

No. 2021AP1450-OA

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IN THE SUPREME COURT OF WISCONSIN

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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 FITZGER-  
ALD, 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.*

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**ANSWER TO OMNIBUS PETITION  
BY THE WISCONSIN LEGISLATURE**

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The Wisconsin Legislature*

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## **ANSWER TO OMNIBUS PETITION BY THE WISCONSIN LEGISLATURE AS INTERVENOR-RESPONDENT**

Pursuant to the Court's order of October 14, 2021, the Wisconsin Legislature hereby answers Petitioners and Intervenor-Petitioners' Omnibus Petition as follows:

### **ISSUES PRESENTED**

1. The Legislature admits that this action challenges the constitutionality of Wisconsin's existing legislative districts for the reasons alleged in the petition. The Legislature avers that any remedy adopted by this Court must comply with state and federal law.

2. The Legislature admits that this action challenges the constitutionality of Wisconsin's existing legislative districts for the reasons alleged in the petition. The Legislature avers that any remedy adopted by this Court must comply with state and federal law.

3. The Legislature admits that this action challenges the constitutionality of Wisconsin's existing legislative districts for the reasons alleged in the petition. The Legislature avers that any remedy adopted by this Court must comply with state and federal law.

4. The Legislature admits that this action challenges the constitutionality of Wisconsin's existing legislative districts for the reasons alleged in the petition. The Legislature avers that any

remedy adopted by this Court must comply with state and federal law.

5. The Legislature admits that this action challenges the constitutionality of Wisconsin's existing legislative districts for the reasons alleged in the petition. The Legislature avers that any remedy adopted by this Court must comply with state and federal law.

6. The Legislature admits that this action challenges the constitutionality of Wisconsin's existing legislative districts for the reasons alleged in the petition. The Legislature avers that any remedy adopted by this Court must comply with state and federal law.

7. The Legislature admits that this action challenges the constitutionality of Wisconsin's existing legislative districts for the reasons alleged in the petition. The Legislature avers that any remedy adopted by this Court must comply with state and federal law.

## **INTRODUCTION**

8. The Legislature admits that the existing districts drawn in 2011 were based on 2010 census data. The Legislature admits that on August 12, 2021, legacy census data for the 2020 census was delivered to Wisconsin state officials. The Legislature avers that the delivery of new census data marked the beginning of a new redistricting cycle. Wis. Const. art IV, §3. The remaining

allegations in paragraph 8 set forth legal conclusions that require no response; if a response is required, the Legislature denies the remaining allegations in paragraph 8.

9. The allegations in paragraph 9 set forth legal conclusions that require no response; if a response is required, the Legislature denies the allegations in paragraph 9.

10. The allegations in paragraph 10 set forth legal conclusions that require no response; if a response is required, the Legislature denies the allegations in paragraph 10 to the extent they mischaracterize, vary from, or are otherwise inconsistent with *State ex rel. Reynolds v. Zimmerman*, 22 Wis. 2d 544, 564, 126 N.W.2d 551 (1964).

11. The allegations in paragraph 11 set forth legal conclusions that require no response; if a response is required, the Legislature denies the allegations in paragraph 11 to the extent they mischaracterize, vary from, or are otherwise inconsistent with *State ex rel. Reynolds v. Zimmerman*, 22 Wis. 2d 544, 564, 126 N.W.2d 551 (1964).

12. The allegations in paragraph 12 set forth legal conclusions that require no response; if a response is required, the Legislature denies the allegations in paragraph 12 to the extent they mischaracterize, vary from, or are otherwise inconsistent with the cases cited therein.

13. The Legislature lacks knowledge or information to form a belief about the allegations in paragraph 13 regarding Petitioners, and therefore denies those allegations. The remaining allegations in paragraph 13 set forth legal conclusions that require no response; if a response is required, the Legislature denies the allegations in paragraph 13.

14. The Legislature admits that it shall “district anew” based on the recently delivered census data. Wis. Const. art. IV, §3. The Legislature admits that the Legislature’s new reapportionment plan will replace the existing districts. The remaining allegations in paragraph 14 set forth legal conclusions that require no response; if a response is required, the Legislature denies the remaining allegations in paragraph 14.

15. The Legislature admits that two sets of voters filed federal suits and that their federal complaints describe the nature of the relief sought.

16. The Legislature admits that the U.S. Constitution directly endows “the Legislature” with the primary duty to redraw their congressional districts. U.S. Const. art. I, §4. The Legislature denies the allegations in paragraph 16 to the extent they mischaracterize, vary from, or are otherwise inconsistent with U.S. Const. art. I, §4.

17. Paragraph 17 sets forth legal conclusions that require no response; to the extent a response is required, the Legislature

admits that its role in redistricting is primary. The Legislature denies that *Grove v. Emison*, 507 U.S. 25 (1993), permits state and federal courts to exercise concurrent jurisdiction to decide redistricting matters seeking reapportionment where there is no evidence making it apparent that all state branches of government will fail to apportion. The Legislature avers federal courts do not have jurisdiction over redistricting matters where there is no Article III case or controversy. The Legislature denies all remaining allegations in paragraph 17.

18. The Legislature admits that its role in redistricting is primary. The Legislature denies all remaining allegations in paragraph 18 to the extent they mischaracterize, vary from, or are otherwise inconsistent with *Jensen v. Wisconsin Elections Board*, 2002 WI 13, 249 Wis. 2d 706, 639 N.W.2d 537.

19. The Legislature admits that if the Legislature is unable to timely enact a new redistricting map, then the state supreme court may remedy an alleged malapportionment claim. The Legislature denies all remaining allegations in paragraph 19 to the extent they mischaracterize, vary from, or are otherwise inconsistent with *Jensen v. Wisconsin Elections Board*, 2002 WI 13, 249 Wis. 2d 706, 639 N.W.2d 537.

20. The Legislature admits that this Court in *Jensen* stated that “[t]he people ... have a strong interest in a redistricting map drawn by an institution of state government—ideally and

most properly, the legislature, secondarily, this court.” *Jensen v. Wisconsin Elections Board*, 2002 WI 13, ¶17, 249 Wis. 2d 706, 639 N.W.2d 537.

21. The Legislature admits that redistricting is a state matter, resting “ideally and most properly” with “the legislature” and “secondarily, this court.” *Jensen v. Wisconsin Elections Board*, 2002 WI 13, ¶17, 249 Wis. 2d 706, 639 N.W.2d 537.

22. Paragraph 22 sets forth legal conclusions that require no response; to the extent a response is required, admitted.

23. The Legislature admits that this Court’s September 22 order, as amended on September 24, states that “judicial relief becomes appropriate in reapportionment cases only when a legislature fails to reapportion according to constitutional requisites in a timely fashion after having had an adequate opportunity to do so.” Order at 2. The Legislature denies all remaining allegations of paragraph 23 to the extent they mischaracterize, vary from, or are otherwise inconsistent with the Court’s orders.

24. The Legislature admits that the federal court has not yet dismissed the related redistricting suits. The Legislature avers that the federal court presiding over the federal suits does not have jurisdiction in light of the ongoing redistricting efforts by all three branches of the Wisconsin government. The Legislature denies all remaining allegations of paragraph 24 to the extent they



mischaracterize, vary from, or are otherwise inconsistent with the federal courts' orders.

