

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

Wisconsin Voters Alliance, David Tarczon,
Elizabeth Clemens-Tarczon, Jonathan
Hunt, Paula Perez, Maria Eck, Douglas
Doeran, Navin Jarugumilli,

Case No. 20-CV-1487

Plaintiffs,

**Amended Complaint for Declaratory
and Injunctive Relief**

vs.

City of Racine, City of Milwaukee, City of
Kenosha, City of Green Bay, City of
Madison,

Jury Trial Demanded

Defendants.

The Plaintiffs make the following allegations for their complaint.

Introduction

Wisconsin Voters Alliance and its member-plaintiffs bring this lawsuit against the Cities of Milwaukee, Madison, Kenosha, Racine, and Green Bay because the cities accept private moneys through conditional grants from a non-profit corporation to conduct federal elections. Milwaukee, Madison, Kenosha, Racine, and Green Bay have accepted conditional grants totaling \$6,324,527 from the Center for Tech and Civic Life (CTCL). Plaintiffs claim that the use of conditional grants of private moneys is violative of the U.S. Constitution, namely the Elections Clause under Article 1, § 4, cl. 1, the First, Ninth, and Fourteenth Amendments. The local governments unconstitutionally pursue and use private conditional moneys to conduct federal elections undermining the integrity of the election process as a social contract to maintain our democratic form of government.

Jurisdiction and Venue

1. Plaintiffs invoke this Court's jurisdiction under 28 U.S.C. 1331 and 1343 for constitutional claims under the Elections Clause, U.S. Const. art. I, § 4, cl. 1, the First, Ninth, and Fourth Amendments.

2. Plaintiffs have private causes of action under 42 U.S.C. 1983 and under federal common law.

3. Venue is proper in this Court under 28 U.S.C. 1391 because the Defendants are Wisconsin municipalities, with offices within Wisconsin, and because the events or omissions giving rise to the claims presented occurred within Wisconsin.

Parties

4. Wisconsin Voters Alliance is a Wisconsin non-profit corporation. The Wisconsin Voters Alliance is an organization with members who seek to ensure, as part of their association objectives, public confidence in the integrity of Wisconsin's elections, in election results and election systems, processes, procedures, and enforcement, and that public officials act in accordance with the law in exercising their obligations to the people of the State of Wisconsin. The Wisconsin Voters Alliance also works to protect the rights of its members whenever laws, statutes, rules, regulations, or government actions that threaten or impede implied or expressed rights or privileges afforded to them under our constitutions or laws or both. Its membership includes candidates seeking elective offices. The Wisconsin Voters Alliance has many members including the individual plaintiffs.

5. Plaintiff David Tarczon is an eligible Wisconsin voter residing in the City of Racine. He resides in the 1st Congressional District.

6. Plaintiff Elizabeth Clemens-Tarczon is an eligible Wisconsin voter residing in the City of Racine. She resides in the 1st Congressional District.

7. Plaintiff Jonathan Hunt is an eligible Wisconsin voter residing in the City of Milwaukee. He resides in the 4th Congressional District.

8. Plaintiff Paula Perez is an eligible Wisconsin voter residing in the City of Kenosha. She resides in the 1st Congressional District.

9. Plaintiff Maria Eck is an eligible Wisconsin voter residing in the City of Green Bay. She resides in the 8th Congressional District.

10. Plaintiff Douglas Doeran an eligible Wisconsin voter residing in the City of Green Bay. He resides in the 8th Congressional District.

11. Plaintiff Navin Jarugumilli is an eligible Wisconsin voter residing in the City of Madison. He resides the 2nd Congressional District.

12. Defendant City of Racine is a Wisconsin local government located in the 1st Congressional District.

13. Defendant City of Milwaukee is a Wisconsin local government located in the 4th Congressional District.

14. Defendant City of Kenosha is a Wisconsin local government in the 1st Congressional District.

15. Defendant City of Green Bay is a Wisconsin local government in the 8th Congressional District.

16. Defendant City of Madison is a Wisconsin local government in the 2nd Congressional District.

Statement of Facts

17. The cities of Racine, Kenosha, Green Bay, and Madison are all first class cities and incorporated under Wisconsin Statutes Chapter 62.

