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CLERK OF WISCONSIN
SUPREME COURT

STATE OF WISCONSIN
IN SUPREME COURT

No. 2024AP001643-OA

DAVID STRANGE, INDIVIDUALLY AND AS DEPUTY
OPERATIONS DIRECTOR – WISCONSIN FOR THE
DEMOCRATIC NATIONAL COMMITTEE,

Petitioner,

v.

WISCONSIN ELECTIONS COMMISSION (WEC); MEAGAN
WOLFE, IN HER OFFICIAL CAPACITY AS
ADMINISTRATOR OF WEC; DON MILLIS, ROBERT
SPINDELL, JR., MARGE BOSTELMANN, ANN JACOBS,
MARK THOMSEN, AND CARRIE RIEPL, IN THEIR
OFFICIAL CAPACITY AS COMMISSIONERS OF WEC;
AND WISCONSIN GREEN PARTY,

Respondents.

**GOVERNOR TONY EVERS' MOTION FOR LEAVE TO
FILE A NON-PARTY *AMICUS CURIAE* BRIEF**

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Counsel for Non-Party Governor Tony Evers

Governor Tony Evers, through his counsel, moves for leave to file the attached non-party *amicus curiae* brief in response to the Petition for Original Action in *Strange v. Wisconsin Elections Commission*, No. 2024AP001643-OA.

1. This action challenges the Wisconsin Elections Commission's planned, purportedly unlawful, placement of a presidential candidate on the ballot for the November 2024 general election. Petitioner asserts that the Wisconsin Green Party ("WGP") failed to comply with Wisconsin law governing presidential electors and that it is therefore barred from having its candidates appear on the ballot for president and vice president in the November 5, 2024, general election. Pet. at p. 3. Petitioner seeks a declaration that the WGP lacks the requisite representatives to nominate presidential electors required by Wisconsin law and an injunction enjoining the Wisconsin Elections Commission ("WEC") from accepting presidential elector nominees from the WGP and from transmitting to county clerks the WGP's presidential and vice-presidential candidates as part of WEC's certified lists of candidates. Pet. at p. 21.

2. The Governor is the state's chief executive with the power to execute the laws. Wis. Const. art. V, § 1. The Wisconsin

Constitution requires that the Governor “take care that the laws be faithfully executed,” Wis. Const. art. V, § 4, and Governor Evers has been steadfast in his resolve to guarantee free, fair, and orderly elections—the cornerstone of our democratic government.

3. The Governor also has constitutionally and statutorily defined roles in election administration beyond the general obligations to faithfully execute the laws. The Governor has the power to direct special elections to fill certain vacancies. U.S. Const. art I, § 2; Wis. Const. art. IV, § 14; Wis. Stat. § 8.50. The Governor has a role in appointing members to WEC. Wis. Stat. § 15.61(1)(a). And, as is most relevant here, the Governor is responsible for certifying statewide presidential election results. 3 U.S.C. § 5(a); Wis. Stat. § 7.70(5)(b).

4. The Governor offers an important perspective distinct from all other parties. The Office of the Governor is the “the one institution guaranteed to represent the majority of the voting inhabitants of the state,” *Reynolds v. Zimmerman*, 22 Wis. 2d 544, 556-57, 126 N.W.2d 551, 558 (1964), and its interest is focused solely on ensuring the orderly administration of a free and fair election in compliance with Wisconsin law. Because the Governor is responsible for certifying Wisconsin’s presidential election

results and electors and transmitting those results to the Archivist of the United States, 3 U.S.C. § 5; Wis. Stat. § 7.70(5), he has a unique responsibility to ensure that the will of Wisconsin's voters is respected and that those voters cast their votes on a clear and accurate ballot in compliance with Wisconsin law.

5. The Governor's proposed brief, attached, urges the Court to grant the Petition for Original Action, take jurisdiction over this matter, and expeditiously resolve this important and time-sensitive question of statutory interpretation so that the Governor—and local election officials across Wisconsin—can ensure the orderly administration of the November 5, 2024, general election.

6. This motion is timely and complies with the Court's Order of August 22, 2024, inviting the filing of non-party briefs.

WHEREFORE, Governor Tony Evers requests that this Court grant his motion for leave to file the attached non-party *amicus curiae* brief.

Dated this 23rd day of August 2024.

Respectfully submitted,

/s/ Mel Barnes

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