

NotebookLM's assessment in *Priorities USA v. Wisconsin Elections Commission* (2024AP000164), including amicus briefs

After reviewing the provided briefs, **the parties arguing for the overruling of *Teigen v. Wisconsin Elections Commission* and for the legality of secure drop boxes present the most convincing arguments.** This includes the Plaintiffs-Appellants (Priorities USA, Wisconsin Alliance for Retired Americans, and William Franks, Jr.), Intervenor-Appellant Governor Tony Evers, and, to a significant extent, the Defendant-Respondent Wisconsin Elections Commission. Their arguments are compelling for several key reasons:

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**Plain Language of the Statute:** They argue persuasively that Wisconsin Statute § 6.87(4)(b)1., which allows absentee ballots to be "mailed by the elector, or **delivered in person, to the municipal clerk** issuing the ballot or ballots"1, **does not prohibit the use of drop boxes**2.... They contend that a secure drop box managed and maintained by the municipal clerk serves as a valid method of delivering a ballot "in person, to the municipal clerk," even if the physical exchange is not directly hand-to-hand4.... They emphasize that the Legislature chose not to include limiting language regarding the location of the clerk or the manner of in-person delivery, unlike other parts of the statute that specify delivery "at the office of the witness"6. The principle that "different words have different meanings" supports this interpretation6....

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**Workability and Clarity:** The briefs highlight the **significant confusion and practical problems** stemming from the *Teigen* decision8.... The fractured nature of the *Teigen* ruling, with only 34 of 87 paragraphs garnering majority support9..., has led to **contradictory guidance for local election officials**8. Even the status of "staffed" drop boxes at clerks' offices was left unclear8.... This lack of clarity makes it difficult for clerks to administer elections consistently and lawfully10....

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**Voter Access and Convenience:** Amicus briefs from groups like Common Cause Wisconsin, Disability Rights Wisconsin, the League of Women Voters of Wisconsin, Wisconsin Faith Voices for Justice, and Wisconsin Election Officials strongly emphasize that **drop boxes enhance voter access**, particularly for individuals with disabilities, those with limited time, and those facing potential mail delays17.... The prohibition of drop boxes creates unnecessary burdens on both voters and election clerks19....

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**Inconsistency of Opposing Arguments:** The Reply Brief of Governor Evers points out the **inconsistency in the Legislature's current stance** compared to its prior arguments in 2020, where it acknowledged drop boxes as a "safe" option for returning absentee ballots23.... This undermines the Legislature's current argument that drop boxes are not authorized by law24.... Additionally, the Plaintiffs' Reply Brief notes that even the defenders of *Teigen* cannot agree on the core rationale of the decision, with some focusing on the "inanimate object" argument and others on the "clerk's office" argument26....

While the principle of *stare decisis* is a valid concern raised by those supporting *Teigen*29..., the **unworkable nature and the significant negative impact on election administration and voter access** resulting from the *Teigen* decision provide compelling "special justifications" for re-evaluating that precedent28.... The arguments rooted in a more flexible and practical interpretation of the existing statutory language, coupled with the demonstrated benefits and widespread past use of drop boxes, make the case for overruling *Teigen* and affirming the legality of secure absentee ballot drop boxes the most convincing.