No. 2024AP232

In the Supreme Court of Wisconsin

KENNETH BROWN,
PLAINTIFF-RESPONDENT-CROSS-APPELLANT,

v.

WISCONSIN ELECTIONS COMMISSION,
DEFENDANT-CO-APPELLANT-CROSS-RESPONDENT,

TARA MCMENAMIN,
DEFENDANT-APPELLANT-CROSS-RESPONDENT,

BLACK LEADERS ORGANIZING FOR COMMUNITIES,
DEMOCRATIC NATIONAL COMMITTEE AND WISCONSIN
ALLIANCE FOR RETIRED AMERICANS,

INTERVENORS-CO-APPELLANTS-CROSS-RESPONDENTS.

On Appeal from the Racine County Circuit Court,
The Honorable Eugene Gasiorkiewicz, Presiding,
Case No. 2022CV1324

PLAINTIFF-RESPONDENT-CROSS-APPELLANT'S REPLY BRIEF IN SUPPORT OF HIS CROSS-APPEAL

WISCONSIN INSTITUTE FOR
LAW & LIBERTY, INC.

RICHARD M. ESENBERG
LUCAS T. VEBBER
NATHALIE E. BURMEISTER
330 E. Kilbourn Ave., Ste. 725
Milwaukee, WI 53202
Phone: (414) 727-9455
Facsimile: (414) 727-6385

Attorneys for Kenneth Brown

TABLE OF CONTENTS

TABLE OF AUTHORITIES

Cases

Statutes

Other Authorities

ARGUMENT

I. Brown has standing.

In response to Brown's Cross-Appeal, WEC repeats their arguments from their other briefs that Brown lacks standing to bring this case. WEC Br. 53.[1] Brown already addressed these standing arguments in his response to the appeals in this case but will also briefly explain why he has standing here.

a. Brown has suffered a direct, personal injury sufficient to bring this appeal.

Brown has standing. He is an elector who filed a complaint with WEC. WEC ruled against him. Under Wis. Stat. § 5.06(8), "[a]ny election official or complainant who is aggrieved by an order … may appeal the decision … to [the] circuit court …".

In *Hess v. WEC*—a recent decision directly on point—the Court of Appeals held that a similarly-situated complainant had standing. No. 2024AP1350, unpublished slip op., ¶18 (Wis. Ct. App. July 30, 2024) (recommended for publication).[2] In the Court's words, a complainant (like Brown) "having filed a verified complaint with WEC … and having received an unfavorable decision from WEC … clearly meets the

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[1] Cites to briefs herein are to the parties' Reply/Response briefs filed July 23, unless otherwise noted. WARA's brief also argues that Brown lacks standing. WARA did not separate their combined brief into appellant and cross-respondent portions as Wis. Stat. (rule) § 809.19(6)(c)2. requires. As a result, Brown replies to those arguments briefly as well.

[2] *Hess* was issued on July 30, 2024, and has been recommended for publication. Pursuant to Wis. Stat. § 809.23 because this opinion has not yet been published, a copy of this opinion is included in Brown's Appendix.

qualifications of the statute as a complainant aggrieved by WEC's decision." *Id.*

In *Hess*, the complainant filed a challenge to a candidate's nomination papers. WEC dismissed that complaint. WEC argued there—as here—that the complainant failed the two-part standing inquiry under Chapter 227, as articulated in *Friends of Black River Forest v. Kohler Co.*, 2022 WI 52, ¶¶12, 17, 402 Wis. 2d 587, 977 N.W.2d 342. Specifically, WEC claimed that the complainant was not directly harmed and further argued that, in their view, the statute in question governed ballot access, not the interest of non-candidates, and thus did not protect the Complainant's interests.

