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11-13-2023

CLERK OF WISCONSIN

SUPREME COURT

November 13, 2023

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You are hereby notified that the Court has entered the following order:

No. 2023AP1399-OA Clarke v. Wisconsin Elections Commission

Pending before the court is an original action filed by petitioners, Rebecca Clarke, et al. By the terms of this court's October 6, 2023 order granting leave to commence the original action solely as to Issues 4 and 5 set forth in the petition, see Clarke v. Wis. Elections Comm'n, 2023 WI 70, the court scheduled oral argument for November 21, 2023. The court is considering the best manner in which to conduct oral argument and wants to avoid duplicative arguments by any party. Consequently, the court has concluded that, for the purposes of oral arguments, the parties shall be divided into two groups based on whether the party is seeking relief, or whether the party is opposed to relief. Group One will include: Rebecca Clarke, et al.; Nathan Atkinson, et al.; Governor Tony Evers; and Senators Carpenter, Larson, Spreitzer, Hesselbein and Smith. Group Two will include: the Wisconsin Legislature; Senators Cabral-Guevara, Hutton, Jacque, Jagler, James, Kapenga, LeMahieu, Marklein, Nass, Quinn, Tomczyk, and Wanggaard; and Johnson, et al. Each group will receive 80 minutes of oral argument time, and will submit a plan that advises the court as to how that group intends to divide the 80 minutes. Accordingly,

IT IS ORDERED that on or before 5:00 p.m. on Thursday, November 16, 2023, Group One and Group Two shall each submit a plan that advises the court as to the following: (1) the list of issues, in order, that the group intends to argue and the total amount of time for each issue and

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(2) for each issue the attorney(s) who will be arguing that issue and the amount of time that each attorney will argue. Group One may choose to reserve 15 minutes of the 80 minutes allotted oral argument time for rebuttal. The parties in each group are encouraged to reach agreement to avoid duplicating arguments. If multiple parties wish to present argument on any particular issue, those parties should ensure they will not duplicate arguments of any other party. Each group shall submit its plan to the court via email to the Clerk of Supreme Court at clerk@wicourts.gov. The subject line of the email shall read: "Urgent: Oral Argument November 21, 2023; 2023AP1399-OA;" and

IT IS FURTHER ORDERED that oral argument will commence at 8:45 a.m. on Tuesday, November 21, 2023. Each party shall have back-up counsel available to argue in the event that the designated attorney(s) cannot appear and present oral argument for any reason on November 21, 2023; and

IT IS FURTHER ORDERED that a non-party, *amicus curiae*, shall not be granted oral argument time in addition to the argument time allotted above to the two groups of parties, but an *amicus curiae* may participate in presenting oral argument if any group of parties cedes the *amicus curiae* time. If a group cedes argument time to an *amicus curiae*, the issue(s), amount of time, and the name of the *amicus curiae* attorney presenting argument shall be listed in the group's argument plan; and

IT IS FURTHER ORDERED that if any special access, visual, or hearing arrangements are necessary for your attendance in court, please advise the Clerk of Supreme Court no later than 12:00 noon on Monday, November 20, 2023; and

IT IS FURTHER ORDERED that upon arrival for oral argument, each attorney presenting argument shall check in with the Clerk's office staff outside the Supreme Court Hearing Room.

REBECCA GRASSL BRADLEY, J., dissents.

Samuel A. Christensen
Clerk of Supreme Court

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