### **JURISDICTION AND VENUE**

25. The Legislature admits that this Court has taken jurisdiction over this redistricting dispute. The Legislature denies all remaining allegations of paragraph 25 to the extent they mischaracterize, vary from, or are otherwise inconsistent with this Court's orders or the petitions filed.

26. The Legislature admits that the Wisconsin statutes prescribe Wisconsin's existing legislative districts, as adjusted by the orders issued regarding Assembly Districts 8 and 9 in the Baldus litigation. *See Baldus v. Members of the Wis. Gov't Accountability Bd.*, 862 F. Supp. 2d 860 (E.D. Wis. 2012). The Legislature admits that the existing legislative districts were based on 2010 U.S. Census data. The Legislature admits that legacy census data from the 2020 U.S. Census data was released to Wisconsin state officials.

27. On information and belief, admitted.

28. The Legislature admits that Respondents Spindell, Thomsen, Knudson, Glancey, Jacobs, and Bostelmann are members of the Wisconsin Elections Commission. The Legislature admits that it is the bicameral legislative branch of Wisconsin's state government. *See generally* Wis. Const. art. IV. The Legislature admits that Intervenor-Respondent Tony Evers is the

elected Governor of the State of Wisconsin. The Legislature admits that Intervenor-Respondent Sen. Janet Bewley is a State Senator and Senate Minority Leader. The Legislature admits that the state capitol is located in Madison, Wisconsin.

### **PARTIES**

29. The Legislature lacks knowledge or information to form a belief about the allegations in paragraph 29 regarding Petitioners and Intervenors-Petitioners, and therefore denies them. The remaining allegations in paragraph 29 set forth legal conclusions that require no response; if a response is required, the Legislature denies the allegations.

30. The Legislature lacks knowledge or information to form a belief about the allegations in the first sentence of paragraph 30 and therefore denies them. The remaining allegations in paragraph 30 set forth legal conclusions that require no response; if a response is required, the Legislature denies the allegations.

31. The Legislature lacks knowledge or information to form a belief about the allegations in the first sentence of paragraph 31 and therefore denies them. The remaining allegations in paragraph 31 set forth legal conclusions that require no response; if a response is required, the Legislature denies the allegations.

32. The Legislature lacks knowledge or information to form a belief about the allegations in the first sentence of paragraph 32 and therefore denies them. The remaining allegations in paragraph 32 set forth legal conclusions that require no response; if a response is required, the Legislature denies the allegations.

33. The Legislature lacks knowledge or information to form a belief about the allegations in the first sentence of paragraph 33 and therefore denies them. The remaining allegations in paragraph 33 set forth legal conclusions that require no response; if a response is required, the Legislature denies the allegations.

34. The Legislature lacks knowledge or information to form a belief about the allegations in paragraph 34 and therefore denies them.

35. The Legislature lacks knowledge or information to form a belief about the allegations in paragraph 35 and therefore denies them.

36. The Legislature admits that *Voces de la Frontera* was a party to the *Baldus* litigation. The Legislature lacks knowledge or information to form a belief about the remaining allegations in paragraph 36 and therefore denies them.

37. The Legislature admits that the League of Women Voters of Wisconsin was a party to the *Swenson* and *Lewis*

litigation. The Legislature lacks knowledge or information to form a belief about the remaining allegations in paragraph 37 and therefore denies them.

38. The Legislature lacks knowledge or information to form a belief about the allegations in paragraph 38 and therefore denies them.

39. The Legislature lacks knowledge or information to form a belief about the residency of the individual BLOC Intervenor-Petitioners in paragraph 39 and therefore denies them. The Legislature denies that the table in paragraph 39 accurately depicts population deviations in the current districts as compared to the Census ideal. The Legislature avers that the number of inhabitants in the existing districts, based on the 2020 U.S. Census data, are listed in Exhibits A, B, and C attached to this answer.

40. The Legislature lacks knowledge or information to form a belief about the allegations in paragraph 40 and therefore denies them.

41. The Legislature lacks knowledge or information to form a belief about the allegations in paragraph 41 and therefore denies them.

42. The Legislature lacks knowledge or information to form a belief about the allegations in paragraph 42 and therefore denies them.

43. Upon information and belief, admitted.

44. Upon information and belief, admitted.

45. Upon information and belief, admitted.

46. Upon information and belief, admitted.

47. Upon information and belief, admitted.

48. The Legislature lacks knowledge or information to form a belief about the allegations in paragraph 42 and therefore denies them.

49. The Legislature admits that the *Hunter* Intervenor-Petitioners have filed related litigation in federal court.

50. The Legislature lacks knowledge or information to form a belief about the allegations in the first sentence of paragraph 50 and therefore denies them. The characterization of districts as “overpopulated” sets forth legal conclusions that require no response; if a response is required, the Legislature denies those allegations to the extent they mischaracterize, vary from, or are otherwise inconsistent with state and federal malapportionment law. The Legislature avers that the number of inhabitants in the existing districts, based on the 2020 U.S. Census data, are listed in Exhibits A, B, and C attached to this answer. The Legislature further avers that it is currently reapportioning those existing districts based on the 2020 U.S. Census data. The Legislature denies all other allegations of paragraph 50.

51. The Legislature lacks knowledge or information to form a belief about the allegations in the first sentence of paragraph 51 and therefore denies them. The characterization of districts as “overpopulated” sets forth legal conclusions that require no response; if a response is required, the Legislature denies those allegations to the extent they mischaracterize, vary from, or are otherwise inconsistent with state and federal malapportionment law. The Legislature avers that the number of inhabitants in the existing districts, based on the 2020 U.S. Census data, are listed in Exhibits A, B, and C attached to this answer. The Legislature further avers that it is currently reapportioning those existing districts based on the 2020 U.S. Census data. The Legislature denies all other allegations of paragraph 51.

52. The Legislature lacks knowledge or information to form a belief about the allegations in the first sentence of paragraph 52 and therefore denies them. The characterization of districts as “overpopulated” sets forth legal conclusions that require no response; if a response is required, the Legislature denies those allegations to the extent they mischaracterize, vary from, or are otherwise inconsistent with state and federal malapportionment law. The Legislature avers that the number of inhabitants in the existing districts, based on the 2020 U.S. Census data, are listed in Exhibits A, B, and C attached to this

answer. The Legislature further avers that it is currently reapportioning those existing districts based on the 2020 U.S. Census data. The Legislature denies all other allegations of paragraph 52.

53. The Legislature lacks knowledge or information to form a belief about the allegations in the first sentence of paragraph 53 and therefore denies them. The characterization of districts as “overpopulated” sets forth legal conclusions that require no response; if a response is required, the Legislature denies those allegations to the extent they mischaracterize, vary from, or are otherwise inconsistent with state and federal malapportionment law. The Legislature avers that the number of inhabitants in the existing districts, based on the 2020 U.S. Census data, are listed in Exhibits A, B, and C attached to this answer. The Legislature further avers that it is currently reapportioning those existing districts based on the 2020 U.S. Census data. The Legislature denies all other allegations of paragraph 53.

