

WISCONSIN JUSTICE INITIATIVE, INC.

Et. al,

CASE NO.

Plaintiffs,

v.

WISCONSIN ELECTIONS COMMISSION

Et. al,

Defendants.

PLAINTIFFS' MOTION FOR A TEMPORARY INJUNCTION

Plaintiffs Wisconsin Justice Initiative, Inc., Jacqueline E. Boynton, Jerome F. Buting, Craig R. Johnson, and Fred A. Risser, by their counsel, hereby move this Court pursuant to Wis. Stats. §813.02, for a temporary injunction to restrain the defendants Wisconsin Elections Commission, Commission Chair Dean Knudson, Secretary of State Douglas LaFollette, and Attorney General Josh Kaul from placing upon the April 7, 2020 ballot a question proposing changes to the Wisconsin Constitution devised by the 2019 Wisconsin State Legislature in 2019 Enrolled Joint Resolution 3, and to restrain them from tabulating or certifying votes on that question, pending determination of the merits of this action. The grounds for the motion are that the question does not meet the requirements of Wisconsin Constitution Article XII, section 1, and that a temporary injunction is needed to preserve the status quo pending this litigation and to avoid irreparable injury that would occur if the proposed amendment is put before the public in the form of an improper and insufficient question.

More specifically, the question fails to inform the voting public of the nature and scope of the new or expanded constitutional rights that it creates, and that in addition to giving crime victims additional rights, the amendment also: 1) expands the Constitutional definition of Crime Victim, and 2) infringes upon an accused's current Wisconsin constitutional rights and either amends, supersedes, or conflicts with Wisconsin Constitution Article I, Sections 7 and 8, and 3) conflicts with U.S. Constitution Amendments V, VI, and XIV. In addition, the question states that the proposed amendment gives certain rights to crime victims "while leaving the federal constitutional rights of the accused intact." Thus, the question is not merely insufficient by omission, but is misleading and fatally defective, by misstating the contents and impact of the proposed amendment.

Each of these failures violates the requirement that the ballot question regarding a proposed amendment provide a full and fair summary of the proposed change to the Constitution. In addition, the proposed changes to the Constitution represent more than one amendment, and thus, separate questions are required in order "that the people may vote for or against such amendments separately." Wis. Const. Article XII, section 1.

This motion is supported by a brief and affidavits filed with the motion.

Dated: December 18, 2019.

Electronically signed by Dennis M. Grzezinski
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