STATE OF WISCONSIN CIRCUIT COURT LA CROSSE COUNTY

MARY JO WERNER,

Plaintiff,

vs.

GINNY DANKMEYER,

Defendant.

Case No. 22-cv-555

BRIEF OF AMICI CURIAE THE ANDREW GOODMAN FOUNDATION AND COMMON CAUSE WISCONSIN IN OPPOSITION TO PLAINTIFF'S REQUEST FOR RELIEF

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The Andrew Goodman Foundation and Common Cause Wisconsin submit this brief as *amici curiae* in opposition to Plaintiff Mary Jo Werner's request for declaratory and injunctive relief. The requested relief would burden the state and federal constitutional and statutory voting rights of a protected class of voters.

INTEREST OF AMICI CURIAE

The Andrew Goodman Foundation ("AGF") is a nonpartisan, nonprofit organization with the mission of making young voices and votes a powerful force in democracy. In the summer of 1964, Andrew Goodman, AGF's namesake, participated in Freedom Summer, a voter registration project aimed at registering African-American voters in Mississippi. On Andy's first day working on that project, June 21, 1964, he and his fellow civil rights advocates James Chaney and Michael Schwerner were kidnapped and murdered by members of the Ku Klux Klan.

Today, AGF supports youth leadership development, voting accessibility, and social justice initiatives on campuses across the country with training, mentoring, and mini-grants to select institutions as well as providing other financial assistance to students. AGF's Vote Everywhere initiative is a national, nonpartisan civic engagement movement of student leaders and university partners across over 80 campuses and 25 states plus Washington, D.C., including on several University of Wisconsin campuses including La Crosse, Madison, and Milwaukee. The program provides extensive training and resources, as well as a peer network to support its student Ambassadors while they work to register voters, remove voting barriers,

organize Get Out The Vote activities, and tackle important social justice issues on their college campuses.

Common Cause Wisconsin is the state's largest nonpartisan political reform advocacy organization with more than 16,000 members and activists in every county and corner of Wisconsin. Common Cause Wisconsin is the state affiliate of national Common Cause (founded in 1970), with Wisconsin's chapter established in 1972. Common Cause played a critical role in ratification of the Twenty-Sixth Amendment, having led the constitutional ratification effort through the requisite 38 states.

Common Cause Wisconsin is a citizen reform advocacy organization focusing on campaign finance, election and redistricting reform, and other issues concerning the promotion and maintenance of clean, open, and responsive government. Common Cause Wisconsin supports the right of all eligible voters to cast their ballots in elections and works to improve voting access for all eligible voters. This work includes advocacy, outreach, and education specific to college students across the state.

PRELIMINARY STATEMENT

Ratified half a century ago, the Twenty-Sixth Amendment of the United States Constitution provides: "The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age." U.S. CONST. amend. XXVI.

As described further below, the Amendment established a protected class—youth—and a protected classification—age—with regard to ballot access. Congress ratified the amendment in record time and with nearly unanimous support. Congress

recognized the "special burdens" that young voters must undertake and "sought to encourage greater political participation on the part of the young." S. Rep. No. 92-26, at 14 (1971) (accompanying S.J. Res. 7, 92d Cong. (1971)).

The present matter comes before this Court pursuant to a first amended complaint alleging that the plaintiff-voter's equal protection rights were violated when students exercised their right to vote from campus, and seeking declaratory and injunctive relief for future elections such that student-voters are required to overcome a presumption of non-residency. (Dkt. 29.) The Plaintiff's motion for summary judgment and the Clerk-Defendant's motion for judgment on the pleadings followed. (Dkt. 37; Dkt 35.) The Plaintiff takes issue with high voter turnout in City of La Crosse Wards 9, 10, and 11, which includes the University of Wisconsin-La Crosse campus and its student housing, on the grounds that there is allegedly "no proof of residency for these voters in the record." (Dkt. 29, ¶¶ 4, 5, 31.) Evidently, the Plaintiff searched university records and argues that the inclusion of the students' parents home address in those records establishes "affirmative proof" to invalidate the students' right to vote from their campus address. (Id., ¶ 31.) *Amici* oppose the relief requested by the Plaintiff as it would undermine well-established federal and state constitutional rights, as well as related statutory protections, of a protected class of voters.