54. The Legislature lacks knowledge or information to form a belief about the allegations in the first sentence of paragraph 54 and therefore denies them. The characterization of districts as “overpopulated” sets forth legal conclusions that require no response; if a response is required, the Legislature denies those allegations to the extent they mischaracterize, vary

from, or are otherwise inconsistent with state and federal malapportionment law. The Legislature avers that the number of inhabitants in the existing districts, based on the 2020 U.S. Census data, are listed in Exhibits A, B, and C attached to this answer. The Legislature further avers that it is currently reapportioning those existing districts based on the 2020 U.S. Census data. The Legislature denies all other allegations of paragraph 54.

55. The Legislature lacks knowledge or information to form a belief about the allegations in the first sentence of paragraph 55 and therefore denies them. The characterization of districts as “overpopulated” sets forth legal conclusions that require no response; if a response is required, the Legislature denies those allegations to the extent they mischaracterize, vary from, or are otherwise inconsistent with state and federal malapportionment law. The Legislature avers that the number of inhabitants in the existing districts, based on the 2020 U.S. Census data, are listed in Exhibits A, B, and C attached to this answer. The Legislature further avers that it is currently reapportioning those existing districts based on the 2020 U.S. Census data. The Legislature denies all other allegations of paragraph 55.

56. The Legislature lacks knowledge or information to form a belief about the allegations in paragraph 56 relating to



Gary Krenz and therefore denies them. The characterization of districts as “overpopulated” sets forth legal conclusions that require no response; if a response is required, the Legislature denies those allegations to the extent they mischaracterize, vary from, or are otherwise inconsistent with state and federal malapportionment law. The Legislature avers that the number of inhabitants in the existing districts, based on the 2020 U.S. Census data, are listed in Exhibits A, B, and C attached to this answer. The Legislature further avers that it is currently reapportioning those existing districts based on the 2020 U.S. Census data. The Legislature denies all other allegations of paragraph 56.

57. The Legislature lacks knowledge or information to form a belief about the allegations in paragraph 57 and therefore denies them.

58. The Legislature lacks knowledge or information to form a belief about the allegations in paragraph 58 relating to Sarah J. Hamilton and therefore denies them. The characterization of districts as “underpopulated” or “overpopulated” sets forth legal conclusions that require no response; if a response is required, the Legislature denies those allegations to the extent they mischaracterize, vary from, or are otherwise inconsistent with state and federal malapportionment law. The Legislature avers that the number of inhabitants in the

existing districts, based on the 2020 U.S. Census data, are listed in Exhibits A, B, and C attached to this answer. The Legislature further avers that it is currently reapportioning those existing districts based on the 2020 U.S. Census data. The Legislature denies all other allegations of paragraph 58.

59. The Legislature lacks knowledge or information to form a belief about the allegations in paragraph 59 and therefore denies them.

60. The Legislature lacks knowledge or information to form a belief about the allegations relating to Stephen Joseph Wright in paragraph 60 and therefore denies them. The characterization of districts as “overpopulated” sets forth legal conclusions that require no response; if a response is required, the Legislature denies those allegations to the extent they mischaracterize, vary from, or are otherwise inconsistent with state and federal malapportionment law. The Legislature avers that the number of inhabitants in the existing districts, based on the 2020 U.S. Census data, are listed in Exhibits A, B, and C attached to this answer. The Legislature further avers that it is currently reapportioning those existing districts based on the 2020 U.S. Census data. The Legislature denies all other allegations of paragraph 60.

61. The Legislature lacks knowledge or information to form a belief about the allegations in paragraph 61 and therefore denies them.

62. The Legislature lacks knowledge or information to form a belief about the allegations in paragraph 62 relating to Jean-Luc Thiffeault and therefore denies them. The characterization of districts as “overpopulated” sets forth legal conclusions that require no response; if a response is required, the Legislature denies those allegations to the extent they mischaracterize, vary from, or are otherwise inconsistent with state and federal malapportionment law. The Legislature avers that the number of inhabitants in the existing districts, based on the 2020 U.S. Census data, are listed in Exhibits A, B, and C attached to this answer. The Legislature further avers that it is currently reapportioning those existing districts based on the 2020 U.S. Census data. The Legislature denies all other allegations of paragraph 62.

63. The Legislature lacks knowledge or information to form a belief about the allegations in paragraph 63 and therefore denies them.

64. The Legislature lacks knowledge or information to form a belief about the allegations in paragraph 64 relating to Somesh Jha and therefore denies them. The characterization of districts as “overpopulated” sets forth legal conclusions that

require no response; if a response is required, the Legislature denies those allegations to the extent they mischaracterize, vary from, or are otherwise inconsistent with state and federal malapportionment law. The Legislature avers that the number of inhabitants in the existing districts, based on the 2020 U.S. Census data, are listed in Exhibits A, B, and C attached to this answer. The Legislature further avers that it is currently reapportioning those existing districts based on the 2020 U.S. Census data. The Legislature denies all other allegations of paragraph 64.

65. The Legislature lacks knowledge or information to form a belief about the allegations in paragraph 65 and therefore denies them.

66. The Legislature admits that the Wisconsin Elections Commission is a governmental agency created under Wis. Stat. §5.05. On information and belief, the Legislature admits that the commission has its offices at 212 E. Washington Avenue, 3<sup>rd</sup> Floor, Madison, Wisconsin, 53703. The Legislature denies the remaining allegations of paragraph 66 to the extent they mischaracterize, vary from, or are otherwise inconsistent with the commission's statutory authority, as prescribed by the Wisconsin statutes.

67. The Legislature admits that Respondents Spindell, Thomsen, Knudson, Glancey, Jacobs, and Bostelmann are

members of the Wisconsin Elections Commission and are named in their official capacities.

68. The Legislature denies the allegations in paragraph 68 to the extent they mischaracterize, vary from, or are otherwise inconsistent with the Wisconsin Elections Commission's statutory authority, as prescribed by the Wisconsin statutes. To the extent the allegations in paragraph 68 are meant to imply that the commission has exclusive responsibility for the administration and enforcement of Wisconsin's laws related to elections, denied.

69. Admitted.

70. The Legislature admits that Governor Tony Evers has intervened in his official capacity. The Governor has the opportunity to approve or veto the redistricting plans passed by the Legislature under the Court's precedent. *See State ex rel. Reynolds v. Zimmerman*, 22 Wis. 2d 544, 126 N.W.2d 551 (1964). The Governor admits that Executive Order #66 creates the People's Maps Commission. The Legislature denies the remaining allegations of paragraph 70.

71. The Legislature admits that Senator Janet Bewley is the Senate minority leader and has intervened and that her motion to intervene states that she is intervening "on behalf of" the Senate Democratic Caucus. The Legislature admits Republicans hold a majority of the seats in the State Senate. The Legislature admits that it is a bicameral legislative branch, composed of a State

Assembly and State Senate. The Legislature denies the remaining allegations of paragraph 71.

### STATEMENT OF FACTS

72. The Legislature admits that the Legislature passed new congressional and legislative districts in 2011, and the Governor signed the bills. The Legislature admits that the districts enacted in 2011 were based on 2010 U.S. Census data.

73. The Legislature admits that the existing Assembly districts 8 and 9 were adjusted in the *Baldus* litigation. *See Baldus v. Members of the Wis. Gov't Accountability Bd.*, 862 F. Supp. 2d 860 (E.D. Wis. 2012).

