

Thomas More Society: Voters' victory as City of Kenosha agrees to discontinue use of illegal ballot drop boxes

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(August 23, 2022 – Kenosha, Wisconsin) Kenosha, Wisconsin, voters won a victory for fair elections on August 23, 2022, when a lawsuit against the city was dismissed. Thomas More Society attorneys successfully argued the case against the City of Kenosha for using unmanned absentee ballot drop boxes, something that the Wisconsin Supreme Court confirmed as illegal in July 2022.

The Thomas More Society filed the lawsuit against Kenosha on May 25, 2022, representing the Wisconsin Voter Alliance. The case against Kenosha argued that the city's policy concerning the use of absentee ballot drop boxes violated state law.

Attorneys representing Kenosha had filed a motion in June 2022 to dismiss the complaint, but the July 8, 2022, ruling by the Wisconsin Supreme Court banned the use of the drop boxes. An August 23, 2022, hearing for the case began with Kenosha changing the argument to "mootness" with nothing left to argue, thereby handing the victory to the voters. Additionally, attorney Bryan Charbogian, City of Kenosha attorney and employee, indicated the city would not use drop boxes again.

Thomas More Society Special Counsel Erick Kaardal refuted the dismissal, pointing out that the city had not changed their 2020 policies concerning drop boxes. He argued that the case should not be dismissed for mootness until such time the Kenosha Common Council repeals the current drop box policy.

The Kenosha County Circuit Court judge informed the City of Kenosha that it would have to comply with the Wisconsin Supreme Court's interpretation of the drop box laws. The judge also issued the invitation to Kaardal and the voters to return with another lawsuit in the event that the city is found to be not in compliance in the future.

The case was dismissed without prejudice based on the City of Kenosha's representation that it would never use absentee ballot drop boxes again—as required by the Supreme Court in *Teigen v. Wisconsin Election Commission*.

Kaardal observed, "This was a big win for rule of law. The City of Kenosha, a serial violator of election law, promised to comply with election law. That is winning."

About the Thomas More Society

The Thomas More Society is a national not-for-profit law firm dedicated to restoring respect in law for life, family, religious liberty, and election integrity. Headquartered in Chicago and with offices across the country, Thomas More Society fosters support for these causes by providing high quality pro bono legal services from local trial courts all the way up to the United States Supreme Court. For more information, please visit thomasmoresociety.org.

The Thomas More Society officially launched its own Election Integrity Initiative in 2022 to preserve and protect Americans' sacred right to vote against those who would use money or other illegal means such as conditional "gift" or "grant" agreements to distort, evade or compromise electoral laws and safeguards.