

STATE OF WISCONSIN : CIRCUIT COURT : DANE COUNTY  
BRANCH 4

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MARGARET HONIG  
and ROBERT HONIG,

*Plaintiffs,*

*vs.*

WISCONSIN ELECTIONS COMMISSION, *et al.*

*Defendants,*

*and*

BILLIE L. JOHNSON  
and KENDALL E. POST,

*Intervenor-Defendants.*

Case No. 26-CV-1463

Case Codes :  
30952 - Mandamus  
30701 – Declaratory  
Judgment

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**NOTICE OF MOTION AND MOTION TO INTERVENE  
OF BILLIE L. JOHNSON AND KENDALL E. POST**

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**NOTICE OF MOTION**

PLEASE TAKE NOTICE that Proposed Intervenor-Defendants BILLIE L. JOHNSON and KENDALL E. POST (collectively, "Proposed Intervenor-Defendants"), by their undersigned counsel, HEREBY MOVE this Court at a date and time to be set by the Court, if necessary, for an order granting their intervention in the above-captioned action pursuant to Wis. Stat. § 803.09(1) as a matter of right, or in the alternative, pursuant to Wis. Stat. § 803.09(2) on a permissive basis.

This Motion is supported by the accompanying Memorandum, the Proposed Answer and Affirmative Defenses in Intervention filed herewith, and such other argument as the Court may permit.

### **MOTION TO INTERVENE**

Proposed Intervenor-Defendants BILLIE L. JOHNSON and KENDALL E. POST move this Court, pursuant to Wis. Stat. § 803.09(1), for an order permitting them to intervene as Defendants in the above-captioned action as a matter of right. In the alternative, they move under Wis. Stat. § 803.09(2) for permissive intervention. In support, Proposed Intervenor-Defendants state:

1. Proposed Intervenor-Defendants are registered electors of the City of Madison, Dane County, Wisconsin, who personally cast lawful, timely ballots in the April 7, 2026, Spring Election (the “Spring Election”)—the same election at issue in this action.

2. This action concerns the unlawful counting of absentee ballots that were not delivered to their polling places by the 8 p.m. deadline on April 7, 2026. Wis. Stat. § 6.87(6). Plaintiffs seek to compel the Wisconsin Elections Commission (“WEC”) to include these late-arriving ballots in the state canvass despite clear and unambiguous statutory prohibition.

3. By a 5-1 bipartisan vote, WEC did its job: it ordered City and County Election Officials to "conform their conduct to" Wis. Stat. § 6.87(6) and to remove "the 23 unlawfully counted absentee ballots" and adjust the returns accordingly.<sup>1</sup> Plaintiffs ask this Court to reverse WEC’s Order and enter a statewide declaration licensing every Wisconsin clerk to disregard the same mandatory deadline in future elections.

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<sup>1</sup> See Wisconsin Elections Commission Order in Investigation No. 2026-0001 (hereinafter “WEC’s Order”), Compl. Ex. A.

4. Counting late-arriving ballots that Wisconsin law mandates “may not be counted” in this election and in future elections dilutes Proposed Intervenor-Defendants’ lawful votes. This is an injury that is concrete, personal, and requires protection.

5. The grounds for intervention are set forth in detail in the accompanying Memorandum in Support and the Proposed Answer and Affirmative Defenses in Intervention filed contemporaneously herewith.

WHEREFORE, Proposed Intervenor-Defendants respectfully request that this Court enter an order granting intervention as a matter of right under Wis. Stat. § 803.09(1), or in the alternative, permitting intervention under Wis. Stat. § 803.09(2), and accept the Proposed Answer and Affirmative Defenses in Intervention for filing.

Respectfully submitted this 11th day of May 2026.

**NJB LAW & CONSULTING LLC**

*By: Electronically signed by Nicholas J. Boerke*

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