

No. 2024AP1643-OA

FILED
08-26-2024
CLERK OF WISCONSIN
SUPREME COURT

In the Supreme Court of Wisconsin

DAVID STRANGE, INDIVIDUALLY AND AS DEPUTY
OPERATIONS DIRECTOR - WISCONSIN FOR THE DEMOCRATIC
NATIONAL COMMITTEE,
PETITIONER,

v.

WISCONSIN ELECTIONS COMMISSION, MEAGAN WOLFE, IN
HER CAPACITY AS ADMINISTRATOR OF
WISCONSIN ELECTIONS COMMISSION, DON MILLIS, IN HIS
CAPACITY AS COMMISSIONER OF WISCONSIN ELECTIONS
COMMISSION, ROBERT SPINDELL, JR., IN HIS OFFICIAL
CAPACITY AS COMMISSIONER OF WISCONSIN ELECTIONS
COMMISSION, MARGE BOSTELMANN, IN HER CAPACITY AS
COMMISSIONER OF WISCONSIN ELECTIONS COMMISSION,
ANN JACOBS, IN HER CAPACITY AS COMMISSIONER
OF WISCONSIN ELECTIONS COMMISSION, MARK THOMSEN, IN
HIS CAPACITY AS COMMISSIONER OF WISCONSIN ELECTIONS
COMMISSION AND CARRIE RIEPL, IN HER CAPACITY AS
COMMISSIONER OF WISCONSIN ELECTIONS COMMISSION, AND
WISCONSIN GREEN PARTY
RESPONDENTS.

**MOTION OF RITA MANIOTIS AND TRAVIS KOBS
TO INTERVENE**

WISCONSIN INSTITUTE FOR LAW &
LIBERTY, INC.

RICHARD M. ESENBERG
LUCAS T. VEBBER
NATHALIE E. BURMEISTER
SKYLAR CROY

330 E. Kilbourn Ave., Ste. 725
Milwaukee, WI 53202
Phone: (414) 727-9455
Facsimile: (414) 727-6385

Rita Maniotis and Travis Kobs hereby move pursuant to Wis. Stat. § 803.09, to intervene as Respondents, should this Court grant the Petition in the above-captioned case.¹

Should this Court grant the Petition in the above-captioned case, Movants seek intervention as of right under Wis. Stat § 803.09(1) or, in the alternative, respectfully request permission to intervene under Wis. Stat § 803.09(2). The grounds for this motion, as more fully set forth in the memorandum in support of this motion and declarations of the movants, which are being filed simultaneously with this motion, are as follows:

1. On August 19, 2024, Petitioner filed a Petition to this Court to take jurisdiction of an original action seeking to limit the ability of certain political parties to place candidates for President and Vice President on ballots in Wisconsin.

¹ At 4:32 p.m. on August 25, 2024, undersigned counsel, Skylar Croy, emailed all attorneys of record in this action, notifying them of Maniotis and Kobs's intent to intervene. Given the tight deadlines, counsel asked that if any party opposed this motion, he be notified by 10 p.m. As of the filing of this motion, the Green Party and the Republican Party of Wisconsin instructed that they do not oppose the motion. Counsel for David Strange stated he was "not in a position to evaluate our position on your motion." Counsel for WEC did not respond.

2. On August 22, 2024, the Court ordered a response to the Petition for an Original Action, and any motions for leave to file nonparty briefs in support or opposition thereto, to be filed by 5:00pm on August 23, 2024.

3. Movants filed a motion seeking leave to file a nonparty brief on August 23, 2024, consistent with the Court's order.

4. On August 23, 2024, the Republican Party of Wisconsin (RPW) also sought leave to file a nonparty brief and moved to intervene.

5. On August 23, 2024, the Court ordered the parties in this matter to file a combined memorandum of law responding to RPW's motion to intervene and to an argument which they made regarding the constitutionality of Wis. Stat. § 8.18.

6. Movants are two Wisconsin electors.

7. Movant Rita Maniotis is a member of the Wisconsin Green Party.

8. Movant Travis Kobs identifies as a libertarian who has supported candidates from various political parties.

9. Movants want to ensure that all political parties have an opportunity for ballot access, and are concerned that the Petition, if ultimately successful, will prohibit such parties from doing so.

10. As more fully explained in the memorandum in support of this motion and the declarations of the Movants filed herewith, should this Court grant the Petition in this case, Movants seek to intervene as of right pursuant to Wis. Stat. § 803.09(1) because all Movants have interests in the subject of this action, disposition of this action as a practical matter may impede or impair their ability to protect those interests, and the current Respondents do not adequately represent their interests.

11. Alternatively, all Movants seek permission of this Court to intervene under Wis. Stat. § 803.09(2) because they share defenses with Respondents and granting their motion to intervene would neither unduly delay proceedings nor prejudice the original parties.

12. Pursuant to the Court's August 23, 2024, Order, Movants filed simultaneously with this motion a combined memorandum of law in response to RPW's motion to intervene and in response to RPW's argument on the constitutionality of Wis. Stat. § 8.18.

For these reasons, and as more fully explained in the memorandum in support of this motion and the declarations of all Movants filed herewith, should this Court grant the Petition in this case, Movants respectfully request that this Court grant their motion to

intervene as of right, or in the alternative, grant them permission to intervene in this action.

Dated: August 26, 2024.

Respectfully submitted,

WISCONSIN INSTITUTE FOR
LAW & LIBERTY, INC.

/s/ Electronically signed by Skylar Croy

Richard M. Esenberg (WI Bar No. 1005622)

Lucas T. Vebber (WI Bar No. 1067543)

Nathalie E. Burmeister (WI Bar No.
1126820)

Skylar Croy (WI Bar No. 1117831)

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

Skylar@will-law.org

Attorneys for Rita Maniotis & Travis Kobs