18. The cities of Racine, Kenosha, Green Bay, and Madison are responsible for the conduct of the November 3, 2020 elections, inclusive of federal elections.

19. The City of Milwaukee is incorporated under a special charter granted by the State of Wisconsin.

20. The CTCL is a private non-profit organization providing federal election grants to local governments, headquartered in Chicago, Illinois.

21. CTCL has been funded by private donations of approximately \$350 million that are in turn used as conditional private grants to local governments.

22. CTCL has funded Wisconsin local governments with conditional private grants that were and are used to conduct federal elections.

23. In Wisconsin, the CTCL has distributed \$6.3 million of private federal election grants to the Cities of Milwaukee, Madison, Green Bay, Kenosha, and Racine which have not been approved by Congress nor by the Wisconsin state legislature.

24. Initially, CTCL recruited all of the Defendant Wisconsin cities to apply for its CTCL's private federal election grants.

25. Beginning as far back as April 2, 2020, Mayor Mason of Racine had corresponded with CTCL to receive and redistribute to other cities \$942,000 in private funding for election administration purposes.

26. On May 28, 2020, the CTCL awarded the City of Racine a \$100,000 private federal election grant to apply and attempt to recruit “other cities in Wisconsin” to apply for CTCL’s private federal election grants:

Dear [Racine] Mayor Mason:

I am pleased to inform you that the Center for Tech and Civic Life (“CTCL”) has decided to award a grant to support the work of the City of Racine.

AMOUNT OF GRANT: One hundred thousand US dollars (USD \$100,000)

PURPOSE: The grant funds must be used exclusively for the public purpose of planning safe and secure election administration in the City of Racine in 2020, and coordinating such planning with other cities in Wisconsin.

27. Racine using CTCL’s initial \$100,000 private federal election grant recruited the Wisconsin cities of Green Bay, Kenosha, Madison, and Milwaukee to apply for the CTCL’s private federal election grants.

28. On July 17, 2020 the City of Madison is on record as accepting from Racine \$10,000 in CTCL funding for specific electoral administration purposes.

29. The CTCL granted \$1.09 million to the City of Green Bay.

30. The CTCL granted \$862,779 to the City of Kenosha.

31. The CTCL granted \$2.154 million to the City of Milwaukee.

32. The CTCL granted \$942,100 to the City of Racine.

33. Each city receiving CTCL grants, according to its policy and custom, agreed to the conditions of the grant in exchange of receiving CTCL moneys.

34. The grants are contracts between each respective City and CTCL.

35. The conditional grants to each city require reporting back to the private non-profit corporation, CTCL, regarding the moneys used to conduct federal elections.

36. The conditional grants to each city, under claw-back provisions, require the city to return moneys to the private non-profit corporation, CTCL, if the private non-profit corporation disagrees how those moneys were spent in the conduct of their respective federal elections.

COUNT I

Violations of the First and Ninth Amendments, the Elections Clause and related federal common law

37. Plaintiffs re-allege each previous paragraph as if fully restated in support of the instant claim.

38. References under this count to “government” includes city, county, state, or federal, depending upon the structure of the allegation or otherwise specifically stated.

39. The First Amendment of the U.S. Constitution protects the fundamental right to vote.

40. The Ninth Amendment to the U.S. Constitution delegates reserved powers to the people not otherwise delegated to the United States by the Constitution.

41. The reserved powers to the people under the Ninth Amendment are those that can be articulated as those of the people as representative of the sovereign.

42. The right to vote is a fundamental right under the U.S. Constitution.

43. The right to vote is individual and personal in nature.

44. The election process is an integral part of the democratic system of the United States.

45. The right to vote is intertwined with the right to participate in an election process, including casting a ballot for a Congressional or presidential candidate.

46. The right to vote includes the right to participate in an electoral process that is structured to maintain the integrity of a democratic system of government.

47. The right to vote as intertwining with the right to participate in an election process, if the voter is eligible and the ballot cast is valid, is a right under the Ninth Amendment as reserved to the people.

48. A core governmental responsibility is the conduct of elections.

49. A core governmental public responsibility is to conduct elections in a manner which ensures maintenance of the integrity of a democratic system of government.

