

**IN THE SUPREME COURT OF WISCONSIN
APPEAL NO. 2021AP1450-OA**

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

Petitioners,

BLACK LEADERS ORGANIZING FOR COMMUNITIES,
VOCES DE LA FRONTERA, LEAGUE OF WOMEN
VOTERS OF WISCONSIN, CINDY FALLONA, LAUREN STEPHENSON,
REBECCA ALWIN, CONGRESSMAN GLENN GROTHMAN,
CONGRESSMAN MIKE GALLAGHER, CONGRESSMAN BRYAN STEIL,
CONGRESSMAN TOM TIFFANY, CONGRESSMAN SCOTT
FITZGERALD, LISA HUNTER, JACOB ZABEL, JENNIFER OH, JOHN
PERSA, GERALDINE SCHERTZ, KATHLEEN QUALHEIM,
GARY KRENZ, SARAH J. HAMILTON, STEPHEN JOSEPH WRIGHT,
JEAN-LUC THIFFEAULT, and SOMESH JHA,

Intervenors-Petitioners,

v.

WISCONSIN ELECTIONS COMMISSION, MARGE BOSTELMANN in
her official capacity as a member of the Wisconsin Elections Commission,
JULIE GLANCEY in her official capacity as a member of the Wisconsin
Elections Commission, ANN JACOBS in her official capacity as a member
of the Wisconsin Elections Commission, DEAN KNUDSON in his official
capacity as a member of the Wisconsin Elections Commission, ROBERT
SPINDELL, JR. in his official capacity as a member of the Wisconsin
Elections Commission and MARK THOMSEN in his official capacity as a
member of the Wisconsin Elections Commission,

Respondents,

THE WISCONSIN LEGISLATURE, GOVERNOR TONY EVERS, in his
official capacity, and JANET BEWLEY SENATE DEMOCRATIC
MINORITY LEADER, on behalf of the Senate Democratic Caucus,

Intervenors-Respondents.

ANSWER OF SENATOR JANET BEWLEY, ON BEHALF OF THE
SENATE DEMOCRATIC CAUCUS,
TO OMNIBUS AMENDED PETITION

Intervenor-Respondent Senator Janet Bewley, on behalf of the Senate Democratic Caucus (“the Senate Democrats”), by her attorneys, Pines Bach LLP, as an answer to the Omnibus Amended Petition to the Supreme Court of Wisconsin to Take Jurisdiction of an Original Action, admits, denies, and alleges as follows:

ISSUES PRESENTED

1. This paragraph (including the footnote) is comprised of legal assertions and conclusions to which no answer is required. To the extent an answer is required, the Senate Democrats admit that this is an issue presented.
2. This paragraph is comprised of legal assertions and conclusions to which no answer is required. To the extent an answer is required, the Senate Democrats admit that this is an issue presented.
3. This paragraph is comprised of legal assertions and conclusions to which no answer is required. To the extent an answer is required, the Senate Democrats admit that this is an issue presented.
4. This paragraph is comprised of legal assertions and conclusions to which no answer is required. To the extent an answer is required, the Senate Democrats admit that this is an issue presented.
5. This paragraph is comprised of legal assertions and conclusions to which no answer is required. To the extent an answer is required, the Senate Democrats admit that this is an issue presented.

6. This paragraph is comprised of legal assertions and conclusions to which no answer is required. To the extent an answer is required, the Senate Democrats admit that this is an issue presented.

7. This paragraph is comprised of legal assertions and conclusions to which no answer is required. To the extent an answer is required, the Senate Democrats admit that this is an issue presented.

INTRODUCTION

8. The Senate Democrats admit, except as to the last sentence, which is comprised of legal assertions and conclusions to which no answer is required. To the extent an answer is required, the Senate Democrats admit that the existing plans are unconstitutional, and deny the balance.

9. The Senate Democrats admit.

10. This paragraph is comprised of legal assertions and conclusions to which no answer is required. To the extent an answer is required, the Senate Democrats deny.

11. This paragraph is comprised of legal assertions and conclusions to which no answer is required. To the extent an answer is required, the Senate Democrats deny.

12. This paragraph is comprised of legal assertions and conclusions to which no answer is required. To the extent an answer is required, the Senate Democrats deny.

13. The Senate Democrats admit.

14. The Senate Democrats admit.

15. The Senate Democrats admit.

16. This paragraph is comprised of legal assertions and conclusions to which no answer is required. To the extent an answer is required, the Senate Democrats deny.

17. This paragraph is comprised of legal assertions and conclusions to which no answer is required. To the extent an answer is required, the Senate Democrats deny.

