

FILED
09-17-2025
CIRCUIT COURT
DANE COUNTY, WI
2025CV003082
Honorable David Conway
Branch 17

STATE OF WISCONSIN CIRCUIT COURT DANE COUNTY

PRECIOUS T. AYODABO,

[REDACTED]

Case No. _____

CARY ELIZABETH BLOODWORTH,

[REDACTED]

Case Code:

Money Judgment 30301

BENJAMIN BROWN JONES,

[REDACTED]

SARA BROWNE,

[REDACTED]

JENNA EHAB INNAB,

[REDACTED]

AMIRA SOPHIE EDES PIEROTTI,

[REDACTED]

MIRIAM YUI-LAM SHAM,

[REDACTED]

JOHANNES REIMER WOLTER,

[REDACTED]

individually, and on behalf of a class of
similarly situated individuals,

Plaintiffs,

v.

CITY OF MADISON,
210 Martin Luther King Jr. Blvd.
Madison, WI 53703,

CITY OF MADISON CLERK,
210 Martin Luther King Jr. Blvd.
Room 105
Madison, WI 53703,

MARIBETH WITZEL-BEHL,
c/o City of Madison
210 Martin Luther King Jr. Blvd.
Madison, WI 53703,

JIM VERBICK,
c/o City of Madison
210 Martin Luther King Jr. Blvd.
Madison, WI 53703,

ABC DEFENDANTS,

Defendants.

SUMMONS

THE STATE OF WISCONSIN

To each person named above as a Defendant:

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 Clerk of Circuit Court, Dane County Circuit Court, 215 S. Hamilton Street, Madison, WI 53703; to Law Forward Inc., 222 West Washington Avenue, Suite 680, Madison, WI 53703; and to Holwell Shuster & Goldberg LLP, 425 Lexington Avenue, 14th Floor, New York, NY 10017. You may have an attorney help you or represent you.

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: September 17, 2025

By: *Electronically signed by Jeffrey A. Mandell*

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ABC DEFENDANTS,

Defendants.

COMPLAINT

1. Precious Ayodabo, Cary Elizabeth Bloodworth, Benjamin Brown Jones, Sara Browne, Jenna Ehab Innab, Amira Sophie Edes Pierotti, Miriam Yui-Lam Sham, and Johannes Reimer Wolter (collectively, Plaintiffs), individually and on behalf of all others similarly situated, bring this class-action complaint against the Defendants named herein and allege as follows:

NATURE OF THE ACTION

2. The right to vote is fundamental in the State of Wisconsin and “may not under our Constitution and laws be destroyed or even unreasonably restricted.” *State v. Cir. Ct. for Marathon Cnty.*, 178 Wis. 468, 190 N.W. 563, 565 (1922).

3. Wisconsin voters may exercise their right to vote by voting on election day or by voting absentee.

4. No matter how the franchise is exercised, the Wisconsin Constitution’s guarantee remains constant: the right to vote is “a sacred right of the highest character.” *League of Women Voters of Wis. Educ. Network, Inc. v. Walker*, 2014 WI 97, ¶72, 357 Wis. 2d 360, 851 N.W.2d 302 (Abrahamson, C.J., dissenting) (citing *State v. Phelps*, 144 Wis. 1, 128 N.W. 1041, 1046 (1910)).

5. In the November 2024 general election, over 1.5 million Wisconsinites exercised that “sacred right” by casting absentee ballots.

6. Each named Plaintiff, like all other members of the putative class of 193 absentee voters, timely and properly completed and returned their absentee ballots to the City of Madison Clerk’s office.

7. Nevertheless, despite the hallowed protections in our state constitution, Defendants irrevocably deprived each Plaintiff, and every member of the putative class, of their right to vote in the November 2024 general election.

8. Each Defendant was required by law to ensure all of Plaintiffs’ votes, and all votes by members of the putative class, were counted.

9. And after election day but before the certification of the statewide canvass, each Defendant was required by law to ensure the votes from each Plaintiff's unprocessed ballot, and those from the ballots of all members of the putative class, were counted.

10. But Defendants failed to do either, and, as a result, each Plaintiff, and every member of the putative class, was disenfranchised.

11. "Every voter's vote is entitled to be counted once. It must be correctly counted and reported." *Gray v. Sanders*, 372 U.S. 368, 380 (1963).