50. Electoral integrity allows peaceful resolution of conflict through the election of candidates representing differing political or philosophical beliefs, the outcome of which results in a candidate receiving the majority of votes to hold the elected office sought.

51. Electoral integrity includes the professionalism, impartiality, and transparency of government institutions and election officials who conduct elections throughout the election cycle.

52. Without electoral integrity, the consequences undermine the public confidence of the outcome that represents the desired change or continuation of the political policies or institutional statuses by the electorate.

53. Integrity of an election process includes trust in the outcome of an election contest.

54. Trust of an election outcome allows voters to be convinced that electoral changes are real and deserving of their confidence.

55. Integrity of an election process includes a fair election.

56. Integrity of an election process includes an unbiased election.

57. The integrity of an election process is a compelling governmental interest.

58. The government has a compelling interest in honest elections.

59. The government has a compelling interest in fair elections.

60. The government has a compelling interest in unbiased elections.

61. A voter who casts a ballot entrusts the government that the ballot will be counted, unless the ballot is invalid or voter is ineligible.

62. The government in turn, as part of its core election responsibility, will count the ballots and attribute the count to the candidate for which the voter had cast her ballot in support of.

63. The government, as part of its core election responsibility, will announce the total votes of each candidate and the one candidate with the greatest number of ballots cast, as the winner of that election contest.

64. The voters in turn, will accept the outcome of the election contest as the government has announced.

65. The voter and government agreement regarding an election and its process is a “contract” to maintain the democratic system of government as embodied in the U.S. Constitution.

66. The voter and government agreement regarding an election and its process is a “social contract” to maintain the democratic system of government as embodied in the U.S. Constitution.

67. Voters have a right to the governmental maintenance of a democratic system of government under the Ninth Amendment’s reservation of rights to the people.

68. Voters have a right to the maintenance of a democratic system of government through the election process.

69. Voters have a right to the maintenance of a democratic system of government through the election process under the Ninth Amendment’s rights reserved to the people.

70. The Elections Clause of the U.S. Constitution is found under Article 1, sec. 4.

71. The Elections Clause establishes federal control over state-run federal Congressional and presidential elections.

72. Conducting elections is a core governmental public function.

73. The Elections Clause reflects the need to ensure that state or local governments do not interfere with Congressional elections.

74. In the Federalist Papers, No. 59, Alexander Hamilton wrote that if the states were allowed to regulate the elections of Congress, then the legislators of a few important states could enter into a conspiracy to prevent an election and then this could result in the Union’s destruction.

75. The Elections Clause reflects the rights and obligations of the United States in the conduct of federal elections.

76. One of the obligations of the United States, through the Elections Clause, is to protect a person's fundamental right to vote as protected under the First Amendment, to cast a ballot in federal elections.

77. One of the obligations of the United States through a person's fundamental right to vote, through the Elections Clause, is to ensure the integrity of federal elections as fair and unbiased.

78. Having fair, honest, and unbiased federal elections is a compelling interest of the United States.

79. Having fair, honest, and unbiased federal elections is a compelling interest of the people of the United States.

80. A voter entrusts the United States to ensure state and local governments conduct fair, honest, and unbiased federal elections through the authority granted to it under the Elections Clause.

81. A voter entrusts the United States will ensure state and local governments will total all ballots in a federal election contest and ensure the candidate with the greatest amount of total ballots will be announced as the winner of that federal election contest as is the obligation of the United States through the Elections Clause.

82. It is the right and obligation of the United States Congress that it will seat in the U.S. House of Representatives or the U.S. Senate, only those candidates who have won the federal election contest in the district of the state in which the election contest was held as required under Article I, section 5 of the U.S. Constitution.

83. The voters in turn, agree to accept the government's announcement of the winner of a federal election contest to maintain the integrity of the democratic system of the United States.

84. The agreement between the United States and the rights and obligations embodied within reservation of rights under the Ninth Amendment and the Elections Clause as related to the conduct of federal elections over state and local governments and the voters in their acceptance of the outcome of federal election contests is a "social contract."

85. The agreement between the United States and the rights and obligations embodied within the Ninth Amendment regarding rights reserved to the people as related to the conduct of federal elections over state and local governments and the voters in their acceptance of the outcome of federal election contests is a "social contract."

