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Clerk of Circuit Court
Kenosha County
2022CV001077
Honorable Bruce E.
Schroeder
Branch 3

**Wisconsin Circuit Court
Kenosha County**

Jay Stone
10501 82nd St.
Pleasant Prairie, WI 53158

Case Code: 30701

Harry Wait
4353 Shianne
Union Grove, WI 53182

Paula Perez
7822 Sheridan Rd
Kenosha WI 53143

and

Case No. _____

Hot Government
PO Box 136
3747 Douglas Ave
Racine WI. 53402

Plaintiffs

v.

Wisconsin Election Commission
201 West Washington Avenue
Madison, WI 53703

Defendant

Complaint

Now come the above-named Plaintiffs, Jay Stone, Vincent Tobias, Paula Perez, and HOT Government who complain and allege against the above-named defendant as follows:

Nature of This Action and Complaint

1. This is an action against the Wisconsin Elections Commission ("WEC") seeking a declaratory judgment regarding the proper construction of the Wisconsin Statutes for the legality of third parties mailing Wisconsin electors unsolicited absentee ballot applications, and third parties modifying WEC's absentee ballot application Form EL-121 including Wis. Stat. §§§§§§§ 5.05(1), 5.05(1)(d) 6.84(1), 6.84(2), 6.86(2)(9), 6.86(3)(9)(1), and 6.869.

Parties

2. The Plaintiff, Jay Stone, is a State of Wisconsin and Kenosha County resident and registered voter who resides at 10501 82nd St. Pleasant Prairie, WI 53158. WEC allowing 113,652 third-party absentee ballot applications created and mailed to a group of carefully selected Wisconsin voters by Center for Voter Information (CVI) permits voters to cast unlawful ballots that count towards the November 8, 2022 county, state, and federal election results. The unlawfully cast ballots cause Mr. Stone harm as a registered elector who votes to choose his elected representatives.

3. The Plaintiff, Harry Wait is a State of Wisconsin and a registered voter who resides at 4353 Shianne, Union Grove WI 53182. WEC allowing 113,652 third-party absentee ballot applications created and mailed to a group of carefully selected Wisconsin voters by Center for Voter Information (CVI) permits voters to cast unlawful ballots that count towards the November

8, 2022 county, state, and federal election results. The unlawfully cast ballots cause Mr. Wait harm as a registered elector who votes to choose his elected representatives.

4. The Plaintiff, Paula Perez, is a State of Wisconsin and Kenosha County resident and registered voter who resides at 7822 Sheridan Rd, Kenosha WI 53143. WEC allowing 113,652 third-party absentee ballot applications created and mailed to a group of carefully selected Wisconsin voters by Center for Voter Information (CVI) permits voters to cast unlawful ballots that count towards the November 8, 2022 county, state, and federal election results. The unlawfully cast ballots cause Ms. Perez harm as a registered elector who participates in elections to choose her elected representatives.

5. The Plaintiff, HOT Government, mailing address is PO Box 136, 3747 Douglas Ave, Racine WI. 53402. The word *HOT* in HOT Government is an acronym for Honest, Open, and Transparent Government. Plaintiff HOT Government has numerous supporters throughout the State of Wisconsin, including HOT Government's President and Plaintiff Harry Wait and Vice President and Plaintiff Jay Stone who are acting as HOT Government agents. Thirty-Five (35) to 125 HOT Government supporters meet in person bi-weekly. One of the organization's primary goals is to make sure elections are conducted in accordance with Wisconsin election laws. WEC allowing 113,652 third-party absentee ballot applications created and mailed to a group of carefully selected Wisconsin voters by Center for Voter Information (CVI) permits unlawful cast ballots to count towards the November 8, 2022 election results for county, state, and federal

elections. The unlawfully cast ballots cause HOT Government supporters harm as they are registered electors who vote for their elected representatives.

6. The Defendant, Wisconsin Elections Commission (hereinafter "WEC"), is a body of government or agency that has the responsibility to administer Chapters 5 through 10 and 12 of the Wisconsin Election Statutes. WEC is located at 201 W. Washington Ave., Second Floor, Madison, Wisconsin 53707.