PARTIES
Plaintiffs

12. Plaintiff Precious T. Ayodabo (Ayodabo), named in her individual capacity and as a proposed class representative, is an adult resident of Wisconsin who resides at [REDACTED]. Ayodabo was a qualified voter, registered to vote in City Ward 56 at the time of the November 2024 General Election in Wisconsin (the Election).

13. Plaintiff Cary Elizabeth Bloodworth (Bloodworth), named in her individual capacity and as a proposed class representative, is an adult resident of Wisconsin who resides at [REDACTED]. Bloodworth was a qualified voter, registered to vote in City Ward 65 at the time of the Election.

14. Plaintiff Benjamin Brown Jones (Brown Jones), named in his individual capacity and as a proposed class representative, is an adult resident of Wisconsin who resides at [REDACTED]. Brown Jones was a qualified voter, registered to vote in City Ward 65 at the time of the Election.

15. Plaintiff Sara Browne (Browne), named in her individual capacity and as a proposed class representative, is an adult resident of Minnesota who resides at [REDACTED]. Browne was a qualified voter, registered to vote in City Ward 56 at the time of the Election.

16. Plaintiff Jenna Ehab Innab (Innab), named in her individual capacity and as a proposed class representative, is an adult resident of Wisconsin who resides at [REDACTED]. Innab was a qualified voter, registered to vote in City Ward 56 at the time of the Election.

17. Plaintiff Amira Sophie Edes Pierotti (Pierotti), named in their individual capacity and as a proposed class representative, is an adult registered to vote in Wisconsin who resides at [REDACTED]. Pierotti was a qualified voter, registered to vote in City Ward 65 at the time of the Election.

18. Plaintiff Miriam Yui-Lam Sham (Sham), named in her individual capacity and as a proposed class representative, is an adult resident of Wisconsin who resides at [REDACTED]. Sham was a qualified voter, registered to vote in City Ward 56 at the time of the Election.

19. Plaintiff Johannes Reimer Wolter (Wolter), named in his individual capacity and as a proposed class representative, is an adult registered to vote in Wisconsin who currently resides at [REDACTED]. Wolter was a qualified voter, registered to vote in City Ward 65 at the time of the Election.

The City of Madison Defendants

20. Defendant City of Madison (the “City”) is a municipal corporation organized under the laws of the State of Wisconsin.

21. The City’s administrative offices are located at 210 Martin Luther King Jr. Blvd., Madison, WI 53703.

22. At all relevant times, the City established, operated, and maintained the City of Madison Municipal Clerk’s office (Madison Clerk’s Office or MCO).

23. The City is ultimately responsible for the training, supervising, and discipline of MCO employees and the creation and implementation of MCO policies and procedures.

24. The City had ultimate control and authority over the MCO and the City of Madison Defendants, and pursuant to Wis. Stat. § 895.46 is obligated to indemnify the below-named City of Madison Defendants in this action.

25. Defendant City of Madison Clerk (CMC) refers to the “municipal clerk” as defined by Wis. Stat. § 5.02(10)—the chief officer of the MCO and the municipal clerk’s office, as that term is used in Wisconsin’s election laws.

26. By law, custom (de facto or otherwise), and/or delegation, the CMC has policymaking authority over the MCO for all actions at issue in this case. The CMC is responsible for ensuring that the policies and practices of the MCO comply with the legal obligations for the treatment of voters, like Plaintiffs and all members of the putative class.

27. The CMC directs and oversees elections in the City of Madison. This includes election processes, including preparation, registration, voting (absentee, in-

person, and otherwise), processing of ballots, counting of ballots, canvassing, reporting of results, and post-election audits and other checks.

28. The CMC's office is located at 210 Martin Luther King Jr. Blvd., Room 105, Madison, WI 53703. The CMC is sued in their official capacity for all claims arising out of Plaintiffs' and the putative class's disenfranchisement.

29. Defendant Maribeth Witzel-Behl (Witzel-Behl) is an adult resident of the state of Wisconsin.

30. Witzel-Behl was, at all times material hereto, the CMC. By law, custom (de facto or otherwise), and/or delegation, Witzel-Behl had authority over the MCO for all actions at issue in this case.

31. During the relevant period, Witzel-Behl was responsible for ensuring that the policies and practices of the MCO comply with all legal obligations for the treatment of voters, like Plaintiffs and all members of the putative class.

