

STATE OF WISCONSIN

CIRCUIT COURT
BRANCH _____

JUL 14 2015 DANE COUNTY

DANE COUNTY CIRCUIT COURT

DOUG LA FOLLETTE,
Secretary of State of the State of
Wisconsin,
30 W. Mifflin St., Suite 1000
Madison, WI 53703

ROBERT F. NAGEL
615 W. Main St.
Madison, WI 53703,

MAUREEN A. PLUNKETT
5749 Bittersweet Place
Madison, WI 53705,

PETER N. ANDERSON
5749 Bittersweet Place
Madison, WI 53705, and

DAVID A. PETERSEN,
4401 W. Coldspring Road
Greenfield, WI 53220,

SUMMONS **15CV1822**
Case No. _____
Case Code: Declaratory
Judgment 30701

Plaintiffs,

- vs -

SCOTT WALKER, Governor of the State
of Wisconsin,
115 East Capitol
Madison, WI 53702, and

SCOTT NEITZEL, Secretary of the
Wisconsin Department of
Administration,
101 E. Wilson St., 10th Floor
Madison, WI 53703,

Defendants.

THIS IS AN AUTHENTICATED COPY OF THE
ORIGINAL DOCUMENT FILED WITH THE DANE
COUNTY CLERK OF CIRCUIT COURT.

CARLO ESQUEDA
CLERK OF CIRCUIT COURT

You are hereby notified that the Plaintiff named above has
filed a lawsuit or other legal action against you. The
Complaint, which is attached, states the nature and basis of the
legal action.

Within 45 days of receiving this Summons, you must respond with a written Answer, as that term is used in Chapter 802 of the Wisconsin Statutes, to the Complaint. The Court may reject or disregard an Answer that does not follow the requirements of the statutes. The Answer must be sent or delivered to the Court, whose address is Dane County Clerk of Court, 215 S. Hamilton Street, Madison, WI 53703, and to Roger Sage, Plaintiff's attorney, whose address is 30 W. Mifflin Street, Suite 1001, Madison, WI 53703. You may have an attorney help or represent you. If you require the assistance of auxiliary aids or services because of a disability, call (608) 266-4678 (TDD 266-9138) and ask for the court ADA coordinator.

If you do not provide a proper Answer within 45 days, the Court may grant Judgment against you for the award of money or other legal action requested in the Complaint, and you may lose your right to object to anything that is or may be incorrect in the Complaint. A Judgment may be enforced as provided by law. A Judgment awarding money may become a lien against any real estate you own now or in the future, and may also be enforced by garnishment or seizure of property.

Dated: July 14, 2015



Roger Sage
Plaintiffs' attorney

Attorney Roger Sage
30 W. Mifflin Street, Suite 1001
Madison, WI 53703
(608) 258-8855
State Bar # 01009033

STATE OF WISCONSIN

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FILED

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COMPLAINT

15CV1822

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The plaintiffs, by attorney Roger Sage allege:

PARTIES

1. Plaintiff Doug La Follette is a resident and citizen of the City of Madison and the State of Wisconsin. He is also the Secretary of State of the State of Wisconsin, an officer of the executive branch of state government under the Wisconsin Constitution with an office currently located at 30 W. Mifflin St., Madison, Wisconsin 53703.

2. Plaintiff Robert F. Nagel is a resident and citizen of the City of Madison and the State of Wisconsin and is a registered voter in Wisconsin who has an interest in the Secretary of State keeping records, books, papers and other articles and effects belonging to the state open and accessible to the public. Plaintiff Robert F. Nagel's address is 615 W. Main St., Madison, Wisconsin 53703.

3. Plaintiff Maureen A. Plunkett is a resident and citizen of the City of Madison and the State of Wisconsin and is a registered voter in Wisconsin who has an interest in the Secretary of State keeping records, books, papers and other articles and effects belonging to the state open and accessible to the public. Plaintiff Maureen A. Plunkett's address is 5749 Bittersweet Place, Madison, Wisconsin 53705.