This attack on youth voters comes on the heels of repeated close ballot races in Wisconsin. The Center for Information & Research on Civic Learning and Engagement ("CIRCLE") ranked the Wisconsin 2022 gubernatorial race #1 in the

nation on its Youth Electoral Significance Influence ("YESI") index among gubernatorial races that year. Similarly, CIRCLE ranked Wisconsin #1 in the nation on the YESI index in the 2020 presidential race, and #3 in the nation in the 2018 Senate race. See Youth Electoral Significance Index, Center for Information & Research on Civic Learning and Engagement ("CIRCLE"), Tufts University, *available at*: https://circle.tufts.edu/yesi2022 (2022 YESI); https://circle.tufts.edu/yesi2020 (2020 YESI); https://circle.tufts.edu/yesi2018 (2018 YESI) (last accessed July 21, 2023). The Plaintiff expressly notes the high student voter turnout in student wards, and a Sheriff's race in which the margin of loss was 176 votes, in support of her argument to suppress the ability of students to vote from their campus addresses. (Dkt. 29, ¶¶ 4, 5, 7.)

Wisconsin's statutes define "elector residence" clearly, including in provisions specific to students. Wis. Stat. §§ 6.10(4), (12). Defendant-Clerk Dankmeyer and Intervenor-Defendant Democratic National Committee explain in their briefs how these provisions, together with the rest of the elections code, ensure that students have the same right to vote as all other eligible Wisconsin voters without compromising election integrity. (Dkt. 36 at 16–18; Dkt. 69 at 15–19.) Yet, the Plaintiff asks this Court to require election officials to interpret the statutes to require targeted, selective questioning of student-voters about their residency based on a presumption of their non-residency. Remarkably, the Plaintiff asks for a declaration that *university records* trump student voter registration as proof of voting residency. This contradicts not only the Wisconsin statutes, but also the Twenty-

Sixth Amendment to the U.S. Constitution and the Wisconsin Constitution. The Wisconsin Legislature has not implemented any such requirement—which would likely be subject to other legal challenges—and neither should this Court.

It is well-established that the proposal advanced by the Plaintiff to erect such barriers to the ballot box for student-voters is contrary to federal and state constitutional protections and animating laws.

ARGUMENT

I. Age discrimination in ballot access is constitutionally impermissible under federal and state law.

A. Federal Law

The Twenty-Sixth Amendment to the United States Constitution was ratified fifty-two years ago to prohibit the denial or abridgment of the right to vote for those eighteen-years of age or older "on account of age." The text tracks the language of the Fifteenth and Nineteenth Amendments, which established a constitutional right to ballot access free of discrimination "on account of race, color, or previous condition of servitude" and "on account of sex." U.S. CONST. amends. XV, XIX. These were not its only influences; the legislative history of the Twenty-Sixth Amendment demonstrates that it was heavily influenced by the Fourteenth Amendment, the Voting Rights Act of 1965, and the Voting Rights Act Amendments of 1970.[1] Ultimately, the Twenty-

[1] See Yael Bromberg, Youth Voting Rights and the Unfulfilled Promise of the Twenty-Sixth Amendment, 21 U. PA. J. CONST. LAW 1105, 1123–34 (2019) (describing the legislative history of the Twenty-Sixth Amendment and the Fourteenth Amendment principles that underscore its thirty-year history, including Title III of the Voting Rights Act Amendments of 1970). See also Eric S. Fish, Note, The Twenty-Sixth Amendment Enforcement Power, 121 YALE L.J. 1168, 1172 (2012) ("The Twenty-Sixth Amendment is thus properly understood as the outcome of a legal and political battle over the VRA, and it should be interpreted in light of the constitutional meanings that battle generated.").

Sixth Amendment must be seen "within a systemic framework of a constitutionalized protected class (youth) and classification (age) with regard to ballot access." Yael Bromberg, The Future is Unwritten: Reclaiming the Twenty-Sixth Amendment, 74 RUTGERS U. L. REV. 1671, 1676 (January 2023).

In referring the Twenty-Sixth Amendment to the states, Congress invoked the Voting Rights Act, and the right-to-vote principles protected by the Fourteenth Amendment. For example, the Senate Report accompanying the Senate Joint Resolution, which was later enacted as the Twenty-Sixth Amendment, provides:

> [F]orcing young voters to undertake *special burdens* – obtaining absentee ballots, or traveling to one centralized location in each city, for example – in order to exercise their right to vote might well serve to dissuade them from participating in the election. This result, and the election procedures that create it, are at least inconsistent with the purpose of the Voting Rights Act, which sought to encourage greater political participation on the part of the young; such segregation might even amount to a denial of their 14th Amendment right to equal protection of the laws in the exercise of the franchise.
>
> S. Rep. No. 92-26, at 14 (1971) (accompanying S.J. Res. 7, 92d Cong. (1971) (emphasis added).