74. Paragraph 74 sets forth legal conclusions that require no response; if a response is required, the Legislature denies the allegations in paragraph 74 to the extent they mischaracterize, vary from, or are otherwise inconsistent with state and federal malapportionment law.

75. Paragraph 75 sets forth legal conclusions that require no response; if a response is required, the Legislature denies the allegations in paragraph 75 to the extent they mischaracterize, vary from, or are otherwise inconsistent with state and federal malapportionment law.

76. Paragraph 76 sets forth legal conclusions that require no response; if a response is required, the Legislature denies the allegations in paragraph 76 to the extent they mischaracterize,

vary from, or are otherwise inconsistent with state and federal malapportionment law.

77. The Legislature admits that the Due Process Clause of the Fifth Amendment states, “No person shall be...deprived of life, liberty, or property, without due process of law.”

78. The Legislature admits that section 1 of the Fourteenth Amendment states, “No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.” The remaining allegations in Paragraph 78 set forth legal conclusions that require no response; if a response is required, Intervenor denies the remaining allegations in paragraph 78 to the extent they mischaracterize, vary from, or are otherwise inconsistent with state and federal malapportionment law. The Legislature avers that *Reynolds v. Sims* states, “[R]eapportionment is primarily a matter for legislative consideration and determination, and that judicial relief becomes appropriate only when a legislature fails to reapportion according to federal constitutional requisites in a timely fashion after having had an adequate opportunity to do so.” 377 U.S. 533, 586 (1964). *Reynolds* does not require “daily, monthly, annual or biennial reapportionment, so long as a state has a reasonably conceived

plan for periodic readjustment of legislative representation,” as Wisconsin does. *Id.* at 583-84; *see* Wis. Const. art. IV, §3.

79. Paragraph 79 sets forth legal conclusions that require no response; if a response is required, the Legislature denies the allegations in paragraph 79 to the extent they mischaracterize, vary from, or are otherwise inconsistent with state and federal malapportionment law.

80. The Legislature admits that *State ex rel. Reynolds v. Zimmerman*, 22 Wis. 2d 544, 564, 126 N.W.2d 551 (1964), states that “sec. 3, art. IV, Wis. Const., contains a precise standard of apportionment-the legislature shall apportion districts according to the number of inhabitants.”

81. Paragraph 81 sets forth legal conclusions that require no response; if a response is required, the Legislature denies the allegations in paragraph 81 to the extent they mischaracterize, vary from, or are otherwise inconsistent with the legal authorities cited therein.

82. The Legislature admits that *State ex rel. Reynolds v. Zimmerman*, 22 Wis. 2d 544, 565, 126 N.W.2d 551 (1964), states, “It is assumed by all parties and understood by this court that a mathematical equality of population in each senate and assembly district is impossible to achieve, given the requirement that the boundaries of local political units must be considered in the execution of the standard of per capita equality of representation.



It is equally clear, however, that a valid reapportionment ‘should be as close an approximation to exactness as possible, and [that] this is the utmost limit for the exercise of legislative discretion.’ (quotation marks omitted).

83. Paragraph 83 sets forth legal conclusions that require no response; if a response is required, the Legislature denies the allegations in paragraph 83 to the extent they mischaracterize, vary from, or are otherwise inconsistent with state and federal malapportionment law.

84. The Legislature admits that *Baldus v. Members of Wisconsin Government Accountability Board*, 849 F. Supp. 2d 840, 853 (E.D. Wis. 2012), states, “The intervenor-plaintiffs (the three Democratic members of Congress from Wisconsin) assert that Act 44 violates Reynolds by focusing on population equality to the detriment of other principles, especially that of effective representation. They had no other choice, given the fact (as the parties stipulated) that Act 44 apportions the 2010 census population of the state of Wisconsin perfectly. Lacking any evidence of population deviation whatsoever, the intervenor-plaintiffs have no traction on this aspect of their Equal Protection Clause claim. Whatever else may have happened in Wisconsin, it has without a doubt preserved the one person, one vote principle for its citizens.”

85. The Legislature denies the allegations in paragraph 85 to the extent they mischaracterize, vary from, or are otherwise inconsistent with the report cited therein.

86. The Legislature denies the allegations in paragraph 86 to the extent they mischaracterize, vary from, or are otherwise inconsistent with the census data cited therein.

87. The Legislature admits that the *Baldus* court adjusted only Assembly districts 8 and 9 and did not find any constitutional or statutory violations with respect any other congressional, Senate, or Assembly districts. The Legislature denies the remaining allegations in paragraph 87 to the extent they mischaracterize, vary from, or are otherwise inconsistent with the *Baldus* decision cited therein.

88. Admitted.

89. Upon information and belief, admitted.

90. Upon information and belief, the Legislature admits that on August 12, 2021, legacy data for the 2020 U.S. Census was delivered to Wisconsin state officials. Upon information and belief, the Legislature admits that apportionment counts were delivered to the President on April 26, 2021.

91. The Legislature denies the allegations in paragraph 91 to the extent they mischaracterize, vary from, or are otherwise inconsistent with the census data cited therein.

92. The Legislature denies the allegations in paragraph 92 to the extent they mischaracterize, vary from, or are otherwise inconsistent with the census data cited therein.

93. The Legislature denies the allegations in paragraph 93 to the extent they mischaracterize, vary from, or are otherwise inconsistent with the census data cited therein.

94. The Legislature avers that the number of inhabitants in the existing congressional districts, based on the 2020 U.S. Census data, are listed in Exhibit C attached to this answer. To the extent the allegations in paragraph 94 mischaracterize, vary from, or are otherwise inconsistent with Exhibit C, denied. The Legislature further avers that it is currently reapportioning those existing districts based on the 2020 U.S. Census data.

95. Paragraph 95 sets forth legal conclusions that require no response; if a response is required, the Legislature denies the allegations in paragraph 95 to the extent they mischaracterize, vary from, or are otherwise inconsistent with state and federal malapportionment law.

96. The Legislature lacks knowledge or information to form a belief about the allegations regarding where Petitioners reside. The Legislature admits that Congressman Gallagher currently represents the 8th Congressional District. The characterization of districts as “overpopulated” sets forth legal conclusions that require no response; if a response is required, the

Legislature denies those allegations to the extent they mischaracterize, vary from, or are otherwise inconsistent with state and federal malapportionment law. The Legislature avers that the number of inhabitants in the existing districts, based on the 2020 U.S. Census data, are listed in Exhibits A, B, and C attached to this answer. The Legislature further avers that it is currently reapportioning those existing districts based on the 2020 U.S. Census data. The Legislature denies all other allegations of paragraph 96.

97. The Legislature lacks knowledge or information to form a belief about the allegations in paragraph 97 and therefore denies them.

98. Paragraph 98 sets forth legal conclusions that require no response; if a response is required, the Legislature admits that the 2020 U.S. Census population for Wisconsin is 5,893,718 people. The Legislature admits that total population divided equally among 99 Assembly districts would equal 59,533 inhabitants per district and divided equally among 33 Senate districts would equal 178,598 inhabitants per district. The Legislature denies all other allegations of paragraph 98.

