

FILED

08-22-2023

CLERK OF WISCONSIN
SUPREME COURTSTATE OF WISCONSIN
IN SUPREME COURTCase No. 2023AP1399-OA

REBECCA CLARKE, RUBEN ANTHONY, TERRY
DAWSON, DANA GLASSTEIN, ANN GROVES-LLOYD,
CARL HUJET, JERRY IVERSON, TIA JOHNSON,
ANGIE KIRST, SELIKA LAWTON, FABIAN
MALDONADO, ANNEMARIE MCCLELLAN, JAMES
MCNETT, BRITTANY MURIELLO, ELA JOOSTEN
(PARI) SCHILS, NATHANIEL SLACK, MARY SMITH-
JOHNSON, DENISE SWEET, and GABRIELLE
YOUNG,

Petitioners,

v.

WISCONSIN ELECTIONS COMMISSION, DON MILLIS,
ROBERT F. SPINDELL, JR., MARK L. THOMSEN, ANN
S. JACOBS, MARGE BOSTELMANN, JOSEPH J.
CZARNEZKI, IN THEIR OFFICIAL CAPACITIES AS
MEMBERS OF THE WISCONSIN ELECTIONS
COMMISSION; MEAGAN WOLFE, IN HER OFFICIAL
CAPACITY AS THE ADMINISTRATOR OF THE
WISCONSIN ELECTIONS COMMISSION; ANDRE
JACQUE, TIM CARPENTER, ROB HUTTON, CHRIS
LARSON, DEVIN LEMAHIEU, STEPHEN L. NASS,
JOHN JAGLER, MARK SPREITZER, HOWARD
MARKLEIN, RACHAEL CABRAL-GUEVARA, VAN H.
WANGGAARD, JESSE L. JAMES, ROMAINE ROBERT
QUINN, DIANNE H. HESSELBEIN, CORY TOMCZYK,
JEFF SMITH, AND CHRIS KAPENGA, IN THEIR
OFFICIAL CAPACITIES OF THE WISCONSIN SENATE,

Respondents.

**RESPONSE OF WISCONSIN ELECTIONS
COMMISSION AND ITS COMMISSIONERS AND
ADMINISTRATOR TO PETITION FOR LEAVE TO
COMMENCE AN ORIGINAL ACTION**

Respondents Wisconsin Elections Commission (the “Commission”); Don Millis, Robert F. Spindell, Jr., Mark L. Thomsen, Ann S. Jacobs, Marge Bostelmann, Joseph J. Czarnezki, in their official capacities as members of the Commission; and Meagan Wolfe, in her official capacity as administrator of the Commission, by undersigned counsel, respond to the petition for leave to commence an original action as follows:

The Commission is responsible for administering elections. *See generally* Wis. Stat. ch. 5–10, 12. In fulfilling that duty, the Commission has no role or interest in determining where legislative district boundaries are located. Accordingly, the Commission takes no position on the merits of the claims in the petition for leave to commence an original action.¹

The Commission’s primary concern is to ensure that any litigation involving legislative district boundaries is conducted in a way that takes into account relevant administrative limitations and statutory deadlines, so that the litigation does not disrupt or impair the proper, efficient, and effective administration of the 2024 election calendar. The Commission, therefore, does not oppose this Court exercising its original jurisdiction, if it determines that will best facilitate that goal.

In the most recent redistricting case before this Court, *Johnson v. Wisconsin Elections Commission*, 2022AP1450-OA, the Commission explained, that for staff to be able to timely and effectively administer the November 8, 2022, election, including the nomination petition circulation process

¹ It is the Commission’s understanding that the Legislature intends to intervene to defend the existing maps.

starting on April 15, 2022, maps needed to be in place no later than March 15, 2022.

If this Court takes jurisdiction, the Commission intends to again advocate for timely and expeditious resolution of all litigation so as not to adversely impact the 2024 election calendar. The Commission is prepared to provide more specific calendar information and additional explanation at an appropriate time and to respond to any requests by the Court.

If this Court takes jurisdiction, the Commission also intends to seek dismissal of its individual commissioners and administrator, on the ground that they are not proper parties to the proposed original action.

Dated this 22nd day of August 2023.

Respectfully submitted,

ERIC J. WILSON
Deputy Attorney General of
Wisconsin

Electronically signed by:

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CERTIFICATE OF EFILE/SERVICE

I certify that in compliance with Wis. Stat. § 801.18(6), I electronically filed this *Response of Wisconsin Elections Commission and Its Commissioners and Administrator to Petition for Leave to Commence an Original Action* with the clerk of court using the Wisconsin Appellate Court Electronic Filing System, which will accomplish electronic notice and service for all participants who are registered users.

Dated this 22nd day of August 2023.

Electronically signed by:

Steven C. Kilpatrick
STEVEN C. KILPATRICK
Assistant Attorney General