

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 LOCAL ELECTED OFFICIALS FOR LEAVE TO FILE *AMICI CURIAE* BRIEF IN SUPPORT OF PETITIONERS

The local elected officials listed at Appendix A of the attached brief hereby request permission that they (“Proposed *Amici*”) be granted leave to submit the attached non-party brief as *Amici Curiae* in support of petitioners.

This motion is submitted pursuant to Wis. Stat. (Rule) § 809.19(7)(a) and Wis. Sup. Ct. Internal Op. Pro. III (B)(6)(c) as well as this Court’s order dated October 6, 2023. In support of the motion, Proposed *Amici* state as follows:

1. Proposed *Amici* are local elected officials from communities across Wisconsin. Proposed *Amici* represent communities with a range of local economies, needs, and perspectives. Through first-hand experience, Proposed *Amici* know that unfair maps and disproportionate representation in the state legislature has been a major obstacle to local government’s ability to enact policies responsive to the needs of their constituents.

2. Proposed *Amici* believe the accompanying brief would be of significant value to this Court. In particular, Proposed *Amici* provide this brief to offer insights about the impacts of unfair legislative maps on local governance. Among other things, city policies have been preempted repeatedly by state legislation and state funding of local governments has been limited, especially for cities. Proposed *amici* argue that fairly drawn maps strengthen the ability of local governments to serve their communities.

3. Hawks Quindel, S.C. is a law firm with offices in Madison, Milwaukee, Waukesha, Appleton, and Kenosha that is dedicated to creating a more just world for people who have been injured or wronged. It has an extensive history of fighting for the rights of Wisconsin workers and labor unions, and at its core, the firm has always stood for social justice. The firm has a long history of working for fair elections and voting rights for all Wisconsin residents, especially those who are traditionally underrepresented and marginalized in the electoral process.

4. Public Rights Project (“PRP”) is a national 501(c)(3) non-profit organization. PRP’s lawyers often work with local, state, and tribal governments and their leaders across the United States, including in Wisconsin. PRP’s mission is to ensure that more governmental entities equitably enforce laws to protect people’s civil and human rights. PRP has a history of supporting voting rights and fair elections.

5. This motion for leave to file and the accompanying brief are submitted in a timely fashion pursuant to Wis. Stat. (Rule) § 809.19(7)(a) and this Court’s order of October 6, 2023.

CONCLUSION

For the reasons stated above, Proposed *Amici*, Hawks Quindel, S.C., and Public Rights Project respectfully request that the Court grant their motion for permission to file a non-party brief in this case.

Respectfully submitted, this 8th day of November, 2023.

/s/ Nicholas E. Fairweather

NICHOLAS E. FAIRWEATHER
Wisconsin State Bar No.: 1036681
HAWKS QUINDEL, S.C.
409 East Main Street
Madison, WI 53701
Telephone: (608) 257-0040
Email: nfairweather@hq-law.com

Jonathan B. Miller*
Michael Adame*
Public Rights Project
490 43rd Street, #115
Oakland, CA 94609

**Pro hac vice applications forthcoming*

CERTIFICATION OF SERVICE

I hereby certify that on this date I caused an electronic copy of this motion and the proposed brief to be sent by email to clerk@wicourts.gov on or before 12:00 noon. I further certify that on this date, I sent true and correct email copies of these materials to all counsel of record.

/s/ Nicholas E. Fairweather _____

NICHOLAS E. FAIRWEATHER
Wisconsin State Bar No.: 1036681
HAWKS QUINDEL, S.C.
409 East Main Street
Madison, WI 53701
Telephone: (608) 257-0040
Email: nfairweather@hq-law.com