99. The Legislature lacks knowledge or information to form a belief about the allegations regarding where Petitioners reside. The characterization of districts as “malapportioned” sets forth legal conclusions that require no response; if a response is

required, the Legislature denies those allegations to the extent they mischaracterize, vary from, or are otherwise inconsistent with state and federal malapportionment law. The Legislature avers that the number of inhabitants in the existing Assembly districts, based on the 2020 U.S. Census data, are listed in Exhibit A attached to this answer. The Legislature further avers that it is currently reapportioning those existing districts based on the 2020 U.S. Census data. The Legislature denies all other allegations of paragraph 99.

100. The Legislature lacks knowledge or information to form a belief about the allegations regarding how Petitioners have been “impacted by the population shifts” and where Petitioners reside. The characterization of districts as “overpopulated” or “underpopulated” sets forth legal conclusions that require no response; if a response is required, the Legislature denies those allegations to the extent they mischaracterize, vary from, or are otherwise inconsistent with state and federal malapportionment law. The Legislature avers that the number of inhabitants in the existing districts, based on the 2020 U.S. Census data, are listed in Exhibits A, B, and C attached to this answer. The Legislature further avers that it is currently reapportioning those existing districts based on the 2020 U.S. Census data. The Legislature denies all other allegations of paragraph 100.

101. The Legislature lacks knowledge or information to form a belief about the allegations regarding where Petitioners reside. The characterization of districts as “underpopulated” or exceeding “current ideal population” sets forth legal conclusions that require no response; if a response is required, the Legislature denies those allegations to the extent they mischaracterize, vary from, or are otherwise inconsistent with state and federal malapportionment law. The Legislature avers that the number of inhabitants in the existing Senate districts, based on the 2020 U.S. Census data, are listed in Exhibit B attached to this answer. The Legislature further avers that it is currently reapportioning those existing districts based on the 2020 U.S. Census data. The Legislature denies all other allegations of paragraph 101.

102. The Legislature lacks knowledge or information to form a belief about the allegations regarding where Petitioners reside. The characterization of districts as “malapportioned” sets forth legal conclusions that require no response; if a response is required, the Legislature denies those allegations to the extent they mischaracterize, vary from, or are otherwise inconsistent with state and federal malapportionment law. The Legislature avers that the number of inhabitants in the existing Assembly and Senate districts, based on the 2020 U.S. Census data, are listed in Exhibits A and B attached to this answer. The Legislature further avers that it is currently reapportioning those existing districts

based on the 2020 U.S. Census data. The Legislature denies all other allegations of paragraph 102.

103. Paragraph 103 sets forth legal conclusions that require no response; if a response is required, the Legislature denies the allegations in paragraph 103 to the extent they mischaracterize, vary from, or are otherwise inconsistent with state and federal malapportionment law.

104. Admitted.

105. Paragraph 105 sets forth legal conclusions that require no response; if a response is required, the Legislature denies the allegations in paragraph 105 to the extent they mischaracterize, vary from, or are otherwise inconsistent with state and federal malapportionment law.

106. Paragraph 106 sets forth legal conclusions that require no response; if a response is required, the Legislature denies the allegations in paragraph 106 to the extent they mischaracterize, vary from, or are otherwise inconsistent with state and federal malapportionment law.

107. Paragraph 107 sets forth legal conclusions that require no response; if a response is required, the Legislature denies the allegations in paragraph 107 to the extent they mischaracterize, vary from, or are otherwise inconsistent with Wis. Const. art. IV, §3.

108. Paragraph 108 sets forth legal conclusions that require no response. The Legislature avers that this Court has already accepted jurisdiction of this case and explained that it was ripe in this Court. The Legislature denies the remaining allegations in paragraph 108.

109. The Legislature avers that this Court has already declined the *Johnson* petitioners' request for a stay and has ordered briefing on the question of when constitutionally adequate apportionment plans must be adopted. The Legislature avers that judicial relief is not appropriate until the Legislature has had adequate time to reapportion. The Legislature denies the remaining allegations in paragraph 109.

110. The Legislature admits that the Governor has the opportunity to approve or veto the redistricting plans passed by the Legislature under the Court's precedent. *See State ex rel. Reynolds v. Zimmerman*, 22 Wis. 2d 544, 126 N.W.2d 551 (1964). The Legislature denies the remaining allegations in paragraph 110.

111. The Legislature admits that Governor Tony Evers is a Democrat, and that Republicans hold a majority of the seats in the State Assembly and State Senate. The Legislature denies the remaining allegations in paragraph 111.

112. The Legislature admits that federal courts have intervened in Wisconsin's redistricting process in past



redistricting cycles. The Legislature admits that legislative districting plans passed in 2011, as adjusted by the orders issued regarding Assembly Districts 8 and 9 in the *Baldus* litigation. See *Baldus v. Members of the Wis. Gov't Accountability Bd.*, 862 F. Supp. 2d 860 (E.D. Wis. 2012). The Legislature admits that Governor Scott Walker was a Republican, and that Republicans held a majority of the seats in the State Assembly and State Senate in 2010. The Legislature denies the remaining allegations in paragraph 112.

113. The Legislature admits that Assembly Districts 8 and 9 were adjusted in the *Baldus* litigation. See *Baldus v. Members of the Wis. Gov't Accountability Bd.*, 862 F. Supp. 2d 860 (E.D. Wis. 2012).

114. The Legislature admits that the most recent session of the State Assembly and State Senate convened on January 4, 2021. The Legislature admits that Governor Tony Evers is a Democrat, and that Republicans hold a majority of the seats in the State Assembly and State Senate. The Legislature admits that federal courts have intervened in Wisconsin's redistricting process in past redistricting cycles. Intervenor denies the remaining allegations in paragraph 114 to the extent they mischaracterize, vary from, or are otherwise inconsistent with the cases cited therein.

115. The Legislature admits that next year's primary elections will occur on August 9, 2022. The remaining allegations in paragraph 115 set forth legal conclusions that require no response; if a response is required, the Legislature denies them. The Legislature avers that the nominations period, beginning on April 15, 2022, and ending on June 1, 2022, informs when districts should be in place, as explained in the Legislature's letter brief filed on October 6, 2021.

116. The Legislature admits that the nominations period begins on April 15, 2022, and ends on June 1, 2022. The remaining allegations in paragraph 116 set forth legal conclusions that require no response; if a response is required, the Legislature denies them.

117. Paragraph 117 sets forth legal conclusions that require no response; if a response is required, the Legislature denies the allegations in Paragraph 117.

118. The Legislature admits that Petitioners and the Congressmen ask this Court to order new maps in the event of an impasse and ask for a "least changes" approach. The Legislature admits that a "least changes" approach has been used by many courts. The Legislature avers that any remedy adopted by this Court must comply with state and federal law. The Legislature avers that the factors to be considered in crafting a remedy are set forth in the Legislature's letter briefs filed on October 6, 2021, and

October 13, 2021, and the Legislature's brief regarding redistricting criteria filed on October 25, 2021.

119. The Legislature admits that the Citizen Mathematicians and Scientists Intervenor-Petitioners request that this Court order new maps in the event of an impasse. The Legislature avers that any remedy adopted by this Court must comply with state and federal law. The Legislature avers that the factors to be considered in crafting a remedy are set forth in the Legislature's letter briefs filed on October 6, 2021, and October 13, 2021, and the Legislature's brief regarding redistricting criteria filed on October 25, 2021. The Legislature denies all other allegations in paragraph 119.

