



OFFICE OF THE CLERK

Supreme Court of Wisconsin

110 EAST MAIN STREET, SUITE 215

P.O. BOX 1688

MADISON, WI 53701-1688

TELEPHONE (608) 266-1880

FACSIMILE (608) 267-0640

Web Site: www.wicourts.gov

January 10, 2022

To:

Richard M. Esenberg
Anthony LoCoco
Lucas Thomas Vebber
Wisconsin Institute for Law & Liberty
330 East Kilbourn Avenue, Suite 725
Milwaukee, WI 53202-3141

Karla Z. Keckhaver
Steven Killpatrick
Thomas C. Bellavia
Wisconsin Department of Justice
P.O. Box 7857
Madison, WI 53707-7857

Charles G. Curtis
Perkins Coie LLP
33 E. Main St., Ste. 201
Madison, WI 53703-5411

Anthony D. Russomanno
Brian P. Keenan
Assistant Attorneys General
P.O. Box 7857
Madison, WI 53707

*Address list continued on page 4.

You are hereby notified that the Court has entered the following order:

No. 2021AP1450-OA Johnson v. Wisconsin Elections Commission

On December 30, 2020, intervenors-petitioners, Congressmen Glen Grothman, Mike Gallagher, Bryan Steil, Tom Tiffany, and Scott Fitzgerald (“Congressmen”) filed a motion for leave to submit an alternative version of their proposed remedial congressional map. The Congressmen’s motion indicates that they stand by the map they submitted on December 15, 2021, but acknowledge that some of the other proposed maps propose retaining a narrow configuration for District 3, so they offer an alternative version of a congressional map that would do this as well.

By order dated January 4, 2022, the court permitted the parties to respond to the Congressmen’s motion. Responses opposing the motion were filed by intervenor-respondent, Governor Tony Evers, intervenor-respondent, Senator Janey Bewley, intervenors-petitioners, Citizens Mathematicians and Scientists, intervenors-petitioners, Hunter, et al., and intervenors-

petitioners, Black Leaders Organizing for Communities, et al. (“BLOC”). The Legislature filed a letter taking no position on the motion.

Also pending before the court is a motion filed on January 3, 2022 by intervenors-petitioners, BLOC, et al., seeking leave to file a corrected version of their proposed remedial assembly and senate maps, and a motion filed on January 6, 2022 by intervenor-respondent, Governor Tony Evers, seeking leave to file a corrected version of his proposed remedial assembly and senate maps.

Our order of November 17, 2021, provided that parties could submit only a single set of maps and provided a process by which parties could file a motion to amend their maps. Consistent with our order, Governor Evers and BLOC brought motions to amend their maps. They ask us to disregard their initial maps and consider only their maps as amended. Because our prior order plainly contemplated this type of motion, both are properly granted.

The Congressmen's motion, however, is different-in-kind. It is not a motion to amend a previously submitted map. Rather, the Congressmen ask us to consider an alternative map while expressly standing by their initial map. In essence, the Congressmen ask us to accept two congressional maps from them, while accepting only one such map from every other party. This plainly runs afoul of our direction that each party may submit only a single set of maps. Therefore,

IT IS ORDERED that the motion of intervenors-petitioners, Congressmen Glen Grothman, Mike Gallagher, Bryan Steil, Tom Tiffany, and Scott Fitzgerald (“Congressmen”) is denied. The Congressmen's map, submitted as Exhibit A to its motion is not accepted and will not be further considered by the court;

IT IS FURTHER ORDERED that the motion of intervenors-petitioners, Black Leaders Organizing for Communities, et al., is granted. The corrected assembly and senate maps filed as Exhibits C and D to their January 3, 2022 motion shall replace the maps previously filed by these intervenors-petitioners on December 15, 2020; and

IT IS FURTHER ORDERED that the motion of intervenor-respondent, Governor Tony Evers, is granted. The corrected assembly and senate maps filed in Attachment C to his January 6, 2022 motion shall replace the maps previously filed by Governor Evers on December 15, 2020.

PATIENCE DRAKE ROGGENSACK, J. (*dissenting*). Redistricting is a new challenge for this court, and as such I would accept all assistance from all parties. The majority seems to hold this view for Governor Evers and the BLOC plaintiffs, but a different view for the Congressmen.