32. During the relevant period, Witzel-Behl was acting under color of law and within the scope of her employment with the MCO and/or the City.

33. Defendant Jim Verbick (Verbick) is an adult resident of the state of Wisconsin.

34. Verbick was, during the relevant period, the CMC's deputy clerk. By law, custom (de-facto or otherwise), and/or delegation, Verbick had policymaking authority over the MCO for all actions at issue in this case.

35. During the relevant period, Verbick was responsible for ensuring that the policies and practices of the MCO comply with the legal obligations for the treatment of voters, like Plaintiffs and all members of the putative class.

36. During the relevant period, Verbick was acting under color of law and within the scope of his employment with the MCO and/or the City.

37. ABC Defendants is a fictitious placeholder name referring to those employees and/or agents of the MCO or the City whose actions/inactions were in any way a cause of the disenfranchisement at issue in this case. ABC Defendants are so named pursuant to Wis. Stat. § 807.12.

38. During the relevant period, ABC Defendants were acting within the scope of their employment with the MCO or the City or were otherwise acting within the scope of their authority, as delegated by the CMC, the MCO, or the City.

39. Together, the City, the CMC, Witzel-Behl, Verbick, and ABC Defendants are referred to as “the City Defendants.”

JURISDICTION AND VENUE

40. This Court has jurisdiction over the subject matter of this dispute pursuant to Article VII, § 8 of the Wisconsin Constitution and Wis. Stat. § 753.03, which provide for subject matter jurisdiction over all civil matters within this State.

41. This Court has personal jurisdiction over Defendants pursuant to Wis. Stat. §§ 801.05(1)(a), (b), and (d), because they all reside within the State.

42. Venue is proper in this Court because Dane County is where the claim primarily arose per Wis. Stat. § 801.50(2)(a), and because each Defendant resides in and/or does substantial business in Dane County per Wis. Stat. § 801.50(2)(c).

FACTUAL ALLEGATIONS
Plaintiffs Cast Absentee Ballots

43. Plaintiffs, like all members of the putative class, were duly qualified and registered voters for the Election.

44. Each named Plaintiff, like every member of the putative class, was qualified to vote in the City of Madison for the Election.

45. Each named Plaintiff, like all members of the putative class, cast their votes via absentee ballot in the Election.

46. Each named Plaintiff, like all members of the putative class, properly filled out their absentee ballots and absentee ballot envelopes for the Election.

47. Each named Plaintiff, like all members of the putative class, properly returned their absentee ballot for the Election.

48. The City Defendants were in possession of each Plaintiff's absentee ballot, and the absentee ballots of all members of the putative class, prior to November 5, 2024—the day of the Election.

49. Because each Plaintiff's absentee ballot, like all absentee ballots of the members of the putative class, was properly executed and returned to the CMC in accordance with the law, the City Defendants were required to count their votes.

50. Because each Plaintiff's absentee ballot, like all absentee ballots of the members of the putative class, was properly executed and returned to the CMC in accordance with Wisconsin law, the City Defendants were required to ensure their votes were counted.

51. The City Defendants had no discretion to reject the absentee ballot of any Plaintiff or member of the putative class.

52. Yet, through no fault of their own, no Plaintiff or member of the putative class had their votes counted in the official tally for the Election.

The City Defendants Disenfranchise Plaintiffs & the Putative Class

53. Before the day of the Election, the City Defendants secured the absentee ballot of each Plaintiff, and all absentee ballots of the members of the putative class, within secure carrier envelopes that were affixed with tamper-evident seals; those secure carrier envelopes were then secured within absentee ballot bags, themselves affixed with tamper-evident seals.

54. On the day of the Election, to count each Plaintiff's vote and the votes of the putative class, the City Defendants needed to unseal the absentee ballot bags, open the secure carrier envelopes, and count the votes.

55. But on the day of the Election, the City Defendants did not unseal the bags that contained the absentee ballots from each Plaintiff and member of the putative class.

56. As a result, on the day of the Election, the City Defendants failed to count the votes of any Plaintiff or member of the putative class.

57. But there was still time for each Plaintiff's votes, and the votes of all members of the putative class, to be counted.

58. In a Wisconsin election for which voters in more than one county participate (such as the Election), the final, formal tally of the votes is known as the “certified state canvass.”

