervenor-Defendants do not dispute that Plaintiff Jozwik made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

227. Intervenor-Defendants do not dispute that Plaintiff Jozwik made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

228. Intervenor-Defendants do not dispute that Plaintiff Jozwik made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

229. Intervenor-Defendants do not dispute that Plaintiff Jozwik made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

230. Intervenor-Defendants do not dispute that Plaintiff Jozwik made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.



231. Intervenor-Defendants do not dispute that Plaintiff Jozwik made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

232. Intervenor-Defendants do not dispute that Plaintiff Jozwik made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

233. Intervenor-Defendants do not dispute that Plaintiff Jozwik made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

234. Intervenor-Defendants do not dispute that Plaintiff Jozwik made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

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

236. Intervenor-Defendants do not dispute that Plaintiff Jozwik made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

237. Intervenor-Defendants do not dispute that Plaintiff Jozwik made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

238. Intervenor-Defendants do not dispute that Plaintiff Jozwik made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

239. Intervenor-Defendants dispute the implication that Plaintiff Jozwik was denied his right to vote or was forced to expose himself or loved ones to COVID-19 but are without knowledge or information sufficient to form a belief as to the truth of the remaining statements in this paragraph. Intervenor-Defendants note that the April Election was not associated with an increase in COVID-19 Infection Rates. *See supra* ¶ 2. Intervenor-Defendants further state that voting in person on Election Day can be accomplished safely with minimal effort. *See id.*

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

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

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

243. Intervenor-Defendants dispute the implication that Plaintiff Jozwik needs a backup option but are without knowledge or information sufficient to form a belief as to the truth of the remaining statements in this paragraph. Intervenor-Defendants note that the April Election was not associated with an increase in COVID-19 Infection Rates. *See supra* ¶ 2. 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.*

244. Intervenor-Defendants do not dispute that Plaintiff Jozwik made the statements in this paragraph but 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 supra* ¶ 2. 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.*

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

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

247. Intervenor-Defendants dispute the implication that Plaintiff Jozwik's right to vote is left to chance but are without knowledge or information sufficient to

form a belief as to the truth of the remaining statements in this paragraph. Intervenor-Defendants note that USPS has agreed to implement a number of measures to ensure timely delivery of ballots for the upcoming election, including “communicate with the Wisconsin Election Commission and associated election offices” about deadlines for timely delivery, the use of barcodes, and proper address labels; “ensure” relevant USPS staff and facilities are using the “political mail log to record ballot mail”; and “coordinate” with local “election offices” on “proper ballot mailing processes.” *See* Dkt. 433-1 at 5–6, 8. Intervenor-Defendants also note that 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). Moreover, the right to vote safely in person remains. *See supra* ¶ 2.

248. Intervenor-Defendants dispute the implication that Plaintiff Jozwik was forced to choose between voting and exposing himself or his family members to COVID-19 but are without knowledge or information sufficient to form a belief as to the truth of the remaining statements in this paragraph. Intervenor-Defendants note that the April Election was not associated with an increase in COVID-19 Infection Rates. *See supra* ¶ 2. 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.*

249. Intervenor-Defendants dispute the implication that it is difficult to vote but are without knowledge or information sufficient to form a belief as to the truth of the remaining statements in this paragraph. Intervenor-Defendants note 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* ¶ 2. Intervenor-Defendants note that the April Election was not associated with an increase in COVID-19 Infection Rates. *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.*

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

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

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

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

254. Intervenor-Defendants do not dispute that Plaintiff Jozwik made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

255. Intervenor-Defendants do not dispute that Plaintiff Jozwik made the statements in this paragraph but 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 supra* ¶ 2. Intervenor-Defendants further state that voting in person on Election Day can be accomplished safely with minimal effort. *See id.*

256. Intervenor-Defendants do not dispute that Plaintiff Jozwik made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

257. Intervenor-Defendants do not dispute that Plaintiff Jozwik made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

258. Intervenor-Defendants do not dispute that Plaintiff Jozwik made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

259. Intervenor-Defendants do not dispute that Plaintiff Jozwik made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

260. Intervenor-Defendants do not dispute that Plaintiff Jozwik made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

261. Intervenor-Defendants do not dispute that Plaintiff Jozwik made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

262. Intervenor-Defendants do not dispute that Plaintiff Jozwik made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

263. Intervenor-Defendants do not dispute that Plaintiff Jozwik made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

264. Intervenor-Defendants do not dispute that Plaintiff Jozwik made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

265. Intervenor-Defendants do not dispute that Plaintiff Jozwik made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

266. Intervenor-Defendants do not dispute that Plaintiff Jozwik made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

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

268. Intervenor-Defendants do not dispute that Plaintiff Jozwik made the statements in this paragraph but 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 supra* ¶ 2. Intervenor-Defendants further state that voting in person on Election Day can be accomplished safely with minimal effort. *See id.*

269. Intervenor-Defendants dispute the implication that Plaintiff Jozwik could not vote but are without knowledge or information sufficient to form a belief as to the truth of the remaining statements in this paragraph. Intervenor-Defendants note that the April Election was not associated with an increase in COVID-19 Infection Rates. *See supra* ¶ 2. Intervenor-Defendants further state that voting in person on Election Day can be accomplished safely with minimal effort. *See id.*



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

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

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

273. Intervenor-Defendants do not dispute that Plaintiff Jozwik made the statements in this paragraph but 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 supra* ¶ 2. 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.*

274. Intervenor-Defendants do not dispute that Plaintiff Jozwik made the statements in this paragraph but 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 supra* ¶ 2. 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.*

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

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

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

278. Intervenor-Defendants dispute the implication that Plaintiff Jozwik's vote is left to chance or that she is forced between choosing to vote and exposing herself to COVID-19 but are without knowledge or information sufficient to form a belief as to the truth of the remaining statements in this paragraph. Intervenor-Defendants note that USPS has agreed to implement a number of measures to ensure timely delivery of ballots for the upcoming election, including "communicate with the Wisconsin Election Commission and associated election offices" about deadlines for timely delivery, the use of barcodes, and proper address labels; "ensure" relevant USPS staff and facilities are using the "political mail log to record ballot mail"; and "coordinate" with local "election offices" on "proper ballot mailing processes." *See Dkt.*

433-1 at 5–6, 8. Intervenor-Defendants also note that 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). Moreover, the right to vote safely in person remains. *See supra* ¶ 2.

279. Intervenor-Defendants do not dispute that Plaintiff Jozwik made the statements in this paragraph but 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 supra* ¶ 2. 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.*

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

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

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

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

284. Intervenor-Defendants do not dispute that Plaintiff Kohlbeck made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

285. Intervenor-Defendants do not dispute that Plaintiff Kohlbeck made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

286. Intervenor-Defendants do not dispute that Plaintiff Kohlbeck made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

287. Intervenor-Defendants do not dispute that Plaintiff Kohlbeck made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph. Intervenor-Defendants also note that the April 7 election was safe and not associated with an increase in COVID-19 Infection Rates. *See supra* ¶ 2.

288. Intervenor-Defendants do not dispute that Plaintiff Kohlbeck made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

289. Intervenor-Defendants do not dispute that Plaintiff Kohlbeck made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

290. Intervenor-Defendants do not dispute that Plaintiff Kohlbeck made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

291. Intervenor-Defendants do not dispute that Plaintiff Kohlbeck made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

292. Intervenor-Defendants do not dispute that Plaintiff Kohlbeck made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

293. Intervenor-Defendants do not dispute that Plaintiff Kohlbeck made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

294. Intervenor-Defendants do not dispute that Plaintiff Kohlbeck made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

295. Intervenor-Defendants do not dispute that Plaintiff Kohlbeck made the statements in this paragraph but 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 supra* ¶ 2. Intervenor-Defendants further state that voting in person on Election Day can be accomplished safely with minimal effort. *See id.*

296. Intervenor-Defendants do not dispute that Plaintiff Kohlbeck made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

297. Intervenor-Defendants do not dispute that Plaintiff Kohlbeck made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

298. Intervenor-Defendants do not dispute that Plaintiff Kohlbeck made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

299. Intervenor-Defendants do not dispute that Plaintiff Kohlbeck made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

300. Intervenor-Defendants do not dispute that Plaintiff Kohlbeck made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

301. Intervenor-Defendants do not dispute that Plaintiff Kohlbeck made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

302. Intervenor-Defendants do not dispute that Plaintiff Kohlbeck made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

303. Intervenor-Defendants do not dispute that Plaintiff Kohlbeck made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

304. Intervenor-Defendants do not dispute that Plaintiff Kohlbeck made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

305. Intervenor-Defendants do not dispute that Plaintiff Kohlbeck made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

306. Intervenor-Defendants do not dispute that Plaintiff Kohlbeck made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

307. Intervenor-Defendants do not dispute that Plaintiff Kohlbeck made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph. Intervenor-

Defendants also note that the April 7 election was safe and not associated with an increase in COVID-19 Infection Rates. *See supra* ¶ 2.