18. This paragraph is comprised of legal assertions and conclusions to which no answer is required. To the extent an answer is required, the Senate Democrats deny.

19. This paragraph is comprised of legal assertions and conclusions to which no answer is required. To the extent an answer is required, the Senate Democrats deny.

20. This paragraph is comprised of legal assertions and conclusions to which no answer is required. To the extent an answer is required, the Senate Democrats deny.

21. This paragraph is comprised of legal assertions and conclusions to which no answer is required. To the extent an answer is required, the Senate Democrats deny.

22. This paragraph is comprised of legal assertions and conclusions to which no answer is required. To the extent an answer is required, the Senate Democrats deny.

23. This paragraph is comprised of legal assertions and conclusions to which no answer is required. To the extent an answer is required, the Senate Democrats deny.

24. The Senate Democrats admit that should this Court not timely adopt new state and congressional districts that comply with federal law, the federal court presiding over the *Hunter* action has expressed an intent to adjudicate the federal rights at stake. As to all other factual allegations, the Senate Democrats deny.

JURISDICTION AND VENUE

25. The Senate Democrats admit.

26. The Senate Democrats admit.

27. This paragraph is comprised of legal assertions and conclusions to which no answer is required. To the extent an answer is required, the Senate Democrats are without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny.

28. The Senate Democrats admit the first sentence of this paragraph on information and belief. The Senate Democrats further admit that Intervenor-Respondent Governor Tony Evers is a state official who resides in Wisconsin and performs official duties in Madison, Wisconsin. The Senate Democrats deny the balance of the paragraph and affirmatively state that Senator Bewley is an elected official who serves as the Democratic Minority Leader in the Wisconsin Senate, appears on behalf of the Senate Democratic Caucus, and resides in Wisconsin and performs official duties in Madison, Wisconsin. The Senate Democrats further affirmatively state that those who appear before this Court as the “Wisconsin Legislature” are not in fact a branch of state government but rather are the Republican leadership of the legislative branch who, on information and belief, are elected officials, reside in Wisconsin, and perform official duties in Madison, Wisconsin.

PARTIES

29. The Senate Democrats admit on information and belief.

30. The Senate Democrats admit on information and belief.

31. The Senate Democrats admit on information and belief.

32. The Senate Democrats admit on information and belief.

33. The Senate Democrats admit on information and belief.

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63. The Senate Democrats admit on information and belief.
64. The Senate Democrats admit on information and belief.
65. The Senate Democrats admit on information and belief.
66. The Senate Democrats admit.

67. The Senate Democrats admit.

68. The Senate Democrats admit.

69. The Senate Democrats admit that the Wisconsin Legislature is the bicameral legislative branch of Wisconsin's government. The Senate Democrats deny that the Wisconsin Legislature alone is responsible for defining legislative districts for the State of Wisconsin, as it is untrue. The Senate Democrats further deny that the Wisconsin Legislature is properly before the Court as an Intervenor-Respondent, and affirmatively state that those presenting to this Court as the "Wisconsin Legislature" are in fact only the Republican leadership of the Legislature, and further affirmatively state that there is no statutory or other authority for the Wisconsin Legislature itself to participate in litigation.

70. The Senate Democrats admit the first sentence of paragraph 70. The balance of paragraph 70 is a legal assertion to which no answer is required, but to the extent an answer is required the Senate Democrats admit that the Governor has a role in redistricting that Court precedent has recognized, that the People's Maps Commission is part of the Governor's role in redistricting, and deny the balance.

71. The Senate Democrats admit, and affirmatively state that the Wisconsin Assembly and Wisconsin Senate, which together comprise the Wisconsin Legislature, are each themselves comprised of Democrats and Republicans.

STATEMENT OF FACTS

72. The Senate Democrats admit on information and belief.

73. The Senate Democrats deny that the federal court's adjustments to Assembly Districts 8 and 9 were "slight," as that is untrue, and admit the balance of the factual allegations in paragraph 73 on information and belief.

74. The Senate Democrats admit.

75. The Senate Democrats admit.

76. The Senate Democrats admit.

77. The Senate Democrats admit.

78. The Senate Democrats admit.

79. The Senate Democrats admit.

80. This paragraph is comprised of legal assertions and conclusions to which no answer is required. To the extent an answer is required, the Senate Democrats deny.

81. This paragraph is comprised of legal assertions and conclusions to which no answer is required. To the extent an answer is required, the Senate Democrats deny.