Jurisdiction and Venue

7. Jurisdiction is appropriate in the State of Wisconsin as the parties reside within the State of Wisconsin and the conduct challenged in this complaint took place in the State of Wisconsin, and where Wis. Stat. §§ 806.04 and/or 227.40 provide declaratory relief.

8. Pursuant to Wis. Stat. §§ 227.40(1) and 801.50(3)(b) Kenosha County is a proper venue.

Background CVI Facts

9. Center for Voter Information (CVI) is a nonprofit organization whose goal is to increase voter turnout for the "New American Majority—people of color, young people, and unmarried women—and those who support the values of NAM (Click [here](#) or see Exhibit 1.1)." To achieve its voter turnout goals, CVI mails voter registration and voter absentee applications to people who fit the NAM profile.

10. According to CVI's website, CVI sent 113,652 Wisconsin NAM voters absentee ballot applications on or about September 8, 2022. CVI claimed it mailed these specific NAM voters because they were unlikely to vote (Click [here](#) or see Exhibit 1.1). CVI typed in the individual names and address for the 113,652 absentee ballot applications that CVI mailed to Wisconsin voters. Also CVI gave the 113,652 Wisconsin voters postage paid envelopes addressed to the voters' local Wisconsin clerks so Wisconsin voters could mail their absentee ballots to their respective clerks without paying for postage.

11. Elector Michael R. Rothering was one of the 113,652 Wisconsin voters who received an envelope from CVI (Exhibit 1.2). CVI's return address was a Madison post office box. Underneath the return address was a union symbol. Written at the top center of the envelope was "VOTE AT HOME BALLOT REQUEST FORM. DO NOT DISCARD." Inside CVI's envelope to Mr. Rothering was a letter, a Wisconsin absentee ballot application, instructions on the reverse side of the absentee ballot application, and a prepaid return envelope addressed to the City of Racine Clerk.

12. CVI's letter was dated "September 10, 2022" and started with "Dear Michael" (Exhibit 1.3). The letter stated, "I have enclosed an absentee ballot request form already filled out with your name and address. Voting by mail is simple! Just sign, date, and complete the application. Drop it in the mail and you will receive a ballot from your municipal clerk, which you can complete without ever leaving your home." CVI also filled in the election date circle in Section 6

of CVI's absentee ballot application and typed in the November 8, 2022 election date. Gail L. Kitch, CVI's Board Chair signed the letter addressed to Michael R. Rothering.

13. Form EL-121 is WEC's official Wisconsin Application for Absentee Ballot (Exhibit 1.4). Form EL-121 extends 9.25" from the top of the page to the bottom of page. CVI's Wisconsin Application for Absentee Ballot front page (Exhibit 5) is identical to Form EL-121, except that CVI reduced the 9.25" top to bottom length to 8.75." CVI shrank its copy of Form EL-121 to allow CVI to put identifying information above and below the absentee ballot application. In the upper right hand margin above Rothering's absentee ballot application is "VWI101" and "V2002." In the lower left hand margin below the absentee ballot application is "WI2Y00420592 CCWI."

14. On the back of CVI's Wisconsin Application for Absentee Ballot is, "IT'S AS EASY AS 1-2-3" (Exhibit 1.5). Compare Wisconsin's official absentee ballot application instructions in Exhibit 4 to CVI's absentee ballot application instructions in Exhibit 5. WEC's Wisconsin Application for Absentee Ballot has specific instructions for each of WEC's official application's seven sections, CVI's does not. At the bottom of CVI's absentee ballot application instruction page is a union symbol.

15. CVI's prepaid envelope (Exhibit 1.6) had Michael R. Rothering return address preprinted in the upper left hand corner of the envelope. The envelope had the union symbol in the lower left hand corner of the envelope. CVI addressed the envelope to Mr. Rothering's Racine clerk.

CVI's prepaid postage and the envelope's QR code provide CVI with the means to determine if Mr. Rothering used CVI's prepaid envelope to return his absentee ballot application.

