

FILED

11-08-2023

CLERK OF WISCONSIN
SUPREME COURT

IN THE SUPREME COURT OF WISCONSIN

No. 2023AP1399

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, CARRIE RIEPL, 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 AS MEMBERS 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,

Intervenors-Respondents.

MOTION OF WISCONSIN JUSTICE INITIATIVE, INC. & WISCONSIN FAIR
MAPS COALITION FOR LEAVE TO FILE NON-PARTY *AMICI* BRIEF

Counsel listed on following page

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Wisconsin Justice Initiative, Inc. (“WJI”) and the Wisconsin Fair Maps Coalition (“FMC”) hereby move the Court, pursuant to Wis. Stat. §§ (Rules) 809.14(1), 809.19(7)(a), and the Court’s October 6, 2023 Order, for leave to appear and file the attached brief as *amici curiae* in the above-captioned matter. In support of this motion, proposed *amici* WJI and FMC submit the following:

1. WJI is a 501(c)(3) nonprofit organization that educates the public about all branches of state government, numerous facets of Wisconsin’s justice system, and voting. It also advocates for improvements in state government and the justice system to effect more just outcomes, especially for minority and low-income individuals.

2. FMC is an unincorporated coalition of unincorporated citizen activist groups. FMC citizen activist groups include North Shore Fair Maps, SW Fair Maps, Jefferson County Fair Maps, Dane County Fair Maps, Columbia County Fair Maps, Iowa County Fair Maps, Midstate Fair Maps, 8th Congressional District (CD) Fair Maps, 7th CD East Fair Maps, 7th CD West Fair Maps, 4th CD Fair Maps, 3rd CD Fair Maps, Western Wisconsin for Nonpartisan Voting Districts, and Wisconsin Maps Assessment Project. FMC members met regularly when redistricting maps were being considered by the legislature and this Supreme Court. The work of these activist groups is guided by the FMC Lead Team, which includes Wisconsin Democracy Campaign, League of Women Voters–Wisconsin, Wisconsin Conservation Voters, Common Cause Wisconsin, and others.

3. Amici provide public education about redistricting, elections, and democracy. They advocate for districting maps that fairly reflect and address the needs, interests, and desires of all Wisconsinites.

4. Amici have a substantial interest in ensuring that the rights of the people derived from Wisconsin's Constitution and particular governmental structure are identified and effectuated correctly, and they bring substantial expertise to bear on the issues raised in this original action.

5. The proposed brief does not repeat arguments made or to be made by any of the parties, to the best of WJI's and FMC's knowledge. Instead, it provides critical historical and on-the-ground context for evaluating the merits of this original action. In particular, it describes extensive public activism regarding the past two rounds of legislative redistricting in Wisconsin, their broad public perception and aftermath of such legislative redistricting, the repeatedly frustrated efforts by citizens of this state to put limits on partisan gerrymandering through their elected representatives in the legislative branch, and Gov. Tony Evers's representation of those citizens' interests. The proposed brief analyzes key issues in this case and applicable law within and using that historical and on-the-ground context.

6. The proposed brief serves to highlight how fundamental principles of separation of powers and popular sovereignty interrelate with and animate the discussion about gerrymandering. The brief also serves to highlight the overwhelming public support for nonpartisan redistricting for purposes of any

remedy this Court may fashion in this case and the need to consider partisan effects of maps that the Court may adopt.

7. This motion is timely filed in accordance with Wis. Stat. (Rule) § 809.17(7)(c) and the Court's October 6, 2023 Order addressing the filing of non-party briefs.

WHEREFORE, movants WJI and FMC hereby respectfully request that the Court grant this motion and accept the attached brief.

Dated: November 8, 2023

Respectfully submitted by:

/s/ Margo S. Kirchner

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