59. Under Wis. Stat. § 7.70(3), the certified state canvass is completed by “the first day of December following a general election.”

60. For the Election, the certified state canvass was completed on November 29, 2024.

61. The Chairperson of the Wisconsin Elections Commission (WEC) could have reopened the certified state canvass to address errors through at least December 1, 2024.

62. Between the day of the Election and the last day to complete the certified state canvass, the City Defendants had a window of opportunity to take steps to ensure that each of Plaintiffs’ and the putative class members’ votes would be counted.

63. The City Defendants were given the opportunity to do so because the City knew there were absentee ballots with uncounted votes from Wards 56 and 65 before the certified state canvass was completed.

64. An agent or employee of Defendant Madison and/or Defendant CMC discovered the bag containing ballots from Ward 65—including the ballots of Plaintiffs Bloodworth, Brown Jones, Pierotti, and Wolter, as well as many members of the putative class—on November 12, 2024.

65. By November 13, 2024, the City Defendants were aware that the unprocessed ballots from Ward 65 had been found.

66. That same day, Witzel-Behl went on vacation.

67. Before she left for, and while on, vacation, Witzel-Behl gave no instructions to anyone about what to do to make sure that the votes from the unprocessed Ward 65 ballots were counted.

68. Before she left for, and while on, vacation, Witzel-Behl took no steps to ensure that the votes from the unprocessed Ward 65 ballots were counted.

69. While Witzel-Behl was on vacation, Verbick acted in the capacity of the CMC and assumed the responsibilities of the CMC concurrently with Witzel-Behl.

70. While Witzel-Behl was on vacation, Verbick took no steps to ensure that the votes from the unprocessed Ward 65 ballots were counted.

71. While Witzel-Behl was on vacation, Verbick gave no instructions to anyone about what to do with the unprocessed Ward 65 ballots to make sure the votes they contained were counted.

72. When the state canvass was certified on November 29, 2024, the City Defendants had not taken steps to ensure that the votes from the unprocessed Ward 65 ballots would be counted.

73. As a result, the votes from Plaintiffs Bloodworth, Brown Jones, Pierotti, and Wolter, like those from all members of the putative class whose ballots were sorted for Ward 65, were not counted in the certified state canvass.

74. So, Plaintiffs Bloodworth, Brown Jones, Pierotti, and Wolter, like all members of the putative class whose ballots were sorted for Ward 65, were disenfranchised because: 1) the City Defendants failed to count their votes on the day of the Election, and 2) the City Defendants failed to take steps after the day of the Election to ensure their votes were counted in the certified state canvass.

75. On November 27, 2024, still two days before the state canvass, a MCO employee determined that there were a large number of unprocessed absentee ballots from Ward 56—including those of Plaintiffs Ayodabo, Browne, Innab, and Sham, as well as all members of the putative class whose ballots were sorted for Ward 56.

76. The MCO employee did not take action to investigate in advance of the November 29, 2024, state canvass.

77. Instead, the MCO employee waited until December 2, 2024, several days after the state canvass, before searching through the MCO facilities for unprocessed absentee ballots from Ward 56.

78. The MCO employee's search turned up a bag containing the unprocessed ballots from Ward 56 that same day.

79. So, Plaintiffs Ayodabo, Browne, Innab, and Sham, like all members of the putative class whose ballots were sorted for Ward 56, were disenfranchised because: 1) the City Defendants failed to count their votes on the day of the Election, and 2) the City Defendants failed to take steps after the day of the Election to ensure their votes were counted in the certified state canvass.

80. It was the City Defendants' ministerial (*i.e.*, non-discretionary) duty to count all votes cast by qualified, registered voters in the City of Madison for the Election.

The City Accepts Responsibility for Disenfranchisements

81. In late-December 2024, the City of Madison publicly announced that “a number of absentee ballots from the November 5, 2024 general election were not properly processed.” *Disclosure of Unprocessed Absentee Ballots*, available at <https://perma.cc/R82W-MUDU>; see also *Mayor Rhodes-Conway's Statement on Unprocessed Absentee Ballots*, available at <https://perma.cc/7RHN-SFH2>; *Memo to WEC 20241220* available at <https://perma.cc/Q9RW-RKXV>.

82. The ballots “not properly processed” were those lawfully submitted by the named Plaintiffs and other members of the putative class.

