

FILED  
10-16-2023  
CLERK OF WISCONSIN  
SUPREME COURT

STATE OF WISCONSIN  
IN SUPREME COURT

Case No. 2023AP1399-OA

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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,

GOVERNOR TONY EVERS IN HIS OFFICIAL  
CAPACITY, NATHAN ATKINSON, STEPHEN JOSEPH  
WRIGHT, GARY KRENZ, SARAH J. HAMILTON, JEAN-  
LUC THIFFEAULT, SOMESH JHA, JOANNE KANE, and  
LEAH DUDLEY,

Intervenors-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; AND MEAGAN WOLFE, IN HER  
OFFICIAL CAPACITY AS 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,

WISCONSIN LEGISLATURE, BILLIE JOHNSON,  
CHRIS GOEBEL, ED PERKINS, ERIC O'KEEFE, JOE  
SANFELIPPO, TERRY MOULTON, ROBERT JENSEN,  
RON ZAHN, RUTH ELMER, and RUTH STRECK,

Intervenor-Respondents.

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**RESPONSE OF WISCONSIN ELECTIONS  
COMMISSION AND ITS COMMISSIONERS AND  
ADMINISTRATOR TO COURT ORDER  
OF OCTOBER 6, 2023**

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The Commission Respondents in this matter—the 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 Commission; and Meagan Wolfe, in her official capacity as administrator of the Commission—by undersigned counsel, submit the following statement in response to the Court's order of October 6, 2023:

The Court has enumerated four questions and directed the parties, by noon on October 16, 2023, to file either a brief addressing them or a statement that no brief will be filed. As noted in their prior response to the original action petition, the Commission respondents have no role or interest in determining where legislative district boundaries are located and thus take no position on the merits of the claims in the petition, including Issues 4 and 5. Accordingly, the Commission respondents do not intend to file a brief on the questions posed by the Court.

The Commission respondents reiterate that their primary concern is to ensure that any litigation involving electoral 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. In particular, the process for circulating candidate nomination petitions for the November 2024 general election begins on April 15, 2024. If this litigation results in any changes to existing district maps, Commission staff would be required to record the new boundaries in the statewide election management system and integrate the new districting data with existing voter registration and address data in advance of that petition circulation process. Any new maps thus would need to be in place by March 15, 2024, to permit the prerequisite steps to be completed before the petition circulation process begins on April 15, 2024.

The Court has scheduled oral argument in this matter on Tuesday, November 21, 2023. If the Court were to find a constitutional violation, any subsequent remedial proceedings should be scheduled consistent with the above time parameters. The Commission respondents remain prepared to provide more specific calendar information and additional explanation at an appropriate time, if requested by the Court.

Dated this 16th day of October 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 Court Order of October 6, 2023*, 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 16th day of October 2023.

Electronically signed by:

Steven C. Kilpatrick  
STEVEN C. KILPATRICK  
Assistant Attorney General