16. Unions donate money to political candidates, unions ask members to vote for specific candidates, unions ask its members to campaign for particular candidates, and unions endorse candidates. Given unions and union members' support of candidates, the union symbols on CVI's envelopes and CVI's absentee ballot instructions pages were meant to send subtle political messages to electors that CVI supports unions, union members, and unions' endorsed candidates.

17. About 10 days after CVI sent Mr. Rothering an absentee ballot application, CVI sent Mr. Rothering a follow-up letter from CVI's Board Chair Gail Kitch. Ms. Kitch's letter said, "We recently sent you an absentee ballot request form to make it easy to request an absentee ballot for the November election. Just sign, date and complete the application. Drop it in the mail"

(Exhibit 1.7)

18. CVI mailed elector Paula Perez a letter signed by CVI's Gail Kitch, CVI's application for absentee ballot, CVI's instructions to complete the application, and a CVI prepaid envelope addressed to the City of Kenosha clerk (Exhibit 1.8). The CVI Perez letter, CVI absentee ballot application, CVI instructions, and CVI prepaid envelope are very similar to the material CVI mailed to Mr. Rothering.

19. CVI mailed electors Danielle Gross and Karli Hewitt a letter signed by CVI's Gail Kitch, CVI's application for absentee ballot, CVI's instructions to complete the application, CVI's followup letter, and CVI's prepaid envelope addressed to the municipal clerks (Exhibit 1.9). The CVI Gross and Hewitt letters, CVI absentee ballot applications, CVI instructions, and CVI prepaid envelopes were also very similar to the material that CVI mailed to Mr. Rothering and Ms. Perez.

Background Wisconsin Election Commission Facts

20. On April 25, 2022 Wisconsin Election Commission (WEC) sent out a memo with the title, "Third Party Absentee Ballot Request Form Mailing: Center for Voter Information." WEC's memo stated, "The Wisconsin Elections Commission (WEC) has been advised that an absentee ballot request mailing will start arriving in Wisconsin around April 25, 2022. The mailing is from the Center for Voter Information (CVI), which is a nonprofit voter outreach group that is not affiliated with the State. CVI is sending out a letter along with a version of the current Wisconsin Absentee Ballot Request (EL-121)" (Exhibit 1.10).

21. WEC's April 25, 2022 memo also said, "CVI tells us they are sending this mailing to roughly 667,485 people in 1,581 Wisconsin municipalities. A list containing the number of mailings sent to voters in each of these municipalities has also been provided for your reference below. If your municipality is represented on the list from CVI, you may receive one of these absentee ballot request forms. The absentee ballot request form should be treated as any other absentee ballot request form you may receive by mail" (Exhibit 1.10). Please note CVI sent

approximately 667,485 absentee ballot applications for the August 9, 2022 primary election, but only 113,652 for the November 8, 2022 general election. The 667,485 electors who received CVI's absentee ballot applications for the August primary election could have also used CVI absentee ballot request to receive absentee ballots for the November general election as well.

22. In a March 26, 2020 WEC memo, WEC actually encouraged Wisconsin voters to send in their CVI third party absentee ballot application form. (Exhibit 1.11). The memo stated, "Voters who have not made a request, especially those who don't have access to the Internet, are encouraged to send the forms to their municipal clerk's office as soon as possible."

23. WEC Administrator Wolfe also said it was legal for a political group, such as CVI to mail absentee ballot applications to Wisconsin voters. "Political and independent groups may legally send out voter registration forms and absentee ballot request forms to encourage voting, Wolfe said (Exhibit 1.11)."

24. On September 29, 2022 Jay Stone, Harry Wait, and HOT Government submitted a WEC complaint against CVI and CVI executives Tom Lopach and Gail Kitch. The WEC complaint alleged CVI committed forgery because CVI copied, changed, and mailed its version of WEC's EL-121 absentee ballot application form while portending CVI's absentee ballot form was WEC's. WEC has not made its decision on the Plaintiffs' complaint against CVI or CVI's executives.