83. The week after this announcement, the City mailed a letter to each named Plaintiff and each remaining member of the putative class.

84. The letter acknowledged that each Plaintiff's votes, like the votes of all putative class members, should have been counted and that the failure to count the votes was the City's fault and/or the fault of the City Defendants.

85. The letter informed each recipient:

We are devastated to inform you that your absentee ballot was not counted at the polls on November 5. This was due to an error made by our office; your certificate envelope was complete, and your ballot should have been processed.

We deeply apologize that this happened. Although this would not have changed the results of any race or referendum on the ballot, we failed to ensure that every ballot was counted.

The City's Internal Investigation

86. The City undertook an internal investigation into the 193 unprocessed absentee ballots.

87. The report of the City's investigative findings confirmed that the City Defendants caused the disenfranchisement of each Plaintiff and all members of the putative class.

88. In April of 2025, the City released a 14-page document containing its findings from that internal investigation. See *City of Madison: Investigative Findings – Unprocessed Ballots*, available at <https://perma.cc/HZ9E-2ZRH>.

89. In the first paragraph of the report, the City admitted that “[t]he failure to count ballots at the polling place and to take action after the election led 193 valid absentee ballots to not be counted...”

90. The second section of the City's report, titled “FINDINGS” is further broken down by date.

91. These dated subsections contained the City's factual findings.

92. In the subsection dated “November 12-13, 2024,” the City reported.

- a. “[MCO] personnel emptied out the tabulator bins on Tuesday, November 12, 2025, [an] hourly employee ... discovered one sealed green courier bag in the Ward 65 tabulator bin. That bag was delivered to the [MCO] on Wednesday, November 13.”
- b. “The courier bag ... was ... opened in the [MCO] ... on November 13th. Inside was one Absentee Ballot Carrier envelope ... The envelope was found to contain 68 unprocessed absentee ballots ... [An employee of the MCO or agent of the CMC] stated that he sent a Microsoft Teams message to either Maribeth Witzel-Behl or Jim Verbick about the error ...”

- c. “[The same employee of the MCO or agent of the CMC] indicated he then re-sealed the bag ... in anticipation of a possible recount.”
 - d. “During this period [November 12–13, 2024,] there is no evidence of communication from Witzel-Behl to staff on how to manage this situation, including anything that indicates staff were directed to notify WEC or contact the Dane County Clerk.”
 - e. “Witzel-Behl sent 77 emails between November 12 and November 15. None of those communications included any mention of the issue.”
 - f. “These emails include direct exchanges with the Mayor’s Office and the Dane County Clerk, but the issue of uncounted ballots was not addressed.”
93. In the subsection dated “November 26-27,” the City reported:
- a. “[MCO] staff doing reconciliation noticed the discrepancy between WisVote and [the] tally from Ward 65. At this point [an employee or agent of CMC] provided direction to staff from Witzel-Behl to open the carrier envelope of the uncounted ballots and assign voter slip numbers to them, keep them sealed, and record them as having participated in the election.”
 - b. A contemporaneous “email read in part, ‘Also, Maribeth replied re: the Ward 65 debacle. She would like us to open the carrier envelope of unprocessed absentees. Because these are unique (in that they are properly and timely delivered but negligently processed), she wants us to assign voter slip numbers to them, keep them sealed, and record them as having participated absentee. We can then write the novella in the comments section of the reconciliation page as to why there are so many fewer ballots than participations *[sic]*.’”
 - c. Following the directions in the preceding paragraph—assigning the ballots voter slip numbers, keeping them sealed, and recording them as having participated absentee—would not result in the votes from those ballots being counted.
94. In the subsection titled “November 29,” the City reported:
- “Statewide Canvass is conducted by WEC Commission Chair Jacobs. WEC is not aware of the 193 uncounted ballots, therefore all ballots remain uncounted.”

95. In the subsection titled “December 2-4,” the City reported:
- a. “[MCO] personnel ... issued a voter number to each of the uncounted ballots [in Ward 56] and then recorded the voter as having participated in the election in WisVote like they had done for Ward 65. The hourly staff doing this were doing so based on [an] email ... relaying the direction of Clerk Witzel-Behl.”
 - b. During this time frame there is no additional evidence of Witzel-Behl being involved in the processing, or providing direction on these ballots.”