In addition to repeating Fourteenth Amendment principles, the congressional language is noteworthy in that it seeks to invalidate "special burdens" in the way of young voters exercising their right to vote. Moreover, the language does not simply cover denial of the right to vote. Congress sought to enfranchise the class and eliminate age-based discrimination in access to the ballot, cognizant of the need to remove abridgements and eradicate electoral mechanisms that would "dissuade them

from participating in the election" in furtherance of encouraging "greater political participation on the part of the young." Id.[2]

The Amendment is the most recent voting rights-related amendment to be ratified, and gained nearly unanimous support of bipartisan supermajorities and the states in less than 100 days—the shortest ratification period in U.S. history. The unprecedented speed with which the Twenty-Sixth Amendment was ratified (passing the Senate unanimously, and the House 118-8) was in large part due to the cross-partisan and nonpartisan recognition of the critical role that young people contribute to a healthy democracy. The Amendment was championed across the aisle, including by President Dwight Eisenhower and Senator Barry Goldwater.[3]

This national, bipartisan, high enthusiasm for the Twenty-Sixth Amendment was reflected in Wisconsin. The Wisconsin Legislative Reference Bureau pre-drafted a Joint Resolution for the state Assembly at the request of a representative who had hoped Wisconsin would be the first state to ratify the proposal, even before both chambers of Congress had approved it. 1971 AJR 48 "Drafting Request," Mar. 11, 1971 (LRB File Copy) (Exhibit 1 to Pierson Aff.).[4] Over 50 members of the Wisconsin

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[2] Federal constitutional protections establishing the fundamental right to vote, the right to vote under equal protection of the law, and the right to vote free of age discrimination, also animate several federal statutes, including but not limited to: the Voting Rights Act of 1965 and its Amendments of 1970 and 1975, 42 U.S.C.A. § 1973aa-1 (transferred to 52 U.S.C.A. §10502, Residence requirements for voting) and 42 U.S.C.A. § 1973bb (transferred to 52 U.S.C.A. § 10701, Enforcement of the Twenty-Sixth Amendment).

[3] See Jennifer Frost, The GOP once Supported Youth Voting and Encouraged Participation, WASH. PO. (Dec. 5, 2022), https://www.washingtonpost.com/made-by-history/2022/12/05/young-voters-republicans/ (last accessed July 21, 2023).

[4] The drafting documents from the Legislative Reference Bureau are publicly available, but for the Court's convenience we submit them in an attached filing.

Assembly ultimately sponsored or co-sponsored the Assembly Joint Resolution. 1971 AJR 48 Cover Page, Mar. 25, 1971 (LRB File Copy) (Exhibit 2 to Pierson Aff.). The Resolution passed by an overwhelming vote (91-8) on April 14, 1971. Bulletin of the Proceedings of the Wis. Leg., 1971 Assembly Regular Session, 861 (Exhibit 4 to Pierson Aff.). Notably, when Wisconsin Senators introduced a corresponding Joint Resolution, they did so at the request of both the Young Republicans and the Young Democrats. 1971 SJR 46 Cover Page, Apr. 13, 1971 (LRB File Copy) (Exhibit 3 to Pierson Aff.). The Senate Joint Resolution passed on June 17, 1971, the Assembly concurred in the Senate's version that same day, and on June 22, Wisconsin became the 34th state to ratify the Amendment. Bulletin of the Proceedings of the Wis. Leg., 1971 Senate Regular Session, 567 (Exhibit 5 to Pierson Aff.); The Constitution of the United States of America Analysis and Interpretation, 44 (CRS 2013), https://www.govinfo.gov/content/pkg/GPO-CONAN-2013/pdf/GPO-CONAN-2013.pdf.

As acknowledged by President Nixon during the ceremonial certification of the Twenty-Sixth Amendment, young people serve a critical role in the democratic process, infusing the practice of democracy with "some idealism, some courage, some stamina, some high moral purpose that this Nation always needs, because a country, throughout history, we find, goes through ebbs and flows of idealism." Richard Nixon, Remarks at the Ceremony Marking the Certification of the 26th Amendment to the Constitution, The American Presidency Project (Jul. 5, 1971),

https://www.presidency.ucsb.edu/documents/remarks-ceremony-marking-the-certification-the-26th-amendment-the-constitution (last accessed July 21, 2023).