The Court of Appeals rejected both arguments, noting that the "statute plainly states" that a complainant "after having filed a verified complaint with WEC under Sec. 5.06 and having received an unfavorable decision from WEC on that complaint … clearly meets the qualifications of the statute as a complainant aggrieved by WEC's decision." *Hess*, ¶18. This Court reach the same conclusion

WEC and others' arguments to the contrary are inconsistent with *Hess* and would make a mess of the statute. This Court has no reason to think that buried within a simple phrase—"complainant who is aggrieved"—is a complex set of rules regarding which losing complainants can and cannot appeal. Had the Legislature wanted to create two such groups of losing complainants, the statute would actually explain the line between those two groups. *See Whitman v. Am. Trucking Ass'n*, 531 U.S. 457, 468 (2001) (explaining a legislature does not "hide

elephants in mouseholes"); *see also* Wis. Stat. § 9.01(1)(a)5. (defining an "aggrieved party" with specificity in the context of recounts).

Like in *Hess*, Brown filed a complaint with WEC, and then received an unfavorable decision. Brown is a complainant aggrieved by WEC's decision sufficient to bring this appeal. This Court should come to the same conclusion as the Court of Appeals and determine that Brown has standing. The "aggrieved" requirement under Wis. Stat. § 5.06 simply ensures that someone receiving a favorable decision from WEC cannot then file an appeal. *See e.g., Roth v. La Farge School Dist. Bd. of Canvassers*, 2001 WI App 221, ¶14, 247 Wis. 2d 708, 634 N.W.2d 882 ("An individual cannot claim to be aggrieved when his or her position is successful.").

i. A "complainant who is aggrieved" under § 5.06 is not the same as a "person aggrieved" under Chapter 227.

First, and as Brown explained in his response brief, an appeal brought under Section 5.06 is not the same as a general administrative appeal brought under Chapter 227. For appeals brought under Section 5.06, the statute explicitly—and *only*—incorporates the "standards for review of agency decisions under s. 227.57." Wis. Stat. § 5.06(9). The statute does not incorporate the rest of Chapter 227, and further, Wis. Stat. § 227.03(6) explicitly provides that "Orders of the elections commission under s. 5.06 (6) are not subject to this chapter."

As Brown has argued, he is "aggrieved" under that statute because WEC dismissed his complaint. But according to both WEC and WARA, the Legislature codified the same standard in both statutes because both Section 5.06 and Chapter 227 use the term "aggrieved." WEC Br. 20;

WARA Br. 8. But that's simply wrong. The Legislature used the term "person aggrieved" in Chapter 227 (an explicitly defined term), whereas Section 5.06 refers to "[a]ny election official or complainant who is aggrieved." *Compare* Wis. Stat. § 227.53(1) *with* Wis. Stat. § 5.06(8). The Legislature did not use the same terms in these statutes, and Section 5.06 grants standing to either the local election official or the complainant, whichever does not prevail.

b. In any event, Brown is still "aggrieved" under the *Friends* standard.

If this Court applies the Chapter 227 standing inquiry to appeals brought under Section 5.06, Brown still has standing. Under such appeals the Court looks first at "whether the decision of the agency directly causes injury to the interest of the petitioner"; and second, "whether the interest asserted is recognized by law." *Friends*, 2022 WI 52, ¶18. As Brown has explained, he meets both. *See* Brown Resp. 20-25.

Brown's interest is in ensuring that his local election officials are complying with the law—an interest expressly set forth in Section 5.06(1). Brown witnessed first-hand what he believed to be violations of state election law occurring in his municipality, causing direct harm. Based on that direct harm, Brown filed a verified complaint with WEC, as "an elector of a jurisdiction served by an election official" who "believe[d] that a decision or action of the official … with respect to any matter concerning … election administration or conduct of elections" was "contrary to law." Wis. Stat. § 5.06(1). Brown meets the first prong of the *Friends* test.