96. In the section of the report titled “Conclusions,” the City reported:

“While the mistake in getting the ballots counted on election night appears to have been primarily a process and training failure that could have been avoided, there were multiple opportunities for the ballots to have subsequently been counted after election day. The failure to do so was a dereliction of duties on the part of the City Clerk [Witzel-Behl].”

97. In the section of the report titled “Conclusions,” the City reported that Witzel-Behl failed to:

- a. Demonstrate attention, care, and efficiency in the performance of duties related to the uncounted ballots to mitigate an unprecedented failure of the election process.
- b. Prepare the MCO with procedures to identify and address significant issues in the administration of an election.
- c. Provide and maintain clear policy direction related to uncounted ballots and processes to allow every legal vote to count.
- d. Effectively hire, train, and manage employees who independently administer in-person absentee voting, including the management of ballots and equipment.
- e. Provide clear direction to MCO staff related to the processing of erroneously uncounted ballots.
- f. Inform WEC or the Dane County Clerk directly of the erroneously uncounted ballots.

- g. Communicate with the Mayor's Office and Office of the City Attorney related to the uncounted ballots.

98. In the section of the report titled "Conclusions," the City admitted that "processes utilized during ... the November 2024 election ... were inadequate to ensure absentee ballots that should be counted, would be counted."

WEC Finds that the City Caused the 193 Disenfranchisements

99. Pursuant to its authority under Wis. Stat. § 5.06(4), WEC undertook an investigation of the City Defendants and their role in disenfranchising each Plaintiff and member of the putative class (the WEC Investigation).

100. The City Defendants were represented by counsel throughout the WEC Investigation.

101. WEC provided the City Defendants with an opportunity to respond to any aspect of the WEC Investigation's proposed factual findings, legal analysis, and findings of law. The City Defendants expressly declined to do so.

102. On July 17, 2024, WEC formally adopted the WEC Investigation's proposed factual findings, legal analysis, and findings of law.

103. As part of its factual findings, WEC determined that:

- a. The City failed to sufficiently track absentee ballots.
- b. The 193 absentee ballots containing the uncounted votes of the Plaintiffs and the putative class were likely never delivered to the polling sites at their respective Wards on the day of the Election.
- c. The City had no procedure in place during the Election to track the number of absentee ballots going to a polling place—very basic information that would have alerted Chief Inspectors that they were missing returned absentee ballots.
- d. There was a complete lack of leadership in the MCO.

- e. It was the CMC's job to immediately take action once notified of the found ballots, and Witzel-Behl did nothing.
- f. In the CMC's absence, it was the responsibility of the Deputy Clerk to immediately take action once notified of the found ballots, and Verbick did nothing.

104. Ultimately, WEC determined the City's actions caused "nearly 200 lawful voters' votes going uncounted—an unconscionable result."

105. Moreover, WEC determined "[t]hese ballots were treated as unimportant and a reconciliation nuisance, rather than as the essential part of our democracy they represent."

106. WEC further determined that failures by the MCO and Witzel-Behl violated their legal obligations under Wis. Stat. §§ 6.79(2)(a), 6.88(1), 6.88(2), 6.88(3), 7.15(1), 7.51(5)(b), and 7.53.

107. WEC further determined that the City Defendants violated their legal obligations under Wis. Stat. § 7.53.

108. The City declined to contest these conclusions.

109. Thus, the validity of the decisions, actions, and failures to act by the City Defendants were tested by the WEC Investigation and resolved conclusively against the interests of the City Defendants.

Plaintiffs Followed Procedural Prerequisites

110. The City Defendants were served with signed, written, notices of the circumstances of the claims in this matter on March 5, 2025 (the Notices of Claim).

111. The Notices of Claim set forth the addresses of all claimants (all individual plaintiffs and all members of the putative class) and an itemized statement of relief sought on all claimants' behalf.

112. The City Defendants did not, in writing or otherwise, disallow these claims within 120 days following service of the Notices of Claim, but nor did they pay the claim; as a result, the noticed claims were disallowed in early July 2025.

CLASS ALLEGATIONS

113. Plaintiffs define the putative class (the Class) in this litigation as follows:

All persons who 1) were qualified voters in the City of Madison and whose votes cast via substantially compliant absentee ballots went uncounted in the November 2024 general election, *and* 2) were sent the letters of apology referenced in ¶¶83–85 of this complaint.