WEC Allowed CVI to Mail Its Counterfeit Form EL-121

25. The Oxford Dictionary defines *counterfeit* as “made in exact imitation of something valuable or important with the intention to deceive or defraud.” CVI duplicated the front page of WEC’s EL-121 absentee ballot forms. Next CVI mailed 113,652 Wisconsin voters CVI’s counterfeit absentee ballot applications for the November 8, 2022 midterm election. CVI’s counterfeit absentee ballot applications deceived voters because CVI made it appear its absentee ballot applications were WEC’s official applications when they were not. As with WEC’s official EL-121 Form, CVI put “EL-121 | Revised 2020-06” on the bottom of its counterfeit absentee ballot applications to portend that CVI’s form was WEC’s.

26. The WEC’s March 26, 2020 press release said, “An independent mailing to Wisconsin voters encouraging them to request absentee ballots is causing confusion, according to the Wisconsin Elections Commission. The confusing mailer comes from the “Center for Voter Information,” which has a return mail address in Madison but is related to the Voter Participation Center, a nonprofit group based in Washington, D.C. The mailers are labeled “Vote at home ballot form” and encourage voters to request an absentee ballot. WEC and local election officials are getting calls from voters who have already requested their absentee ballots, and who say they thought the mailer meant they had done something wrong and needed to make another request (Exhibit 1.11). The voters confusion as described in WEC’s memo stemmed from CVI providing electors a copy of WEC’s EL-121 absentee ballot application form and including WEC’s name, mailing address, phone number, web address and email address on its form.

27. The absentee ballot applications CVI mailed to 113,652 Wisconsin voters were counterfeits of WEC's official EL-121 form for three reasons. 1. CVI reduced form EL-121's length from 9.25" to 8.75" (Exhibits 1.4 and 1.5). 2. CVI added its own identifying information to the upper right-hand and lower left-hand margins of the counterfeit absentee ballot applications that CVI mailed to 113,652 Wisconsin voters (Exhibit 1.12). 3. CVI wrote its own absentee ballot instructions (Exhibit 1.5), but failed to include WEC's prescribed uniform absentee ballot application instructions (Exhibit 1.4) in contravention to Wis. Stat. §§ 6.86(2)(a) and 6.869.

28. CVI made its counterfeit absentee ballot applications appear official by including WEC's contact information (Exhibit 1.13). At the bottom CVI's counterfeit absentee ballot applications, CVI included WEC's address, WEC's phone number, WEC's website, and WEC's email address (Exhibit 1.13). CVI deliberately included WEC's address, phone number, website and email address to deceive voters into thinking they received WEC's official absentee ballot applications.

29. Forgery is "an illegal copy of a document, painting, etc., or the crime of making such copies." In the WEC complaint it was alleged that CVI's 113,652 counterfeit absentee ballot applications were acts of forgery.

943.38 Forgery.

(1) Whoever with intent to defraud falsely makes or alters a writing or object of any of the following kinds so that it purports to have been made by another, or at another time,

or with different provisions, or by authority of one who did not give such authority, is guilty of a Class H felony:

(b) A public record or a certified or authenticated copy thereof; or

30. Because CVI included WEC's address, phone number, website, and email address (Exhibit 1.13) instead of its own contact information, CVI purported the counterfeit absentee ballot applications that it mailed to 113,652 Wisconsin voters were WEC's official applications. CVI also used a Madison, Wisconsin PO Box for the return addresses in the envelopes that CVI mailed to 113,652 Wisconsin voters to make it appear CVI was an official agency located in Wisconsin's capital city. As previously mentioned, WEC acknowledged that CVI's absentee ballot application mailings were confusing voters, including some voters who thought WEC rejected the absentee ballots applications that they had already submitted.

31. WEC's absentee ballot application is a public record that is available on WEC's website. Because CVI altered WEC's absentee ballot applications, Plaintiffs Stone, Wait, and HOT Government asked WEC to pursue forgery charges pursuant to Wis. Stat. § 943.38(1) and Wis. Stat. § 943.38(1)(b) against CVI and CVI executives.