For the second prong, Section 5.06(1) codifies (or at least presupposes) a substantive right of electors to ensure that election laws are followed. Section 5.06(1) says "any elector" may file a complaint "[w]henever" he or she "believes" that such a law is being violated. "Whenever" is a broad word—it means "at any or every time that." *See Whenever*, *Merriam-Webster*, https://www.merriam-webster.com/dictionary/whenever. Section 6.855 is one such law that can serve as the basis of a complaint "whenever" an elector "believes" it is violated. Brown also meets the second prong of the *Friends* test.

No one disputes that Brown had standing at least before WEC. Accordingly, it is wrong (and seemingly contradictory) to now characterize all of Section 5.06 as a mere "procedural" statute—indeed, it purportedly *limits*, as well as codifies, substantive rights.

c. The *Teigen* Court also recognized this interest of electors.

WEC also argues that Brown's reliance on *Teigen v. WEC*, 2022 WI 64, 403 Wis. 2d 607, 976 N.W.2d 519, is misplaced because that decision was overturned in *Priorities USA v. WEC,* 2024 WI 32, 412 Wis. 2d 594, 8 N.W.3d 429.[3] But *Priorities USA* involved a single question regarding whether Wis. Stat. § 6.87(4)(b)1. permits the use of drop boxes, and while *Teigen* was overturned, this Court did not indicate that any part of the standing analysis in *Teigen* was incorrect.

[3] Brown has not previously addressed this Court's decision in *Priorities USA v. WEC* because that opinion was not released until two days after Brown was required to (and did) file his Response to the appeal in this case.

As Brown has explained, four justices recognized in *Teigen* that Section 5.06 gives electors "a statutory right to have local election officials in the area[s] where [they] live[] comply with election laws." Brown Resp. Br. 16-17; *Teigen v. WEC*, 2022 WI 64, ¶34 (lead op.); ¶164 (Hagedorn, J. concurring). Brown's right under that statute was violated by McMenamin's actions here, resulting in Brown's complaint to WEC. Nothing in *Priorities USA* suggests that this Court's previous reading of Section 5.06 is, in any way, incorrect. In any event, after *Priorities USA* was released, the Court of Appeals in *Hess* likewise found standing to appeal. *Hess*, ¶¶17–18.

d. Brown's reading of the statute is reasonable.

Both WEC and WARA also contend that Brown is wrong to argue that adopting their view of standing to bring an appeal under Section 5.06 would eviscerate any meaningful review. WEC Br. 23-25; WARA Br. 9. But that's exactly what their interpretation of the statute would do. Brown is not asking this Court to "ignore the requirement of standing," WEC Br. 24, but rather to interpret the statute as it is plainly written: to confer on electors the right to do exactly what Brown has done here—to seek judicial review of an adverse decision of WEC. Brown has standing and that is exactly what he asks this Court to recognize.

e. Federal case law provides little to no guidance.

Finally, WEC continues to almost exclusively cite federal standing cases to argue that Brown has no standing to bring this appeal. While it is certainly true that "Wisconsin's current standing analysis is derived from federal standing principles," this Court has been very clear that "[f]ederal law on standing is not binding in Wisconsin." *Friends,* 2022 WI

52, ¶¶12, 17. This is because "our state constitution lacks the jurisdiction-limiting language of its federal counterpart." *Id*. at ¶17. As a result, standing is not a jurisdictional requirement, but rather an issue "of sound judicial policy." *McConkey v. Van Hollen*, 2010 WI 57, ¶15, 326 Wis. 2d 1, 783 N.W.2d 855. The federal cases cited by WEC do not govern this case.

II. This Court should find for Brown on each of his Cross-Appeal claims.

"Statutory language is read where possible to give reasonable effect to every word," and if the meaning is plain, "the statute is applied according to this ascertaining of its meaning." *State ex rel. Kalal v. Circuit Court for Dane Cnty.*, 2004 WI 58, ¶46, 271 Wis. 2d 633, 681 N.W.2d 110 (citations omitted). The meaning of the statutory language in Section 6.855(1) is plain, so the requirements imposed by that language should be interpreted and applied according to its plain meaning.

a. Alternate sites must be located "as near as practicable" to the Clerk's Office.

