

FILED  
11-07-2023  
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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**COMMISSION RESPONDENTS' NOTICE OF  
NONPARTICIPATION IN ORAL ARGUMENT**

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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, Carrie Riepl,<sup>1</sup> 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 notice:

The Commission Respondents do not intend to participate in oral argument in this matter scheduled for November 21, 2023.

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<sup>1</sup> Carrie Riepl was appointed by Governor Evers to succeed Commissioner Joseph J. Czarnecki effective October 17, 2023. Riepl is “automatically substituted as a party” in her official capacity as a member of the Wisconsin Elections Commission pursuant to Wis. Stat. § 803.10(4)(a).

Dated this 7th day of November 2023.

Respectfully submitted,

ERIC J. WILSON  
Deputy Attorney General of  
Wisconsin

Electronically signed by:

Steven C. Kilpatrick  
STEVEN C. KILPATRICK  
Assistant Attorney General  
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KARLA Z. KECKHAVER  
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S. Jacobs, Marge Bostelmann, Carrie  
Riepl, and Meagan Wolfe

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### **CERTIFICATE OF EFILE/SERVICE**

I certify that in compliance with Wis. Stat. § 801.18(6), I electronically filed this *Commission Respondents' Notice of Nonparticipation in Oral Argument* 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 7th day of November 2023.

Electronically signed by:

Steven C. Kilpatrick  
STEVEN C. KILPATRICK  
Assistant Attorney General