B. Wisconsin State Constitutional Law

The Wisconsin State Constitution sets out an affirmative right to vote – as compared to its federal counterpart – which prohibits the denial or abridgment of the right:

> Every United States citizen age 18 or older who is a resident of an election district in this state is a qualified elector of that district.
>
> Wis. Const. Art. III, s 1.

Wisconsin courts have long recognized the "specially protected" nature of the right to vote. League of Women Voters of Wisconsin Educ. Network, Inc. v. Walker, 2014 WI 97, ¶140, 357 Wis. 2d 360, 851 N.W.2d 302 (citing State ex rel. McGrael v. Phelps, 144 Wis. 1, 15, 128 N.W. 1041, 1046 (1910)). The right to vote is "a sacred right of the highest character," State ex rel. McGrael, 128 N.W. at 1046. As a result, the Legislature "cannot impose a restriction on voting that constitutes an additional 'qualification' on the right to vote" beyond those contained in the Constitution. League of Women Voters, 2014 WI 97, ¶141. See also State v. Kohler, 200 Wis. 518, 228 N.W. 895, 905–06 (1930) ("The Constitution having fixed the qualifications, persons falling within the classification thus established may not be deprived of their right by legislative act and the right is protected by the applicable constitutional guaranties").

Robust protection for the right to vote under Article III, section 1 recognizes the Wisconsin Constitution as an independent source of rights, separate from the U.S.

Constitution,[5] and is consistent with the Wisconsin Constitution's overall commitment to democracy. Article I, section 1 provides: "All people are born equally free and independent, and have certain inherent rights; among these are life, liberty and the pursuit of happiness; to secure these rights, governments are instituted, deriving their just powers from the consent of the governed." Although this language is "reminiscent of the Declaration of Independence," State ex rel. Sonneborn v. Sylvester, 26 Wis. 2d 43, 49, 132 N.W.2d 249, 252 (1965), it is the first declaration of rights in the Wisconsin Constitution.

Notably, the Wisconsin Constitution's insistence that governments "deriv[e] their just powers from the consent of the governed" does not have a corresponding phrase in the Fourteenth Amendment. Rather, it emphasizes the importance of protecting voting rights: a government only has the consent of the governed if those it governs can cast ballots to seat their representatives. This section expresses the Wisconsin Constitution's commitment to popular sovereignty, or the idea that the people of a state possess and wield its political power.[6]

Undue burdens on voting rights run afoul of both the express provision of the right to vote in Article III and the Wisconsin Constitution's commitment to the fundamental democratic principle of a government of and by the people. The Wisconsin Constitution further urges us to never forget the fundamental principles

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[5] See e.g., Joshua Douglas, The Right to Vote under State Constitutions, 67 VAND. L. REV. 1, 105, 116–17 (Jan. 2014); ROBERT F. WILLIAMS & LAWRENCE FRIEDMAN, THE LAW OF AMERICAN STATE CONSTITUTIONS (2023).

[6] See Jessica Bulman-Pozen & Miriam Seifter, The Democracy Principle in State Constitutions, 119 MICH. L. REV. 859, 869–70, 920 (2021), *available at*: https://scholarship.law.columbia.edu/faculty_scholarship/2654 (last accessed July 21, 2023).

of popular sovereignty: "The blessings of a free government can only be maintained by a firm adherence to justice, moderation, temperance, frugality and virtue, and by frequent recurrence to fundamental principles." Wis. Const. Art. I, s. 22.

As described further below, these federal and state constitutional precepts set the backdrop for Wisconsin laws that affirm the right of students to vote from their college residence.

II. Voter residency tests targeted at youth voters are unconstitutional because they are vague, arbitrary, and based on the presumption of non-residency.

One year after ratification of the Twenty-Sixth Amendment, the New Jersey Supreme Court issued a decision which has been cited and relied upon in state and federal courts across the nation, in large part due to its detailed review of the pertinent legislative history and emerging case law regarding youth voting residence. See Worden v. Mercer Cnty Bd. of Elections, 61 N.J. 325 (1972). Worden considered a challenge to county election officials who conducted themselves in a manner similar to what the Plaintiff is advocating for. Specifically, the county clerks "would register ordinary applicants when they satisfactorily answered the few routine questions but when they dealt with students they would refer back to instructions . . . which in essence says that students here for educational purposes are not bona fide residents of the state." Id. at 329. In short, officials applied a different set of rules for election administration of student-voters, which required increased scrutiny of the ability to establish voting residence.