The statutory phrase "as near as practicable" requires election clerks to *first* consider (and prioritize) the geographic proximity of an alternate in-person absentee voting site to the Clerk's Office and *then* consider the practicability of operating each site for early, in-person absentee voting. Cross-Respondents urge this Court to instead allow election clerks to ignore geographic proximity and prioritize any factor they wish when designating alternate in-person absentee voting sites, but this interpretation fails for several reasons: First, it reads the

geographic "nearness" component entirely out of the statute; Second, WEC is not free to disregard and decline to enforce the "as near as practicable" language; Third, the "as near as practicable" language has not been impliedly repealed; and finally, Brown's interpretation is fully compliant with federal law.

"Near" means "close to; not far away, as a measure of distance," and the term "practicable" means "…feasible in a particular situation… capable of being used; usable…". *see Near*, Black's Law Dictionary (11th ed. 2019); *Id*. at *Practicable*. Both terms appear in the statutory text and require that alternate sites be located "as near as practicable" to the Clerk's Office. Cross-Respondents cannot simply ignore the geographic requirement imposed by the term "near," and yet they advance an interpretation of the law that entirely disregards it.

Perhaps recognizing the weakness of this interpretation, especially in view of *Town of Ashwaubenon v. PSC*, 22 Wis. 2d 38, 50-51, 125 N.W.2d 647 (1963)—which, as Brown previously argued, explicitly states that the practicability inquiry occurs "*in addition to* geography"—McMenamin attempts to downplay the geographic aspect in a large footnote. McMenamin, WARA, and DNC also stress the *Ashwaubenon* Court's conclusion that "as near as practicable" encompasses more than pure geography—which no one disputes—implying that clerks can set aside Section 6.855's "nearness" requirement in the interest of other considerations.

However, these attempts to minimize the "nearness" requirement are unsuccessful. First, and most importantly, the language of Section 6.855 unquestionably requires geographic proximity through use of the

term "near." Second, the analysis that *Ashwaubenon* provides is good law that interprets the plain meaning of a statutory requirement where—as here—both a geographic *and* practicability inquiry are necessary. Third, McMenamin's footnote citation to myriad other cases is misplaced because none construe Wisconsin law, *see Johnson Controls, Inc. v. Emps. Ins. of Wausau*, 2003 WI 108, ¶100, 264 Wis. 2d 60, 665 N.W.2d 257, and no one can reasonably dispute that the plain language of Section 6.855 includes the term "near," which undeniably refers to geographic nearness. Lastly, the term "near" places a limit on the "practicability" inquiry by requiring geography to be the primary consideration when deciding which sites to operate.

Some Cross-Respondents additionally assert that, especially in view of *Priorities USA,* McMenamin—in her discretion as an election clerk—may designate alternate in-person voting sites as she sees fit, notwithstanding the plain language of Section 6.855. But this Court concluded in *Priorities USA* that election clerks have discretion to decide whether to use drop boxes, not that they may ignore statutory requirements. 2024 WI 32, ¶¶25-30. Therefore, any attempt to argue that election clerks have discretion to blatantly disregard clear statutory requirements is inconsistent with this Court's precedent and Wisconsin law.

Moreover, WEC's administrative decision on this issue—that there was no legal violation because McMenamin used alternate sites that were "geographically equal"—is incorrect as a matter of law, and completely inappropriate from an administrative standpoint. Indeed, WEC's Administrative decision stated that "[i]t is difficult to fit the 'as

near as practicable' requirement into a statutory mold that allows multiple sites," and then proceeded to develop its own assessment of whether this statutory component was complied with. Dkt. 59:55. But as Brown has explained, Brown Resp. Br. 67-73, WEC's claim that the "as near as practicable" requirement is difficult to comply with is false, and regardless, WEC is utterly without the authority to authorize clerks to ignore the letter of the law.