120. The Legislature admits that the *Hunter* Intervenor-Petitioners oppose other parties' suggested redistricting criteria. The Legislature avers that any remedy adopted by this Court must comply with state and federal law. The Legislature avers that the factors to be considered in crafting a remedy are set forth in the Legislature's letter briefs filed on October 6, 2021, and October 13, 2021, and the Legislature's brief regarding redistricting criteria filed on October 25, 2021. The Legislature denies all other allegations in paragraph 120.

121. The Legislature admits that the *BLOC* Intervenor-Petitioners oppose other parties' suggested redistricting criteria. The Legislature avers that any remedy adopted by this Court must

comply with state and federal law. The Legislature avers that the factors to be considered in crafting a remedy are set forth in the Legislature's letter briefs filed on October 6, 2021, and October 13, 2021, and the Legislature's brief regarding redistricting criteria filed on October 25, 2021. The Legislature denies all other allegations in paragraph 121.

122. The Legislature admits that the Citizen Mathematicians and Scientists Intervenor-Petitioners request that this Court use certain methodologies, techniques, data science, and experts as part of crafting a remedy. The Legislature avers that any remedy adopted by this Court must comply with state and federal law. The Legislature avers that the factors to be considered in crafting a remedy are set forth in the Legislature's letter briefs filed on October 6, 2021, and October 13, 2021, and the Legislature's brief regarding redistricting criteria filed on October 25, 2021. The Legislature denies all other allegations in paragraph 122.

123. Admitted.

124. Admitted.

#### **PETITIONERS' AND THE CONGRESSMEN'S STATEMENT OF RELIEF SOUGHT**

125. The Legislature admits that this action challenges Wisconsin's existing congressional and legislative districts and that Petitioners and the Congressmen request relief as pled in the petition.

126. The Legislature admits that this action challenges Wisconsin's existing congressional and legislative districts and that Petitioners and the Congressmen request relief as pled in the petition. The Legislature avers that this Court has already declined the request for a stay and has ordered briefing on the question of when constitutionally adequate apportionment plans must be adopted. The Legislature avers that judicial relief is not appropriate until the Legislature has had adequate time to reapportion.

127. The Legislature admits that this action challenges Wisconsin's existing congressional and legislative districts and that Petitioners and the Congressmen request relief as pled in the petition. The Legislature avers that any remedy adopted by this Court must comply with state and federal law. The Legislature avers that the factors to be considered in crafting a remedy are set forth in the Legislature's letter briefs filed on October 6, 2021, and October 13, 2021, and the Legislature's brief regarding redistricting criteria filed on October 25, 2021. The Legislature denies all other allegations in paragraph 127.

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

128. Paragraph 128 sets forth legal conclusions that require no response; if a response is required, the Legislature denies the allegations in paragraph 128 to the extent they

mischaracterize, vary from, or are otherwise inconsistent with state and federal malapportionment law.

129. The Legislature admits there are 99 State Assembly districts and 33 State Senate districts under current law. The characterization of districts as “no longer roughly equal in population” or having “substantial” population variation sets forth legal conclusions that require no response; if a response is required, the Legislature denies those allegations to the extent they mischaracterize, vary from, or are otherwise inconsistent with state and federal malapportionment law. The Legislature avers that the number of inhabitants in the existing Assembly and Senate districts, based on the 2020 U.S. Census data, are listed in Exhibits A and B attached to this answer. The Legislature further avers that it is currently reapportioning those existing districts based on the 2020 U.S. Census data. The Legislature denies all other allegations of paragraph 129.

130. The Legislature lacks knowledge or information to form a belief about the allegations in paragraph 130 regarding where Petitioners reside. The characterization of districts as “overpopulated” and “particularly underrepresented” people set forth legal conclusions that require no response; if a response is required, the Legislature denies those allegations to the extent they mischaracterize, vary from, or are otherwise inconsistent with state and federal malapportionment law. The Legislature

avers that the number of inhabitants in the existing Senate districts, based on the 2020 U.S. Census data, are listed in Exhibit B attached to this answer. The Legislature further avers that it is currently reapportioning those existing districts based on the 2020 U.S. Census data. The Legislature denies all other allegations of paragraph 130.

131. The Legislature lacks knowledge or information to form a belief about the allegations in paragraph 131 regarding where Petitioners' members and constituents reside. The characterization of districts as "overpopulated" and "particularly underrepresented" people set forth legal conclusions that require no response; if a response is required, the Legislature denies those allegations to the extent they mischaracterize, vary from, or are otherwise inconsistent with state and federal malapportionment law. The Legislature avers that the number of inhabitants in the existing Assembly districts, based on the 2020 U.S. Census data, are listed in Exhibit A attached to this answer. The Legislature further avers that it is currently reapportioning those existing districts based on the 2020 U.S. Census data. The Legislature denies all other allegations of paragraph 131.

132. The Legislature lacks knowledge or information to form a belief about the allegations in paragraph 132 regarding where Petitioners reside. The characterization of districts as "overpopulated" or "underpopulated" sets forth legal conclusions

that require no response; if a response is required, the Legislature denies those allegations to the extent they mischaracterize, vary from, or are otherwise inconsistent with state and federal malapportionment law. The Legislature avers that the number of inhabitants in the existing Assembly and Senate districts, based on the 2020 U.S. Census data, are listed in Exhibits A and B attached to this answer. The Legislature further avers that it is currently reapportioning those existing districts based on the 2020 U.S. Census data. The Legislature denies all other allegations of paragraph 132.

133. Denied.

134. Paragraph 134 sets forth legal conclusions that require no response; if a response is required, the Legislature denies the allegations in paragraph 134 to the extent they are inconsistent with state and federal malapportionment law.

135. The Legislature lacks knowledge or information to form a belief about the allegations in paragraph 135 regarding Petitioners, and therefore denies those allegations. The remaining allegations in paragraph 135 set forth legal conclusions that require no response; if a response is required, the Legislature denies the allegations in paragraph 135.

136. Paragraph 136 sets forth legal conclusions that require no response; if a response is required, the Legislature denies the allegations in paragraph 136.



137. The Legislature admits that this action challenges Wisconsin's existing congressional and legislative districts and that the *BLOC* intervenors request relief as pled in the petition. The Legislature denies the remaining allegations of paragraph 137.

138. The Legislature admits that the *BLOC* Intervenor-Petitioners oppose other parties' suggested redistricting criteria. The Legislature avers that any remedy adopted by this Court must comply with state and federal law. The Legislature avers that the factors to be considered in crafting a remedy are set forth in the Legislature's letter briefs filed on October 6, 2021, and October 13, 2021, and the Legislature's brief regarding redistricting criteria filed on October 25, 2021. The Legislature denies all other allegations in paragraph 138.

#### **HUNTER INTERVENORS' STATEMENT OF RELIEF SOUGHT**

139. The Legislature admits that this action challenges Wisconsin's existing congressional and legislative districts and that the *Hunter* Intervenor-Petitioners request relief as pled in the petition. The Legislature avers that any remedy adopted by this Court must comply with state and federal law. The Legislature avers that the factors to be considered in crafting a remedy are set forth in the Legislature's letter briefs filed on October 6, 2021, and October 13, 2021, and the Legislature's brief regarding

redistricting criteria filed on October 25, 2021. The Legislature denies the remaining allegations of paragraph 139.