The analysis in Worden begins with acknowledgment of the limitations of antiquated laws related to domicile due to the increased mobility of youth compared

to eras prior when they led semi-cloistered lives. Id. at 332. Next, the New Jersey high court examined the text of the Civil Rights Act of 1964, as amended, which remains good law today:

> [I]n determining whether any individual is qualified under state law or laws to vote in any election, the officials *shall not apply 'any standard, practice, or procedure different from the standards, practices, or procedures applied under such law or laws to other individuals*.'
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> Id. at 333, quoting 42 U.S.C.A. § 1971(a)(2)(A) (since transferred to 52 U.S.C.A. § 10101; Voting Rights) (emphasis added).

Accordingly, Worden held that the youth applicants were improperly discriminated against when they "were subjected as a class to questioning beyond all other applicants, including applicants who were freely registered though their situations indicated that they were comparably short-term residents of the community." Id. at 349. Notably, in issuing broad judicial relief, Worden found that voting residence should be upheld even where students temporarily living on-campus intend to return to their previous residences; intend to obtain employment away from their previous residences; and/or are uncertain as to their future plans. Id.

Eight years after Worden, the United States Supreme Court summarily affirmed this broad principle of voting residence as it pertains to youth voters. See Symm v. United States, 439 U.S. 1105, 1105 (1979), aff'g, United States v. Texas, 445 F. Supp. 1245 (S.D. Tex. 1978) (hereinafter referred to as "Symm").[7] The United

[7] See Hicks v. Miranda, 422 U.S. 332, 344 (1975) ("[L]ower courts are bound by summary decisions by this Court 'until such time as the Court informs (them) that (they) are not.'" (quoting Doe v. Hodgson, 478 F.2d 537, 539 (2d Cir. 1973)); Picou v. Gillum, 813 F.2d 1121, 1122 (11th Cir. 1987) ("A summary affirmance by the Supreme Court has binding precedential effect."); cf. ROBERT STERN ET AL., SUPREME COURT PRACTICE 287 (6th ed. 1986) (explaining that such affirmances still have precedential value). The precedential value of

States brought suit to enjoin a county registrar from refusing to register college dormitory residents unless they established that they intended to remain in the community after graduation. The Three-Judge District Court reviewed Title III of the Voting Rights Act Amendments of 1970, the Twenty-Sixth Amendment, and case law enforcing them, in evaluating whether a questionnaire circulated to student-voters, as a precondition to voting, bore "a reasonable relationship to any compelling State interest," Symm, 445 F. Supp. at 1254, and could "meet close constitutional scrutiny," id. at 1261. Like Worden, Symm found the questionnaire unconstitutional because it treated young registrants (students and military personnel) differently than other voters due to the presumption of the protected class's non-residency. Id.

Amici curiae respectfully urge this Court to note the broad interpretation of voting residence adopted in Worden and Symm in light of the transience and the other unique circumstances of young voters. As these cases make clear, the Twenty-Sixth Amendment and related law squarely prohibits subjecting young voters to burdens and questioning that the electorate at-large is spared.

Indeed, in the decade following ratification of the Twenty-Sixth Amendment, county clerks across the nation unsuccessfully endeavored to prevent the new enfranchised class of 11 million voters from accessing the ballot by trampling on their ability to establish voting residence. State and federal courts across the nation unanimously ruled the targeting of a constitutionally protected class of voters (youth)

summary affirmances is not limitless, however. See Anderson v. Celebrezze, 460 U.S. 780, 784–85 n.5 (1983) ("We have often recognized that the precedential value of a summary affirmance extends no further than the precise issues presented and necessarily decided by those actions." (internal quotation marks omitted)).