Thus, any argument Cross-Respondents make about McMenamin being free to designate sites that are "geographically equal," Dkt. 59:55, or to prioritize any factor she wishes fail because they rest on iterations of an entirely invented standard—and even more—one that WEC unlawfully superimposed over the statute's actual language and plain meaning.[4]

Furthermore, the "as near as practicable" requirement has not been repealed by implication. First, as WARA acknowledges, repeal by implication is disfavored, WARA Br. 21, and more importantly, there is no basis for concluding that the Legislature did not intend for multiple sites to comply with every requirement of Section 6.855(1), or that these requirements cannot coexist. *See* Brown Resp. Br. 67-73.

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[4] WEC also confusingly claims that this Court is not permitted to "second-guess[]" whether the Clerk's alternate-site decisions were "practicable," while also arguing that "unless the Clerk's determination is shown to be an erroneous exercise of the discretion vested in her, was not subject to rejection by the Commission or de novo review in court." WEC Br. 54-55. Brown maintains that the Commission and this Court are authorized to assess whether McMenamin's use of the alternate sites complied with statutory requirements, and that such an inquiry is not prevented by Wis. Stat. § 5.06(9). *See Sheely v. Wis. Dep't of Health & Social Services*, 150 Wis. 2d 320, 339, 442 N.W.2d 1 (1989) ("A discretionary decision will not be sustained if it has no basis in 'the appropriate and applicable law.'") (quoted source omitted).

Section 6.855(5) states, "A governing body may designate more than one alternate site under sub. (1)," clearly contemplating not only multiple sites, but the application of the requirements listed in sub. (1) *to each alternate site*. That the Legislature authorized multiple sites by enacting Section 6.855(5), referenced sub. (1) in that enactment, and left the rest of 6.855 (including sub. (1)) in place, unequivocally indicates that the Legislature intended for all alternate sites to comply with the requirements of sub. (1), and directs against finding that the "as near as practicable" language has been repealed by implication. *See e.g. Faber v. Musser,* 207 Wis. 2d 132, 138, 557 N.W.2d 808 (1997) ("[This Court] presume[s] that the legislature enacts laws with full knowledge of existing statutes.") (citation omitted). For this reason, BLOC's claim that this Court must rely on implied repeal to decide "which pieces of § 6.855 remain in force" following the adoption of sub. (5) is utterly without support. BLOC Br. 20.

In addition, WARA's implied repeal argument disregards Chapter 990 of the Wisconsin Statutes (which provides rules for reading all statutes), focusing on the phrase "the designated site" and claiming the Legislature should have said "designated sites" if it wanted to keep the "as near as practicable" requirement after the addition of sub. (5). WARA Br. 22. But under Section 990.001(1), "[t]he singular includes the plural, and the plural includes the singular." So, as a matter of plain meaning, the allowance for multiple sites can easily be harmonized with the other requirements of Section 6.855(1), and WARA's claim about inconsistency between the term "site" in sub. (1) and the multiple sites authorized in sub. (5) signaling implied repeal fails. WARA Br. 22.

Lastly, Cross-Respondents make separate, but similar, attempts to argue that Brown's interpretation of the "as near as practicable" requirement is somehow inconsistent with federal law, and more specifically, *One Wisconsin Inst., Inc. v. Thomsen*, 198 F. Supp. 3d 896 (W.D. Wis. 2016) and/or *Luft v. Evers,* 963 F.3d 665 (7th Cir. 2020). But there is nothing in the factual record indicating that the Voting Rights Act, or any other law, is violated by Brown's interpretation of the statute, and Cross-Respondents cannot invent one now. Therefore, Cross-Respondents' arguments on this point ought to go nowhere.