82. This paragraph is comprised of legal assertions and conclusions to which no answer is required. To the extent an answer is required, the Senate Democrats deny.

83. This paragraph is comprised of legal assertions and conclusions to which no answer is required. To the extent an answer is required, the Senate Democrats deny.

84. This paragraph is comprised of legal assertions and conclusions to which no answer is required. To the extent an answer is required, the Senate Democrats deny.

85. Senate Democrats are without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny.

86. The Senate Democrats admit on information and belief.

87. This paragraph is comprised of legal assertions and conclusions to which no answer is required. To the extent an answer is required, the Senate Democrats deny.

88. The Senate Democrats admit.

89. The Senate Democrats admit.

90. The Senate Democrats admit.

91. The Senate Democrats admit.

92. The Senate Democrats admit.

93. This paragraph is comprised of legal assertions and conclusions to which no answer is required. To the extent an answer is required, the Senate Democrats deny.

94. The Senate Democrats are without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny.

95. This paragraph is comprised of legal assertions and conclusions to which no answer is required. To the extent an answer is required, the Senate Democrats deny.

96. The Senate Democrats are without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny.

97. The Senate Democrats are without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny.

98. The Senate Democrats admit on information and belief.

99. The Senate Democrats are without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny.

100. The Senate Democrats admit on information and belief.

101. The Senate Democrats admit on information and belief.

102. The Senate Democrats admit on information and belief.

103. The Senate Democrats admit on information and belief.

104. The Senate Democrats deny and affirmatively state that while Republican Legislators have introduced a bill for new maps for state and

congressional districts, in light of the 2020 census, the Wisconsin Legislature as a whole has not been involved in drawing new maps.

105. This paragraph is comprised of legal assertions and conclusions to which no answer is required. To the extent an answer is required, the Senate Democrats deny.

106. The Senate Democrats admit.

107. The Senate Democrats admit.

108. The Senate Democrats admit.

109. The Senate Democrats deny.

110. The Senate Democrats admit.

111. The Senate Democrats admit.

112. The Senate Democrats admit.

113. The Senate Democrats admit.

114. The Senate Democrats admit.

115. The Senate Democrats admit, and affirmatively allege that new districts should be set by March 1, 2022, consistent with the WEC's recommendations.

116. The Senate Democrats admit.

117. The Senate Democrats admit.

118. As to the first sentence of paragraph 118, the Senate Democrats admit that this describes the request of the Petitioners and the Congressmen. As to the balance of paragraph 118, it is comprised of legal assertions and conclusions to which no answer is required. To the extent an answer is required, the Senate Democrats deny.

119. The Senate Democrats admit that this describes the request of the Intervenor-Petitioners Citizen Mathematicians and Scientists.

120. The Senate Democrats admit that the first sentence of paragraph 120 describes the position of the Hunter Intervenor. As to the balance of paragraph 120, the Senate Democrats admit.

121. The Senate Democrats admit that this describes the request and position of BLOC Intervenor-Petitioners.

122. The Senate Democrats admit that the first sentence of paragraph 122 describes the view of the Intervenor-Petitioners Citizen Mathematicians and Scientists. As to the balance of paragraph 122, the Senate Democrats are without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny.

123. The Senate Democrats admit.

124. The Senate Democrats admit.

**PETITIONERS' AND THE CONGRESSMEN'S
STATEMENTS OF RELIEF SOUGHT**

125. This paragraph is a prayer for relief, to which no answer is required. To the extent an answer is required, the Senate Democrats admit that the existing apportionment plans for Wisconsin's Congressional, State Senate and State Assembly seats no longer meet the Wisconsin Constitutional requirements summarized in the principle of one person, one vote, nor do they meet the U.S. Constitutional requirements also summarized in the principle of one person one vote. All remaining allegations are legal assertions and conclusions to which no answer is required. To the extent an answer is required, the Senate Democrats deny and oppose.

126. This paragraph is a prayer for relief, to which no answer is required. To the extent an answer is required, the Senate Democrats deny and oppose.

127. This paragraph is a prayer for relief, to which no answer is required. To the extent an answer is required, the Senate Democrats deny and oppose.

**BLOC INTERVENOR-PETITIONERS' STATEMENT OF
RELIEF SOUGHT**

128. The Senate Democrats admit.

129. The Senate Democrats admit.

130. The Senate Democrats admit on information and belief.

131. The Senate Democrats admit on information and belief.

132. The Senate Democrats admit on information and belief.

133. The Senate Democrats admit.

134. The Senate Democrats admit.

135. The Senate Democrats admit on information and belief.

136. The Senate Democrats admit on information and belief.

137. This paragraph is a prayer for relief, to which no answer is required. To the extent an answer is required, the Senate Democrats admit that this describes the relief requested by the BLOC Intervenor-Petitioners and join subsections a., c., and e., and deny the balance.