308. Intervenor-Defendants do not dispute that Plaintiff Kohlbeck made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

309. Intervenor-Defendants do not dispute that Plaintiff Kohlbeck made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

310. Intervenor-Defendants do not dispute that Plaintiff Kohlbeck made the statements 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 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. 198-1 ¶ 36; *Swenson* Dkt. 37 ¶ 3; 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 8; Tseytlin Decl. Ex.



22; *Swenson* Dkt. 37 ¶ 122. Intervenor-Defendants also note that the April 7 election was not associated with an increase in COVID-19 Infection Rates. *See supra* ¶ 2.

311. Intervenor-Defendants do not dispute the statements in this paragraph. 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. 198-1 ¶ 36; *Swenson* Dkt. 37 ¶ 3; 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 8; Tseytlin Decl. Ex. 22; *Swenson* Dkt. 37 ¶ 122.

312. 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 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. 198-1 ¶ 36; *Swenson* Dkt. 37 ¶ 3; 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 8; *Tseytlin Decl. Ex. 22; Swenson Dkt. 37 ¶ 122.*

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

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

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

316. Intervenor-Defendants do not dispute that Plaintiff Kohlbeck made the statements in this paragraph but 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 supra* ¶ 2. 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.*

317. Intervenor-Defendants do not dispute that Plaintiff Kohlbeck made the statements in this paragraph but 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 supra* ¶ 2. 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.*

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

319. Intervenor-Defendants do not dispute that Plaintiff Kohlbeck made the statements in this paragraph but 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 supra* ¶ 2. 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.*

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

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

322. Intervenor-Defendants dispute the implication that Plaintiff Kohlbeck's right to vote is left to chance but are without knowledge or information sufficient to form a belief as to the truth of the remaining statements in this paragraph. Intervenor-Defendants note that USPS has agreed to implement a number of measures to ensure timely delivery of ballots for the upcoming election, including "communicate with the Wisconsin Election Commission and associated election offices" about deadlines for timely delivery, the use of barcodes, and proper address labels; "ensure" relevant USPS staff and facilities are using the "political mail log to record ballot mail"; and "coordinate" with local "election offices" on "proper ballot mailing processes." *See* Dkt. 433-1 at 5–6, 8. Intervenor-Defendants also note that 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). Moreover, the right to vote safely in person remains. *See supra* ¶ 2.

323. Intervenor-Defendants dispute the implication that Plaintiff Kohlbeck will not be able to vote but are without knowledge or information sufficient to form a belief as to the truth of the remaining statements in this paragraph. Intervenor-Defendants note that the April Election was not associated with an increase in COVID-19 Infection Rates. *See supra* ¶ 2. Intervenor-Defendants further state that voting in person on Election Day can be accomplished safely with minimal effort. *See id.*

324. Intervenor-Defendants dispute the implication that it is difficult to vote in America but are without knowledge or information sufficient to form a belief as to the truth of the remaining statements in this paragraph. Intervenor-Defendants note 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* ¶ 2. Intervenor-Defendants note that the April Election was not associated with an increase in COVID-19 Infection Rates. *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.*

325. Intervenor-Defendants dispute the implication that Plaintiff Kohlbeck was not able to vote but are without knowledge or information sufficient to form a belief as to the truth of the remaining statements in this paragraph. Intervenor-Defendants note that the April Election was not associated with an increase in COVID-19 Infection Rates. *See supra* ¶ 2. Intervenor-Defendants further state that voting in person on Election Day can be accomplished safely with minimal effort. *See id.*

326. Intervenor-Defendants dispute the implication that Plaintiff Kohlbeck was not able to vote but are without knowledge or information sufficient to form a belief as to the truth of the remaining statements in this paragraph. Intervenor-Defendants note that the April Election was not associated with an increase in COVID-19 Infection Rates. *See supra* ¶ 2. Intervenor-Defendants further state that voting in person on Election Day can be accomplished safely with minimal effort. *See id.*

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

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

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

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

331. Intervenor-Defendants do not dispute that Plaintiff Olsan made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

332. Intervenor-Defendants do not dispute that Plaintiff Olsan made the statements in this paragraph but 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 supra* ¶ 2. Intervenor-Defendants further state that voting in person on Election Day can be accomplished safely with minimal effort. *See id.*

333. Intervenor-Defendants do not dispute that Plaintiff Olsan made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

334. Intervenor-Defendants do not dispute that Plaintiff Olsan made the statements in this paragraph but 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 supra* ¶ 2. Intervenor-Defendants further state that voting in person on Election Day can be accomplished safely with minimal effort. *See id.*

335. Intervenor-Defendants do not dispute that Plaintiff Olsan made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

336. Intervenor-Defendants do not dispute that Plaintiff Olsan made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

337. Intervenor-Defendants do not dispute that Plaintiff Olsan made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

338. Intervenor-Defendants do not dispute that Plaintiff Olsan made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

339. Intervenor-Defendants do not dispute that Plaintiff Olsan made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

340. Intervenor-Defendants do not dispute that Plaintiff Olsan made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

341. Intervenor-Defendants do not dispute that Plaintiff Olsan made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.



342. Intervenor-Defendants do not dispute that Plaintiff Olsan made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

343. Intervenor-Defendants do not dispute that Plaintiff Olsan made the statements in this paragraph but 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 supra* ¶ 2. Intervenor-Defendants further state that voting in person on Election Day can be accomplished safely with minimal effort. *See id.*

344. Intervenor-Defendants do not dispute that Plaintiff Olsan made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

345. Intervenor-Defendants do not dispute that Plaintiff Olsan made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

346. Intervenor-Defendants do not dispute that Plaintiff Olsan made the statements in this paragraph but 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 supra* ¶ 2. Intervenor-Defendants further state that

voting in person on Election Day can be accomplished safely with minimal effort. *See id.*

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

348. Intervenor-Defendants do not dispute that Plaintiff Olsan made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

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

350. Intervenor-Defendants do not dispute that Plaintiff Olsan made the statements in this paragraph but 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 supra* ¶ 2. 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.*

351. Intervenor-Defendants do not dispute that Plaintiff Olsan made the statements in this paragraph but 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 supra* ¶ 2. 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.*

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

353. Intervenor-Defendants do not dispute that Plaintiff Olsan made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

354. Intervenor-Defendants dispute the implication that the right to vote is left to chance but are without knowledge or information sufficient to form a belief as to the truth of the remaining statements in this paragraph. Intervenor-Defendants note that USPS has agreed to implement a number of measures to ensure timely delivery of ballots for the upcoming election, including “communicate with the Wisconsin Election Commission and associated election offices” about deadlines for timely delivery, the use of barcodes, and proper address labels; “ensure” relevant USPS staff and facilities are using the “political mail log to record ballot mail”; and

“coordinate” with local “election offices” on “proper ballot mailing processes.” Dkt. 433-1 at 5–6, 8. Intervenor-Defendants also note that 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). Moreover, the right to vote safely in person remains. *See supra* ¶ 2.