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

140. The Legislature admits that this action challenges Wisconsin's existing congressional and legislative districts and that the Citizen Mathematicians and Scientists Intervenor-Petitioners request relief as pled in the petition. The Legislature avers that any remedy adopted by this Court must comply with state and federal law. The Legislature avers that the factors to be considered in crafting a remedy are set forth in the Legislature's letter briefs filed on October 6, 2021, and October 13, 2021, and the Legislature's brief regarding redistricting criteria filed on October 25, 2021. The Legislature denies the remaining allegations of paragraph 140.

**REASONS WHY THIS COURT  
SHOULD TAKE JURISDICTION**

141. The Legislature admits that this Court has taken jurisdiction over this redistricting dispute and avers it should retain jurisdiction.

142. The Legislature admits that "[t]he people of this state have a strong interest in a redistricting map drawn by an institution of state government—ideally and most properly, the

legislature, secondarily, this court.” *Jensen v. Wis. Elections Bd.*, 2002 WI 13, ¶17, 249 Wis. 2d 706, 639 N.W.2d 537.

143. Paragraph 143 sets forth legal conclusions that require no response; if a response is required, the Legislature denies the allegations in paragraph 143 to the extent the mischaracterize, vary from, or are otherwise inconsistent with the Wisconsin Constitution.

144. Paragraph 143 sets forth legal conclusions that require no response; if a response is required, the Legislature denies the allegations in paragraph 143 to the extent the mischaracterize, vary from, or are otherwise inconsistent with the U.S. Constitution.

145. The Legislature admits that “[t]he people of this state have a strong interest in a redistricting map drawn by an institution of state government—ideally and most properly, the legislature, secondarily, this court.” *Jensen v. Wis. Elections Bd.*, 2002 WI 13, ¶17, 249 Wis. 2d 706, 639 N.W.2d 537.

146. The Legislature admits that this Court in *Jensen v. Wis. Elections Bd.*, 2002 WI 13, ¶17, 249 Wis. 2d 706, 639 N.W.2d 537, stated there can be “no question” that actions involving redistricting “warrant[] this court’s original jurisdiction; any reapportionment or redistricting case is, by definition, publici juris, implicating the sovereign interests of the people of this state.”

147. The Legislature admits that this Court in *Jensen v. Wis. Elections Bd.*, 2002 WI 13, ¶17, 249 Wis. 2d 706, 639 N.W.2d 537, stated there can be “no question” that actions involving redistricting “warrant[] this court’s original jurisdiction; any reapportionment or redistricting case is, by definition, publici juris, implicating the sovereign interests of the people of this state.” The Legislature denies all other allegations in paragraph 147.

148. The Legislature admits that this Court has taken jurisdiction over this redistricting dispute and avers it should retain jurisdiction.

149. The Legislature avers that it has announced draft redistricting plans, *see* Wis. Senate Bill Nos. 621, 622, that those redistricting plans will be introduced in a joint committee hearing on October 28, 2021, and that legislative leadership intends to bring redistricting plans to a floor vote before the floor period ending on November 11, 2021. The Legislature denies the remaining allegations in paragraph 149.

150. Admitted.

151. The Legislature denies the allegations in paragraph 151 to the extent those allegations mischaracterize, vary from, or are otherwise inconsistent with the time in which the State proposed and/or completed past redistricting plans.

152. The Legislature avers that it has announced draft redistricting plans, *see* Wis. Senate Bill Nos. 621, 622, that those redistricting plans will be introduced in a joint committee hearing on October 28, 2021, and that legislative leadership intends to bring redistricting plans to a floor vote before the floor period ending on November 11, 2021. The Legislature denies the remaining allegations in paragraph 152.

153. The Legislature admits that, under current law, the nominations period begins on April 15, 2022, and ends on June 1, 2022.

154. The Legislature avers that judicial relief becomes appropriate in reapportionment cases only when a legislature fails to reapportion according to constitutional requisites in a timely fashion after having had an adequate opportunity to do so. The Legislature denies the remaining allegations in paragraph 154.

155. The Legislature avers that the nominations period, beginning on April 15, 2022, and ending on June 1, 2022, informs when districts must be in place, as explained in the Legislature's letter brief filed on October 6, 2021. The Legislature denies the remaining allegations in paragraph 155.

156. The Legislature avers that resolving this action is not beyond the capacities of this Court and that there can be "no question" that this action warrants this Court's original jurisdiction. *Jensen v. Wis. Elections Bd.*, 2002 WI 13, ¶17, 249

Wis. 2d 706, 639 N.W.2d 537. The Legislature admits that Wisconsin law permits but does not require that this Court use a referee for any factual disputes, to the extent any factual disputes arise in this action regarding any proposed remedies. The Legislature avers that any remedy must comply with state and federal law. The Legislature denies the remaining allegations of paragraph 156.

### CONCLUSION

157. The Legislature admits that this action challenges Wisconsin's existing congressional and legislative districts and that the Petitioners and Intervenor-Petitioners request relief as pled in the petition. The Legislature avers that any remedy must comply with state and federal law. The Legislature denies the remaining allegations in paragraph 157.

158. The Legislature admits that this action challenges Wisconsin's existing congressional and legislative districts and that the Petitioners and Intervenor-Petitioners request relief as pled in the petition. The Legislature avers that any remedy must comply with state and federal law. The Legislature denies the remaining allegations in paragraph 158.

159. The Legislature admits that this action challenges Wisconsin's existing congressional and legislative districts and that the Petitioners and Intervenor-Petitioners request relief as pled in the petition. The Legislature avers that any remedy must

comply with state and federal law. For the reasons stated in the Legislature's letter brief filed on October 13, 2021, the Legislature denies that any remedy adopted by this Court may then be reviewed by the federal court for a trial beginning on January 31, 2022. The Legislature denies the remaining allegations in paragraph 159.

160. The Legislature admits that this action challenges Wisconsin's existing congressional and legislative districts and that the Petitioners and Intervenor-Petitioners request relief as pled in the petition. The Legislature avers that any remedy must comply with state and federal law. The Legislature denies the remaining allegations in paragraph 160.

161. The Legislature admits that this action challenges Wisconsin's existing congressional and legislative districts and that the Petitioners and Intervenor-Petitioners request relief as pled in the petition. The Legislature avers that any remedy must comply with state and federal law. The Legislature denies the remaining allegations in paragraph 161.

**STATEMENT OF PETITIONERS AND INTERVENORS-  
PETITIONERS ON OMNIBUS AMENDED PETITION**

162. The Legislature avers that any remedy must comply with state and federal law. The Legislature lacks knowledge or information to form a belief about the remaining allegations in paragraph 162 to admit or deny them and therefore denies them.

163. The Legislature lacks knowledge or information to form a belief about the allegations in paragraph 163 to admit or deny them and therefore denies them.

164. The Legislature avers that any remedy must comply with state and federal law. The Legislature lacks knowledge or information to form a belief about the remaining allegations in paragraph 164 to admit or deny them and therefore denies them.

165. The Legislature lacks knowledge or information to form a belief about the allegations in paragraph 165 to admit or deny them and therefore denies them.

166. The Legislature lacks knowledge or information to form a belief about the allegations in paragraph 166 to admit or deny them and therefore denies them.