114. Plaintiffs bring this action on behalf of themselves and the Class of similarly situated others.

115. The Class members are so numerous that joinder of all members is impracticable.

116. Because Defendants acted in a generally consistent manner applicable to the Class, questions of law and fact common to the Class exist as to all members of the class and predominate over any questions affecting only individual members of the class. The common questions include, but are not limited to:

- a. Whether Class members' right to vote was deprived, in whole or in part, by the negligent and/or intentional acts of Defendants;
- b. Whether Defendants acted unlawfully and in violation of their duties by failing to count Class members' votes; and

- c. Whether Defendants acted unlawfully and in violation of their duties by failing to communicate the discovery of unprocessed ballots to State officials.

117. Plaintiffs' claims are typical of the Class members' claims. Defendants deprived each Class member of their constitutional right to vote, inflicting harm and suffering. Each Plaintiff's claims arise from the same practices and course of conduct and/or inaction that give rise to the other Class members' claims and are based on the same legal theories.

118. Plaintiffs will fairly and adequately protect the interests of the Class.

119. Plaintiffs have retained class counsel who are experienced and qualified in prosecuting such class action cases.

120. Plaintiffs are actively engaged in this litigation and will continue to be as this case is prosecuted.

121. Neither Plaintiffs nor Class counsel have any interests in conflict with those of the Class members.

122. Plaintiffs' claims are exemplary of the claims held by absent Class members.

123. A class action is superior to other available methods for fairly and efficiently adjudicating this controversy.

124. Class members' interests in individually controlling the prosecution or defense of separate actions are minimal or non-existent.

125. The expense and burden of individual litigation would make it impracticable, if not impossible, for Class members to individually address the wrongs done to them.

126. Even if every Class member could afford individual litigation, the court system could not. Class treatment, on the other hand, will permit the adjudication of claims of Class members who could not individually afford to litigate their claims against Defendants and will permit similarly situated persons to prosecute their common claims in a single forum simultaneously, efficiently, and without the duplication of effort and expense that individual actions would require.

127. No superior alternative exists for the fair and efficient adjudication of this controversy.

128. For the foregoing reasons, certification of the Class is appropriate under Wis. Stat. § 803.08(2)(c) because the questions of law or fact common to Class members predominate over any individualized questions, and a single action is superior to separate resolutions for each Class member and Defendant.

CLAIM FOR RELIEF
Deprivation of Class Members' Right to Vote

129. All preceding allegations are incorporated herein, by reference, as though set forth fully herein.

130. Each Plaintiff, like each Class member, was qualified to vote by absentee ballot.

131. Each Plaintiff, like each Class member, properly filled out and timely submitted their absentee ballot.

132. Those absentee ballots were received by the City Defendants on or before Election Day.

133. The City Defendants had possession of those absentee ballots on or before Election Day until December 2, 2024, if not longer.

134. The City Defendants failed to count Plaintiffs' votes despite their legal obligation to do so.

135. Although the City Defendants were responsible for counting the votes of Plaintiffs and all Class members, and they had opportunity after the Election to ensure these votes were included in the certified state canvass, the City Defendants failed to take necessary steps to ensure these votes were counted or otherwise included in the certified state canvass for the Election.

136. These votes were not counted as a result of the City Defendants' actions and inactions.

137. The City Defendants' conduct deprived each Plaintiff and Class member of their right to vote in the Election, which caused significant harm and damage to them.

138. Plaintiffs and Class members are therefore entitled to relief for, among other things, dignitary harm, suffering, deprivation of the right to vote, punitive damages, and any other relief deemed appropriate, in the form of money damages in an amount to be determined by a jury at trial.

PRAYER FOR RELIEF

WHEREFORE, judgment should be entered in favor of Plaintiffs and all Class members, against Defendants, for one or more of the following forms of relief, or some combination of them:

- (a) An Order certifying Plaintiffs' proposed Class;

(b) Judgment on the Claim for Relief, awarding monetary damages, including for compensatory damages to remedy harm, suffering, the deprivation of the right to vote, and punitive damages;

(c) Any such other and further relief as this Court may deem just and proper.

JURY TRIAL HEREBY DEMANDED

Dated: September 17, 2025

By: *Electronically signed by Jeffrey A. Mandell*

Jeffrey A. Mandell (SBN 1100406)

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