I don't know whether the second map the Congressmen would like to submit will be helpful or not. It is possible that it would have provided no more than what we actually will hear in rebuttal during oral arguments later this month.

In addition, I have already reviewed Governor Evers' map and that of the BLOC plaintiffs, as I assume most justices have. Therefore, the court is permitting Governor Evers and the BLOC plaintiffs to file second maps that have very significant changes. For example, Governor Evers'

- Original Assembly map had 174 Municipal splits, but his "corrected" map has 115 Municipal splits.
- His Senate map had 118 Municipal splits, but his "corrected" map has 76 Municipal splits.
- His original Assembly map also had 80 Town splits, but his "corrected" map has 50 Town splits.
- His original Senate map also had 55 Town Splits but his "corrected" map has 32.

The Governor is not making minor "corrections."

As explained above, I have studied the maps already submitted. Therefore, we should permit all to refile their maps or no party should do so. Because I would treat all parties the same and grant all three motions, I respectfully dissent from the portion of this Order that denies the Congressmen's motion.

I am authorized to state that Chief Justice ANNETTE KINGSLAND ZIEGLER and Justice REBECCA GRASSL BRADLEY join this dissent.

Sheila T. Reiff
Clerk of Supreme Court

Address list continued:

Jeffrey A. Mandell
Richard Manthe
Douglas M. Poland
Carly Gerads
Rachel E. Snyder
Stafford Rosenbaum LLP
P.O. Box 1784
222 West Washington Ave., Suite 900
Madison, WI 53701-1784

Kevin M. St. John
Bell Giftos St. John LLC
Suite 2200
5325 Wall Street
Madison, WI 53718

Daniel R. Suhr
Attorney at Law
220 Madero Drive
Thiensville, WI 53092

Misha Tseytlin
Kevin M. LeRoy
Troutman Pepper Hamilton Sanders LLP
Suite 3900
227 W. Monroe St.
Chicago, IL 60606

Mel Barnes
Law Forward, Inc.
P.O. Box 326
Madison, WI 53703

Aria C. Branch
Daniel C. Osher
Jacob D. Shelly
Christina A. Ford
William K. Hancock
Elias Law Group LLP
10 G Street, NE, Suite 600
Washington, D.C. 20002

Annabelle E. Harless
Campaign Legal Center
55 W. Monroe St., Ste. 1925
Chicago, IL 60603

Mark P. Gaber
Christopher Lamar
Simone T. Leeper
Campaign Legal Center
1101 14th St. NW, Ste. 400
Washington, D.C. 20005

Adam K. Mortara
Lawfair LLC
125 S. Wacker Drive, Suite 300
Chicago, IL 60606

Michael P. May
Sarah A. Zylstra
Tanner G. Jean-Louis
Boardman & Clark, LLP
P.O. Box 927
Madison, WI 53701-0927

Tamara B. Packard
Aaron G. Dumas
Pines Bach, LLP
122 West Washington Ave., Ste. 900
Madison, WI 53703

David J. Bradford
Jenner & Block, LLP
353 North Clark St.
Chicago, IL 60654

Jeffrey M. Harris
Taylor A.R. Meehan
James P. McGlone
Consovy McCarthy, PLLC
1600 Wilson Blvd., Ste. 700
Arlington, VA 22209

Jakob E. Feltham
Hawks Quindel, S.C.
P.O. Box 2155
Madison, WI 53703-2155

Ruth M. Greenwood
Mary F. Brown
Mark R. Haidar
Meredith A. Manda
Sarah A. Sadlier
Corey M. Stewart
The Election Law Clinic
Harvard Law School
6 Everett Street
Cambridge, MA 02138

Elizabeth Edmondson
Olivia Hoffman
Jenner & Block LLP
919 Third Avenue
New York, NY 10022-3902

Jessica R. Amunson
Rebecca Fate
Sam Hirsch
Jenner & Block
1099 New York Ave. NW
Washington, DC 20001-4412

John M. Devaney
Perkins Coie LLP
700 Thirteenth Street N.W., Suite 800
Washington, D.C. 20005

Alison Boldt
Robert Yablon
University of Wisconsin Law School
975 Bascom Mall
Madison, WI 53706

Joseph S. Goode
Mark M. Leitner
John William Halpin
Laffey Leitner & Goode
325 E. Chicago Street, Suite 200
Milwaukee, WI 53202