355. Intervenor-Defendants dispute the implication that Plaintiff Olsan will not be able to vote but are without knowledge or information sufficient to form a belief as to the truth of the remaining statements in this paragraph. Intervenor-Defendants note that the April Election was not associated with an increase in COVID-19 Infection Rates. *See supra* ¶ 2. 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.*

356. Intervenor-Defendants dispute the implication that it is difficult to vote in America but are without knowledge or information sufficient to form a belief as to

the truth of the remaining statements in this paragraph. Intervenor-Defendants note 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* ¶ 2. Intervenor-Defendants note that the April Election was not associated with an increase in COVID-19 Infection Rates. *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.*

357. Intervenor-Defendants dispute the implication that Plaintiff Olsan had to choose between personal safety and voting but are without knowledge or information sufficient to form a belief as to the truth of the remaining statements in this paragraph. Intervenor-Defendants note that the April Election was not associated with an increase in COVID-19 Infection Rates. *See supra* ¶ 2. Intervenor-Defendants further state that voting in person on Election Day can be accomplished safely with minimal effort. *See id.*

358. Intervenor-Defendants dispute the implication that Plaintiff Olsan had to choose between personal safety and voting but are without knowledge or information sufficient to form a belief as to the truth of the remaining statements in this paragraph. Intervenor-Defendants note that the April Election was not

associated with an increase in COVID-19 Infection Rates. *See supra* ¶ 2. 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.*

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

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

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

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

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

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

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

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

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

368. Intervenor-Defendants do not dispute that Plaintiff Whelan made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

369. Intervenor-Defendants do not dispute that Plaintiff Whelan made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

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

371. Intervenor-Defendants do not dispute that Plaintiff Whelan made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

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

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

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

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

376. Intervenor-Defendants do not dispute that Plaintiff Whelan made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

377. Intervenor-Defendants do not dispute that Plaintiff Whelan made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

378. Intervenor-Defendants do not dispute that Plaintiff Whelan made the statements in this paragraph but 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 supra* ¶ 2. 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.*

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



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

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

382. Intervenor-Defendants dispute the implication that Plaintiff Whelan needs a backup option but are without knowledge or information sufficient to form a belief as to the truth of the remaining statements in this paragraph. Intervenor-Defendants note that the April Election was not associated with an increase in COVID-19 Infection Rates. *See supra* ¶ 2. 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.*

383. Intervenor-Defendants do not dispute that Plaintiff Whelan made the statements in this paragraph but 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 supra* ¶ 2. 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.*

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

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

386. Intervenor-Defendants dispute the implication that the right to vote is left to chance but are without knowledge or information sufficient to form a belief as to the truth of the remaining statements in this paragraph. Intervenor-Defendants note that USPS has agreed to implement a number of measures to ensure timely delivery of ballots for the upcoming election, including “communicate with the Wisconsin Election Commission and associated election offices” about deadlines for timely delivery, the use of barcodes, and proper address labels; “ensure” relevant USPS staff and facilities are using the “political mail log to record ballot mail”; and “coordinate” with local “election offices” on “proper ballot mailing processes.” *See* Dkt. 433-1 at 5–6, 8. Intervenor-Defendants also note that 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). Moreover, the right to vote safely in person remains. *See supra* ¶ 2.

387. Intervenor-Defendants dispute the implication that Plaintiff Whelan will not be able to vote but are without knowledge or information sufficient to form a belief as to the truth of the remaining statements in this paragraph. Intervenor-Defendants note that the April Election was not associated with an increase in COVID-19 Infection Rates. *See supra* ¶ 2. 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.*

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

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

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

391. Intervenor-Defendants do not dispute that Plaintiff Gear made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

392. Intervenor-Defendants do not dispute that Plaintiff Gear made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

393. Intervenor-Defendants do not dispute that Plaintiff Gear made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

394. Intervenor-Defendants do not dispute that Plaintiff Gear made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

395. Intervenor-Defendants do not dispute that Plaintiff Gear made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

396. Intervenor-Defendants do not dispute that Plaintiff Gear made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

397. Intervenor-Defendants do not dispute that Plaintiff Gear made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph. 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 Swenson* Dkt. 43-49. By way of further answer, Intervenor-Defendants state that the IHME model that the *Swenson* Plaintiffs rely upon, *Swenson* Dkt. 42 ¶ 216, predicts that infection rates in Wisconsin for November will be substantially less than they were in April. Tseytlin Decl. Ex. 43.

398. Intervenor-Defendants do not dispute that Plaintiff Gear made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph. Intervenor-Defendants dispute the implication that Plaintiff Whelan will not be able to vote but are without knowledge or information sufficient to form a belief as to the truth of the remaining statements in this paragraph. Intervenor-Defendants note that the April Election was not associated with an increase in COVID-19 Infection Rates. *See supra* ¶ 2. 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.*

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

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

401. Intervenor-Defendants dispute the implication that Plaintiff Gear needs a backup option but are without knowledge or information sufficient to form a belief as to the truth of the remaining statements in this paragraph. Intervenor-Defendants dispute the implication that Plaintiff Whelan will not be able to vote but are without knowledge or information sufficient to form a belief as to the truth of the remaining statements in this paragraph. Intervenor-Defendants note that the April Election was not associated with an increase in COVID-19 Infection Rates. *See supra* ¶ 2. 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.*

402. Intervenor-Defendants do not dispute that Plaintiff Gear made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph. Intervenor-Defendants dispute the implication that Plaintiff Whelan will not be able to vote but are without knowledge or information sufficient to form a belief as to the truth of the remaining statements in this paragraph. Intervenor-Defendants note that the April

Election was not associated with an increase in COVID-19 Infection Rates. *See supra* ¶ 2. 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.*

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

404. Intervenor-Defendants do not dispute that Plaintiff Gear made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

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

406. Intervenor-Defendants dispute the implication that the right to vote is left to chance or that Plaintiff Gear is forced to choose between voting and exposure to COVID-19 but are without knowledge or information sufficient to form a belief as to the truth of the remaining statements in this paragraph. Intervenor-Defendants note that USPS has agreed to implement a number of measures to ensure timely delivery of ballots for the upcoming election, including “communicate with the Wisconsin Election Commission and associated election offices” about deadlines for

timely delivery, the use of barcodes, and proper address labels; “ensure” relevant USPS staff and facilities are using the “political mail log to record ballot mail”; and “coordinate” with local “election offices” on “proper ballot mailing processes.” *See* Dkt. 433-1 at 5–6, 8. Intervenor-Defendants also note that 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). Moreover, the right to vote safely in person remains. *See supra* ¶ 2.

407. Intervenor-Defendants dispute the implication that Plaintiff Gear will not be able to vote but are without knowledge or information sufficient to form a belief as to the truth of the remaining statements in this paragraph. Intervenor-Defendants note that the April Election was not associated with an increase in COVID-19 Infection Rates. *See supra* ¶ 2. 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.*



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

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

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

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

412. Intervenor-Defendants do not dispute that Krejci made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

413. Intervenor-Defendants do not dispute that Krejci made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

414. Intervenor-Defendants do not dispute that Krejci made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

415. Intervenor-Defendants do not dispute that Krejci made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

416. Intervenor-Defendants do not dispute that Krejci made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

417. Intervenor-Defendants do not dispute that Krejci made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

418. Intervenor-Defendants do not dispute that Krejci made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

419. Intervenor-Defendants do not dispute that Krejci made the statements 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 final election data conclusively indicate[d] that the election did not produce an unusual number [of] unreturned or rejected [absentee] ballots.” WEC Absentee Voting Report at 24.

420. Intervenor-Defendants do not dispute that Krejci made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

421. Intervenor-Defendants do not dispute that Krejci made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

422. Intervenor-Defendants do not dispute that Krejci made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

423. Intervenor-Defendants do not dispute that Krejci made the statements in this paragraph but 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 supra* ¶ 2. Intervenor-Defendants further state that voting in person on Election Day can be accomplished safely with minimal effort. *See id.* 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. 198-1 ¶ 36; *Swenson* Dkt. 37 ¶ 3; 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 8; Tseytlin Decl. Ex. 22; *Swenson* Dkt. 37 ¶ 122.

