

**STATE OF WISCONSIN
BEFORE THE ELECTIONS COMMISSION**

RICHARD CARLSTEDT, et al.,

Complainants,

v.

MEAGAN WOLFE, et al.,

Respondents.

MOTION TO DISMISS RESPONDENT TESKE

Respondent Kris Teske, in her capacity as former City Clerk of the City of Green Bay, by and through her attorneys Vanessa R. Chavez, Esq. and Lindsay J. Mather, Esq., in this limited representation, hereby submits the following Motion to Dismiss the Complaint filed by Richard Carlstedt, Sandra Duckett, James Fitzgerald, Thomas Sladek, and Lark Wartenberg (collectively, “Complainants”) with the Wisconsin Elections Commission (“Commission”) as she is not a proper party.

ARGUMENT

Although Complainants have filed this Complaint against Respondent Teske, she is not a proper party to this matter. Respondent Teske is no longer an employee of the City, and had no role in the administration of the November 2020 election after she began FMLA leave on October 23, 2020.¹ More importantly, however, the focus of the Complaint is on actions taken by the City as a whole—i.e, acceptance and use of grant funds from the Center for Tech and Civic Life (“CTCL”)—rather than against Respondent Teske individually. Neither the legal claim in the

¹ Respondent Teske took FMLA leave on October 23, 2020 because she had a family matter that required her attention. Respondent Teske did not take a leave of absence to extract herself from the election as alleged.

Complaint nor its prayer for relief requires Respondent Teske's participation in this matter; the remaining City Respondents, Mayor Eric Genrich and City Clerk Celestine Jeffreys, will adequately represent the interests of the City as a whole with respect to administration of the 2020 elections.

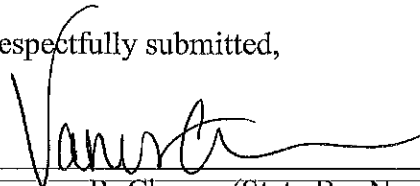
The sole claim asserted in the Complaint focuses exclusively on the legality of the City's acceptance and use of CTCL grant funds under the Electors and Elections Clauses of the U.S. Constitution. (Compl. ¶¶ 102-18.) Resolving the question of the legality of accepting the grant does not require direct participation by Respondent Teske. Similarly, none of the relief prayed for relates directly to Respondent Teske. For example, Complainants ask that the Commission require the City and City Clerk to conform their conduct to election law (*id.* at p. 32), but Respondent Teske is no longer affiliated with the City, and therefore, such relief would not apply to her.

CONCLUSION

As neither the legal claim nor anything in the prayer for relief in the Complaint relates directly to or has any implication on actions to be taken by her in any capacity related to the City, Respondent Teske respectfully requests she be dismissed from this matter, with prejudice.

Dated this 15th day of June, 2021.

Respectfully submitted,



Vanessa R. Chavez (State Bar No. 1103015)

Lindsay J. Mather (State Bar No. 1086849)

Attorneys for City of Green Bay Respondents

CITY OF GREEN BAY

100 N. Jefferson Street, Room 200

Green Bay, WI 54301

Telephone: (920) 448-3080

Facsimile: (920) 448-3081

Vanessa.Chavez@greenbaywi.gov

Lindsay.Mather@greenbaywi.gov