86. The "social contract" also arises from the protection of the fundamental right to vote and integrity of an election contest as fair, honest, and unbiased to maintain the structure of the democratic process.

87. CTCL is a private corporate non-profit entity.

88. CTCL provided private moneys through grants to local governmental entities to conduct federal elections.

89. The CTCL grants provided conditions governing the use of those private moneys.

90. The local governmental entities accepted the conditions and agreed to adhere to the conditions of the private non-profit entity CTCL.

91. The City of Milwaukee accepted \$2,154,500 in private grant moneys from CTCL.
92. The City of Racine accepted \$942,100 in private grant moneys from CTCL.
93. The City of Madison accepted \$1,271,788 in private grant moneys from CTCL.
94. The City of Kenosha accepted \$862,799 in private grant moneys from CTCL.
95. The City of Green Bay accepted \$1.09 million in private grant moneys from CTCL.
96. The local governmental entities, according to their policies and customs, agreed to expend the private moneys exclusively for the purpose as described in the conditions in the conduct of federal elections.
97. The conditions, as adopted by each local governmental entity, are additional regulations in the conduct of federal elections.
98. The local governmental entities further agreed not only to adhere to the conditions but to report back to the private entity CTCL.
99. The CTCL grant, with conditions, is a contract.
100. The local governmental entities used the private moneys to conduct federal elections.
101. If the private moneys were not used to the satisfaction of the private entity CTCL, the government is to return those moneys.
102. Hence, the governmental entity had to conduct the federal elections, at least in part, in a manner that satisfied the private entity, and not the United States.

103. The private entity is overseeing the conduct of federal elections in contradiction of the Elections Clause and the rights reserved to the people under the Ninth Amendment.

104. The private contract between CTCL and the local government interfered with the social contract of the Elections Clause governing the compelling interest of the United States with the voter regarding the integrity of federal elections and the voter intertwined with the voter's fundamental right to vote.

105. The private contract between CTCL and the local government interfered with the social contract of the rights preserved to the people under the Ninth Amendment governing the compelling interest of the United States with the voter regarding the integrity of federal elections and the voter intertwined with the voter's fundamental right to vote.

106. Plaintiff David Tarczon is an eligible Wisconsin voter residing in the City of Racine. He resides and will vote in the 1st Congressional District.

107. Plaintiff Elizabeth Clemens-Tarczon is an eligible Wisconsin voter residing in the City of Racine. She resides in and will vote in the 1st Congressional.

108. Plaintiff Jonathan Hunt is an eligible Wisconsin voter residing in the City of Milwaukee. He resides and will vote in the 4th Congressional District.

109. Plaintiff Paula Perez is an eligible Wisconsin voter residing in the City of Kenosha. She resides in and will vote in the 1st Congressional District.

110. Plaintiff Maria Eck is an eligible Wisconsin voter residing in the City of Green Bay. She resides in and will vote in the 8th Congressional District.

111. Plaintiff Douglas Doeran an eligible Wisconsin voter residing in the City of Green Bay. He resides in and will vote in the 8th Congressional District.

112. Plaintiff Navin Jarugumilli is an eligible Wisconsin voter residing in the City of Madison. He resides in and will vote in the 2nd Congressional District.

113. Defendant City of Racine is a Wisconsin local government located in the 1st Congressional District.

114. Defendant City of Milwaukee is a Wisconsin local government located in the 4th Congressional District.

115. Defendant City of Kenosha is a Wisconsin local government in the 1st Congressional District.

116. Defendant City of Green Bay is a Wisconsin local government in the 8th Congressional District.

117. Defendant City of Madison is a Wisconsin local government in the 2nd Congressional District.

118. Each of the respective cities of Milwaukee, Madison, Kenosha, Racine, and Green Bay accepted a CTCL grant to conduct the federal election in their respective congressional district.

119. When local governments and their officials accept private moneys to conduct federal elections, the government interferes with the integrity of a core governmental public function embodied within the federal election process, the Elections Clause, the Ninth Amendment, and related federal common law.

120. When the local government accepts conditional grants for moneys to conduct federal elections, it undermines the rights and obligations the voter is entitled to rely upon from the United States which implicates the integrity of the election.