424. Intervenor-Defendants dispute the implication that Krejci was disenfranchised or denied the opportunity to vote but are without knowledge or

information sufficient to form a belief as to the truth of the remaining statements in this paragraph. Intervenor-Defendants note that the April Election was not associated with an increase in COVID-19 Infection Rates. *See supra* ¶ 2. Intervenor-Defendants further state that voting in person on Election Day can be accomplished safely with minimal effort. *See id.*

425. Intervenor-Defendants do not dispute that Krejci made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

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

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

428. Intervenor-Defendants do not dispute that Krejci made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

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

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

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

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

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

434. Intervenor-Defendants do not dispute that Harrell made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

435. Intervenor-Defendants do not dispute that Harrell made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

436. Intervenor-Defendants do not dispute that Harrell made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

437. Intervenor-Defendants do not dispute that Harrell made the statements in this paragraph but 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 supra* ¶ 2. Intervenor-Defendants further state that voting in person on Election Day can be accomplished safely with minimal effort. *See id.*

438. Intervenor-Defendants do not dispute that Harrell made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

439. Intervenor-Defendants do not dispute that Harrell made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

440. Intervenor-Defendants do not dispute that Harrell made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

441. Intervenor-Defendants do not dispute that Harrell made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

442. Intervenor-Defendants do not dispute that Harrell made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

443. 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 supra* ¶ 2. 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.*

444. Intervenor-Defendants do not dispute that Harrell made the statements in this paragraph but dispute the statements as unsupported by any non-conjectural evidence. Intervenor-Defendants note that projections regarding the state of the COVID-19 pandemic in the Fall are unsupported by any non-conjectural evidence. *See Swenson* Dkt. 43-49. By way of further answer, Intervenor-Defendants state that the IHME model that the *Swenson* Plaintiffs rely upon, *Swenson* Dkt. 42 ¶ 216, predicts that infection rates in Wisconsin for November will be substantially less than they were in April. Tseytlin Decl. Ex. 43.

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

446. 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 supra* ¶ 2. 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.*

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

448. Intervenor-Defendants do not dispute that Harrell made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

449. Intervenor-Defendants dispute the implication that Harrell's right to vote is left to chance but are without knowledge or information sufficient to form a belief as to the truth of the remaining statements in this paragraph. Intervenor-Defendants note that USPS has agreed to implement a number of measures to ensure timely delivery of ballots for the upcoming election, including "communicate with the Wisconsin Election Commission and associated election offices" about deadlines for timely delivery, the use of barcodes, and proper address labels; "ensure" relevant USPS staff and facilities are using the "political mail log to record ballot mail"; and "coordinate" with local "election offices" on "proper ballot mailing processes." *See* Dkt. 433-1 at 5–6, 8. Intervenor-Defendants also note that 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). Moreover, the right to vote safely in person remains. *See supra* ¶ 2.

450. Intervenor-Defendants do not dispute that Harrell made the statements 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 final election data conclusively indicate[d] that the election did not produce an unusual number [of] unreturned or rejected [absentee] ballots.” WEC Absentee Voting Report at 24.

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

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

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

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

455. Intervenor-Defendants do not dispute that Newby made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

456. Intervenor-Defendants do not dispute that Newby made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

457. Intervenor-Defendants do not dispute that Newby made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

458. Intervenor-Defendants do not dispute that Newby made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

459. Intervenor-Defendants do not dispute that Newby made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

460. Intervenor-Defendants do not dispute that Newby made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

461. Intervenor-Defendants do not dispute that Newby made the statements in this paragraph but 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 supra* ¶ 2. Intervenor-Defendants further state that voting in person on Election Day can be accomplished safely with minimal effort. *See id.*

462. Intervenor-Defendants do not dispute that Newby made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

463. Intervenor-Defendants do not dispute that Newby made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

464. Intervenor-Defendants do not dispute that Newby made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

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

466. Intervenor-Defendants do not dispute that Newby made the statements in this paragraph but 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 supra* ¶ 2. Intervenor-Defendants further state that voting in person on Election Day can be accomplished safely with minimal effort. *See id.*

467. Intervenor-Defendants do not dispute that Newby made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

468. Intervenor-Defendants do not dispute that Newby made the statements 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 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. 198-1 ¶ 36; *Swenson* Dkt. 37 ¶ 3; 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 8; Tseytlin Decl. Ex. 22; *Swenson* Dkt. 37 ¶ 122.

469. Intervenor-Defendants do not dispute that Newby made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

470. Intervenor-Defendants do not dispute that Newby made the statements in this paragraph but 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 supra* ¶ 2. Intervenor-Defendants further state that voting in person on Election Day can be accomplished safely with minimal effort. *See id.*

471. Intervenor-Defendants do not dispute that Newby made the statements in this paragraph but 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 supra* ¶ 2. 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.*

472. Intervenor-Defendants do not dispute that Newby made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

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

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

475. 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 supra* ¶ 2. 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.*

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

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

478. Intervenor-Defendants dispute the implication that Newby's right to vote is left to chance but are without knowledge or information sufficient to form a belief as to the truth of the remaining statements in this paragraph. Intervenor-Defendants note that USPS has agreed to implement a number of measures to ensure timely delivery of ballots for the upcoming election, including "communicate with the Wisconsin Election Commission and associated election offices" about deadlines for timely delivery, the use of barcodes, and proper address labels; "ensure" relevant USPS staff and facilities are using the "political mail log to record ballot mail"; and "coordinate" with local "election offices" on "proper ballot mailing processes." *See* Dkt. 433-1 at 5–6, 8. Intervenor-Defendants also note that 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). Moreover, the right to vote safely in person remains. *See supra* ¶ 2.

479. Intervenor-Defendants dispute the implication that Newby was not able to vote in the April 7 election but are without knowledge or information sufficient to form a belief as to the truth of the remaining statements in this paragraph. Intervenor-Defendants note that the April Election was not associated with an increase in COVID-19 Infection Rates. *See supra* ¶ 2. Intervenor-Defendants further state that voting in person on Election Day can be accomplished safely with minimal effort. *See id.*

480. Intervenor-Defendants dispute the implication that the State did not care whether Newby voted or put herself at risk but are without knowledge or information sufficient to form a belief as to the truth of the remaining statements in this paragraph. Intervenor-Defendants note that the April Election was not associated with an increase in COVID-19 Infection Rates. *See supra* ¶ 2. Intervenor-Defendants further state that voting in person on Election Day can be accomplished safely with minimal effort. *See id.*

481. Intervenor-Defendants dispute the implication that Newby was forced to choose between living to see the next election and voting in the primary but are without knowledge or information sufficient to form a belief as to the truth of the remaining statements in this paragraph. Intervenor-Defendants note that the April Election was not associated with an increase in COVID-19 Infection Rates. *See supra* ¶ 2. Intervenor-Defendants further state that voting in person on Election Day can be accomplished safely with minimal effort. *See id.*

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

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

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

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

486. Intervenor-Defendants do not dispute that Lohrenz made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

487. Intervenor-Defendants do not dispute that Lohrenz made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

488. Intervenor-Defendants do not dispute that Lohrenz made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

489. Intervenor-Defendants do not dispute that Lohrenz made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.



490. Intervenor-Defendants do not dispute that Lohrenz made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

491. Intervenor-Defendants do not dispute that Lohrenz made the statements in this paragraph but 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 supra* ¶ 2. Intervenor-Defendants further state that voting in person on Election Day can be accomplished safely with minimal effort. *See id.*

492. Intervenor-Defendants do not dispute that Lohrenz made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

493. Intervenor-Defendants do not dispute that Lohrenz made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

494. Intervenor-Defendants do not dispute that Lohrenz made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

495. Intervenor-Defendants do not dispute that Lohrenz made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

496. Intervenor-Defendants do not dispute that Lohrenz made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

497. Intervenor-Defendants do not dispute that Lohrenz made the statements in this paragraph but 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 supra* ¶ 2. Intervenor-Defendants further state that voting in person on Election Day can be accomplished safely with minimal effort. *See id.*

498. Intervenor-Defendants do not dispute that Lohrenz made the statements in this paragraph but dispute the statements as unsupported by any non-conjectural evidence. Intervenor-Defendants note that projections regarding the state of the COVID-19 pandemic in the Fall are unsupported by any non-conjectural evidence. *See Swenson* Dkt. 43-49. By way of further answer, Intervenor-Defendants state that the IHME model that the *Swenson* Plaintiffs rely upon, *Swenson* Dkt. 42 ¶ 216, predicts that infection rates in Wisconsin for November will be substantially less than they were in April. Tseytlin Decl. Ex. 43.

