



OFFICE OF THE CLERK

Supreme Court of Wisconsin

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October 14, 2021

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

No. 2021AP1450-OA Johnson v. Wisconsin Elections Commission

On September 22, 2021, this court granted a petition for leave to commence an original action filed by petitioners Billie Johnson, et al. On October 14, 2021, this court granted motions to intervene filed by Black Leaders Organizing for Communities, et al. (“BLOC”); Congressmen Glenn Grothman, Mike Gallagher, Brian Steil, Tom Tiffany, and Scott Fitzgerald (“Congressmen”); Gary Krenz, Sarah J. Hamilton, Stephen Joseph Wright, Jean-Luc Thiffeault, and Somesh Jha (“Citizen Mathematicians and Scientists”); Lisa Hunter, Jacob Zabel, Jennifer Oh, John Persa, Geraldine Schertz, and Kathleen Qualheim; the Wisconsin Legislature; Governor Tony Evers; and Janet Bewley, Senate Democratic Minority Leader, on behalf of the Senate Democratic Caucus.

If new maps are not enacted into law, we may be called upon to award judicial relief. Anticipating that possibility, we require all parties to brief the four questions below. Therefore,

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IT IS ORDERED that the parties (including all intervenors) shall file simultaneous briefs addressing the following questions:

- 1.) Under the relevant state and federal laws, what factors should we consider in evaluating or creating new maps?
- 2.) The petitioners ask us to modify existing maps using a "least-change" approach. Should we do so, and if not, what approach should we use?
- 3.) Is the partisan makeup of districts a valid factor for us to consider in evaluating or creating new maps?
- 4.) As we evaluate or create new maps, what litigation process should we use to determine a constitutionally sufficient map?

IT IS FURTHER ORDERED that each party shall file an initial brief on or before 12:00 noon, October 25, 2021, and each party may file a response brief on or before 12:00 noon, November 1, 2021. The form, length, pagination, appendix, and certification requirements shall be the same as those governing standard appellate briefing in this court for a brief-in chief and a response brief;

IT IS FURTHER ORDERED that all filings in this matter shall be filed as an attachment in pdf format to an email addressed to clerk@wicourts.gov. See Wis. Stat. §§ 809.70, 809.80 and 809.81. A paper original and 10 copies of each filed document must be received by the clerk of this court by 12:00 noon of the business day following submission by email, with the document bearing the following notation on the top of the first page: "This document was previously filed via email"; and

IT IS FURTHER ORDERED that requests for additional briefing or extensions will be viewed with disfavor.

Sheila T. Reiff
Clerk of Supreme Court

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