Indeed, hypothetical arguments about the effect of Brown's interpretation, based on nonexistent facts and in reliance on factfinding engaged by the Western District of Wisconsin in a *wholly separate case based on wholly separate facts*, are not a basis upon which this Court can (or should) declare the "as near as practicable" requirement invalid. This Court's duty is to declare what the law is according to what it *says*, not in conjunction with speculation about how it could apply to facts that simply are not present.

As Brown has explained multiple times, and which Cross-Respondents largely disregard because they lack any effective response, McMenamin could have had multiple alternate sites in the same ward as the Clerk's Office and, in doing so, both complied with the requirements of Section 6.855 and solved any potential problem of delays or long lines caused by having a single site. Such an interpretation is far from "self-defeating," "impossible," or a return to the "one location rule,"

and instead gives full effect to the statute. *See, e.g.,* BLOC Br. 21; McMenamin Br. 30; WEC Br. 56.[5]

Again, McMenamin has not provided any explanation—at any point in this litigation—for why she chose not to comply with the statutory requirements, or any factual basis for why she thought she was free to ignore those requirements.[6] Wisconsin law requires that the phrase "as near as practicable" be given its plain meaning, and this Court should acknowledge that meaning by declaring that alternate sites must be located as close as "practicable" to the Clerk's Office.

b. Room 207 was an extension of the Clerk's Office.

Room 207 of City Hall was an extension of the Clerk's Office in violation of Wisconsin law, and WEC and McMenamin do not meaningfully argue otherwise. Indeed, WEC and McMenamin's attempts to argue that Room 207 was not an extension of the Clerk's Office are unpersuasive in view of the plain language of the statute and the facts of this case.

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[5] BLOC renews its attempt to supplement the administrative record and make this case about something other than what was brought before WEC. *See* BLOC Br. 9-11. BLOC characterizes their new factual evidence as a mere "supplement to a statutory construction argument." *Id.* at 10. But Brown's citation to statutory and legislative history is not the same as BLOC's attempt to expand the record in this case beyond the conduct in Racine.

[6] WARA additionally argues that the restrictions in Section 6.855(1) apply only to the designations made by the city council, and not the clerk. WARA Br. 19-20. But Brown's complaint was properly brought against McMenamin under Section 5.06(1) because it was McMenamin's "decision or action" "with respect to any matter concerning … election administration or conduct of elections" which is alleged here to be "contrary to law." Wis. Stat. § 5.06(1).

As the facts of this case show, McMenamin permitted in-person absentee voting at both the Clerk's Office and alternate sites, and her decision to do so notwithstanding what the law requires is confirmed by the fact that she advertised the availability of in-person absentee voting *in the Clerk's Office*. Dkt. 56:17. WEC and McMenamin's attempt to characterize her explicit representation to voters that they could "request and vote an absentee ballot in the clerk's office" as a "notice defect" or "error[]" such that Room 207 of City Hall was not an extension of the Clerk's Office is nonsensical. Dkt. 56:17; McMenamin Br. 31-32; WEC Br. 58. It is undisputed that voting occurred in City Hall and that voters came to the Clerk's Office expecting to vote there. And it is no defense that the voting occurred in the office outside of the clerk's office, or the room next to the clerk's office, or the room upstairs from the clerk's office. McMenamin unlawfully circumvented the statutory requirement that voting occur at *either* the Clerk's Office or alternate sites, but not both. Wis. Stat. § 6.855(1).

McMenamin and WEC also argue that Brown cannot claim the entirety of City Hall constitutes the Clerk's Office. McMenamin Br. 33. WEC Br. 57. But here, City Hall cannot be used as an alternate site, regardless of whether WEC thinks doing so is a good use of municipal facilities, because such an interpretation would render Section 6.855's prohibition on simultaneous use of the Clerk's Office and alternate sites for in-person absentee voting meaningless. Given the statutory prohibition on making both the Clerk's Office and alternate sites available for in-person absentee voting, McMenamin's decision to end-run the statute should be rejected.

c. Making alternate sites available for single, two-and-a-half to three-hour periods of time violates the statute.