499. Intervenor-Defendants do not dispute that Lohrenz made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

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

501. 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, with regard to the concern that Ms. Lohrenz's requested ballot may not arrive in time, there are several months until Wisconsin's November Election, and the Commission is already implementing "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. 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* (noting 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* ¶ 2.

502. 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 supra* ¶ 2. 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.*

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

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

505. Intervenor-Defendants dispute the implication that Lohrenz's right to vote is left to chance but are without knowledge or information sufficient to form a belief as to the truth of the remaining statements in this paragraph. Intervenor-Defendants note that USPS has agreed to implement a number of measures to ensure timely delivery of ballots for the upcoming election, including "communicate with the Wisconsin Election Commission and associated election offices" about deadlines for timely delivery, the use of barcodes, and proper address labels; "ensure" relevant USPS staff and facilities are using the "political mail log to record ballot mail"; and "coordinate" with local "election offices" on "proper ballot mailing processes." *See* Dkt. 433-1 at 5–6, 8. Intervenor-Defendants also note that 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). Moreover, the right to vote safely in person remains. *See supra* ¶ 2.

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

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

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

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

510. Intervenor-Defendants do not dispute that Wood made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

511. Intervenor-Defendants do not dispute that Wood made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

512. Intervenor-Defendants do not dispute that Wood made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

513. Intervenor-Defendants do not dispute that Wood made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

514. Intervenor-Defendants do not dispute that Wood made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

515. Intervenor-Defendants do not dispute that Wood made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

516. Intervenor-Defendants do not dispute that Wood made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

517. Intervenor-Defendants do not dispute that Wood made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

518. Intervenor-Defendants do not dispute that Wood made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph. To the extent this paragraph expresses an opinion regarding the risk of in-person voting, the Legislative

Defendants and Intervenor-Defendants dispute that opinion. *See supra* ¶ 2. 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. 198-1 ¶ 36; *Swenson* Dkt. 37 ¶ 3; 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 8; Tseytlin Decl. Ex. 22; *Swenson* Dkt. 37 ¶ 122. Intervenor-Defendants also note that the April 7 election was not associated with an increase in COVID-19 Infection Rates. *See supra* ¶ 2.

519. Intervenor-Defendants do not dispute that Wood made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

520. Intervenor-Defendants do not dispute that Wood made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

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

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

523. Intervenor-Defendants do not dispute that Wood made the statements in this paragraph but dispute that there were systemic problems with Wisconsin's absentee-voting process, and note that "the final election data conclusively indicate[d] that the election did not produce an unusual number [of] unreturned or rejected [absentee] ballots." WEC Absentee Voting Report at 24.

524. Intervenor-Defendants do not dispute that Wood made the statements in this paragraph but dispute the statements as unsupported by any non-conjectural evidence.

525. Intervenor-Defendants do not dispute that Wood made the statements in this paragraph but dispute that mail is not a reliable voting method, and note that "the final election data conclusively indicate[d] that the election did not produce an unusual number [of] unreturned or rejected [absentee] ballots." WEC Absentee Voting Report at 24. Intervenor-Defendants also note that 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).



526. Intervenor-Defendants do not dispute that Wood made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

527. Intervenor-Defendants dispute the implication that Wood's right to vote is left to chance but are without knowledge or information sufficient to form a belief as to the truth of the remaining statements in this paragraph. Intervenor-Defendants note that USPS has agreed to implement a number of measures to ensure timely delivery of ballots for the upcoming election, including "communicate with the Wisconsin Election Commission and associated election offices" about deadlines for timely delivery, the use of barcodes, and proper address labels; "ensure" relevant USPS staff and facilities are using the "political mail log to record ballot mail"; and "coordinate" with local "election offices" on "proper ballot mailing processes." *See* Dkt. 433-1 at 5–6, 8. Intervenor-Defendants also note that 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). Moreover, the right to vote safely in person remains. *See supra* ¶ 2.

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

529. Intervenor-Defendants do not dispute that Keretsy made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

530. Intervenor-Defendants do not dispute that Keretsy made the statements in this paragraph but 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 supra* ¶ 2. Intervenor-Defendants further state that voting in person on Election Day can be accomplished safely with minimal effort. *See id.*

531. Intervenor-Defendants do not dispute that Keretsy made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

532. Intervenor-Defendants do not dispute that Keretsy made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

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

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

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

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

537. Intervenor-Defendants do not dispute that Keretsy made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

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

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

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

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

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

543. Intervenor-Defendants do not dispute that Keretsy made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

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

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

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

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

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

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

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

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

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

558. Intervenor-Defendants do not dispute that Riley made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

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

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

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

562. Intervenor-Defendants do not dispute that Riley made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

563. Intervenor-Defendants do not dispute that Riley made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

564. Intervenor-Defendants do not dispute that Riley made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

565. Intervenor-Defendants do not dispute that Riley made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

566. Intervenor-Defendants do not dispute that Riley made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

567. Intervenor-Defendants do not dispute that Riley made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

568. Intervenor-Defendants do not dispute that Riley made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

569. Intervenor-Defendants do not dispute that Riley made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

570. Intervenor-Defendants do not dispute that Riley made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

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

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

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

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

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

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

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

578. Intervenor-Defendants do not dispute that Riley made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

579. Intervenor-Defendants dispute the implication that Riley's right to vote is left to chance but are without knowledge or information sufficient to form a belief as to the truth of the remaining statements in this paragraph. Intervenor-Defendants note that USPS has agreed to implement a number of measures to ensure timely delivery of ballots for the upcoming election, including "communicate with the Wisconsin Election Commission and associated election offices" about deadlines for timely delivery, the use of barcodes, and proper address labels; "ensure" relevant USPS staff and facilities are using the "political mail log to record ballot mail"; and "coordinate" with local "election offices" on "proper ballot mailing processes." *See* Dkt.

433-1 at 5–6, 8. Intervenor-Defendants also note that 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). Moreover, the right to vote safely in person remains. *See supra* ¶ 2.

580. Intervenor-Defendants do not dispute that Riley made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

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

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

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

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

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



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

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

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

589. Intervenor-Defendants do not dispute that Braun made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

590. Intervenor-Defendants do not dispute that Braun made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

591. Intervenor-Defendants do not dispute that Braun made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

592. Intervenor-Defendants do not dispute that Braun made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

593. Intervenor-Defendants do not dispute that Braun made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

594. Intervenor-Defendants do not dispute that Braun made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

595. Intervenor-Defendants do not dispute that Braun made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

596. Intervenor-Defendants do not dispute that Braun made the statements in this paragraph but 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 supra* ¶ 2. Intervenor-Defendants further state that voting in person on Election Day can be accomplished safely with minimal effort. *See id.*

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

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

599. Intervenor-Defendants do not dispute that Braun made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

600. Intervenor-Defendants do not dispute that Braun made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

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

602. Intervenor-Defendants do not dispute that Braun made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

603. Intervenor-Defendants do not dispute that Braun made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

604. Intervenor-Defendants do not dispute that Braun made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

605. Intervenor-Defendants do not dispute that Braun made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

606. Intervenor-Defendants do not dispute that Braun made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

607. Intervenor-Defendants do not dispute that Braun made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

608. Intervenor-Defendants do not dispute that Braun made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

609. Intervenor-Defendants dispute the implication that Braun had to choose between her right to vote and her and her family's health and well-being but are without knowledge or information sufficient to form a belief as to the truth of the remaining statements in this paragraph. Intervenor-Defendants note that the April Election was not associated with an increase in COVID-19 Infection Rates. *See supra* ¶ 2. 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.*

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

611. Intervenor-Defendants do not dispute that Braun made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

612. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph but dispute the statements as unsupported by any non-conjectural evidence.