WEC Ignored CVI's Failure to have WEC's Mandatory Uniformed Absentee Ballot Instructions

6.869 Uniform instructions. The commission shall prescribe uniform instructions for municipalities to provide to absentee electors. The instructions shall include the specific

means of electronic communication that an absentee elector may use to file an application for an absentee ballot and, if the absentee elector is required to register, to request a registration form or change his or her registration. The instructions shall include information concerning whether proof of identification is required to be presented or enclosed. The instructions shall also include information concerning the procedure for correcting errors in marking a ballot and obtaining a replacement for a spoiled ballot. The procedure shall, to the extent possible, respect the privacy of each elector and preserve the confidentiality of each elector's vote.

32. In clear and simple language, Wis. Stat. § 6.869 mandates WEC to compose absentee ballot instructions and provide them to municipalities. Furthermore, Wis. Stat. § 6.869 mandates municipalities to furnish WEC's absentee ballot instructions to the electors. CIV's absentee ballot instructions (Exhibit 4) were not WEC's prescribed uniformed absentee ballot instructions that CVI furnished to voters (Exhibit 5). Both CVI's prescribing its own absentee ballot application instructions and furnishing them to electors were in contravention to Wis. Stat. § 6.869.

33. CVI creating instructions for its own absentee ballot applications is contrary to the Wis. Stat. § 6.869 requirement that all electors receive WEC's uniformed absentee ballot application instructions from their local municipalities. According to Wis. Stat. § 6.869 municipal clerks shall distribute WEC's absentee ballot instructions because municipalities distribution of WEC's official absentee ballot application instructions is a safeguard against electors having their ballots rejected because they received incorrect absentee ballot application instructions.

34. Wis. Stat. § 6.86(2)(a) includes the following: “(a) An elector who is indefinitely confined because of age, physical illness or infirmity or is disabled for an indefinite period may by signing a statement to that effect require that an absentee ballot be sent to the elector automatically for every election. The application form and instructions shall be prescribed by the commission, and furnished upon request to any elector by each municipality.”

35. WEC’s prescribed absentee ballot application EL-121 Form has instructions for indefinitely confined voters on each and every Wisconsin Application for Absentee Ballot (Exhibit 4, Section 6). When CVI provided its version of WEC’s absentee ballot application and instructions, CVI had no instructions for indefinitely confined voters as the law required. More importantly, Wis. Stat. § 6.86(2)(a) mandates that absentee application forms and instructions only be “furnished upon request to any elector by each municipality.” Since CVI is not a municipality, CVI furnishing unsolicited absentee ballot applications and instructions for indefinitely confined voters violates Wis. Stat. § 6.86(2)(a).

36. Wis. Stat. § 6.86(3)(a) (1) provides the absentee ballot application law for electors who are temporarily hospitalized.

Any elector who is registered and who is hospitalized, may apply for and obtain an official ballot by agent. The agent may apply for and obtain a ballot for the hospitalized absent elector by presenting a form prescribed by the commission and containing the required information supplied by the hospitalized elector and signed by that elector,

unless the elector is unable to sign due to physical disability. In this case, the elector may authorize another elector to sign on his or her behalf.

37. WEC's EL-121 Form had instructions for temporarily hospitalized voters on the back of its application, CVI's did not. Wis. Stat. § 6.86(3)(a)(1) required either the temporarily hospitalized elector or the elector's agent to use WEC's prescribed form to apply for an absentee ballot. Since CVI counterfeited and changed WEC's EL-121 Form, CVI's absentee ballot forms for hospitalized electors were not in compliance with Wis. Stat. § 6.86(3)(a)(1).

38. WEC posted CVI's absentee ballot application and application instructions on its website with its April 25, 2022 memo. The memo stated, "CVI is sending out a letter along with a version of the current Wisconsin Absentee Ballot Request (EL-121)." WEC should have immediately rejected CVI's applications because it was obvious that CVI changed WEC's EL-121 Form and omitted the legally required uniform absentee ballot instructions. Instead WEC told Wisconsin's 1,922 clerks to treat CVI's absentee ballot applications equal to one of its own. WEC's exact statement was, "The absentee ballot request form should be treated as any other absentee ballot request form you may receive by mail." Because CVI's absentee ballot application form was a forgery of WEC's and was in contravention to Wis. Stat. §§ 6.869, 6.86(2)(a), and 6.86(3)(a)(1), WEC should have ordered CVI to immediately stop using its counterfeit EL-121 absentee ballot applications form.