McMenamin's operation of alternate sites for single, two-and-a-half to three-hour voting windows violated Wisconsin law. As Brown previously argued, Section 6.855 requires that alternate sites, when used, must be made available for regular voting hours throughout the election period, and McMenamin's use of alternate sites for singular, two-and-a-half or three-hour voting windows is unlawful. Brown Resp. Br. 75-78. WEC and McMenamin do not effectively claim otherwise, largely resorting instead to strawman arguments that mischaracterize Brown's position.

For example, McMenamin claims that Brown's interpretation is absurd because it would require clerks to regularly staff and operate designated sites *before* the early voting window opens, as well as require clerks to violate Wisconsin law by permitting in-person absentee voting at those sites on the Monday before the election, Election Day, and the day after the election. McMenamin Br. 33-35. But the section of 6.855(1) McMenamin emphasizes merely requires that the sites be designated by a particular deadline, not that they be operated by that time, and Brown does not advocate any interpretation that would require clerks to violate the law.

WEC relatedly claims that requiring "alternate sites [to] remain continuously in operation, full time, until the day after the election" violates statutory interpretation principles, and argues that Brown's interpretation requiring "regular voting hours" does not make sense because there are no standard voting hours, and because such an interpretation would result in "problematic applications and issues"

related to clerk "staffing, resources, time, or capability." WEC Br. 59-60. But Brown's interpretation does not produce any of these results.

Requiring that alternate sites "remain in effect" throughout the election period does *not mean* that early voting should be available during periods of time not allowed under the law, or that "alternate sites [must] remain continuously in operation, full time, until the day after the election." WEC Br. 59. Instead, it means that if a clerk decides to make alternate sites available during the early voting period, she must offer that voting for regular hours throughout that period.

Brown acknowledges that alternate sites do not need to be available 24/7. But the converse is also true. What if a clerk decides to make an alternate site available for in-person absentee voting on a single day for fifteen minutes? Five minutes? Thirty seconds? Surely, such a limited window of voting time does not constitute regular voting hours and is *also* easily deemed absurd.

Therefore, while it is true that Wisconsin's election laws do not establish "standard" or "regular" voting hours, viewing McMenamin's use of alternate sites in the context of this continuum (i.e., somewhere between 30 seconds and 24/7 availability) illustrates that, wherever the line is, the limited availability McMenamin offered at each site is so far down the continuum that it does not satisfy the statutory requirement for regular voting hours.

Brown's position—that when clerks use alternate sites, they must make them operable for "regular voting hours" during the election period—is logical, complies with the statute, alerts voters to which locations they can depend upon for voting during the early voting period,

and still affords reasonable discretion to clerks when it comes to establishing hours.

CONCLUSION

For the foregoing reasons, this Court should find that Brown has standing and overturn the decisions of WEC and the Circuit Court on the three issues raised in his cross-appeal.

Dated: August 2, 2024.

Respectfully submitted,

WISCONSIN INSTITUTE FOR
LAW & LIBERTY, INC.

Electronically signed by Lucas T. Vebber

Richard M. Esenberg (WI Bar No. 1005622)
Lucas T. Vebber (WI Bar No. 1067543)
Nathalie E. Burmeister (WI Bar No. 1126820)
330 East Kilbourn Avenue, Suite 725
Milwaukee, WI 53202
Telephone: (414) 727-9455
Facsimile: (414) 727-6385
Rick@will-law.org
Lucas@will-law.org
Nathalie@will-law.org

Attorneys for Kenneth Brown

CERTIFICATION

I hereby certify that this brief conforms to the rules contained in s. 809.19 (8) (b), (bm), and (c) for a brief, as modified by this Court's order dated May 3, 2024. The length of this brief is 4,391 words.

Dated: August 2, 2024.

Electronically signed by Lucas T. Vebber
LUCAS T. VEBBER