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

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

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

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

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

618. Intervenor-Defendants do not dispute that Thompson made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

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

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

621. Intervenor-Defendants do not dispute that Thompson made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

622. Intervenor-Defendants do not dispute that Thompson made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

623. Intervenor-Defendants do not dispute that Thompson made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

624. Intervenor-Defendants do not dispute that Thompson made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

625. Intervenor-Defendants do not dispute that Thompson made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

626. Intervenor-Defendants do not dispute that Thompson made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

627. Intervenor-Defendants do not dispute that Thompson made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

628. Intervenor-Defendants do not dispute that Thompson made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

629. Intervenor-Defendants do not dispute that Thompson made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

630. Intervenor-Defendants do not dispute that Thompson made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

631. Intervenor-Defendants do not dispute that Thompson made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

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

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

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

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

636. Intervenor-Defendants dispute the implication that Thompson's right to vote is left to chance but are without knowledge or information sufficient to form a

belief as to the truth of the remaining statements in this paragraph. Intervenor-Defendants note that USPS has agreed to implement a number of measures to ensure timely delivery of ballots for the upcoming election, including “communicate with the Wisconsin Election Commission and associated election offices” about deadlines for timely delivery, the use of barcodes, and proper address labels; “ensure” relevant USPS staff and facilities are using the “political mail log to record ballot mail”; and “coordinate” with local “election offices” on “proper ballot mailing processes.” *See* Office Dkt. 433-1 at 5–6, 8. Intervenor-Defendants also note that 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). Moreover, the right to vote safely in person remains. *See supra* ¶ 2.

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

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

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



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

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

642. Intervenor-Defendants do not dispute that Ackerbauer made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

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

644. Intervenor-Defendants do not dispute that Ackerbauer made the statements in this paragraph but 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 supra* ¶ 2. Intervenor-Defendants further state that voting in person on Election Day can be accomplished safely with minimal effort. *See id.*

645. Intervenor-Defendants do not dispute that Ackerbauer made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

646. Intervenor-Defendants do not dispute that Ackerbauer made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

647. Intervenor-Defendants do not dispute that Ackerbauer made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

648. Intervenor-Defendants do not dispute that Ackerbauer made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

649. Intervenor-Defendants do not dispute that Ackerbauer made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

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651. Intervenor-Defendants do not dispute that Ackerbauer made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

652. Intervenor-Defendants do not dispute that Ackerbauer made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

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

654. Intervenor-Defendants do not dispute that Ackerbauer made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

655. Intervenor-Defendants do not dispute that Ackerbauer made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

656. Intervenor-Defendants do not dispute that Ackerbauer made the statements 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 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 Commission or the Legislature. Dkt. 198-1 ¶ 36; *Swenson* Dkt. 37 ¶ 3; *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).

657. Intervenor-Defendants do not dispute that Ackerbauer made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

658. Intervenor-Defendants do not dispute that Ackerbauer made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

659. Intervenor-Defendants do not dispute that Ackerbauer made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

660. Intervenor-Defendants do not dispute that Ackerbauer made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

661. Intervenor-Defendants do not dispute that Ackerbauer made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

662. Intervenor-Defendants do not dispute that Ackerbauer made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

663. Intervenor-Defendants do not dispute that Ackerbauer made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

664. Intervenor-Defendants do not dispute that Ackerbauer made the statements in this paragraph but dispute the statements as unsupported by any non-conjectural evidence. 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 Swenson* Dkt. 43-49. By way of further answer, Intervenor-Defendants state that the IHME model that the *Swenson* Plaintiffs rely upon, *Swenson* Dkt. 42

¶ 216, predicts that infection rates in Wisconsin for November will be substantially less than they were in April. Tseytlin Decl. Ex. 43.

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

666. Intervenor-Defendants do not dispute that Ackerbauer made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

667. Intervenor-Defendants do not dispute that Ackerbauer made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

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

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

670. 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 supra* ¶ 2. 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.*

671. 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 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 supra* ¶ 2.

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

673. Intervenor-Defendants dispute the implication that Ackerbauer's right to vote is left to chance but are without knowledge or information sufficient to form a belief as to the truth of the remaining statements in this paragraph.

674. Intervenor-Defendants dispute the implication that Ackerbauer's right to vote is left to chance but are without knowledge or information sufficient to form a belief as to the truth of the remaining statements in this paragraph. Intervenor-Defendants note that USPS has agreed to implement a number of measures to ensure timely delivery of ballots for the upcoming election, including "communicate with the Wisconsin Election Commission and associated election offices" about deadlines for timely delivery, the use of barcodes, and proper address labels; "ensure" relevant USPS staff and facilities are using the "political mail log to record ballot mail"; and

“coordinate” with local “election offices” on “proper ballot mailing processes.” *See* Dkt. 433-1 at 5–6, 8. Intervenor-Defendants also note that 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). Moreover, the right to vote safely in person remains. *See supra* ¶ 2.

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

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

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

678. Intervenor-Defendants admit this paragraph.

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

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

681. Intervenor-Defendants do not dispute that Witzel-Behl made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

682. Intervenor-Defendants do not dispute that Witzel-Behl made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

683. Intervenor-Defendants do not dispute that Witzel-Behl made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

684. Intervenor-Defendants do not dispute that Witzel-Behl made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

685. Intervenor-Defendants do not dispute that Witzel-Behl made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

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

687. Intervenor-Defendants do not dispute that Witzel-Behl made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.



688. Intervenor-Defendants do not dispute that Witzel-Behl made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

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691. Intervenor-Defendants do not dispute that Witzel-Behl made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

692. Intervenor-Defendants do not dispute that Witzel-Behl made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

693. Intervenor-Defendants do not dispute that Witzel-Behl made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

694. Intervenor-Defendants do not dispute that Witzel-Behl made the statements in this paragraph but dispute the statements 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* ¶ 2. Intervenor-

Defendants further state that voting in person on Election Day can be accomplished safely with minimal effort. *See id.*

695. Intervenor-Defendants do not dispute that Witzel-Behl made the statements in this paragraph but dispute the statements as unsupported by any non-conjectural evidence.

696. Intervenor-Defendants do not dispute that Witzel-Behl made the statements in this paragraph but dispute the statements as unsupported by any non-conjectural evidence.

697. Intervenor-Defendants do not dispute that Witzel-Behl made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

698. Intervenor-Defendants do not dispute that Witzel-Behl made the statements 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 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. 104:1–111:14, 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 provide up to \$4.1 million of 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).

699. Intervenor-Defendants do not dispute that Witzel-Behl made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

700. Intervenor-Defendants do not dispute that Witzel-Behl made the statements in this paragraph but dispute the statements as unsupported by any non-conjectural evidence. Intervenor-Defendants admit 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. 104:1–111:14, 121:2–122:20, including 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).

701. Intervenor-Defendants do not dispute that Witzel-Behl made the statements in this paragraph but dispute the statements as unsupported by any non-conjectural evidence.

702. Intervenor-Defendants do not dispute that Witzel-Behl made the statements in this paragraph but dispute the statements as unsupported by any non-conjectural evidence.

703. Intervenor-Defendants do not dispute that Witzel-Behl made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

704. Intervenor-Defendants do not dispute that Witzel-Behl made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

705. Intervenor-Defendants do not dispute that Witzel-Behl made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

706. Intervenor-Defendants do not dispute that Witzel-Behl made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

707. Intervenor-Defendants do not dispute that Witzel-Behl made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

708. Intervenor-Defendants do not dispute that Witzel-Behl made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

709. Intervenor-Defendants do not dispute that Witzel-Behl made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

710. Intervenor-Defendants do not dispute that Witzel-Behl made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

711. Intervenor-Defendants do not dispute that Witzel-Behl made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

712. Intervenor-Defendants do not dispute that Witzel-Behl made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

713. Intervenor-Defendants do not dispute that an absentee ballot must be properly marked, including the need for a signature from a witness, and note that the witness may observe the absentee voter through a window or over FaceTime or Skype, and so need not be face-to-face with the voter. *See Wolfe Dep. 36:5–9; see Wolfe Memo at 2.* Intervenor-Defendants do not dispute that the absentee ballot must be returned properly completed in time to be counted.

714. Intervenor-Defendants do not dispute that Witzel-Behl made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

715. Intervenor-Defendants do not dispute that Witzel-Behl made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

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718. Intervenor-Defendants do not dispute that Witzel-Behl made the statements in this paragraph but dispute the statements as unsupported by any non-conjectural evidence.