39. In WEC's March 26, 2020 press release, WEC Administrator Wolfe said, "Political and independent groups may legally send out voter registration forms and absentee ballot request

forms to encourage voting (Exhibit 1.11).” Wolf’s statement that it is legal for groups to mail absentee ballot applications to voters is not true. Wis. Stat. §§ 6.869 and 6.86(2)(a) require WEC to prescribe the absentee ballot applications and instructions and provide the forms to municipal clerks who then distribute the absentee ballot applications and instructions to the electors after the electors request them.

40. In WEC’s April 25, 2022 memo, WEC told the clerks that WEC does not have the ability to limit third-party mailings to voters (Exhibit 1.10). This is simply false. There are several laws that provide WEC with the authority to stop a third party from mailing absentee ballot applications when the third party is violating Wisconsin election laws. Wis. Stat. § 5.05(1) states, “The elections commission shall have the responsibility for the administration of chs. 5 to 10 and 12 and other laws relating to elections and election campaigns, other than laws relating to campaign financing.” Wis. Stat. § 5.05(1)(d) asserts WEC can “Sue for injunctive relief, a writ of mandamus or prohibition, or other such legal or equitable relief as may be appropriate to enforce any law regulating the conduct of elections or election campaigns, other than laws regulating campaign financing, or ensure its proper administration.”

41. WEC false claim that it had no means to stop CVI’s unlawful absentee ballot applications deceived clerks and voters about WEC’s responsibility and ability to prevent CVI from distributing counterfeit El-121 Forms to Wisconsin voters.

**Wisconsin’s Legislative Policy is to Prevent the
Overzealous Solicitation of Absentee Electors**

6.84 Construction.

(1) Legislative policy. The legislature finds that voting is a constitutional right, the vigorous exercise of which should be strongly encouraged. In contrast, voting by absentee ballot is a privilege exercised wholly outside the traditional safeguards of the polling place. The legislature finds that the privilege of voting by absentee ballot must be carefully regulated to prevent the potential for fraud or abuse; to prevent overzealous solicitation of absent electors who may prefer not to participate in an election; to prevent undue influence on an absent elector to vote for or against a candidate or to cast a particular vote in a referendum; or other similar abuses.”

42. The Wisconsin legislature wrote absentee ballot laws to carefully regulate voting by absentee ballot. For example, WEC shall prescribe absentee ballot applications (Wis. Stat. § 6.86(2)(a)). WEC shall prescribe absentee ballot instructions (Wis. Stat. §§ 6.86(2)(a) and 6.869). WEC shall provide absentee ballots forms to municipalities (Wis. Stat. § 6.86(2)(a)). WEC shall provide absentee ballot instructions to municipalities (Wis. Stat. §§ 6.86(2)(a) and 6.869). Municipalities shall provide electors with absentee ballot instructions (Wis. Stat. §§ 6.86(2)(a) and 6.869). Municipalities shall provide electors with absentee ballot applications (Wis. Stat. § 6.86(2)(a)). Municipalities shall furnish electors with WEC’s prescribed absentee ballot applications upon request. (Wis. Stat. §§ 6.86(2)(a)). By WEC allowing CVI to mail 113,000 counterfeit absentee ballot applications to Wisconsin voters, WEC ignored its responsibility to administer the legislative policy and statutes to carefully regulate absentee ballot voting pursuant to Wis. Stat. §§ 6.84(1) and 5.05(1) .

43. Wis. Stat. § 6.84(1) states that voting by absentee ballot must be carefully regulated “to prevent overzealous solicitation of absent electors who may prefer not to participate in an election.” CVI said that it was sending 113,652 “vote-by-mail applications to registered [Wisconsin] voters in the New American Majority who are not likely to vote in the 2022 general election” (Click [here](#) or see Exhibit 1). CVI mailing unsolicited absentee ballot applications to target unlikely voters is in contravention to Wis. Stat. § 6.84(1). CVI mailing 667,485 and 113,652 absentee ballot applications for the August 9, 2022 and November 8, 2022 elections were overzealous solicitations of absent electors that Wis. Stat. § 6.84(1) sought to prevent.