121. Plaintiffs David Tarczon, Elizabeth Clemens-Tarczon, Jonathan Hunt, Paula Perez, Maria Eck, Douglas Doeran, Navin Jarugumilli know of the CTCL private monetary grants and conditions imposed upon their respective local government. Each believe the acceptance of private moneys to conduct federal elections interferes with the social contract of the Elections Clause to ensure fair, honest, and unbiased elections and their acceptance of the election outcome.

122. Plaintiffs David Tarczon, Elizabeth Clemens-Tarczon, Jonathan Hunt, Paula Perez, Maria Eck, Douglas Doeran, Navin Jarugumilli also believe that the acceptance of private moneys to conduct federal elections interferes with the social contract derived from the Ninth Amendment to ensure fair, honest, and unbiased elections and her acceptance of the election outcome.

123. Plaintiff Wisconsin Voters Alliance members know of the CTCL private monetary grant and its conditions imposed upon their respective local government. Each member believes the acceptance of private moneys to conduct federal elections interferes with the social contract of the Elections Clause to ensure fair, honest, and unbiased elections and their acceptance of the election outcome.

124. Plaintiff Wisconsin Voters Alliance members also believe that the acceptance of private moneys to conduct federal elections interferes with the social contract derived

from the Ninth Amendment to ensure fair, honest, and unbiased elections and her acceptance of the election outcome.

125. Hence, the Plaintiff voters also have a constitutional right not to be deliberately placed in a governmentally controlled election process in which the acceptance of private grant moneys to conduct federal elections is a design that interferes with the social contract to maintain a democratic system of government as envisioned under the Plaintiffs rights under the First and Ninth Amendments.

126. When an election outcome is at issue due to the conduct of the federal election, ultimately, is it each respective house of Congress that decides who shall be seated as an elected representative for that Congressional district under Article I, section 5 of the U.S. Constitution.

127. If a congressional house rejects the elected representative and refuses to seat the representative, then each of the individual Plaintiff's vote did not count, regardless of who she voted for because the rejection invalidated the federal election process.

128. Likewise, if a congressional house rejects the elected representative and refuses to seat the representative, then each vote of each member of the Wisconsin Voters Alliance residing in the affected Congressional districts vote did not count, regardless of who she voted for because the rejection invalidated the federal election process

129. The congressional invalidation of an elected representative and refusal to seat that representative invalidates all previously cast ballots within that congressional district.

130. As a result of the alleged facts, the voter is then disadvantaged as the voter has suffered an injury or will suffer an injury from the local governmental entities who accepted

private grant moneys to conduct federal elections, over those local governmental entities who did not.

131. Hence, the voters also have a constitutional right not to be deliberately placed in a governmentally controlled election process in which the acceptance of private grant moneys to conduct federal elections is a design that wastes the ballot of the voter when the elected representative is denied by Congressional action to deny that representative his or her seat in Congress.

132. The voters are disenfranchised by not have a Congressional representative until a special election if either house of Congress calls a special election—as occurred in North Carolina’s Ninth Congressional District after the November 2018 election.

133. The Cities’ actions accepting private moneys to pay for federal elections tortiously interferes with the social contract per the federal common law.

134. Each Plaintiff, requests this Court to declare under 28 U.S. C. sec. 2201, that the local governments acceptance of private funds through conditional grants is unconstitutional under the Elections Clause, the First and Ninth Amendments of the U.S. Constitution and related federal common law.

135. This Court should grant any other relief it deems proper, necessary, or just under the circumstances of this case.

Count II

Violation of the Equal Protection Clause

136. Plaintiffs re-allege each previous paragraph as if fully restated in support of the instant claim.

137. References under this count to “government” are inclusive of city, county, state, or federal, dependent upon the structure of the allegation or otherwise specifically stated.

138. The Fourteenth Amendment to the U.S. Constitution protects the rights of individuals to equal protection.

139. The Ninth Amendment to the U.S. Constitution delegates reserved powers to the people not otherwise delegated to the United States by the Constitution.

140. The right to vote is a fundamental right under the U.S. Constitution.

141. The right to vote is individual and personal in nature.

142. The election process is an integral part of the democratic system of the United States.

143. The right to vote is intertwined with the right to participate in an election process, including casting a ballot for a Congressional or presidential candidate.