Dated this 28<sup>th</sup> day of October, 2021.

Respectfully submitted,

Electronically Signed By  
Kevin M. St. John

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### **CERTIFICATION OF FILING AND SERVICE**

I certify that I caused the foregoing brief to be filed with the Court as attachments to an email to clerk@wicourts.gov, sent on or before 12:00 noon and dated this day. I further certify that I will cause a paper original and 10 copies of these materials with a notation that “This document was previously filed via email” to be filed with the clerk no later than 12:00 noon on Friday, October 29, 2021.

I further certify that on this day, I caused service copies of these documents to be sent by email to all counsel of record who have consented to service by email. I caused service copies to be sent by U.S. mail and email to all counsel of record who have not consented to service by email.

Dated this 28<sup>th</sup> day of October, 2021.

Respectfully submitted,

Electronically Signed by  
Kevin M. St. John

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## **EXHIBIT A**

**EXHIBIT A**

## Existing Act 43 Assembly Districts with 2020 Population

Source: <https://drawyourdistrict.legis.wisconsin.gov/ProposedMaps>

<b>Assembly District</b>	<b>Persons</b>	<b>Deviation</b>	<b>Dev. %</b>
1	59,834	301	0.51%
2	62,808	3,275	5.50%
3	61,884	2,351	3.95%
4	58,716	-817	-1.37%
5	67,155	7,622	12.80%
6	57,397	-2,136	-3.59%
7	59,382	-151	-0.25%
8	53,999	-5,534	-9.30%
9	57,312	-2,221	-3.73%
10	52,628	-6,905	-11.60%
11	54,185	-5,348	-8.98%
12	56,419	-3,114	-5.23%
13	61,779	2,246	3.77%
14	60,136	603	1.01%
15	57,145	-2,388	-4.01%
16	53,739	-5,794	-9.73%
17	55,343	-4,190	-7.04%
18	52,987	-6,546	-11.00%
19	62,056	2,523	4.24%
20	56,812	-2,721	-4.57%
21	58,547	-986	-1.66%
22	60,940	1,407	2.36%
23	60,776	1,243	2.09%
24	60,737	1,204	2.02%
25	57,986	-1,547	-2.60%
26	58,693	-840	-1.41%
27	59,311	-222	-0.37%
28	59,274	-259	-0.44%
29	61,746	2,213	3.72%
30	62,735	3,202	5.38%
31	59,955	422	0.71%
32	59,397	-136	-0.23%
33	58,509	-1,024	-1.72%

34	60,803	1,270	2.13%
35	56,431	-3,102	-5.21%
36	57,713	-1,820	-3.06%
37	61,151	1,618	2.72%
38	61,645	2,112	3.55%
39	58,190	-1,343	-2.26%
40	57,150	-2,383	-4.00%
41	57,738	-1,795	-3.02%
42	58,372	-1,161	-1.95%
43	59,504	-29	-0.05%
44	58,605	-928	-1.56%
45	57,664	-1,869	-3.14%
46	65,087	5,554	9.33%
47	63,653	4,120	6.92%
48	63,758	4,225	7.10%
49	57,952	-1,581	-2.66%
50	58,713	-820	-1.38%
51	56,867	-2,666	-4.48%
52	59,848	315	0.53%
53	58,689	-844	-1.42%
54	57,273	-2,260	-3.80%
55	61,992	2,459	4.13%
56	64,544	5,011	8.42%
57	57,966	-1,567	-2.63%
58	59,053	-480	-0.81%
59	58,160	-1,373	-2.31%
60	59,344	-189	-0.32%
61	59,987	454	0.76%
62	58,422	-1,111	-1.87%
63	59,792	259	0.44%
64	57,846	-1,687	-2.83%
65	57,248	-2,285	-3.84%
66	56,026	-3,507	-5.89%
67	60,512	979	1.64%
68	61,863	2,330	3.91%
69	57,133	-2,400	-4.03%
70	58,313	-1,220	-2.05%
71	57,827	-1,706	-2.87%
72	57,669	-1,864	-3.13%
73	58,507	-1,026	-1.72%

74	59,010	-523	-0.88%
75	58,752	-781	-1.31%
76	71,716	12,183	20.46%
77	62,918	3,385	5.69%
78	66,838	7,305	12.27%
79	70,111	10,578	17.77%
80	65,735	6,202	10.42%
81	59,944	411	0.69%
82	59,749	216	0.36%
83	58,770	-763	-1.28%
84	59,529	-4	-0.01%
85	58,645	-888	-1.49%
86	60,488	955	1.60%
87	57,052	-2,481	-4.17%
88	62,916	3,383	5.68%
89	60,143	610	1.02%
90	57,912	-1,621	-2.72%
91	59,374	-159	-0.27%
92	59,336	-197	-0.33%
93	60,723	1,190	2.00%
94	62,060	2,527	4.24%
95	58,724	-809	-1.36%
96	58,372	-1,161	-1.95%
97	56,595	-2,938	-4.94%
98	61,423	1,890	3.17%
99	57,551	-1,982	-3.33%

## **EXHIBIT B**

**EXHIBIT B**

## Existing Act 43 Senate Districts with 2020 Population

Source: <https://drawyourdistrict.legis.wisconsin.gov/ProposedMaps>

<b>Senate District</b>	<b>Persons</b>	<b>Deviation</b>	<b>Dev. %</b>
1	184,526	5,928	3.32%
2	183,268	4,670	2.61%
3	170,693	-7,905	-4.43%
4	163,232	-15,366	-8.60%
5	179,060	462	0.26%
6	162,069	-16,529	-9.25%
7	177,415	-1,183	-0.66%
8	182,453	3,855	2.16%
9	175,990	-2,608	-1.46%
10	183,755	5,157	2.89%
11	177,861	-737	-0.41%
12	174,947	-3,651	-2.04%
13	180,986	2,388	1.34%
14	173,260	-5,338	-2.99%
15	175,773	-2,825	-1.58%
16	192,498	13,900	7.78%
17	173,532	-5,066	-2.84%
18	175,810	-2,788	-1.56%
19	184,502	5,904	3.31%
20	176,557	-2,041	-1.14%
21	178,201	-397	-0.22%
22	171,120	-7,478	-4.19%
23	179,508	910	0.51%
24	173,809	-4,789	-2.68%
25	176,269	-2,329	-1.30%
26	201,472	22,874	12.81%
27	195,790	17,192	9.63%
28	178,048	-550	-0.31%
29	176,185	-2,413	-1.35%
30	180,971	2,373	1.33%
31	179,433	835	0.47%
32	179,156	558	0.31%
33	175,569	-3,029	-1.70%



## **EXHIBIT C**

**EXHIBIT C**

Existing Act 44 Congressional Districts with 2020 Population

*Source:* <https://drawyourdistrict.legis.wisconsin.gov/ProposedMaps>

<b>Congressional District</b>	<b>Persons</b>	<b>Deviation</b>	<b>Dev. %</b>
1	727,378	-9,337	-1.27%
2	789,396	52,681	7.15%
3	733,633	-3,082	-0.42%
4	695,395	-41,320	-5.61%
5	735,655	-1,060	-0.14%
6	727,761	-8,954	-1.22%
7	732,533	-4,182	-0.57%
8	751,967	15,252	2.07%