4. Plaintiff Peter N. Anderson is a resident and citizen of the City of Madison and the State of Wisconsin and is a registered voter in Wisconsin who has an interest in the Secretary of State keeping records, books, papers and other articles and effects belonging to the state open and accessible to the public. Plaintiff Peter N. Anderson's address is 5749 Bittersweet Place, Madison, Wisconsin 53705.

5. Plaintiff David A. Pettersen is a resident and citizen of the city of Greenfield and the State of Wisconsin and is a registered voter in Wisconsin who has an interest in the

Secretary of State keeping records, books, papers and other articles and effects belonging to the state open and accessible to the public. Plaintiff David A. Pettersen's address is 4401 W. Coldspring Rd., Greenfield, Wisconsin 53220.

6. Defendant Scott Walker is the Governor of the State of Wisconsin whose powers and duties include transacting business with government officers and execution of laws. Defendant Scott Walker signed 2015 Wisconsin Act 55 on July 12, 2015. Defendant Scott Walker is sued in his official capacity. The office address of Governor Scott Walker is Office of Governor Scott Walker, 115 East Capitol, Madison, Wisconsin 53702.

7. Defendant Scott Neitzel is the Secretary of the Wisconsin Department of Administration, an administrative agency of state government that performs certain administrative and financial functions, including payroll and other financial disbursements and location services to the office of the Secretary of State. Defendant Scott Neitzel is sued in his official capacity. The office address of Secretary Scott Neitzel is Department of Administration, 101 E. Wilson Street, 10th Floor, Madison, Wisconsin 53703.

CLAIM FOR DECLARATORY AND INJUNCTIVE RELIEF

8. Article V, § 2 of the Wisconsin Constitution vests the Wisconsin Secretary of State with the duty and responsibility to "keep a fair record of the official acts of the legislative and executive department of the state."

9. The constitutional duties of the Secretary of State to keep all records of the official acts of the legislative and executive branches of state government are core constitutional powers into which other branches of government may not intrude.

10. Wis. Stat. § 14.38, among other things, vests the Wisconsin Secretary of State with the duty and responsibility to keep records of the official acts of the executive department

and governor, countersign and keep of records of all commissions issued and other official acts done by the governor, have the custody of all books records, papers and other articles and effects belonging to the state and keeping and preserving the same, and keeping all enrolled laws and resolutions.

11. The Secretary of State is invested with the sole and exclusive, oversight, prerogative and discretion to keep, maintain and compile the official records of the legislative and executive branches of Wisconsin government and all records, papers and other articles and effects belonging to the state.

12. The constitutional and statutory mandate of the office of the Secretary of State requires that the office of the Secretary of State be adequately funded and have sufficient staff and physical space to faithfully perform the duties required of the office.

13. All records kept by the Secretary of State are public records subject to the Wisconsin open records and open hours laws which require that the Secretary of State keep the records open and accessible to the public during business hours.

14. 2015 Wisconsin Act 55 became effective on July 14, 2015. Among other things, 2015 Wisconsin Act 55 makes statutory changes resulting in the Secretary of State having only one staff person, relocating the office to the basement of the State Capitol Building resulting in total office space of approximately 900 square feet, reducing funding for the Secretary of State for staff, supplies and services, and transferring technology record keeping assets and functions of the Secretary of State to the Department of Administration.

