



STATE OF WISCONSIN
DEPARTMENT OF JUSTICE

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September 8, 2022

The Honorable James D. Peterson
United States District Court
Western District of Wisconsin
120 North Henry Street, Room 320
Madison, Wisconsin 53703

Re: *Timothy Carey, et al. v. WEC, et al.*,
Case No. 22-cv-402

Dear Judge Peterson:

On August 31, 2022, the Court issued a Permanent Injunction and Declaration in the above-referenced case. (Dkt. 40.) Paragraph 4 of that document directed Defendants Wisconsin Elections Commission and Administrator Meagan Wolfe (collectively, the “Commission”) to, by September 9, 2022,

provide written instructions to all Wisconsin municipal clerks that the Voting Rights Act requires that any Wisconsin voters who require assistance with mailing or delivering their absentee ballots to the municipal clerk because of a disability must be permitted to receive such assistance by a person of the voter’s choice, other than the voter’s employer or agent of that employer or officer or agent of the voter’s union.

(Dkt. 40.)

The Honorable James D. Peterson
September 8, 2022
Page 2

On September 7, 2022, the Commission published guidance to its website titled “Guidance on Absentee Ballot Return Options Under the Federal Voting Rights Act,” a copy of which is enclosed with this correspondence as “Exhibit A.”¹ That guidance document includes the following instructions:

Pursuant to the Voting Rights Act, any Wisconsin voter who requires assistance with mailing or delivering their absentee ballot to the municipal clerk because of a disability must be permitted to receive such assistance by a person of the voter’s choice, other than the voter’s employer or agent of that employer or officer or agent of the voter’s union.

In administering future elections, all municipal clerks and their staff should comply with the above statutory requirement.

(Ex. A.)

Additionally, on September 7, 2022, the Commission transmitted this guidance document to all Wisconsin county and municipal clerks via a high-priority e-mail communication. These actions by the Commission establish full compliance with Paragraph 4 of the Permanent Injunction and Declaration. (Dkt. 40).

Sincerely,

Electronically signed by:

Lynn K. Lodahl
Lynn K. Lodahl
Assistant Attorney General

Steven C. Kilpatrick
Assistant Attorney General

¹ This guidance is publicly viewable at Guidance on Absentee Ballot Return Options Under the Federal Voting Rights Act, *Wisconsin Elections Commission*, <https://elections.wi.gov/memo/guidance-absentee-ballot-return-options-under-federal-voting-rights-act> (last visited Sept. 8, 2022).

The Honorable James D. Peterson
September 8, 2022
Page 3

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cc: All parties via efile.