44. CVI mailed followup letters to electors 10 days after electors received CVI’s absentee ballot applications. Clerks do not send followup letters after they mail Wisconsin electors their absentee ballot applications. CVI mailing followup letters to electors 10 days after electors received CVI’s absentee ballot applications is also overzealous solicitation of absent electors that Wis. Stat. § 6.84(1) sought to block.

45. WEC has form EL-121 for absentee ballot application on its website that anyone can download (<https://elections.wi.gov/search?search=EL-121>). Since the law prescribes clerks, not WEC with the duty to provide absentee ballot applications directly to electors, WEC should not have form EL-121 readably available on its website. If WEC’s practice of making form EL-121 freely available for downloading continues, anyone who downloads form EL-121 in the future can copy and change the absentee ballot application form as CVI did.

46. If for transparency WEC wanted to show electors what form EL-121 looks like, then WEC should put the word “Sample” on the absentee ballot application form like it does for sample ballots. Furthermore, for WEC to prevent the unlawful duplication of form EL-121, it should write “Duplication of form EL-121 is against the law and punishable.” Having the word “Sample” and a duplication warning on form EL-121 supports the legislative policy to carefully regulate absentee balloting.

Declaratory Claim and Relief

47. Plaintiffs incorporate the aforementioned paragraphs in their Declaratory Claim and Relief section.

48. WEC’s April 25, 2022 and March 26, 2020 memos describe how WEC interprets the Wisconsin election statutes to allow third parties to mail a “version” of WEC’s absentee voting application EL-121 form to Wisconsin voters; in addition, how WEC applies its interpretation of election statutes to declare it is legal for third parties like CVI to mail absentee ballot request forms for indefinitely confined absentee voters and temporarily hospitalized voters when it is the duty of the municipal clerks.

49. Both the Plaintiffs and the Defendant legal interpretations as described above are subject to debate and suitable action for declaratory judgement.

50. The Plaintiffs and the Defendant's real and significant election law disputes require a Court to intervene and settle their disagreements.
51. The Court should not provide special consideration to WEC's interpretations of the election statutes. Rather, the Court should review and interpret the statutes according to their "plain," "simple," and/or "mandatory" meaning.
52. The Plaintiffs disagree and contend WEC's legal interpretations and the actions that resulted from WEC's April 25, 2022 and March 26, 2020 memos are inconsistent with Wisconsin statutes and the legislature's policies.
53. There are several and significant disagreements between the Plaintiffs and WEC.
54. The Plaintiffs and WEC's disagreements necessitate a fair, impartial, and wise judge to decide whether or not WEC is properly interpreting and applying Wisconsin election laws.
55. Legal review by a judge is necessary to resolve the disputes between the parties and to interpret Wisconsin absentee ballot application election laws before third parties mail more absentee ballot applications prior to an election.

Prayer for Relief

The Plaintiffs ask for the following Judgements and Orders against the Defendant, Wisconsin Election Commission.

1. A declaration that *only* Wisconsin election clerks shall furnish electors with absentee ballot application EL-121 Forms upon requests.
2. A declaration that third parties sending absentee ballot applications and instructions to electors is in contravention to Wis. Stat. §§§ 6.84(1), 6.86(2)(a) and 6.869.
3. A declaration that WEC shall not have absentee ballot application Form EL-121 on its website unless WEC writes "Sample" on the application form to spoil the sample application.
4. A declaration that no third party is allowed to copy and/or modify absentee ballot application form EL-121.
5. A judicial order that directs WEC to provide Wisconsin election clerks with the proper guidance for municipal clerks to furnish electors with absentee ballot applications.

6. All statutory cost and expenses stemming from this action.

7. Any other relief that the Courts deems justifiable and reasonable.

Dated: October 18, 2022

By: Electronically signed by Jay Stone

Pro Se Attorney Jay Stone

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