

No. 2021AP1450-OA

IN THE SUPREME COURT OF WISCONSIN

BILLIE JOHNSON, ERIC O'KEEFE,
ED PERKINS AND RONALD ZAHN,

Petitioners,

v.

WISCONSIN ELECTIONS COMMISSION, MARGE BOSTELMANN,
JULIE GLANCEY, ANN JACOBS, DEAN KNUDSON,
ROBERT SPINDELL, AND MARK THOMSEN,
in their official capacities as members of
the Wisconsin Election Commission,

Respondents.

**MOTION BY THE WISCONSIN LEGISLATURE
TO INTERVENE AS DEFENDANT**

The Wisconsin Legislature, through its counsel, hereby moves to intervene in the above-captioned case pursuant to Wis. Stat. §803.09. For the reasons stated in the accompanying brief filed in support of this motion, the Legislature respectfully requests to intervene as of right.

The grounds for this motion are as follows:

1. This action challenges the constitutionality of existing district boundaries under current state law and asks the Court to draw new boundaries in light of new census data should the Wisconsin Legislature be unable to timely do so. Pet. ¶36.

2. The Legislature is the bicameral legislative branch of Wisconsin's government. Wis. Const. art. IV, §1. It has the responsibility to create Wisconsin's congressional and state legislative districts. U.S. Const. art. I, §4, cl. 1; Wis. Const. art. IV, §3.

3. The Legislature's redistricting process is underway, based on newly released 2020 census data.

4. The Legislature has a statutory right to participate in litigation to defend its institutional interests, including defending the validity of its laws. Wis. Stat. §803.09(2m); *Democratic Nat'l Comm. v. Bostelmann*, 2020 WI 80, ¶¶6-8, 13, 394 Wis.2d 33, 949 N.W.2d 423.

5. This redistricting suit also implicates the Legislature's unique institutional interests as the body primarily responsible for redistricting, which is a separate and independent ground for intervention. The disposition of this matter may as a practical matter

impair or impede the Legislature's unique institutional interests, and these interests are not adequately represented by existing parties.

6. This motion is timely, filed by the date and time prescribed by this Court's Order of September 22, 2021.

WHEREFORE, the Wisconsin Legislature requests that this Court enter an order granting this motion and allow the Legislature to participate as Intervenor-Defendant in this matter.

Dated this 6th day of October, 2021.

Respectfully submitted,

Electronically Signed By
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