

STATE OF WISCONSIN

CIRCUIT COURT
BRANCH 9

DANE COUNTY

GREEN FOR WISCONSIN,

Plaintiff,

vs.

Case No. 06-CV-3055

STATE OF WISCONSIN ELECTIONS BOARD, KEVIN J. KENNEDY, in his official capacity as Executive Director of the State of Wisconsin Elections Board, DAVID ANSTAETT, in his official capacity as a member of the State of Wisconsin Elections Board, JACOB BURNS, in his official capacity as a member of the State of Wisconsin Elections Board, KERRY DWYER, in her official capacity as a member of the State of Wisconsin Elections Board, CARL HOLBORN, in his official capacity as a member of the State of Wisconsin Elections Board, SHERWIN HUGHES, in his official capacity as a member of the State of Wisconsin Elections Board, ROBERT KASIETA, in his official capacity as a member of the State of Wisconsin Elections Board, JOHN P. SAVAGE, in his official capacity as a member of the State of Wisconsin Elections Board, and JOHN C. SCHOBBER, in his official capacity as a member of the State of Wisconsin Elections Board,

Defendants.

**PLAINTIFF'S NOTICE OF MOTION AND
MOTION FOR TEMPORARY INJUNCTION**

To: Christopher J. Blythe
Assistant Attorney General
Lara Sutherlin
Assistant Attorney General
Wisconsin Department of Justice
17 West Main Street
P.O. Box 7857
Madison WI 53707-7857

PLEASE TAKE NOTICE that pursuant to Wisconsin Statutes section 813.02, Plaintiff Green for Wisconsin, by its attorneys Reinhart Boerner Van Deuren s.c., will move the Court, the Honorable Richard J. Niess presiding, for a temporary injunction enjoining the Defendants from enforcing the Order of the Elections Board in Case No. 2006-003. The motion will be heard in Courtroom 5A, Dane County Circuit Court, 215 South Hamilton Street, Madison, Wisconsin, on September 21, 2006, at 1:30 p.m.

This Motion is supported by the Memorandum of Law, the Affidavit of Victoria R. Renard, the Affidavit of Don M. Millis, all submitted herewith, and by the following:

(1) The Order, and the Emergency Rule upon which it is premised, are invalid because the Board has no authority to compel divestiture of funds that are lawfully on hand at the time a federal campaign committee converts to state registration;

(2) The Order, and the Emergency Rule upon which it is premised, violate the constitutional right to equal protection by treating campaign committees that convert from federal to state registration differently from

committees that convert from state registration for one state race to registration for a different state race;

(3) The Order and Emergency Rule constitute retroactive rulemaking by imposing an additional registration requirement on funds that were already lawfully on hand prior to promulgation of the Emergency Rule.

(4) The Order seeks the divestiture of funds lawfully spent while the Emergency Order was not in effect;

(5) The Order violates Green for Wisconsin's state and federal constitutional due process rights; and

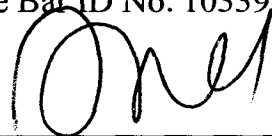
(6) The Order was issued after the Emergency Rule expired.

Dated at Madison this 13th day of September, 2006.

Reinhart, Boerner, Van Deuren, s.c.
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BY



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Green for Wisconsin