15. Under the separation of powers doctrine, 2015 Wisconsin Act 55 interferes with and infringes upon the sole and exclusive oversight, prerogative and discretion of the Secretary of State under the constitution and state law to have custody

over and keep and maintain the official records of the legislative and executive branches of government and other articles and effects belonging to the state and keeping and preserving the same, and causes the Secretary of State to be in violation of the constitution and state law in at least the following respects:

a. Wis. Stat. § 230.35(4)(f) requires that the office of the Secretary of State be open to the public during regular business hours Monday to Friday from 7:45 a.m. to 4:30 p.m. The law leaves only one employee making it practically impossible for the Secretary of State to remain open and the public records required by law to be accessible to the public during regular business hours, or to timely process requests and perform other business functions.

b. Wis. Stats. §§ 19.31-19.37 require that records and papers kept by the Secretary of State be made available for public access. The law relocates the office of the Secretary of State to the basement of the State Capitol Building, resulting in total office space for the Secretary of State of approximately 900 square feet, which is impractical for public access and makes it practically impossible for the Secretary of State to keep public records required by law to be kept by the Secretary of State accessible to the Secretary of State staff and the public, or to process records requests during regular business hours.

c. The law reduces funding for the Secretary of State by approximately 47% making it practically impossible for the Secretary of State to remain open and make the public records required by law to be kept accessible to the public during regular business hours, provide necessary service to the public, timely process records requests including approximately 15,000 apostilles yearly and perform other business functions.

d. The law interferes with and infringes upon the constitutional and statutory duties of the Secretary of State by delegating and transferring record keeping information technology assets and functions required to access records to the Department of Administration.

16. 2015 Wisconsin Act 55 is unconstitutional to the extent that the provisions intrude upon, usurp, delegate, interfere with or infringe upon the duty and responsibility of the Secretary of State to keep, control and manage the records of the official acts of the legislative and executive branches under Article V, § 2 of the Wisconsin Constitution.

17. The plaintiffs and the citizens of the State of Wisconsin have rights which have been affected and damaged and will continue to be damaged or harmed as a result of the above described intrusion, delegation, usurpation, interference and infringement upon the duties and responsibilities of the Secretary of State.

18. The Secretary of State faithfully keeping the official acts of the legislative and executive branches of government and keeping records, books, papers and other articles and effects belonging to the state open and accessible to the public is an issue of great public concern.

WHEREFORE, plaintiffs demand judgment as follows:

a. For declaratory judgment that provisions of 2015 Wisconsin Act 55 infringe upon and interfere with separation of powers and the constitutional and state law duties of the Secretary of State.

b. For declaratory judgment that 2015 Wisconsin Act 55 is unconstitutional to the extent that the provisions delegate, intrude upon or usurp the constitutional duties of the Secretary of State.

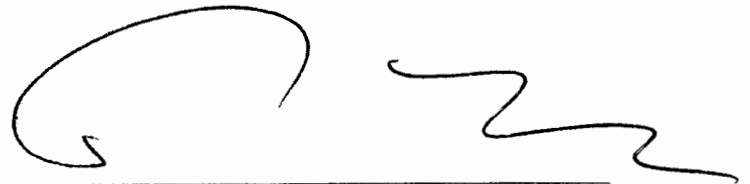
c. For injunctive, supplemental and equitable relief voiding and enjoining enforcement of provisions of 2015 Wisconsin Act 55 that delegate, usurp, intrude or infringe upon or interfere with the constitutional and state law duties of the Secretary of State.

d. For injunctive, supplemental, and equitable relief ordering the defendants to restore to the office of Secretary of State the staff positions prior to enactment of 2015 Wisconsin Act 55 including the power to appoint an assistant Secretary of State, restore adequate funding for the office of the Secretary of State, prevent the relocation of the office of the Secretary of State to an area which impedes or interferes with the duties of the Secretary of State to keep public records accessible to the Secretary of State staff and the public during regular business hours, and prevent the transfer of record keeping information technology assets and functions from the Secretary of State to the Department of Administration.

e. For costs and damages allowable under declaratory relief, including retroactive damages, incurred by the plaintiffs.

f. For statutory costs and disbursements, and for such other and further relief as the Court may deem just and equitable.

Dated: July 14, 2015.



Roger Sage
Plaintiffs' attorney

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