based on a presumption of non-residency to be unconstitutional under state and federal law. See e.g., Worden, supra; Symm, supra; Newburger v. Peterson, 344 F. Supp. 559, 561–62 (D.N.H. 1972) (striking down a state law that disqualified voters, primarily students, with the firm intent to leave their towns at a fixed time in the future, based on the fundamental right to vote and the right to travel); Bright v. Baesler, 336 F. Supp. 527, 533 (E.D. Ky. 1971) (invalidating voting residence requirements that are more stringently applied to students than to other voter registration applicants); Ownby v. Dies, 337 F. Supp. 38, 39 (E.D. Tex. 1971) (invalidating a state statute providing harsher criteria for determining voting residency for voters age 18–21 than for voters over the age of 21); Jolicoeur v. Mihaley, 488 P.2d 1, 2 (Cal. 1971) (invalidating a state policy that allowed only unmarried minors to register to vote from their parents' addresses rather than their college addresses); Wilkins v. Bentley, 385 Mich. 670, 694, 189 N.W.2d 423 (1971) (invalidating a state law preventing students from establishing voting residence because "students must be treated the same as all other registrants. No special questions, forms, identification, etc., may be required of students."), subsequently abrogated in part on other grounds, In re Request for Advisory Opinion Regarding Constitutionality of 2005 PA 71, 479 Mich. 1, 740 N.W.2d 444 (2007) (declining to extend strict scrutiny analysis to evaluate a photo ID law with an affidavit alternative, because the law does not apply to a suspect classification and no burden shown.).

In Wisconsin, moreover, the only valid residency requirements are those imposed by the Wisconsin Constitution and implemented by the Legislature under Wis. Const. Art. III, s. 2(1), which authorizes the Legislature to define residency. A municipality that attempts to impose additional residency requirements violates the Constitution. See e.g., State ex rel. Knowlton v. Williams, 5 Wis. 308, 315–16 (1856) (invalidating additional residency requirement imposed by the Legislature but not authorized by the Constitution); League of Women Voters, 2014 WI 97, ¶¶ 23, 26 (agreeing with the principle articulated in Knowlton that "the legislature cannot add to these qualifications for electors [found in Wis. Const. Art. III s. 1]."). Even before the Legislature defined residence for all voters, including students, a voter's intent to establish a residence for voting purposes created a presumption that the residence was valid. In re Vill. of Chenequa, 197 Wis. 163, 221 N.W. 856, 858 (1928) (voters who split their time between Milwaukee and Village of Chenequa but intended to make Chenequa their home cast valid votes for incorporation of the Village). This approach to residency is consistent with, and must be read in the context of, the Wisconsin Constitution's affirmative guarantee of the right to vote to all qualified electors, as well as the principle of popular sovereignty, supra at 9–11.

The relief requested here—the application of an undefined permanency test to a protected class of voters—is contrary to state interests to ensure "evenhanded restrictions that protect the integrity and reliability of the electoral process," Anderson v. Celebrezze, 460 U.S. 780, 788 n. 9 (1983). The haphazard, vague, and selectively applied nature of the inquiry may dissuade and intimidate future good-

faith voters from political participation. Giving determinative weight to university records of student addresses is a particularly radical suggestion that would impose a unique and completely unlawful burden on students. The resulting harms are particularly concerning as they apply to a class of voters protected by the intertwining right to vote, right to travel, and right to vote free of age discrimination. See e.g., Dunn v. Blumenstein, 405 U.S. 330, 338–340 (1972) (invalidating a voter qualification which singles out a class of bona fide residents by "forc[ing] a person who wishes to travel and change residences to choose between travel and the basic right to vote.").

This presumption of non-residency advanced by the Plaintiff would lead inevitably to the imposition of an additional voter qualification for college students —exactly what state and federal constitutional and statutory law prohibit, as widely recognized by state and federal courts, supra at 14–16. See Wis. Const. Art. III, s. 1; Wis. Stat. §§ 6.10(4), (12); U.S. CONST. amends. XIV, XXVI; 52 U.S.C.A. § 10101.

In 1971, a supermajority of Congress, across partisan lines, with near unanimity, and at record speed, recognized the need to increase the political participation of young voters as a means to bolster and protect democracy. The effort advanced by the Plaintiff today attempts to thwart that goal and threatens to create dangerous precedent for future elections in Wisconsin.

CONCLUSION

Based on the foregoing, *amici curiae* The Andrew Goodman Foundation and Common Cause Wisconsin respectfully request that this Court take notice of the

guiding federal and state constitutional precepts, animating statutes, and relevant case law to deny the Plaintiff's request for an audit of the right to vote imposed on a subset of the electorate that is disproportionately comprised of youth voters. To preserve the integrity of future elections in La Crosse County and ensure the even-handedness of election procedures in the county and across the state, this Court should deny the Plaintiff's request for declaratory and injunctive relief.

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Respectfully submitted,

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