138. This paragraph is a prayer for relief, to which no answer is required. To the extent an answer is required, the Senate Democrats admit that this describes the position of the BLOC Intervenor-Petitioners, join their opposition to a stay and to the "least-changes" approach, agree that new maps are required that meet all legal requirements, and deny the balance.

HUNTER INTERVENORS' STATEMENT OF RELIEF SOUGHT

139. This paragraph is a prayer for relief, to which no answer is required. To the extent an answer is required, the Senate Democrats admit that this describes the requests of the Hunter Intervenor, and deny the balance.

**INTERVENORS-PETITIONERS CITIZEN MATHEMATICIANS
AND SCIENTISTS' STATEMENT OF RELIEF SOUGHT**

140. This paragraph is a prayer for relief, to which no answer is required. To the extent an answer is required, the Senate Democrats admit that this describes the requests of the Intervenor-Petitioners Citizen Mathematicians and Scientists, the Senate Democrats are without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny.

REASONS WHY THIS COURT SHOULD TAKE JURISDICTION

141. The Senate Democrats admit.

142. The Senate Democrats deny.

143. This paragraph is comprised of legal assertions and conclusions to which no answer is required. To the extent an answer is required, the Senate Democrats deny that a Wisconsin court has yet so held.

144. The Senate Democrats admit.

145. This paragraph is comprised of legal assertions and conclusions to which no answer is required. To the extent an answer is required, the Senate Democrats deny.

146. This paragraph is comprised of legal assertions and conclusions to which no answer is required. To the extent an answer is required, the Senate Democrats deny.

147. The Senate Democrats deny.

148. This paragraph is comprised of legal assertions and conclusions to which no answer is required. To the extent an answer is required, the Senate Democrats deny.

149. The Senate Democrats admit.

150. The Senate Democrats deny and affirmatively state that while Republican Legislators have introduced a bill for new maps for state and

congressional districts, in light of the 2020 census, the Wisconsin Legislature as a whole has not been involved in drawing new maps.

151. The Senate Democrats admit on information and belief.

152. The Senate Democrats admit on information and belief

153. The Senate Democrats admit.

154. The Senate Democrats deny.

155. The Senate Democrats deny.

156. The Senate Democrats deny.

157. This paragraph is a prayer for relief, to which no answer is required. To the extent an answer is required, the Senate Democrats admit that new maps are necessary under the law, but as to the balance, deny and oppose.

158. This paragraph is a prayer for relief, to which no answer is required. To the extent an answer is required, the Senate Democrats deny and oppose.

159. This paragraph is a prayer for relief, to which no answer is required. To the extent an answer is required, the Senate Democrats admit and join.

160. This paragraph is a prayer for relief, to which no answer is required. To the extent an answer is required, the Senate Democrats admit and join.

161. This paragraph is a prayer for relief, to which no answer is required. To the extent an answer is required, the Senate Democrats admit that the specific tools and methodologies described are among those appropriate for use in redistricting but deny that they are the only that should be used.

162. This paragraph is a party's position statement on previous paragraphs, to which no answer is required. To the extent that an answer

is required, the Senate Democrats admit that this describes the party's position.

163. This paragraph is a party's position statement on previous paragraphs, to which no answer is required. To the extent that an answer is required, the Senate Democrats admit that this describes the party's position.


164. This paragraph is a party's position statement on previous paragraphs, to which no answer is required. To the extent that an answer is required, the Senate Democrats admit that this describes the party's position.

165. This paragraph is a party's position statement on previous paragraphs, to which no answer is required. To the extent that an answer is required, the Senate Democrats admit that this describes the party's position.

166. This paragraph is a party's position statement on previous paragraphs, to which no answer is required. To the extent that an answer is required, the Senate Democrats admit that this describes the party's position.

Respectfully submitted this 28th day of October 2021.

PINES BACH LLP



Tamara B. Packard, SBN 1023111

Aaron G. Dumas, SBN 1087951

*Attorneys for Intervenor-Respondent
Janet Bewley, State Senate Democratic Minority
Leader on behalf of the Senate Democratic Caucus*

Mailing Address:

122 West Washington Ave., Suite 900

Madison, WI 53703

(608) 251-0101 (telephone)

(608) 251-2883 (facsimile)

tpackard@pinesbach.com

adumas@pinesbach.com