719. Intervenor-Defendants do not dispute that Witzel-Behl made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

720. Intervenor-Defendants do not dispute that Witzel-Behl made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

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731. Intervenor-Defendants do not dispute that Witzel-Behl made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

732. Intervenor-Defendants do not dispute that Witzel-Behl made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

733. Intervenor-Defendants do not dispute that Witzel-Behl made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

734. Intervenor-Defendants do not dispute that Witzel-Behl made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

735. Intervenor-Defendants do not dispute that Witzel-Behl made the statements in this paragraph but dispute the statements as unsupported by any non-conjectural evidence.

736. Intervenor-Defendants do not dispute that Witzel-Behl made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

737. Intervenor-Defendants do not dispute that Witzel-Behl made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

738. Intervenor-Defendants do not dispute that Witzel-Behl made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

739. Intervenor-Defendants do not dispute that Witzel-Behl made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

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741. Intervenor-Defendants do not dispute that Witzel-Behl made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

742. Intervenor-Defendants do not dispute that Witzel-Behl made the statements in this paragraph but dispute the statements as unsupported by any non-conjectural evidence.

743. Intervenor-Defendants do not dispute that Witzel-Behl made the statements in this paragraph but dispute the statements as unsupported by any non-conjectural evidence. By way of further answer, Intervenor-Defendants note that the April Election was not associated with an increase in COVID-19 Infection Rates. *See supra* ¶ 2. 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.*

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

745. Intervenor-Defendants do not dispute that Witzel-Behl made the statements in this paragraph but dispute the statements as unsupported by any non-conjectural evidence.

746. Intervenor-Defendants do not dispute that Witzel-Behl made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

747. Intervenor-Defendants do not dispute that Witzel-Behl made the statements in this paragraph but dispute the statements as unsupported by any non-conjectural evidence.

748. Intervenor-Defendants do not dispute that Witzel-Behl made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

749. Intervenor-Defendants do not dispute that Witzel-Behl made the statements in this paragraph but dispute the statements as unsupported by any non-conjectural evidence. *See supra* ¶ 2.

750. Intervenor-Defendants do not dispute that Witzel-Behl made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

751. Intervenor-Defendants do not dispute that Witzel-Behl made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

752. Intervenor-Defendants do not dispute that Witzel-Behl made the statements in this paragraph but dispute the statements 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* ¶ 2. 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.*

753. Intervenor-Defendants admit this paragraph.

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

755. Intervenor-Defendants do not dispute that Coolidge made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

756. Intervenor-Defendants do not dispute that Coolidge made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

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

766. Intervenor-Defendants do not dispute that Coolidge made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

767. Intervenor-Defendants do not dispute that Coolidge made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

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776. Intervenor-Defendants do not dispute that Coolidge made the statements in this paragraph but dispute the statements as unsupported by any non-conjectural evidence.

777. Intervenor-Defendants do not dispute that Coolidge made the statements in this paragraph but dispute the statements as unsupported by any non-conjectural evidence.

778. Intervenor-Defendants do not dispute that Coolidge made the statements 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 April Election was not associated with an increase in COVID-19 Infection Rates. *See supra* ¶ 2. 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.*

779. Intervenor-Defendants do not dispute that Coolidge made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

780. Intervenor-Defendants do not dispute that Coolidge made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.



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

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

800. Intervenor-Defendants do not dispute that Cronmiller made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

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

802. Intervenor-Defendants do not dispute that Cronmiller made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

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

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

807. Intervenor-Defendants do not dispute that Cronmiller made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

808. Intervenor-Defendants do not dispute that Cronmiller made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

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

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

811. Intervenor-Defendants do not dispute that Cronmiller made the statements 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 Wisconsin voters can easily apply right now to vote absentee in November, for no reason, four months in advance of Election Day. *See Wis. Stat. § 7.15(1)(cm); Tseytlin Decl. Ex. 4.* And Plaintiffs will receive these absentee ballots well over a month in advance of the election. *Wis. Stat. § 7.15(1)(cm); Tseytlin Decl. Ex. 4,* with improved “intelligent mail barcodes” to facilitate ballot tracking and avoid any mail problems that occurred in the past, *Tseytlin Decl. Ex. 28; WEC Defendants’ Status Report at 6; Wolfe Dep. 54:14–60:12.* And, upon receiving their absentee ballot, Plaintiffs will have weeks to find a witness, whether in person, through a window, or over FaceTime or Skype. *Wolfe Dep. 36:5–9; see Wolfe Memo at 2.* Moreover, the right to vote safely in person remains. *See supra ¶ 2.*

812. Intervenor-Defendants do not dispute that Cronmiller made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

813. Intervenor-Defendants do not dispute that Cronmiller made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

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

815. Intervenor-Defendants do not dispute that Cronmiller made the statements in this paragraph but dispute the statements as unsupported by any non-conjectural evidence.

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

817. Intervenor-Defendants do not dispute that Cronmiller made the statements in this paragraph but dispute that there were widespread problems with Wisconsin's absentee-voting process and note that "the final election data conclusively indicate[d] that the election did not produce an unusual number [of] unreturned or rejected [absentee] ballots." WEC Absentee Voting Report at 24. By way of further answer, Intervenor-Defendants note that Wisconsin voters can easily apply right now to vote absentee in November, for no reason, four months in advance of Election Day. *See* Wis. Stat. § 7.15(1)(cm); Tseytlin Decl. Ex. 4. And Plaintiffs will receive these absentee ballots well over a month in advance of the election. Wis. Stat. § 7.15(1)(cm); Tseytlin Decl. Ex. 4, with improved "intelligent mail barcodes" to facilitate ballot tracking and avoid any mail problems that occurred in the past, Tseytlin Decl. Ex. 28; WEC Defendants' Status Report at 6; Wolfe Dep. 54:14–60:12.

And, upon receiving their absentee ballot, Plaintiffs will have weeks to find a witness, whether in person, through a window, or over FaceTime or Skype. Wolfe Dep. 36:5–9; *see* Wolfe Memo at 2. Moreover, the right to vote safely in person remains. *See supra* ¶ 2.

818. Intervenor-Defendants do not dispute that Cronmiller made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

819. Intervenor-Defendants do not dispute that Cronmiller made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

820. Intervenor-Defendants do not dispute that Cronmiller made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

821. Intervenor-Defendants do not dispute that Cronmiller made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

822. Intervenor-Defendants do not dispute that Cronmiller made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

823. Intervenor-Defendants do not dispute that Cronmiller made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph. Intervenor-

Defendants dispute the characterization that the witness requirement is challenging. Intervenor-Defendants do not dispute that an absentee ballot must be properly marked, including the need for a signature from a witness, and note that the witness may observe the absentee voter through a window or over FaceTime or Skype, and so need not be face-to-face with the voter. *See* Wolfe Dep. 36:5–9; Wolfe Memo at 2. Intervenor-Defendants further note that “the final election data conclusively indicate[d] that the election did not produce an unusual number [of] unreturned or rejected [absentee] ballots.” WEC Absentee Voting Report at 24.

824. Intervenor-Defendants do not dispute that Cronmiller made the statements in this paragraph but dispute the statements as unsupported by non-conjectural evidence. Intervenor-Defendants dispute the characterization that voters who sought to cast absentee ballots faced barriers. Intervenor-Defendants do not dispute that an absentee ballot must be properly marked, including the need for a signature from a witness, and note that the witness may observe the absentee voter through a window or over FaceTime or Skype, and so need not be face-to-face with the voter. *See* Wolfe Dep. 36:5–9; Wolfe Memo at 2. Intervenor-Defendants further note that “the final election data conclusively indicate[d] that the election did not produce an unusual number [of] unreturned or rejected [absentee] ballots.” WEC Absentee Voting Report at 24.