144. The right to vote includes the right to participate in an electoral process that is structured to maintain the integrity of a democratic system of government.

145. The right to vote as intertwining with the right to participate in an election process, if the voter is eligible and the ballot cast is valid, is a right under the Ninth Amendment as reserved to the people.

146. A core governmental responsibility is the conduct of elections.

147. A core governmental public responsibility is to conduct elections in a manner which ensures maintenance of the integrity of a democratic system of government.

148. Electoral integrity allows peaceful resolution of conflict through the election of candidates representing differing political or philosophical beliefs, the outcome of which results in a candidate receiving the majority of votes to hold the elected office sought.

149. Electoral integrity includes the professionalism, impartiality, and transparency of government institutions and election officials who conduct elections throughout the election cycle.

150. Without electoral integrity, the consequences undermine the public confidence of the outcome that represents the desired change or continuation of the political policies or institutional statuses by the electorate.

151. Integrity of an election process includes trust in the outcome of an election contest.

152. Trust of an election outcome allows voters to be convinced that electoral changes are real and deserving of their confidence.

153. Integrity of an election process includes a fair election.

154. Integrity of an election process includes an unbiased election.

155. The integrity of an election process is a compelling governmental interest.

156. The government has a compelling interest in honest elections.

157. The government has a compelling interest in fair elections.

158. The government has a compelling interest in unbiased elections.

159. A voter who casts a ballot entrusts the government that the ballot will be counted, unless the ballot is invalid or voter is ineligible.

160. The government in turn, as part of its core election responsibility, will count the ballots and attribute the count to the candidate for which the voter had cast her ballot in support of.

161. The government, as part of its core election responsibility, will announce the total votes of each candidate and the one candidate with the greatest number of ballots cast, as the winner of that election contest.

162. The voters in turn, will accept the outcome of the election contest as the government has announced.

163. The voter and government agreement regarding an election and its process is a “social contract” to maintain the democratic system of government as embodied in the U.S. Constitution.

164. Voters have a right to the governmental maintenance of a democratic system of government under the Ninth Amendment.

165. Voters have a right to the maintenance of a democratic system of government through the election process.

166. The Elections Clause of the U.S. Constitution is found under Article 1, sec. 4.

167. The Elections Clause establishes federal control over state-run federal Congressional and presidential elections.

168. Conducting elections is a core governmental public function.

169. The Elections Clause reflects the need to ensure that state or local governments do not interfere with Congressional and presidential elections.

170. In the Federalist Papers, No. 59, Alexander Hamilton wrote that if the states were allowed to regulate the elections of Congress, then the legislators of a few important states could enter into a conspiracy to prevent an election and then this could result in the Union's destruction.

171. The Elections Clause reflects the rights and obligations of the United States in the conduct of federal elections.

172. One of the obligations of the United States, through the Elections Clause, is to protect a voter's fundamental right to cast a ballot in federal elections.

173. One of the obligations of the United States, through the Elections Clause, is to ensure the integrity of federal elections as fair and unbiased.

174. Having fair, honest, and unbiased federal elections is a compelling interest of the United States.

175. A voter entrusts the United States to ensure state and local governments conduct fair and unbiased federal elections through the authority granted to it under the Elections Clause.

176. A voter entrusts the United States will ensure state and local governments will total all ballots in a federal election contest and ensure the candidate with the greatest amount of total ballots will be announced as the winner of that federal election contest as is the obligation of the United States through the Elections Clause.

177. It is the right and obligation of the United States Congress that it will seat in the U.S. House of Representatives or the U.S. Senate, only those candidates who have won

the federal election contest in the district of the state in which the election contest was held as found under Article I, section 5 of the U.S. Constitution.

178. The voters in turn, agree to accept the government's announcement of the winner of a federal election contest to maintain the integrity of the democratic system of the United States.

179. The agreement between the United States and the rights and obligations embodied within the Elections Clause as related to the conduct of federal elections over state and local governments and the voters in their acceptance of the outcome of federal election contests is a "social contract."

180. The agreement between the United States and the rights and obligations embodied within the Ninth Amendment regarding rights preserved to the people as related to the conduct of federal elections over state and local governments and the voters in their acceptance of the outcome of federal election contests is a "social contract."

181. The "social contract" also arises from the protection of the fundamental right to vote and integrity of an election contest as fair, honest, and unbiased to maintain the structure of the democratic process.

182. CTCL is a private corporate non-profit entity.

183. CTCL provided private moneys through grants to local governmental entities to conduct federal elections.

184. The CTCL grants provided conditions governing the use of those private moneys.

185. The local governmental entities accepted the conditions as a policy and agree to adhere to the conditions.

186. The City of Milwaukee accepted \$2,154,500 in private grant moneys from CTCL.

187. The City of Racine accepted \$942,100 in private grant moneys from CTCL.

188. The City of Madison accepted \$1,271,788 in private grant moneys from CTCL.

189. The City of Kenosha accepted \$862,799 in private grant moneys from CTCL.

190. The City of Green Bay accepted \$1.09 million in private grant moneys from CTCL.

191. The local governmental entities, according to their policies and customs, agreed to expend the private moneys exclusively for the purpose as described in the conditions in the conduct of federal elections.

192. The conditions, as adopted by each local governmental entity, is an additional regulation in the conduct of federal elections.

193. The local governmental entities further agreed not only to adhere to the conditions but to report back to the private entity CTCL.

194. The CTCL grant, with conditions, is a contract.

195. The local governmental entities used the private moneys to conduct federal elections.

196. If the private moneys were not used to the satisfaction of the private entity CTCL, the government is to return those moneys.

197. Hence, the governmental entity had to conduct the federal elections, at least in part, in a manner that satisfied the private entity, and not the United States.

198. Thus, the private entity is overseeing the conduct of federal elections in contradiction of the Elections Clause and the rights preserved to the people under the Ninth Amendment.

199. The private contract between CTCL and the local government interfered with the social contract of the Elections Clause governing the compelling interest of the United States with the voter regarding the integrity of federal elections and the voter intertwined with the voter's fundamental right to vote.

200. The private contract between CTCL and the local government interfered with the social contract of the rights preserved to the people under the Ninth Amendment governing the compelling interest of the United States with the voter regarding the integrity of federal elections and the voter intertwined with the voter's fundamental right to vote.

201. Other local governmental entities in Wisconsin did not use private moneys to conduct federal elections.

202. Plaintiff David Tarczon is an eligible Wisconsin voter residing in the City of Racine. He resides and will vote in the 1st Congressional District.

203. Plaintiff Elizabeth Clemens-Tarczon is an eligible Wisconsin voter residing in the City of Racine. She resides in and will vote in the 1st Congressional.

204. Plaintiff Jonathan Hunt is an eligible Wisconsin voter residing in the City of Milwaukee. He resides and will vote in the 4th Congressional District.

205. Plaintiff Paula Perez is an eligible Wisconsin voter residing in the City of Kenosha. She resides in and will vote in the 1st Congressional District.

206. Plaintiff Maria Eck is an eligible Wisconsin voter residing in the City of Green Bay. She resides in and will vote in the 8th Congressional District.

207. Plaintiff Douglas Doeran an eligible Wisconsin voter residing in the City of Green Bay. He resides in and will vote in the 8th Congressional District.

208. Plaintiff Navin Jarugumilli is an eligible Wisconsin voter residing in the City of Madison. He resides in and will vote in the 2nd Congressional District.

209. Defendant City of Racine is a Wisconsin local government located in the 1st Congressional District.

210. Defendant City of Milwaukee is a Wisconsin local government located in the 4th Congressional District.

211. Defendant City of Kenosha is a Wisconsin local government in the 1st Congressional District.

212. Defendant City of Green Bay is a Wisconsin local government in the 8th Congressional District.

213. Defendant City of Madison is a Wisconsin local government in the 2nd Congressional District.

214. Each of the respective cities of Milwaukee, Madison, Kenosha, Racine, and Green Bay accepted a CTCL grant to conduct the federal election in their respective congressional district.

215. When local governments and their officials accept private moneys to conduct federal elections, the government interferes with the integrity of a core governmental public function embodied within the federal election process, the Elections Clause, the Ninth Amendment and related federal common law.

216. When the local government accepts conditional grants for moneys to conduct federal elections, it undermines the rights and obligations the voter is entitled to rely upon from the United States which implicates the integrity of the election.