825. Intervenor-Defendants do not dispute that Cronmiller made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

826. Intervenor-Defendants do not dispute that Cronmiller made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

827. Intervenor-Defendants do not dispute that Cronmiller made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

828. Intervenor-Defendants do not dispute that Cronmiller made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

829. Intervenor-Defendants do not dispute that Cronmiller made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

830. Intervenor-Defendants do not dispute that Cronmiller made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

831. Intervenor-Defendants do not dispute that Cronmiller made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

832. Intervenor-Defendants do not dispute that Cronmiller made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.



833. Intervenor-Defendants do not dispute that Cronmiller made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

834. Intervenor-Defendants do not dispute that Cronmiller made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

835. Intervenor-Defendants do not dispute that Cronmiller made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

836. Intervenor-Defendants do not dispute that Cronmiller made the statements in this paragraph but dispute the implication that there were widespread problems with Wisconsin's absentee-voting process and note that "the final election data conclusively indicate[d] that the election did not produce an unusual number [of] unreturned or rejected [absentee] ballots." WEC Absentee Voting Report at 24.

837. Intervenor-Defendants do not dispute that Cronmiller made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

838. Intervenor-Defendants do not dispute that Cronmiller made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

839. Intervenor-Defendants do not dispute that Cronmiller made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

840. Intervenor-Defendants do not dispute that Cronmiller made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

841. Intervenor-Defendants do not dispute that Cronmiller made the statements in this paragraph but dispute the statements as unsupported by non-conjectural evidence. Intervenor-Defendants further dispute the characterization that the witness requirement presented difficulties and note that the witness may observe the absentee voter through a window or over FaceTime or Skype, and so need not be face-to-face with the voter. *See* Wolfe Dep. 36:5–9; Wolfe Memo at 2. Intervenor-Defendants further note that “the final election data conclusively indicate[d] that the election did not produce an unusual number [of] unreturned or rejected [absentee] ballots.” WEC Absentee Voting Report at 24.

842. Intervenor-Defendants do not dispute that Cronmiller made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

843. Intervenor-Defendants do not dispute that Cronmiller made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

844. Intervenor-Defendants dispute the implication that enforcement of the witness requirement was unconstitutional as a purely legal and conjectural conclusion. By way of further answer, 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. Tseytlin Decl. Ex. 28; Tseytlin Decl. Ex. 29. Indeed, all Wisconsin voters can easily apply right now to vote absentee in November, for no reason, four months in advance of Election Day. *See* Wis. Stat. § 7.15(1)(cm); Tseytlin Decl. Ex. 4. And Plaintiffs will receive these absentee ballots well over a month in advance of the election. Wis. Stat. § 7.15(1)(cm); Tseytlin Decl. Ex. 4, with improved "intelligent mail barcodes" to facilitate ballot tracking and avoid any mail problems that occurred in the past, Tseytlin Decl. Ex. 28; WEC Defendants' Status Report at 6; Wolfe Dep. 54:14–60:12. And, upon receiving their absentee ballot, Plaintiffs will have weeks to find a witness, whether in person, through a window, or over FaceTime or Skype. Wolfe Dep. 36:5–9; *see* Wolfe Memo at 2. And the League of Women Voters is actively assisting isolated voters with completing their witness-signature requirements for absentee ballots. *See* Cronmiller Decl. ¶ 6.

845. Intervenor-Defendants do not dispute that Cronmiller made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

846. Intervenor-Defendants do not dispute that Cronmiller made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

847. Intervenor-Defendants do not dispute that Cronmiller made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

848. Intervenor-Defendants do not dispute that Cronmiller made the statements in this paragraph but dispute the implication that there was an unconstitutional failure of Wisconsin's absentee-voting process and note that "the final election data conclusively indicate[d] that the election did not produce an unusual number [of] unreturned or rejected [absentee] ballots." WEC Absentee Voting Report at 24.

849. Intervenor-Defendants do not dispute that Cronmiller made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

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

851. Intervenor-Defendants do not dispute that Cronmiller made the statements in this paragraph but dispute the implication that COVID-19 poses any risks to voting rights. Intervenor-Defendants note that the April Election was not associated with an increase in COVID-19 Infection Rates. *See supra* ¶ 2. 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.*

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

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

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864. Intervenor-Defendants do not dispute that Mitchell made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

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

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876. Intervenor-Defendants do not dispute that Mitchell made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

877. Intervenor-Defendants dispute the implication that Wisconsin Alliance members were or will be disenfranchised but are without knowledge or information sufficient to form a belief as to the truth of the remaining statements in this paragraph. Intervenor-Defendants note that the option to vote safely in person remains and that the election was not associated with an increase in COVID-19 Infection Rates. *See supra* ¶ 2.

878. Intervenor-Defendants dispute the implication that Wisconsin Alliance members were disenfranchised but are without knowledge or information sufficient to form a belief as to the truth of the remaining statements in this paragraph. Intervenor-Defendants note that the option to vote safely in person remains and that the election was not associated with an increase in COVID-19 Infection Rates. *See supra* ¶ 2.

879. Intervenor-Defendants do not dispute that Cronmiller made the statements in this paragraph but dispute the statements as unsupported by non-conjectural evidence. Intervenor-Defendants further dispute the characterization that the witness requirement presented difficulties and note that the witness may observe the absentee voter through a window or over FaceTime or Skype, and so need not be face-to-face with the voter. *See Wolfe Dep.* 36:5–9; *Wolfe Memo* at 2. Intervenor-Defendants further note that “the final election data conclusively indicate[d] that the election did not produce an unusual number [of] unreturned or rejected [absentee] ballots.” *WEC Absentee Voting Report* at 24.



880. Intervenor-Defendants do not dispute that Mitchell made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

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891. Intervenor-Defendants do not dispute that Salas made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

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

909. Intervenor-Defendants do not dispute that Salas made the statements in this paragraph but dispute the statements as unsupported by any non-conjectural evidence.

910. Intervenor-Defendants do not dispute that Salas made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

911. Intervenor-Defendants do not dispute that Salas made the statements in this paragraph, but note that the Commission has already taken numerous steps

to enhance the State's readiness for the upcoming November 2020 Election. *See supra* ¶ 2.

912. The CARES Act speaks for itself.

913. Intervenor-Defendants do not dispute the statements in this paragraph.

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

915. Intervenor-Defendants do not dispute that Salas made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

916. Intervenor-Defendants do not dispute that Salas made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

917. 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 note that 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).

918. Intervenor-Defendants do not dispute that Salas made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

919. Intervenor-Defendants do not dispute that Salas made the statements in this paragraph but dispute the statements as unsupported by any non-conjectural evidence.

920. Intervenor-Defendants do not dispute that Salas made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

921. Intervenor-Defendants do not dispute that Salas made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

922. Intervenor-Defendants do not dispute that Salas made the statements in this paragraph but dispute the statements as unsupported by any non-conjectural evidence. Intervenor-Defendants also note that the Seventh Circuit's decision speaks for itself.

923. Intervenor-Defendants do not dispute that Salas made the statements in this paragraph but dispute the statements as unsupported by any non-conjectural evidence.

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

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

932. Intervenor-Defendants do not dispute that Salas made the statements in this paragraph but are without knowledge or information sufficient to form a belief as to the truth of the statements in this paragraph.

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

934. The Wisconsin statute speaks for itself.

935. Intervenor-Defendants admit this paragraph.

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

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

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974. Intervenor-Defendants do not dispute that Salas made the statements in this paragraph but dispute the statements as unsupported by any non-conjectural evidence.

975. Intervenor-Defendants do not dispute that Salas made the statements in this paragraph but dispute the statements as unsupported by any non-conjectural evidence. By way of further answer, Intervenor-Defendants note that the April Election was not associated with an increase in COVID-19 Infection Rates. *See supra* ¶ 2. 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.*

976. Intervenor-Defendants do not dispute that Salas made the statements in this paragraph but dispute the statements as unsupported by any non-conjectural evidence.

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

979. Intervenor-Defendants do not dispute that Salas made the statements in this paragraph but dispute the statements as unsupported by any non-conjectural evidence.

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

982. Intervenor-Defendants do not dispute that Salas made the statements in this paragraph but dispute the statements as unsupported by any non-conjectural evidence. By way of further answer, Intervenor-Defendants note 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* ¶ 2. Intervenor-Defendants note that the April Election was not associated with an increase in COVID-19 Infection Rates. *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.*

Dated, July 20, 2020

Respectfully submitted,

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**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

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