217. Plaintiffs David Tarczon, Elizabeth Clemens-Tarczon, Jonathan Hunt, Paula Perez, Maria Eck, Douglas Doeran, Navin Jarugumilli know of the CTCL private monetary grants and conditions imposed upon their respective local government. Each believe the acceptance of private moneys to conduct federal elections interferes with the social contract of the Elections Clause to ensure fair, honest, and unbiased elections and their acceptance of the election outcome.

218. Plaintiffs David Tarczon, Elizabeth Clemens-Tarczon, Jonathan Hunt, Paula Perez, Maria Eck, Douglas Doeran, Navin Jarugumilli also believe that the acceptance of private moneys to conduct federal elections interferes with the social contract derived from the Ninth Amendment to ensure fair, honest, and unbiased elections and her acceptance of the election outcome.

219. The Cities know of the CTCL private monetary grant and its conditions imposed upon their respective local governments.

220. The Cities' acceptance of private moneys to conduct federal elections interferes with the social contract of the Elections Clause to ensure fair, honest, and unbiased elections and their acceptance of the election outcome.

221. The Cities' acceptance of private moneys to conduct federal elections interferes with the social contract derived from the Ninth Amendment to ensure fair, honest, and unbiased elections and her acceptance of the election outcome.

222. When an election outcome is at issue due to the conduct of the federal election, ultimately, is it each respective house of Congress that decides who shall be seated as an elected representative for that Congressional district under Article I, section 5 of the U.S. Constitution.

223. If a congressional house rejects the elected representative and refuses to seat the representative, then each Plaintiff's vote did not count, regardless of who she voted for because the rejection invalidated the federal election process.

224. The congressional invalidation of an elected representative and refusal to seat that representative invalids all previously cast ballots within that congressional district.

225. As a result of the alleged facts, the voter is then disadvantaged as the voter has suffered an injury or will suffer an injury from the local governmental entities who accepted private grant moneys to conduct federal elections, over those local governmental entities who did not.

226. Hence, the voters also have a constitutional right not to be deliberately placed in a governmentally controlled election process in which the acceptance of private grant moneys to conduct federal elections is a design that wastes the ballot of the voter when the

elected representative is denied by Congressional action to deny that representative his or her seat in Congress.

227. The voters are disenfranchised by not have a Congressional representative until a special election if either house of Congress calls a special election—as occurred in North Carolina’s Ninth Congressional District after the November 2018 election.

228. In any Congressional district that did not accept private CTCL funding to conduct federal elections, the federal election process is upheld with the acceptance of the elected representative as having a seat in Congress.

229. Therefore, each Plaintiff is treated differently when either house rejects the elected representative and hence, invalidates the federal election process, and accepts the representative from the congressional district in which the governmental entity did not accept private monetary conditional grants.

230. The Plaintiffs requests this Court to declare under 28 U.S.C. 2201, that the local government’s acceptance of private funds through conditional grants is unconstitutional as violative of the Equal Protection Clause of the U.S. Constitution.

231. This Court should grant any other relief it deems proper, necessary, or just under the circumstance of this case.

Demand for Jury Trial

232. Plaintiffs demand a jury trial.

Prayer for Relief

Therefore, the Plaintiffs respectfully ask that this Court to:

1. Grant declaratory relief and declare that the cities of Green Bay, Kenosha, Madison, Milwaukee and Racine acceptance of private funds through federal election conditional grants is unconstitutional under the Elections Clause, the First and Ninth Amendments of the U.S. Constitution and related federal common law.
2. Grant declaratory relief and declare that the cities of Green Bay, Kenosha, Madison, Milwaukee and Racine that the local government's acceptance of private funds through federal election conditional grants is unconstitutional as a violation of the Equal Protection Clause of the U.S. Constitution.
3. Issue an injunction enjoining the Cities of Green Bay, Kenosha, Madison, Milwaukee and Racine from accepting or using the CTCL's private federal election grants.
4. Award the Plaintiffs all costs, expenses, and expert witness fees allowed by law;
5. Award the Plaintiffs attorneys' fees and costs allowed by law; and
6. Award the Plaintiffs such other and further relief as this Court deems just.

Dated: October 30, 2020

Electronically Signed by Erick G. Kaardal
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